UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS

FIRST SESSION

VOLUME 133—PART 7

APRIL 9, 1987 TO APRIL 24, 1987

(PAGES 8567 TO 9752)

GENERAL SERVICES ADMINISTRATION
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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1987

91-059 O-89-1 (Pt. 7)

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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, April 9, 1987*

The House met at 10 a.m.

The Reverend John V. DiBacco, St. Theresa's Roman Catholic Church, Morgantown, WV, offered the following prayer:

Blessed are You, Lord God, King and Ruler of Heaven and Earth. You lead us to all truth.

In Your mercy and love help these women and men, our Representatives, work for the betterment of our Nation and world.

Give them Your blessing and help them to be women and men of faith, guided by Your Spirit and filled with Your love.

May their efforts in our House of Representatives lead the people of this Nation to serve You each day as did our ancestors who came to this land to live a life of freedom, justice, and peace.

We ask Your blessing upon our country.

Bless it and let the people of this country always be mindful of the principles that it stands for.

Help us to work together in peace, so that we may give You glory by our lives and our service.

We ask this grace and blessing through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. JOHN V. DIBACCO

(Mr. STAGGERS asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I am happy to welcome our guest chaplain today, Rev. John V. DiBacco. Reverend DiBacco is the pastor of St. Theresa's Catholic Church is Morgantown, WV.

Father DiBacco is a native of the Second Congressional District. Born in Thomas, he is a graduate of Mountaineer High School, Wheeling College, St. Mary's Seminary and University, and he is a doctorial candidate at Drew University. Father DiBacco was ordained for the Diocese of Wheeling-Charleston in 1967. He has served in parishes in Clarksburg and Wheeling, WV, and he is presently chaplain of the Knights of Columbus of Morgantown.

Through his guidance, St. Theresa's Catholic Church continues to demonstrate a deep commitment to community service through Christian help. The Theresan Center Houses Christian Help, a nonprofit organization, which provides assistance with food, clothing, medicine, and other services for the needy.

Mr. Speaker, it is an honor to welcome Father DiBacco to the House of Representatives today.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, WEDNESDAY, APRIL 22, 1987, TO FILE REPORTS ON H.R. 1748, DEPARTMENT OF DEFENSE AUTHORIZATION, AND HOUSE RESOLUTION 132, RESOLUTION OF INQUIRY ON SDI REPORTS

Mrs. BOXER. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Wednesday, April 22, 1987, to file a report on H.R. 1748, the Department of Defense authorization bill for fiscal years 1988 and 1989 and a report on House Resolution 132, a resolution of inquiry regarding three overdue SDI reports required by statute.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1049

Mr. DORGAN of North Dakota. Mr. Speaker, I ask unanimous consent that I may withdraw the names of the gentleman from Pennsylvania [Mr. McDADE] and the gentleman from Illinois [Mr. BRUCE] as cosponsors of H.R. 1049.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, APRIL 9, 1987, TO TUESDAY, APRIL 21, 1987, AND ADJOURNMENT OF THE SENATE FROM THURSDAY, APRIL 9, 1987, OR FRIDAY, APRIL 10, 1987, OR SATURDAY, APRIL 11, 1987, TO TUESDAY, APRIL 21, 1987

Mr. BONIOR of Michigan. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 103) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 9, 1987, it stand adjourned until 12 o'clock meridian on Tuesday, April 21, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on Thursday, April 9, 1987, or Friday, April 10, 1987, or Saturday, April 11, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 10 o'clock ante meridian on Tuesday, April 21, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1988

The SPEAKER. Pursuant to House Resolution 139 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 93.

□ 1010

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 93) setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990, with Mr. NATCHER in the chair.

The Clerk read the title of the concurrent resolution.

□ 1010

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 8, 1987, all time for general debate had expired.

Pursuant to House Resolution 139, the concurrent resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 93 is as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1988 is established and the appropriate budgetary levels for fiscal years 1989 and 1990 are hereby set forth:

(a) The following levels and amounts are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1988: $900,500,000,000.
Fiscal year 1989: $962,000,000,000.
Fiscal year 1990: $1,051,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $1,083,000,000,000.
Fiscal year 1989: $1,150,600,000,000.
Fiscal year 1990: $1,213,000,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $1,008,500,000,000.
Fiscal year 1989: $1,034,000,000,000.
Fiscal year 1990: $1,082,100,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1988: $108,000,000,000.
Fiscal year 1989: $72,000,000,000.
Fiscal year 1990: $31,100,000,000.

(b) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1988: $659,900,000,000.
Fiscal year 1989: $700,400,000,000.
Fiscal year 1990: $764,100,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1988: $0.
Fiscal year 1989: $0.
Fiscal year 1990: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1988: $59,700,000,000.
Fiscal year 1989: $63,850,000,000.
Fiscal year 1990: $68,950,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $842,600,000,000.
Fiscal year 1989: $889,100,000,000.
Fiscal year 1990: $926,000,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $804,500,000,000.
Fiscal year 1989: $819,000,000,000.
Fiscal year 1990: $854,100,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1988: $144,600,000,000.
Fiscal year 1989: $118,600,000,000.
Fiscal year 1990: $90,000,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1988: $2,558,050,000,000.
Fiscal year 1989: $2,758,600,000,000.
Fiscal year 1990: $2,932,400,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989, are as follows:

Fiscal year 1988:

(A) New direct loan obligations, $29,400,000,000.

(B) New primary loan guarantee commitments, $131,100,000,000.

Fiscal year 1989:

(A) New direct loan obligations, $24,600,000,000.

(B) New primary loan guarantee commitments, $107,500,000,000.

Fiscal year 1990:

(A) New direct loan obligations, $20,800,000,000.

(B) New primary loan guarantee commitments, $86,900,000,000.

(c) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1988 through 1990 for each major functional category are:

(1) National Defense (050):

Fiscal year 1988:

(A) New budget authority, $251,000,000,000.

(B) Outlays, $260,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $262,600,000,000.

(B) Outlays, $261,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $274,600,000,000.

(B) Outlays, $267,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1988:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $5,850,000,000.

(D) New primary loan guarantee commitments, $9,050,000,000.

Fiscal year 1989:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $4,850,000,000.

(D) New primary loan guarantee commitments, $9,200,000,000.

Fiscal year 1990:

(A) New budget authority, $10,500,000,000.

(B) Outlays, $10,800,000,000.

(C) New direct loan obligations, $4,050,000,000.

(D) New primary loan guarantee commitments, $7,250,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1988:

(A) New budget authority, $9,700,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $10,100,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $10,500,000,000.

(B) Outlays, $10,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1988:

(A) New budget authority, $2,200,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $2,900,000,000.

(B) Outlays, $2,700,000,000.

(C) New direct loan obligations, $1,450,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

Fiscal year 1990:

(A) New budget authority, $2,900,000,000.

(B) Outlays, $2,300,000,000.

(C) New direct loan obligations, $1,250,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1988:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1988:

(A) New budget authority, $28,800,000,000.

(B) Outlays, $27,700,000,000.

(C) New direct loan obligations, $14,400,000,000.

(D) New primary loan guarantee commitments, $6,300,000,000.

Fiscal year 1989:

(A) New budget authority, $29,100,000,000.

(B) Outlays, $25,300,000,000.

(C) New direct loan obligations, $11,700,000,000.

(D) New primary loan guarantee commitments, $5,000,000,000.

Fiscal year 1990:

(A) New budget authority, $27,900,000,000.

(B) Outlays, $24,700,000,000.

(C) New direct loan obligations, $9,550,000,000.

(D) New primary loan guarantee commitments, $3,950,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1988:

(A) New budget authority, $10,800,000,000.

(B) Outlays, $6,900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $82,150,000,000.

Fiscal year 1989:

(A) New budget authority, $10,400,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $64,750,000,000.

Fiscal year 1990:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $2,650,000,000.

(D) New primary loan guarantee commitments, $51,200,000,000.

(8) Transportation (400):

Fiscal year 1988:

(A) New budget authority, $23,000,000,000.

(B) Outlays, $26,400,000,000.

(C) New direct loan obligations, $350,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $25,000,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $24,300,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1988:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $850,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

Fiscal year 1989:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,700,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1990:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $550,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1988:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $30,300,000,000.

(C) New direct loan obligations, $1,550,000,000.

(D) New primary loan guarantee commitments, $9,050,000,000.

Fiscal year 1989:

(A) New budget authority, $29,800,000,000.

(B) Outlays, $29,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $9,150,000,000.

Fiscal year 1990:

(A) New budget authority, $30,900,000,000.

(B) Outlays, $30,100,000,000.

(C) New direct loan obligations, $1,450,000,000.

(D) New primary loan guarantee commitments, $9,150,000,000.

(11) Health (550):

Fiscal year 1988:

(A) New budget authority, $41,300,000,000.

(B) Outlays, $42,100,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

Fiscal year 1989:

(A) New budget authority, $45,100,000,000.

(B) Outlays, $45,200,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1990:

(A) New budget authority, $49,200,000,000.

(B) Outlays, $48,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(12) Medicare (570):

Fiscal year 1988:

(A) New budget authority, $93,400,000,000.

(B) Outlays, $81,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $103,200,000,000.

(B) Outlays, $92,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $114,200,000,000.

(B) Outlays, $103,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1988:

(A) New budget authority, $167,200,000,000.

(B) Outlays, $129,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $172,900,000,000.

(B) Outlays, $137,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $179,200,000,000.

(B) Outlays, $142,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1988:

(A) New budget authority, $4,700,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1988:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $24,000,000,000.

Fiscal year 1989:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,400,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $18,950,000,000.

Fiscal year 1990:

(A) New budget authority, $27,100,000,000.

(B) Outlays, $26,800,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $15,000,000,000.

(16) Administration of Justice (750):

Fiscal year 1988:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $6,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $6,900,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $7,000,000,000.

(B) Outlays, $7,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1988:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):
Fiscal year 1988:
(A) New budget authority, $1,700,000,000.
(B) Outlays, $1,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $1,800,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $1,800,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):
Fiscal year 1988:
(A) New budget authority, $144,700,000,000.
(B) Outlays, $144,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $148,100,000,000.
(B) Outlays, $148,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $149,700,000,000.
(B) Outlays, $149,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(20) Allowances (920):
Fiscal year 1988:
(A) New budget authority, $900,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $3,100,000,000.
(B) Outlays, $3,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):
Fiscal year 1988:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, −$36,800,000,000.
(B) Outlays, −$40,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, −$38,700,000,000.
(B) Outlays, −$38,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Based upon the budget for fiscal year 1988 set forth in the first section of this concurrent resolution, the committees of the House of Representatives and Senate shall, subject to the same requirements, exemptions, exceptions, limitations, special rules, and definitions which apply to the President in the issuance of a final order for such fiscal year under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 eliminate the full amount of the deficit excess for such fiscal year.

(b) The committees of the House of Representatives and Senate shall report (1) changes in laws within their jurisdictions which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within their jurisdictions other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, in fiscal year 1988 sufficient to carry out subsection (a) and, not later than June 10, 1987, shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget of the House and Senate shall report to the House and Senate a reconciliation bill or resolution or both carrying out such recommendations without any substantive revision.

The CHAIRMAN. No amendments are in order except the following amendments printed in House Report 100–42, which shall be considered only in the following order, shall not be subject to amendment, shall be considered as having been read, shall be in order even if a previous amendment in the nature of a substitute has been adopted, and shall be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto:

First. The amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 92 if offered by any Member.

Second. The amendment in the nature of a substitute by, and if offered by, Representative DANNEMEYER, or his designee.

Third. The amendment in the nature of a substitute by, and if offered by, Representative DYMALLY, or his designee.

Fourth. The amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 95, by, and if offered by, Representative GRAY, of Pennsylvania, or his designee.

It shall also be in order to consider the amendment or amendments provided for in section 305(a)(5) of the Congressional Budget Act of 1974, as amended, necessary to achieve mathematical consistency.

The Chair at this time recognizes the chairman of the committee, the gentleman from Pennsylvania [Mr. GRAY].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GRAY OF PENNSYLVANIA

Mr. GRAY of Pennsylvania. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GRAY of Pennsylvania: Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1988 is established and the appropriate budgetary levels for fiscal years 1989 and 1990 are hereby set forth:

(a) The following levels and amounts are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:
Fiscal year 1988: $916,600,000,000.
Fiscal year 1989: $976,200,000,000.
Fiscal year 1990: $1,048,300,000,000.

(2) The appropriate levels of total new budget authority are as follows:
Fiscal year 1988: $1,142,200,000,000.
Fiscal year 1989: $1,211,600,000,000.
Fiscal year 1990: $1,271,900,000,000.

(3) The appropriate levels of total budget outlays are as follows:
Fiscal year 1988: $1,024,400,000,000.
Fiscal year 1989: $1,069,000,000,000.
Fiscal year 1990: $1,107,800,000,000.

(4) The amounts of the deficits are as follows:
Fiscal year 1988: $107,800,000,000.
Fiscal year 1989: $92,800,000,000.
Fiscal year 1990: $59,500,000,000.

(b) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989:

(1) The recommended levels of Federal revenues are as follows:
Fiscal year 1988: $674,450,000,000.
Fiscal year 1989: $712,800,000,000.
Fiscal year 1990: $761,650,000,000.
and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:
Fiscal year 1988: $6,100,000,000.
Fiscal year 1989: $8,000,000,000.

Fiscal year 1990: $8,600,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1988: $61,650,000,000.

Fiscal year 1989: $66,500,000,000.

Fiscal year 1990: $71,050,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $900,100,000,000.

Fiscal year 1989: $948,200,000,000.

Fiscal year 1990: $985,200,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $821,900,000,000.

Fiscal year 1989: $857,300,000,000.

Fiscal year 1990: $885,400,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1988: $147,400,000,000.

Fiscal year 1989: $144,500,000,000.

Fiscal year 1990: $123,800,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1988: $2,573,000,000,000.

Fiscal year 1989: $2,790,800,000,000.

Fiscal year 1990: $2,986,700,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989, are as follows:

Fiscal year 1988:

(A) New direct loan obligations, $27,150,000,000.

(B) New primary loan guarantee commitments, $128,350,000,000.

Fiscal year 1989:

(A) New direct loan obligations, $23,150,000,000.

(B) New primary loan guarantee commitments, $129,500,000,000.

Fiscal year 1990:

(A) New direct loan obligations, $22,100,000,000.

(B) New primary loan guarantee commitments, $130,450,000,000.

(c) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1988 through 1990 for each major functional category are:

(1) National Defense (050):

Fiscal year 1988:

(A) New budget authority, $312,000,000,000.

(B) Outlays, $297,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $332,400,000,000.

(B) Outlays, $312,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $353,500,000,000.

(B) Outlays, $330,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1988:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $15,200,000,000.

(C) New direct loan obligations, $7,450,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

Fiscal year 1989:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $6,650,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

Fiscal year 1990:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $6,750,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1988:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1988:

(A) New budget authority, $2,500,000,000.

(B) Outlays, $3,300,000,000.

(C) New direct loan obligations, $550,000,000.

(D) New primary loan guarantee commitments, $850,000,000.

Fiscal year 1989:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,900,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 1990:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,200,000,000.

(C) New direct loan obligations, $350,000,000.

(D) New primary loan guarantee commitments, $1,400,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1988:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $14,200,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $15,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1988:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $26,300,000,000.

(C) New direct loan obligations, $14,800,000,000.

(D) New primary loan guarantee commitments, $6,000,000,000.

Fiscal year 1989:

(A) New budget authority, $24,000,000,000.

(B) Outlays, $21,800,000,000.

(C) New direct loan obligations, $11,700,000,000

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1990:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $18,200,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1988:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $73,800,000,000.

Fiscal year 1989:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $700,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $72,600,000,000.

Fiscal year 1990:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $1,400,000,000.

(C) New direct loan obligations, $1,350,000,000.

(D) New primary loan guarantee commitments, $74,950,000,000.

(8) Transportation (400):

Fiscal year 1988:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $25,500,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $26,700,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $24,800,000,000.

(B) Outlays, $26,400,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1988:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $450,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

Fiscal year 1989:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

Fiscal year 1990:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1988:

(A) New budget authority, $28,800,000,000.

(B) Outlays, $28,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $9,400,000,000.

Fiscal year 1989:

(A) New budget authority, $28,400,000,000.

(B) Outlays, $28,900,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $10,700,000,000.

Fiscal year 1990:

(A) New budget authority, $27,600,000,000.

(B) Outlays, $28,000,000,000.

(C) New direct loan obligations, $1,850,000,000.

(D) New primary loan guarantee commitments, $11,850,000,000.

(11) Health (550):

Fiscal year 1988:

(A) New budget authority, $41,400,000,000.

(B) Outlays, $38,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1989:

(A) New budget authority, $42,200,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1990:

(A) New budget authority, $43,400,000,000.

(B) Outlays, $42,200,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(12) Medicare (570):

Fiscal year 1988:

(A) New budget authority, $94,400,000,000.

(B) Outlays, $73,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $103,400,000,000.

(B) Outlays, $81,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $112,500,000,000.

(B) Outlays, $87,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1988:

(A) New budget authority, $160,200,000,000.

(B) Outlays, $124,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $165,300,000,000.

(B) Outlays, $128,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $170,300,000,000.

(B) Outlays, $133,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1988:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $4,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $5,450,000,000.

(B) Outlays, $5,450,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $5,350,000,000.

(B) Outlays, $5,350,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1988:

(A) New budget authority, $27,700,000,000.

(B) Outlays, $27,200,000,000.

(C) New direct loan obligations, $850,000,000.

(D) New primary loan guarantee commitments, $27,950,000,000.

Fiscal year 1989:

(A) New budget authority, $28,300,000,000.

(B) Outlays, $27,600,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $27,700,000,000.

Fiscal year 1990:

(A) New budget authority, $28,500,000,000.

(B) Outlays, $28,000,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $24,800,000,000.

(16) Administration of Justice (750):

Fiscal year 1988:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $9,100,000,000.

(B) Outlays, $8,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1988:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $7,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $7,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $8,000,000,000.

(B) Outlays, $7,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1988:

(A) New budget authority, $1,500,000,000.

(B) Outlays, $1,500,000,000. •

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $1,500,000,000.

(B) Outlays, $1,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $1,600,000,000.

(B) Outlays, $1,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1988:

(A) New budget authority, $139,000,000,000.

(B) Outlays, $139,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $141,500,000,000.

(B) Outlays, $141,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $139,000,000,000.

(B) Outlays, $139,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1988:

(A) New budget authority, −$900,000,000.

(B) Outlays, −$800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $500,000,000.

(B) Outlays, $500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $2,800,000,000.

(B) Outlays, $2,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1988:

(A) New budget authority, −$45,400,000,000.

(B) Outlays, −$45,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, −$45,800,000,000.

(B) Outlays, −$45,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, −$48,500,000,000.

(B) Outlays, −$48,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Based upon the budget for fiscal year 1988 set forth in the first section of this concurrent resolution, the committees of the House of Representatives and Senate shall make recommendations for fiscal years 1988, 1989, and 1990 for programs within their jurisdictions to the extent necessary to carry out proposed reductions in the deficit as included in the budget submitted by the President to the Congress on January 5, 1987.

(b) The committees of the House of Representatives and Senate shall report (1) changes in laws within their jurisdictions which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within their jurisdictions other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, in fiscal year 1988 sufficient to carry out subsection (a) and, not later than June 10, 1987, shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget of the House and Senate shall report to the House and Senate a reconciliation bill or resolution or both carrying out such recommendations without any substantive revision.

The CHAIRMAN. The amendment in the nature of a substitute is considered as having been read.

The gentleman from Pennsylvania [Mr. Gray] will be recognized for 30 minutes and the gentleman from New York [Mr. Green] will be recognized in opposition for 30 minutes.

The Chair now recognizes the gentleman from Pennsylvania [Mr. Gray].

Mr. GRAY of Pennsylvania. Mr. Chairman, we have now before this legislative body the budget of the President of the United States, which was introduced to the American public in January. I have introduced this budget because I believe that this legislative body ought to have the opportunity to work its will on the President's budget.

The President has presented his economic vision, his set of priorities, and has on numerous occasions called upon the U.S. Congress to implement that vision and that budget. The budget that we have before us claims that it will reach the Gramm-Rudman target of $107.8 billion. It has revenues of $22.4 billion, including asset sales, user fees, and other offsetting receipts and taxes.

The taxes included in the President's budget include $1.6 billion of new taxes on State and local employees. It includes new taxes on coal production. It raises taxes on commercial fishing. It raises fees for Government student loans. It increases the premiums of the elderly for Medicare by $600 million. The total increased revenues come to $22.4 billion and are approximately 53 percent of the deficit reduction package of the President of the United States.

In the spending area, the President's budget proposes spending cuts that would come entirely from domestic programs. Those spending cuts include a 28-percent reduction in education, with a 45-percent reduction in higher education; a large reduction in health care including $5.1 billion in Medicare, and over $1 billion of cuts in Medicaid programs.

The President's budget calls for termination of programs. The President proposes to phase out and terminate more than 45 programs, ranging from EPA construction grants to section 202 housing for the elderly and handicapped, and college work study grants. The President's budget, as it affects the less fortunate, would cut most programs providing assistance to low income individuals, the elderly, the sick, and the homeless.

Also, with regard to urban programs, the President's budget calls for significant reduction or termination of programs such as community development block grant, UDAG, EDA, subsidized housing, and mass transit.

In the area of international affairs, the President's budget calls for a significant increase above the CBO baseline of $2 billion in budget authority and $1.4 billion in outlays.

With regard to the drug programs, the President's budget proposes $3.05 billion in budget authority in fiscal year 1988 for Federal antidrug programs and activities—approximately $950 million below current funding levels.

With regard to rural America, the President's budget proposes $35.1 billion for outlays for fiscal year 1988 for rural programs. His recommendation calls for the termination of rural electric and also the ASCS Conservation Program. It would call for the termination of rural housing loans, FmHA rural development loans and grants.

The President also calls for a sizeable reduction in agricultural assistance programs of over $4 billion.

Mr. Chairman, I introduced this budget because on numerous occasions the President has said that, if America would adopt his budget, it would put us on the best track for deficit reduction and at the same time provide for equity and balance. The President's budget, therefore, is being introduced so that we in this body, on both sides of the aisle, will have an opportunity to express our opinion.

Before closing, Mr. Chairman, I would also point out that the President's budget, as it was pointed out yesterday in general debate, includes a sizable increase in military spending. The President's budget calls for spending of $297,550 million by the Pentagon, and $311.95 billion in budget authority, which represents an increase above inflation of 3 percent.

Mr. Chairman, I urge Members to express their will and vote on the President's budget, since he has requested that we act and have an opportunity to realize his vision.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Gray] has consumed 6 minutes.

The Chair recognizes the gentleman from New York [Mr. Green].

Mr. GREEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island [Miss Schneider].

(By unanimous consent, Miss Schneider was allowed to proceed out of order.)

"CONGRESSBRIDGE"

Miss SCHNEIDER. Mr. Chairman, for too long, technology has been used to heighten confrontation between the United States and the U.S.S.R.

For too long, we have seen each other only as rivals, barbarians, and warmongers. Decisionmakers and their constituents in both nations know little of each other.

The time is right for new ways of thinking. If there is, in fact, movement in the Soviet Union toward reform and openness, let us take this opportunity to initiate new ways of addressing mutual problems.

George Brown and I are cosponsoring Congressbridge, an innovative series of television exchanges via satellite between Members of Congress and Deputies of the Supreme Soviet to capitalize on this period of change, to test the sincerity of reform efforts, and to build bridges rather than perpetuate barriers.

During 1987 dozens of legislators in both countries will discuss issues ranging from international security and human rights, to health and the environment in face-to-face, unrehearsed settings. Through these shows, broadcast to millions of viewers in both countries, crucial information can be exchanged with the whole world eavesdropping.

Let us make this historic effort to influence, in a grassroots manner, the direction of Soviet-American relations so as to alter the dangerous pattern of superpower confrontation.

□ 1020

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition both to the administration's budget and the budget resolution passed by the House Budget Committee. Both are fraught with loopholes, fudged economic assumptions, and unrealistic policy decisions.

Both have abdicated their responsibilities by proposals whose actual deficits will come nowhere near the $108 billion target mandated by the Gramm-Rudman law, despite their representations to the contrary.

I share the concern of those who want to see some restraint on defense spending and who believe that vital nondefense programs like AIDS research and maternal health need not only protection but enhancement.

But I cannot in good conscience vote either for the committee's or for the administration's budget proposals. Their economic assumptions are spurious at best. It is significant that the Budget Committee's estimates have not been run through the CBO computers for confirmation. I cannot help but remember the debate 2 years ago over the Budget Committee's proposal which promised to reduce our deficit by about $55 billion. Its estimates were never confirmed by CBO and in the end it saved only $35 billion, a $20 billion gap.

Now I know that there are those who say, "Oh, it is all right for the House Budget Committee to do that kind of thing and to come up with those fudged economic estimates because the President has done it." I suggest, Mr. Chairman, that it is not all right for the House Budget Committee or the House to countenance a budget based on those false economic premises.

Particularly doing this 200th anniversary of the Constitution of the United States, I think it behooves Members of the House of Representatives to remember that, both under the Constitution and by long tradition, this House has a place of particular responsibility in the Federal budget process.

Under the Constitution, it is neither the President nor the Senate that is responsible for originating revenue measures. That is a responsibility that the Constitution gives to the House of Representatives. By long tradition, it is this House that originates appropriation bills as well.

Under those circumstances, it seems to me, Mr. Chairman, that we have a singular constitutional responsibility when it comes to budget matters. For that reason, I think we have a particular responsibility to pass a budget resolution which is not based on estimates that we all know cannot stand the light of day.

Yes, the administration did wrong in sending us a budget that cannot be defended in terms of its economic assumptions, but it is on us, not on the administration, that the primary responsiblity falls under the Constitution of the United States for budget matters. Therefore, I think it is a particular shame that in the materials that are presented to us today, both in the administration's budget, which is now being offered by the Chairman of the Budget Committee, and in the Budget Committee's own resolution, we are not acting in a responsible way in fulfilling our constitutional and traditional function.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman for yielding to me.

Mr. Chairman, I have some technical amendments at the desk. They were designed to correct some clerical errors.

The CHAIRMAN. If the gentleman will suspend for just a moment, the Chair will state to the gentleman that after the gentleman from California presents his amendment, that a unanimous-consent request to modify that amendment, when pending, would be in order. If the gentleman will just suspend until that time, it will be in order after the gentleman offers his amendment, made in order by the rule.

Mr. GREEN. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman for yielding me this time.

Mr. Chairman, I just take this time to point out the process that we are going through here this morning. It should be noted that the Member offering the amendment does not support the budget being offered, and that the gentleman on this side of the aisle is also opposed to the amendment. So the situation we have is that the people controlling the time are both opposed to the amendment.

We should not be surprised by that. Although it is not the normal procedure, it is just a part of the annual, "spring budget games" we are going through. This is confirmation at the beginning of the day that this is all a charade. This is all just positioning and that this budget resolution will be ignored, it will be waived, it will be exceeded in its expenditures for the rest of the year, and this is not the normal process. It should be condemned.

Hopefully, when this day is over, all of these budgets will in fact be defeated and we can get down to the serious business of dealing with the deficits of this country.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me this time.

Mr. Chairman, I would just like to say that I certainly agree with what the minority whip has just said. What we have going on out here is some fun and games on the House floor called the budget process. The fun and games in this particular instance is that everybody comes out opposed to the budget but we raise it just with hopes of kicking the President around a little bit out on the House floor today.

I would suggest that the real issue before us as we look to the budgets today is: What should someone who considers themself a fiscal conservative or at least has told their constituents that they are a fiscal conservative be doing about the budget proposals that are before us?

One of the ways of gauging that, it seems to me, is to go to the National Taxpayers Union, which is the one that has made the recommendations as to what we ought to be doing if we look at these budgets from a conservative viewpoint. Should we then be voting for the administration's budget? No, because the National Taxpayers Union tells us that the administration's budget is probably too high in its defense figures.

Should we be voting for the Budget Committee's recommendation? Well, let me tell you what NTU says about the Budget Committee's recommendation. It says:

> NTU urges rejection of the House Budget Committee's proposal because it does not sufficiently cut social programs and it relies too heavily on tax increases to meet the deficit targets.

In other words, the NTU will tell you if you are a fiscal conservative and if you have told your constituents that you are a fiscal conservative and that if you really want to do something about the deficits, that you ought to reject the administration's budget, you ought to reject the Budget Committee's budget as well.

A little later on we will have an opportunity to consider a really fiscally conservative budget. The gentleman from California [Mr. DANNEMEYER] is going to offer a budget. I am going to ask him some questions at that time as to whether or not his budget meets the standards that NTU sets forward.

I think that we ought to be considering what it is we have told our constituents we are all about here, and if you have really told your constituents that you are all about doing something to reduce deficits, you cannot support what the Budget Committee has come up with; it is an atrocious budget. You cannot support what the administration sent up here; it is 6 months old in economic assumptions and goes too far in defense spending.

□ 1030

Mr. GREEN. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, today we address an extremely important issue to this Nation and that is, which of the budgets, if any, will this body adopt as guides for the future of the Congress.

I have a particular interest in the defense budget because of my service on the Armed Services Committee. I thought that I would take just a moment this morning in addressing the administration's budget to tie that to the action of the Armed Services Committee as of yesterday when we finished the markup on our budget.

As you know, the administration requested $312 billion for the defense budget for this year. That is only a 3-percent real growth over last year's budget. As a matter of fact, of course, we are aware that the budget would still result in a negative growth over the last 3 years because of the fact that we have had a decrease in the last 2 budget years in the Armed Services budget. As a result, the Armed Services Committee looked very carefully at this administration's request for $312 billion and asked whether or not the goal of the Armed Services Committee should be to adopt a budget which would meet the defense needs of this country or would try to do something political and meet a much, much lower goal.

Well, when the Armed Services Committee finally met and considered the question on a very bipartisan basis, the committee decided to develop a budget which it felt was in the best interests of the United States of America from a defense perspective.

Now, it sounds strange that we should even be asking that question. Why should the Armed Services Committee consider any question but what is in the best interests of the United States from a defense perspective; but because of this political budget battle that we are involved in, the question arose.

When all was said and done and the Armed Services Committee on a very bipartisan basis finally developed its budget, it had reduced the administration's request by approximately $7 billion. We cut a lot out. We got it down to about $305 billion. That is going to be less than a 3-percent real growth, but we do believe as a committee that it will meet the defense needs of this country.

What, of course, we are concerned with is that this body will slash the defense budget even further in developing its own budget to the point that we will not be able to defend America. That is my concern and that is the concern I am sure of a majority of the members of that committee.

We know, Mr. Chairman, that our problem in this country has not been a lack of revenues, so we also know that a tax increase is not the right answer.

We also know we should not develop a budget which requires us to raise taxes, because tax collections have gone up every year by approximately $60 billion in recent years. We have been raising revenues in this country for the last 15 years at the rate of about 19 percent of our gross national product, so it is not a matter of lost tax revenues.

The problem in this country today is that we are spending too much. Spending, of course, now consumes almost 24 percent of our gross national product.

So the point of my remarks this morning, Mr. Chairman, is that we do not need a tax increase. We do not need a budget which slashes defense unnecessarily.

The Armed Services Committee which is responsible for the defense of this Nation has considered very carefully what is appropriate for the defense of the Nation and has concluded that $305 billion would be appropriate.

I will support the administration's budget because of its request, even though I will not agree with everything in it. I will agree to the $305 billion mark of the Armed Services Committee.

Mr. Chairman, I urge my colleagues in considering the budget of the administration which is before us now and the other budgets which have been and will be before us to please consider not parochial or political considerations, but the defense needs of this country, for it is that which we must be primarily concerned with in developing that part of our budget.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to commend the chairman for his tremendous effort in trying to forge a reasonable budget for America's future.

I would like to talk about a few things in the President's budget that I think are incongruent with some of the statements he made in the past. I think Americans become quite leery of statements such as, "You know, I work for the Government. I'm going to give you a helping hand, and I'm really not going to raise your taxes."

Mr. Chairman, the President's budget contains $23 billion in hidden taxes, user fees, and asset sales.

This is the same President who said when he was running against GEORGE BUSH, "Ladies and gentlemen," I'm going to balance the Federal budget by 1983." Then after he is elected he very honestly and very honorably looked in the eyes of television and told the American people, "I can't do it, ladies and gentlemen. It's too big a task. It will take me until the fall of 1984."

Now, let's get serious here. This President has brought forward a budget that continues to expand upon the military budget that has anywhere between $50 billion and $300 billion in some pipeline, money that was appropriated at a time when inflation was much higher, and I will give you that due. But where are we going now?

We have a President that would cut child nutrition, throw out completely vocational education in a country that is talking about competitiveness; seriously impact housing in a Nation where housing is very critical and this Congress had to appropriate money for the homeless of America sleeping on steel grates.

Now, I ask you, is this a budget for America? I say the President's budget is un-American and in my own little way there is a word from my community that would depict that vote that Congress should send, the message Congress should send to the President, that word is "mort." It means dead.

Mr. President, your budget is mort here in the House. We do not work for the railroad. The signal we send should be a strong vote.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, I have, of course, moment by moment missed the Budget Committee desperately now that I am off of it, but I have had that rare opportunity to continue following someone and the leadership of that committee, as so well epitomized by the chairman, the gentleman from Pennsylvania. Because he does really I think a superb job with the press, I am able to follow what is happening in the committee and to follow those things which he says to all Americans, and I think it makes some sense for us to remember them as we talk about the budget he has introduced, the President's budget.

I would like to quote the chairman of the Budget Committee:

> If you think you're going to get there (the Gramm-Rudman target) by smoke and mirrors and unrealistic assumptions, you're sadly mistaken. Jan. 4, NBC's "Meet the Press."

These are his comments about the President's budget:

> I have questioned its realism in terms of economic assumption, primarily the 1988 current service deficit which is estimated at $150 billion, where CBO says $169 billion, and many private econometric forecasting agencies say it is larger than that. Committee hearing, Jan. 8.

Some of us actually brought this up with the President's own budget office and with the President himself.

In fact, Mr. Chairman, I will tell you, you so convinced me that I thought the President's budget ill-served him because the assumptions were so badly flawed. I appreciated what you said and I look forward later on when we can look at the assumption base of your budget, because someone like the gentleman from Pennsylvania would never repeat the mistake he chastised our President on for 3 months.

I have actually heard rumors that the gentleman's budget has the same flaws.

"Say it ain't so, Joe; say it ain't so."

Mr. GRAY of Pennsylvania. Mr. Chairman, I would just simply say to my esteemed colleague, the gentlewoman from Illinois, for whom I have the greatest respect, we miss her so desperately on the Budget Committee, that she has her men confused. It's "Bill."

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS], a member of the committee.

□ 1040

Mr. THOMAS of California. Mr. Chairman, I know it is "Bill." We also know that it is politics.

You know, there are actually some members of the Democrat Party who wrote to the Armed Services Committee requesting the military funding levels in the President's budget, urging the members of the Armed Services Committee to fund those programs at the President's budget level.

Guess what they are going to do on the President's budget. They are going to vote "no." Guess what they are going to do on the Democrat budget. Do you wonder why they do that?

Let me share with you some additional quotes from the chairman. This was January 22, when he addressed the Secretary of the Treasury, Mr. Baker: "Let me just turn to the question of what I call realism, as we look at the budget," the chairman said, "that has been submitted to us and some of the comments that you have made with regard to that budget.

> Does the administration know something that we don't know * * *?

Again, during that same hearing:

> I am * * * saying that CBO and the econometric forecasting agencies, Mr. Secretary, are saying you are off, and you are off substantially.

It goes on, in which he castigates the President's basic assumptions, for example, in front of James Miller, Office of Management and Budget, on January 29:

> I am concerned that your basic economic assumptions are flawed, and if your starting point is unrealistic * * *.

And we join him once again on February 4, when he says:

> A major cause of the shortfall in the President's Budget is the use of an optimistic economic forecast.

Let us close again with: "And then, finally, I would * * * simply say," the chairman said, "that we, of course, have a disagreement, CBO has a disagreement with you"—the administration—"and the private econometric forecasting agencies apparently seem to have a disagreement * * *"

At one time Chairman GRAY had a disagreement with the President's economic assumptions. As we will find later on in this program, Mr. GRAY has seen the light. He has adopted the President's economic forecasts. Yet he will oppose this budget and praise his own. Why? It is the same reason Democrats will send letters to the Armed Services Committee asking for the President's numbers and rebuke the President's position.

I guess that is why we call it politics. Some of us are sick and tired of it.

Mr. GREEN. May I ask, Mr. Chairman, how much time I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. GREEN] has 12 minutes remaining.

Mr. GREEN. Mr. Chairman, I yield 6½ minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I spoke briefly on this yesterday, and I want to reiterate some of the things that I said yesterday, because I am afraid that with the scarcity of Members present here that some of the things that I said which I think are important might not have been heard.

Yesterday the committee finished its deliberations on its annual authorization bill, and we marked to a figure that we thought was reasonable. We reduced the President's budget from $312 billion requested down to approximately $305 billion.

We did this because we marked to what we perceived to be the threat. It is not our job on the committee to mark to what we would anticipate the budget to be or what we anticipate the Appropriations Committee would fund, but what we see as the threat.

Mr. Chairman, there is a threat. There is an ongoing threat, and the Soviets are continuing to build, and they outnumber us in troops, tanks, men, aircraft. They have just completed a new carrier which will soon be going through operational tests. It is as large or larger than any that we have. They have more submarines, they have deeper diving submarines, and they have quieter submarines.

The threat is real, and it is there. Now if we have to mark to the budget that is proposed by the Budget Committee, we will have to reduce some $25 billion over the President's request. We have reduced our bill, as I said, from $312 billion to $305 billion. If we are to meet the outlay figure, and do it in this year, the only way you can reach that figure of $281 billion is to cut people—people and training. We have to attack our readiness, we have to reduce our forces in Europe, we have to reduce the total manpower, and/or deny our servicemen a pay raise.

There is anticipated in the budget put out by the Budget Committee a pay raise for the civilian sector and a pay raise for the military sector. We have in our budget a 3-percent pay raise which should be comparable to what the civilian sector gets. If we have to mark to the figure that is given to us by the Budget Committee, there will be zero pay raise for our military, and I anticipate that if we treat the civilian sector the same way we are going to find that there will be no increase for retirees, no increase for civil servants, no increase for our military, no increase for our veterans.

I think that a 3-percent pay raise or increase in retirement benefits is reasonable, and it is anticipated in this budget. If we have to meet the figures that are being given to us, then you are going to find a reduction in people, you are going to find that we are going to deny them their cost-of-living increase, which they have learned to depend on, and I think that it is unrealistic to force on the military the burden of trying to balance the budget.

I voted against Gramm-Rudman originally, because under the formula it says even though less than 30 percent of the Federal budget is defense spending, 50 percent of the cuts have to come out of defense. I think that it is unfair and unrealistic, and that is what this budget presumes.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, the gentleman is too gracious a person and too fair and too strong a supporter of the military, but would it not be at least thinkable that those from any side of the aisle who would support the Democratic budget to a mark that would so hurt this Nation's security are actually agreeing that some of those cuts can occur in their district?

Mr. DICKINSON. Absolutely. It is going to take place nationwide. You are going to feel the impact. We are talking about cutting training, we are talking about cutting readiness, if we are going to have to meet the targets that are being given to us by the Budget Committee. We are going to have to talk about eliminating people at a time when we are trying to get our NATO allies to even come up to their 3 percent that they agreed to in the past.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. LATTA. The gentleman is talking about people. The gentleman is talking about troops, is he not?

Mr. DICKINSON. That is exactly what I am talking about, military personnel.

Mr. LATTA. And if they went to that low figure that the Democrats have in their budget, you are talking between 200,000 and 400,000 troops.

Mr. DICKINSON. It would impact that many. I do not know that that many would have to be let our of the service, because if you discharge them, with the cost of transporting them and their material home, their goods and services, it will not all show up in the same year that we have to reach this target. So in addition to reducing the size of our armed services, we are going to have to impact training, flight time, steaming time.

Mr. Chairman, I am saying that it is unrealistic. This will be the third year in a row when we have had a negative growth if we live up to the budget that is being given to us, and we cannot stand that.

Mr. LATTA. Mr. Chairman, the figures that I used on troops were used by the Democrats themselves in the committee. So we are talking about across-the-board reductions that are going to affect troops.

Mr. DICKINSON. Perhaps that is what they want to do, and there are some in this Chamber who would like to see a reduction of our military. There are some who would like to see a crippling of our military. But I am not one of those, and I think at least we ought to put the monkey on the back where it belongs, and when we vote, let us find out who is for defending the country and the freedoms that we hold so dear, or who is going to cut the legs out from under us so we cannot defend and protect the things that we say that we espouse.

Mr. SUNDQUIST. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Tennessee.

Mr. SUNDQUIST. Mr. Chairman, I want to make sure that I understand, did the distinguished vice chairman of the Armed Services Committee say that if this budget is adopted in defense that the majority will be responsible for no pay increase for the active military?

Mr. DICKINSON. If we are to meet our target, that is exactly what it means. If we are to meet the outlay figure of $281 billion, the only way that we can reach that figure in the coming year is by the reduction of personnel, taking people out of our service, and reduction of training, steaming time, flying time, the things that go into operation and maintenance and readiness, and that is the only way we can reach the target they laid to us.

Mr. SUNDQUIST. So the only blame that can be laid if this is adopted is at the feet of the majority for immediate readiness.

Mr. DICKINSON. That is exactly right.

□ 1050

Mr. RUSSO. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, thank you for yielding me this time.

Mr. Chairman, I just heard my friend from Pennsylvania ask the rhetorical question: What is a conservative to do here? Well, there really are not any conservatives here on the floor of the House. I can tell you that. Everybody here seems to want to spend, it is just for different things.

We see folks stand up who say I am conservative, but they say we want more things that explode, or we want more money as long as it is sent overseas. Well, they are not conservatives. Let us not fool ourselves.

Now, the reason I take the floor on the President's budget is I just finished reading David Stockman's book, "The Triumph of Politics." This budget we're debating today is the grandson of David Stockman, and every year we get another one, filled with deception, completed by a hoax perpetrated on this Chamber and the other body and he ought to be embarrassed by the budgets that this administration sends to the Congress. The President is responsible, in my judgment, to put together a budget that has correct numbers, reasonable estimates and reasonable expectations, and he should then work together with us to try and move through it.

That does not happen because the White House keeps playing a political game with us, and it's a real shame.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, all of us could say a lot about the problems with this budget. I would quickly like to express my concern with the deterioration of the budget process, the overly rosy projections of both the administration and the House Budget Committee and the abandonment of the committee process by the Budget Committee.

I was very disappointed to learn that the House Budget Committee opted to use the administration's economic assumptions—particularly after the Congressional Budget Office informed us that such a "rosy scenario" wasn't warranted. In the past, the House Budget Committee felt it incumbent upon the House, as the body empowered by the Constitution with primary responsibility for formulating spending policy, to use the most realistic economic assumptions available. This practice should not be altered now simply for political advantage.

I am increasingly concerned by the Budget Committee's abandonment of the committee process and its abrogation of responsibility to guide the budget process. By including only sketchy reconciliation requirements, the committee is effectively handing over its power to the Ways and Means Committee and the Appropriations Committee. If this deterioration of the process is allowed to continue, the authorizing committees will soon have little role in the spending process.

Similarly, I have become increasingly distressed to witness how the manipulations of the congressional budget process are distorting the appropriations process. Every time we accede to and pass one of those humongous catchall continuing resolutions, we in effect have turned over the crafting of the Federal budget to the Appropriations Committee.

I would like to focus specifically on one area of the budget that will probably escape the attention of most Members but is critically important to our Nation's pension programs. We have a serious problem with the funding shortfall in the Pension Benefit Guaranty Corporation that must be addressed.

From the end of fiscal 1984 until the end of 1986, PBGC's deficit has increased more than eightfold—to almost $4 billion. These deficits are a consequence of a series of pension plan terminations by major American companies, primarily in the trade-impacted steel industry. LTV Steel pension plans and other trade-impacted steel companies make up 75 percent of this shortfall.

Ironically, the increased premium payments recommended by the House Budget Committee would end up forcing companies whose pension plans are healthy to shoulder the burden of the steel companies' inability to compete with imports. In order to erase the PBGC deficit on a self-supported basis, the necessary flat single-employer premiums would have to more than triple—to some $30 per capita. Such a steep premium increase is obviously going to jeopardize the health of all of the Nation's pension programs.

As part of its amendments to the Trade Adjustment Assistance Program, the Ways and Means Committee established an adjustment assistance trust fund, to be composed partly of revenues generated by an import fee negotiated by the USTR. Recognizing that the precipitious increases in the PBGC deficit have resulted, in substantial part, from our trade imbalance, I urge the Ways and Means Committee to take a look at utilizing that trust fund in order to relieve this serious burden from the rest of the country's pension programs.

It is my understanding that a surcharge of less than 1 percent would not violate GATT. And, for example, a surcharge of 0.9 percent would raise $3 to $3.5 billion. This revenue could be used to retire the PBGC trade-related deficit—about $3 billion, or the committee could choose to earmark somewhat over $200 million of this fund to PBGC in order to amortize the shortfall over 30 years. By using this mechanism to solve the PBGC funding dilemma, we would be tying the funding source to the source of the problem—imported goods. In other words, we would be letting "the problem pay for the solution." I urge the Ways and Means Committee to consider this option.

Our trade deficit has already caused serious economic problems. It has meant the loss of thousands of jobs. It has resulted in the shutdowns of factories and plants. We must not let it sink our pension system, too.

Let me just remind my colleagues that in our efforts to solve the problems of the PBGC, we must address the root cause of those problems as well as the immediate funding needs. The administration, in legislation transmitted to the House, proposes to address those root causes—insufficient minimum funding standards and present incentives to terminate rather than maintain plans. It is important that we amortize the PBGC deficit. It's just as important that we prevent it from increasing as a result of future terminations. This is a critical problem and I urge my colleagues to take note of it.

Mr. GREEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am not particularly happy with either the President's budget or the Democrats' budget, because I do not think that we really are setting the kinds of priorities in this budgeting process necessary if we are going to get this Government running right, if we are really going to get things going.

The Democrat budget though bothers me the most of all because it has these huge tax increases built into it to fund not only existing programs, but in some cases expansions of programs that we do not have any business doing.

A few years ago, President Reagan submitted a plan which contained some 44 programs for elimination, for termination, to get rid of them. I think this Congress perhaps has eliminated one, maybe two of those programs. I have not heard anybody on the other side of the aisle coming forward this year saying, gee, we would like to get rid of some programs and maybe we will accept 10 or 20 of those, even though we cannot buy all 40 or 44 of them. They have not even come forward and suggested 10 of their own. In fact, they have not suggested two or three for elimination.

The botton line is we need to cut spending, we need to do it by setting priorities, and in some cases we need to protect an increase in spending in specific programs. That is what the people elected us to do.

I am the vice chairman of the Subcommittee on Crime and I am concerned that the moneys that we would need, and need to have in the Department of Justice, and in fighting the drug war are not going to be there when all is said and done. Under function 750 of the Democrats' budget proposal, we see that they have on paper appeared to increase the total amount from the President's request, but in fact they have added in a lot of other things that they want the moneys to go toward. So when you subtract those out, you have a $530 million net that is not there, and we very badly need to have a budget that rectifies the drug war problem.

Mr. GREEN. Mr. Chairman, am I correct that the other side is simply reserving time to close?

The CHAIRMAN. The gentleman is correct. The gentleman from New York [Mr. Green] has 1 minute remaining and the gentleman from Texas [Mr. Frost] has 21 minutes remaining.

Mr. FROST. Mr. Chairman, we have one remaining speaker who will close, and we would ask the other side to please proceed with their time.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing I would agree with the Budget Committee and its distinguished chairman that it was unfortunate that in this budget process the President started us off with a budget that was unrealistic. But after they and he properly criticized the President for that, I think it was very sad for this House and for the people of this country that they then proceed to offer this House a budget premised on exactly the same incorrect assumptions for which they blame the President.

I do not think that served this House. I do not think that served the American people. While I hope that the House will vote against the President's budget now before it in this amendment, I also hope that when the time comes the House will vote against the House Budget Committee proposal.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Russo].

Mr. RUSSO. Mr. Chairman, this debate on the budget must surprise the American people who are watching. This was to be the debate on the President's budget, but how many Republicans on that side of the aisle have you heard talk about the President's budget or the great virtues of that budget? Not one.

I have been sitting here listening to this debate, and I have not heard anyone characterize the President's budget as the great salvation for this great country. The President said when he took this well in his State of the Union Address that his future vision of America would be sent to the Capitol. Well, it arrived and nobody is supporting it. Nobody here on the Republican side is talking about it or extolling the virtues of the President's great blueprint for America. So I want to point them out for you.

I am not for the President's budget, but I want to go through it for you. Here is what the President's budget does: It raises revenues. Surprise. It does—$22.4 billion in revenues. Let us not be mistaken about this fact, because you are going to hear in later debate that the Democrats raised revenues and that the Democrats raised taxes. Remember that there are $22.4 billion of revenues in the President's budget.

□ 1100

No matter how you characterize it, no matter how you try to gloss over it, that is in his budget. Let us look at some other parts of this great, great blueprint for America's future.

Cuts in Medicare—$5.1 billion cuts in Medicare, to be exact. The President wants to increase premiums for Medicare beneficiaries. The President wants to delay Medicare beneficiaries' eligibility. That is his blueprint for America, for the elderly on Medicare.

Let us look at education. We are in a competitive struggle worldwide. We realize the trade problems that we face in this Nation. We realize that our people need a better education, for example. We understand that and we need to advocate it. So what does the President do? His blueprint for America, his vision of the future revolution, eliminates or reduce numerous education programs, including math and science teacher, training grant programs, vocational education, handicapped education, college student financial assistance.

Now is that a blueprint for America's future in education? What about drug abuse programs; one of the most heralded events that took place here last year was our fight against drugs with the successful passage of major antidrug legislation.

We ought to continue that fight, but what does the President do? He cuts almost a billion dollars in the drug problem. That is his blueprint for America. It's no wonder that we have not heard many individuals come out here and extol the great virtues of the President's budget.

Let us look at low-income programs. He cuts most programs providing assistance to low-income individuals, the elderly, the sick, and the homeless. He wants to terminate housing for the elderly and the handicapped. The President proposes to reduce the low income home energy assistance by 33 percent, which would remove nearly 3 million people off the program. He wants to propose increases in VA housing loan fees and proposes to cut numerous other programs in the veterans' function. Is this a blueprint for America's future?

Now, I think that the reason we do not hear a tremendous amount of support for the President's budget in this discussion today is, because responsible Members on both sides of the aisle do not want this blueprint for America and its people. They do not want it because they feel there is a responsibility here that we as a government have to the American people.

Where does the President increase spending? He increases spending in defense, he increases expenditures in foreign aid, and in other areas.

Let's talk about defense spending. I want to deal with some of the problems that were raised by my colleagues during debate on this issue. You know, we have heard individuals come to the well and say that if we adopt the outlay numbers in the House Democratic proposal, we will have to cut troops, we will have to cut personnel, we will have to cut operation and maintenance. That is true, if that is where you want to make the cuts.

It was a $276 billion budget last year and you can cut almost anywhere you want. You do not have to cut personnel, you do not have to cut operation and maintenance. You can cut some of the sophisticated weaponry that we have discovered doesn't work anyway.

I'll say it again, this is an area where you can cut. But what we have heard in the Budget Committee over the last 3 years is, "If you don't reach this specific, magic wish list number of the Pentagon's, we cannot continue." Now here's an interesting fact in light of that repetitive Pentagon theme. In the 3 years that I have been on the Budget Committee not one program has been terminated that the Pentagon had on its wish list, and not one event has occurred that the Pentagon did not want to occur. They have done everything they wanted to do. Yet, they continue to come in and tell us the horror stories of things that are not going to happen if they don't get their money figure, but somehow the dire predictions never come true. In fact, under the House Budget Committee proposal we are only $900 million less than the President on budget authority, which is three-tenths of 1 percent.

I cannot imagine that the Pentagon cannot take a three-tenths of 1-percent cut when we are cutting the elderly, education, low-income assistance, and everything else. They cannot take a three-tenths of 1-percent cut? I do not think the American people buy that arrangement and the polls show that they do not buy it.

Let me deal a little with economic assumptions. You know, when you sit on the Budget Committee you wait to see what the President proposes, because under the law that is how the budget process works. We always hope that we get a responsible, intelligent, and honest budget from the President.

If his current budget is so responsible, why are the members of his own party not extolling its virtues? I think I've explained the reasons why. Also the President would not work with us on the budget. When we worked with the President on tax reform, and the President involved himself in the process of tax reform, and we were able to produce an excellent document for America. We worked with Jim Baker, we worked with his people and we tried to deal with the differences that we had. Now, obviously he did not get everything he wanted and we did not get everything we wanted. But the bottom line was that we were both involved in the process. And everyone benefited from it.

But the budget process has been a different matter. Out comes his document off the press sometime in February. "Here it is, Congress, here is my budget, here are my assumptions, here is what I want to do and goodbye, I am no longer a player."

That is not responsible government. The President and Congress must work together. The President owes us the same responsibility on the budget process, as he gave us on tax reform. We have proven in the past that we can work with them. And when we have worked together, we have produced an excellent document.

But he is no longer a part of it. He does not want to be part of it. My colleagues on the other side of the aisle did not want to be part of it. They don't even want to debate his budget document.

When you deal with economic assumptions, if you want to compare apples to apples, you have to have the same apples in the basket. I do not like the President's economic assumptions. I do not like where he starts with his base line. But you cannot compare our budget to his unless we adopt those assumptions. So if they are overly optimistic, if they understate what we think is going to happen or if they overstate it, we have to at least adopt it so that you can see what we do in our budget. As compared to his.

I think we are going to have a long debate on economic assumptions in the budget, but the important thing here is when the President's own budget is on the floor of the House of Representatives, it is kind of insulting to see very few members of his party supporting his budget.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. RUSSO. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, you will recall that the Secretary of the Treasury came to the Committee on Ways and Means on the trade issue and said that the way to deal with the trade issue is massive new investments in education. Now I think I heard the gentleman say that the President's budget in fact does not comport with that at all. In fact, it exacts massive cuts in education.

I guess I do not understand how the Treasury Secretary says, "We in this administration want to boost education," and then they submit a budget that says, "We ought to cut the heck out of education by almost 80 percent." Is that what you had said is in the President's budget?

Mr. RUSSO. Well, there is no question that those massive cuts in education are in the President's budget. And I think what has happened here, is that my colleagues on the other side of the aisle have looked at his budget, they do not like it either. But it is tough to oppose their own President, although I respect the gentleman from New York for doing that. But there are very few Members who are in strong support of all the things the President has done in his budget.

I think to come to the floor of the House and say this is "political rhetoric, it is fun and games, the Democrats are kicking the President's budget around," trivializes this important debate. At least the Democrats have come up with an alternative. We have an alternative. You may not like it, but we do have an alternative.

Obviously, the President's blueprint is not well liked either. Not many Members here support it and I think we will eventually find out exactly who in this Congress supports the kind of priorities that this President wants. Do you want to cut education, do you want to cut funds for the handicapped, do you want to cut the elderly, do you want to weaken the vital structures, the infrastructures of this country that need to be rebuilt? There are other items in this budget that I did not mention that make additional cuts on the domestic side of the budget.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield further?

Mr. RUSSO. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. My point earlier was that this budget seems to be a game because it does not even comport with what the President himself says. He says one thing and then offers a budget that games the very things he talks about. And in fact it would exact massive cuts in areas that no one on the floor of this House thinks makes any sense for this country. That is why you see no support at all for this budget. It is such an incredible lack of leadership. You know, I think all of us wish it were different. I wish we were working with the President. I wish he would become a partner, as the gentleman so well said, in this process, so we could sit down on a bipartisan basis and develop a budget that makes sense for this country and stop playing the games.

Mr. RUSSO. If the budget process is to succeed in the future, we need more participation from the President regardless of which party occupies the White House.

Mr. Chairman, I thank the gentleman for yielding this time.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. GRAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GRAY of Pennsylvania. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 48]

ANSWERED "PRESENT"—417

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1120

The CHAIRMAN. Four hundred seventeen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. GRAY] for a recorded vote.

Does the gentleman from Pennsylvania [Mr. GRAY] insist upon his demand for a vote?

Mr. GRAY of Pennsylvania. I insist on my demand for a vote, Mr. Chairman.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 27, noes 394, not voting 12, as follows:

[Roll No. 49]

AYES—27

Armey
Badham
Bartlett
Cheney
Crane
DeLay
Dickinson
Dornan (CA)
Hansen
Herger
Hunter
Inhofe
Kyl
Latta
Lott
Lujan
Lungren
Mack
McEwen
Michel
Nielson
Packard
Schaefer
Shumway
Smith (TX)
Stump
Vander Jagt

NOES—394

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert

Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—12

Annunzio
Daniel
Derrick
Downey
Gaydos
Gray (IL)
Kemp
Livingston
Lloyd
Pickle
Tauzin
Wilson

Mr. NATCHER and Mr. SKEEN changed their votes from "aye" to "no."

Mr. PACKARD and Mr. INHOFE changed their votes from "no" to "aye."

Mr. DANNEMEYER changed his vote from "present" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1140

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DANNEMEYER: Strike everything after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1988 is hereby established and the appropriate budgetary levels for fiscal years 1989 and 1990 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1988: $677,300,000,000.
Fiscal year 1989: $722,700,000,000.
Fiscal year 1990: $792,900,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1988: $18,900,000,000.
Fiscal year 1989: $24,100,000,000.
Fiscal year 1990: $28,500,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $883,159,000,000.
Fiscal year 1989: $904,840,000,000.
Fiscal year 1990: $940,359,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $811,134,000,000.
Fiscal year 1989: $822,882,000,000.
Fiscal year 1990: $855,870,000,000.

(4)(A) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1988: $133,834,000,000.
Fiscal year 1989: $100,182,000,000.
Fiscal year 1990: $62,970,000,000.

(B) For purposes of the maximum deficit amount mandated by the Balanced Budget and Emergency Deficit Control Act of 1985 and section 301(i) of the Congressional Budget Act of 1974 only, the appropriate levels of total new budget authority, budget outlays, Federal revenues, and deficits, including receipts and disbursements of the Federal Old-Age and Survivors Trust Fund and the Federal Disability Trust Fund, are as follows:

New budget authority:
Fiscal year 1988: $1,135,210,000,000.
Fiscal year 1989: $1,181,010,000,000.
Fiscal year 1990: $1,245,560,000,000.

Outlays:
Fiscal year 1988: $1,027,380,000,000.
Fiscal year 1989: $1,053,200,000,000.
Fiscal year 1990: $1,102,720,000,000.

Revenues:
Fiscal year 1988: $929,400,000,000.
Fiscal year 1989: $986,100,000,000.
Fiscal year 1990: $1,079,500,000,000.

Deficit:
Fiscal year 1988: $107,980,000,000.
Fiscal year 1989: $67,100,000,000.
Fiscal year 1990: $23,220,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1988: $2,565,100,000,000.
Fiscal year 1989: $2,776,400,000,000.
Fiscal year 1990: $2,966,300,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989, are as follows:

Fiscal year 1988

(A) New direct loan obligations, $29,650,000,000.

(B) New primary loan guarantee commitments, $129,360,000,000.

(C) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New direct loan obligations, $27,780,000,000.

(B) New primary loan guarantee commitments, $129,760,000,000.

(C) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New direct loan obligations, $26,910,000,000.

(B) New primary loan guarantee commitments, $130,430,000,000.

(C) New secondary loan guarantee commitments, $0.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1988 through 1989 for each major functional category are:

(1) National Defense (050):

Fiscal year 1988:

(A) New budget authority, $304,280,000,000.

(B) Outlays, $291,910,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $319,520,000,000.

(B) Outlays, $306,690,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $335,860,000,000.

(B) Outlays, $322,220,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1988:

(A) New budget authority, $15,260,000,000.

(B) Outlays, $13,790,000,000.

(C) New direct loan obligations, $7,120,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $15,870,000,000.

(B) Outlays, $14,340,000,000.

(C) New direct loan obligations, $6,640,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $16,480,000,000.

(B) Outlays, $14,890,000,000.

(C) New direct loan obligations, $6,740,000,000.

(D) New primary loan guarantee commitments, $10,250,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1988:

(A) New budget authority, $10,570,000,000.

(B) Outlays, $10,680,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $11,050,000,000.

(B) Outlays, $11,470,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $11,570,000,000.

(B) Outlays, $11,890,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1988:

(A) New budget authority, $3,170,000,000.

(B) Outlays, $4,030,000,000.

(C) New direct loan obligations, $1,580,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $3,540,000,000.

(B) Outlays, $2,670,000,000.

(C) New direct loan obligations, $1,640,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $3,420,000,000.

(B) Outlays, $2,380,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1988:

(A) New budget authority, $15,550,000,000.

(B) Outlays, $14,950,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $16,360,000,000.

(B) Outlays, $16,220,000,000.

(C) New direct loan obligations, $20,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $16,990,000,000.

(B) Outlays, $17,610,000,000.

(C) New direct loan obligations, $20,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1988:

(A) New budget authority, $28,720,000,000.

(B) Outlays, $27,820,000,000.

(C) New direct loan obligation, $16,100,000,000.

(D) New primary loan guarantee commitments, $6,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $27,990,000,000.

(B) Outlays, $24,090,000,000.

(C) New direct loan obligations, $14,300,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1988:

(A) New budget authority, $10,870,000,000.

(B) Outlays, $6,120,000,000.

(C) New direct loan obligations, $1,920,000,000.

(D) New primary loan guarantee commitments, $75,210,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $10,000,000,000.

(B) Outlays, $2,840,000,000.

(C) New direct loan obligations, $1,820,000,000.

(D) New primary loan guarantee commitments, $73,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $13,030,000,000.

(B) Outlays, $4,280,000,000.

(C) New direct loan obligations, $1,860,000,000.

(D) New primary loan guarantee commitments, $76,280,000,000.

(E) New secondary loan guarantee commitments, $0.

(8) Transportation (400):

Fiscal year 1988:

(A) New budget authority, $28,690,000,000.

(B) Outlays, $27,580,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $29,280,000,000.

(B) Outlays, $27,980,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $30,330,000,000.

(B) Outlays, $28,610,000,000.

(C) New direct loan obligations, $150,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1988:

(A) New budget authority, $6,970,000,000.

(B) Outlays, $6,730,000,000.

(C) New direct loan obligations, $480,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $7,090,000,000.

(B) Outlays, $6,330,000,000.

(C) New direct loan obligations, $430,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $7,230,000,000.

(B) Outlays, $6,340,000,000.

(C) New direct loan obligations, $430,000,000.

(D) New primary loan guarantee commitments, $40,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1988:

(A) New budget authority, $32,940,000,000.

(B) Outlays, $31,910,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $9,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $34,660,000,000.

(B) Outlays, $33,460,000,000.

(C) New direct loan obligations, $1,810,000,000.

(D) New primary loan guarantee commitments, $10,710,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $35,880,000,000.

(B) Outlays, $34,900,000,000.

(C) New direct loan obligations, $1,840,000,000.

(D) New primary loan guarantee commitments, $1,860,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1988:

(A) New budget authority, $42,620,000,000.

(B) Outlays, $42,250,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $46,320,000,000.

(B) Outlays, $45,870,000,000.

(C) New direct loan obligations, $40,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $50,370,000,000.

(B) Outlays, $49,540,000,000.

(C) New direct loan obligations, $40,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medical Insurance (570):

Fiscal year 1988:

(A) New budget authority, $93,380,000,000.

(B) Outlays, $79,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $103,170,000,000.

(B) Outlays, $88,440,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $114,230,000,000.

(B) Outlays, $99,570,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1988:

(A) New budget authority, $165,980,000,000.

(B) Outlays, $130,700,000,000.

(C) New direct loan obligations, $10,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $173,880,000,000.

(B) Outlays, $137,370,000,000.

(C) New direct loan obligations, $10,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $180,390,000,000.

(B) Outlays, $142,880,000,000.

(C) New direct loan obligations, $10,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1988:

(A) New budget authority, $4,740,000,000.

(B) Outlays, $4,740,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $5,305,000,000.

(B) Outlays, $5,305,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $5,376,000,000.

(B) Outlays, $5,376,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1988:

(A) New budget authority, $27,900,000,000.

(B) Outlays, $27,380,000,000.

(C) New direct loan obligations, $830,000,000.

(D) New primary loan guarantee commitments, $27,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $28,200,000,000.

(B) Outlays, $27,610,000,000.

(C) New direct loan obligations, $920,000,000.

(D) New primary loan guarantee commitments, $27,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $28,430,000,000.

(B) Outlays, $28,050,000,000.

(C) New direct loan obligations, $970,000,000.

(D) New primary loan guarantee commitments, $24,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1988:

(A) New budget authority, $8,940,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $9,110,000,000.

(B) Outlays, $9,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $9,220,000,000.

(B) Outlays, $9,220,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1988:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $6,780,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $7,330,000,000.

(B) Outlays, $6,780,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $7,610,000,000.

(B) Outlays, $7,070,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1988:

(A) New budget authority, $1,870,000,000.

(B) Outlays, $1,860,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $1,910,000,000.

(B) Outlays, $1,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $1,970,000,000.

(B) Outlays, $1,970,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1988:

(A) New budget authority, $121,410,000,000.

(B) Outlays, $121,410,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $99,650,000,000.

(B) Outlays, $99,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $90,420,000,000.

(B) Outlays, $90,420,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1988:

(A) New budget authority, −$2,950,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, −$180,000,000.

(B) Outlays, $30,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $3,620,000,000.

(B) Outlays, $4,010,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1988:

(A) New budget authority, −$44,960,000,000.

(B) Outlays, −$44,960,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, −$45,210,000,000.

(B) Outlays, −$45,210,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, −$46,760,000,000.

(B) Outlays, −$46,760,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 5, 1987, the committees named in subsections (b) through (cc) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

HOUSE COMMITTEES

(b) The House Committee on Agriculture shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in law within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $2,447,000,000 and outlays by $2,435,000,000 in fiscal year 1988; decrease budget authority by $4,326,000,000 and outlays by $4,346,000,000 in fiscal year 1989; and decrease budget authority by $4,424,000,000 and outlays by $4,494,000,000 in fiscal year 1990.

(c) The House Committee on Armed Services shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $4,170,000,000 and outlays by $5,009,000,000 in fiscal year 1988; decrease budget authority by $5,900,000,000 and outlays by $6,568,000,000 in fiscal year 1989; and decrease budget authority by $7,460,000,000 and outlays by $8,265,000,000 in fiscal year 1990.

(d) The House Committee on Banking, Finance and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in law within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $4,031,000,000 and outlays by $1,836,000,000 in fiscal year 1988; decrease budget authority by $4,605,000,000 and outlays by $2,675,000,000 in fiscal year 1989; and decrease budget authority by $4,915,000,000 and outlays by $3,375,000,000 in fiscal year 1990.

(e) The House Committee on Education and Labor shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $1,712,000,000 and outlays by $1,085,000,000 in fiscal year 1988; decrease budget authority by $1,799,000,000 and outlays by $2,224,000,000 in fiscal year 1989; and decrease budget authority by $1,817,000,000 and outlays by $2,422,000,000 in fiscal year 1990.

(f) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $4,631,000,000 and outlays by $3,444,000,000 in fiscal year 1988; decrease budget authority by $5,390,000,000 and outlays by $5,098,000,000 in fiscal year 1989; and decrease budget authority by $5,951,000,000 and outlays by $5,941,000,000 in fiscal year 1990.

(g) The House Committee on Foreign Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $2,246,000,000 and outlays by $2,977,000,000 in fiscal year 1988; decrease budget authority by $7,378,000,000 and outlays by $2,014,000,000 in fiscal year 1989; and decrease budget authority by $3,532,000,000 and outlays by $1,624,000,000 in fiscal year 1990.

(h) The House Committee on Government Operations shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $8,461,000,000 and outlays by $8,445,000,000 in fiscal year 1988; decrease budget authority by $5,697,000,000 and outlays by $5,673,000,000 in fiscal year 1989; and decrease budget authority by $3,225,000,000 and outlays by $3,205,000,000 in fiscal year 1990.

(i) The House Committee on Interior and Insular Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $175,000,000 and outlays by $172,000,000 in fiscal year 1988; decrease budget authority by $195,000,000 and outlays by $195,000,000 in fiscal year 1989; and decrease budget authority by $205,000,000 and outlays by $205,000,000 in fiscal year 1990.

(j) The House Committee on the Judiciary shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) and combination thereof, as follows: decrease budget authority by $420,000,000 and outlays by $420,000,000 in fiscal year 1988; decrease budget authority by $440,000,000 and outlays by $440,000,000 in fiscal year 1989; and decrease budget authority by $460,000,000 and outlays by $460,000,000 in fiscal year 1990.

(k) The House Committee on Merchant Marine and Fisheries shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $806,000,000 and outlays by $1,016,000,000 in fiscal year 1988; decrease budget authority by $963,000,000 and outlays by $1,223,000,000 in fiscal year 1989; and decrease budget authority by $970,000,000 and outlays by $1,240,000,000 in fiscal year 1990.

(l) The House Committee on Post Office and Civil Service shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $88,000,000 and outlays by $88,000,000 in fiscal year 1988; decrease budget authority by $338,000,000 and outlays by $338,000,000 in fiscal year 1989; and decrease budget authority by $353,000,000 and outlays by $353,000,000 in fiscal year 1990.

(m) The House Committee on Public Works and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by 442,000,000 and outlays by $332,000,000 in fiscal year 1988; decrease budget authority by $464,000,000 and outlays by $439,000,000 in fiscal year 1989; and decrease budget authority by $472,000,000 and outlays by $472,000,000 in fiscal year 1990.

(n) The House Committee on Science, Space and Technology shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $2,000,000 and outlays by $2,000,000 in fiscal year 1988; decrease budget authority by $11,000,000 and outlays by $11,000,000 in fiscal year 1989; and decrease budget authority by $18,000,000 and outlays by $18,000,000 in fiscal year 1990.

(o) The House Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $83,000,000 and outlays by $83,000,000 in fiscal year 1988; decrease budget authority by $125,000,000 and outlays by $125,000,000 in fiscal year 1989; and decrease budget authority by $122,000,000 and outlays by $122,000,000 in fiscal year 1990.

(p) The House Committee on Veterans Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $5,000,000 and outlays by $18,000,000 in fiscal year 1988; decrease budget authority by $60,000,000 and outlays by $55,000,000 in fiscal year 1989; and decrease budget authority by $90,000,000 and outlays by $85,000,000 in fiscal year 1990.

(q) The House Committee on Ways and Means shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $374,000,000 and outlays by $3,859,000,000 in fiscal year 1988; decrease budget authority by $389,000,000 and outlays by $4,509,000,000 in fiscal year 1989; and decrease budget authority by $399,000,000 and outlays by $5,189,000,000 in fiscal year 1990.

SENATE COMMITTEES

(r) The Senate Committee on Agriculture, Nutrition and Forestry shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $2,515,000,000 and outlays by $2,503,000,000 in fiscal year 1988; decrease budget authority by $4,397,000,000 and outlays by $4,417,000,000 in fiscal year 1989; and decrease budget authority by $4,497,000,000 and outlays by $4,567,000,000 in fiscal year 1990.

(s) The Senate Committee on Armed Services shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $4,170,000,000 and outlays by $5,009,000,000 in fiscal year 1988; decrease budget authority by $5,900,000,000 and outlays by $6,568,000,000 in fiscal year 1989; and decrease budget authority by $7,460,000,000 and outlays by $8,265,000,000 in fiscal year 1990.

(t) The Senate Committee on Banking, Housing and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $4,483,000,000 and outlays by $2,178,000,000 in fiscal year 1988; decrease budget authority by $5,059,000,000 and outlays by $3,104,000,000 in fiscal year 1989; and decrease budget authority by $5,373,000,000 and outlays by $3,833,000,000 in fiscal year 1990.

(u) The Senate Committee on Energy and Natural Resources shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $2,288,000,000 and outlays by $1,485,000,000 in fiscal year 1988; decrease budget authority by $2,745,000,000 and outlays by $2,610,000,000 in fiscal year 1989; and decrease budget authority by $2,908,000,000 and outlays by $3,033,000,000 in fiscal year 1990.

(v) The Senate Committee on Environmental and Public Works shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $286,000,000 and outlays by $29,000,000 in fiscal year 1988; decrease budget authority by $407,000,000 and outlays by $60,000,000 in fiscal year 1989; and decrease budget authority by $628,000,000 and outlays by $153,000,000 in fiscal year 1990.

(w) The Senate Committee on Commerce, Science and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $1,091,000,000 and outlays by $1,201,000,000 in fiscal year 1988; decrease budget authority by $1,320,000,000 and outlays by $1,534,000,000 in fiscal year 1989; and decrease budget authority by $1,334,000,000 and outlays by $1,604,000,000 in fiscal year 1990.

(x) The Senate Committee on Governmental Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $7,349,000,000 and outlays by $7,333,000,000 in fiscal year 1988; decrease budget authority by $4,835,000,000 and outlays by $4,811,000,000 in fiscal year 1989; and decrease budget authority by $2,378,000,000 and outlays by $2,358,000,000 in fiscal year 1990.

(y) The Senate Committee on Labor and Human Resources shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget

Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $3,910,000,000 and outlays by $3,253,000,000 in fiscal year 1988; decrease budget authority by $4,155,000,000 and outlays by $4,820,000,000 in fiscal year 1989; and decrease budget authority by $4,365,000,000 and outlays by $5,310,000,000 in fiscal year 1990.

(z) The Senate Committee on Finance shall report (1) changes in laws within its juridiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $81,000,000 and outlays by $3,566,000,000 in fiscal year 1988; decrease budget authority by $85,000,000 and outlays by $4,205,000,000 in fiscal year 1989; and decrease budget authority by $85,000,000 and outlays by $4,875,000,000 in fiscal year 1990.

(aa) The Senate Committee on Veterans Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its juridiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $5,000,000 and outlays by $18,000,000 in fiscal year 1988; decrease budget authority by $60,000,000 and outlays by $55,000,000 in fiscal year 1989; and decrease budget authority by $90,000,000 and outlays by $85,000,000 in fiscal year 1990.

(bb) The Senate Committee on the Judiciary shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $420,000,000 and outlays by $420,000,000 in fiscal year 1988; decrease budget authority by $440,000,000 and outlays by $440,000,000 in fiscal year 1989; and decrease budget authority by $460,000,000 and outlays by $460,000,000 in fiscal year 1990.

(cc) The Senate Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $83,000,000 and outlays by $83,000,000 in fiscal year 1988; decrease budget authority by $125,000,000 and outlays by $125,000,000 in fiscal year 1989; and decrease budget authority by $122,000,000 and outlays by $122,000,000 in fiscal year 1990.

TAX AMNESTY

SEC. 3. (a) The Congress shall report legislation establishing a Federal tax amnesty program, that—

(1) authorizes a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full;

(2) shall be in effect for a three month period beginning July 1, 1988;

(3) applies to all payments relating to tax years ending on or before December 31, 1986.

(b) Revenues collected pursuant to this program shall be used solely for the purpose of reducing the Federal deficit.

GOLD BONDS

SEC. 4. (a) The Congress shall report legislation authorizing the issuance of Treasury obligations redeemable in gold, that—

(1) are known as Eagle bonds;

(2) have an annual investment yield not exceeding 1.75%;

(3) have an initial maturity of forty years, and may not be issued for less than twenty-five years;

(4) have principal and interest redeemable at maturity in gold;

(5) are intended to replace high-interest, short-term debt.

(b) The issuance of gold bonds is intended to achieve—

(1) a permament reduction in the rate of interest on the public debt;

(2) a permanent reduction of the rate of interest on the private debt;

(3) a significant reduction of the Federal budget deficit;

(4) the elimination of the U.S. trade deficit.

FEDERAL DEBT COLLECTION REFORM

SEC. 5. (a) The Congress finds that—

(1) the Federal government is a major lender and allocator of capital through direct loan and loan guarantee programs. By the end of 1986, the Federal government was directly and indirectly involved in $1.2 trillion in lending activity;

(2) the Federal Financing Bank serves in a major capacity to coordinate the financing of these programs;

(3) despite improvements in funding achieved by the Federal Financing Bank, serious shortcomings still exist in allocating and managing Federal credit programs, and current Federal credit program controls provide little incentive for sound management practices and timely debt collection;

(4) since 1981, delinquent debt owed the Federal government has increased from $29.8 billion to $68.3 billion, or 129 percent, and needed reforms in credit management and debt collection deserve immediate consideration by Congress and the Administration.

(b) It is therefore the sense of Congress that the appropriate committees of the Congress should review programs to improvoe the processes of granting credit assistance and timely collection of delinquent debt, including such proposals as—

(1) the appointment of a "debt czar" who would be ultimately responsible for credit management and debt collection throughout the Federal government;

(2) mandating all Federal agencies to establish specific management systems to ensure proper and timely administration of credit assistance and debt collection;

(3) require the use of private collection agencies to collect delinquent accounts and private credit bureaus to assist in maintaining accurate records of recipients of Federal credit assistance;

(4) providing the Department of Justice and other Federal agencies with additional means to enhance debt collection through appropriate litigation efforts;

(5) enacting statutes that prohibit delinquent debtors from continuing to receive additional Federal credit assistance;

(6) providing budgetary incentives for Federal agencies to improve debt collection; and

(7) facilitating the sharing of debt-related information among Federal agencies to ensure proper credit management and timely debt collection.

The CHAIRMAN. Pursuant to House Resolution 139, the amendment in the nature of a substitute is considered as having been read.

The gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, there are four features of the budget proposal that I have been privileged by the rule to present to the House today that I want to give some attention to.

No. 1, it picks up reductions from spending totally $10.2 billion from the Congressional Budget Office. It picks up recommendations of the Grace Commission totally some $11.9 billion. It has a tax amnesty provision in it of some $15 billion.

The National Bureau of Economic Research has estimated that we can realize between $7 billion and $47 billion additional revenue if we grant a 3-month period of amnesty. There are other estimates that range from $10 to $20 billion and for this budget resolution there are reconciliation instructions to the Banking Committee to adopt an amnesty provision that will realize a net increase in the existing tax system of $15 billion.

Then I think probably the most innovative approach of this budget resolution relates to refinancing our national debt. Members will recall that the existing debt as of the end of this fiscal year will total some $2.3 trillion.

Some of us on the Republican side believe that you cannot beat something with nothing and in that spirit this budget resolution is being offered, because it reaches the Gramm-Rudman goal of a deficit of $108 billion for the fiscal year 1988 and it reaches that goal through a reduction of spending, rather than raising taxes.

I will repeat, there are no adjustments of rates in the budget proposal that I am talking about.

The most innovative approach relates to reducing the interest cost of maintaining our national debt.

Members will recall that the gross interest expense of the existing national debt is close to $200 billion, almost 20 percent of Federal spending projected for fiscal year 1988.

Under this budget proposal, we would realize a reduction of the interest cost expense of $19 billion. We realize this through the sale of gold-backed bonds. We will do this by saying to the world, "You send us your gold."

There is today in the world about 100,000 tons of gold. About 40,000 tons is in the hands of governments. The U.S. Government holds about 8,200 tons. About 60,000 tons of gold in the world is in private hands. The owners of that gold have to spend about half a point a year to have it stored just for the privilege of holding their resource in gold, which over time has been the best protection against the ravages of inflation.

Under this proposal, the U.S. Government would say to the holders of gold worldwide who hold this 60,000 tons of gold, "Bring us your gold and we will issue a gold-backed bond whereby the interest will be payable in gold. It will be a long-term bond of 40 years. You bring 100 ounces of gold, for instance, you will get a gold bond or a bond backed by gold from the U.S. Treasury saying that in 40 years we will give you 100 ounces of gold back."

The interest expense on this bond will be, we believe, between 1 and 2 percent annually. The gold that is brought to the Treasury will be placed or refined into gold coins and these gold coins will be sold in the world market. The cash will be used to retire our short-term debt.

There is a yearning among the people of the world for specie gold and silver coins because the people of the world are becoming more suspect of the paper dollar and the other paper currencies that populate our world.

We believe there will be an excellent market for this and from the sale of the gold coins we will retire the short-term debt.

It is estimated that about $600 billion of debt will become due in 1 year; that is the portion in private hands. There is an additional half a trillion dollars in the hands of public sector trust funds that will come due in 1 year. The average cost of this portion of the debt is 7 percent. By reducing the average interest cost of maintaining the national debt we can drive down the annual interest expense that is today the third highest item in the Federal budget.

To give you an idea how this number is climbing alarmingly, today we spend roughly 43 percent of our general fund revenue in interest expense on the national debt. Back in 1980, that figure was 23 percent. It is going up markedly. If we continue the course we are going today, we will reach the point where literally sometime in the mid-1990's it will take almost the entire income of the general fund to pay the interest cost on the outstanding debt.

□ 1150

We are going to add close to two-thirds of $1 trillion to our national debt in this fiscal year, the last fiscal year, and the next fiscal year, unless we make a significant modification in the monetary system of our world.

This is what it does. It permits the gold of the world to be used, to be moved into the flow of commerce to back the gold-backed bond of the U.S. Government, and for that reason it results in a significantly lower rate of interest.

I might say to my colleagues that this budget proposal assumes a full COLA increase for all retirement programs, and assumes a 3-percent civilian and 4-percent military pay increase in 1988. It does this, as I say, by a $19 billion reduction in interest cost expense, a $15 billion increase of revenue through the amnesty program that I have described, and $22.1 billion reduction in implementation of recommendations of the Grace Commission and the Congressional Budget Office.

Mr. Chairman, I reserve the balance of my time.

Mr. GRAY of Pennsylvania. Mr. Chairman, I would like to inform my distinguished colleague, the gentleman from California [Mr. DANNEMEYER], that we only have two speakers, so I would like to reserve the balance of my time and allow him to move forward. Then we will have two speakers.

The CHAIRMAN. The gentleman from California [Mr. DANNEMEYER] has 24 minutes remaining.

Mr. DANNEMEYER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I am going to support the budget of the gentleman from California [Mr. DANNEMEYER]. It is probably the least unrealistic budget that we have before us. But one thing strikes me, and that will be the area to which I would speak, and that is the area of defense, where Congressman DANNEMEYER recognizes that fact that we have a country, we have a Constitution, and the Constitution mandates the Congress of the United States to provide for the national defense, for the common defense.

I can recall during the years of 1977 to 1980 when we were all bashing President Carter for being soft on defense, we were stretching out programs, making uneconomical buys, the procurement horror stories had not even been heard yet. But in 1980, Mr. Chairman, Mr. Carter's 5-year defense budget projections were above what my friends on this side of the aisle refer to as the Reagan hemorrhage over defense. The Carter 5-year plan was ahead of that of Mr. Reagan, despite the fact that up to 1984 the defense budgets were such that even with a lower than expected by President Carter defense budget we got to the place where our young people were better trained, they were more ready, our pilots had more flying hours per month, our ships had more steaming hours per month, and we were spending less money.

How did we do it? This administration was the one that found the waste and started to do something about it in the Defense Department. I would say that today, of all the Departments of the Government, it may be talked about more, but there is probably less waste now.

That brings us to this year. For the last 3 years we have had real cuts, real negative growth in defense, and we have started cutting back on programs, we have started stretching some out, we have had fewer new buys, and now we are at the place where we talk about fun and games and we talk about politics, but we are at the place now where the smoke is gone, the mirrors are drawn aside, we are into real cuts into muscle and sinew of the defense of this country.

So we are going to cut troop strength if this budget is passed, as suggested by the Budget Committee, we are going to stretch out programs and make inefficient buys, and the waste will be of the defense of this country and the free world.

I implore Members to adopt a budget—and Mr. DANNEMEYER's budget has it—that at least looks realistically at the defense of the free world.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding time to me.

Mr. Chairman, I want to raise a couple of questions from the standpoint of where conservatives ought to be in the budget process. The National Taxpayers has made it very clear that there are some tests that ought to be made of budgets if in fact you are a real conservative on this business of budgeting, on the business of deficits, and on the business of spending.

A lot of the Members of this body have gone home and told their constituents that they are in fact a conservative, that they are in fact against Government spending, that they are for getting the deficits in order, and they have repeated that over and over again in their districts, and yet their voting record in Congress does not match what they are saying back home.

There is a pretty good test here today. The one group that monitors all of the spending and monitors the taxing and monitors what goes on around here is the National Taxpayers Union. They look at it pretty carefully. They have come up with some criteria for budgets, and they sent it to each Member of the House and told us what we ought to look at in terms of the budget process.

They said these things: First of all, that Congress should follow the law and comply with the Gramm-Rudman-Hollings 1988 deficit limit of $108 billion.

They said second, that Congress should cut Federal spending throughout the entire budget in order to meet the deficit limit target.

They said if new programs are approved, they should be deficit-neutral.

They said there should be no changes in the basic tax rate provisions, and they oppose tax increases or new taxes.

Now the problem is that we have budgets on the floor that simply do not meet those standards. I would like to ask the gentleman from California with regard to these budget standards how his particular proposal meets these budget tests:

No. 1, does the gentleman's budget meet and comply with the Gramm-Rudman-Hollings 1988 deficit limit of $108 billion?

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DANNEMEYER. Yes, it does. The deficit total projected is $108 billion.

Mr. WALKER. And does the gentleman's budget cut Federal spending throughout the entire budget in order to meet the deficit-limit target?

Mr. DANNEMEYER. It does precisely that. It implements recommendations of the Grace Commission by cutting $11.9 billion and recommendations of the Congressional Budget Office by some $10.2 billion. These are across almost every aspect of Federal spending.

Mr. WALKER. I thank the gentleman. If new programs are approved within the gentleman's budget, are they deficit-neutral?

Mr. DANNEMEYER. The only new programs are two, and one of them cuts interests costs on the national debt. The other is an amnesty program that I described that brings in an additional $15 billion which is from the existing tax system. So the answer is that there are no new programs beyond what I have described.

Mr. WALKER. Do you in any way change the basic tax rates of last year's tax reform bill?

Mr. DANNEMEYER. We do not touch the tax rates at all.

Mr. WALKER. Are there tax increases or new taxes in the gentleman's bill?

Mr. DANNEMEYER. There are no tax increases or new taxes in this measure at all.

Mr. WALKER. The gentleman in fact does raise revenues in his bill. Could he explain how we have increased revenues without new taxes in the bill?

Mr. DANNEMEYER. There have been numerous research efforts as to how we can bring some of the underground economy that exists in this country. One of the organizations that have studied this problem is the National Bureau of Economic Research. They are not the only one, but it has estimated that the uncollected revenue under the existing tax system is $17 to $47 billion a year, and some estimates are between $10 and $20 billion a year. The proposal that is contained in the reconciliation construction to the Banking Committee is that we adopt a 3-month amnesty period, say from July through September of this calendar year, and say to the taxpayers of the country, "We will remove you from civil and criminal penalties if you will come into the tax system and pay up what you owe."

State governments have done this. We have estimated $15 billion could be realized; it is a reasonable, conservative estimate.

□ 1200

Mr. WALKER. I thank the gentleman, and I say again to the House that the gentleman from California should be congratulated for bringing to us a document that is truly a conservative document. If you are opposed to spending, if you are opposed to deficits, there is only one budget that you will have a chance to vote on today that in fact meets the tests outlined by the National Taxpayers Union, that in fact meets the tests of reducing the deficit, doing so within the law, and doing so in a way that is responsible and responsive to the needs of this Nation.

I would hope that the Members of this House will in fact vote to support the Dannemeyer budget that he has brought before us, because I think that what we have before us meets the test that conservatives can take to the country and adopt as our own.

Again I thank the gentleman for yielding.

Mr. DANNEMEYER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I thank my distinguished colleague for yielding this time to me.

Mr. Chairman, I rise in strong support of the amendment offered by our colleague from California, Mr. DANNEMEYER. The one component of his proposal that has me most intrigued, and I think should command the attention of this body, is the idea of reducing our debt service though the issuance of gold backed bonds. Anything that moves this Nation back in the direction of a gold backed currency is a sound, positive policy. I do not think we will ever be able properly, through whatever mechanisms we put in place, whether it is Gramm-Rudman, or even a balanced budget amendment to the Constitution, to achieve the kind of discipline that historically was imposed upon all legislative bodies when we had a convertible currency.

So I would urge my colleagues to recognize that one of the most important ingredients of the proposal offered by the gentleman from California [Mr. DANNEMEYER] is the provision providing for the issuance of gold backed bonds. We can end up financing our debt at a fraction of the current cost.

Mr. Chairman, I would also like to praise my colleague from California, Mr. DANNEMEYER, for offering this body a substitute budget which does not further decimate the defense budget or call for massive tax increases, as does the Democrat budget proposal being offered by Mr. GRAY. Mr. DANNEMEYER'S guarantee of 1 percent in real growth on defense spending in each year, fiscal year 1988 to fiscal year 1992, along with his acceptance of the President's request for a fiscal year 1987 supplemental appropriation for defense is far more reasonable than the House Democrat's call for further cuts in defense spending. In addition, the Dannemeyer budget's exclusion of any major tax increases except for the increase in revenues due to the tax amnesty provision continues the spirit of tax reform and conforms to the President's and the Republican Party's pledge not to raise taxes. Mr. GRAY and all those who support his budget, on the other hand, seem to think that the American people are undertaxed, and thus are willing to endure an $18 billion tax increase in fiscal year 1988. I reject this notion.

I would like to point out to my colleagues the massive reductions in spending on national defense, one of the few legitimate functions of a national government, that the Democrat-controlled Congress has forced this country to endure over the last 2 years. In 1986 and 1987, Congress cut $65 billion from the adminstration's requests for national defense. It is alarming to discover that the 1987 appropriated amount is now 6 percent below that for 1985! Now, the House Democrat budget offered by Mr. GRAY will again call for drastic reductions in the spending on the defense of our Nation. It requires a $23.3 billion reduction from the President's modest request for 3 percent real growth in defense spending. Mr. GRAY's mark of $288.7 billion in budget authority for defense spending is even lower than $304 billion for which the majority of the House Democrats on the Armed Services

Committee had recently called. In Mr. Gray's fiscal year 1988 budget, defense makes up 27.7 percent of Federal budget outlays and nondefense spending makes up the remaining 72.3 percent. However, half of the spending reductions in Mr. Gray's budget comes from defense spending!

Mr. Dannemeyer's call for 1 percent real growth in defense outlays in each of the next 5 fiscal years is a reasonable—and much needed—increase in spending to ensure the security of this great Nation. Most important, it does not betray promises made to the American soldiers that this Nation will maintain a strong defense.

I also urge my colleagues to reject the Gray budget substitute because it calls for an $18 billion tax increase. In 1984, the American people made it clear that they will not accept a tax increase to reduce the deficit by rejecting the Democrat nominee for the presidency of the United States. Now, less than 2½ years later, Mr. Gray and the Democrats are calling for $18 billion in unspecified increases in taxes.

From whom will this $18 billion be raised? While it is not specified in Mr. Gray's budget, are those who vote for this tax increase ready to justify why they voted for the bill which allowed for such unnecessary increases?

If this $18 billion comes in the form of excise taxes, are my colleagues ready to defend their vote for a regressive tax to reduce the deficit?

If the $18 billion comes in the form of an oil import fee, are my colleagues ready to defend their vote for reduced jobs and productivity caused by the increase in the costs of energy?

If the $18 billion comes in the form of increased taxes on business, are my colleagues ready to defend their vote for an increase in the trade deficit caused by $18 billion decrease in the competitiveness of U.S. firms?

One might argue, as the Speaker, Mr. Wright, we can raise taxes on the wealthy by a delay of the effective date of the tax rate reductions to 15 percent, 28 percent, and 33 percent promised by Congress in the Tax Reform Act of 1986. The Congressional Budget Office has estimated that a 1-year freeze in the transitional rate structure until 1989 will raise $16.8 billion in revenues. However, an analysis of this delay I have received from the Joint Committee on Taxation clearly shows that, should this be the avenue for a tax increase, the increase will not be solely on the wealthy. This increase will also be felt by income classes of $40,000 a year and more:

DISTRIBUTIONAL EFFECTS RESULTING FROM APPLYING 1987 TAX RATES IN TAX YEAR 1988

Income class (thousands of 1986 dollars)	Change in average income tax liability (dollars)	Percentage change in average income tax liability
0 to 10	−$42	−51.2
10 to 20	−71	−8.9
20 to 30	−86	−4.1
30 to 40	−80	−2.4
40 to 50	10	.2
50 to 75	194	2.3
75 to 100	974	6.7
100 to 200	2,264	8.3
200+	17,953	13.2
Total	149	3.5

Clearly, if the $18 billion tax increase called for by the Gray budget comes in the form of a rate freeze, the American middle class will have to bear a significant portion of this tax increase. Are my colleagues who vote for the Gray budget ready to justify such a tax increase, should it be ultimately accepted?

Whatever form this $18 billion tax increase takes, those who accept Mr. Gray's budget proposal better be able to justify to their constituents each of the above-mentioned options. By blindly accepting $18 billion in unspecified taxes, a vote for the Gray budget is a vote for whatever form this $18 billion takes.

I urge my colleagues to reject Mr. Gray's substitute and accept the Dannemeyer budget, thus ensuring no massive tax increases will occur and the security of the Nation will be safeguarded.

Mr. DANNEMEYER. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. Hunter].

Mr. HUNTER. Mr. Chairman, I am supporting the Dannemeyer budget for the same reason I supported the President's budget, and that is because it goes a long way toward meeting the No. 1 constitutional duty that this body has, and that is to protect America.

The chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. Aspin] several months ago convened a special policy panel, on Armed Services and the obligation and duty of that panel was to derive, a defense budget, based not on what the President recommended, but based on the requirements and on the threats and on the needs of American fighting men and women. In that panel we had discussions with experts on strategic systems, experts on the situation in the Middle East, experts on the requirements for sealift, for airlift. It was the majority opinion of that policy panel after deriving this information and this evidence from our experts in national defense, people that the Democrat chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. Aspin] called, that we needed to spend at least as much money as was requested in the President's budget; that is, approximately a 3-percent real increase.

We have marked up the Armed Services Committee budget. The Dannemeyer budget is very, very close to the budget that we have marked up. If we do not go with this budget, and if we go with the Democrat budget, we are going to see a massive erosion in our personnel capability and our personnel and strengths. We are going to lose between 100,000 and 300,000 people. Probably more importantly, though, we are going to lose a great many of our very skilled people, we are going to have an erosion of morale, and we are going to go back to the Jimmy Carter days when we had approximately 1,000 chief petty officers a month leaving the U.S. Navy, the people who drive the Navy, who know how to operate the machinery, the people who know how to make those ships operate. Those people will be leaving.

After we came back and rebuilt defense in 1981, 1982, and 1983, we reversed that trend. We had a thousand senior petty officers a month coming back into the Navy and bringing back all of that expertise that was garnered over many years, back to America's fighting forces. So we are going to have a major problem in the personnel area; in fact, a disaster in the personnel area if we adopt the Democrat budget.

Let me go to readiness. In the days of Jimmy Carter, we had planes that could not fly, we had ships that could not sail. Since the President started rebuilding national defense in 1981, we increased the full mission-capable rate of our carrier aircraft to in excess of 60 percent over what it had been in the days of Jimmy Carter, and that meant in the incident of the *Achille Lauro* where we had an intercept of an aircraft bearing a terrorist in midair that all of our equipment works, and we were able to, because we had outstanding personnel and because we had equipment that was fully mission capable, we were able to accomplish that very difficult mission.

We are going back to the days and to the times of Jimmy Carter in which the majority of our carrier aircraft were not fully mission capable.

The last area I want to talk about is equipment. Instead of going through the broad spectrum of all of the military equipment that is touched on in the armed services markup, I want to go to one specialized area, and that is submarines. In my opinion, the United States of America is losing its superiority in submarines. We all agree, even those people that think we are still vastly superior, we all agree that the qualitative gap is closing very rapidly. The Soviet Union has now placed the *Akula*-class submarine, their attack submarine, in the water. This is their newest version. Many of us think that it may, in fact, be superior to the 688 that we have right now, our 688 *Los Angeles*-class submarine. But it is also superior in some ways to the SSN-21, the submarine that we will not have in the water until 1994.

Let me just tell you, Mr. Chairman, that we have about 100 attack submarines. The Soviets outnumber us 3 to 1 in attack submarines. They have approximately 300.

Our maritime strategy is based on our submarine force being able to locate the enemy submarine force in times of war and sinking that force very rapidly.

I guess what I am telling my colleagues is that, even in this budget that was marked up in the Armed Services Committee, we only call for three attack submarines. The Soviets are putting a submarine in the water every 38 days. American national security experts are very worried that our capability and our margin of superiority over the Soviets is eroding very rapidly in the area of submarines.

The budget that the Democrat-controlled Budget Committee has put forward accelerates that loss of superiority. The Dannemeyer budget at least holds the line, and for that reason I would like to second the commendations that were offered by the gentleman from California [Mr. BADHAM], another member of the Armed Services Committee, commending the gentleman from California [Mr. DANNEMEYER] for his budget, and urge those colleagues who are concerned about national security and think that national security is the No. 1 priority for this Congress to adopt the Dannemeyer budget.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, the opposition party's budget advocates raising taxes. This is something the American people simply do not want nor will they accept. In addition to that, they tell us they cannot meet the Gramm-Rudman-Hollings target of $108 billion in deficit for this next fiscal year.

I think that is a real cave-in to the big spending pressure in this Congress which is traditional, and it is something we cannot tolerate.

My colleague from California [Mr. DANNEMEYER], has some real innovative ideas in his budget proposal, and I think we should listen to him. He has indicated in his budget that we can attain the Gramm-Rudman-Hollings target of $108 billion in deficit this next fiscal year, and we can do it for 1989 and 1990 as well.

It allows for COLA's and scheduled pay increases to take effect.

□ 1210

It assumes 1 percent real growth for defense each year, and we need that, makes some program changes in targeted waste reduction. It does not sell off Amtrak, the Power Marketing Administration, or the REA's, and there are no changes, no major changes in education or in entitlements. It does, however, freeze foreign aid at fiscal year 1987 levels. This is a good budget. I think every Member of this body ought to take a close look at it and be fiscally responsible and vote for the Dannemeyer amendment.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. First, I guess, I wish to offer some congratulations to the gentleman from California for at least trying or attempting to develop a budget. However, as I review his budget along with reviewing all the other budgets, I find that I cannot support his budget. Nor can I support, as I have not, the President's budget, nor the budget for the Black Caucus, but I plan to support the committee budget even though I find disagreements also, personally, with that. But I find that it is the better of all the other budgets.

My main concern with the gentleman from California's budget is what it does to rural America, what it does to my farmers, what he does to the cotton, rice, wheat, feed grains, dairy producers of this Nation. At the present time under the present 1985 farm bill we are seeing a loss of 6 percent of our farmers today rather than in the past a 1.7-loss per year. That is a devastation on our communities. But in 3 years under the Dannemeyer budget we would lose almost all of our family farmers. There would be a mass exodus of almost all the people from rural America who would have to leave and go to our cities. The cities have no jobs for them. Where are these people going to be displaced to, where are our family farms going to be? There are going to be no family farms in rural America under the Dannemeyer budget.

Severe reductions in entitlement programs, target prices as proposed even by the President in his budget, a 10-percent-per-year reduction, that is devastation. Even those on the minority side in the Agriculture Committee when we had the Secretary of Agriculture up, could not support that. They recognize that that is severe devastation. It means not only loss of farmers but loss of whole communities. and small businesses. The Dannemeyer budget is the worst thing that a small business could endure in rural America. There would not be any small businesses out there.

I disagree with the statement of the gentleman from California when he, in answer to the gentleman from Pennsylvania, in using the National Taxpayers Union criteria, where the gentleman said there was reduction, cuts across the board basically on all programs. I do not see the cut below this year in national defense. I see an increase in national defense above this year. Therefore, there are not those cuts.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. Yes; I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

If the gentlemen will look closely at the budget, he will find out that the gentleman from California has included defense cuts. He has a 1-percent defense waste cut that is included in his budget. So that there is a direct line item within the gentleman's budget for the Defense Department to cut out wasteful practices there and thereby save 1 percent. So there are in fact defense cuts included in the line items of the budget of the gentleman from California. And that is the standard to which the National Taxpayer Union wants to hold us and that is that there be cuts in all areas of the budget.

Mr. VOLKMER. What the gentleman is telling me then is that the Defense Department, without this proposal from the gentleman from California [Mr. DANNEMEYER] is not going to cut waste in defense spending, they are going to continue on the road as they have in the last few years with all these huge amounts of dollars that they do not know how to spend properly, continue to have fraud, waste, and abuse unless we have a proposal in there requiring them to do it. They should be doing that anyway, so you do not have a saving by requiring them to do what they should do anyway.

Mr. DANNEMEYER. Mr. Chairman, will the the gentleman yield?

Mr. VOLKMER. Yes; I yield to gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

The President proposed for fiscal year 1988, $297.6 billion outlays for defense. The budget proposal that I am presenting contains $291.9 billion for defense, a significantly lower figure. It is about $8 billion or $9 billion higher than the defense budget outlay coming from the side of the gentleman from Missouri, the Democratic side.

I mention this because there is a significant reduction from what the President asked for. Maybe the gentleman from Missouri did not hear my colleague from Pennsylvania [Mr. WALKER]; I have advocated in this budget $2.5 billion.

Mr. VOLKMER. Let me reclaim my time and say that is as against this year's spending; not as against what the President proposes, not as against anything anybody else proposes. You have an increase in defense spending above this year.

Mr. DANNEMEYER. To put it in perspective, in 1987 we are projected to spend in outlays $282.2 billion, my budget proposal is $291.9 billion, and that is frankly nothing more than a recognition of inflation.

Mr. VOLKMER. I do not care what it is, it is an increase. The gentleman tells me it is not an increase, that 291 is not more than 282? I know better than that.

Mr. DANNEMEYER. Depending on what you want to call it. You can call it a freeze, when you just allow for inflation what else can you call it?

Mr. VOLKMER. Mr. Chairman, that argument that the gentleman is making, the gentleman from California, is similar to what I see as nothing but huge smoke and mirrors and big puff as far as amnesty, the gold, and everything else in his budget; it is just not a realistic budget.

Mr. DANNEMEYER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I think we have to make absolutely clear what the National Taxpayers Union said because it has been badly distorted by the gentleman from Missouri. The National Taxpayers Union said Congress should cut Federal spending throughout the entire budget in order to meet the deficit limit target. Let us make it very clear that the Dannemeyer budget meets the deficit limit target and it does so by cutting spending in all areas of the budget, including defense. And that is precisely the standard to which we are being held here. It does not say that you have to cut it below last year's figures. It does not say that at all. It simply says throughout the budget you have to make cuts in order to meet the deficit limit target. That is precisely what the Dannemeyer budget does, that is precisely what it accomplishes. It is the only budget that does that. So therefore I think that anybody who wants to go home and call themselves fiscal conservatives had better vote for this budget because the test of your fiscal conservatism is going to be whether or not you vote for the Dannemeyer budget.

Mr. GRAY of Pennsylvania. Mr. Chairman, I would allow the gentleman from California [Mr. DANNEMEYER] to move forward now. Of course, it is his prerogative to close debate. Then we will have our final speaker before he closes debate.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman from California for the time.

I commend the gentleman from California for his budget proposal. There is no budget proposal pending before the House today in any form that any and all Members of this Congress can approve and agree with in toto. We are at the point of making very, very difficult choices and biting some very tough bullets.

I do commend the gentleman for his version of the budget, in most particular regard to its treatment of our national defense.

The security and freedom of the United States of America and of the free world is dependent upon adequacy of our defenses, without which there will be neither peace nor security.

We must maintain America's strength. The last several budgets for the Department of Defense have been actually negative growth budgets. We are faced with a committee-proposed budget resolution that again would be negative growth in defense, when all those who have studied our national security requirements concede that there is indeed a need for real growth if we are going to maintain our defenses in an adequate posture.

Any budget that we have dealt with in the Committee on Armed Services, including that which we marked up in our authorization bill yesterday, is marginally adequate at best. It comes to a level of some $305 billion already reflecting cuts that many of us feel ill advised. To be forced by a budget resolution to make further reductions in weapons systems is going to invite that very waste of money that we all decry so frequently when we stand on the floor and address ourselves to spending in the Department of Defense.

□ 1220

We will be spending considerably more over time to procure less because of the rollercoaster pattern of our defense spending that does not let us take advantage of the economies of scale and of multiyear procurement that are vital to compressing the cost of providing what is essential for national defense.

It is imperative that the budget we ultimately adopt genuinely reflect the legitimate, recognizable and clear requirements of our national defense.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Chairman, under the rules of the House, which side has the closing argument relating to the budget proposal that this gentleman from California [Mr. DANNEMEYER] has been privileged to present?

The CHAIRMAN. The Chair will advise the gentleman from California that the manager from the Budget Committee has the right to close.

By agreement between the sides, if there is an agreement, the gentleman from California could close.

Mr. GRAY of Pennsylvania. Mr. Chairman, I am glad to let the gentleman from California [Mr. DANNEMEYER] close.

The CHAIRMAN. The gentleman from California will close.

Mr. DANNEMEYER. I thank the Chair, and I thank the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, let me say at the outset that I want to commend my colleague, the gentleman from California [Mr. DANNEMEYER], for his talents and his industry. While his Republican colleagues have been carping and whining about their inability to write a budget, the gentleman has written one.

While the Republican members of the Committee on the Budget have been spending their days manufacturing excuses for their inability to even submit a budget for the House to consider, the gentleman from California charges forward in full battle dress to slay the deficit dragon.

The gentleman is truly a bulldog in a room full of Republican cocker spaniels. He deserves our salute and our commendation for his fine work.

The gentleman from Pennsylvania said earlier that the gentleman from California's budget is the only truly conservative budget. Quite frankly, I think there are some questions that liberals and conservatives should ask of the gentleman's budget.

It is conservative in that it hearkens back to the good old days, because if the gentleman's budget is accepted, it might return the United States to those thrilling days of yesteryear, those days of the gold standard, and oh, what a hectic and fun time we had in America then.

What was the business cycle like in the good old days of the gold standard? In the heyday of the gold standard, we saw prices and output in America fluctuate wildly, significantly different than they have been since World War II. We had those good old days of double-digit unemployment for the entire 6 years, from 1893 to 1898 under the gold standard. That is how the gold standard ensured low prices and interest rates. It put people out of work.

There is one element of the gold standard which really puzzles me when I hear my conservative and Republican colleagues come forward for the Dannemeyer amendment. Under the gold standard, what happens to the United States if South Africa or the Soviet Union decide to withhold their gold production and stocks from the market? Could they not cause a recession in the United States and the rest of the world, just as OPEC has held us hostage by withholding their oil?

If the gentleman from California shares my concern about bugs in the U.S. Embassy in Moscow, he should realize that his budget scheme is dealing the Soviet Union in as a major player in the future of America's economy. That is hardly a plan that I would expect from one of the House of Representatives' peerless warriors against Communist influence, but that is the Dannemeyer budget resolution.

If you look at his suggestion about America's ability to pay off its debt with gold, I would say to the gentleman from California that he should go and evaluate what America's gold holdings are worth today. The most accurate estimates suggest that they are worth $110 billion, and yet our Nation is compelled to pay $600 billion per year on debt. We cannot cover the debt which we have based on our gold stocks.

Furthermore, to suggest that our creditors will accept a 1-percent interest rate is unrealistic. They are not about to accept that when the real interest rate which we are dealing with today is around 2½ to 3½ percent.

Going to a specific area of the gentleman's budget from California, in the area of agriculture, the gentleman suggests in one of his items that we eliminate the excise tax exemption for ethanol. I would have to join my colleague from Missouri who said earlier that this would be devastating, not only to the Midwest and the farm economy, but to America's budget process.

What the gentleman from California would do would throw 300 million bushels of corn back on the shoulders of the Commodity Credit Corporation to buy and to store, driving the price of corn down 10 or 15 cents a bushel, pushing the farm crisis even deeper in the Midwest, making it impossible for us to recover.

Is that a conservative budget? It strikes me as one that will increase America's budget deficit in the years ahead.

Again, let me salute my colleague for his offering. I do stand in respect for the position that he has held consistently and the position that he now holds today that America should return to those thrilling days of the gold standard, but I might say to the gentleman that the Republican Party would have been better off had it not only considered your proposal, but had it dealt itself in as a real player in this budget process. Unfortunately, yours is the only offering coming from the House of Representatives on the Republican side of the aisle.

We should commend you for that effort, but frankly, as you look at the details of your budget resolution, it is not in the best interests of meeting the budget challenges facing America.

The CHAIRMAN. The Chair now recognizes the gentleman from California [Mr. DANNEMEYER] for 4 minutes to close debate.

Mr. DANNEMEYER. Mr. Chairman, I thank my colleague, the gentleman from Illinois [Mr. DURBIN], for his observations and his constructive criticisms, but one of the things that perhaps is the problem with the gentleman's presentation is that he does not really understand the proposal that I have made.

With respect to the allocation for agriculture that my colleague, the gentleman from Missouri [Mr. VOLKMER], talked about, the proposal that I am talking about would allocate $27.8 billion in outlays in fiscal year 1988 and the Democratic version of the budget was $28.6 billion, very close. There is no significant reduction in agriculture outlays. It is mostly relating to the implementation of various organizations that have talked about reducing spending where we can through increased efficiency.

The truth of the matter is America did not have the gold standard, even during the thirties. We have had what is called a gold exchange standard, which started in 1922. If you really want to understand what the gold exchange standard did to the monetary system of the West, there is a French author by the name of Jacques Rueff, who wrote a book published in 1971 titled just that, "The Monetary Sin of the West," in which he related that, with the gold exchange standard, we laid the foundation for a gradual rise in prices based on inflation, and that is the reason that in 1971, our President, Mr. Nixon, was compelled to close the gold window.

I am not suggesting to my colleague, the gentleman from Illinois [Mr. DURBIN], in any way that the gold standard is perfect. There is no perfect system in this world, but when you examine the imperfections of the paper dollar system that has taken place in this Nation since we severed the link between the dollar and gold in 1968, these fluctuations, inflation peaking in 1979, and deflation in some sectors since, the increase in the prime rate, the destruction of a large portion of the savings and loan industry in this country, high rates of interest that still prevail today, and what is even more important is that this paper dollar that we are using today is responsible for many Americans not to be able to participate in the American dream.

□ 1230

Did anybody ever wonder why today it costs a 9-percent fixed rate mortgage rate to own you own home or a condominium, when your parents in their generation had that same privilege at 4 or 5 percent? The answer is that it is the paper dollar system that we have today that is costing every consumer in this country roughly 4 points on their mortgage rate. That translates on an average $100,000 mortgage for most American citizens to about $300 a month that you and the rest of us are paying as the price for maintaining this paper dollar system.

I do not know about others, but I can think of lot better ways to spend that $300 a month that is going for interest to maintain my share of the paper dollar system which is sent to the bankers of New York City.

It is time that we talk about fundamental reform. This Nation, for a lot of what were perceived to be good reasons in 1968, went down the road with this paper dollar system, and right now it is choking not only the economy of the U.S. Government, it has exacerbated our foreign trade deficit with other nations. We literally have the economies of Mexico, Argentina, and Brazil on their knees because of these high interest rates.

The debt bubble is growing bigger all the time, and we had better grow up and recognize that we should take action to deflate the debt level that exists in this world before the debt bubble bursts and brings the whole monetary system of the Western World down on its knees. I hope that thought does not happen. The responsible thing for us to do is to begin to use the gold of the world in the flow of international commerce so we can once again secure for the lender of capital, the assurance that when they get their money back, it will buy what it bought when it was lent.

That is the definition of honest money. That is what this budget proposal would do. It would result in an interest cost reduction of some $19 billion below what we otherwise will spend in fiscal year 1988.

I think it is an honest proposal. I have a letter here from the former Ambassador to France, in the Reagan administration, Mr. Galbraith, who believes that the Treasury of the United States can sell these gold-backed bonds at 1 to 2 percent a year. The British Government is selling an indexed bond whereby the principal is guaranteed against inflation for a similar rate of interest.

It is time that we realistically think about reforming the monetary system of our world so as to decrease the interest cost increment of our national budget problem and, in so doing, lay the foundation for achieving the Gramm-Rudman targets by cutting spending, not by raising taxes.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 47, noes, 369, not voting 17, as follows:

[Roll No. 50]

AYES—47

Armey
Badham
Bartlett
Bilirakis
Bliley
Burton
Cheney
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
Dornan (CA)
Dreier
Gingrich
Hansen
Herger
Hiler
Holloway
Hunter
Hyde
Inhofe
Kasich
Kyl
Lott
Lungren
Mack
Michel
Moorhead
Nielson

Packard
Ravenel
Roth
Schaefer
Sensenbrenner
Shumway
Shuster
Skeen
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Stump
Swindall
Vucanovich
Walker
Weber

NOES—369

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—17

Annunzio
Brown (CA)
Clarke
Daniel
Downey
Edwards (OK)
Fascell
Gephardt
Kemp
Livingston
Lloyd
Madigan
Martin (NY)
Pickle
Tauzin
Weldon
Young (AK)

□ 1250

Mr. RODINO changed his vote from "aye" to "no."

Mr. CRAIG and Mr. SMITH of New Hampshire changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON. Mr. Chairman, earlier today I was unavoidably detained while meeting with a group of my constituents from the transportation workers union and missed the vote on the Dannemeyer amendment to the budget. If I had been present I would have voted against this amendment. In voting against this amendment and all the other amendments that have been proposed today, I am casting my vote, not against cutting the deficit, but against the sham that we call a budget process. The effort by the majority to produce a bipartisian, realistic budget was nonexistent. To vote in favor of continuing this badly flawed process and charade on the American people would serve no useful purpose.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DYMALLY: Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1988 is established and the appropriate budgetary levels for fiscal years 1989 and 1990 are hereby set forth:

(a) The following levels and amounts are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1988: $964,121,000,000.
Fiscal year 1989: $1,026,100,000,000.
Fiscal year 1990: $1,115,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $1,197,987,000,000.
Fiscal year 1989: $1,261,510,000,000.
Fiscal year 1990: $1,327,640,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $1,094,480,500,000.
Fiscal year 1989: $1,144,277,000,000.
Fiscal year 1990: $1,200,457,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1988: $130,684,000,000.
Fiscal year 1989: $124,300,000,000.
Fiscal year 1990: $116,700,000,000.

(b) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1988: $743,135,000,000.
Fiscal year 1989: $790,577,000,000.
Fiscal year 1990: $862,873,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1988: $19,850,000,000.
Fiscal year 1989: $21,950,000,000.
Fiscal year 1990: $23,100,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1988: $59,100,000,000.
Fiscal year 1989: $63,850,000,000.
Fiscal year 1990: $68,950,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1988: $941,196,000,000.
Fiscal year 1989: $980,035,000,000.
Fiscal year 1990: $1,017,063,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1988: $863,819,000,000.
Fiscal year 1989: $909,657,000,000.
Fiscal year 1990: $948,230,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1988: $150,534,000,000.

Fiscal year 1989: $146,250,000,000.

Fiscal year 1990: $139,800,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1988: $2,565,100,000,000.

Fiscal year 1989: $2,996,400,000,000.

Fiscal year 1990: $2,996,300,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989, are as follows:

Fiscal year 1988:

(A) New direct loan obligations, $34,500,000,000.

(B) New primary loan guarantee commitments, $148,700,000,000.

Fiscal year 1989:

(A) New direct loan obligations, $33,800,000,000.

(B) New primary loan guarantee commitments, $150,150,000,000.

Fiscal year 1990:

(A) New direct loan obligations, $33,100,000,000.

(B) New primary loan guarantee commitments, $158,000,000,000.

(c) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1988 through 1990 for each major functional category are:

(1) National Defense (050):

Fiscal year 1988:

(A) New budget authority, $291,971,000,000.

(B) Outlays, $279,126,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $279,969,000,000.

(B) Outlays, $275,411,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $289,033,000,000.

(B) Outlays, $282,546,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1988:

(A) New budget authority, $16,436,000,000.

(B) Outlays, $15,696,000,000.

(C) New direct loan obligations, $6,850,000,000.

(D) New primary loan guarantee commitments, $9,100,000,000.

Fiscal year 1989:

(A) New budget authority, $21,720,000,000.

(B) Outlays, $15,192,000,000.

(C) New direct loan obligations, $7,150,000,000.

(D) New primary loan guarantee commitments, $9,450,000,000.

Fiscal year 1990:

(A) New budget authority, $18,029,000,000.

(B) Outlays, $15,090,000,000.

(C) New direct loan obligations, $7,350,000,000.

(D) New primary loan guarantee commitments, $9,900,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1988:

(A) New budget authority, $11,493,000,000.

(B) Outlays, $11,179,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $12,915,000,000.

(B) Outlays, $12,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $13,504,000,000.

(B) Outlays, $13,685,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1988:

(A) New budget authority, $5,364,000,000.

(B) Outlays, $5,431,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

Fiscal year 1989:

(A) New budget authority, $6,285,000,000.

(B) Outlays, $5,334,000,000.

(C) New direct loan obligations, $2,050,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

Fiscal year 1990:

(A) New budget authority, $6,415,000,000.

(B) Outlays, $5,547,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1988:

(A) New budget authority, $16,499,000,000.

(B) Outlays, $15,486,000,000.

(C) New direct loan obligations, $100,000,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $17,460,000,000.

(B) Outlays, $16,920,000,000.

(C) New direct loan obligations, $100,000,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $18,324,000,000.

(B) Outlays, $18,470,000,000.

(C) New direct loan obligations, $100,000,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1988:

(A) New budget authority, $30,859,000,000.

(B) Outlays, $29,962,000,000.

(C) New direct loan obligations, $17,350,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1989:

(A) New budget authority, $31,834,000,000.

(B) Outlays, $27,965,000,000.

(C) New direct loan obligations, $16,150,000,000.

(D) New primary loan guarantee commitments, $8,400,000,000.

Fiscal year 1990:

(A) New budget authority, $28,573,000,000.

(B) Outlays, $25,329,000,000.

(C) New direct loan obligations, $15,000,000,000.

(D) New primary loan guarantee commitments, $8,500,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1988:

(A) New budget authority, $14,758,000,000.

(B) Outlays, $9,630,000,000.

(C) New direct loan obligations, $3,950,000,000.

(D) New primary loan guarantee commitments, $91,650,000,000.

Fiscal year 1989:

(A) New budget authority, $13,273,000,000.

(B) Outlays, $7,037,000,000.

(C) New direct loan obligations, $4,200,000,000.

(D) New primary loan guarantee commitments, $94,050,000,000.

Fiscal year 1990:

(A) New budget authority, $16,493,000,000.

(B) Outlays, $8,394,000,000.

(C) New direct loan obligations, $4,350,000,000.

(D) New primary loan guarantee commitments, $99,000,000,000.

(8) Transportation (400):

Fiscal year 1988:

(A) New budget authority, $32,879,000,000.

(B) Outlays, $31,922,000,000.

(C) New direct loan obligations, $400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $33,639,000,000.

(B) Outlays, $32,580,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $34,702,000,000.

(B) Outlays, $33,257,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1988:

(A) New budget authority, $8,370,000,000.

(B) Outlays, $9,630,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

Fiscal year 1989:

(A) New budget authority, $8,331,000,000.

(B) Outlays, $7,037,000,000.

(C) New direct loan obligations, $1,100.

(D) New primary loan guarantee commitments, $350.

Fiscal year 1990:

(A) New budget authority, $8,504,000,000.

(B) Outlays, $8,394,000,000.

(C) New direct loan obligations, $1,150,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1988:

(A) New budget authority, $40,080,000,000.

(B) Outlays, $33,976,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $9,050,000,000.

Fiscal year 1989:

(A) New budget authority, $42,040,000,000.

(B) Outlays, $39,315,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $9,150,000,000.

Fiscal year 1990:

(A) New budget authority, $43,559,000,000.

(B) Outlays, $42,205,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $9,150,000,000.

(11) Health (550):

Fiscal year 1988:

(A) New budget authority, $44,534,000,000.

(B) Outlays, $44,117,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1989:

(A) New budget authority, $48,361,000,000.

(B) Outlays, $48,155,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1990:

(A) New budget authority, $52,597,000,000.

(B) Outlays, $52,104,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(12) Medicare (570):

Fiscal year 1988:

(A) New budget authority, $110,383,000,000.

(B) Outlays, $110,140,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $130,175,000,000.

(B) Outlays, $119,558,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $141,233,000,000.

(B) Outlays, $131,136,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1988:

(A) New budget authority, $170,631,000,000.

(B) Outlays, $134,008,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $178,667,000,000.

(B) Outlays, $141,424,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $185,159,000,000.

(B) Outlays, $147,028,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1988:

(A) New budget authority, $256,791,000,000.

(B) Outlays, $220,986,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $281,475,000,000.

(B) Outlays, $235,623,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $310,577,000,000.

(B) Outlays, $252,227,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1988:

(A) New budget authority, $27,908,000,000.

(B) Outlays, $27,401,000,000.

(C) New direct loan obligations, $1,200.

(D) New primary loan guarantee commitments, $30,400,000.

Fiscal year 1989:

(A) New budget authority, $28,261,000,000.

(B) Outlays, $27,664,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $28,400,000,000.

Fiscal year 1990:

(A) New budget authority, $28,524,000,000.

(B) Outlays, $28,133,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $30,100,000,000.

(16) Administration of Justice (750):

Fiscal year 1988:

(A) New budget authority, $10,240,000,000.

(B) Outlays, $10,016,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $10,839,000,000.

(B) Outlays, $10,545,000,000

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $11,261,000,000.

(B) Outlays, $11,015,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1988:

(A) New budget authority, $7,283,000,000.

(B) Outlays, $6,873,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $7,433,000,000.

(B) Outlays, $6,892,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $7,735,000,000.

(B) Outlays, $7,197,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1988:

(A) New budget authority, $1,869,000,000.

(B) Outlays, $1,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $1,909,000,000.

(B) Outlays, $1,903,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $1,968,000,000.

(B) Outlays, $1,969,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1988:

(A) New budget authority, $139,110,000,000.

(B) Outlays, $139,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $146,653,000,000.

(B) Outlays, $146,653,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $151,422,000,000.

(B) Outlays, $151,422,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1988:

(A) New budget authority, $889,000,000.

(B) Outlays, $926,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $3,131,000,000.

(B) Outlays, $3,316,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $5,379,000,000.

(B) Outlays, $5,746,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1988:

(A) New budget authority, −$40,360,000,000.

(B) Outlays, −$40,360,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, −$42,860,000,000.

(B) Outlays, −$42,860,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, −$45,351,000,000.

(B) Outlays, −$45,351,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

The CHAIRMAN. Pursuant to House Resolution 139, the amendment in the nature of a substitute is considered as having been read.

The gentleman from California [Mr. DYMALLY] will be recognized for 30 minutes and the gentleman from Ohio [Mr. LATTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

MODIFICATIONS TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Chairman, I ask unanimous consent to modify the pending amendment in the nature of a substitute.

The **CHAIRMAN.** The Clerk will report the modifications.

The Clerk read as follows:

Modifications to amendment in the nature of a substitute offered by Mr. DYMALLY:

Page 2, line 1, strike $964,121,000 and insert $989,121,000; line 21, strike $1,197,987,000,000 and insert $1,178,540,000,000; line 22, strike $1,261,510,000,000 and insert $1,304,370,000,000; line 23, strike $1,327,640,000,000 and insert $1,372,991,000,000.

Page 3, line 5, strike $130,684,000,000 and insert $105,680,000,000; line 13, strike $743,135,000,000 and insert $768,135,000,000.

Page 4, line 4, strike $941,196,000 and insert $921,000,000; line 5, strike $980,035,000 and insert $1,023,895,000,000; line 6, strike $1,017,063,000,000 and insert $1,062,414,000,000.

Page 5, line 22, strike $291,971,000,000 and insert $272,524,000,000.

The **CHAIRMAN.** Is there objection to the request of the gentleman from California?

Mr. **LATTA.** Reserving the right to object, Mr. Chairman, and I shall not object, I take this reservation to ask the gentleman a couple questions.

What actually is being done, they are changing the numbers, is more than just a technical correction. We are not going to object to that, but I think it is important to point out that they are changing the BA on 050 from 292. to 272.5; is that correct?

Mr. **DYMALLY.** Mr. Chairman, if the gentleman will yield, that is correct.

Mr. **LATTA.** The gentleman is changing the revenue figure about $25 billion?

Mr. **DYMALLY.** That is correct.

Mr. **LATTA.** Mr. Chairman, I thank the gentleman and I withdraw my reservation of objection.

The **CHAIRMAN.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **DYMALLY.** Mr. Chairman, it is with a deep sense of pride that I rise to introduce the Congressional Black Caucus alternative budget for fiscal year 1988, which is an amendment in the nature of a substitute for House Concurrent Resolution 93.

To our colleagues and to the administration, we are making a statement and we are responding to a challenge of the President, who asked us in 1981 to come up with something better if we did not like his budget. This is a budget that represents the aspirations of people across our 50 States. We believe we have answered the challenge and set a new standard of fiscal policy for this Nation.

Mr. Chairman, this alternative budget is not a mere symbolic gesture. It is a progressive, far-reaching plan, for the economic future of our Nation.

Mr. Chairman, I call on my colleagues to support this amendment.

Mr. Chairman, I now yield such time as he may consume to the chairman of the Congressional Black Caucus Task Force on the Budget, the gentleman from the District of Columbia [Mr. FAUNTROY].

□ 1300

Mr. **FAUNTROY.** Mr. Chairman, it is my privilege to present for careful consideration by the House a budget that will provide Members an opportunity to vote to meet the most keenly felt needs of their constituents.

If you want to vote for a budget that goes farthest in reducing the deficit than any budget before us, then you'll need to vote for the CBC alternative budget. If you want to vote for a budget that provides the Nation with a secure national defense at responsible funding levels and without sacrificing personnel benefits and readiness, then you will vote for the CBC alternative budget.

If you want to vote for a budget that restores cuts to student loan programs, provides health care for the elderly, makes a major commitment to catastrophic health care, and establishes welfare reform that reduces long-term welfare dependency by providing training and skills development, then you'll want to vote for the CBC alternative budget.

If you want to vote for a budget that provides for strong public and private sector partnership; to provide housing for low- and moderate-income families, community and economic development for our cities and both housing and financial assistance to small- and midsized farmers while increasing food assistance and nutrition education to low-income persons, then you will want to vote for the CBC alternative budget.

If you want to vote for a budget that will develop hundreds of millions of customers for the goods and services produced by American workers, then you will vote for a foreign assistance budget like ours that fully funds our commitment to the multilateral development banks, southern Africa development, and that sustains funding for "base rights" countries and countries moving toward democracy such as Haiti and the Philippines. If you are genuinely concerned for the American worker, you will vote for a budget calculated to reduce unemployment in the civilian labor force to 4 percent through fiscal year 1990, you'll vote for the CBC alternative budget.

If you want these things for the American people and the constituents who elected you to represent them in this House, you'll want to listen carefully to highlights of this budget that will be outlined for you over the next 30 minutes.

We offer this budget because with the passage of the Gramm-Rudman-Hollings, the politics of budget negotiating entered a new era. Progressives and moderates forged coalitions focusing on the development of strategies to realign national priorities and merge domestic and international agendas.

The Congressional Black Caucus continues to challenge the fiscal priorities and programmatic policies of the Reagan administration. As part of the fiscal year 1988 budget debate, members of the CBC, for the sixth consecutive year have come together to fill the void in developing a responsible fiscal policy which conforms to deficit reduction goals. Urban and rural interests have been addressed, resolutions of diverse constituent needs and issues unique to specific geographic regions were structured into this document. The culmination of these discussions was the creation of the CBC fiscal year 1988 alternative budget.

The basic premise of the alternative is the formation of a fiscal policy that will assure a decent quality of life for all Americans. It calls for leadership; and a sound monetary policy which would put Americans to work in meeting our enormous challenges in education, health, housing, transportation, reindustrialization, agriculture, public works, research, and development.

Let me touch upon the major economic assumptions of our budget and then various of my colleagues will highlight salient features of the budget. The Congressional Budget Office and the Reagan administration have advanced optimistic forecasts of economic growth through fiscal year 1990. Nonetheless, many proponents of the fiscal year 1988 alternative budget have expressed concern that the potential for a recession in the outyears has not been factored into these assumptions.

Because, however, baseline figures reflect the economic forecasts presented by the CBO, the fiscal year 1988 alternative is calculated against those projections as noted:

First, real GNP growth averages approximately 3.1 percent a year between 1986 and 1991. Normal GNP growth averages in the 7.2 percent after adjustment for inflation.

Second, inflation, as measured by the GNP deflator, averages 4.2 percent a year.

Third, the 3-month Treasury bill rate declines from 6.4 percent in 1986 to 5.4 percent in 1991 or from 3.1 percent for 1.3 percent after adjustment for inflation.

Fourth, aggregate forecasts project:

The world price of oil will remain close to $15 per barrel through the end of 1988;

The exchange rate—as measured by the Federal Reserve Board index—will continue to decline, reaching by the end of 1988 a level approximately 10 percent below its level at the end of 1986; and

Food prices will increase to 4 percent throughout the forecast period.

Fifth, unemployment rate exceptions—the CBC alternative budget rejects CBO projections for a slow decline in the unemployment rate to a 6-percent level by 1991. It adopts instead a Hawkins-Humphrey target in compliance with the Full Employment and Balanced Growth Act of 1978 of a level of 4 percent unemployment in the civilian labor force through fiscal year 1990.

The Congressional Budget Office reports that lost revenues and increased outlays from unemployment yield an unemployment deficit of $40 billion of every 1 percent of unemployment. By meeting the alternative budget/Hawkins-Humphrey target of 4 percent, additional revenues and outlay reductions for the projected 3 years would yield: $40 billion in the first year, $80 billion in the second year, and $120 billion for fiscal year 1990—figures from the "Economic Budget Outlook: Fiscal Years 1987-1991, a Report to the Senate and House Committees on the Budget"—part L: table 11-6, page 72.

The growth forecast by CBO for the next 2 years falls within the range of 2 to 3.5 percent. Forecasts however, are subject to an unusual number of variables, notably:

The effects on the economy of the restrictive shift in fiscal policy mandated by the Balanced Budget Act;

The economic impact of the Tax Reform Act passed at the end of 1986, which changes the composition and sources of Federal receipts and alters economic activity;

The actions of OPEC oil producers;

The future course of the dollar and the speed with which the recent decline in the value of the dollar will work to improve the real trade balance; and

The effects of relatively high household and business debt, which could cause a sudden retrenchment of spending.

In short, the fiscal year 1988 CBC budget offers you a vote on a renewed commitment to health, education, housing, welfare reform, unemployment reduction, and the homeless. The caucus proposes $1,094,805 trillion in outlays for 1987, with general revenues totaling $964 billion and an additional $225 billion in savings through lowered unemployment. The deficit for 1988 under the caucus measure would be $105.68 billion.

Mr. DYMALLY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on the District of Columbia.

Mr. DELLUMS. I thank the gentleman for yielding time to me.

Mr. Chairman, we find ourselves once again about perhaps the most important business that this Congress will address, and that is the matter of the budget.

The budget is a place where this Nation comes together to embrace and communicate a certain set of values, those values in turn reflected by our priorities, and those priorities stated on a piece of paper labeled a budget.

Over previous years we have come here to talk about policy and programs and ideas, but in recent years, given the extraordinary level of the deficit, our budget debate and discussion have tended to be devoid of values, devoid of any significant discussion of what our priorities ought to be, and we have simply talked about dollars. Ultimately that is the function of the budget, and we have done it within the context of deficit reduction and most recently Gramm-Rudman.

Now step back for a moment, Mr. Chairman, and ask the question: How do you bring down the deficits in this country when you are spending too much money?

I would suggest, Mr. Chairman, that there are four ways.

The first and most obvious it seems to me is to develop an economic policy in this country that moves us aggressively and progressively toward full employment and reindustrialization. The result of that is that spending goes down and revenues go up, because significant numbers of American people are employed. But I would dare say that no budget, even the budget of the Congressional Black Caucus, adequately addresses the issue of economic policy, although I would hasten to argue that the Congressional Black Caucus budget goes further in this respect in attempting to trigger employment, move toward reindustrialization, and embrace the concept of reconversion away from a heavy reliance on militarism and military might as a way of propping up the nature of our economic system.

□ 1310

The second way, Mr. Chairman, is to revise revenues. But a great number of my colleagues have marched into the well of the House and taken pledges that they would not raise revenues.

The third way is to reduce spending, just do not spend as much.

Finally, some combination of those two, cuts and revenues.

Now let me bring this problem even more sharply into focus, because for a moment I want to share with my colleagues my conception, perception that we are caught in an extraordinary restraint here, creating great problems for us in terms of how we proceed to address the problems of millions of human beings in this country, and to carry out a responsible role in the world as a great nation.

If, for example, Mr. Chairman, no revenues were raised, no revenues were raised, and all entitlements were frozen, and we continued to pay interest on the national debt, and you froze the military budget at last year's outlay figures, that would consume 83 percent of the entire budget, 83 percent. So if you were to address the deficit with 83 percent of the budget off the table, all the remaining cuts would come in 17 percent of the remaining budget discretionary programs.

Let us bring that even more sharply into focus. We are playing numbers games here on the floor with this assumption and the President's assumption and what have you. But the Congressional Budget Office states clearly and without equivocation, that the budget deficit level for fiscal 1988 will indeed be $171 billion. Gramm-Rudman requires in fiscal 1988 that we bring the deficit down to $108 billion.

If you accept CBO's analysis, that means, Mr. Chairman, that we would have to cut $63 billion from the budget. As I stated, if you have no new revenues, a freeze in entitlements and a freeze in the military budget, and you pay the interest, you would bring that $63 billion down by about $11 billion. You would still be left, Mr. Chairman, with well over $50 billion that would have to be cut from 17 percent of the budget left, if you did not go further into the military budget.

The Congressional Black Caucus said we will not play numbers games. We will not accept the President's assumptions because we know that those assumptions would, with all due respect to the high office of the Presidency, at best be wishful thinking, and what we euphemistically refer to on the floor as smoke and mirrors. So we said, no, we will not play games; we will take the Congressional Budget Office figures, and we will march forward responsibly.

Now we have come with a military budget of $279 billion in outlays, because if you are going to reduce the deficit you are thinking about outlays, actual moneys spent in a calendar year. This is a very moderate level on the part of the Congressional Black Caucus, because we all believe that if you took a more aggressive and urgent approach to the military budget you could cut substantial tens of billions of dollars below the proposal we have here on the floor. But we understand the reality of the political environment within which we come together. So we said if you cannot get Members to even look at the proposal because they are caught up in the politics of the numbers rather than the politics of budget analysis and policy statements and priority establishment, that that would not be an intelligent approach. So we said we will come now with a slightly above an outlay freeze figure in order to make the point.

We are not here juggling figures, 3-percent real growth, 5-percent real growth. Some of you have heard me say that we should not allow ourselves to be reduced to auctioneers slinging numbers. There is nothing inherently valuable about a number. Those numbers, those dollars, ought to speak to something, and our military budget approach says we will not play numbers. We realize that the politics of deficit reduction and Gramm-Rudman require that we do something for budgetary reasons that you and I ought to be doing every day, and that is establishing programs based upon their need, based upon careful analysis, based upon what we perceive to be our role. With respect to the military budget we should not be throwing numbers up and whoever grabs the highest number is the greater American. What I would suggest is that the greater American, the true patriots of this country on the floor of this Congress, are the ones who are prepared to come into this debate and argue intelligently and rationally on the basis of what our foreign policy and our military objectives really and truly are and fashion a budget on that basis.

We in the caucus take this position, we say spend whatever is necessary for a rational, responsible national defense. But let us debate upon what is necessary, and the only way you can get to that debate, in my humble opinion, Mr. Chairman, is to have a debate on the policy matters.

So we did that in our military budget. We said how did the President develop this massive military budget increase over the past 6 years, and we found that the President established his budget on the basis of three principles, three policies that we challenge.

His first policy with respect to nuclear weapons was to move beyond the concept of nuclear deterrent to the development of a nuclear war-fighting capability. In our humble opinion that is frightening, dangerous, and extremely expensive.

The second policy was that we should increase our capacity to intervene in the Third World. We say the problems in the Third World are not military problems, they are political and economic and social. People are dying of hunger and malnutrition, death squads, corporate oligarchies, and military juntas. We should be solving problems in the Third World not militarily, so we do not need to expand our military capacity to intervene in the Third World. There are no more Grenadas to invade without risking of human life extraordinarily, and ultimately at some point risking the potential of escalation into a nuclear military confrontation which could then evolve to a level of miseries beyond our comprehension.

Third, Mr. Chairman, is this President basing this military budget upon the assumption that one-third to one-half of our budget should be directed at fighting a World War II type of land war in Europe. In my humble opinion, that is an absurd assumption. The United States and the Soviet Union both agree that if we ever start down that road, even in conventional war, within a matter of days to weeks we would escalate steadily and aggressively to global nuclear war.

So we said we challenge these policies. And in turn, Mr. Chairman, we inserted the following: That our military budget ought to reduce the risk of nuclear war. We ought to increase readiness while cutting forces committed to Third World intervention, reducing the number of troops stationed in Europe and Asia. They are not necessary, and they increase our risk for nuclear war.

Eliminating overlapping and unnecessary weapons systems. There is redundancy beyond our comprehension, and all of us in this body know and understand that.

Reforming our procurement process so that we move away from waste, fraud, and abuse.

Fully funding programs for military families, establishing new programs for economic conversion and military types of waste, and we say move toward nuclear war fighting capability. We should take out those weapons that are time urgent, hard silo killers where we will wind up then having to fight a nuclear war. Rational minds must understand that to make nuclear war thinkable or possible or acceptable, Mr. Chairman, makes it ultimately inevitable, so we say do not cross that threshold. We say embrace a foreign policy based upon a commitment to peace and human rights and nonintervention in the Third World, and understanding of the economic problems.

Finally we say it is a flight into fantasy to spend one-third to one-half of your money talking about waging a land war in Europe, a land war that we all know will not happen and would escalate and create deaths beyond comprehension.

So, Mr. Chairman, we have offered this modest proposal in an effort to bring our colleagues to a significant policy debate.

□ 1320

It is my hope that this Congress in its wisdom would embrace the magnificent effort of my distinguished colleagues, the members of the Congressional Black Caucus.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has consumed 12 minutes.

Mr. LATTA. Mr. Chairman, I yield 9 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I appreciate the gentleman yielding. We are going to spend just a little bit of time I think painting the issues in very, very clear terms, not just on this budget but the budget that is yet to come up. I pointed out yesterday and there have been a number of Members who have pointed out in the last couple of days that when it comes to the defense experts in this country, Senator SAM NUNN from Georgia over in the Senate and, of course, LES ASPIN here in the House, that both of those distinguished defense experts have recommended a minimum of a 3-percent increase for our defense. You know, defense is a little bit like an insurance policy. If we are smart, you realize, you recognize that you must have adequate insurance on your automobile and adequate insurance on your house, that when times get tough and you are trying to figure out a way to manage your budget, you do not move to reduce or eliminate your insurance policy because your insurance policy is your ultimate protection.

In terms of the defense of this country, our insurance policy is our guarantee against having to get ourselves into any kind of conflict, and it has become abundantly clear since the President has taken office, particularly in light of the talk now on intermediate range missiles, our commitment to defense is not only an insurance policy but it is also necessary if we are ever going to enter into successful negotiations with the Soviet Union. The men and women who are watching this debate, let us make it clear: the Gray budget and this budget are simply unacceptable when it comes to an adequate level of defense spending.

Now, what is that going to mean? It means some very basic things. It may mean we have to literally cut the total number of people in our Armed Forces. It clearly means there will be no pay raise. It will mean the flying hours programs in the Army, the flying hour program in the Air Force, the flying hour programs—the programs by which our servicemen have to have training so that they can carry out their mission—the number of hours that are dedicated to them being able to be trained will be cut. If it was cut under this budget proposal, it would be cut dramatically. So what we really do is we put our people in the position where they are not very ready, where they do not get the kind of training that they need and where, if we ever had to use them in a difficult or a critical situation, for example, Libya, there would be some question as to their ability to carry out the missions because they simply did not have the training.

Now, that is an ultimate tragedy to go year after year after year, 3 years in a row of significant cuts in our defense budget, significant cuts in our insurance policy.

The Democratic Party is spending all of their time trying to figure out a way to run for national office, trying to dismiss the argument that they are weak on national defense. This budget once again underscores the simple fact of the matter that they are willing to short-shrift defense for other areas of the budget. Nobody argues that they do not have a tough choice when it comes to making priorities. But what I would maintain is just a simple 25 years ago when John Kennedy was President we committed 50 percent of our budget pie for defense. We are now committing about 26 percent of our budget pie for defense. All I am trying to say is that those numbers ought to be bumped up. We ought to be up to 27, 28 percent of our budget for our defense, for our insurance policy, for the leader of the free world. What we are really doing is, we are being puny again. Nobody is debating that the other domestic priorities are critical, but we need to squeeze the waste out of all the programs including the defense budget and make sure that defense gets its adequate share.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman has hit the nail right on the head. We are talking about people, about tens of thousands of people who are going to be dismissed from the service because of this. Not only will it reduce national defense, but I think we are going to go back to the Carter days when we had a thousand chief petty officers per month leaving the Navy, and when we had our enlisted people on food stamps.

I want to ask the gentleman because he is an individual on the Armed Services Committee who has really worked the people dimension on national defense, and just laying out this baseline that today we have our aircraft on carriers now 60 percent more fully mission capable than they were in the Carter years, that we have the highest number ever of high school graduates now in the Armed Forces, particularly in the infantry branches where it has been tough to recruit them. What do you think will happen under these budget cuts that are presently proposed to the people side of national defense?

Mr. KASICH. Well, you start reducing the pay raises that our servicemen are expecting to get as a result of the service they give and what you do is you start destroying the ability to attract quality people to serve in our Armed Forces. I do not want to go back to the draft. I do not like the draft. I lived when we had to see the names put in a barrel and chosen out in a lottery system.

We have a system now that works. We do have better quality people today in our services than we ever had. And if we continue to deny them not just the pay but also the benefits that surround that, the kinds of things that they ought to get when they are out performing service to their country, we are going to lose the quality people. It is a great tragedy. What we are doing, I say to the gentleman from California [Mr. HUNTER], is we are going to go back to the period of the 1970's. We spent a trillion dollars, Republicans and Democrats alike spent a trillion dollars trying to boost defense in this country because we recognized that the 1970's were absolutely devastating to the status of our military forces. So we spent a trillion dollars. Now we are going 3 years in a row to cuts. What we are going to do is we are going to push ourselves back to where we were in the 1970's and essentially what we will have to do is, we will have to play catchup again. And part of that trillion dollars will be wasted as a result of not having some consistency in our defense budget. It is a tragedy. The Democratic candidates for President are going to run around the country trying to say, "We are not wimps on defense, we are not weak on defense, we are not puny on defense." They cannot do it. They simply cannot do it with this defense budget which gives us 3 years in a row of significant cuts.

One other area I would like to turn to, aside from the military for just a second, and that is the area of delinquent debt collection.

People on both sides of the aisle should be aware of this. We are now at the point where about $68 billion in money is owed to this Federal Government by individuals and corporations. That amount has grown $10 billion in the last year alone. And the reason that it has is because the bureaucracy, frankly, has been more interested in passing out dollars than worrying about how to manage them one they get out. I want to tell the leadership of the Congressional Black Caucus and the leadership of the Republican side of the Budget Committee that this is an area where we have to tighten up.

In our services alone we have been able to collect millions of dollars with one simple, single element, and that was to say that if a person, for example, got paid a giant reenlistment and they did not serve their time, and they left the service for one reason or another and they did not pay the money back. They made a commitment they were going to serve *x* amount of years for *x* amount of dollars. If they leave the service, we were not able to collect that money. For the first time in a long time, last year they instituted a process whereby if you got a rebate on your income tax and you owed money to the services, there would be a checkoff. That has brought in millions of dollars. That system has been effective. But there are so many other systems that we need to put in place, the use of collection agencies, the use of credit bureau referrals. We need to have management when it comes to correcting these delinquent debts. We do not have it in the Federal Government.

The administration is trying to make an effort to do that. The Dannemeyer budget included it in the last session. BILL GRAY included it in his in the last session.

We need to do more to tighten up in this overall area. This is over a trillion dollars in potential Federal Government liability that stands out there that is going to start coming due. When Reagan took office it was about $30 billion, maybe $35 billion in delinquent debt. It is up to $68 billion now. And when we have a meeting again, it is going to be another 10. And in another 3 or 4 years it is going to be $100 billion of delinquent debt unless we tighten up the system. This is money that is walking out the door that we need to collect in order to use for the priorities that we want to establish on both sides of the aisle.

I am going to be approaching authorization bills for putting some mechanism in the law to make sure that our bureaucracy is going to follow the law and actually try to track down that money that is owed to all of us in this country.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

First of all, with respect to the gentleman's latter comments, I think he makes an excellent point. This gentleman would like very much to work with him in that particular respect.

The CHAIRMAN. The Chair would like to state that the gentleman from California [Mr. DYMALLY] has 10 minutes remaining, and the gentleman from Ohio [Mr. LATTA] has 21 minutes remaining.

□ 1330

Mr. LATTA. Mr. Chairman, I yield 10 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to defend the Black Caucus budget. I am not going to support it because I do not agree with it but I recognize not only the hard work that went into it, but the significant decisions that it makes.

I want to point out to the body and the public that there is more detail, more explanation, more clear policy directives in this budget than there are in the committee budget.

That should not go unnoticed or unrecognized.

One of the problems with this debate today, with the votes we are going to take today, is that the committee budget fails to provide this kind of guidance and fails so seriously that our own Congressional Budget Office cannot gather enough information from the Democratic budget to be able to cost it out. That is a very serious problem with the committee budget that comes before us today, and the reason why I am urging that we all vote no, send it back to the committee, let us all work until we can come up with a document that has the validity to be costed out by CBO.

I want to congratulate the Black Caucus on a number of aspects of their budget, only two of which I will mention at this time. They recognize that space development and space technology is a matter of jobs; is a matter of America's technological future; is a matter of the strength of our economy, and they fully support the President's request. This is a very interesting matter to me because I know that they have made hard decisions in this budget. I commend that and believe their decision in supporting the President's funding level for our space program is forwardlooking and wise.

I am also very impressed and sobered by the fact that they put 1 billion more into law enforcement than does the President or than does the Democrat budget. I think we ought to reconsider our priorities in that area, should we have the opportunity to go back to the committee, because I think it is very significant that law enforcement is so high on their list of priorities.

Let me say that their recommendation in the area of Medicare is more courageous and more honorable than any that has been on the floor to this point. It is a comprehensive reform of services; it is also very expensive; it would impose a $50 a month increase on constituents protecting those for whom that would represent more than 10 percent of income. I think that is honorable and commendable.

Mr. DYMALLY. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Chairman, having given such high praise of the budget, do we expect that the gentlewoman will vote for it?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I said at the beginning that I will not vote for it, and I want to be sure to come back to that because the gentleman certainly has the right to ask that question.

But I think it is significant that you have not only proposed a health-care reform, but you have been willing to raise the dollars to fund it, to address specifically the $27 billion burden that it would place on the American public. I do not believe that this is a cost-effective approach to what is a very real problem. But I do commend you on having made the hard choice to raise the dollars, as well as the choice to provide the service.

I would contrast that to what is being said in the committee budget that has come to this House floor. In that budget, it is truly unbelievable but true, that the budget is promising American seniors catastrophic care and is saying at the same time that the budget will be revenue-neutral, and that seniors will be protected from any cost increases. It is incredible to me that such contradiction could be so boldly offered to this House.

So what we have is a Democratic budget coming from the committee saying, yes, we are going to improve catastrophic care, but, not having the courage of their convictions, nor even the courage of the President's conviction because he does say what it will cost and who will pay for this catastrophic care proposal. The Democrats claim new services can be provided without the seniors or public paying.

While I do not agree with the Black Caucus' budget proposal on Medicare, it is an honest, forthright, respectable proposal, in contrast to the committee's budget that is dishonest, promises all things to all people, and provides no funding to accomplish its laudable goals.

This smoke-and-mirrors approach in Medicare characterizes its approach in other areas. We heard it said earlier in the debate that the Democrat budget does not recommend cuts in military personnel, and yet, right there in their budget, if you look at the budget authority figures, there is no way you can get to those numbers without cutting personnel, as well as cutting in all the other accounts, training, equipment, and procurement.

So we have before us a committee budget from the Democratic majority of the House Committee on the Budget that is simply rife with vagueness and contradictory interpretations.

But at least the Black Caucus budget, while I think it is simply too expensive for us right now and disagree with some of its major policy decisions, is an honest proposal and contrasts to the committee proposal which says we are going to do one thing for the seniors but makes none of the hard decisions to make the delivery of that service possible.

Shocking. We all know how desperately we need to expand Medicare, and Medicare coverage for home healthcare services, but the Democrats' committee budget approaches that problem in a shortsighted, disastrous manner. It cuts the money for the fiscal intermediaries.

I have some health care agencies in Connecticut that are on the verge of bankruptcy because they are not receiving their payments from the Government because we have short-funded the executive branch in certain functions. Yet, my colleagues on the Committee on the Budget would save money by cutting yet further the funding for fiscal intermediaries and indirectly bankrupting home health agencies in my district and further eroding the health care system that means so much in people's lives.

Then further the Democrat budget talks about income security, but it proposes saving $200 million from the Pension Benefit Guaranty Corporation, and ironically, only reconciles $100 million of the $200 million. All this at a time when America, not just America as a nation, but men and women, children, families are feeling the effects of underfunded pension programs. What it means in people's lives is no income, losing households, not being able to buy health care. It is disastrous in the real world for people, but the committee budget would say we are going to save $200 million in that function, but we are not going to tell you how we are going to get $100 million. Fiscally irresponsible and heartless policy.

Mr. Chairman, I do not support the Black Caucus' budget, but I respect it and I have learned from reading it. It stands in stark contrast to the committee budget, which is smoke and mirrors well beyond anything we have ever seen on this floor. I would say that members of the Committee on the Budget, Democrats, told us at our first closed-door meeting if we could not get together, they were going to come up with not just smoke and mirrors, but with a majestic sham. And that is what the Committee on the Budget's proposal is. It is a majestic sham and the tragedy is that we have been told that not only is the domestic deficit a problem, but without solving the domestic deficit, we do not have a prayer of solving the trade deficit. Yet unless we address these twin deficits in jobs, in my district, critical services, and the quality of life we value are endangered.

□ 1340

Mr. DYMALLY. Mr. Chairman, I yield such time as he may consume to the chairman of the Permanent Select Committee on Intelligence, the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I support this budget.

Mr. Chairman, the Congressional Black Caucus quality of life budget for fiscal year 1988 is a budget that distributes this Nation's enormous Federal resources in a way that is reasonable, equitable, and economically responsible. The CBC budget proposes $1.094 trillion in outlays, $964 billion in revenues, a deficit of $105.6 billion, and provides for an additional $25 billion in savings as a result of lowered unemployment.

Six years ago, the Reagan administration decided that reducing taxes and expanding the defense budget were more critical than protecting our most vulnerable citizens. As a result of this choice, from 1981 to 1986, Federal spending for all families, adjusted for inflation, decreased by approximately 28 percent—33.1 million Americans now live below the poverty level. Thirteen and a half million of these are children, and 50 percent of all children that are poor are black.

The CBC fiscal year 1988 function 550-health recommendations focus on on restoring a high priority on those programs which will expand health services to the poor and disadvantaged, improve the health status of the population as a whole, and enhance the safety of workers in their places of employment. The CBC alternative budget recommends $44.5 billion in budget authority, and $44.1 billion in outlays for health care programs in fiscal year 1988. These figures represent $4.99 billion in budget authority and $3.2 billion more in outlays than the amounts requested by President Reagan. With regard to Medicaid, the CBC budget recommends that the program be continued with the enactment of expanded Medicaid services to pregnant women, children, and two-parent low-income families.

The CBC budget alternative will expand Medicaid eligibility to include all mothers and children in families with incomes below the poverty line, as well as establishing a minimum national eligibility standard to expand medical care to include an additional 700,000 children, and 100,000 pregnant women. The CBC will also support legislation that will give States new options in financing the delivery of health services to high-risk, low-income pregnant women and infants.

The CBC budget firmly rejects the President's proposed cuts in Medicare programs, and seeks to limit future increases in the Medicare part A deductible, and part B premiums. To reinforce its budgetary agenda which is highly favorable to the Nation's elderly, the CBC will support legislation to limit catastrophic health care expenditures for the elderly. Of the 28 million elderly on Medicare throughout the Nation, approximately 800,000 pay more than $2,000 per year out of their own pockets for major hospital and doctor's expenses.

The CBC budget will support new authorizations and appropriations to increase by two the number of federally subsidized community health centers in every State, and will support the expansion of the maternal and child health block grant. Finally, the budget includes net resources for health education, risk reduction, outreach and support services for victims of acquired immune deficiency syndrome [AIDS]—where one out of every four victims is black.

In closing, let me say that the CBC budget alternative speaks to the hopes and aspirations of millions of Americans. The CBC budget will move this Nation forward on a path of economic prosperity, without sacrificing a sense of compassion and caring in our Federal policies. It is our choice and our burden to decide whether we will go down a bleak and desolate path of retreat and retrenchment in health care, or support the CBC quality of life budget, which puts America on the road toward a responsible and compassionate Federal health policy. I urge you to adopt the CBC alternative. It is the right choice for our Nation.

Mr. DYMALLY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Dixon].

Mr. DIXON. Mr. Chairman, I rise in support of this budget.

Mr. Chairman, I rise in support of the CBC alternative budget for 1988. This budget offers a very balanced approach to meeting the diverse needs of our Nation. It provides for a strong and sensible defense, without abandoning our necessary and just commitment to the Nation's neediest citizens.

Our plan for defense spending is focused on several goals, primarily reducing the risk of nuclear war, increased readiness capabilities, and eliminating waste and unnecessary spending. We maintain our commitment to domestic services by fully funding education, community development, health, employment and income security programs.

We have taken a strong stance in providing for the Nation's "human needs," rejecting the notion that feeding the poor, caring for the elderly, and educating young minds are the root causes of our deficit.

In addition to equitably providing for our domestic needs, the CBC budget returns America's focus abroad to the humanitarian needs of our global neighbors. We provide desperately needed dollars for food and development assistance, and reaffirm our commitment to the multilateral development banks.

We continue our commitment to southern Africa by reobligating urgent supplemental funds already approved for the region. These funds will help build a viable regional network for economic growth in southern Africa, one of the poorest regions in the world.

Americans are sympathetic to ending hunger, malnutrition, poverty and disease throughout the world. The CBC alternative budget shifts our limited available resources to address these critical needs.

Mr. Chairman, we have presented a budget today that heeds the economic restraints deficit reduction has placed on Federal spending without proposing actions so drastic that basic human needs, national security, or American taxpayers are jeopardized.

It is a sound budget. It is a fair budget. It is a budget that deserves our support.

Mr. DYMALLY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Rangel].

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, the gentlewoman from Connecticut [Mrs. Johnson], speaking on the budget, has raised a question that I would like to present to Members on both sides of the aisle because I appreciate, like all of us, her comments supporting the Congressional Black Caucus budget, and I understand she is genuinely disenchanted with the House budget. The question is, though, what is there in between? I would like to know what her remedy is.

She rejects the House budget, she likes the CBC budget, but we did not give her quite enough time to explain where we are going.

I appreciate those comments coming from the other side of the aisle, but it seems to me. Mr. Chairman, that some of our colleagues on this side of the aisle could join in with some analysis. We do not need all the praise in the world, but we do need someone here suggesting, after 6 years of presenting the most popular budget to the American people, that if there is something that is shortsighted or if we have missed something, I for one, as one who has been working on this with the gentleman from the District of Columbia, would like to know what it is.

This deafening silence about the budget, which most members of the Congressional Black Caucus compare to the House budget, it seems to me, is a little bit embarrassing. I am hoping that members of the Budget Committee, perhaps even the chairman and leaders on our side of the aisle, would join in with us for some analysis.

Mr. RANGEL. Mr. Chairman, I thank the gentleman from Michigan [Mr. Conyers].

Mr. Chairman, the Congressional Black Caucus not only recognizes our commitment to our military defense but believes that in order to have a secure America there has to be an investment in Americans. That is the reason why we have no problem with increasing some $35 billion as an investment in our young people and in our unemployed to receive an education and job retraining, and in making certain that we improve access to health care in order to have a stronger America and provide shelter to Americans so that whoever attempts to threaten our way of life, we will not only have arms but we will have people who are strong and prepared to defend our country.

But in addition to that, we have followed what the gentleman from Florida [Mr. Pepper] has suggested, and that is to recognize that in a civilized society one of the measures of that society is, how do we treat our old folks? So we provide for an unlimited period of time to have their pain eased, for prescriptions, for eyeglasses, for hearing aids, and for nursing homes, and we do not put a cap on the types of services we believe are necessary for our older people in the winter of their lives when they become ill and unable to take care of themselves. As the gentlewoman from Connecticut has said, we also make certain that those who are able to pay for this type of service will do this through increased premiums, with a minimum cost to those who cannot afford to pay for it.

Another thing that we have also done is to restore the immoral and traumatic cuts that were included in the House- and Senate-passed antinarcotics bill. It shocked most of us in the Congress how the President of the United States could join with Members of the Congress in the Rose Garden on the eve of the election and sign the omnibus antidrug bill and then come back just a few weeks later and ask that $225 million be cut from State and local law enforcement and another $150 milion be cut from the educational and drug prevention aspect of this bill, freezing the rehabilitation and treatment money for those who have been afflicted with drug abuse, and, of course, he cut back on assistance for those countries that are anxiously trying to eradicate drugs to give them the technological and financial assistance in order to have cash crops so that their people can survive.

We in the Congressional Black Caucus not only restored all of the money that was in the original House- and Senate-passed bill, but we are prepared to come back to our colleagues and say that all of these things have to be paid for, and we provide for a $27 billion tax increase to be worked out at the time when we have to report back to the Congress with a revenue-producing bill.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the priorities expressed in the Black Caucus budget but in great admiration of their honesty.

The gentleman from Colorado [Mr. BROWN], the gentleman from Minnesota [Mr. FRENZEL], and I wrote a budget last month, too, but we did not bring it to the floor. Why? Because the committee bill is going to be rammed through by reason of a diabolical rule written for this resolution and because, compared to the committee bill, it would have been like comparing apples to oranges.

Our budget had real proposals and honest numbers. There was no fudging and no rosy scenarios in its foundation. It contained real proposals for housing reforms, farm program reforms, a pay freeze, reforms in health care, and a general freeze on discretionary spending, including defense, with only a handful of specified revenues and few asset sales or user fees.

By contrast, the Budget Committee's budget uses phony numbers, accounting gimmicks, and assumptions on spending cuts that everyone knows will never occur, and, frankly, it never even explains what it does.

The Budget Committee's budget looks like it ignores the highway bill override, ignores the Clean Water Act override, and ignores the $12 billion supplemental appropriation bill that is coming down the pike. It does not pay for the pay raise, and it renames what are actually receipts and calls them spending cuts.

In addition, it includes an unspecified $20 billion tax hike instead of the President's mere $6 billion.

But I admire the Black Caucus for putting the real numbers in. The Black Caucus says it is for a $65 billion tax increase. I am not, but they say they are. The Black Caucus is candidly for a lot of new spending. I am not, Mr. Chairman. They are, and at least they said so.

They hit the $108 billion target for Gramm-Rudman by raising taxes and spending. They say it honestly.

Mr. Chairman, the Budget Committee does exactly the same thing, but they hide it. They make a phony budget, but they really do exactly the same thing that the Black Caucus budget honestly says they stand for.

Mr. Chairman, the Black Caucus has been honest. The Budget Committee has presented to the American people a pack of lies.

The CHAIRMAN. The Chair wishes to state that the gentleman from California [Mr. DYMALLY] has 5 minutes remaining and the gentleman from Ohio [Mr. LATTA] has 8 minutes remaining.

Mr. DYMALLY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I rise today in support of the fiscal year 1988 Congressional Black Caucus alternative budget. This is our sixth alternative substitute. In crafting this package, we have again accepted, and met, the challenge to provide a fair, balanced, and effective blueprint for federal spending.

The alternative budget, crafted under the leadership of Congressman MERVYN DYMALLY, chairman of the CBC, offers a sane and rationale approach to our Nation's economic and fiscal needs.

As chairwoman of the Government Activities and Transportation Subcommittee, I have responsibility for the transportation function of the CBC alternative budget. We have developed a "common sense" approach to meeting the public's demand for a safe and reliable transportation system.

In particular, there are three areas which are addressed in our budget proposal—motor carrier safety, air traffic controller funding, and aid to mass transit. I know from firsthand experience the critical need we have to provide adequate financial resources to meet these demands.

MOTOR CARRIER SAFETY

The administration's budget would roll back the important gains made last year in funding the Motor Carrier Safety Assistance Program. During fiscal year 1987, funding for this program was set at $50 million, $10 million more than the previous year. This provided needed grants for State enforcement of truck safety regulations, and a vast improvement in the quality and level of services. Truck accidents and fatalities were showing disturbing increases because of the low funding levels for this program.

Since we have just recently raised the 55-mile-per-hour speed limit, and are now allowing heavier trucks on our highways, we need to redouble our effort to enforce truck safety enforcement.

Similarly, the administration has allowed the Federal motor carrier enforcement force to dwindle to under 150 inspectors, clearly, this number needs to be beefed up—and our budget does that. New funds were provided last year; but did not begin to match funding levels in 1980. We must not allow the Federal truck inspection effort to lag again, as the administration's budget proposes. The motoring public expects a Federal presence in the area of truck enforcement. The CBC alternative budget ensures this will occur.

I also would like to add that proposed rules mandating drug testing of truck drivers will require additional enforcement resources. We will need more manpower, more testing, and more research. If we emasculate our highway safety programs for short-term budget gains, we will pay for it in a reduction in the public's safety.

AIR TRAFFIC CONTROLLERS

Just yesterday, the Federal Aviation Administration released its latest quarterly analysis of air traffic controller operational errors. The FAA analysis shows an 18-percent increase in reported operational errors over the past 4 months, notwithstanding the agency's stated goal to reduce those errors by a minimum of 2 percent.

Based on my subcommittee's investigations, including oversight of the FAA's operations, I can personally attest to the critical need to increase the number of air traffic controllers. More controllers are needed, not only for safety reasons, but to reduce the record number of flight delays plaguing the traveling public.

With more flights than ever before, common sense tells us that it is the "height of folly" to meet that traffic demand with fewer controllers than we had 10 years ago. Based on a General Accounting Office study I requested, I estimate conservatively, we need an additional 1,000 controllers!

If we are going to hire these controllers, then we have to provide adequate funds in the FAA's budget. We need money to recruit, properly train, test, and pay for their services. For that reason, the CBC alternative budget includes additional money for air traffic controllers to ensure, again, a safe and reliable air transportation system.

PUBLIC TRANSPORTATION

The final area I would like to address is the need to ensure adequate funds for public transportation. My subcommittee has conducted extensive oversight over both urban and intercity public transit.

Finally, urban mass transit is a solid national investment. It contributes to a basic infrastructure that will yield dividends for many years to come. Public transit matches skilled and unskilled jobs with Americans who want to work. Public transit links families to schools, churches, markets and to each other. It is, without question, an essential element in the makeup of our society, and makes a vast, incalculable contribution to our society, environment, and economy.

Nevertheless, the administration continues to place road blocks in the way of providing adequate funds for this essential service. Worse, this is in direct violation of congressionally established policy. The administration's budget would eliminate capital grants for new rail starts, and modernization and operating funds for small and rural transportation programs.

As for intercity transportation, Amtrak accomplishes similar social goals. Like mass transit, it serves people of all income levels and connects our Nation's great cities, as well as small communities with each other.

As we have recommended in the areas of truck and air transportation, a key component of our budget is to improve safety on our Nation's rail systems. Specifically, we endorse licensing and registration of railroad engineers and provide the necessary funds to establish such an administrative procedure. In the wake of January's tragic Amtrak-Conrail crash in Maryland, I have introduced legislation providing for such licensing, and also providing the Federal Railroad Administration access to the national driver register to ensure engineers are not getting behind the throttle under the influence of drugs or alcohol.

CONCLUSION

Once again, Mr. Chairman, we have an administration budget which is penny wise and pound foolish. We cannot afford this approach, especially if we are going to ensure the traveling public that they can get from one point to another safely and reliably, regardless of what transportation mode they use.

The CBC budget is a common sense alternative which ensures that adequate funds will be available for the Government to maintain proper enforcement over our roads, skies, and rails at the very time demands on these systems are being stretched to their limit!

I urge my colleagues to support the CBC alternative budget.

□ 1350

Mr. LATTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Black Caucus substitute as well as the committee substitute.

On yesterday, we had one speech that attracted my attention and it certainly should have attracted the attention of people who are interested in the space program and are interested in jobs. That speech was made by the chairman of the Science, Space and Technology Committee, Mr. ROE.

I just want to read some of his comments. These are not comments from DEL LATTA, these are Chairman ROE's words.

He said, speaking about the committee budget:

> It is a budget that asks us to accept a future of second best for American leadership in space. It is a budget that asks us to dismember our civilian space program. It is a budget that asks us to deny energy security for our future. And it is a budget that asks us to vote "no" to a more competitive America in world markets.
>
> The budget slash cuts $1.1 billion below the President's request and makes America's future in space read like an obituary.

These are the words of the chairman of the Science, Space, and Technology Committee, Mr. ROE, on yesterday. He went on to say:

> We are saying to the great State of California, "Be prepared to lay off 60,000 people. We are saying to Texas lay off another 60,000 people. We are saying to Florida cut down on your base; lay off another 60,000 people because we are retreating from the opportunity of leadership to create new wealth."

He went on to say:

> That is what space and technology and competitiveness is all about; is to put our resources to create new wealth and new job opportunities, to say nothing of keeping our leadership as we are going.

He went on to say, and I quote the chairman of the Science, Space, and Technology Committee, Mr. ROE, further. He says:

> The budget slash in function 250 of $1.1 billion below the President's request makes America's future in space read like an obituary. For NASA and our future in space, we will be voting to keep the shuttle on schedule but we will vote to cancel building structural spares for the orbiter which is our insurance policy for a safe and reliable shuttle program.
>
> We will vote to wipe out space science projects in progress and paralyze NASA's capacity to generate new science ideas and new payloads. We will vote to cancel the hiring of 600 new graduates to provide new blood to an aging NASA.
>
> We will vote to indefinitely delay building our space station while the Russians continue to expand their already functioning space station. Mr. speaker, these are just examples in the long list of cancellations and delays in NASA programs.

This is a speech made yesterday by the chairman of the Science, Space, and Technology Committee, Mr. ROE; not DEL LATTA's words.

He went on to say:

> Mr. Chairman, we are being asked to cut a half billion dollars below the President's request from function 270 which holds the promise of an energy secure future for this Nation.
>
> In 1973, the Arab oil embargo caught America with all its eggs in one basket, the one labeled "oil." World oil did not run out, we just became puppets of Middle East politics. We promised ourselves that this would never again be allowed to happen. The only true insurance against this vulnerability is to have alternatives to oil. Our Department of Energy R&D budget funds the programs for developing these alternatives. Cutting energy R&D funds means canceling America's insurance policy.

So said the chairman of that great committee on yesterday.

Further:

> The Nation sits on one-fourth of the world's supply of coal. We need to develop and demonstrate the most economical methods to make liquid fuel from our coal. We need to develop and demonstrate inherently safe nuclear reactors. We need to continue research in fusion to ensure alternative energy for further generations. None of these programs can move ahead with continuous and predictable progress if we do not have the resolve to hold firm on funding them to fruition. A vote to cut a half-billion dollars from DOE energy research is a vote for the powerbrokers and the politics of oil.

Who said that? The chairman, the chairman of the Science, Space, and Technology Committee, Mr. ROE, on this floor on yesterday.

He said:

> Mr. Chairman, I want to finish with a comment directed at my fellow Democrats. I yield to no one in my concern about the deficit. But I want my party to think also about the nation's future. I ask you to consider what policies we must have as a party in order to go to the American public to ask for their support and votes.
>
> We must have a program for progress and the promise of the future. It must encompass a strong, courageous thrust in space, in energy self-sufficiency and in technological competitiveness.
>
> Our priorities are wrong, meaning that budget that will be voted on later, when we put off having a space station a decade from now while the Russians already have two in orbit.
>
> Our priorities are wrong when we allow ourselves to become vulnerable to energy blackmail.

Who said that? The chairman of the Science, Space, and Technology Committee on yesterday right here in the well of this House.

Let me say to my friends from the Northeast who are relying on oil for heat: Look out for an oil import fee; look out for an oil import fee if we get this budget that we are going to be voting on after the Black Caucus vote.

I read you yesterday a letter from the Independent Petroleum Association of America dated April 8, when they said to Mr. GRAY:

> We urge you, Mr. Chairman, to recall this budget resolution to your committee to correct this mistake.

Mistakes are being made, and they are not being admitted on this floor. I urge my Members from the Northeast who represent areas that heat with oil to proceed with caution when they vote on this proposal.

Mr. Chairman, I would like to include the full letter from the Independent Petroleum Association of America at this point:

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, DC, April 8, 1987.

HON. WILLIAM H. GRAY,
Chairman, House Budget Committee, House of Representatives,
Washington, DC.

DEAR CHAIRMAN GRAY: It has come to our attention that the House Budget Committee proposal for fiscal 1988 contains some rather "creative" ideas on how to increase the Strategic Petroleum Reserve (SPR) fill rate at no cost to taxpayers.

As we understand the proposal, a percentage of all oil purchased by domestic refiners would be diverted by law to the SPR at refiners' expense. That oil would be added to and considered a part of the SPR and refiners would carry the burden of its full costs. In the event a draw-down of the SPR was ordered, refiners would be given back their oil in proportion to what they had been required to donate.

Were this not in writing, we would not have believed it. But since a majority of the Budget Committee has accepted it as legitimate national policy, we have no choice but to comment on it.

The Independent Petroleum Association of America is the national association representing the nation's independent crude oil and natural gas producers. By definition, our members are producers, with little or no interest in refining, transportation or marketing. Therefore, we will not beg the question or whether or not this proposal is confiscation of refiners' property without compensation. They are capable of addressing that issue.

What we want to bring to your attention is the adverse impact this would have on the U.S. petroleum producing industry—an industry already in steep decline.

Apparently the Committee believes refiners would simply pass costs associated with their contribution to the SPR through to consumers. That argument may be partially true as to the gasoline portion of the crude oil barrel, since gasoline has very little competition as a fuel. But much of the remainder of the barrel—heating oil and industrial fuels—compete head-to-head with natural gas, coal and electricity in a very price-sensitive market. In addition, imported products—especially gasoline—would limit further the ability of domestic refiners to increase their prices. Thus, we think our fears are well founded that pressure on refiner margins would lead to lower net-backs to producers in the form of lower wellhead prices. In fact, if refiner costs could not be passed through to consumers and because they are powerless to lower net-backs to foreign producers, the full cost of this proposal would fall on domestic producers, especially independents.

At a time when the domestic petroleum industry is in one of its most serious economic declines in history, this is a most inappropriate action which most surely will further that decline.

We argue you, Mr. Chairman, to recall this budget resolution to your Committee to correct this mistake. Absent that, we will be urging Members of the House to vote no.

Sincerely,

H.B. SCOGGINS, Jr.

Mr. DYMALLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding me this time.

Mr. Chairman, I have always voted for the Black Caucus budget. I think it is a question of priorities. It reaches the Gramm-Rudman target. It is humane; it is compassionate, and it deals with national security.

There is $280 billion in this budget for the Pentagon spending. They are concerned about the overruns. I think taxpayers are, too. It has an adequate defense budget. It also believes that our national security relates to the education of our young people and the retraining of our workers who are displaced in vocational training for those who need vocational training.

It is humane to the elderly. It says that the older people in this country deserve to have Medicare without their Medicare rates raised. They do believe that older people should get a cost-of-living adjustment in Social Security and Federal employees and railroad retirees. Yes, it is humane to the families of this country. It is humane to the traditional families of our country, the two-earner couples, the women who are head of households.

In short, really, ultimately is a fair budget.

□ 1400

Mr. DYMALLY. Mr. Chairman, I yield 30 seconds to the chairman of the Budget Committee, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I have heard so much in this debate. I want to compliment the members of the caucus for coming forward and putting a budget together and offering an alternative. However, I must admit, I could not believe the faint praise that I heard coming from the other side, which has yet to put forth a budget here in this body or to offer to America something of their own. I just want to join with my colleagues and commend the caucus as an organization within the body for offering a budget.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the distinguished majority leader.

Mr. FOLEY. Mr. Chairman, I would like to join the chairman of the Budget Committee and compliment the chairman of the Congressional Black Caucus on this budget. They have worked hard and produced a detailed budget which meets the responsibilities of the Budget Act, which meets the challenge of Gramm-Rudman-Hollings, which puts forth the priorities of the Congressional Black Caucus clearly and forcefully before the Congress, and unlike our colleagues on the other side, they have had the courage, and the willingness to undertake this very difficult task.

I cannot say that I agree with every aspect of the Congressional Black Caucus budget. I strongly support the committee's budget and I intend to vote for it even if this amendment should pass. But I will vote for this budget at this time because I believe that this sincere effort by the Congressional Black Caucus to address the budget deficit is worthy of commendation.

I am very sorry that, except for the budget offered by the gentleman from California [Mr. DANNEMEYER], there is not an alternative budget offered by the Republican side.

The complaints by the gentleman from Illinois [Mr. PORTER] seem to me to be misplaced. He complains that Republicans had no opportunity to have their ideas considered. On the contrary, every opportunity was given them for an alternative budget, both in committee and on this floor. If they do not like the budgets offered on this side, they should offer one of their own.

Mr. LEWIS of Georgia. Mr. Chairman, we are here today to express our strong support for the Congressional Black Caucus alternative budget. The alternative conforms to deficit reduction goals and was designed to meet challenges in education, health, housing, transportation, public works, and agriculture.

I, specifically want to call attention to the CBC budget in regard to antidrug funding. The Reagan administration proposes major reductions in the antidrug funding level authorized by the Anti-Drug Abuse Act. The alternative, however, rejects this approach to drug funding. It is no secret that drug abuse and trafficking are grave national problems. A strong commitment is essential if we are to reduce the adverse consequences of drug abuse, which affect black Americans and other majority groups in our society on a large scale.

The CBC alternative budget includes sufficient funding in an effort to maintain Federal drug enforcement initiatives authorized in the Anti-Drug Abuse Act. Also, the alternative increases funding for State and local antidrug programs from $255 million in 1987 to $675 million in 1988.

As elected officials we share in the moral obligation to balance our Nation's budget and reduce our deficit. However, this must be accomplished in a rational, thoughtful, and even-handed manner and not through reactionary, knee-jerk budget cutting. The CBC alternative budget will work not only to reduce our deficit, but is responsible enough to protect much needed programs such as those concerning drug abuse.

Mr. DYMALLY. Mr. Chairman, I believe that the gentleman from Ohio has given me his 1 minute, so I have 3½ minutes.

The CHAIRMAN. The gentleman from California has 3½ minutes remaining.

Mr. DYMALLY. Mr. Chairman, I yield the remainder of our time to the gentleman from New York [Mr. OWENS] to wrap up the debate for the Congressional Black Caucus budget.

Mr. OWENS of New York. Mr. Chairman, the question is often asked, how real or rational is the Congressional Black Caucus budget. I think we have heard today that we have a budget which is more real and more rational than any that has been presented.

We have a budget which is also honest. A nation's budget should be a statement of the priorities of that nation and we have clearly stated the priorities as we think they should be in this Congressional Black Caucus budget.

In the statement of this priority, we have placed a great deal of emphasis on education because we realize that only Neanderthals see the national security merely in terms of immediate defense and our weapons, or troop strength. Our long-term security, our long-term national survival, is definitely tied in with our education, our brain power.

The President's budget savages education. About one-third of the total deficit reduction in the President's budget would come from cuts in education. Student financial assistance and guaranteed student loans would be reduced by 45 percent. Under the President's budget, Pell grants would be greatly reduced. Work study, which is not funded at $413 million would also be eliminated.

The President's budget would cut in half the TRIO programs for disadvantaged students and reduce by two-thirds the title III assistance for historically black colleges.

By not recognizing education for those who are most in need of educational assistance, the President also shows a disdain for education in general.

We have a long-term survival, a long-term struggle to worry about, whether we are considering competition in the commercial area with our allies in the Free world or whether we are considering competition in the struggle for survival with the Soviet Union, education is the key to our survival. Whether we are considering high technology or are considering maneuvers in diplomacy, education is the key. Military brain power also is needed. Our space program suffers mostly from the lack of brain power. Education becomes the key.

Only a Neanderthal set of thinking would savage the budget in education as the President has.

This Congressional Black Caucus budget restores balance. It focuses on the priorities that should be focused on. Therefore, not only do we want the praise of our colleagues, we would like their votes also. This is a budget which is real. It is honest. It is not smoke and mirrors and we need your votes.

Mr. CONYERS. Mr. Chairman, will the gentleman from New York yield to me?

Mr. OWENS of New York. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I commend the gentleman on his concluding remarks. I want to join with the gentleman in saying that this budget represents the best hope for our country, our communities and our people. We are hoping that we will get a decent and respectable vote based on that offering that we made today.

Mr. OWENS of New York. Mr. Chairman, I thank the gentleman.

Vote for the long-term security of the Nation by voting for the one budget which looks out for that long-term security, the Congressional Black Caucus budget.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from California [Mr. DYMALLY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 362, answered "present" 2, not voting 13, as follows:

[Roll No. 51]

AYES—56

Ackerman
Akaka
Alexander
Boggs
Bonior (MI)
Boxer
Brown (CA)
Bryant
Clay
Coelho
Collins
Conyers
Coyne
Crockett
Dellums
Dixon
Dymally
Edwards (CA)
Flake
Foglietta
Foley
Ford (TN)
Frank
Frost
Gonzalez
Gray (IL)
Hawkins
Hayes (IL)
Hoyer
Kennedy
Kildee
Lehman (FL)
Leland
Lewis (GA)
Lowry (WA)
Markey
Mfume
Miller (CA)
Mineta
Moody
Oakar
Owens (NY)
Perkins
Price (IL)
Rangel
Rodino
Roybal
Savage
Schroeder
Stark
Stokes
Torres
Towns
Traficant
Weiss
Wheat

NOES—362

Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boland
Boner (TN)
Bonker
Borski
Bosco
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Ford (MI)
Frenzel
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Petri
Pickett
Porter
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes

Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Espy
Gray (PA)

NOT VOTING—13

Annunzio
Burton
Daniel
Dingell
Garcia
Kemp
Livingston
Lloyd
Madigan
Pickle
Stangeland
Tauzin
Williams

□ 1420

Messrs. WAXMAN, SIKORSKI, BERMAN, and SCHEUER changed their votes from "aye" to "no."

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GRAY OF PENNSYLVANIA

Mr. GRAY of Pennsylvania. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GRAY of Pennsylvania: Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1988 is established and the appropriate budgetary levels for fiscal years 1989 and 1990 are hereby set forth:

(a) The following levels and amounts are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:
Fiscal year 1988: $930,900,000,000.
Fiscal year 1989: $990,250,000,000.
Fiscal year 1990: $1,062,950,000,000.

(2) The appropriate levels of total new budget authority are as follows:
Fiscal year 1988: $1,142,200,000,000.
Fiscal year 1989: $1,210,900,000,000.
Fiscal year 1990: $1,260,050,000,000.

(3) The appropriate levels of total budget outlays are as follows:
Fiscal year 1988: $1,038,500,000,000.
Fiscal year 1989: $1,079,550,000,000.
Fiscal year 1990: $1,115,350,000,000.

(4) The amounts of the deficits are as follows:
Fiscal year 1988: $107,600,000,000.
Fiscal year 1989: $89,300,000,000.
Fiscal year 1990: $52,400,000,000.

(b) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989:

(1) The recommended levels of Federal revenues are as follows:
Fiscal year 1988: $690,350,000,000.
Fiscal year 1989: $728,650,000,000.
Fiscal year 1990: $776,000,000,000.
and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:
Fiscal year 1988: $19,850,000,000.
Fiscal year 1989: $21,950,000,000.
Fiscal year 1990: $23,100,000,000.
and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:
Fiscal year 1988: $59,700,000,000.
Fiscal year 1989: $63,850,000,000.
Fiscal year 1990: $68,950,000,000.

(2) The appropriate levels of total new budget authority are as follows:
Fiscal year 1988: $901,600,000,000.
Fiscal year 1989: $949,250,000,000.
Fiscal year 1990: $973,050,000,000.

(3) The appropriate levels of total budget outlays are as follows:
Fiscal year 1988: $833,750,000,000.
Fiscal year 1989: $863,800,000,000.
Fiscal year 1990: $886,750,000,000.

(4) The amounts of the deficits are as follows:
Fiscal year 1988: $143,400,000,000.
Fiscal year 1989: $135,150,000,000.
Fiscal year 1990: $110,750,000,000.

(5) The appropriate levels of the public debt are as follows:
Fiscal year 1988: $2,565,100,000,000.
Fiscal year 1989: $2,776,400,000,000.
Fiscal year 1990: $2,996,300,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1987, October 1, 1988, and October 1, 1989, are as follows:
Fiscal year 1988:
(A) New direct loan obligations, $34,500,000,000.
(B) New primary loan guarantee commitments, $148,700,000,000.
Fiscal year 1989:
(A) New direct loan obligations, $33,800,000,000.
(B) New primary loan guarantee commitments, $150,150,000,000.
Fiscal year 1990:
(A) New direct loan obligations, $33,000,000,000.
(B) New primary loan guarantee commitments, $158,000,000,000.

(c) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1988 through 1990 for each major functional category are:

(1) National Defense (050):
Fiscal year 1988:
(A) New budget authority, $288,700,000,000.
(B) Outlays, $281,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $299,200,000,000.
(B) Outlays, $289,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $310,600,000,000.
(B) Outlays, $298,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1988:
(A) New budget authority, $16,350,000,000.
(B) Outlays, $16,200,000,000.
(C) New direct loan obligations, $6,850,000,000.
(D) New primary loan guarantee commitments, $9,100,000,000.
Fiscal year 1989:
(A) New budget authority, $22,050,000,000.
(B) Outlays, $15,550,000,000.
(C) New direct loan obligations, $7,150,000,000.
(D) New primary loan guarantee commitments, $9,450,000,000.
Fiscal year 1990:
(A) New budget authority, $18,750,000,000.
(B) Outlays, $15,450,000,000.
(C) New direct loan obligations, $7,350,000,000.
(D) New primary loan guarantee commitments, $9,900,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1988:
(A) New budget authority, $10,250,000,000.
(B) Outlays, $10,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $10,750,000,000.
(B) Outlays, $11,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $11,250,000,000.
(B) Outlays, $11,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1988:
(A) New budget authority, $3,250,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
Fiscal year 1989:
(A) New budget authority, $4,150,000,000.
(B) Outlays, $3,300,000,000.
(C) New direct loan obligations, $2,050,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
Fiscal year 1990:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $3,250,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $50,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1988:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $14,550,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $15,550,000,000.

(B) Outlays, $15,750,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1988:

(A) New budget authority, $29,500,000,000.

(B) Outlays, $28,650,000,000.

(C) New direct loan obligations, $17,350,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1989:

(A) New budget authority, $30,000,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $16,150,000,000.

(D) New primary loan guarantee commitments, $8,400,000,000.

Fiscal year 1990:

(A) New budget authority, $26,150,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $15,000,000,000.

(D) New primary loan guarantee commitments, $8,500,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1988:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $3,950,000,000.

(D) New primary loan guarantee commitments, $91,650,000,000.

Fiscal year 1989:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $5,550,000,000.

(C) New direct loan obligations, $4,200,000,000.

(D) New primary loan guarantee commitments, $94,050,000,000.

Fiscal year 1990:

(A) New budget authority, $15,850,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $4,350,000,000.

(D) New primary loan guarantee commitments, $99,000,000,000.

(8) Transportation (400):

Fiscal year 1988:

(A) New budget authority, $28,350,000,000.

(B) Outlays, $27,950,000,000.

(C) New direct loan obligations, $400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $29,050,000,000.

(B) Outlays, $27,950,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $30,100,000,000.

(B) Outlays, $28,350,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1988:

(A) New budget authority, $7,600,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

Fiscal year 1989:

(A) New budget authority, $7,750,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

Fiscal year 1990:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $6,800,000,000.

(C) New direct loan obligations, $1,150,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1988:

(A) New budget authority, $36,450,000,000.

(B) Outlays, $32,950,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $9,050,000,000.

Fiscal year 1989:

(A) New budget authority, $38,050,000,000.

(B) Outlays, $35,700,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $9,150,000,000.

Fiscal year 1990:

(A) New budget authority, $39,250,000,000.

(B) Outlays, $37,500,000,000.

(C) New direct loan obligations, $1,650,000,000.

(D) New primary loan guarantee commitments, $9,150,000,000.

(11) Health (550):

Fiscal year 1988:

(A) New budget authority, $45,700,000,000.

(B) Outlays, $44,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1989:

(A) New budget authority, $49,750,000,000.

(B) Outlays, $49,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1990:

(A) New budget authority, $54,200,000,000.

(B) Outlays, $53,700,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(12) Medicare (570):

Fiscal year 1988:

(A) New budget authority, $93,200,000,000.

(B) Outlays, $81,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $102,600,000,000.

(B) Outlays, $89,250,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $113,300,000,000.

(B) Outlays, $98,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1988:

(A) New budget authority, $168,600,000,000.

(B) Outlays, $131,350,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $176,650,000,000.

(B) Outlays, $139,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $183,150,000,000.

(B) Outlays, $144,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1988:

(A) New budget authority, $4,700,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1988:

(A) New budget authority, $27,900,000,000.

(B) Outlays, $27,400,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $30,400,000,000.

Fiscal year 1989:

(A) New budget authority, $28,250,000,000.

(B) Outlays, $27,650,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $28,400,000,000.

Fiscal year 1990:

(A) New budget authority, $28,500,000,000.

(B) Outlays, $28,150,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $30,700,000,000.

(16) Administration of Justice (750):

Fiscal year 1988:

(A) New budget authority, $9,200,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $9,350,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1988:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $7,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $8,000,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $8,200,000,000.

(B) Outlays, $7,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1988:

(A) New budget authority, $1,800,000,000.

(B) Outlays, $1,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $1,850,000,000.

(B) Outlays, $1,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $1,900,000,000.

(B) Outlays, $1,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1988:

(A) New budget authority, $145,350,000,000.

(B) Outlays, $145,350,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $151,000,000,000.

(B) Outlays, $151,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $155,150,000,000.

(B) Outlays, $155,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1988:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, $1,950,000,000.

(B) Outlays, $2,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, $3,150,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1988:

(A) New budget authority, −$49,400,000,000.

(B) Outlays, −$49,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1989:

(A) New budget authority, −$53,850,000,000.

(B) Outlays, −$53,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1990:

(A) New budget authority, −$69,000,000,000.

(B) Outlays, −$69,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Reconciliation

Sec. 2. (a) Not later than June 10, 1987, the House committees named in subsections (b) through (h) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill or resolution or both carrying out such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $1,000,000,000 and decrease outlays by $1,000,000,000 in fiscal year 1988; decrease budget authority by $1,500,000,000 and decrease outlays by $1,500,000,000 in fiscal year 1989; and decrease budget authority by $2,000,000,000 and decrease outlays by $2,000,000,000 in fiscal year 1990.

(c) The House Committee on Banking, Finance and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $76,000,000 and decrease outlays by $80,000,000 in fiscal year 1988; decrease budget authority by $80,000,000 and decrease outlays by $87,000,000 in fiscal year 1989; and decrease budget authority by $84,000,000 and decrease outlays by $93,000,000 in fiscal year 1990.

(d) The House Committee on Education and Labor shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $0 and decrease outlays by $100,000,000 in fiscal year 1988; decrease budget authority by $0 and increase outlays by $33,000,000 in fiscal year 1989; and decrease budget authority by $0 and increase outlays by $33,000,000 in fiscal year 1990.

(e) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $656,000,000 and decrease outlays by $2,397,000,000 in fiscal year 1988; decrease budget authority by $659,000,000 and decrease outlays by $3,436,000,000 in fiscal year 1989; and decrease budget authority by $662,000,000 and decrease outlays by $4,792,000,000 in fiscal year 1990.

(f) The House Committee on Interior and Insular Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $0 and decrease outlays by $213,000,000 in fiscal year 1988; decrease budget authority by $0 and decrease outlays by $79,000,000 in fiscal year 1989; and decrease budget authority by $0 and decrease outlays by $134,000,000 in fiscal year 1990.

(g) The House Committee on Merchant Marine and Fisheries shall report (1) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (3) any combination thereof, as follows: decrease budget authority by $250,000,000 and decrease outlays by $250,000,000 in fiscal year 1988; decrease budget authority by $250,000,000 and decrease outlays by $250,000,000 in fiscal year 1989; and decrease budget authority by $250,000,000 and decrease outlays by $250,000,000 in fiscal year 1990.

(h)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $18,000,000,000 in fiscal year 1988,

$19,000,000,000 in fiscal year 1989, and $20,000,000,000 in fiscal year 1990.

(2) The House Committee on Ways and Means shall report (A) changes in laws within its jurisdiction which provide spending authority, as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays; (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act sufficient to achieve savings in budget authority and outlays; or (C) any combination thereof, as follows: decrease budget authority by $0 and decrease outlays by $1,600,000,000 in fiscal year 1988; decrease budget authority by $0 and decrease outlays by $2,667,000,000 in fiscal year 1989; and decrease budget authority by $0 and decrease outlays by $3,967,000,000 in fiscal year 1990.

(i) It would be appropriate for the House Committee on Ways and Means to increase outlays in fiscal years 1988, 1989, and 1990 for programs within the jurisdiction of that committee and not assumed in section 1 of this resolution if that committee reports changes in laws within its jurisdiction which increase revenues or reduce outlays in such fiscal years by amounts sufficient to ensure that the increased outlays for such programs would not increase the deficits set forth in such section.

ESTABLISHMENT OF DEFICIT REDUCTION ACCOUNT

SEC. 3. (a) Revenues increased through legislation by $19,850,000,000 in fiscal year 1988, by $21,950,000,000 in fiscal year 1989, and by $23,100,000,000 in fiscal year 1990 shall be used solely for the purpose of reducing the Federal deficit.

(b) The President shall immediately take such steps as are necessary to establish a separate account in the Treasury into which revenues referred to in subsection (a) shall be deposited. The account shall be administered in such a way as to insure that moneys deposited in the fund are available solely for the purpose of deficit reduction. The President shall report on an annual basis to the Congress on the financial condition of the fund and the extent to which the fund has reduced the Federal deficit.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAY] will be recognized for 30 minutes, and a Member in opposition will be recognized for 30 minutes.

Is the gentleman from Ohio [Mr. LATTA] in opposition to the amendment?

Mr. LATTA. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio [Mr. LATTA] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Pennsylvania [Mr. GRAY].

□ 1430

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes and 30 seconds to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the chairman for yielding.

Mr. Chairman, I ask my colleagues to ponder for a moment a little sign that I have in my office that a constituent needle-pointed for me. She said, "I know you believe you understand what you think I said, but I am not sure you realize that what you heard is not what I meant."

As we have discussed this budget for the last several hours and the last couple of days, I cannot believe some of my colleagues, particularly those on this side of the aisle, have said some of the things that they have said about this Democratic budget over the last several hours. When we remember 2 years ago there were 56 of us on both sides of the aisle who voted for the Leath budget, that had we passed it we would not even be here today; and 3 years ago 59 of us voted for the Roemer budget and had we supported that one that cut everything straight across the board, no exceptions, we would not be here today.

Now, then, I have letters from my colleagues saying, "If I vote for this budget, we are going to do irreparable harm to the defense of this country." That is not true.

I have another letter here from a colleague saying that if we vote for this budget, we are going to do irreparable harm to the oil and gas industry, and that is not true. But then I have a letter here from the National Taxpayers Union and they say that what we should do, what we should do is follow Gramm-Rudman-Hollings. What we should do is take the Democratic defense numbers, the President's other spending cut numbers, live up to Gramm-Rudman, that is what we should do. And I suggest to all of us if that is what you think we should do, then you must vote for this budget before us because it is the only way we can get there. It is the only way we can do that which I have heard Members on both sides of the aisle say that that is what we need to do. The only thing wrong with the National Taxpayers Union is they say, do not raise taxes. Now, folks, "You can't get there from here." If we could get there from here by not raising taxes, there would have been an alternative budget offered, there would have been an effort made in the committee where we are supposed to act; to those who criticize this budget who did not even bother to participate in the debate in the committee when we are supposed to put these matters together, who refused to participate, you only forget that the only way our forefathers meant for this country to function is through compromise. If those 55 men 200 years ago would have adopted the same strategy that we are using today in decrying this budget, if they would have done that, we would never have had the Constitution of the United States.

I ask you to support this budget because it is the only way we can deal with the fiscal matters of this country in a fiscally responsible manner.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, this budget does some good things. It makes generally fair cuts in defense and nondefense. Important programs in education, health, community development, the environment, and other areas are protected. It even assumes my beloved Coast Guard user fee. In fact, under ordinary circumstances, I would probably rise in support of this budget. But these, my friends, are not ordinary times. For this budget also contains an oil import tax, and I rise to oppose the budget for that reason.

As everyone in the House knows, I've led the fight against an oil import tax because it is regressive. It falls most heavily on our poor and middle-income citizens, and on the Northeast-Midwest region particularly. Today's tax comes under the disguise of in-kind contributions to the strategic petroleum reserve.

But don't be fooled. This is a wolf in sheep's clothing. We're told not to worry, that all the details of this ill-defined scam will be worked out. But I ask the chairman—how big of a bureaucracy are you going to need to monitor these contributions? We're told not to worry—that as a fee on refiners these costs will not be passed on to consumers. But I ask the Chairman—how can he ensure that Houdini act without price controls or reregulation, or are those part of the hidden package too?

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my good friend.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

I would just like to ask, would the gentleman, since he has asked me a question, I would just simply like to know on what page does he find in the budget proposal submitted by the committee the so-called import oil tax that he is talking about? Because in the budget that was written by the committee, there is no such mention of any such oil import fee.

Mr. CONTE. As I said, it is hidden in there. We have read it in there. And I would not be up here speaking if it were not.

Mr. GRAY of Pennsylvania. Is this just like the Republican alternative budget, it is hidden, too?

Mr. CONTE. I am not—I am against the President. If the Republicans had an alternative here, most likely I would be opposed to that. I have supported the gentleman in the past, but the gentleman is not going to do this to my people. You are not going to do this to my people.

We're told not to worry, that refiners can handle this modest tax. But I ask the chairman—how does that square with the Department of Energy's recent report that domestic refining capacity is at an all-time low?

We're told not to worry—that this can be taken care of in reconciliation, and we might even get a separate vote. But I ask the chairman—how are we gonna rope this horse once it's out of the barn?

Best of all, we're told not to worry, that this isn't even an oil import tax.

With a wink and a nod, the chairman tells supporters of an oil import fee that we're gonna call this something else, and make it look like something else.

But when all is said and done, we won't have something else—we'll have an oil import tax of about 30 cents on the barrel. I don't care what you call it, Mr. Chairman.

Shakespeare once said that "a rose by any other name would smell as sweet." Well, to paraphrase the old bard, call it what you want, but an oil import fee still stinks! I urge Members to stand up and be counted.

Vote down this scam. Let's put this bad boy to bed and bring a budget to this floor that meets our responsibilities.

I wonder if the chairman would accept, and everyone else would, unanimous consent for my saying there will never be an oil import fee as a result of this budget resolution.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Would the gentleman tell me his alternative to this horrible animal that is being brought out on the floor?

Mr. CONTE. Wait a minute. I have commended the chairman and the Budget Committee for their resolution, all except this one little part. You take this out or he can ask unanimous consent or you can that no oil import fee will come about as a result of this budget resolution or the one that the Senator from Texas is going to amend over there in reconciliation and I will go along with you.

Mr. CONYERS. Where is it, sir?

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, there's been a lot of talk about the various merits of different budget proposals, and some of the speeches are beginning to sound like advertisements. I keep expecting to hear from the administration that the President's budget will help build strong bodies 12 ways. The President's economic policy since 1981 has had a "who says you can't have it all" quality to it. But the deficits caused by his tax giveaway and military buildup prove that the Federal budget is a little more complicated than a lite beer commercial, and it makes me wonder what if budget claims were subject to truth in advertising laws?

The President has almost $22.4 billion in revenue increases in his budget. Over $10 billion are loan asset sales and another $6 billion from shifting spending from 1988 to 1989. Those are great ways to reduce a deficit if you also believe in selling your furniture to pay your monthly utility bills and that pushing your mortgage payment into August means you're a richer person in July. Those claims don't meet the Federal standards for false claims or representations, and I wonder about the Fair Packaging and Labeling Act.

The Budget Committee, on the other hand, has produced a real budget—a straight, honest budget. We've eliminated the smoke and mirrors. We've made the tough choices, and some politically unpopular ones. This isn't a perfect budget, but it makes real deficit reductions, protecting vital programs for the future.

The Republicans criticize this document, but they have offered no vision of their own. Our budget is a blueprint of our party's beliefs and priorities for this Nation. The Republicans in this body ceded responsibility for producing their beliefs. They wouldn't even offer their own President's budget.

The resolution produced by the committee is far more realistic than the one the President sent to us. Gone are the bookkeeping gimmicks and trick solutions of last year's budget. What we have is responsible deficit reduction, keeping military spending at reasonable levels, and increasing domestic spending for key priorities like AIDS research. With all of this, we meet the Gramm-Rudman goal, and even come in a little lower than the President.

□ 1440

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, as we debate the merits of the House Budget Committee's budget resolution, I want to share with my colleagues my concern about the mysterious $18 billion in revenues to be raised by the Ways and Means Committee.

Just previously, the gentleman from Massachusetts [Mr. CONTE] spoke, and spoke quite eloquently, about some of the things that are in this budget that he supports. I support many of the things that are in the budget. I would like to vote for this budget because it does help the Northeast-Midwest.

I represent the Northeast-Midwest as a cochairman of the Northeast-Midwest Coalition, and many of the things that are related to the domestic part of the program benefit the Northeast-Midwest. I would like to support it.

But the thing I am concerned about is where is this $18 billion going to come from? Nobody has mentioned any increase in personal or corporate income taxes, and I certainly agree with that.

Nobody will say that such sums could be raised through moderate increases in user fees and other excise taxes. Where does that leave us? My fear is that the Ways and Means Committee will look to what's been called a quick fix—an oil import fee. I represent a part of Rochester and upstate New York area. I am concerned about what an import tax will do to the poor people, the people who heat with oil in the Northeast. I am concerned as to what it will do to the industries in upstate New York and in our region.

I have learned many times over that an oil import tax is not a quick fix. It is regressive, it is inefficient, it is an unfair tax, and it burdens the Northeast and the Midwest.

The Citizen-Labor Energy Coalition recently completed a study on the residential and national implications of an oil import fee. That study concluded that a $10 per barrel fee would result in an increase of more than $400 a year to families who heat with oil. It would increase U.S. petroleum costs by $53 billion. It would increase natural gas costs by $27 billion.

This is what the Citizen-Labor Energy Coalition has said.

It would have a crippling effect on the industry of the Northeast which heats with oil, seriously impairing their ability to compete, and even threatening their existence.

In short, Mr. Chairman, this is not a quick fix. It would cost consumers $3 for every $1 in revenue raised. It is bad public policy, and the House Budget Committee's budget resolution may force us into this type of bad public policy.

I urge all my colleagues, particularly my friends in the Northeast and Midwest, to oppose this resolution. The mystery of the $18 billion in revenues could turn out to be a real horror story.

I would also point out that on page 32 of the report, it points out the Strategic Petroleum Reserve [SPRO] Acquisition Program:

> The Committee recommendation assumes that legislation will be enacted to acquire oil for storage in the SPRO at a rate not less than 75,000 barrels-a-day, and to provide for continued construction of capacity for the Reserve.

On the page before that, it says that they are going to estimate some $700 million that they are going to save. So it is written in the report, if you will just look carefully. You will find, ultimately, that there is going to be an oil import tax, and it is going to hurt the people in the Northeast-Midwest.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I just simply say to the distinguished gentleman from New York, who I know has a great concern over this issue, that I come from a district where that is of great concern, too.

I would just simply say to the gentleman, to extrapolate from that statement that there is an oil import fee, I think is going a little bit too far.

Mr. HORTON. Mr. Chairman, could the gentleman give me an assurance that there will be no oil import fee?

Mr. GRAY of Pennsylvania. I can simply say to the gentleman in the well, as he knows, that I do not sit on any of the committees of jurisdiction.

Mr. HORTON. I understand that; I do not, either.

Mr. GRAY of Pennsylvania. I would simply say to the gentleman that if there are any reconciled revenues, they will have to come back to this floor as part of reconciliation. I would also say to the gentleman from New York that as far as this person is concerned, how he can take that language, which simply says let us move from 40,000, which was the President's barrel rate, to 75,000. That is why that statement is in there because the committee is recommending a higher fill than the President.

Mr. HORTON. I understand what the gentleman is saying, but when I read that language, it appears to me that there could be a tax.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Chairman, I am here to congratulate the gentleman from Pennsylvania [Mr. GRAY], the chairman, for a tremendous job. I have sat in that budget caucus of the Democrats now for it seems like 3 months this round as we have just plain been making tough cuts.

My friend, the gentleman from Texas [Mr. STENHOLM], really spelled it right. There was not anything easy in this. There is not one of us who has not made cuts in our district that hurt a lot.

We have real deficit reduction. Now, regardless of whether we use the OMB estimates or whether we use the CBO estimates, the fact of the matter is that this budget that is before us is real deficit reduction.

Last year, when we passed the budget, one thing we could say is that we are telling you that we are using smoke and mirrors. We are using one-time asset sales.

□ 1450

We were using one-time asset sales; we were using these things to hit the Gramm-Rudman target, and we all knew that was a mistake. Today, of course, that mistake that we knew we were making last year, using one-time asset sales to hit the Gramm-Rudman target, came back to get us, because those are one-time savings.

But when we got back into the budget this year, there we were with the same problem up there. Something I am very proud of is the fact that the chairman of the committee, the gentleman from Pennsylvania [Mr. GRAY], put together a budget that used none of those things. We got to $1,040 billion outlays, as opposed to the President's $1 trillion 46 billion outlays without using asset sales.

Then we do call for it to be balanced. We took $8.75 billion out of domestic and $8.75 billion out of defense and $18 billion out of revenues to get a real $36 billion, which is what we have to get to the deficits we are all committed to address.

Mr. Chairman, what we have in this document is an honest budget, one to be proud of, and I ask the Members to vote for it.

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I have talked with the Members several times in this budget discussion about the fact that the Democrats and the chairman of the Budget Committee had trashed the President's budget on its basic assumptions in January, February, and March, and now in April the Democrats have adopted the President's basic assumptions.

Why would they do that? It is very simple. If we take the President's assumptions over the assumptions of the Congressional Budget Office, it gives us about a $10.5 billion paper savings. What happens to those paper savings in August and September? We have to find real dollars to plug them. So when it is said that we have to find $18 billion in revenues, I think we had better add that $10-plus billion to it. Then let us not forget about the legislation that is currently moving through that has to be funded in some way. We have a welfare reform that can be anywhere between $2 and $5 billion. We have a catastrophic health program that is currently listed at $4.1 billion. The Black Caucus budget had it at $27 billion. I think we ought to fill in the blank on that one. Actually we are looking at something between $40 and $60 billion.

Is that what we are going to find in the Ways and Means Committee? No, the assignment for the Ways and Means Committee, a committee on which I sit, is that they are figuring about $18 billion in new revenues. I do not have a perfectly clear crystal ball, but I can say that I see enough in that ball to know that the chairman of the Ways and Means Committee is not going to raise the individual rates or the corporate rates in the new tax package that we just put into effect.

I want to talk to Members on this side of the aisle who represent tobacco States. I can assure them that when we close the doors in the Ways and Means Committee and we start trying to find the revenue, yes, you have spoken in favor of all the goodie parts of the bill on that side, but there is going to be a tobacco tax, a cigarette tax—probably 32 cents a pack—that is going to be seriously considered as a source of revenue. The average moderate taxpayer is going to get hit.

And we are going to take a look at a gasoline tax increase. For every penny increase, we get about $900 million. That is where we are going to look for the money, again from our middle-income, average taxpayer.

There is talk about an oil import fee. Let me tell the Members that if they are from an oil-producing State, the Independent Petroleum Association of America says, about the creative idea to fill the SPR without any taxpayer dollars: "were this not in writing," they say, we would not have believed it, but since a majority of the Budget Committee has accepted it as legitimate national policy, we have no choice but to comment on it.

The comment is that it probably means increased taxes to oil companies of up to 50 percent if their profits in 1988 are no different than their profits today.

So it is the Democrats I am talking to now about the good parts of this phony budget in terms of what is not cut, whether it be in agriculture, whether it be in welfare or anywhere else——

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I do not have very much time. Normally I would yield to the gentleman from Texas, but I do not have enough time to yield.

Mr. Chairman, I want the Members to realize that they cannot have it both ways, that the revenue portion is going to have to be funded and it is going to come from tobacco.

Let us take a look at the wine and beer possibilities. You are hitting moderate-income taxpayers. We are hitting moderate taxpayers in terms of the so-called sin taxes. Those are regressive taxes. That is where the money is going to come from, and one of the reasons Republicans are going to vote no on this measure is because we were never honest in committee. None of us had the guts, on both sides of the aisle, although I made the commitment in private that I was ready to sit down and talk about revenues if they were ready to sit down and talk about the unmentionable; and that is this: Let us take a look at millionaires who fly first class and who still receive money from the taxpayers' coffers after they get back what they paid in with interest, whether it be from several different pension funds or not.

Until we get serious about that portion of the budget, until we get serious about talking about the entire budget, as to where we get the money, those of you from tobacco States and oil-producing States, I want you to explain how come your areas are getting hit for the revenues. Remember, we cannot have it both ways.

The CHAIRMAN. The Chair wishes to state that the gentleman from Pennsylvania [Mr. Gray,] has 23½ minutes remaining and the gentleman from Ohio [Mr. Latta], has 17 minutes remaining.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 1 minute and 30 seconds to the distinguished gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Chairman, the preceding speaker said that we cannot have it both ways, but they do not want to have it any way. Yes, it is difficult to come up with a budget. That is why the Republican Party has refused to do it. They are simply determined to show that they are well equipped to be the minority.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I will yield to the gentleman just as he yielded to the gentleman from Texas; that is not at all.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK. No, just as the gentleman would not yield to anybody before, I will not yield to him.

They are determined to show they are well equipped for minority status, and so they will stick to their irresponsibility. The gentleman has accounted for that $18 billion seven times over. Every possible tax, he says, is going to happen. He admits that there are in fact ways to raise taxes fairly. In fact, he said—and I thought it was an extraordinary statement—that he was willing in private to discuss raising revenues. Well, some of us are willing to discuss our responsibilities in public. We are willing to say that there continue to be in this Tax Code which was changed last year ways to raise revenues that would be equitable and reasonable and would not have an adverse regional impact.

I do not agree with what the gentleman talked about concerning the proposal of the Energy and Commerce Committee on filling the oil reserve. I do not believe it is going to happen. I vote for this budget with confidence that it is not going to happen.

I also vote for this budget reluctantly because we are in a difficult situation. But I say that in contrast to the failure of the Republican Party to put forward any alternative whatsoever. They understand it is a difficult job, and they responded by not even trying. I think it is far more responsible to do what the Democratic budget does and that is to be honest with people.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. Leath], a member of the committee.

Mr. LEATH of Texas. Mr. Chairman, we have heard a lot of rhetoric, as we always do when we get to this point in time. This institution, by its very nature, always has a degree of frustration about it. I think what we are seeing as we go through this particular debate is enormous frustration.

I see my friends over here are throwing hand grenades about, talking about oil import fees and tobacco taxes, trying to scare everybody they can, but I have not seen an alternative.

Is this budget something that I like? No, it is not something I like. Is this budget we are talking about and debating today what is best for the country? No, it is not what is best for the country. But in a democratic government, Mr. Chairman, we work within the options that we have available, and the plain, simple truth is that it does not make any difference, whether you are liberal, moderate, conservative, Republican, or Democratic, when you have a President who for 4 straight years has simply refused to participate in the process and has so frustrated his own party that for the first time in my memory they cannot do anything except come down here and criticize.

I do not like this budget, but let me say that I was sent here to be a part of government. I was sent here to make decisions. I was sent here to make the hard decisions and ultimately to govern.

My daddy told me a long time ago that 20 percent of something is better than 100 percent of nothing. So if that is all I can get in the legislative process, I am going to take it and accept the responsibility. Some day I hope I can live long enough that we can get together in this town and figure out that we ought to run for reelection 3 months out of every 2 years, and during the other 18 or 20 months we ought to govern. And until such time as we are willing to do that and the President is willing to come to the table with a full deck and say, "Ladies and gentlemen, I am ready to sit down and talk," we can argue about revenues.

Everybody in this town knows that we cannot solve this deficit problem without some additional revenues. The President knows that. He has had revenues in some form or another in every budget he has sent up here for the last 4 years. The American people know that.

I get very amused when people talk about how much we cut taxes. Nobody talks about the $75 billion a year in interest payments that we have strapped around our grandchildren for the rest of their lives.

□ 1500

Where $30 billion in new revenues 3 years ago would have solved this problem, as Charlie Stenholm said, and we would not even be here today. But Mr. Reagan said, "No, you people on Capitol Hill can all agree to that but I will never agree to it."

Mr. Chairman, that is foolish.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. Rogers].

Mr. ROGERS. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to speak for a moment to the Members on this side of the aisle, particularly, to be sure that they understand as the party discipline comes down and you are being asked to play team ball here, that you have go to face up to the music that when you vote for this proposal, you got to go home and you have got to tell the folks, if you are from the Northeast, "I voted for a proposal that resulted in an oil import fee on you."

If you are from the tobacco States like I am, Kentucky, Tennessee, North and South Carolina and the rest, you have got to go home and you have got to tell your people that since you hear, "I voted for a proposal that allowed a tax increase on the cigarettes and tobacco." Or if you are from an alcohol-producing region, beer, wine, or what have you, you have go to go home and you have got to tell those people "I voted for a proposal that raised the taxes on these products that put you out of work." That is the choice that you face.

You cannot go home and say, well, you can, but I doubt that you would want to, you cannot go home and say, "Well, I wanted to play team ball. I got up there on the Potomac and I was convinced that I ought to play party, and play party discipline. I forgot my roots and I forgot where I came from and I ignored your interest and I voted for a tax."

They have got to raise $20 billion from somewhere. It is going to come from tobacco or alcohol or an import fee or a gasoline excise tax on your commuters or an income tax increase. It has got to come from somewhere, and if you vote for this proposal, you are voting for more taxes.

Take that home and tell that to your home folks.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. Oakar].

Ms. OAKAR. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of real and permanent deficit reduction; in support of education, jobs and increased competitiveness. In short, I rise today in support of the House budget resolution.

Mr. Chairman, I will vote for this budget resolution because I agree with the set of priorities it represents. The Budget Committee proposal balances its cuts equally from defense and nondefense programs and dedicates any revenues raised to a deficit trust fund. This trust fund will only be used to reduce the deficit, not to be applied to any new spending and I place a very high value on the importance of reducing the deficit as quickly and safely as possible.

Expecially high on my list of priorities is the protection of those programs helping our country's most vulnerable citizens—the poor, sick, and elderly. Who else will care if we are not the standard bearers for these neglected segments of society.

There are portions of this budget which do not make me happy however, especially the budget request relating to NASA.

I feel the cuts proposed in the NASA programs are devastating and if allowed to remain through the budget process will have severe repercussions on America's drive to retain competitiveness on a global basis in both the applied sciences and space technology.

Mr. Chairman, a strong commitment to NASA is needed in real budgetary terms if a competitive civilian space program is to be maintained. The benefits of a healthy space program are enormous in light of the effect the program has on the entire economy. NASA and its support contractors provide direct employment to 165,000 Americans throughout the Nation, with substantial spinoff benefits. The NASA budget proposal is basically unacceptable to me and all others who are deeply concerned with the direction America's space program is headed.

Mr. Chairman, I applaud the fine effort your committee has made and the product that effort produced. Hopefully, my concerns about NASA will be addressed in the reconciliation process and those reservations aside, I urge my colleagues to support the House budget resolution.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding me this time.

Mr. Chairman, I speak both as a member of the Budget Committee and also as cochairman of the Northeast and West Congressional Coalition. I understand there has been this rumor circulating that somehow this budget resolution contains the recommendation or stipulation calling for an oil import fee. That is simply not true. If there were an oil import fee as part of this budget resolution, I personally could not have given it my support.

It is a totally erroneous, unfounded assumption and I certainly hope it will not, that rumor will not have any impact on the votes in this body.

There is no oil import fee recommended or stipulated in the House Budget Committee resolution.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding me this time.

Mr. Chairman, as January 1987 broke, this country, this House faced a challenge. A challenge probably more difficult than one we had ever encountered before. We had many new problems: Homeless people walking the streets of our cities; farmers foreclosing their farms; competition from abroad and a trade deficit that was enormous. Problems that we had to grapple with.

But probably the greatest problem of all, underlying all of them, was the huge budget deficit that we all had created. It was a challenge that many thought could not be met. In stunning testament to the difficulty of that challenge, other budgets that were put before us got 27 votes, 47 votes, 56 votes.

Most stunning of all was the overwhelming silence from the other side in their refusal to put forth a budget or rather their inability to put forth a budget. That is how difficult it was. Yet, this budget meets that challenge. We do change priorities from the last several years because our country has changed and priorities must change. But we change priorities, create new programs in a context of deficit reduction.

If people are asking: What is the future of this country; how can we grapple? They will look at this budget and they will say, "This was the beginning of the road." You do not simply have to cut and be negative. You can create and deal with people who need help and still you can reduce that deficit.

This budget is a budget of hope. This budget says we can meet our problems without spending through the roof. This budget is a budget that we can all be proud of.

I urge all my colleagues to vote for it.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to oppose this budget and urge my colleagues to vote no and return the budget to committee so that we can come out with something decent and honest that will serve the Nation in the future.

Here we have, for the second year in a row, a budget that has not been through CBO and cannot save the dollars it claims. It does not have any detail to back it up just like last year. Because we passed this kind of budget out of the House Budget Committee last year, we are already $15 billion over our outlays half-way through the year. A shameful performance.

This bill is full of things it says it is not full of. Yes, it has an oil import fee. You cannot save $600 million, continue to fill SPR at the same rate and not get the money from somewhere. If you get it from domestic producers, you increase their taxes 50 percent. We are not going to do that on our domestic producers, and so it comes down to the 2-percent oil import tax that you are talking about at the back of the room because we hear it from our colleagues, and by gum, it is going to be out there on my people in the Northeast who cannot compete with your people in the Southwest right now.

It is going to disadvantage manufacturers who are dependent on imported oil versus those who are dependent on other sources of energy even in my own towns in New England.

□ 1510

That is only one of the hoaxes of this budget. Run down the rest of them, the things that you say with one hand about health care, you are going to get it all for free, no increase, beneficiary pays and budget neutral. Look at your savings under energy. You are going to decimate the clean coal technology, our only hope to deal with acid rain; but you do not touch the Marine Technology Program, something from another era, something we have already done.

There are no clear priorities set in this budget. There are no real choices made and that is why the CBO has said over and over again and in writing, "We can't cost this out and because we can't cost this out, we cannot make the savings."

It is a sham, Mr. Chairman. It is the kind of sham that you call the President's assumptions until you adopt them.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in reluctant support of the House Budget Committee's budget proposal.

First, let me express my concern with the process by which we have arrived at this budget. We began with the submission of the President. We saw earlier today just how popular that was. The administration has refused to be player in the budget process, proposing a budget which was irresponsible and insensitive to the needs of the American people, especially rural Americans such as those I represent in South Dakota. I could not support a budget that devastated not only direct farm programs such as commodity prices, but also demolished programs important to rural America such as the REA, ASCS, rural housing, and FmHA rural development.

I have been similarly appalled with the behavior of the House. Political posturing seems more important to some in this House than responsible management of the Federal Government. I am sorely disappointed with the efforts of both parties. I am disappointed at Republicans who refused to work with the Democratic majority and who refuse to offer any alternative, while condemning the package offered by the committee. I am also disappointed with the Members of my own party, who have shied away from the truly difficult choices, and while they have produced the best of the budgets presented here, under admittedly difficult circumstances, I still find it impossible to give this budget my wholehearted support.

My dilemma is clear: Whether to support a budget which, although it is kinder to South Dakota than any other presented, is hardly fair to a struggling rural State. I applaud and support the efforts of the committee to extend Federal programs that help the hungry and homeless. But the budget fails to recognize that many of those hungry and homeless are displaced farmers. If we refuse to acknowledge the sources of the problem, if we refuse to direct our limited resources to those who need them most, if we refuse to take seriously the responsibility of managing our Federal resources, then we have not done our job.

My dilemma is compounded by the need to balance the budget. My primary goal when I was elected last year was to bring the budget into balance, and the committee's budget produces the largest amount of deficit reduction of any of the options presented. The budget deficit, the trade deficit, and the overvalued dollar—all interrelated problems—hit hard in an agricultural State, and the most important step we in Congress can take is to bring down the budget deficit.

It is therefore with great reluctance that I will vote for the committee bill. Given that I must choose between the President's budget and the committe budget, I will with strong reservations cast my vote for the committee budget.

We must do better in the future. Deficits must be reduced, but to do so in a fair, balanced way, we need the cooperation of everyone: The President and Congress, Republicans and Democrats. This is not a partisan deficit. It does not require partisan solutions.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. Huckaby].

Mr. HUCKABY. Mr. Chairman, I do not like the committee's budget. It makes us cut domestic spending almost $9 billion. We are cutting defense almost $9 billion. We are increasing revenues $18 billion; but, Mr. Chairman, I will be honest, I cannot come up with a budget that I like myself this year. If we are going to try to reach the targets that we have set for ourselves, hardly any Member in this House, unless he is on the extreme right or the extreme left, can come up with a budget that he is happy with. That is why we do not have a viable alternative from the other side of the aisle.

Perhaps this budget will make this House, at a later date this year, address the issue of an import oil fee. Being from an oil State, I say it is about time.

In conclusion, Mr. Chairman, this budget is the only game in town. If you are for fiscal responsibility, if you are concerned about the debt that your children and your grandchildren are going to have to pay, I urge you to vote "yes."

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. Martin].

Mrs. MARTIN of Illinois. Mr. Chairman, an hour ago, I say to my colleagues, I was in the dentist's chair. It says something about this debate, that having a tooth drilled is a preferable activity, the only time I can remember looking forward to it to get away from something.

Mr. Chairman, I would like to have my colleagues on the Democratic side of the aisle go back briefly to last year, since they are complaining desperately about not having a Republican alternative. The Republicans brought an alternative to the floor, one that was mocked as being irresponsible, impossible, undoable, and one that ultimately was within $1 billion in all categories of what the Democrats finally adopted in the long run.

This time there was an intervening election and you won, something you seem to have forgotten. You now control both Houses. You deserve a chance for your budget. You robots who are going to vote deserve the change, and I am not sure it is the chairman's budget. We know it is not the chairman's mark, but it is the Speaker's budget. That we know. We watched those chains being yanked when people suggested things that might not benefit certain areas of the country.

I will tell you this, the American people now know what they elected. When we told them they will get more taxes, you said, "Oh, no, you won't."

Eighteen billion dollars, and now you are telling all your colleagues it is going to come from nowhere, not an oil tax, not a gas tax, not a cigarette tax, not a whisky tax, not a wine tax, and certainly we will not change anything on anybody, rich or poor.

Where is it coming from? The same place the numbers you made up in your budget, that is where it is coming from. It is going to come out of average working men and women, $18 billion in new taxes. Spending—you reconcile less than $4 billion.

All you care about is cutting defense and raising taxes. The American people now see what they have elected.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes the distinguished gentleman from Texas [Mr. Brooks], the chairman of the Government Operations Committee.

Mr. BROOKS. Mr. Chairman, the deficit is the Nation's No. 1 economic and political problem. It saps our resources through exorbitantly high interest payments, and forces us into a trade imbalance which has nearly destroyed our competitive position throughout the world. Normally, if you would put 10 economists in the same room on any given problem, they would emerge with at least 57 options. However, on this they are united: We must reduce the deficit through an appropriate balance of revenue enhancement and real, permanent spending cuts.

House Concurrent Resolution 95, the House Budget Committee's plan before us, provides a significant further step toward deficit reduction in conformity with Gramm-Rudman-Hollings. Unlike the President's budget, which was overwhelmingly rejected, the House Budget Committee's plan sets priorities that will assist our citizens in gaining educational opportunity, adequate health care, and protection against the ravages of age and economics deprivation. The House Budget Committees' plan endorses this Nation's commitment to a strong national defense without yielding to requests for spending based upon waste and inefficiency.

This is not a perfect plan. If we wanted a perfect plan, we would have to write 435 of them, and probably 100 more in the Senate. It is a plan which is based on what has to be done; not necessarily what each of us would do if left to our own devices. For example, I myself would prefer if there were no revenue increases in here, but I know that is not feasible. Who's kidding who? I will not deceive the American people.

What adds to the strength of the Budget Committee plan is the enforceability of its deficit reduction elements. Under existing Budget Act procedures, the plan calls for a strong package of reconciliation savings. Levels in the plan will further be enforced through ceilings within which every committee of the House must live.

I am aware of various proposals for budget reform being offered by many

Members. Some are meritorious and deserve consideration. Others should be met with skepticism. We should not be giving the President item veto authority in any form. Biennial budgeting will not solve our problems. More importantly, I think it is unwise and dangerous to write deficit reduction targets into law, as in Gramm-Rudman. Doing so is bad economics, bad politics, and deceives the American people into believing something that is not feasible or part of reality. I urge the adoption of the resolution.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Ways and Means Committee, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I rise reluctantly in support of this resolution; however, I would commend Chairman GRAY and the members of the Budget Committee for their hard work and their courage in taking the tough votes and reporting this resolution to the floor.

As the Congress and the President approach this year's budget cycle, we were faced with essentially three choices. We could fake deficit reductions down to the Gramm-Rudman target of $108 billion. We could enact real deficit reductions to that target and risk a recession, or we could enact real deficit reductions of about $36 billion, which would keep faith with Gramm-Rudman without sending the economy into a tailspin.

I am glad and pleased that in choosing the third path, the $36 billion in real deficit reductions, the Speaker and Chairman GRAY and members of the committee have chosen the path of leadership.

Particularly I want to commend Speaker JIM WRIGHT for having the guts to tell the American people the truth, that revenues have to be a part of the solution to our deficit problem

Today's debate reflects the difficulty in the path of leadership. It is easy to find fault with this resolution, but as its harshest critics have discovered, it is very hard to come up with a better plan.

However, I am seriously disturbed by the implications of the reconciliation instruction given the Energy and Commerce Committee. I want to state that I will vote against any conference report on the budget that contains any implication that an oil import fee will be included in the reconciliation legislation originating from the Energy and Commerce Committee.

At this point, however, Mr. Chairman, I feel that it is a worthwhile resolution and I urge my colleagues to support Chairman GRAY and the Budget Committee.

□ 1520

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, in January the President submitted his fully detailed budget to the Congress. The Congress had the opportunity at that time through its Budget Committee to take up the President's budget and to begin serious work with that budget. That is what I expected we would do. But instead we went on a road show. We engaged in a feeding fast. The whole Democrat Party—Budget Committee members, leadership, and all—while denouncing the President's budget and ridiculing it spoke instead about tax increases.

Then when the Budget Committee came back to town they asked us to join them in providing cover, and when we refused to do that, they gave us a one-page summary and refused to answer our questions.

It is no wonder that they refused to answer questions, because they do not know the answers. To this day CBO does not know what is in that budget. Nobody knows what is in that budget.

What we are being asked to pass on today will not hold water. I say vote "no."

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, this budget was not easy to come up with. The budget certainly is not going to be easy to implement. But this budget is tough and it is real. Conservatives can vote for it, and I hope that they will.

This budget makes a solid $38 billion deficit reduction. It has got balanced priorities. It has money enough in there through cuts to meet our priorities and our needs.

The revenue raised is going to go to deficit reduction, and it does not abandon Gramm-Rudman.

Mr. Chairman, I urge Members to vote for this budget, and then later in the year to support the actions to make it a reality.

Mr. LATTA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio [Mr. LATTA] has 10 minutes remaining and the gentleman from Pennsylvania [Mr. GRAY] has 9 minutes remaining.

Mr. LATTA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, during this debate we have heard a lot about "Why didn't the Republicans come up with a substitute?"

The thing is that the majority party had an obligation to come up with a substitute, and we just wanted to see whether or not they could come up with it, and they have been squealing like little pigs caught under the barn door ever since, because they did not want to accept that responsibility, and once they did, we knew exactly what was going to happen. They were going to come right back to the way the Democrats always do, tax and spend and cut defense.

It is right here in this document. You can run from it all day, but you cannot hide. You cannot hide. We have heard about the reconciliation from the chairman of the Ways and Means Committee. Well, now, he knows that you never stipulate in reconciliation where he is supposed to get that $18 billion. He merely said if it comes back in reconciliation that there is an import fee there, he will not do anything about it, but he did not say where he is going to get the $18 billion in new taxes that is provided for in this bill.

How are you going to vote on those $18 billion worth of new taxes? You cannot hide from that. It is going to be there if you vote for this bill today. It is going to be there, and they are going to be able to go back home and say, "Look what we did. We put $18 billion in new taxes on your backs."

The American people do not want any new taxes. They want this Congress to do something about expenditures. They want us to terminate some of these programs that never should have been started in the first place.

How many are being terminated? None. None. Where is your courage to do something about those programs that we never needed? Can you tell me that we ought to continue a program at Amtrak, for example, that everybody who sets foot on it gets a subsidy of $27? No. Let the people who ride it pay the bill.

Do you think we ought to be fixing up private sidewalks in the United States with Federal funds? No, but we are doing it. I could give a thousand different programs that you ought to be reducing, and you are not doing anything about it. The American people want reductions and not taxes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. SLATTERY], a distinguished member of the committee.

Mr. SLATTERY. Mr. Chairman, I rise in support of the committee budget. It's not a perfect budget, as everyone knows, but we make some hard choices in the budget:

We cut $9 billion of domestic spending.

We cut $9 billion of defense spending.

We recommend $18 billion in additional revenue.

And we cut the deficit by at least $36 billion.

Let's be honest: More action will be needed later this year to reach the $103 billion Gramm-Rudman target.

But let's also be honest about this: The committee budget will cut the deficit, and it does include significant, permanent spending cuts.

You might wonder why some have criticized this budget, without offering an alternative. The simple reason is because they don't want the $18 billion of revenue, even though the President recommends $22 billion.

And they don't want to propose an additional $18 billion of spending cuts, to make up the difference. So the deficit would continue to grow.

The committee budget was the best proposal before the committee, and it is the best proposal before this House.

Mr. Chairman, I've heard several comments about the ineffective budget process.

But, let's look at the facts: Not long ago, the Congressional Budget Office projected rising deficits, year after year. Today, we have declining deficits, year after year.

Not long ago, CBO projected a 1990 deficit approaching $300 billion. Today, after all is done and said: The 1987 deficit will be about $50 billion below 1986.

The 1988 deficit will be more than $35 billion below 1987.

And the 1990 deficit will be more than $200 billion below what was projected in 1985.

By my definition, that's progress.

By any measure, that's real action in the right direction.

Mr. Chairman, much more needs to be done.

We need to get the President involved.

We need to move away from fiscal policy by continuing resolution.

We need more deficit reduction—this year, next year, and beyond.

And we desperately need to stop mortgaging the future of America.

Mr. Chairman, I repeat: The committee budget was the best alternative before the committee, and the best alternative before this House.

It's far from perfect but it deserves our support.

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Chairman, as we get down to the final part of the debate on this whole budget process and this particular one that has come out of the Budget Committee, I just have to ask my colleagues if they really want to vote for this budget resolution. No, I think that there are a lot of them who do not want to.

I voted for more budget resolutions over the years than I voted against. Let me remind Members of something, though. You do not ever get in trouble for those budgets which you vote against; it is the ones that you vote for that you get in trouble on when you do not know all that is in them.

You do not have to worry about it, I know, because in the 99th Congress we waived the budget resolution 106 times. If it gets in our way, we will just waive it. We do not have to worry about it.

Since 1981 we have exceeded our own budget resolution by about $146 billion. But I caution my friends that they need to look at what is in this resolution, or really what is not in it, because they may see it later.

The broad parameters are this: We are going to cut defense; taxes will be raised. I want to emphasize that the President's budget called for $18 billion in user fees and in asset sales. There is a great difference between that and what is being proposed here, which is real tax increases. And also, yes, it has some domestic spending cuts, but it has a lot of increases, too.

Now let us look beyond those broad parameters at what we are really talking about. Cuts in defense: This budget calls for cutting defense outlays by $9 billion in fiscal year 1988, and by $42 billion over the 3 years fiscal year 1988 to 1990.

The plan would cut the budget authority by $14 billion in 1988 and over $51 billion in 3 years.

I see some gentlemen in the room here who do not like those figures. What does that really mean? It means that we have to cut something. Are we going to have to cut military personnel by $3.9 billion? Are we going to have to cut operation and maintenance by $4 billion? Are we going to have to cut procurement by $5 billion?

Well, you might say, oh, no, that is not in there. Then I ask the question: If not there, where? It must come from someplace, and those Members who are worried about defense had better be asking the question: What is it going to come from?

Let us take taxes, for instance. OK, so it is not user fees and it is not asset sales, which I like very much, quite frankly. I think that we have a lot of assets that we could sell.

Well, if not that, well then it must be an increase in taxes on individuals or an increase in the gasoline tax, which I do not like in the South and the Southeast and Southwest, the West. We have to drive to work down there; we do not get to ride mass transit paid for by Federal funds.

□ 1530

Well, if not gasoline, maybe it is tobacco. Some of you fellows like that.

How about beer and wine? I bet you do not like that.

Maybe it is the stock exchange tax that has been proposed by one of our leaders here, or perhaps it is an oil import fee. You might say, well, no, it is not that, it is not that.

Well, if not there, where?

With regard to this oil import fee, which I do not think is all that bad, but some of you folks do not like an oil import fee, this is a kind of now you see it, now you don't thing. You are talking about it, it says here we are going to save 700 million bucks in SPR, and then it says but we are going to continue to put in SPR 75,000 barrels a day. I thought what probably was going to happen is the independents, the private companies, would have to eat the savings of $700 million. Now I am told, no, no, we do not mean that.

Maybe it is an oil import fee. Then I am told, no, no, it is not that.

Well, what is it then? If not there, where?

With regard to domestic cuts, let me tell you what we are really talking about. We have a cut in space and science. What does that mean for the space station? Does it mean 30,000 jobs are going to be lost? OK, maybe not there, but if not there, where, because you have savings listed in this budget resolution that will come out of space and science.

Energy. You folks in the energy area, maybe some of you like the oil import fee, but let me tell you, the budget we are talking about here, the Democratic committee budget cuts the energy function by $2.1 billion in budget authority and $1.8 billion in outlays the fiscal year 1988 CBO baseline.

OK, if it is not an oil import fee, I mean it is savings in energy and it has to come from somewhere. We cannot just pluck it out of the air.

My colleagues, I could go on and on, but I will stop. Defeat this sham, and let us see if we can get together on a real budget resolution.

The CHAIRMAN. The Chair would state that the gentleman from Pennsylvania [Mr. GRAY] has 7½ minutes remaining and the gentleman from Ohio [Mr. LATTA] has 4 minutes remaining.

My GRAY of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. JENKINS], a member of the committee.

Mr. JENKINS. My colleagues, our colleague from Mississippi is absolutely right. The safe vote is to vote no. The safe vote is to vote no on a budget resolution. It always is a safe vote. You do not have to take any responsibility. You do not have to take a bit of responsibility, and you can go back into your districts and tell your people look, I did not vote to raise any revenues. No, I did not cut water resources, I did not cut anything. I did not vote. I did not vote for any budget resolution. I had rather wait until we have a continuing resolution, then put it all in and not have the responsibility at all.

That is the safe route, and that is what we have done year after year after year, because nobody wants to take any responsibility. That is the difficulty we have.

Take the credit card approach. Put it all on the credit card. That is the aproach that is now being taken by the minority side. Let somebody else in another generation worry about it. Let someone pay for it besides us who face the voters every 2 years. Yes, that is the direction to go.

You have voted against President Reagan's budget. He only received 24 votes. He could not get any votes over here. You have voted against the budget offered by the gentleman from California, BILL DANNEMEYER. He only could get 54 votes. You have already had two chances. And after this one, if it goes down, you have one other chance.

You get to vote on sequestration, and if you are concerned about defense, let me remind you that if we vote on sequestration, you will reduce defense spending on the next vote after this by $59 billion in budget authority. Yes, if this budget resolution goes down, you can vote on the next one that will cut defense outlays by over $30 billion.

That is the choice that we have.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 40 seconds to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it has been often commented that this is a balanced budget, a balanced budget package. It cuts half and raises revenue for half of it.

It has been often commented that the cuts themselves are balanced, being half general military and half on domestic.

It has been often commented that these revenues are less than the President calls for, but that they are real.

But it has not been generally recognized that the spending cuts in this package are actually greater than the spending cuts in the President's budget. When you take away the phony asset sales, which are nothing more than paper sales equivalent to bond sales, then you come up with numbers with the President's spending actually $4 billion more in real spending than this package.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the Democratic budget package.

Mr. Chairman, the wailing from the Republican side of the aisle confirms what many of us knew from the start: that this Democratic budget might not be perfect, but it is an honest budget and the best place to begin the difficult task of reducing the deficit.

This budget, of course, is not the last word or the final vote. It will go to conference with the Senate, return to the floor in the form of a conference reprort, and then, of course, it will be up to the House to actually appropriate the money and apply any finishing touches that might be necessary.

While it will not be the last time we visit this issue, it is clearly the best place to start. Unlike the administration's budget, it meets the Gramm-Rudman deficit reduction targets without any gimmickry, smoke, or mirrors. It achieves $38.2 billion in real deficit reduction, almost twice the $19.8 billion in the President's budget that was bought through a fire sale of precious national assets.

It's time to talk sense to the American people, to offer the plain facts and the simple truth even if it doesn't make us feel good. The honest fact is that we need to continue spending restraint and we need to raise some revenue if we want to cut the deficit over time and reestablish a firm economic foundation as the President's own budget also proposes.

The truth is that until recently, we thought spending cuts alone could address the budget crisis. We said we would never consider raising taxes unless the President requested it first.

Well, President Reagan has requested a tax increase. He has asked for nearly $23 billion in new taxes this year alone. He realizes, and we Democrats agree, that spending cuts alone cannot solve this crisis.

But here is where we part paths. The President requested nearly $23 billion in new taxes, and without missing a beat, proclaims his opposition to any tax increase. In contrast, we Democrats believe that the American people deserve the truth. We believe they will understand the truth and they will appreciate hearing the truth about the budget crisis. And perhaps most importantly, we believe they want an end to the budget doublespeak that continues to come from the White House and the Republican side of the aisle in this House.

Why don't they just stand up admit that we have proposed $23 billion in new taxes because we believe we can't wait any longer to reduce the budget deficit? That's the honest, straightforward approach. If they were to make this one single little concession to honesty, we could go on to compare the tax increases in the various budget proposals in an open manner.

But it's clear that the Republicans and the White House are not willing to make even this single concession to honesty, so we're going to have to do it for them.

What are the differences between the two budgets?

The Democratic budget contains $600 million less in taxes than the President's budget, $21.8 billion compared to $22.4 billion in fiscal year 1988, with no fire sale of precious national assets, no one-time savings or accounting tricks to inflate the amount of deficit reduction.

The Democratic budget has even-handed spending cuts, a 50-50 split between defense and domestic programs. Congress has cut domestic spending by $300 billion since 1981 while the defense budget has grown every one of those years, so equal reductions are not unreasonable. The Democratic budget has $38.2 billion in real, permanent deficit reduction—not the one-time $19.8 billion in the President's budget. And the Democratic budget would apply the new revenues to deficit reduction, not new spending.

What does the difference between the two budgets mean for my constituents in west Texas? In case after case, the Democratic budget understands our priorities and concerns; the President's budget does not.

The Democratic budget rejects the President's proposed cut of 50 percent in drug abuse education, and it contains full funding for the national antidrug bill that was passed last year, a war on drugs that the President's budget would cripple.

It assumes full cost-of-living-adjustments (COLA's) for Social Security recipients, Federal and military retirees, and railroad retirees. It assumes full COLA's for veterans benefits and contains a 3-percent pay increase for Federal employees and active-duty military personnel. Furthermore, it rejects the administration's proposal to reduce Federal health benefits for 3.9 million workers and retirees.

It protects the University of Texas at El Paso, El Paso Community College, and Sul Ross University by rejecting the administration's proposals to shortchange our national investment in higher education. It funds fully the College Work Study Program, supplemental educational opportunity grants, guaranteed student loans, and Pell grants, rather than the proposed 40 percent cut by the administration. The Democratic budget restores 5–8 million children to the School Lunch Program who would have been thrown out of the program by the President's budget. It is a budget of educational opportunity, not educational retreat.

The Democratic budget protects high priority programs for children, senior citizens, and the homeless. It maintains the Supplemental Feeding Program for Women, Infants and Children [WIC], which affects over 2,000 mothers and children in El Paso alone.

In the field of international trade, the Democratic budget provides for adequate Customs staffing as opposed to the administration's proposed cut of 2,000 positions. It also increases funding for workers who are displaced by unfair foreign competition, a safety net that is becoming increasingly important as we struggle to regain our competitive edge, and it is far superior to the administration's budget in terms of worker retraining, another essential feature of competitiveness.

No; the Democratic budget isn't perfect. I'm not entirely satisfied with it. It goes too far in cutting certain defense programs, and we certainly intend to restore the proposed cuts in NASA and the Space Program, particularly as they might affect the State of Texas.

But these are all things that we can change in conference and in the House Appropriations Committee later this year. The most important consideration today is that we have an honest budget before this House and before the American people, one that contains $600 million less in taxes than the President's budget and one that tells the American people the truth.

As the unfolding scandal of the arms sales to the terrorist government of Iran and the illegal Contra supply operations have shown, telling the American people the way it really is—the honest truth about the problems of Government—is in short supply. This Democratic budget does that. It tells the American people that we have real problems that demand real solutions, not the business-as-usual partisan rhetoric we hear from the other side. This budget is only the first step of our work, but it tells the American people the truth, and that's the best place to start.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairmam, I rise in support of the Democratic budget proposal.

Mr. Chairman the members of the Budget Committee are to be congratulated for developing a budget that realistically addresses the deficit without sacrificing vital Government services. This resolution refutes the Reagan priorities of all guns and no butter, and instead focuses on programs targeted toward working people and retirees.

The 100th Congress will make many tough decisions in the upcoming months. I would like to stress that as the individual committees go to the work on the details of the fiscal year 1988 budget, we must keep some very important points in mind.

We have a responsibility to the American public not to raise revenues until every reasonable reduction is made. New revenue should be included only after these cuts have been made. Congress must now begin the task of examining each item in the budget, and I believe that the Pentagon's budget would be the best place to start.

The Budget Committee did attempt to restrain the growth in military spending. Unfortunately, this budget does not reduce defense budget authority enough.

It is past time to introduce an element of realism into the increasingly surreal debate on our defense needs. Seven years of little or no restraint in the defense budget have virtually eliminated any pressure on the Pentagon to set priorities, develop a clear and consistent strategy, or develop any reasonable management guidelines for the vast expenditures that the Department of Defense oversees. It is estimated that the Department of Defense will have $50 billion in unobligated funds for fiscal year 1988. Before throwing any more money at the Pentagon, I would like to take a close look at those unobligated funds. I would like to know how the estimated $22 billion earmarked for secret research and development programs is being spent. I would like to have some reasonable assurance that the weapons systems the Department of Defense is purchasing will work. It is time that we demand the same kind of austerity from the Department of Defense that we are requiring of our children, our poor, our aged, and our working, taxpaying families.

Working Americans have already paid more than their fair share of the deficit reduction. Cuts in everything from education to health benefits have compromised the quality of life for millions of Americans. I will not support any effort to raise revenues at the expense of hard-working American families.

In addition to addressing critical issues of national importance, this budget also protects several areas vital to the Northwast.

The Budget Committee's refusal to go along with the administration's disastrous revision of Federal timber receipt distribution formula is good news for our region. The proposed change, from a base in gross receipts to net receipts, would have cost the State and local governments of Oregon over $100 million. That money is compensation to the State and county governments for the lost tax base as a result of substantial Federal ownership of land in the State. Such a change would be the final blow to the already struggling local governments of Oregon.

The committee also rejected the administration's renewed attempt to squeeze more money from the economy of the Pacific Northwest by revising the repayment terms for the Federal Columbia River Power System. Such a change is like a bank raising the interests rate on a home mortgage simply because it wants more money. The ratepayers of the Northwest already bear the costs for the FCRPS and are repaying the debt in full.

Unfortunately, the Senate Budget Committee has included this so-called repayment reform package which would alter the terms of BPA's repayment contract with the Federal Government. It is estimated that the Senate language, if adopted, will add nearly $350 million a year to our electric rates. It is vital that the House version of the budget prevail.

On behalf of the people of Oregon. I would like to thank Chairman GRAY for his commitment to protect BPA ratepayers and timber receipts when this resolution goes to conference with the Senate.

The committee resolution will not solve our deficit problem, but it is a step in the right direction. Today, we begin an honest budget process, not one based on deficit smoke and mirrors. A process that should be based on cutting all the fat out of the Government before we ask the American people to pay higher taxes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I rise in support of the committee amendment in the nature of a substitute.

Mr. Chairman, I'm going to vote for the budget resolution approved by the House Budget Committee. It is not perfect, but it is, in my judgment the best alternative of any of those presented to the House today. No budget can satisfy everyone, but the committee resolution provides a fiscal blueprint which addresses national priorities and distributes the sacrifices necessary to cope with our Federal budget dilemma in a fairer manner than any other plan offered for our consideration. I believe it is important that we choose between these plans, and that we choose today.

While I support the broad outlines of the committee resolution, I am concerned about a provision within it which would task the Energy and Commerce Committee with establishing a user fee system to pay for the filling of the strategic petroleum reserve. Let me make my position on this matter crystal clear. I am opposed to any fee or tax which would increase the price of imported, but not domestic, oil. The strategic petroleum reserve is a national security resource, the cost of which should be borne by the Nation as a whole, not solely by regions like New England that must rely on imported oil. I support a 75,000 barrel-per-day fill rate for the reserve, if the costs of that rate are fairly shared. Some of my colleagues believe that the user fee language in the committee budget would have to operate like an oil import fee. Others believe it would cause an increase in the price of oil, whether produced domestically or abroad.

I expect that the Energy and Commerce Committee, through the reconciliation process, will resolve the controversy on this issue in a way that ensures that the strategic petroleum reserve user fee will treat the price of all oil equally. I will not support a budget reconciliation bill that does not have that result. Further, I want to make it clear, that should the budget resolution return from conference with this user fee provision changed in a way that mandates an oil import fee, I will vote against the conference report. Increased revenues are necessary to deal responsibly with the No. 1 problem facing our economy, our budget deficit, but the burdens associated with those revenues must be distributed equitably. An oil import fee will simply not meet that test and therefore should not be a part of the budget ultimately adopted by this Congress.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I watched the Hagler/Leonard fight up in Charles Town Monday night. In watching that fight I saw a fascinating mixture of violence, showmanship, workmanship, and intelligence.

I was thinking about how these same qualities are evident in the budget debate. I see the violence that the President's budget would wreak on the core of America. The lost educations, the death of health care for the elderly, the veterans asking why the country they defended turned its back on them, the coal miners who lost their jobs because of hidden taxes that cheat the coal industry.

I see the showmanship of the minority party, which offered no budget of its own, which traded responsibility for cheap shots.

I see the workmanship of BILL GRAY, who has given us a responsible agenda for America. I watched him work to include everyone in this debate, and I watched the showmen turn their backs.

And finally, I see the intelligence in the final product of the chairman's work. BILL GRAY has given us a document that improves educational opportunities, that improves the quality and availability of health care for the elderly, that keeps our commitment to veterans, and that reduces this administration's deficit significantly and responsibly, with no hidden taxes on those who can least afford it.

Mr. Chairman, on Monday two great champions fought and one was crowned. There is some disagreement over the split decision in that fight. I had no vote in that decision, but today I do. On my card, BILL GRAY's budget is a clear winner. On my card, Mr. Chairman, it is a unanimous decision that BILL GRAY will go home from this Chamber tonight and the American people will know that a great statesman became a great champion for the best qualities of his country.

Mr. GRAY of Pennsylvania. Mr. Chairman, I would inquire of the minority how many speakers they have left and the time remaining.

The CHAIRMAN. The gentleman from Ohio [Mr. LATTA] indicates one speaker on the minority side.

The gentleman from Pennsylvania [Mr. GRAY] has 4¼ minutes remaining and the gentleman from Ohio [Mr. LATTA] has 4 minutes remaining.

Mr. GRAY of Pennsylvania. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this time.

In conclusion, I would say this is not a perfect budget, but it is not a phony budget and it is not a sham. It has real deficit reductions of $38.2 billion.

The $2 trillion debt we now have is real. The $150 billion trade deficit is real.

The gentleman a moment ago was totally correct when he said we can run but we cannot hide. If these assumptions are wrong, sequestration in August will certainly cause us to get right.

This budget is not perfect, but it is not a sham and it is not phony. It is real.

Mr. SCHAEFER. Mr. Chairman, today the House will adopt a budget of $1.038 trillion. A $1 trillion budget is an incredible figure, but it pales next to the incredible figure of our $2 trillion national debt.

A couple of years ago, nearly everyone in Congress called for action to reduce the national debt. We used such words as "fiscal restraint," a responsible budget," and "real deficit reduction." I guess times have changed, because today we are ignoring these expressions as we debate this budget. Here we are with a budget that raises taxes by $18 billion, yet it still fails to reduce the deficit to an acceptable level. Although times have changed, our national debt has not.

We constantly face tough decisions in our day-to-day work, but there is one decision that is not tough. We must take serious steps toward reducing the budget deficit. Today we are shirking our responsibility, a responsibility we put on ourselves when we approved Gramm-Rudman legislation. As a cosponsor of that legislation, I am disappointed in how readily Congress abandoned it. Sure, this budget claims to meet the $108 billion deficit target. It does not do it through significant spending cuts. It does it by raising taxes.

I call on my colleagues to honor the commitment we undertook, and make the decisions that will bring about real deficit reductions. We cannot continue to rely on accounting tricks to reduce the deficit. We may fool ourselves, but we cannot fool the American people.

Mr. HASTERT. Mr. Chairman, I contend the House budget proposal contains a fundamental flaw of potentially devastating proportion—it fails to plan for our Nation's future.

I would like to speak specifically to an area of the budget with which I am particularly familiar—function 250 which provides for the funding of our science, space, and technology programs. The House budget cuts $1.1 billion below the President's request, a full 12 percent reduction in funding for these essential programs.

Fermilab, the world's most powerful particle accelerator, is located in my congressional district in Batavia, IL. This tremendous high energy research facility has proven itself to be a very prudent investment by the Congress and the U.S. taxpayer. It has lead to scientific discoveries of profound social and economic significance. In fact, it has been estimated that as much as one-third of our current GNP is directly related to high energy physics research done over the last 40 years. You don't have to be a scientist to understand those numbers.

It is estimated that the House budget proposal would result in the loss of 200 jobs in our Nation's high energy research facilities. The operation of Fermilab and the Stanford Linear Accelerator would have to be curtailed by one-third. In addition, funds would not be available for the most promising new research tool on the horizon, the superconducting super collider, recently endorsed by the administration.

Science, Space, and Technology Chairman Roe spoke on the House floor yesterday to express his deep concern with the shortsightedness of this budget with regard to basic science programs, including the severe cuts planned for our Nation's Space Program, a source of pride and inspiration for all of us. I must echo his concerns in this regard, and applaud his efforts to preserve the U.S. position at the leading edge of scientific research and knowledge.

The future of America's security, economy, technology and leadershp role in the world community depend upon the steps we take today to plan for our Nation's future. I would suggest to all Members of this body, Democrats and Republicans, that we had better start at the beginning—where it counts.

Mr. KOSTMAYER. Mr. Chairman, I rise in support of House Concurrent Resolution 93 and believe it represents a near perfect compromise in a year of very difficult economic and political choices.

The resolution reported by the Budget Committee is a fair approach to deficit reduction as it provides for equal cuts in both military and domestic programs.

House Concurrent Resolution 95 achieves a real and permanent deficit reduction of $38.2 billion, unlike the administration's budget which depends in many respects on 1-year savings due to asset sales. It is no secret however, that these "one-shot" budget savings actually often result in increased costs in future years. In fact, the permanent deficit reduction realized by the committee's resolution is almost twice as large as the $19.8 billion which would be realized under the President's proposal.

The measure also meets the Gramm-Rudman-Hollings deficit target for fiscal year 1988 by producing a deficit of $107.6 billion, $400 million under the target of $108 billion.

Unfortunately, however, one element of the committee's resolution has become somewhat controversial—the $18 billion revenue increase, the nature of which will be decided by the Ways and Means Committee. In my estimation, this provision should not be met with such consternation—even the President's budget calls for $23 billion in "revenue" increases. I am confident that the committee will design a revenue package that is economically feasible and one which will not result in an increase in income tax rates, I, for one, oppose income tax increases. I would, however, support other revenue enhancers such as an increase in the cigarette tax. In my opinion, a truly meaningful deficit reduction package must combine revenue increases with fair and reasonable cuts. It is also important to note at this time that these revenue increases would be totally dedicated to deficit reduction.

Mr. Chairman, this budget proposal also has my strong support because it provides adequate funding for education and for other important domestic programs including those which benefit our children, senior citizens, the needy and the homeless, in sharp contrast to the budget proposed by the President.

The simple reality is that to meet the basic and critical human needs which are our primary responsibility, we must enact a budget which deals realistically with the deficit. While revenue enhancement is difficult, it is unavoidable if we are to truly get the deficit under control. While the administration tries to claim the high ground of fiscal responsibility, its budget actually sacrifices the interests of the average American.

Mr. Chairman, I support the committee's budget resolution and I encourage my colleagues to do the same.

Mr. DICKS. Mr. Chairman, I come before the committee now to let my colleagues know my own misgivings of how the budget resolution we are about to adopt will affect the safety and operations of our aviation system. Because of the budget ceilings that are being set for the aviation programs under transportation function 400, we will neither be able to expand the capacity of our airports, nor will we be able to modernize our antiquated air traffic control facilities and equipment to handle growing numbers of airplane flights.

With this level of funding, we will not be able to add to our already overburdened air traffic controller work force. We will also not be able to increase the staffing levels of our safety cops-on-the-beat, the air carrier and general aviation safety inspectors, or to expand the ranks of the already overextended specialists who maintain our air traffic control equipment.

We are already years behind in replacing the equipment used by controllers. Much of the equipment now being utilized is 20 years behind the state-of-the-art. But with these budget numbers, we will get even further behind. There is barely enough in the budget resolution to continue what we started procuring last year. Moreover, there are no dollars to purchase or install the equipment for which research and development will be completed this year. Among the items likely to be delayed are terminal Doppler weather radar for the detection of wind shear and hazardous weather, the advance air traffic control computer system, improved radars for en route centers and air traffic control terminals, and the new communications system for air-to-ground and facility-to-facility communications.

In short, the budget numbers for aviation programs contained in the budget resolution just about ensure that the delays we are experiencing now will only worsen. These numbers also will abruptly cut off our efforts over the past 2 years to maintain and improve the aviation system's margin of safety. These funding levels may, in fact, contribute to the erosion of aviation safety in the future.

This will occur despite the fact that we have the funds in the aviation trust fund necessary to make these improvements at airports and in the air traffic control system. Through an 8 percent passenger ticket tax, a tax on general aviation fuel, and cargo and other taxes, aviation users contribute more than enough revenues to support full funding of these aviation needs. Through these taxes, more than $3 billion will go into the trust fund in fiscal year 1987.

Unfortunately, the budget resolution we are adopting will prevent us from spending the trust fund to meet the aviation system's capacity and safety needs. Right now, the uncommitted surplus in the trust fund is more than $4 billion, and it is estimated to increase to $5.6 billion by October of this year.

If the money is available and if it can be used only for these necessary aviation programs, why is it just sitting there? As has been the case since the fiscal year 1982 budget resolution, we keep holding the money in the trust fund hostage to make the Federal budget deficit look smaller on paper.

Like my colleagues, I am also worried about the size of the Federal deficit, and I supported fiscally prudent measures to cut the deficit. But having money just sitting in the trust fund is not such a measure. Not spending the money is only a bookkeeping shuffle—not real deficit relief.

The only way to change this situation is to make some fundamental changes in the way we treat the aviation programs in the budget and appropriations process.

I have been joined by a group of my colleagues in introducing H.R. 8 to take the aviation and user-financed trust funds "off-budget." Going "off-budget" has, sadly proven to be the only way we can meet the current and future needs of the aviation system.

Under H.R. 8, we would keep mechanisms in the process to keep the fund solvent and deficit-proof. It is unfair to collect an 8 percent ticket tax and then refuse to spend the revenues collected. It is also unfair to users of the aviation system for us to use the trust fund to offset deficits in the rest of the budget when aviation needs are going unmet.

There is no question the need for aviation improvements exist. There is also no question that without a change in how the Aviation Trust Fund is treated by the congressional budget process and Gramm-Rudman-Hollings provisions, we are going to be in an increasingly difficult bind.

The delays and inconveniences to date will pale by comparision to what lies ahead. People who will want to fly simply will not be able to fly. Travelers will be grounded because the system will not be able to accommodate enough airplanes.

In the future, then when you may come to me and ask what the Aviation Subcommittee is doing to end delays or to make sure the skies are safe, I will have to remind you that while we knew the needs and had collected funds from aviation users to address the needs, our congressional budget resolution prevented us from moving forward.

Mr. LaFALCE. Mr. Chairman, I rise today to express my concern about the Budget Committee's fiscal year 1988 budget resolution regarding funding for the administration of the Unemployment Insurance [UI] Program. The Budget Committee chose to freeze funding for this program at fiscal year 1987 levels, a reduction of $100 million below the CBO baseline. This cut comes on top of a funding freeze imposed on the Unemployment Insurance Program for the current fiscal year. If this reduction is accepted by the Appropriations Committee, the Unemployment Insurance Program would be operating in fiscal year 1988 at fiscal year 1986 funding levels.

The Budget Committee's recommendation is particularly disturbing as it comes on the heels of efforts to reverse last year's ill-considered cut. Within the next few weeks, I will be rising again to urge your support for the Appropriations Committee's supplemental appropriations bill, which contains $100 million for the administration of the Unemployment Insurance Program. The Appropriations Committee has included these funds in its bill because it recognizes that the funding freeze imposed on the Unemployment Insurance Program last year is having a devastating effect on a great many States. All across the country, either Unemployment Insurance offices are being closed, service to the public is being contracted, or State employment security officers are losing their jobs. In some States, including New York, all of these things are occurring.

I fear that we are on the verge of repeating this dismal scenario. Last year, the U.S. Department of Labor recommended a $144 million increase in the Unemployment Insurance Program; Congress gave it nothing. This year the Department of Labor recommended an increase of $70 million; the Budget Committee has recommended no increase. The Unemployment Insurance Program is thin, very thin. The freeze of last year is cutting away at the meat of the program. Another freeze would cut into the bones of the program.

The Budget Committee's recommendation regarding Unemployment Insurance would deal a serious blow to this vital program. It is a blow that the Unemployment Insurance Program cannot withstand, the States charged with implementing the program cannot withstand, and, most importantly, our constitutents cannot withstand. When the Appropriations Committee establishes its priorities within the overall budget resolution, I urge it to provide adequate funding for the Unemployment Insurance Program.

Mr. FRENZEL. Mr. Chairman, this has been an interesting day. All the options available are pure fantasy.

Our first adventure was on the President's budget that was a trip through historyland. The budget is based on figures a half a year old. Its assumptions are impossibly rosy. Democrats have laughed at it, but have today paid it the ultimate compliment of imitation. They have used the same impossible assumptions for their laughable budget.

The second adventure was the Dannemeyer amendment. That was a visit to the Land of Oz. The Wizzard would turn debt into gold.

The third adventure was the Black Caucus. It was a journey to Never-Never Land. Eschewing alchemy, it is based on a mountainous tax load and the whimsical notion that unemployment is limited to 4 percent.

The fourth adventure was the worst. It was the vote on the Democrat budget. That, too, was a fantasy voyage, based on all the impossible assumptions. That its composers sneered at in the President's budget.

I call it the worst of the day's adventures because we expect better of the House leadership. It was not the worst budget presented today. But, it was disappointing because this House and the American people expect the House Budget Committee to present a rational, coherent budget.

A budget based on assumptions dismissed out of hand in the President's work is not a rational one. Either this House can expect good work from its committees, or it should reject the committees' products. In this case rejection is the only reasonable choice.

In addition to its whimsical basis, the Democrat, or House Budget Committee, budget resolution has too much spending and too much new taxes. Even if it had a rational basis, it would still be a loser.

Like the other losers, it deserves a negative vote.

Mr. HUGHES. Mr. Chairman, I rise in support of the budget plan developed by the House Budget Committee. I want to compliment the members of the Budget Committee, and especially Chairman GRAY, for developing a viable budget plan under difficult circumstances.

I am probably like most of the Members of this House in that I am not enamored of any of the alternatives that are before us. I am frankly disappointed that we do not have additional choices and that, in particular, the minority has opted against developing its own alternative. This has greatly limited our choices.

On the other hand, some plan is better than no plan, and it is the Budget Committee proposal that makes the best effort at deficit reduction while attempting to accommodate the many competing and conflicting interests in this House.

The Dannemeyer plan, in contrast, bases a large part of its deficit reduction on a novel and untested plan of tax amnesty and refinancing the national debt with gold-backed bonds. It assumes that tax amnesty would raise some $15 billion over a 3-month period. I am not sure that it would be wise to adopt such refinancing or amnesty plan without a great deal more study and evaluation.

The President's plan calls for $1.02 trillion in spending, including a $24 billion increase in defense, a total of $20 billion in foreign aid, and sharp cuts in Federal support of education, health, mass transit, housing, and agriculture.

While I share the administration's support for a strong national defense and an end to waste, I am concerned that some of the cuts go too far. For example, the administration's budget seriously shortchanges a major component of our war on drugs, by proposing to terminate this year a program which we enacted just last year to furnish $225 million in Federal assistance for State and local drug enforcement efforts, as well as deep cuts in drug testing and treatment.

By the same token, I am concerned about proposed cuts in mass transit, health care for the poor and elderly, and help for farmers, as well as the failure to provide increased resources for environmental protection and cleanup.

Administration proposals for massive cuts of $4 billion in aid to education and student loans are also cause for major concern. The administration is proposing to cut by more than a third the Pell Grant Program, which helps the most economically disadvantaged of our Nation's students attend college. That is the wrong direction, in my judgment, when our country needs to invest more, not less, in our young people and our ability to compete in international markets.

I am similarly concerned that the administration has not recognized the chronic nature of our revenue shortfall. Many of the administration's deficit reduction proposals are based upon one-shot revenue-raising measures—such as the sale of some $9 billion in Government assets—rather than on structural changes that will yield long-term reductions. I don't oppose turning certain Government resources over to the private sector, but a fire sale of assets just to reduce the deficit is not wise, in my judgment.

Just as the administration's budget plan is too draconian with respect to social programs and unrealistic with respect to revenues, the Dymally/Black Caucus plan goes too far in the other direction. It calls for tax increases of $56 billion over and above what is already in the Budget Committee resolution in order to fund widespread increases in various social and welfare programs. Moreover, the Dymally defense cuts include some defense programs which, in my judgment, are important to our national security, such as the Trident II (D-5) missile and the Trident submarine.

This leads to consideration of the Budget Committee plan. As with the other alternatives, it is not perfect. In particular, I am concerned that the Budget Committee, like the administration, has opted to use the unrealistic economic assumptions of the Office of Management and Budget [OMB] in order to project the impact of revenue and spending decisions. These assumptions are that economic growth will be 3.9 and 3.7 percent for 1987 and 1988, respectively, instead of the more realistic projection of 3.5 and 2.9 percent developed by the Congressional Budget Office [CBO].

Similarly, the OMB has predicted inflation of 3.8 and 3.6 percent for 1987 and 1988, instead of the 4.5- and 4.4-percent increases foreseen by the CBO.

If the CBO projections are more accurate than the OMB projections, and that is most likely the case, it will mean we are off by some $25 billion to $30 billion in our deficit estimates, and that is a very serious variance, in my judgment.

I have some other reservations about the Budget Committee plan, including its cuts once again in Medicare. It is not enough to say that we do not want these cuts to have a negative impact on beneficiaries, because saying it does not guarantee it. I have already seen definite problems result from previous cuts, and it is inevitable that further cuts will result in further problems for beneficiaries, particularly in the quality of health care they receive.

I am also concerned that the Budget Committee plan may go too far in cutting defense below the level needed to keep pace with inflation. I have no question that too much in the way of defense cuts will have a negative impact on our readiness.

On the other hand, in terms of broad parameters, the Budget Committee plan is probably the best of all alternatives before us as a jumping off place for developing a good fiscal 1988 budget. The Budget Committee has done a good job in holding the line of growth in other Federal programs, and also in recognizing that, to cut the deficit, we must focus on all parts of the budget equation, including revenues. By making fundamental structural reforms, instead of one-time revenue raising measures, it places us on a better glidepath to zero deficits than the administration budget which merely delays the day of reckoning.

Also, very importantly, the Budget Committee plan provides full funding for the war on drugs.

Moreover, no matter what problems any of us would have with the individual alternatives before us today, all are preferable to the fiscal buzzsaw that is the Gramm-Rudman Deficit Reduction Act. And it is those mindless, across-the-board cuts of Gramm-Rudman—including a $37 billion defense cut—that would be the fallback if we fail to approve a budget plan.

I urge my colleagues to bear in mind that this is not our last opportunity to work the budget into a more desirable form. In terms of a basic starting point, the House Budget Committee has done a commendable job, and I hope my colleagues will join me in supporting this alternative.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the first concurrent resolution on the budget as reported by the Budget Committee. I want to commend my colleagues on the Budget Committee for coming up with a reasonable and realistic budget in difficult circumstances.

The budget resolution divides deficit reduction equally between spending cuts and revenue increases. Deficit reductions in the committee resolution total $36 billion—$4.3 billion more in deficit reductions than those in the President's budget. Using the President's economic assumptions, the committee's budget will reach the Gramm-Rudman target of $108 billion. Of course, using more accurate economic assumptions, the deficit under this budget will be $132 billion—still a substantial reduction below the CBO baseline of $171 billion. The committee resolution assumes spending cuts that will total $17.5 billion in outlay reductions next year. These cuts are divided equally between the Pentagon and domestic programs—the same formula called for in Gramm-Rudman.

This committee budget proposes reductions of Pentagon outlays by $8.75 billion below the CBO baseline. The resolution includes budget authority of $289 billion for military spending in fiscal year 1988, compared with $312 billion requested by the President. While this may seem like a drastic cut, it is important to put this reduction in perspective. First, outlays will still be $2.1 billion over the current level. Second, since 1980 military spending has increased by over 50 percent. At the same time, domestic discretionary spending has decreased by nearly 27 percent. While it is clearly time for military spending to share in efforts to reduce the deficit, the $289 billion is sufficient to support a stong and adequate national defense.

The committee budget also rejected the President's proposed 14-percent increase in foreign aid. Instead, the committee recommends a cut in foreign aid of over $1 billion.

The committee budget also assumes cuts of $8.75 billion in domestic spending next year. The budget does not, however, include the draconian spending cuts and program eliminations recommended by the President. Most discretionary spending programs would be frozen at the current level.

I was pleased that the committee saw fit to reject the drastic cuts in education progams and to recommend an inflation adjustment in progams within the education and training function. The committee further recommends increases above inflation for certain vital education programs such as chapter 1, handicapped education, and Pell grants.

This is in sharp contrast to the President's budget request for a 28-percent cut in education programs. The differing priorities of the committee resolution and the President's request are best illustrated by comparisons in education programs. For example, while the President's budget called for the elimination of vocational education, the committee resolution assumes an increase in vocational education to match inflation. For guaranteed student loans, while the President's budget included cuts of 61 percent below the levels authorized in the Higher Education Act of 1986, the committee resolution funds these programs at the levels contained in the 1986 act.

Within the jurisdiction of my Committee on Post Office and Civil Service, the resolution assumes a 3-percent salary increase for Federal employees and requires no changes or reductions in benefit programs.

The resolution also assumes a reduction of $100 million in the appropriation to the U.S. Postal Service which subsidizes the postal rates paid by nonprofit organizations and other preferred rate mailers. It is my explicit understanding that this reduction will be made possible by an earlier-than-projected effective date for a postal provision of the 1986 Reconciliation Act and that there will be no resultant increase in existing preferred rates.

The budget resolution also rejects the President's drastic cuts in Medicare and Medicaid funding. The budget assumes cuts in Medicare of $1.5 billion next year in contrast with the President's requested cuts of over $5 billion. The Budget Committee directs that these savings be achieved without increasing the out-of-pocket expenses of the elderly.

It is becoming increasingly clear that we cannot make serious and substantial reductions in the deficit without new revenues. The President's budget recognized this by requesting $22.4 billion in increased revenues. But his revenues consisted primarily of asset sales and other devices that would result in only one-time savings. If we were to enact such changes, we would be faced with the need to find additional revenues again next year. It simply does not make sense to sell Federal assets to achieve phony reductions in the deficit.

At the same time as his budget includes over $22 billion in new revenues, the President continues to threaten to use his veto pen on any tax increase. While such a stance may result in short-term political gains for the President's party, our Nation is the clear loser. As a nation, we cannot continue to run the Government on a credit card and leave the bills for our children and grandchildren.

While I would prefer to use alternatives to taxes to cut the deficits, it is clear that it is impossible to make substantial deficit cuts without new taxes. Most importantly, the Budget Committee plan specifies that these new taxes be used only for deficit reduction. Any increases in spending for specific domestic programs included in the budget are offset by reductions in other domestic programs.

While this budget is not perfect, it makes real and permanent spending cuts in an equitable fashion—something the President's budget fails to do. I urge my colleagues to support the committee's plan.

Mr. BUNNING. Mr. Chairman, I intend to vote against all of the budget alternatives being presented here on the floor today. This is not a budgetmaking process. it is a budgetary farce.

To make it appear that we were being given a real choice today, the rule governing debate allowed us to consider four budget alternatives. None of them was a realistic option. None of them could be taken seriously.

The budget proposal marked up by the majority of the Budget Committee is no more reasonable and no more realistic than any of the alternatives.

It would call for 50 billion dollars' worth of new taxes on the American people over the next 3 years. It calls for a 6-percent real cut in defense spending which on top of the defense cuts from last year would return us to the disastrous state of military "nonreadiness" that characterized the Carter years.

This is not a budget at all. This is not a budget process. It is a farce and I am not going to grace this charade with a yes vote for any of the unacceptable alternatives presented today.

Mr. MONTGOMERY. Mr. Chairman, the funding level contained in the budget resolution we are considering today is not what it should be for our Nation's veterans, but given the current budget deficit, it is acceptable. It does provide for full COLA's for compensation, DIC, and pension beneficiaries. It does provided, for example, a current services budget for veterans' health care—but no additional funds for vitally needed nursing home care units, no additional funds to treat an ever-increasing number of AIDS patients and no funds to help homeless veterans in our domiciliary program.

The proposed resolution rejects the President's proposal to increase the VA housing loan fees from 1 to 2.5 percent, which would have increased veterans' loan costs by an average of $2,000 and reduced the number of veterans receiving loans by 22,500 in 1988 alone. The resolution does not assume $300 million of VA housing loan asset sales proposed in the President's budget for 1988, and the resolution rejects the President's recommendation to cut veterans' burial plot allowances by $30 million during fiscal year 1988.

The resolution assumes that the peacetime GI bill will be made permanent. This legislation, H.R. 1085, recently passed the House by a 401-to-2 vote.

So I want to commend the distinguished chairman of the Budget Committee, the Honorable BILL GRAY, and all members of the committee, for having restored most of the reductions in veterans' benefits and services proposed by the administration. Since the day he took over as chairman of the House Budget Committee, BILL GRAY has shown a special sensitivity to the needs of veterans. He has supported veterans' programs against the attacks of the administration and others who portray some veterans' programs as duplicative social programs. Like those of us who serve on the Veterans' Affairs Committee, Mr. GRAY knows that veterans' health care and compensation, DIC and pension benefits are the backbone of this Nation's commitment to honor the men and women who answered the Nation's call. So I commend the gentleman from Pennsylvania and members of the committee for recognizing that veterans have a special priority when it comes to the national budget.

But I want my colleagues to know that this budget will not allow for any expansion of current programs whatsoever. What we have, Mr. Chairman, is a current services budget—nothing more. There is no growth, but there is an allowance for inflation.

Our committee recommended a level of funding that was somewhat higher than current services. We plan to authorize the Veterans' Job Training Program for 2 more years—through fiscal year 1989. We asked the Budget Committee for additional funds for treatment of Veterans with AIDS, and to provide funds for additional domiciliary beds for homeless veterans. We also think there is justification for increasing the number of VA-operated nursing home beds, and that increased support for the VA's decentralized hospital computer program was warranted.

With this resolution, these enhancements will have to wait until we can figure out a way to fund them. Yet, this resolution would increase funding for Pell grants; increase funding for dislocated workers; increase education grants that will "increase American competitiveness"; increase funding to provide expanded job training and placement activities for welfare recipients, and would increase funding for child welfare services, Indian child welfare and education, handicapped education and Head Start.

The resolution assumes $970 million in budget authority for aids funding in 1988 for function 550, which is $436 million, or 82 percent, above the President's request. For how many AIDS cases, we don't know. Yet, our request for $30 million to take care of 1,200 veterans suffering from AIDS was not included.

Finally, the resolution adds $550 million in budget authority in 1988 for the homeless including an additional $100 million above the baseline for health funding. Our committee request for $15 million to add 600 additional domiciliary beds for homeless veterans in New York City, Los Angeles, Washington, DC, and similar locations was not allowed.

Mr. Chairman, on balance, this budget is adequate given the problem we have with resolving the terrible budget deficit. In comparison with what the administration proposed, it is a very good budget. But I am concerned with the incresed funding for various domestic programs while maintaining a current services budget for veterans. When the supplemental appropriations bill is considered by the House, and when other appropriation measures are reported, we will have to review them carefully and decide whether other programs are being increased at the expense of our Nation's veterans. If we find that such is the case, I will be prepared to offer appropriate amendments to make certain that veterans are treated fairly.

Mr. MARKEY. Mr. Chairman, there is a lot in this budget, a lot of it good and a lot of it bad. But before the Members vote on this, I want to register an objection with a provision which is hidden in here somewhere: that is an oil import fee. The economic effect of the proposal to fill the strategic petroleum reserve is to impose the equivalent of a 30-cent-a-barrel import fee and thereby take $450 million from consumers and give it to oil companies.

An oil import fee is bad energy policy, bad fiscal policy, bad budget policy. An oil import fee hits hardest on the poor, and hits hardest on those businesses which use oil. It makes the oil companies rich and the American consumer poorer. An oil import fee also hits hard consumers who use home heating oil, and hits the New England region particularly hard.

Now, I know that some Members dismiss this proposal as saying, "well, its only 30 cents a barrel." Those sentiments are both self-deceiving and self-deluding. We all know that once a tax gets in there, it has the longevity of a Supreme Court Justice and the direction of the stock market. Once this tax gets in there, there's only one direction for it to go: up, up and away. I think all the Members should be made aware that this budget contains an oil import fee, and that this Member plans to fight that effort throughout the House.

Mr. KANJORSKI. Mr. Chairman, I rise today in support of the House Budget Committee's proposed budget resolution for fiscal year 1988. The committee's proposed budget is not a perfect budget, there are many things I would do differently. Nonetheless, the committee's budget is far better than all the alternatives which are before us.

Over the next few weeks and months we will hear a lot about the budget resolution, what it does, and what it does not do. Much of what we hear will be an attempt to distort or shade the truth for partisan political profit. I hope that we can put aside our partisan differences, and just look at the economic impact of the alternative budget proposals.

It is important for us to remember that a budget resolution is just that, a resolution. It is a plan which sets guidelines on how to achieve a goal. But it is a flexible plan which allows many different ways to achieve the ultimate goal.

In and of itself, a budget resolution does not either spend money or raise revenues. It simply makes it possible for the Congress to consider subsequent legislation to spend money and raise revenues.

The actual spending of tax dollars is not done in the budget resolution, it is done in the appropriations bills we will consider this summer. Similarly, the budget resolution does not change Government revenues, only a tax bill reported out of the Ways and Means Committee can raise or lower taxes.

It is inaccurate to claim, as some have done, that this budget resolution, or for that matter any budget resolution, will increase taxes. By itself, no budget resolution can raise taxes. Only a separate tax bill, passed by the House and Senate, and signed into law by the President, can raise taxes.

In recent years the administration has come up with many new euphemisms for tax increases. It has called them "user fees," it has disguised them as "asset sales," and worst of all, it has referred to them as "revenue enhancers."

This year's administration budget proposes to reduce the deficit by bringing in $22.4 billion in new revenues. The administration uses all of the usual euphemisms to disguise these new revenues, calling $10.9 billion "asset sales" and $3.8 billion "user fees." When all is said and done, however, the President's budget does raise revenues by $22.4 billion.

The Budget Committee's proposed budget, on the other hand, only contains $21.85 billion in new revenues, $550 million less than the President's proposed budget.

Unlike the President's proposed budget, the House committee's budget also does not rely on one-shot asset sales to raise revenues. Once you have sold an asset it is gone, you can't sell it again the following year. Thus by relying on 10.9 billion dollars' worth of asset sales this year, the President's budget will make it that much harder to reduce the deficit next year. We won't own those $10.9 billion in assets next year and thus we will have to make those revenues up somewhere else. The committee's budget resolution does not make that mistake.

On the question of the overall deficit, the committee plan and the President's plan are fairly similar. Both meet the Gramm-Rudman deficit target. The committee's plan does have a slightly lower deficit, $107.6 billion versus $106.8 billion. Over 3 years the committee's proposal reduces the deficit by $10.8 billion more than the President's proposal.

What are the other major differences between the House committee's proposed budget and the President's proposed budget?

The committee budget increases defense spending by $2.1 billion while the President's budget increases defense spending by nine times as much, $18.65 billion.

The President budget proposes 17 percent more budget authority for foreign aid than the committee's budget.

The President's budget proposes eliminating or slashing a wide range of job creating community development programs which are essential to the economic prosperity and growth of the 11th District. The House committee's proposed budget, on the other hand, preserves these important programs. Among the programs the President's budget axes are: The Economic Development Administration [EDA]; Urban Development Action Grants [UDAG]; Community Development Block Grants [CDBG]; Housing for the Elderly and Handicapped (section 202); and Infrastructure development (highways and sewer construction).

The President's budget also proposes eliminating, or substantially cutting basic social safety net programs and programs which make our Nation more competitive in the international marketplace such as: International trade programs; student aid grants and loans; job training programs for individuals laid off due to imports, home weatherization funds, the VA and FHA Home Loan Guarantee Programs, the program which trains math and science teachers, Medicaid, community health care, and child immunization, Medicare, school lunch, Drug Control and Education Programs.

Instead of cutting these vital programs the House committee budget preserves them, and by cutting other, less vital, programs, provides modest increases in funding for: job training, drug interdiction and education, student aid, the homeless, AIDS research prevention, and nutritional aid for pregnant women and infants.

The House committee budget also provides full cost-of-living adjustments for Social Security recipients, veterans, black lung recipients, Federal military and civilian retirees, and railroad retirees. It also rejects the administration proposals to increase Medicare premiums and deductibles, or to decrease Medicare services.

One particular area which both the President and the House Budget Committee propose to cut is the Federal Flood Insurance Program. Both would cut this program, which has helped northeastern Pennsylvania recover from many floods, by $100 million. I believe a cut of this magnitude would defeat the purpose of the program by increasing premiums so high that many homeowners and businesses would be forced out of the program. As a member of the House Banking Committee, which has jurisdiction over the flood insurance program, I will work for changes in this section of the budget. There are other, better, places to make cuts.

It is also important to remember that if we do not adopt the House Budget Committee's proposed budget today the result may well be sequestration under the ill-advised Gramm-Rudman law.

Sequestration would be a disaster for our nation. It would result in an actual cut in our national defense of 14 percent, and it would cut all nondefense discretionary programs by 20 percent. That means the FBI and the Drug Enforcement Administration would be cut by 20 percent, as would Child Immunization Programs, our National Parks, Job Training, and Safety Programs, the GI Bill Program, hazardous waste cleanups, air traffic control, cancer research, meat inspections, and many, many other important programs. It would also impose smaller cuts on Medicare and Veterans' hospitals and student aid, and it would eliminate COLA's for many retirees.

Sequestration would require severe cuts in military personnel, supplies and readiness. It would take away financial aid grants from 800,000 students. It would throw nearly 200,000 displaced workers and welfare recipients out of job training programs. It would sharply limit highway construction, thus reducing employment in the construction industry by several hundred thousand workers. It would cripple our efforts to discover the cause of AIDS and to find a cure for cancer. It would cut $800 million from our efforts to stem the flow of drugs into the United States and to educate our children on the dangers of drugs.

Sequestration, therefore, is not a viable alternative.

None of the other budgets we are considering today is perfect. All could be improved. But unlike the President's budget, the House committee's budget protects job creation and economic development programs, it protects the elderly, and it increases our commitment to educate our children and keep them free of drugs. The House committee budget has a lower deficit than the President's budget, and it relies less on new revenues, user fees and one-shot asset sales. For these reasons, and because it substantially reduces the deficit, the House committee budget deserves our support.

Mr. ROYBAL. Mr. Chairman, I, like many of my colleagues, have concerns about the Budget Committee's 1988 budget resolution both for what it does in terms of Medicare reductions and for what it prevents us from doing with regard to long-term care and the medically uninsured. However, these are difficult times requiring difficult decisions.

I believe that the Budget Committee's budget resolution demonstrates the committee's sensitivity to the continuing plight of the poor, the disabled and the elderly. Therefore, I urge your support of the House Budget Committee's fiscal year 1988 budget resolution, especially for what it does to minimize cuts in Medicare—1988 reduction of $1.5 billion—and to prevent cuts and make improvements in Medicaid—1988 increase of $0.6 billion.

Medicare has been cut significantly in the past several budget cycles and any further erosion could well impair the quality of care delivered to America's senior citizens. It must also be kept in mind that out-of-pocket health care costs already consume 16 percent of elderly income, more than when Medicare and Medicaid began 20 years ago. Even without further cuts, out-of-pocket costs are projected to consume an even greater percentage of income, as much as 18.5 percent by 1991.

Today, Medicaid covers only about half of America's poor. Because any major reductions would go far beyond what States can be expected to absorb, any Medicaid cuts will almost certainly result in decreased eligibility and benefits. So-called savings under the administration's proposals would actually jeopardize the lives and well-being of the poorest and most vulnerable of America's elderly, young, and disabled and their families.

I strongly urge you to support the Budget Committee's lead in ensuring that the beleaguered Medicaid Program is protected and in recognizing that poor children and elderly require special handling, even when budgets are tight. I believe that the committee's fiscal year 1988 budget resolution clearly expresses Congress' commitment to maintain the current level of Medicaid services, and that it sends the real, and symbolic, message that Congress will take special steps to better protect the health of its poor.

As for Medicare, the committee's fiscal year 1988 budget resolution recognizes the importance of protecting the elderly and disabled against increased out-of-pocket costs and includes the following language: "Beneficiaries would be protected since services would not be reduced and neither premiums nor other out-of-pocket costs would be increased."

Furthermore, the committee's resolution minimizes reductions in Medicare provider payments and thus shows its concern that proposed changes affecting Medicare providers might result in unintended and unwarranted negative effects on health care access and quality. As a result, I believe that the authorizing committees can proceed cautiously relative to making Medicare provider payment changes which may negatively affect health care access and quality.

Again, I want to commend Chairman GRAY and his committee and express my support for the Budget Committee's work to protect both the Medicare and Medicaid Programs and their beneficiaries and to express my support for its fiscal year 1988 budget resolution.

Mr. GARCIA. Mr. Chairman, I rise in support of the budget plan submitted by Chairman GRAY, and congratulate him and the other members of the Budget Committee for the excellent plan they have placed before us. We all favor reducing the deficit. The Federal debt is one of the problems exacerbating our trade deficit. But, it is not a problem that can be plastered over and made to disappear in the blink of an eye. It requires major surgery with a delicate touch, and that is what our colleagues on the Budget Committee have performed.

There has been a lot of talk about competitiveness in this Chamber about the ability of Americans to regain and maintain our status as a world leader in politics, technology, and commerce. One way to ensure the future of our Nation is to ensure the future of our children and grandchildren. They must receive the education necessary to get along in this increasingly fast paced, high tech world of ours. The President's budget does this by calling for the reduction or termination of almost every program of student assistance now available, such as: Pell grants, SEOG and college work study programs, drug education programs, education grants for math and science teacher training, guaranteed student loans and vocational education. That just does not make sense. The budget before us safeguards our children's future by maintaining these programs at the present rate or slightly increased. The President seems to want to stunt the growth of America's children, and with it America's potential.

Recently my colleagues passed by an overwhelming margin H.R. 558, the Emergency Homeless Relief Act now pending before the Senate. That gave me a clear message that this House believes in America's commitment to provide decent housing for her citizens, and for those without any home.

H.R. 558 provided funds for emergency assistance to homeless individuals and families with children. The President's budget sterilizes this effort by making it almost certain that the homeless population will grow in the years to come. Families with children is already the fastest growing group of the homeless. Do we truly want to put more children on the street? The President would like to eliminate housing for the elderly and the handicapped, and the section 8 Low Income Housing Assistance Program. His grand science includes providing vouchers as the only source of housing assistance. Vouchers provide housing assistance for 5 years as compared to 20–40 years in section 8. Vouchers have been found to cost low-income familes more than the 30 percent of income that section 8 costs. Vouchers also do not work well in crowed urban centers where the vacancy rate is low. Many families with vouchers have been unable to find anywhere to use them. Lastly, they are not cheaper. The list goes on and on, but let's put an end to it right here. This budget is realistic in its approach, and it reduces the deficit without reducing America's commitment to her poor, her children, and to the future.

Mr. COYNE. Mr. Chairman, I rise today in support of the resolution that has been so skillfully crafted by the Budget Committee under some of the most difficult political conditions in recent years. I especially want to commend Chairman GRAY for his leadership on this issue. This is admittedly a partisan budget. The absence of the views of the committee's Republicans—which were actively solicited—is regrettable.

It is important to note that the committee proposal makes tremendous strides toward reducing the deficit and, if adopted, it will result in $4.3 billion more in real and permanent spending reductions than the administration's budget.

I am, however, concerned that what we are voting on is merely a shadow of the real budget many of us believe we should be considering today. This is a budget that few of us really want and I suspect one that even fewer of us really like.

But it is essential that we adopt the committee's budget proposal. We must send a strong signal to the American people that we will preserve current funding levels for housing, health care, education, and community development programs. Given the current uncertainties about trade and the economy, it would be unwise now to jeopardize the gains we have achieved from these programs, especially in the most economically distressed communities.

We have seen many tangible benefits from these programs, such as the urban development action grants. Projects funded by this and other economic assistance programs have saved or created more than 440,000 jobs since 1978 along the Northeast-Midwest industrial corridor. Failure to continue funding these successful efforts could have a potentially devastating impact not only in the Northeast and Midwest, but also in the Nation's vital energy producing region, which is struggling to bounce back from a severe economic crunch.

The committee's proposal also preserves education and employment programs that are the foundation for our Nation's most valuable economic asset—people. A skilled, adaptable and educated workforce will, over the long run, ensure that the United States remains competitive in the international marketplace. The committee's proposal increases grants for critical math and science teaching training programs. Ensures that more than one million low-income students continue to have access to Federal education grants, and expands job training programs for dislocated workers and welfare recipients.

Personally, I can't think of a wiser investment in our future.

The committee's budget commits the Congress to growth, to greater economic opportunity and to real progress toward reducing the deficit. I urge its adoption by my colleagues.

Mr. KONNYU. Mr. Chairman, I would like to make the point that those of us in this House who are for fiscal sanity and fiscal solvency are somewhat precluded form the dabate today.

I support reducing the Federal budget deficit, but I believe it can be done through a series of commonsense reductions in Federal spending. I cannot vote for the Democratic budget because I do not support the concept of asking the taxpayers to reduce the budget deficit through increased taxes.

I support our President's goal of strengthening America's national defense, a need that is especially critical in these times of increased Soviet adventurism. So, I cannot vote for the Black Caucus budget alternative because it effectively neuters America's defense programs and threatens our national security.

I have great respect for my California colleague, Congressman DANNEMEYER, and he and I share a great many thoughts about what is wrong and what is right with America. But I do not agree with his views on the gold standard and I cannot vote for a budget that includes a return to the gold standard.

I opposed the President's budget, which came closest to being the correct budget for America, because of the unfair cuts against education.

Mr. Chairman, I assume that sooner or later we will come to our senses around here and start thinking about what is best for America. When that happens, perhaps I will be able to vote for a budget that will be enacted on its own merits because of the good it will achieve for the taxpayers of this great country.

Thank you.

Mr. GRAY of Pennsylvania. Mr. Chairman, it has come to my attention that the "Allocations of Spending and Credit Responsibilities to House Committees" as printed on pages 81 through 87 of the Budget Committee's report on House Concurrent Resolution 95 (H. Rept. 100–41) contains several technical errors.

The following corrections should be noted:

On page 81, under "discretionary appropriations action", the amount of budget authority for function 400, Transportation, should read $10,804 million and the "discretionary action" budget authority subtotal should read $485,978 million. On page 82, the Appropriations Committee total budget authority should read $606,635 million. On page 85, under the Public Works and Transportation Committee, the budget authority figure under the category "discretionary action' in function 400 and in the subtotal should read $2,241 million, and the committee total should read $17,766 million. These technical changes are offsetting and do not change either the grand totals in the budget resolution nor the totals in function 400, Transportation.

On page 82, after "Agriculture Committee, committee totals", insert "Armed Services Committee".

Mr. LEVINE of California. Mr. Chairman, I am supporting the Budget Committee's budget proposal because it is the least onerous of the alternatives before the House today. However, I am deeply disappointed in the final figures contained in the budget for our space program. The Committee's action to make a significant reduction in NASA's funding from 1987 levels is shortsighted and dangerous. It virtually guarantees that the United States will continue to fall further behind the Soviet Union in the race to explore space and utilize the tremendous potential it holds for the expansion of human knowledge, creation of new technologies, and resource exploitation.

I do not place full blame, or even the greatest share of the blame, for this situation with the Budget Committee. As a result of the fiscal restraints imposed on Congress by passage of Gramm-Rudman, and this administration's steadfast refusal to present Congress with a workable budget or work with Congress to find the revenues necessary to reduce the Federal deficit and continue to fund vital programs like the space program, the members of the Budget Committee found themselves caught between a rock and a hard place.

Further complicating the problem is the President's unswerving commitment to funding for his Strategic Defense Initiative. The billions of dollars which he insists on pouring into this wasteful and destabilizing program could much more effectively be spent to bolster our civilian space program. SDI will never be the peace shield the President hopes for. Instead it will be a black hole which gobbles up desperately needed research and development funds which could be much more effectively spent by the civilian side of our space program.

The space program is a microcosm of one of the greatest weaknesses of our current inability to make American industry more competitive. While the United States is now spending more than ever before on research and development, fully 80 percent of those funds are spent by the Pentagon. Because of the cloak of secrecy which surrounds so many of the military's programs, civilian engineers and scientists cannot benefit from these funds.

That is exactly the situation in which we find ourselves in the competition for funds between SDI and the civilian space program. This administration is in the process of moving NASA out of commercial space operations and civilian research, and instead making NASA an extension of the Pentagon. The ultimater price for this mistaken policy will be the continued stagnation of our space program while other nations like the Soviet Union, Japan and Europe forge ahead of us in space exploration.

The United States cannot maintain its position of dominance in the development of new technologies unless we lead the way into outer space. We cannot do that unless we provide NASA with the funds it needs to run a first class space program. This budget will not do that. It threatens our ability to build a replacement shuttle for the *Challenger*. It threatens the future of a civilian space station. And, it threatens future manned and unmanned probes to neighboring planets like Mars.

While the United States suffers from a failure of vision, the Soviet Union is moving more aggressively than ever into outer space. While we debate whether or not to build a space station, theirs is in operation and expanding. While our shuttle sits on the ground, the Soviets, Japan, and Europe are moving aggressively to build and launch their own. And while we dismiss sending probes to Mars, the Soviets are moving methodically and steadily toward such a program.

The figures contained in this budget resolution are inadequate. They are clearly not in our national interests. While I regret that this administration failed to provide Congress with a meaningful alternative budget, I also regret that my party is responsible for crafting a budget which fails to meet even the most modest needs of an aggressive space program. I hope that Congress will recognize its error an act to provide the funds necessary for the United States to lead the way into outer space.

Mr. BIAGGI. Mr. Chairman, I rise in absolute support for the budget resolution as proposed by the House Budget Committee. I believe it to be a most realistic and honest approach to our dual need to reduce the deficit but to maintain fairness and growth.

The budget proposed by the committee is far more than just the lesser of several evils. It is far and above the superior budget because it meets all of the critical tests. It would achieve and in fact exceed the Gramm-Rudman requirement toward lowering the deficit. It would recognize the long overdue reality that Gramm-Rudman cannot and will not work unless we have both spending cuts and new revenues as part of our plan. Finally, the Budget Committee proposal recognizes that for programs aiding those in need—they have been cut enough and the need continues to be there and in fact is more intense than ever before.

The key numbers we must remember throughout this process are $108 billion and $36 billion. The first is the number that the deficit must be at the end of fiscal year 1988. The second is the number we must either cut spending or increase revenues by to get there.

The Budget Committee proposal would do so by recommending $18 billion or one half of the amount required would come from new revenues to be produced by the Ways and Means Committee in later deliberations. I would like to interject into the discussion at this point the fervent hope that we examine all forms of revenue raising in our review—not simply raising taxes. I offer my package of nontraditional revenue enhancers, namely a one time tax amnesty and a national lottery. Combined these two would produce at least $30 billion in immediate new revenues and in the case of tax amnesty would produce a permanent new group of taxpayers.

The remaining process toward achieving the $108 billion target would come from reducing defense outlays by $8.75 billion below what is needed to keep up with inflation. However it should be noted that defense outlays would still be more than $2 billion above fiscal year 87 levels. Finally the remainder would be achieved by reducing domestic outlays—nondefense—by approximately $8.75 below inflation.

A closer examination of this proposal produces some positive results in the area of fairness. For example almost all of the critical programs under function 500 involving social services and those in employment and training and income security would receive an inflation increase as they should. This would be a far cry from the Draconian cuts proposed in the President's budget earlier this year.

According to information provided by the New York State Washington office this would mean in selected programs the following: The Community Services Block Grant would receive $72 million more in the Budget Committee proposal than under the President's budget; the Social Service Block Grant would be increased by $97 million, and Maternal and Child Health Care Block Grant would be increased by $17 million.

In the all important Medicaid Program, by this budget proposal refusing the President's proposed cap on Federal expenditures, it will produce an additional $2.2 billion in vitally needed Federal aid.

The Budget Committee proposal would result in more funds for mass transit, superfund enforcement and significant and long overdue increases in low income housing as well as low income home energy assistance.

This budget is far fairer to education than the President's budget proposal. It assumes an additional $2.2 billion in budget authority in chapter I education funds, handicapped education Pell grants and other need based education programs. It will mean in higher education that the 1 million students who were expected to be dropped by the President's budget have a new lease on life.

This budget is the way for us to go. I opposed Gramm-Rudman from the outset and still do. However it is the law of the land and we must work within it. At least we have dispelled the notion that deficit reduction and elimination can only come with spending cuts. This budget is balanced and will take us a long way in the right direction toward deficit reduction without increased pain for those in need.

Mr. BOULTER. Mr. Chairman, today we are debating the potential consequences of the House Budget proposal for fiscal year 1988. I would like to submit the following study by the American Research Institute on the probable effects of this budget on the national security needs of our Nation. I concur with the conclusions reached in this study and am taking this opportunity to say that the deleterious repercussions of this budget on our national defense are one of the main reasons why I will oppose this budget.

AMERICANS RESEARCH INSTITUTE POLICY STUDIES

THE EFFECTS ON NATIONAL DEFENSE OF H. CON. RES. 93

The budget presented to the House by Budget Committee Chairman GRAY portends radical reductions in military spending, which could result in an alarming decrease in our military preparedness.

I. Major Effects of the Budget Resolution

(1) H. Con. Res. 93 assumes cuts of equal proportion across all accounts in the defense budget. This takes no consideration of particular current needs in readiness and substainability and offers little flexibility for solving immediate inadequacies.

(2) It potentially accomplishes a de facto shift in national security strategy through the budget process. For example, it could force troop reductions from 100,000-300,000 without considering the commitments to allies, or the effect on the U.S.-Soviet balance.

(3) This budget could force major cuts in necessary Operations and Maintenance and Procurement funds which may lead to inadequacies in spare parts, training, and personnel provisions. This could reduce the response time of our military forces to immediate threats and soften the perception of U.S. resolve by potential adversaries.

(4) Security assistance programs could be reduced, inhibiting aid to allies in Central America, the Mediterranean, and Asia.

II. Specific Issues.

If the targets of H. Con. Res. 93 are adopted, the following proportional reductions in budget authority would be achieved in the major defense spending accounts.

Research and Development: $1.8 billion reduction.

Military Personnel: $3.9 billion reduction.

Military Construction & Housing: $400 million reduction.

Procurement: $5 billion reduction.

Operations & Maintenance: $4 billion reduction.

Mr. SKAGGS. Mr. Chairman, 6 years ago, the Republican leadership committed this country to a radical experiment. Using their control of the Presidency and the Senate, they instituted a program of huge increases in military spending, tax cuts for the wealthy, and large cuts in many social programs, including education, jobs training, and basic science and research. After 6 years, it is high time we assessed the results of that experiment.

What we have after these 6 years is a national debt twice as high as the debt built up in the previous 204 years, under Presidents Washington through Carter. What we have is a less-competitive country that has built up a $150 billion trade deficit, in large part because we have refused to invest in the scientific and educational foundation needed to compete in this world. What we have is nearly 7 percent of our workforce unemployed—8 percent where I come from—with few programs left to train men and women for jobs that will support their families.

It's time we stopped experimenting with our country's future and stepped back onto solid ground. The budget plan proposed by the House Budget Committee begins to do that. It reduces the deficit without gimmicks, and it invests in our future. It strikes a better balance than any alternative I've yet seen—particularly the budget proposed by the President.

The committee's proposal reduces the deficit by $38.2 billion in 1988, $2 billion more than the President's plan. And the committee's deficit reductions are honest ones, without any of the tricks in the President's budget—like sales of Government assets, or creative accounting to make the deficit look smaller. The committee's budget also meets the Gramm-Rudman guidelines for deficit-reduction—and does so not only for 1988, but makes real progress for the following 2 years as well, something the President's budget fails to do.

The committee's proposal would require fewer new revenues than the President's proposal. As much as the President says he is against new taxes, his budget proposal would raise an additional $22.4 billion from the American people—through user fees, sales of our assets, and, according to his own secretary of the Treasury, tax increases. The Budget Committee proposal would raise slightly less, about $21.8 billion.

This $21.8 billion would come from some new user fees, improved IRS enforcement of the current tax code, and $18 billion in revenues to be raised through legislation to be developed by the Committee on Ways and Means. This can and should be done without changing any individual income tax rates. It can and should be done through changes that make sense on policy and equity grounds, not just budgetary grounds. Last year, as part of a comprehensive budget proposal, I identified several of those types of changes, including an oil import tax, user fees, and indexing alcohol and tobacco excise taxes for inflation. These are some of the ways in which the new revenue should be raised.

The budget proposal does not sacrifice common sense or the common good. It adequately funds our Nation's vital defenses. In fact, defense expenditures will increase by $2.1 billion in 1988 and allow a much-needed cost-of-living salary increase for members of our Armed Forces.

The committee's budget also increases our country's investments in education, science and research—areas that are fundamental to our ability to compete in toughening world markets. Student loans to our Nation's neediest, yet most promising, young people are maintained, and education grants that directly target the U.S. comparative weakness in math and the sciences are strengthened. Training programs for dislocated workers and welfare recipients are made a priority, so people can find jobs and avoid the vicious cycle of welfare dependency.

Unlike the administration's budget, the committee's budget does not abandon the poor or the elderly who need our help, nor the infants and young people who represent America's future. We cannot be penny-wise and pound-foolish with the Nation's most precious resource—our people.

Some people would like to spend more money on defense. Some people would like to spend more money on domestic programs. Some people would like to avoid new taxes. I would like to do all those things. But we cannot. Given the deficit created by the decisions made 6 years ago, this budget strikes about as good a balance as is possible among our national goals, and I urge my colleagues to join me in voting for it.

Mr. KENNEDY. Mr. Chairman, this budget is a valiant effort by the Democrats on the Budget Committee to salvage what they could, but let's be honest about what we are doing today. This budget is a retreat from what we know our national priorities should be.

We must face political realities: there is a fellow at the other end of Pennsylvania Avenue ready to swing the veto axe. But it is a shame. It is a shame that we have to play the game of incrementalism, making small change here and there, when a fundamental rethinking of our priorities is called for. It is a shame that in the midst of growth and prosperity there is so much suffering, so much homelessness, so much poverty, so much unemployment in so many places.

It is a shame that we can do no more than tinker with the wrong-headed, short-sighted priorities of this administration. The President sent us a budget in which 60 percent of all the cuts come from health care and education. The committee has done a whole lot better than that, and we have refused to go along with the President's hatchet job on vocational education, on guaranteed student loans, on AIDS research, on the war on drugs, and on Medicare payments. But there is much that is left undone.

We, in Government, are out of touch with what the American people are thinking and saying right now. They are telling us that we need to invest in the future of this country: we need to invest in the education of our children, in the health of our people, in the rebuilding of our roads and harbors and bridges, and in the quality of the environment in which we live.

We need to invest in American workers, first by developing a sensible policy toward economic change and industrial growth, and second by ensuring that workers who are disemployed by economic change are not left out of our national prosperity.

We need to invest in decent and affordable housing for all Americans, yet we have appropriated no money for new construction of pubic housing in years. Instead we wait until homeless Americans line the streets of our cities and then offer them token emergency assistance.

It is a shame that our country is being ripped in two, into classes of rich and poor, of powerful and weak, of haves and have-nots. While the rich grow richer and the stock market sets new records almost daily, more and more Americans are losing their jobs and their homes. Of the 11 million jobs created since 1980 that Reagan is always crowing about, 60 percent pay less than $7,000 a year. Our middle class, the American working class, is disappearing. We are becoming a Nation of high-income, BMW-driving, elitist, Vaurnet-touting, privileged yuppies on the one hand, and impoverished, disenfranchised, underprivileged, working-class Americans on the other. Before long, most Americans will be unable to pay for decent health care, for their children's education, or for a roof over their head.

It is a shame that we are bound by the immature and emotionally-motivated constraints of Gramm-Rudman. We should be able to deal with the deficit in a practical, businesslike way, recognizing that it must come down, but not at the expense of investment in the programs that will allow us to grow and thrive in the future. We are shooting ourselves in the foot if we cut funding for education, health care, and housing today, only to face problems of far greater urgency and far greater cost tomorrow.

We have to pay our bills, and we will. First, we have to negotiate real reductions in our defense spending—reductions in nuclear and conventional weapons that will genuinely enhance our national security. Second, we have to get Americans paying their taxes again: only 80 percent of our citizens comply voluntarily with the tax laws. In the 1960's that figure was up at around 95 percent. That is a revenue loss of $70 billion right there that is just slipping through our fingers year after year.

We, as a country, have not gone bust. It is simply that we must work to restore the faith of the American people in the decency and efficacy of their Government. We need to earn their trust by spending their money more wisely, not simply by spending less and less of it every year as the mechanical buzzsaw of Gramm-Rudman forces us to cut more and more out of the most vulnerable parts of the Federal budget.

I will vote for the budget proposed by the committee, but I will do so knowing that our Government has let the country down. We have failed to hear the American people calling for compassion, for fairness, for a decent life for every child who grows up in the richest Nation on Earth. Maybe we will do better next time around, maybe we will remember the old words of Teddy Roosevelt, a Republican President who knew this country well, "This country will not be a good place for any of us to live, unless it is a good place for all of us to live."

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. Michel], the minority leader.

Mr. MICHEL. Mr. Chairman, I find it rather odd that the majority leadership's budget, the document reported out of the standing committee, is being brought to the floor as an amendment. Isn't that typical of our budget process today? We have as our base vehicle a bogus budget which really has no reason for being other than to make Members of the majority so uncomfortable they cannot vote against the real budget resolution.

Just a short time ago we went through another fraudulent process, the vote on the President's budget recommendation. Note I did not say the President's budget. He does not have the power to finalize a budget. He can only make recommendations, and it is the Congress that works its will on the recommendations.

☐ 1540

In short, the President proposes, the Congress disposes. It is up to the legislative branch to adopt budgets, control spending, raise taxes, and reduce deficits. I wish the Members of the majority could face up to that fact and, too, I wish the media could be made to appreciate that distinction as well. Then we would have no reason for road shows and the like. If you want to blame the President, then do not be wimpy about it, make the budget a joint resolution so that he can veto or sign it. Right now he cannot do that. Why not force him to veto your handiwork just like you did with the clean water bill, the highway bill, and those log-rolling continuing resolutions? If that is good politics for you, why would not a budget veto be as well. I know this President would be more than happy to accommodate you.

It is very important for us now, the majority and minority alike, to join hands to defeat this so-called amendment. The document is a fraud. By its passage we would be perpetrating that fraud on the American people. We would be deceiving them. Are we to pass a budget of a trillion dollars which orders only $3.8 billion in spending cuts, real ones? Are we going to pass a budget in which 80 percent of the deficit reduction is tax increases?

Are we to issue yet another blow to the already crippled oil industry? It would seem so by the looks of the budget's creative scheme to fill the strategic petroleum reserve by confiscating private stocks.

Let us defeat this amendment and agree to meet in May at what is becoming our annual debt ceiling carnival. Sometime in the middle of May we will be faced again with the prospect of shutting the Government down. It will be then that this whole matter of the budget process and the need to reform it will be staring us right in the face again.

We came to this debate with good solid budget reforms under our arms but you would not even allow us to bring them onto the floor. We had concluded that reforms were more important to the budget process than the budget substitutes themselves, and we had both, as the gentleman from Mississippi pointed out, 108 or 6 budget waivers last year alone. The process is a shambles.

Senators Dole and Domenici have proposed reform packages. We have proposed them on our side here, you have not. Maybe in May you will be ready. Maybe then we can sit down with the President and talk seriously about this fiscal quagmire this Congress has created. We will be ready. We have been ready. We are going to come together again on this issue in May one way or another. I suggest we make it more like a family outing rather than a family feud. We have been feuding enough over this issue. I would urge Members to vote on this amendment for all its faults and move on to the next stage in the process. Do not be all that concerned that you are left only with a sequestering base here because, frankly, that can also be eliminated and then we can come back and work our will on a meaningful budget in which we are players and participants in the process.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield the remaining time on this side to the distinguished gentleman from Washington [Mr. Foley], majority leader of the House of Representatives and the ranking Member of the House Committee on the Budget.

The CHAIRMAN. The gentleman from Washington [Mr. Foley] is recognized for 3¾ minutes.

Mr. FOLEY. I have the greatest respect for our colleagues on the other side of the aisle. They have great ability and have shown in the past that they are capable of contructive legislative effort in addressing the problems of the country. Unfortunately, on this critical issue of the budget their decision to abdicate that responsibility, to put aside that role of leadership, has earned them the recent criticism of one of the editorials which treated with mock respect what it called the "matchless show of leadership, principle, and courage expressed by the Republicans in not providing a budget."

It is all very well for them to say they did not have a chance to offer budget reforms; but this is not the proper place for reforming the budget process. That is another issue for another day and we will take it up.

Today the matter before us is the adoption of a budget. One hundred forty-eight Republicans voted against the President's budget priorities. Very well. One hundred twenty-four voted against Mr. Dannemeyer's. At least he should be given credit for offering one. They do not seem to like anything, their own budget, the President's budget, the committee budget. They do not like sequestration. Apparently the advice from the Republican side is: "Don't vote and you won't get into trouble."

What a motto for statesmanship, what a motto for carrying out the responsibilities and obligations of membership in this body. If they were to fill the chairs on the other side with life-size replicas of Members that could remain silent or vote "no" on receiving the command from some battery, they would be able to contribute as much to this process as, unfortunately the Members of the other side are today.

They are constantly setting off little mines, little charges, to try to discourage Members from voting for a responsible program. They know there is no oil import tax in its budget resolution. They know there cannot be one. They know there are not any tobacco taxes or gasoline taxes in its resolution. They know there cannot be. Yet the gentlemen and ladies who have taken this well do not seem to have any suggestions for what we should do.

Are they whining because they lost an election? Is that the Republican Party speaking? Are they complaining because somebody treated them with some kind of alleged sarcasm? Is that the Republican Party speaking? Is this the party that supported the Budget Act? Is this the party that supported Gramm-Rudman-Hollings? Is this the party that insists it wants the deficit reduced and yet cannot bring us a single proposal of constructive merit to vote on? Is this the record that you, as Republicans, want to take to the American people?

If this kind of abdication of leadership and responsibility is to become a hallmark of your Party, your internal concerns about your future well taken.

I believe the Republican Party tradition can rise to a higher standard. In the meantime, since all sense of responsibility lies on this side, I compliment the Committe on the Budget and, in the unfortunate absence of Republicans, ask my Democratic Members from all parts of this country and all wings of the party, from CHARLIE STENHOLM in Texas to CHARLES SCHUMER in New York to stand and agree that we will do what is necessary to take the people's business forward. We are not going to go vote the easy vote, to condone hiding, ducking, and wandering away from the responsibilities we were sworn to carry out.

Instead, we are going to adopt this budget. We are going to take this deficit down and build an opportunity for economic growth in the future. If we must do it alone, we will and hope there will be a better day when Republicans will stand with us.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. GRAY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 192, not voting 11, as follows:

[Roll No. 52]

AYES—230

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Aspin
Atkins
Barnard
Beilenson
Berman
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Pease
Penny
Pepper
Perkins
Pickett
Price (IL)
Price (NC)
Rahall
Rangel
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—192

Applegate
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Callahan
Campbell
Carr
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Johnson (CT)
Kasich
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKinney
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nelson
Nichols
Nielson
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—11

Annunzio
Burton
Daniel
Garcia
Kemp
Livingston
Lloyd
Pickle
St Germain
Tauzin
Vucanovich

☐ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Pickle for, with Mr. Burton against.

Mr. Tauzin for, with Mr. Livingston against.

Mr. Garcia for, with Mr. Kemp against.

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 93) setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990, pursuant to House Resolution 139, he reported the concurrent resolution back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. **LOTT**. Mr. Speaker, I have asked permission to address the House for 1 minute for the purpose of ascertaining from the leadership if additional votes are expected today and what the additional legislative schedule might be.

□ 1610

Mr. Chairman, I would be happy to yield to the distinguished majority leader if that would be appropriate.

The **SPEAKER**. The Chair will tell the gentleman that there will be some unanimous consent requests that are pending. Beyond that, this would conclude legislative business for the day and for the week.

Mr. **LOTT**. Mr. Speaker, I was under the impression, under my unanimous consent request, that perhaps there was one bill that had been defeated earlier this week under suspension that might be brought up.

The **SPEAKER**. This would be the subject of a unanimous consent request, the Chair is advised.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

GENERAL LEAVE

Mr. **GRAY** of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on House Concurrent Resolution 93.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DESIGNATION OF THE HONORABLE JAMIE L. WHITTEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL APRIL 21, 1987

The **SPEAKER** laid before the House the following communication:

WASHINGTON, DC,
April 9, 1987.

I hereby designate the Honorable JAMIE L. WHITTEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions until April 21, 1987.

JIM WRIGHT,
Speaker of the House of Representatives.

PERSONAL EXPLANATION

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute.)

Mrs. **VUCANOVICH**. Mr. Speaker, I would like to explain that I was unavoidably detained and missed the last vote. If I had been here, I would have voted "no."

PERSONAL EXPLANATION

Mr. **DOWNEY** of New York. Mr. Speaker, I was detained during the vote on the Dannemeyer amendment and the vote that preceded it. I would like the RECORD to show that I would have voted "no" in both instances.

THE SPECIAL PAY AND CIVIL SERVICE IMPROVEMENTS ACT OF 1987

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. **WOLF**. Mr. Speaker, today I am introducing the Special Pay and Civil Service Improvements Act of 1987, which is a package of reforms affecting civil service employees and retirees.

In developing this bill, I have worked closely with Federal employee organizations, the National Association of Retired Federal Employees [NARFE], personnel officials nationwide, administration officials and concerned citizens. This package contains positive changes to correct errors, oversights, and shortcomings in the current statute and establish benefits for employees and retirees.

I am pleased to offer this package of improvements for Federal employees and retirees and hope my colleagues will join in supporting these needed improvements in the civil service. A section analysis and a copy of the bill are included with this statement:

BILL ANALYSIS

TITLE I—SPECIAL PAY AUTHORITY

SEC. 1101. AUTHORITY RELATING TO HIHGER RATES OF PAY.

Amend Section 5303 of Title V:

(a) Expands the pay range beyond the current General Schedule grade limitations so that higher salaries can be established for individuals in positions which are or are likely to become significantly handicapped in recruiting or retaining qualified individuals to perform those jobs.

The range may be expanded to accommodate the needs of the problem positions. The minimum rate, however, may not be less than the minimum rate paid by the General Schedule for this grade nor can the maximum rate exceed the Executive Level V pay cap.

This section also *expands the factors* which cause hiring and retention difficulties beyond the current statutory proviso. Currently, a loss of personnel to private industry is the only basis on which a special pay rate can be authorized. This limitation poses a particular problem because many federal public service jobs have no private sector counterpart or equivalent (such as police officers and firefighters).

To correct this limitation, the statute is amended to include other factors which may be causing recruitment and retention difficulties such as: pay of federal and/or non-federal employers, undesirable working conditions, remote geographic location, and other factors which may be determined in accordance with regulations prescribed by the President taking into consideration the turnover rate of positions, number of vacancies, hirelag, nature of the work, environment, number of pending retirement-eligible employees, significant decline in the quality of recruits or other factors.

(b) Expedites the OPM approval process for granting special rate requests. In recent years, agencies have lost prospective job candidates while waiting for OPM to approve a special rate request. Agencies will submit pay rate requests in accordance with prescribed regulations and OPM must respond to the application in writing within 45 days. Approved authority will be in effect for two years. This two year authority may be amended, though, particularly if after one year, the recruiting or retention problems intensify. Nothing in this statute precludes an agency from seeking a new rate request even prior to the expiration of a previously approved two-year rate authority.

(c) Provides that OPM may review annually an agency's special pay rate program. The authorization of higher rates expires at the end of two years or upon OPM's making a written determination that such special rates are no longer needed to deal with the recruitment and retention problem.

(d) Allows pay-in-person provision. If an individual covered under a special pay rate leaves, the pay associated with that position does not remain in effect if the agency's special rate authority has expired. The position will revert to General Schedule grade status.

(e) Provides that special rates termination does not result in reduction. Should the special rate authority expire, an individual's pay is not reduced but will continue in accordance with the General Schedule levels as long as that person is in that special rate position.

(f) Provides an annual pay increase to be available and to amount to at least as much as the general pay raise approved for General Schedule employees.

Example: If, on October 1, special rate employees receive a 2 percent raise, but on the following January 1, General Schedule employees receive a 3 percent raise, then the special rate employees will receive an additional 1 percent so as not to fall behind GS employees.

(g) Makes provisions for OPM to prescribe transition rules for employees to move out of the special pay rate program since the periodic step increases will be different from the normal GS, PMRS, SES or other pay system step increases.

Adds new section—Section 5303a. Periodic Increases:

(a) Provides that Special Pay Employees will receive periodic step increases in similar manner to General Schedule employees.

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(b) Relaxes Initial waiting periods to allow for rapid advancement through the grade during the first three steps of the grade. Authority is granted to waive the minimum requirement of one year in grade. This opportunity for quick advancement will serve as an attractive recruiting tool in persuading top quality job candidates to choose government service. Administration of this authority must provide mechanisms to protect against favoritism.

(c) Allows waiver of this within grade system by the agency head in cases where an alternative personnel system or other within grade system is in place.

Establishes new section—Section 5303b. Bonus Payments:

(a) Establishes recruitment and retention bonuses (not to exceed $10,000) to provide incentives for individuals to choose federal service, incentives for senior personnel to stay with the federal government, and incentives for individuals to take supervisory positions.

(b) Provides time in-service agreements designed as recruitment and retention bonuses to attract and keep valuable employees. Receipt of a bonus represents a commitment on the part of the individual to remain in government service for a certain specified period to be determined between the individual and the agency. Such service agreements can not require more than 3 years and should outline what will happen should the individual depart before completing the service agreement. Any bonus requires at least a 6 month commitment to continued service.

If an individual receives a bonus, commits to a time agreement and then separates from government service, the remaining time and corresponding amount of the bonus relative to that period should be repaid to the government unless waived by the agency head. Individuals who are involuntarily separated from government service by reason of a reduction-in-force will not be required to return any bonus amounts for time unserved.

(c) Provides that bonuses shall be paid before the end of the service agreement whether distributed in a lump sum fashion or over the course of the service agreement. Although service agreements may vary, it is not the intent of the legislation to hold such bonuses until the end of a service agreement. Portions should be paid at appropriate intervals prior to completion of the service agreement.

(d) Provides that bonuses are not considered as a part of an individual's basic pay.

Establishes new section—Section 5303c. Advances of Pay:

(a) Provides for the advancement of basic pay up to two pay periods for individuals who are just starting out in civil service and are hired under the Special Pay Rate authority. Recent college graduates comprise a significant portion of special rate-type occupation recruits. These individuals frequently do not have the funds for making a security deposit on housing or for securing a means of transportation. This pay advancement authority allows more financial flexibility for employees who are just getting established.

(b) Requires repayment.

Establishes new section—Section 5303d.

TRAVEL AND TRANSPORTATION EXPENSES FOR NEW APPOINTEES

(a) Authorizes the agency head to pay travel and transportation expenses, as deemed appropriate, for newly hired employees appointed to special pay rate positions. This is a common private sector option and will assist agencies in attracting job candidates when recruiting at colleges and institutions a great distance from the federal installation.

SEC. 1102. SPECIAL APPOINTMENT AUTHORITY.

(a) Amends Section 3329 of Title V to provide direct-hire authority to agencies for the hiring of recruited candidates (rather than the current practice of recruiting talent and then listing persons on an OPM register which may take up to six months to clear).

Agencies must adhere to the same merit systems principles, EEO standards and other regulations which govern hiring procedures in the federal government. Additionally, by definition, special rates are applied when positions cannot be filled. This direct hire authority may not be used to hire individuals over qualified employees already in-house.

(b) Directs OPM to prescribe regulations by which individuals may apply directly to an agency for appointment to a position for which this Act applies.

SEC. 1103. SERVICE FOLLOWING TRAINING.

(a) Recognize that, in recent years, the government has become a "training ground" for the private sector—a place where individuals can get "hands-on" training early in their careers which is highly marketable in the private sector. It is necessary to tie some sort of service agreement for training provided at the government's expense. One of the reasons that positions under special rate authority are classified as such and are hard to keep filled is because of the desirable training associated with those jobs.

(b) Links training of four weeks or longer to a service agreement of at least three times the length of the training or one year, whichever is longer. This should help reduce turnover in these positions. This applies to recruits to federal service under the special pay rate authority and does not apply to training which is required annually for an individual to remain proficient in performing the job.

These service agreements are more stringent than those required of other federal employees for several reasons: 1) the pay associated with these positions is higher; 2) the nature of the training makes these pay slots a particular target of private sector employers thus directly contributing to the classification of these positions as special pay rate essential; and 3) the combination of costs associated with the salaries, training and recruiting make turnover within the same fiscal year a financial hardship on the employing agency.

SEC. 1104. ELIMINATION OF GS-11 THRESHOLD FOR CERTAIN PAY AUTHORITY.

(a) *Eliminates the current prohibition against granting an initial entry salary above step one of the grade*—a permission only granted at grades GS-11 and higher.

SEC. 1105. ESTABLISH PARITY AMONG LAW ENFORCEMENT PERSONNEL.

(a) *Directs OPM, through this Act, to bring parity or some sense of equity between law enforcement personnel* within a certain geographic region. Existing statutory police pay systems makes parity difficult; however, this section gives OPM the authority to set law enforcement officers' pay at comparable levels based on difficulty, danger, or other appropriate criteria without reducing existing salary levels.

In the Washington, D.C. area there are at least ten distinct police forces—the corresponding salaries of which are set without regard to each other. This section directs OPM to deal with these inequities between police pay systems by using the special rate authority to make needed adjustments. This should cut down on adverse selection and turnover of law enforcement personnel between agencies.

SEC. 1106. ESTABLISH PARITY AMONG HEALTH CARE PERSONNEL.

(a) *Directs OPM to deal with the pay problems created by separate statutory pay systems* granted medical personnel at the Veterans' Administration which is not available to all other federal medical personnel. Statutory pay systems throughout the government contribute to adverse selection between federal agencies where a lucrative pay system may exist at one agency, but is not in effect at the agency across the street.

In recent years, medical personnel in the federal government (particularly civilian health care personnel stationed in military medical facilities) have been turning over at record rates. In 1986, the national Institutes of Health was forced to shut down 60 beds in the cancer research ward because of a severe shortage of nurses. One contributing factor to this turnover rate is attributed to the disparities in salary rates of these individuals as compared to their counterparts within the Veterans Administration. This provision gives OPM the authority to establish health care personnel pay rates at competitive levels with the VA so as to minimize the costs associated with high turnover.

SEC. 1107. APPROPRIATIONS LIMITATION.

(a) Provides that the provisions of this Act shall be funded from existing appropriations.

SEC. 1108. EFFECTIVE DATE.

(a) Provides that Special Pay Rate authority will take effect 120 days after enactment.

SEC. 1109. REPORTING DATE.

Directs GAO to monitor the special pay rate program to determine whether it is addressing recruitment and retention problems, to identify any abuses of this authority, and to make an annual report of its findings to Congress.

TITLE II—MISCELLANEOUS CIVIL SERVICE AMENDMENTS

SEC. 1201. RETIREMENT CREDIT FOR LEAVE WITHOUT PAY.

(a) Authorizes those federal employees who participate in the President's Executive Exchange Program to earn retirement credit during the entire one year period they are in the exchange program. Under the exchange program, individuals go on "leave without pay" status beginning with the fiscal year; however, current law prohibits the earning of retirement credit for any period on leave without pay in excess of six months in any calendar year. Employees lose three months retirement credit while participating in this program. This provision will correct discrepancies between fiscal year and calendar year requirements.

SEC. 1202. THE SENIOR EXECUTIVE SERVICE.

(a) Prevents circumvention of the "120-Day Get-Acquainted Period." Current law prohibits a reassignment of Senior Executives during their first 120 days under a new politically appointed supervisor. Some agencies have gotten around this restriction by detailing executives to other positions and then reassigning them at the end of the 120 days without giving the career executive the opportunity to "get acquainted" with his or her new supervisor. This correction will eliminate this "end run" around this "get acquainted" period and require that the 120 days be spent under the supervision of the new political supervisor.

(b) Sets individual SES pay. This correction will protect the "rank-in-person" provisions established as in integral part of the Senior Executive corps and would prohibit agencies from establishing SES pay levels based on the position rather than performance as required under the Civil Service Reform Act of 1978.

(c) Corrects performance awards system.—Currently, Senior Executives are prohibited from receiving a Rank Award and a Performance Bonus in the same fiscal year. Because agencies vary in making such awards during the year and because Presidential Rank Awards are frequently given late in the year, this system has defeated the original intent of recognizing high-performing executives. This provision will correct this conflict of awards.

(d) Allows travel and transportation reimbursement for the last move home of Senior Executives who have been required to relocate during their government service. Currently military and Foreign Service personnel who are relocated by the government during their government service are reimbursed, upon retirement, for the costs of their last move home.

One stipulation in being hired into the elite senior executives corps is the understanding that such executives will move when directed by the government or face possible removal if they do not accept the reassignment. Many agencies have also cited this lack of "last move home" reimbursability as a reason for being unable to recruit high level, near-retirement age SESers to take a top assignment at an out of town location. This provision allows Senior Executives who have been directed to relocate during their civil service careers, and who are eligible for a Federal annuity, to have the "last move home" reimbursed.

SEC. 1203. EMPLOYEE ALLOWANCES.

(a) Removes the current statutory limitation of $10/day allowance for employees stationed at remote worksites.—This $10/day allowance was passed in 1966 and has not been changed since. Clearly it is inadequate and contributes to the high turnover rate among individuals who are already inconvenienced by remoteness of their employment.

A specific example in California illustrates this problem. Employees on the Navy's San Nicholas Island in the Pacific must take a plane on Monday morning from Pt. Magu, California, to the island and are not able to return until Friday afternnon. For this they receive $10/day above their salary. This section seeks to eliminate the inequitable allowance rate and provide more flexibility in the statute to reflect economic changes.

(b) Removes the 20-year old statutory allowance limit of $125 allowance for uniforms required as part of Federal employment in certain positions. Because uniforms run far in excess of this amount, an agency should fully reimburse an employee for the cost of uniforms. It is recognized, however, that making such cost coverage a mandatory government expense would cause vendors to significantly increase their charges for such uniforms. To allow agencies to more successfully negotiate competitive prices, the statute is changed to reflect that the government will pay $400 of the total cost of the uniform.

SEC. 1205. USE OF COMPENSATORY TIME OFF.

(a) Allows employees the option of taking compensatory time off instead of overtime if they prefer.

SEC. 1206. JOB PERFORMANCES APPRAISALS: CONSIDERATION FOR WITH-IN GRADE INCREASES.

(a) Revises current law to show that performance appraisals must be recorded in writing, and that an acceptable level of competence is decided by such written performance appraisal rather than by the end of the agency.

TITLE III—RETIREE BENEFITS

SEC. 1301. ENTITLEMENT OF UNIFORM PLAN ENROLLEES TO ENROLL IN OTHER HEALTH BENEFITS PLANS.

(a) Repeals the Retired Federal Employees Health Benefits Act enacted in 1959. Civil servants who retired before 1960 are covered by the Uniform Health Plan carried by Aetna. This plan is not as comprehensive as the Federal Employee Health Benefit Program (FEHBP) which covers federal employees and retirees since 1960. This legislation would bring those annuitants under the FEHBP.

(b) Entitles pre-1960 annuitants to enroll in the FEHBP in the plan of their choosing, and directs OPM to notify each retiree covered under the old Uniform Health Plan of this choice.

(c) Enrolls automatically those annuitants who did not make a FEHBP decision in a plan similar to the Uniform Health Plan in which they were previously enrolled prior to passage of this Act.

(d)-(e) Outlines the necessary administrative procedures and regulations required of OPM.

SEC. 1302. RE-ENROLLMENT BY CERTAIN ANNUITANTS IN HEALTH BENEFITS PLAN.

(a) Allows a second chance for current retirees to elect coverage under the Federal Employee Health Benefits Program. Retirees must have been covered by the FEHBP for at least five years during their active government service.

(b) Directs OPM to notify such annuitants of this opportunity to re-elect coverage and provides that OPM shall hold an open session of six months to give ample time for annuitants to elect coverage.

(c) Provides the Director of OPM with authority to enter into agreements with health benefits carriers for the purpose of covering these annuitants. With less than five perceent of all annitants having failed to elect coverage at retirement, the number of individuals eligible to revisit this decision will be quite small. To prevent any sort of premium increase for other health benefits subscribers, OPM is authorized to change a penalty fee, or additional premium for this benefit.

SEC. 1303. DEFERRED ANNUITANTS ENROLLMENT FOR SELF ONLY COVERAGE FROM SELF AND FAMILY COVERAGE IN CERTAIN CASES.

Allows retirees who are eligible for a deferred annuity and are married to an annuitant who is currently covered under a FEHBP "Self and Family enrollment" to be covered by the FEHBP on a Self Only plan as long as the spouse also opts for a Self Only plan. Two "self only" plans are less expensive to the annuitant and to the government than one "Self and Family" enrollment.

SEC. 1304. INFORMATION FOR EMPLOYEES AND ANNUNITANTS TO MAKE CHOICES.

Directs OPM to Provide more information to subcribers on the performance records of each carrier including the average amount of time it takes a carrier to process a subscriber's claim. This provision is included so that subscribers can make informed enrollment choices.

SEC. 1305. REQUIREMENT OF CARRIERS TO SUPPLY CERTAIN INFORMATION.

Directs health benefits carriers to include information in their benefits brouchures on the amount of time it takes to process a subscriber's claim and information on what justifications are used to determine "usual, customary, or reasonable" expenses.

SEC. 1306. STUDY AND REPORT BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

Directs OMP to conduct a study within six months after passage of this Act on the feasiblity and cost effectiveness or desirability of offering a third enrollment status for FEHBP subscribers. Currently, federal employees and retireees can choose between two categories: "Self only" or "Self and family".

Traditionally, it was believed that a self and spouse option would cause adverse selection and subsequent higher premiums since older employees and retirees were more likely to choose this option. As the workforce has changed and more young couples are delaying the start of a family, this category may be a realistic option with cost benefits for the government as well.

SEC. 1307. SEQUENTIAL PAYMENTS OF HEALTH BENEFITS FOR ANNUITANTS.

Provides for coordination of Medicare and FEHBP which are both administered by the federal government. The primary carrier should be able to forward a benefits claim balance directly to the secondary carrier before it returns to the annuitant or employee. This will cut down on unnecessary paperwork and accounting on the part of both the government and the older civil servant. OPM should serve as coordinator for this process.

SEC. 1308. SURVIVOR ANNUITY BENEFITS.

(a) Makes a technical correction regarding calculating a reduced annuity. Under P.L. 98-615, Congress accidentally eliminated a benefit previously allowed for annuitants who marry after their annuity begins. Previous law allowed an annuitant to take a reduction in his or her annuity at the time of marriage to provide for a survivor benefit. Because of an oversight, though, the law now requires that an annuitant must make a contribution toward the survivor benefit for periods when he or she received a full annuity but was not married. This provision corrects the problem and makes clear that an annuitant should pay for a survivor benefit at the time of marriage.

(b) Directs GAO to study the survivor benefit program. The federal survivor benefit annuity system seems to diminish in value much more quickly than does the standard annuity. Because a survivor is not in a position to supplement his or her income, it is essential that the survivor annuity be made more resilient and durable to outlast the ravages of inflation.

GAO is directed to conduct a study and make recommendations on cost effective ways to provide a stronger survivor annuity program. Such options as a supplemental contribution to the retirement system for a more substantial survivor annuity, provision of other choices for larger annuity reductions at retirement, provsion of additional benefits for older survivors or survivors who have been widowed for many years, and changes in the survivor annuity contribution formula should be investigated among GAO's considerations.

H.R. 2091

A bill to improve the pay and management of employees of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Pay and Civil Service Improvements Act of 1987".

TITLE I—SPECIAL PAY AUTHORITY

SEC. 1101. AUTHORITY RELATING TO HIGHER RATES OF PAY.

(a) IN GENERAL.—Title 5, United States Code, is amended by striking out section 5303 and inserting in lieu thereof the following:

"§ 5303. Higher minimum rates

"(a)(1) Subject to paragraph (2) of this subsection, when the Director of the Office of Personnel Management finds that recruitment or retention of well-qualified individuals for agency positions described in paragraph (3) of this subsection is or is likely to become significantly handicapped because of any condition described in paragraph (4) of this subsection, the Director may establish, for one or more areas or locations where the condition exists, higher minimum rates of basic pay. The Director may establish such higher minimum rates for one or more grades or levels, occupational groups, series, or classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each grade or level for which the higher minimum rates are so established.

"(2) A minimum rate established for any grade or level under paragraph (1) of this subsection may not exceed the rate of pay for a position under level V of the Executive Schedule described pursuant to section 5316.

"(3) The positions referred to in paragraph (1) of this subsection are positions paid under—

"(A) section 5332 of this title;

"(B) the pay scales for employees in the Department of Medicine and Surgery, Veterans' Administration, under chapter 73 of title 38; or

"(C) section 403 of the Foreign Service Act of 1980.

"(4) The conditions referred to in paragraph (1) of this subsection are as follows:

"(A) The rates of pay paid Federal Government employees of an agency in positions referred to in such paragraph are lower than the rates of pay paid Federal Government employees in similar positions in the same agency or other agencies.

"(B) The rates of pay paid Federal Government employees in positions referred to in such paragraph are lower than the rates of pay paid employees of employers other than the Federal Government in similar positions.

"(C) The working conditions for employees in positions referred to in such paragraph are undesirable.

"(D) The positions referred to in such paragraph are in a remote geographic location.

"(5) In making findings under paragraph (1) of this subsection, the Director of the Office of Personnel Management shall consider the number of employees who have applied for retirement in an agency or will soon be eligible to apply for retirement, at the time the Director is making findings under paragraph (1), the rate of turnover in positions, vacancies in positions, the length of time necessary to recruit individuals to fill vacancies, the undesirable nature or environment of the work, any marked decline in the quality of employee applicants, and any other information the Director determines appropriate.

"(b)(1) The head of an agency may request the Director of the Office of Personnel Management to establish higher rates of basic pay under subsection (a) of this section for any positions in such agency. The Director shall transmit to the head of the agency a response to such request within 45 days after the date on which the head of an agency transmits the request to the Director.

"(2) Any request under paragraph (1) of this subsection shall specify the period, not to exceed 2 years, for which the head of an agency anticipates that the exercise of the authority under subsection (a) of this section is necessary to mitigate the problem specified in the request.

"(c) Any exercise of authority under subsection (a) of this section may—

"(1) be reviewed by the Director of the Office of Personnel Management once each year; and

"(2) terminate on the earlier of—

"(A) the last day of the period specified in the request for such exercise of authority made under subsection (b) of this section; or

"(B) the date on which the Director of the Office of Personnel Management makes a written determination that the exercise of such authority is no longer necessary to mitigate the problem specified in such notification.

"(d) A rate of pay established with respect to a position pursuant to the authority under subsection (a) of this section shall remain in effect after the termination of the exercise of such authority under subsection (c) of this section, unless such position is vacant on the date on which the exercise of such authority terminates or, if the position is then filled by any individual, until the beginning of any break in the service of such individual.

"(e) After the termination of the application of a higher minimum rate of basic pay established under subsection (a) of this section with respect to any position, the rate of basic pay payable to an employee, while serving in such position without a break in service in such position (except for a period of leave without pay) on and after the day before the date of such termination, may not be reduced by reason of such termination.

"(f)(1) Subject to paragraph (2) of this subsection, the rates of basic pay established under subsection (a) of this section may be revised, within the limits of that subsection, by the Director of the Office of Personnel Management. Revisions under this paragraph shall have the force and effect of law.

"(2) If the rates of pay under the General Schedule are increased pursuant to section 5305 of this title in any fiscal year, then, not later than the effective date of the increase in such rates, each rate of pay in effect for a position under subsection (a) of this section on September 30 of the preceding fiscal year shall be increased by any percentage that is not less than the overall percentage of such increase in the General Schedule rates of pay. Nothing in this paragraph prohibits more than one increase in such rate of pay during any fiscal year.

"(g) The Director of the Office of the Personnel Management shall prescribe procedures for converting positions covered by the pay rate system administered under this section to the General Schedule, the performance management and recognition system under chapter 54 of this title, the Senior Executive Service, or another appropriate pay rate system.

"§ 5303a. Periodic increases

"(a) Except as provided in subsection (b) of this section, each individual who is paid a rate established under section 5303 of this title and who has not reached the maximum rate of pay for the grade or level of such individual's position shall be advanced in pay in the same manner as is provided in section 5335 of this title.

"(b) An individual referred to in subsection (a) who is serving in pay rate 1, 2, or 3 shall be advanced in pay successively to the next higher rate within the pay range involved at the beginning of the next pay period following the completion of such period of service, not to exceed 52 calendar weeks.

"(c) The head of an agency may waive the application of this section in the case of—

"(1) any group of employees of the agency who are participating in a demonstration project under chapter 47 of this title; or

"(2) any other group of employees of the agency, as determined appropriate by the head of such agency.

"§ 5303b. Bonus payments

"(a)(1) Under regulations prescribed by the Director of the Office of Personnel Management, the head of an agency may provide for recruitment and retention bonus payments under this section—

"(A) to employees serving in positions for which the minimum rate of basic pay has been established under section 5303 of this title;

"(B) to employees whose responsibilities include the regular supervision of any employee paid at a rate established under section 5303 of this title; or

"(C) subject to the approval of the Director of the Office of Personnel Management, to any other employees of such agency.

"(2) A bonus payment under this section shall be equal to an amount, not to exceed $10,000, determined by the head of the agency making such payment.

"(b)(1) A payment may not be made to an individual under this section unless such individual has entered into an agreement with the head of the agency employing such individual which provides that—

"(A) such individual will continue in the service of the agency for a period of time determined under paragraph (2) of this subsection; and

"(B) if separated (except by reason of a reduction in force) from the agency before the end of the period agreed to, such individual will repay to the Government any amounts paid to such individual under this section.

"(2) The period of service applicable under paragraph (1) of this subsection may not—

"(A) be less than 6 months; and

"(B) exceed 3 years.

"(3) If an individual fails to repay any amount required under paragraph (1)(B) of this subsection, such amount is recoverable by the Government from the individual or the estate of such individual by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the individual from the Government; and

"(B) any other method provided by law for the recovery of amounts owed to the Government.

Notwithstanding the preceding sentence, the head of the agency concerned may, under the regulations issued under subsection (a) of this section, waive in whole or in part a right of recovery under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(c) The full amount of a bonus under this section shall be paid, whether in a lump sum or in the form of periodic payments, before the end of the period of service agreed to under subsection (b) of this section.

"(d) A payment under this section is not part of the basic pay of an individual.

"§ 5303c. Advances of pay

"(a) Under regulations prescribed by the Director of the Office of Personnel Management, an agency head may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position if the rate of pay for such position is established under section 5303 of this title.

"(b) In the case of a failure to repay any amount advanced under this section, such amount may be recovered, and the recovery of such amount may be waived, in the same manner as is provided in section 5303b(b)(3) of this title

"§ 5303d. Travel and transportation expenses for new appointees

"The head of an agency may provide travel and transportation expenses under section 5723 of this title to a new appointee to a position for which the rates of basic pay are established under section 5303 of this title.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by striking out the item relating to section 5303 and inserting in lieu thereof the following:

"5303. Higher minimum rates.
"5303a. Periodic increases.
"5303b. Bonus payments.
"5303c. Advances of pay.
"5303d. Travel and transportation expenses for new appointees.".

SEC. 1102. SPECIAL APPOINTMENT AUTHORITY.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329. Appointment procedures in areas with recruitment or retention problems

"(a) Under regulations prescribed by the Director of the Office of Personnel Management, the head of an agency may make selections and appointments on an expedited basis to fill any vacant position for which the minimum rate of basic pay is established under section 5303 of this title.

"(b) The regulations prescribed under this section may include procedures under which individuals may apply to an agency directly and an individual may be selected for appointment to a position from among those so applying.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointment procedures in areas with recruitment or retention problems.".

SEC. 1103. SERVICE FOLLOWING TRAINING.

(a) IN GENERAL.—Section 4108 of title 5, United States Code, is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) An employee selected for—

"(A) appointment to a position for which the minimum rate of basic pay is established under section 5303 of this title; and

"(B) training by, in, or through a Government facility under this chapter,

shall enter into a written agreement (described in paragraph (2) of this subsection) with the Government before the appointment and assignment for training are made. Notwithstanding the preceding sentence, the head of the agency making the appointment may waive the requirement for a written agreement in any case if an agreement in such case would not be in the interest of such agency or any other public interest.

"(2) A written agreement entered into by an employee under paragraph (1) of this subsection shall include provisions which require such employee—

"(A) to continue in the service of the employee's agency after the end of the employee's training period for at least 3 times the length of such training period or 12 months, whichever is greater, unless the employee is involuntarily separated from the service of such agency; and

"(B) to pay to the Government the amount of the additional expenses incurred by the Government in connection with training such employee if the employee is separated from the service of the employee's agency before the end of the period for which the employee has agreed to continue in the service of such agency.

Notwithstanding the preceding sentence, the head of such agency may waive in whole or in part a right of recovery under this paragraph if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(3) This subsection applies with respect to a period of training only if such training is for a period of four weeks or longer.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (c) of section 4108 of title 5, United States Code, as redesignated by subsection (a), is amended by inserting "or (b)(1)" after "subsection (a)(2)".

(2) The first sentence of subsection (d) of such section, as redesignated by subsection (a), is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

SEC. 1104. ELIMINATION OF GS-11 THRESHOLD FOR CERTAIN PAY AUTHORITY.

Section 5333(a) of title 5, United States Code, is amended by striking out "in GS-11 or above" in the second sentence.

SEC. 1105. SIMILAR RATES OF PAY AMONG LAW ENFORCEMENT PERSONNEL.

(a) RATES OF PAY.—The Director of the Office of Personnel Management should, to the greatest degree practicable, prescribe rates of pay for law enforcement officers that—

(1) establish similar rates of pay for all law enforcement officers employed in similar positions; and

(2) considers the degree of difficulty, danger, and any other factor the Director determines appropriate.

(b) DEFINITION.—For purposes of this section, the term "law enforcement officer" shall have the same meaning as such term is defined pursuant to section 8401(17) of title 5, United States Code.

(c) LIMITATION.—Nothing in the provisions of this section may be construed to reduce the rate of pay of any law enforcement officer.

SEC. 1106. SIMILAR RATES OF PAY AMONG HEALTH CARE PERSONNEL.

(a) RATES OF PAY.—The Director of the Office of Personnel Management should, to the greatest degree practicable, prescribe rates of pay for employees of the Federal Government serving in health care positions similar to rates of pay for health care positions to which chapter 73 of title 38, United States Code, applies.

(b) LIMITATION.—Nothing in the provisions of this section may be construed to reduce the rate of pay of any person described in subsection (a).

SEC. 1107. APPROPRIATIONS LIMITATION.

The administration of the provisions of this title and the amendments made by this title shall be to such extent or in such amounts as are provided in appropriations Acts.

SEC. 1108. EFFECTIVE DATE.

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act.

SEC. 1109. REPORTING REQUIREMENT.

The Comptroller General—

(1) shall monitor the implementation of the amendments made by this title to determine their effectiveness in dealing with recruitment and retention problems and to identify any abuses of authority; and

(2) shall submit an annual report to Congress in writing with respect to any findings under paragraph (1).

TITLE II—MISCELLANEOUS CIVIL SERVICE AMENDMENTS

SEC. 1201. RETIREMENT CREDIT FOR LEAVE WITHOUT PAY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—Section 8332(f) of title 5, United States Code, is amended by inserting "an employee participating in the Executive Exchange Program established by Executive Order 12394, dated December 5, 1986," after "service," in the last sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—The last sentence of section 8411(d) of title 5, United States Code (as added by section 101(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 523)), is amended by striking "Credit" and inserting in lieu thereof "Except for an employee participating in the Executive Exchange Program established by Executive Order 12394, dated December 5, 1986, credit."

SEC. 1202. THE SENIOR EXECUTIVE SERVICE.

(a) REMOVAL.—Section 3592(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by inserting "or (3)" after "paragraph (2)"; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) For the purpose of applying paragraph (1) of this subsection to any career appointee, the number of days that such career appointee is detailed to a position other than the position to which the career appointee is assigned shall not be counted in determining the number of days that have elapsed since an appointment referred to in subparagraph (A) or (B) of such paragraph.".

(b) SETTING INDIVIDUAL SENIOR EXECUTIVE PAY.—Section 5383(a) of title 5, United States Code, is amended by adding at the end the following: "Such criteria may not include a formal or informal classification of the position at a particular Senior Executive Service pay level.".

(c) PERFORMANCE AWARDS.—Section 5384(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) Except as provided in section 5383(b) of this title, payment of a performance award under this section and an award under section 4507 of this title may not be restricted on the basis that both such awards relate to the same performance period.".

(d) TRAVEL AND TRANSPORTATION EXPENSES.—Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title) the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside), if such individual—

"(i) has previously been transferred in the interest of the Government from one official station or agency to another for permanent duty during the term of Government employment of such individual; and

"(ii) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or of chapter 84 of this title.".

SEC. 1203. EMPLOYEE ALLOWANCES.

(a) REMOTE WORKSITE ALLOWANCE.—Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"(a) Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a remote worksite is entitled to receive an allowance under this section. The allowance payable to an employee under this section is in addition to pay otherwise payable to such employee.

"(b) The Director of the Office of Personnel Management shall prescribe in regulations the amount or amounts authorized to be paid as an allowance under this section and the sites, areas, and groups of positions to which each such amount applies.

"(c) For the purposes of this section, the term 'remote worksite' means a worksite that is so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, exceeding that which is normally encountered in metropolitan commuting, for an employee who is commuting to and from his residence and such worksite.".

(b) UNIFORM ALLOWANCE.—(1)(A) Section 5901(a) of title 5, United States Code, is amended by striking out "$125" each place it appears and inserting in lieu thereof "$400".

(B) Section 5902 of title 5, United States Code, is amended to read as follows:

"§ 5902. Increase in maximum uniform allowance

"(a) Notwithstanding the provisions of section 5901, each of the respective maximum uniform allowances for the respective categories of employees to whom uniform allowances are paid under section 5901 of this title shall be increased by the percentage increase in the consumer price index for July of the year in which the determination is made above the consumer price index for July of the preceding year.

"(b) For the purposes of this section, the term 'consumer price index' means 'price index' as defined pursuant to section 8331(15) of this title.".

(2) The first increase in pay rates made under section 5902 of title 5, United States Code, (as amended by paragraph (1)(B) of this subsection) shall take effect on October 1, 1987.

SEC. 1204. USE OF COMPENSATORY TIME OFF.

Section 5544 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "or (if granted under subsection (c) of this section) compensatory time" after "overtime pay" each place it appears; and

(2) by adding at the end the following new subsection:

"(c) The head of an agency may, on the request of an employee of such agency, grant such employee compensatory time off from his scheduled tour of duty instead of overtime pay for an equal amount of time spent in irregular or occasional overtime work.".

SEC. 1205. JOB PERFORMANCE: APPRAISALS; CONSIDERATION FOR WITHIN-GRADE INCREASES.

(a) PREPARATION OF PERFORMANCE APPRAISALS.—Section 4302(b) of title 5, United States Code, is amended by inserting ", in a written performance appraisal," after "evaluating" in paragraph (3).

(b) WITHIN-GRADE INCREASES.—(1) Section 5335(a) of title 5, United States Code, is amended by striking out "as determined by the head of the agency." at the end of subparagraph (B) and inserting in lieu thereof "determined on the basis of a current performance appraisal.".

SEC. 1206. APPROPRIATIONS LIMITATION.

The administration of the provisions of this title and the amendments made by this title shall be to such extent or in such amounts as are provided in appropriations Acts.

TITLE III—FEDERAL EMPLOYEES HEALTH BENEFITS

SEC. 1301. ENTITLEMENT OF UNIFORM PLAN ENROLLEES TO ENROLL IN OTHER HEALTH BENEFITS PLANS.

(a) REPEAL.—The Retired Federal Employees Health Benefits Act (Public Law 86-724; 74 Stat. 849) is repealed effective 12 months after the date of enactment of this Act.

(b) ENTITLEMENT TO ENROLL.—(1) Any person enrolled in a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act on the date of enactment of this Act, is entitled to enroll in any health benefits plan administered pursuant to chapter 89 of title 5, United States Code.

(2) The director of the Office of Personnel Management shall—

(A) notify each person affected by the provisions of paragraph (1) of the entitlement provided pursuant to such paragraph; and

(B) provide a period of open enrollment for such person for a period of 6 months beginning on the date of enactment of this Act.

(c) AUTOMATIC ENROLLMENT OF CERTAIN PERSONS.—The Director of the Office of Personnel Management shall enroll any person who—

(1) is enrolled in a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act on the date of enactment of this Act; and

(2) does not enroll in a health benefits plan pursuant to the provisions of subsection (b).

in the indemnity benefits plan described under section 8904(2) of title 5, United States Code.

(d) DEPOSITS IN THE EMPLOYEES HEALTH BENEFITS FUND.—Any money remaining in the Retired Employees Health Benefits Fund established pursuant to section 8 of the Retired Federal Employees Health Benefits Act, after paying all obligations of such Fund, shall be deposited in the Employees Health Benefits Fund established pursuant to section 8909 of title 5, United States Code.

(e) ADMINISTRATION BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.—(1) The Director of the Office of Personnel Management shall administer the provisions of this section to provide that—

(A) each person affected by this section shall receive continuous coverage under a health benefits plan;

(B) each person who was entitled to a benefit under a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act shall be entitled at a minimum to the same benefit, if such person is enrolled in the indemnity benefit plan described under section 8904(2) of title 5, United States Code; and

(C) the administration of all the provisions of this section are completed within 12 months after the date of enactment of this Act.

(2) The Director of the Office of Personnel Management may enter into such agreements with health benefits carriers under chapter 89 of title 5, United States Code, as are necessary to carry out the provisions of this section.

SEC. 1302. RE-ENROLLMENT BY CERTAIN ANNUITANTS IN HEALTH BENEFITS PLAN.

(a) IN GENERAL.—Any annuitant, as defined under section 8901(3) of title 5, United States Code, who on the effective date of retirement of such annuitant was eligible to continue enrollment in a health benefits plan under section 8905(b) of such title, and who, on the date of enactment of this Act, is not enrolled in a health benefits plan administered pursuant to chapter 89 of such title may enroll in any such plan during the period of open enrollment provided pursuant to subsection (b)(2).

(2) The provisions of paragraph (1) shall apply to any annuitant whose effective date of retirement occurred before the date of enactment of this Act.

(b) NOTIFICATION AND OPEN ENROLLMENT PERIOD.—The Director of the Office of Personnel Management shall—

(1) notify all persons eligible to re-enroll pursuant to the provisions of this section, of such eligibility; and

(2) provide for a period of open enrollment for such persons for a period of 6 months beginning on the date of enactment of this Act.

(c) RE-ENROLLMENT FEE.—(1) Any annuitant who re-enrolls in a health benefits plan pursuant to the provisions of subsection (a)(1) shall pay a re-enrollment fee as determined by the Director of the Office of Personnel Management pursuant to paragraph (2).

(2) The Director of the Office of Personnel Management shall determine for each annuitant who re-enrolls in a health benefits plan pursuant to the provisions of subsection (a)(1)—

(A) the class of individuals who would be affected by an increase in premium payments to provide for coverage to such annuitant through re-enrollment; and

(B) a re-enrollment fee to be paid by such annuitant at the time of re-enrollment to offset such anticipated increase determined under subparagraph (A).

(3) The Director of the Office of Personnel Management shall deposit all re-enrollment fees paid pursuant to paragraph (2)(B) in the Employees Health Benefits Fund established under section 8909 of title 5, United States Code.

(d) ADMINISTRATION.—The Director of the Office of Personnel Management may enter into such agreements with health benefits carriers under chapter 89 of title 5, United States Code, as are necessary to carry out the provisions of this section.

SEC. 1303. DEFERRED ANNUITANTS ENROLLMENT FOR SELF ONLY COVERAGE FROM SELF AND FAMILY COVERAGE IN CERTAIN CASES.

Section 8905 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this chapter, a person who is entitled to a deferred annuity under chapter 83 or 84 of this title or any other retirement system for Federal Government employees, and is covered under this chapter by a self and family enrollment of another employee or annuitant, may enroll for self only in a health benefits plan under this chapter, if such other employee or annuitant changes such coverage to self only. The annuitant entitled to a deferred annuity may not enroll for self and family coverage.".

SEC. 1304. INFORMATION FOR EMPLOYEES AND ANNUITANTS TO MAKE CHOICES.

Section 8907(b) of title 5, United States Code, is amended—

(1) in paragraph (2) by striking out "and" at the end thereof;

(2) in paragraph (3) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) other information that employees and annuitants need in order to make an informed enrollment choice including claim processing time of plans offered under section 8903 (1), (2), and (3), and any other information that the Director of the Office of Personnel Management determines may help to better inform employees and annuitants for the purpose of making such choice.".

SEC. 1305. REQUIREMENT OF CARRIERS TO SUPPLY CERTAIN INFORMATION.

Section 8910(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof ", including the time required to process claims and issue claim payments;";

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the justification for the manner that the carriers determine medical charge levels to be usual, customary, or reasonable.".

SEC. 1306. STUDY AND REPORT BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

Within 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall conduct a study and report to Congress on the feasibility of providing an enrollment category for an individual and the spouse of such individual only (to be designated as "self and spouse only") for the health benefits plans administered pursuant to chapter 89 of title 5, United States Code.

SEC. 1307. SEQUENTIAL PAYMENTS OF HEALTH BENEFITS FOR ANNUITANTS.

(a) SEQUENTIAL PAYMENTS.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8909 the following new section:

"§ 8909a. Sequential payments of health benefits for annuitants

"If an annuitant is covered by a health benefits plan offered by a carrier under this chapter and by any other health benefits plan provided in an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, any claim for the payment of health benefits submitted to that carrier by or on behalf of that annuitant shall be paid as follows:

"(1) The carrier shall—

"(A) make any payment required under the plan offered by that carrier; and

"(B) if any portion of the claim is not paid by that carrier, forward the claim to the administrator of the other health benefits plan together with a statement of the amount paid by the carrier and a detailed description of the item covered by the payment.

"(2) The administrator of the other health benefits plan shall—

"(A) pay any portion of the unpaid amount of the claim required under the plan; and

"(B) notify the annuitant of the amount of the claim paid by that plan, a detailed description of the items covered by the payment, and any unpaid amount of the claim for which the annuitant is required to arrange payment or other settlement.".

(d) TECHNICAL AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

"8909a. Sequential payments of health benefits for annuitants.".

SEC. 1308. SURVIVOR ANNUITY BENEFITS.

(a) REDUCTION OF ANNUITY FOR SURVIVOR BENEFITS NOT RETROACTIVE.—(1) Chapter 83 of title 5, United States Code, is amended—

(A) in subparagraph (C) of paragraph (5) of section 8399(j) by—

(i) striking out the comma and all that follows after "9 months after the date of the remarriage" in the first sentence of clause (ii) and inserting in lieu thereof a period;

(ii) striking out the second sentence of clause (ii);

(iii) striking out clause (iii); and

(iv) redesignating clause (iv) as clause (iii); and

(B) in paragraph (2) of section 8339(k) by—

(i) striking out "(i)" in subparagraph (B);

(ii) striking out clause (ii) of subparagraph (B); and

(iii) striking out subparagraph (C).

(2) Chapter 84 of title 5, United States Code, is amended by—

(A) striking out section 8418; and

(B) striking out the item relating to section 8418 in the table of sections at the beginning of such chapter.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—Within 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress, including recommendations, on ways to maintain the long-term value of survivor annuities administered pursuant to subchapter III of chapter 83 of title 5, United States Code.

CONGRATULATING THE PEOPLE OF BERLIN ON THE CITY'S 750TH ANNIVERSARY

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution, (H. Res. 142) expressing the sense of the House congratulating the people of Berlin on the occasion of the city's 750th anniversary in the year 1987, commending the people of Berlin for their centuries of great tradition and continuing courage in the face of historical adversity and recognizing the deep and lasting relations they have with the people of the United States of America, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 142

Whereas 1987 marks the seven hundred and fiftieth anniversary of the great city of Berlin;

Whereas Berlin is renowned for its traditions of openness and diversity;

Whereas Berliners have bravely constructed a flourishing democracy in the midst of Communist tyranny;

Whereas the bonds linking Berliners and Americans are profound and lasting;

Whereas Berlin looks confidently to a future of freedom and accomplishment in close partnership with the United States; and

Whereas the words "Ich bin ein Berliner," ring eternal in the hearts of both Americans and Berliners: Now, therefore, be it

Resolved, That the House of Representatives

(1) expressly congratulates Berlin on the occasion of the City's seven hundred and fiftieth anniversary in the year 1987;

(2) commends the people of Berlin for their centuries of great tradition and continuing courage in the face of historical adversity; and

(3) recognizes the deep and lasting relations Berliners have with the people of the United States of America.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. WEDNESDAY, APRIL 15, 1987, TO FILE SUNDRY REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m. Wednesday, April 15, 1987, to file sundry reports. This request has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING THE DATE FOR SUBMITTING REPORT REQUIRED BY NATIONAL COMMISSION ON DAIRY POLICY

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1123) to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. NATIONAL COMMISSION ON DAIRY POLICY.

(1) EXTENSION OF REPORTING DATE.—Section 143(c) of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) LEASING AND CONTRACTING AUTHORITY.—Section 144 of such Act (7 U.S.C. 1446 note) is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of law, to the extent there are sufficient funds available to the Commission under section 145 and subject to such rules as may be adopted by the Commission, the Commission may—

"(1) lease office space in the District of Columbia; and

"(2) procure temporary or intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.".

SEC. 2. PHASE IN OF CONSERVATION PLANNING PROCESS FOR PRODUCERS PLANTING ALFALFA.

(a) Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812(b)) is amended by striking the period at the end of subsection (b) and inserting in lieu thereof "; or" and (b) by adding the following new paragraph:

"(5) on highly erodible land planted to alfalfa during each of the 1981 through 1985 crop years as part of a rotation practice approved by the Secretary if the person has submitted a conservation plan based on the local Soil Conservation Service technical guide and approved by the local soil conservation district, in consultation with the local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) and the Secretary, such person shall have until June 1, 1988, to comply with the plan without being subject to program ineligibility under section 1211.".

SEC. 3. CONSERVATION PLAN FOR HIGHLY ERODIBLE LAND.

Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(1) by inserting after "conservation plan" the following: "that documents the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedule and that is"; and

(2) by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary, Soil Conservation Service, and local soil conservation districts shall minimize the quantity of documentation a person must submit to comply with this paragraph.".

Mr. JEFFORDS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as having been read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, and I shall not object, do I understand that this is the dairy promotion extension for the Dairy Promotion Board with one amendment from the Senate?

Mr. DE LA GARZA. The gentleman is correct.

Mr. Speaker, the House passed H.R. 1123 on March 3, 1987. The House passed bill would have amended the Food Security Act of 1985 to extend for 1 year the date by which the National Commission Dairy Policy must submit its report to the Secretary of Agriculture and Congress. The effect of the amendment would be to extend the life of the Commission for 1 year.

Briefly, the Senate amendment retains the House passed language to extend the National Commission on Dairy Policy, and includes provisions to—

First, amend section 144 of the Food Security Act to provide the Dairy Commission with authority, to the extent there are sufficient funds available to the Commission, to lease office space in the District of Columbia, and procure temporary or intermittent services;

Second, amend section 1212 of the Food Security Act to conditionally release from the program ineligibility provisions of the sodbuster law, production on highly erodible land planted to alfalfa during each of the 1981 through 1985 crop years as part of an approved rotation practice, if the person has submitted a conservation plan—which must be approved by the local soil conservation district, in consultation with the local ASC Committee and the Secretary of Agriculture, then the person would have until June 1, 1988, to comply with the plan;

Third, amend section 1212 of the Food Security Act to clarify that a conservation plan, for the purpose of the sodbuster law, documents the decisions of a person with respect to location, land use, tillage systems, and conservation treatment measures and schedules;

Fourth, amend section 1212 of the Food Security Act to provide that the Secretary, Soil Conservation Service, and local soil conservation districts must minimize the quantity of documentation a person must submit to comply with sodbuster provisions that allow an exemption for a person that complies, as of January 1, 1990—or 2 years after completion of a soil survey for the farm—with an approved conservation plan.

Mr. Speaker, we have reviewed the Senate amendments and find them to be acceptable. I urge my colleagues to support the concurrence by the House in the Senate amendments to H.R. 1123.

Mr. JEFFORDS. Mr. Speaker, I am more than happy to manage this bill today, especially since this body unanimously approved our original proposal to extend the reporting date for the National Dairy Policy Commission.

I am extremely troubled, however, that an attempt was made in the other body to use this legislation to severely cripple our extremely important sodbuster protections.

The compromise before us now appears satisfactory to conservationists and does not undercut the heart or force of the sodbuster law. But I would still like to take this moment to voice my distress that any attempt to weaken our conservationist law was made at all.

Mr. JONES of Tennessee. Mr. Speaker, I rise in support of extending the National Dairy Policy Commission. However, this Senate-passed bill has a conservation provision which I will not oppose but I must admit it gives me concern.

At hearings today before the Subcommittee on Conservation, Credit, and Rural Development no witnesses expressed outright opposition to the language but the conservation groups were not very enthusiastic about it.

I am not sure what it accomplishes but want to state that I do not believe it condones the full scale sodbusting of alfalfa land between now and June 1, 1988, and hope the administration will administer this amendment as narrowly as possible.

The amendment speaks only to a delay in compliance with a conservation plan and makes no exemption from the drawing up or beginning implementation of the plan. The conservation planning and implementation of the plans should proceed fully as prescribed in current regulations and Department guidelines. Any departure from this would be a lack of faith in abiding by the law and Congressional intent.

You can be sure that we expect the Department to use its discretion in the most balanced and fair manner possible and that this in no way exempts producers from good faith efforts to implement the required conservation plans.

Mr. JEFFORDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

COMMENDING EUROPEAN COMMUNITY FOR THE ROLE IT HAS PLAYED IN DEVELOPMENT OF THE CLOSE RELATIONSHIP BETWEEN THE UNITED STATES AND EUROPE ON THE OCCASION OF THE 30TH ANNIVERSARY OF TREATY OF ROME

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 121) to commend the European Community and the government of the member states of the European Community for the role which the Community has played in the development of the close relationship existing between the United States and Europe on the occasion of the 30th anniversary of the signing of the Treaty of Rome, which established the European Community and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from California [Mr. LANTOS] for the purpose of explaining the bill.

Mr. LANTOS. I thank the gentleman for yielding.

Mr. Speaker, we have a resolution commending the European Community on its 30th anniversary of the signing of the Treaty of Rome. When this resolution was initially presented, some of our friends on the Republican side wanted to include a reservation on the common agricultural policy of the European Economic Community. We have accomplished that by unanimous agreement and we now have complete accord between the Republicans side and our side on the resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I would like simply to rise in support of the measure. In remarks last week, I outlined the many laudable activities of the European Community in the past 30 years. I think we have made the point that there are certain problems in their trade policies which we will continue to address.

I think we should look at the positive side and I am certain that the Speaker's address to the assembled group of European and American parliamentarians in Madrid this week will strike the proper balance as does this legislation.

□ 1620

Mr. Chairman, I am pleased to yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding.

I would like to thank both the gentleman from New York and the distinguished chairman of the subcommittee for allowing some language to go into this resolution, which I would like to read into the RECORD right now, Mr. Speaker.

In this resolution there is language now that says:

> Amendment: page 2, paragraph 4:
>
> Whereas the United States recognizes the importance of a strong trading relationship between the United States and the European Community which is seriously strained by the Community's Common Agricultural Policy that inhibits the ability of the American farmer to compete in world agricultural markets and the effects of which must be resolved in negotiations in a manner consistent with the General Agreement on Tariffs and Trade;

Mr. Speaker, I would just like to say that I rose in opposition to this resolution last week because it did not contain this language and I did not think it was a proper time to be sending bouquets to the European Community; however, it is not my intention to spoil a birthday present or a birthday party.

I want to thank again the ranking member and the distinguished chairman for allowing me to address a concern for American agriculture in their resolutions.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman for his supporting remarks, and I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the resolution. I always like birthday parties. I think we should be strongly in support of this resolution.

I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 121

Whereas the extensive destruction caused by World War II and the immediate postwar need for economic and political recovery persuaded major European statesmen, such as Sir Winston Churchill, Robert Schuman, and Jean Monnet, to advocate a united Europe;

Whereas on March 25, 1957, the six member states of the European Coal and Steel Community—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed a treaty in Rome to establish a customs union and to create a framework to promote the free movement of people, services, and capital among the member states, to support agricultural growth, and to create a common transport policy;

Whereas the European Community was expanded with the addition of the United Kingdom, Denmark and Ireland in 1973, Greece in 1981, and Spain and Portugal in 1986, making the European Community a body of twelve countries with a population of over three hundred and twenty million people and a total Gross Domestic Product of nearly $2,700,000,000;

Whereas as a unit, the European Community is the largest trading partner of the United States, with a total two-way trade of $125,000,000,000 and United States direct investment in the Community totaling $81,500,000,000, which generates goods and services worth over $400,000,000,000 annually;

Whereas the European Community is working to complete the objectives established in the Treaty of Rome to eliminate economic and physical barriers and to increase political cooperation among its member states in order to further the goal of a United Europe;

Whereas the European Community has contributed to the prosperity and democratic values of its member countries and to the development of a peaceful Europe through reduction of historical tensions and rivalries, which has enabled the European Community to become an important voice in world affairs; and;

Whereas the United States had consistently supported the objective of European unity and the enlargement of the European Community as desirable developments which promote prosperity, world peace, and democracy, and which contribute to the strengthening of the vital relationship between the United States and the nations of Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the great significance of the Treaty of Rome on the occasion of the thirtieth anniversary of its signing;

(2) commends the European Community and the nations which are members of the European Community for the positive role which the Community has played in the growth, development, and prosperity of postwar Europe; and

(3) acknowledge the vital role of the European Community in the development of the close and mutually beneficial relationship that exists between the United States and Europe.

Mr. LANTOS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. LANTOS: On page 2 of the resolution, after the third paragraph of the preamble beginning on the page, insert the following:

"Whereas the United States recognizes the importance of a strong trading relationship between the United States and the European Community which is seriously strained by the Community's Common Agricultural Policy that inhibits the ability of the American farmer to compete in world agricultural markets, and the effects of which must be resolved in negotiations in a manner consistent with the General Agreement on Tariffs and Trade;"

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, TO HAVE UNTIL MIDNIGHT, FRIDAY, APRIL 10, 1987, TO FILE REPORTS AND BILLS ON H.R. 27, FEDERAL SAVINGS AND LOAN RECAPITALIZATION ACT; AND H.R. 28, EXPEDITED FUNDS AVAILABILITY ACT

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs have until midnight, Friday, April 10, to file reports and bills on H.R. 27, Federal Savings and Loan Recapitalization Act; and H.R. 28, Expedited Funds Availability Act.

Mr. Speaker, I might add that the ranking minority member, the gentleman from Ohio [Mr. WYLIE], of the full Committee on Banking, Finance and Urban Affairs does concur in this request.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule, and I yield to the distinguished majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I think the distinguished Republican Whip for yielding.

Mr. Speaker, we have concluded the legislative business today, except for consideration of any unanimous consent requests.

Mr. Speaker, I might advise the Members, there is one pending matter that has not been resolved and that is the return from the other body of the recess resolution. Because it has not yet been returned to the House, it will be necessary, I think, for me to ask unanimous consent that it may be in order for the Speaker to delcare recesses subject to the call of the Chair, both today and tomorrow.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TODAY AND TOMORROW SUBJECT TO CALL OF THE CHAIR

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses, subject to the call of the Chair, both today and tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, the schedule for the week of the 20th and the 21st of April, on Monday, April 20, the House will not be in session. That is the last day of the recess.

On Tuesday, April 21, the House will meet at noon and consider five bills under suspension of the rules, as follows:

H.R. 28, Expedited Funds Availability Act of 1987;

H.R. 318, restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas;

H.R. 1567, Cow Creek Band of Indians judgment distribution;

H.R. 799, To designate a segment of the Kings River, CA, as a wild and scenic River; and

H.R. 1963, Surface Mining Act amendments relating to the 2-acre exemption and the set-aside of State funds for abandoned mine reclamation.

On Wednesday, April 22, the House will meet at 2 p.m. and take recorded votes on suspensions debated on Tuesday, April 21, and also consider H.R. 1827, supplemental appropriations for fiscal year 1987, subject to a rule, to consider the rule and general debate only.

So again to repeat, on Wednesday, April 22, we will have, first, recorded votes on any votes ordered on suspensions debated on Tuesday, April 21, and second, the rule and general debate only on the supplemental appropriations bill.

On Thursday, April 23 and the balance of the week, the House will meet at 11 a.m. to consider H.R. 1827, the supplemental appropriations bill for fiscal year 1987, to complete consideration.

Mr. Speaker, that concludes the announcement of the schedule. Conference reports, of course, may be brought up at any time, and any further program will be announced later.

Mr. LOTT. Mr. Speaker, if the gentleman would allow me just 1 minute to emphasize a point, it is not intended there would be recorded legislative votes on Tuesday, April 21; the suspensions on which votes are demanded will be deferred until Wednesday, the 22d, is that correct?

Mr. FOLEY. Mr. Speaker, the gentleman is correct.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 22, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 22, 1987.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 21, 1987, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN MANAGUA, NICARAGUA, APRIL 27, THROUGH MAY 2, 1987

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a-1, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Managua, Nicaragua, on April 27 through May 2, 1987, the following Members on the part of the House;

Mrs. BOGGS of Louisiana, chairman;

Mr. SCHEUER of New York, vice chairman;

Mr. BATES of California;

Mr. FUSTER of Puerto Rico, and

Mr. SUNIA of American Samoa.

CORRECTION IN SPECIAL ORDER LIST FOR TODAY

Mr. SLAUGHTER of Virginia. Mr. Speaker, because of an error on the special order request sheet yesterday, I ask unanimous consent that the name of Mr. MOLINARI be substituted for the name of Mr. MARLENEE for today's special orders.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. SLAUGHTER of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from Minnesota [Mr. STANGELAND].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1630

LATE ARRIVALS—A SERIOUS PROBLEM IN THE AIRLINE INDUSTRY

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Tennessee [Mr. SUNDQUIST] is recognized for 5 minutes.

Mr. SUNDQUIST. Mr. Speaker, today I am going to address an issue of interest to all Americans. It is the question of late arrivals for all of us who fly the airlines.

Too often Congress is the last to know anything, but in this instance, Mr. Speaker, I would say because we are all commuters and we go back and forth every week two or three times that we are the first to know that something is wrong with the airline service in the United States.

But we are not the only ones who miss events, who miss speeches, whose blood pressure goes up. We have business people who miss contracts. We have small children who arrive late, and their parents are at the other end of their destination waiting and worrying. We have the military trying to get home on leave or back on duty. We have grandparents trying to reach relatives, and those on vacation.

What do they get when they come to the gate and find that it is time to leave and a plane has not shown up? They get a shrug. What do they get when the luggage is lost because of the mixups, because of the problems of connections? They get a shrug.

So we are not alone in Congress when we say that we have a serious problem in the airline industry, because the exception is now the rule. The rule now is that all airlines are going to be late.

In 1986, Mr. Speaker, there was an increase of 25 percent in the arrivals of planes that have been delayed. Twenty-five percent of the planes were delayed in 1986 additionally. That means that 1,144 flights per day in the United States were delayed for 15 minutes or more.

Think of the heartbreak. Think of the money. Think of the frustrations. Think of the high blood pressure.

And what happens when you go to the ticket counter and say, "I missed my flight. When is the next flight?" The shrug.

Now we know what is going on. We know the problem. Airlines are scheduling too many planes at the same time. They are overbooking.

Now FAA has a responsibility. FAA does not measure—in our aviation committee we asked the question of the head of FAA, "Are you measuring these delays?" FAA said, "No, we're not measuring these delays." We get the shrug from FAA.

Now we in Congress have shrugged today when we did not increase the budget for FAA to construct new facilities on airports. But, Mr. Speaker, we do not want to go back to regulation. We like deregulation. We like more flights. We like cheaper flights. But we can have both. And I submit that we will put up with some delays if it is necessary.

With the advent of all the new computers certainly we can do a better job of scheduling. Certainly the airlines can do a better job of scheduling.

I have cosponsored some legislation out of frustration that says that if a flight is canceled for other than weather or safety that they will have to give free tickets to everybody on board that plane and their free flight.

Now I have done that out of frustration. Maybe what we should do is to say to those airlines who are the worst offenders, "We're going to auction off your slot. You won't have that slot if you can't manage your airline any better than that."

What do we need? We need management by FAA. We need management by the airlines, because if they do not manage, we in Congress will manage for them.

So, Mr. Speaker, I say if the airlines do not do the job, let us pull the shrug out from under them.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. SUNDQUIST. I am delighted to yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Speaker, I was on the floor when the gentleman made the statement about spouses being home waiting on other spouses coming home from business trips. I would like to share a story of my frustration.

My wife is an attorney. She was on a business trip in Oklahoma. She was making a connecting flight out of Memphis. There was a delay. The passengers continued to ask the attendants whether or not they would be able to make their connection in order to make the deadline on the time to land at National. The word was, "Don't worry, you'll make it. Don't worry, you'll make it."

They eventually got on the flight, and as they headed toward Washington National they realized that they were going to land in Dulles. They landed at Dulles and they were greeted with a bus that was going to take them from Dulles over to National.

Now once they get to National they know that the taxicabs have gone home for the night because the airport is closed down, so if they get to National, then they can walk home.

So here you have passengers in the middle of Dulles needing to go to National or downtown where their cars are or where their businesses are or other places where their homes are, and they are in the middle of the night and they are being provided a service that is shortsighted, a service that is going to even leave them more stranded than they were at the time.

So I think that the gentleman has hit a very raw nerve that is floating around out there.

When I was first sworn in as a Member of Congress, my sister bought and paid for an airplane ticket 6 months in advance in order to get the cheap rate, got on the airplane, and got bumped because the plane was oversold. It took about 6 months to get anybody's attention at the airline to make any correction on that.

I encourage the gentleman to continue with his aggravation and his frustrated posture in hopes that maybe we can straighten this out.

I was so frustrated from a recent trip that I stopped and talked to one of the Delta Air Lines pilots. I asked him what the situation was, and he said it was horrible, it had gotten worse over the last 3 years, and he did not know what the solution was going to be, but something needed to be done.

There is frustration at all levels, and I encourage the gentleman and I applaud the gentleman for taking this time to bring it to our colleagues' attention.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he inadvertently overlooked three Members seeking recognition for 1-minute speeches.

DODGERS' PIONEERING SPIRIT NEEDED ONCE AGAIN

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, 40 years ago the Dodgers made a historic decision to end the racial barrier to black entry into major league baseball. The Dodgers created the first national opening for black players in the most symbolic of American sports—baseball. With the Dodgers' action, race relations in American sports could never be the same.

As a microcosm of American society, the Dodgers' decision was also an excellent example of just how far we could go as a democratic society in providing opportunities and utilizing the talents of all American citizens.

Ironically, on the anniversary of Jackie Robinson's entry into the major league, the attention being focused on the Dodgers and major league baseball shows us just how far we still have to go.

Despite one of the best records in the league for hiring minority players, the Dodgers have never had a black general manager, field manager, pitching coach or instructional coach. In their entire history, the Dodgers have had only one black major league coach and only one black department head.

Statistics show that 15 of the 26 major league teams have no minority representation in management positions.

During the last 40 years, just three blacks have ever managed a major league team. Of 130 major league coaches, only 13 are black. No blacks have ever owned major league teams. No blacks currently serve the baseball commissioner, Peter Ueberroth, in an executive management position. The highest post ever attained by a black in the commissioner's office primarily involved public relations and community service work.

The management numbers in major league baseball are highly discouraging, and clearly reflects an insidious problem not only found in baseball, but in football, basketball, and other organized sports.

The Dodgers must continue their pioneering spirit and implement a plan that solidly places minorities in executive management and coaching positions.

Commissioner Ueberroth has expressed his willingness to implement an affirmative action plan throughout the league. The Dodgers owe it to Los Angeles, and their loyal fans, to be pioneers once again and move forward with an affirmative action plan now.

□ 1640

THE FEDERAL RADIOACTIVE WASTE LIABILITY ACT OF 1987

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, one thing is certain about nuclear waste; almost no one wants it. The topic will get almost anyone's constituents excited, particularly about the possibility of accidents involving nuclear waste.

Since 1985 I have been leading the effort to ensure that the Federal Government is completely and unquestionably responsible for any transportation or storage accident involving nuclear waste. In the beginning I stood alone. At that time most of my colleagues thought I was crazy to stick my neck out in support of unlimited liability. No longer do I have to stand alone. My colleagues have come to recognize the fairness and simplicity of this approach. Today Congressman AL SWIFT and I start this process again, knowing that full compensation for nuclear waste accidents has become an accepted concept.

I am convinced that our past efforts in this arena contributed to the remarkable success we had last year in expanding nuclear waste liability under Price-Anderson. Although the tentative agreement that was reached last year by the three House committees of jurisdiction was not perfect, it was a long way from the $500 million liability limits that we started with. The legislation Congressman SWIFT and I are introducing today is an effort to move the Congress even closer to the concept of unlimited liability for accidents involving federally-controlled nuclear waste.

The bill, "The Federal Radioactive Waste Liability Act of 1987," addresses a troubling concern voiced by the States now involved in the site selection process for disposal of radioactive waste. That concern simply expressed is: "Who has liability in the event of an accident and for how much?" The bill we are introducing today is intended to eliminate this ambiguity by placing the brunt of the responsibility where it belongs—squarely on the Federal Government.

In the event of an accident involving civilian nuclear waste the Nuclear Waste Fund would provide full coverage. The Nuclear Waste Fund is made up of utility contributions. Existing amounts could be used in the event of an accident. In addition, the Secretary of Energy has borrowing authority should the liability exceed the amount in the fund. Should an accident occur involving defense waste, the liability would be covered by the U.S. Treasury.

In my view, it is irresponsible for the Federal Government not to accept full responsibility for the nuclear waste for which it holds title. This legislation is an effort to ensure that the Government is fully and strictly liable for nuclear waste accidents. I hope this legislation will provide direction to the Congress as we debate the renewal of the Price-Anderson Act.

H.R. 2082

A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to establish liability and indemnification for nuclear incidents arising out of the storage, disposal, and transportation of radioactive waste to which the United States holds title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Federal Radioactive Waste Liability Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The Federal Government currently does not, but should, assume the responsibility to provide total indemnification for public liability claims arising out of nuclear incidents relating to the storage, disposal, and transportation of radioactive waste to which the United States holds title;

(2) indemnification for claims arising out of nuclear incidents involving radioactive waste generated at civilian facilities should be made from amounts available through the Nuclear Waste Fund established in section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222); and

(3) it is the policy of the United States to provide full compensation, without regard to fault, to all persons and entities entitled to such compensation for claims arising out of nuclear incidents relating to radioactive waste to which the United States holds title.

(b) PURPOSE.—The purpose of this Act is to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to ensure that the Federal Government assumes the responsibility to provide, in part, through the use of the Nuclear Waste Fund, total indemnification for public liability claims arising out of nuclear incidents relating to the storage, disposal, and transportation of radioactive waste to which the United States holds title.

SEC. 3. FEDERAL RADIOACTIVE WASTE LIABILITY AND INDEMNIFICATION.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"q. FEDERAL RADIOACTIVE WASTE LIABILITY.—

"(1) INDEMNIFICATION AGREEMENTS.—The Secretary of Energy (hereafter referred to in this subsection as the "Secretary") shall enter into agreements of indemnification with each contractor of the Secretary carrying out any contractual activity with respect to radioactive waste to which the United States holds title, including the transportation, treatment, storage, and disposal of such waste. In such agreements of indemnification, the Secretary shall—

"(A) notwithstanding the provisions of subsection e., indemnify the persons indemnified to the full extent of the potential public liability for claims arising from nuclear incidents arising out of, or in connection with, any such contractual activity; and

"(B) include the provisions authorized in subsection n. (1) to be incorporated in agreements of indemnification, which provisions shall also be made applicable to nuclear incidents.

"(2) NONCONTRACTUAL ACTIVITIES OF SECRETARY.—For purposes of any activity that is undertaken by the Secretary with respect to radioactive waste to which the United States holds title and that is not undertaken by contract, the Secretary shall be considered to be a contractor with whom an agreement of indemnification has been entered into under this subsection.

"(3) PAYMENT.—The Secretary shall make all payments required under an agreement of indemnification entered into under this subsection. Such payments shall be made as follows:

"(A) CIVILIAN WASTE.—Claims arising from any nuclear incident involving radioactive waste to which the United States holds title that is generated at a civilian facility shall be compensated in accordance with the provisions of this Act from amounts in the Nuclear Waste Fund established in section 302 of the Nuclear Waste Policy Act (42 U.S.C. 10222). The payment of claims under this subparagraph shall not be subject to subsection (d), or the penultimate sentence of subsection (e)(2), of section 302 of such Act. If sufficient amounts are not available in the Nuclear Waste Fund to expeditiously pay valid claims made under this subsection, the Secretary shall exercise the authority provided in subsections (a)(4) and (e)(5) of section 302 of such Act.

"(B) NONCIVILIAN WASTE.—Claims arising from any nuclear incident involving radioactive waste, other than that described in subparagraph (A), to which the United States holds title, shall be compensated in accordance with the provisions of this Act and, to the extent approved in appropriation Acts, from the general revenues of the Treasury.".

SEC. 4. PRECAUTIONARY EVACUATIONS.

(a) LIABILITY OF FEDERAL CONTRACTORS.—Section 11 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(w)) is amended by inserting after "nuclear incident" the first place it appears the following: "or, in the case of an indemnity agreement entered into under section 170 q., a precautionary evacuation".

(b) DEFINITION.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended by adding at the end thereof the following new subsections:

"dd. The term 'precautionary evacuation' means an evacuation of the public within a specified area near a nuclear facility, or a nuclear transportation vehicle in the case of an accident involving a vehicle transporting radioactive waste to which the United States holds title to or from a production or utilization facility, if the evacuation is—

"(1) the result of any event that is not classified as a nuclear incident but that poses imminent danger of bodily injury or property damage from the radiological properties of such radioactive waste and causes an evacuation; and

"(2) initiated by an official of a State or a political subdivision of a State, who is authorized by State law to initiate such an evacuation.

"ee. The term 'civilian facility' means a commercial production or utilization facility licensed under section 103 or 104 b. of this Act.".

SEC. 5. APPLICABILITY OF WAIVER OF DEFENSES REQUIREMENT TO LIABILITY FOR FEDERAL RADIOACTIVE WASTE ACTIVITIES.

Section 170 n. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(1)) is amended—

(1) by redesignating subparagraphs (a), (b), and (c) as subparagraphs (A), (B), and (C), respectively;

(2) by striking out "or" at the end of subparagraphs (A) and (B); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) arises out of, results from, or occurs in the course of, activities undertaken by the Secretary (including activities undertaken by contract) involving radioactive waste to which the United States holds title, including the storage or disposal, of, or research and development on, such waste and the transportation of such waste to a storage or disposal site or facility and the construction or operation of any such site or facility.".

SEC. 6. TRANSPORTATION AND TRANSFER OF TITLE.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (as amended by section 3 of this Act) is further amended by adding at the end the following new subsection:

"r. TRANSPORTATION AND TRANSFER OF TITLE.—

(1) TRANSPORTATION.—Radioactive waste to which the United States holds title may only be transported by a contractor of the Secretary of energy.

(2) TRANSFER OF TITLE.—Title to radioactive waste generated at a civilian facility shall transfer to the United States when such waste is removed from the site where it was generated.

AIRPORT DELAYS

(Mr. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLINARI. Mr. Speaker, I would like to reinforce what the gentleman from Tennessee [Mr. SUNDQUIST] has said tonight on the issue of delays in airports. The gentleman from Tennessee knows that back in 1984 we had a similar problem, and at that time Congress said we are going to stand for it, the traveling public is being abused. We put bills in. As a consequence, all the carriers got together for 8 days over here in Virginia at two of the biggest hotels, and they dealt with the problem.

Now this time, in 1987, we have a worse problem. Mrs. Dole has sought to address the problem. She has appealed to the same carriers, and the carriers told her and the traveling public to go to blazes. Now it is getting worse, and it is going to get even worse this summer as we go into increased travel time.

I am going to be doing a special order later on and I will touch on the subject. I would like to compliment the gentleman from Tennessee for bringing forth this very important subject. I think it is something we are going to have to face, and face in the very near future.

Mr. SUNDQUIST. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I am glad to the gentleman from Tennessee.

Mr. SUNDQUIST. I thank the gentleman for yielding and appreciate his comments.

The gentleman from New York [Mr. MOLINARI] has long been a leader in public works and transportation and has had an interest in aviation. I compliment him for his persistence over the years in trying to bring to the American public an airline industry that is reasonable, that has flexibility, and does the service that we demand as Americans.

But the gentleman is right, we are in trouble and something has to occur. If it does not occur within the industry itself, then we in Congress will address it. And sometimes when we address a problem, it gets worse or it gets more complicated.

But I will join with the gentleman from New York in his efforts, and I thank him for his comments.

Mr. MOLINARI. I thank the gentleman.

THE CLEAN AIR SOLUTION TO OUR ECONOMIC AND ENVIRONMENTAL PROBLEMS

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I take this time today to announce to the Members of the House that I am introducing a bill to amend the Clean Air Act to require that all gasoline sold by refineries in the United States contain a certain percentage of ethanol or certain percentage of both ethanol and methanol, to amend the Internal Revenue Code of 1985 to extend for 8 years certain tax benefits for fuels contained in alcohol fuels and to provide that revenues to the highway trust fund shall not be reduced by reason of such tax benefits. This would require the use of alcohol fuels and methanol in all gasoline sold in the United States.

This proposal addresses some of the most pressing environmental, economic, energy and security questions confronting the Nation.

It attempts to partly revive the economies in three basic industries: In the industry of agriculture, in coal, and in oil and gas, and it would improve the quality of our environment by reducing the pollution content of all of the air that is breathed by those of us living here in the United States. It would reduce dependence upon foreign oil by improving the security of our Nation. It would actually enhance our security much more than the deployment of the strategic defense initiative, star wars, because it would lessen dramatically our dependence upon oil that is derived primarily from the Middle East and the Persian Gulf region. It would also reduce our trade deficit by $6 billion annually, and finally it would achieve these goals without additional cost to the taxpayers and increase the cost of fuel at the pump.

All of these goals are addressed in this bill, and I submit it to the attention of the Members of the House for their consideration, inviting their active involvement, their advice in developing this piece of legislation, together with amendments thereto which they might wish to offer.

The heartland of America is suffering through a depression so big that it rivals the Great Depression of the 1930's. The current Presidential administration's deliberate policies of deflation and devaluation have nearly destroyed the extractive industries of agriculture, mining and oil.

On both coasts of our Nation, the economy is healthier. However, the people are not. While middle Americans are choking economically, Americans in the great cities of the east and west coasts are literally choking because their communities have failed to meet the air quality standards set by Congress 10 years ago.

There is a way out of these dilemmas. There is a clean air solution that will revitalize the agriculture, oil and coal industries, clean the air we breathe, and save money for the taxpayer and the consumer.

My legislation would amend the Clean Air Act to require that half the gasoline sold in the United States contain 10 percent ethanol and the other half 5 percent methanol and 2.5 percent ethanol.

Ethanol is made from feed grains and methanol from natural gas and coal. My proposal would result in environmentally acceptable market expansion for all of these products, thereby creating jobs and making the producer's efforts profitable.

We can do all of this without taking money away from the taxpayer or the consumer. For ethanol alone, the clean air solution would create a new demand for 2.5 billion bushels of feed grains a year, raising market prices above the Government loan rate and saving taxpayers billions of dollars in price support, storage, and other payments.

At the pump, the 6-cents-per-gallon tax credit for alcohol blended fuels will keep the prices paid by motorists competitive with the prices they pay today. Budget savings from the agricultural program will be plowed back into the highway trust fund in order to keep the fund from losing money because of the mandatory use of alcohol fuels.

In this way, consumers will pay for consumption of products—surely a healthier practice for the economy than forcing taxpayers to pay for storage of unneeded surplus.

The beauty of the clean air solution is that it will significantly reduce toxic pollutants in the air we breathe at the same time it revitalizes the extractive industries.

According to a study by the Colorado Department of Health, the use of 10 percent ethanol in gasoline reduces carbon monoxide emissions from automobiles by at least 16 percent. Similarly, gasoline containing a methanol-ethanol blend yields a reduction in ground-level ozone levels.

Just this week, the Governors of 41 of the 50 States received notice from the Environmental Protection Agency that areas within their States are out of compliance with national standards for carbon monoxide and ground-level ozone.

Eighty-one metro areas in the case of carbon monoxide and 76 in the case of ground-level ozone now have to go back to the drawing boards after 10 years of effort and devise costly and complicated plans to clean up their air—unless we adopt the clean air solution.

The clean air solution improves our national energy security, as well. My proposal would displace 250 million barrels of imported oil a year. In 3 years, the clean air solution would displace an amount of foreign oil equivalent to the oil the administration proposes to use to fill the strategic petroleum reserve.

Additionally, the clean air solution would provide the alcohol fuels industry with the incentive to build an infrastructure big enough to provide even more of its product in the years to come.

We'll need that added alcohol fuels production capacity as part of our quest for true energy independence in the first years of the 21st century.

Every barrel of oil we do not import improves our balance of trade, saves American jobs, and decreases the possibility that we will once again be held hostage by foreign oil potentates who decide to cut off our supply.

In closing, let me state that this proposal is not the last word in alcohol fuels proposals. It is merely the latest. I invite all of my colleagues to join with me in exploring ways to modify, improve, and advance this proposal.

However, I am convinced the time has come to require the use of alcohol fuels. We have waited too long for clean air. We have waited too long to create new markets for farm products. We have waited too long to create new jobs in the extractive industries. And we have waited too long to provide for our energy security.

The clean air solution gives Congress the opportunity to make strides toward solving some of the Nation's most intractable problems by enacting one piece of legislation. I hope we will not let this chance pass us by, for we do not know when it will come again.

Mr. Speaker, I submit for the record a copy of the final report of the U.S. National Alcohol Fuels Commission on which I served as a member, together with the gentleman from Kansas [Mr. GLICKMAN] who is also an original sponsor, and the gentleman from New Jersey [Mr. ROE], who was vice chairman of that commission. Since it has been more than 6 years since the issuance of that report, it is entirely appropriate to resubmit it at this time for the consideration of the Members.

The report referred to follows:

FUEL ALCOHOL—AN ENERGY ALTERNATIVE FOR THE 1980's

THE COMMISSION'S RECOMMENDATIONS

The Commission was established to advise the Congress and the President on the near- and long-term potential for alcohol fuels to contribute to the Nation's liquid fuel needs.

The Commission's recommendations primarily address the need for public policies to encourage alcohol use in the transportation sector, which now accounts for more than 50 percent of national petroleum use. During the next decade, markets will also develop in petrochemical and utility-industrial stationary power applications. This will occur because biomass and coal-based alcohols will become economically competitive and will not need any public sector support for penetration into these markets. The transportation market differs; there probably will be no such spontaneous growth in the manufacture of pure-alcohol vehicles until automakers see a potential market. Limited public sector intervention is required to create this market; the Commission therefore calls for a Federal program to encourage the production and use of pure-alcohol vehicles and for the creation of the distribution system necessary to support those vehicles. The Commission's recommendations address the level and scope of that involvement.

A second category of Commission recommendations deals with financial incentives enacted by the Congress within the past year to promote the production and use of alcohol fuels. The administration of these incentives can be improved, as outlined in the Commission's Federal program acceleration recommendations.

A number of other statutes, policies, and programs—some enacted prior to the growing recognition of the need to increase alcohol fuels production and use—could profoundly affect or be affected by the development of the alcohol fuels industry in this country. The Commission recommends changes in a number of statutes, policies, and programs to remove unnecssary impediments to accelerated alcohol production and use, and to make sure that in seeking increased use of alcohol, the Nation does not needlessly contravene other important national goals and objectives.

Commissions serve a valuable role in raising before the public critical issues that are not being addressed adequately in the policymaking process. However, the continuing responsibility for program execution and oversight remains with the duly constituted bodies of the Federal Government—the Executive and the Congress. The Commission especially urges that the committees of the Congress exercise active and critical oversight of the progress toward the policy and program recommendations contained in this report. For it will be only through such diligence that an accelerated alcohol fuels program will be realized.

Finally, while the overall report enjoys the Commission's support, the language that follows embodies the Commission's desire to set forth specific policy recommendations. In each instance, the recommendations represent the views of a majority of its members.

ALCOHOL VEHICLE FLEET

The United States should develop vehicles to run on pure alcohol, and encourage the conversion of existing gasoline- and diesel-powered vehicles to alcohol, in order to diversity transportation fuel sources and to protect against an abrupt disruption in oil imports.

The basic elements of any pure-alcohol vehicle program would include:

Federal purchase guaranties to U.S. automakers of a least 50,000 vehicles in 1983, with that figure increasing at a constant rate to 250,000 vehicles per year by 1987.

Transitional Federal support and tax incentives to place the vehicles in Federal, State, and local government fleets, as well as private sector fleets; incentives should also be directed at converting gasoline- and diesel-powered vehicles to pure alcohol in the public and private sectors and among individual owners.

A geographical distribution of the vehicles to provide the widest possible demonstration of their capabilities and performance in a variety of circumstances, and to expose the greatest segment of the population to the benefits of alcohol vehicles.

Vehicle fleet operations account for 6 or 7 percent of all vehicles in the United States and approximately 10 to 13 percent of new registrations. They offer the most likely prospect for introducing large numbers of new pure-alcohol or other alternative-fuel vehicles. Many fleets are serviced and fueled from central locations, facilitating the use of a fuel not readily available through the current petroleum-based fuel distribution system.

The use of pure-alcohol vehicles in the United States today is limited to a small number of fleet operations. The vehicles are modified versions of mass-produced automobiles. Modification can cost $750 or more per vehicle.

Current fleet use of pure-alcohol vehicles is so limited that it fails to achieve the economies of scale that can be realized through mass production of vehicles and bulk distribution of fuel.

A large-scale program would demonstrate the technical and economic feasibility of pure-alcohol vehicles and achieve the necessary economies of scale in vehicle production and fuel distribution. An important additional benefit would be to put the U.S. auto industry into the forefront of alternative fuel vehicle production interest in alcohol fuel production and use is increasing worldwide. Establishing the capacity in the U.S. auto industry would go far toward protecting American jobs in the industry and preparing for an expanded world demand for such vehicles.

In addition to fleet vehicle applications, other promising and important sectors are attractive for the introduction of pure-alcohol vehicles. Interest is increasing in the production of high-proof ethanol in on-farm or rural small-scale distilleries. Some produce the fuel for market, others for personal or agricultural vehicle use. A high degree of interest exists in converting vehicles to use ethanol from small-scale distilleries. Any national program offering incentives for conversion or production of pure-alcohol vehicles should take this interest into account. Because U.S. agriculture is so important not only to this Nation's balance of payments but also to world food supplies, nonpetroleum alternative fuels must be made available to American agriculture in the event of massive oil import disruptions.

Finally, public and emergency service vehicles should be considered. The production or conversion of transit, police, fire, ambulance, and similar vehicles should be encouraged through incentives similar to those for private fleet operators.

Provisions in the fiscal year 1981 Department of Transportation and Related Agencies Appropriation Act (Public Law 94-400), which will finance the conversion of existing diesel buses to methanol use, should serve as a model for an expanded program of incentives.

At the proposed 1983 level of vehicle production, the additional manufacturing cost of producing pure-alcohol vehicles—rather than similar gasoline-powered vehicles—is small, approximately 5 percent of vehicle cost. This would permit recouping of retooling costs by the manufacturer. At the 1987 level, there may be no such cost penalty. The only significant cost to the public in undertaking this program would arise in establishing a fuel-distribution system (or altering the existing system) and a maintenance program for the vehicles. This cost would be justified by increased availability of non-petroleum fuels, and much of it could be recovered over the long term as price increases of gasoline and diesel fuel continued to outpace that of alcohol as a vehicle fuel.

FEDERAL PROGRAM ACCELERATION

Existing national programs to encourage alcohol fuel production and use must be fully and expeditiously implemented to provide the needed fuel for an expanded market. The administration of Federal support programs must be improved to remove much of the confusion, delay, and ineffectiveness now encountered.

The Energy Security Act and the Crude Oil Windfall Profit Tax Act of 1980 are the two principal instruments of Federal policy that encourage the production and use of alcohol fuels. The Commission directs specific recommendations to four primary areas under these two Acts:

The need for the U.S. Synthetic Fuels Corporation, created under Title I of the Energy Security Act, to give priority consideration to projects producing methanol from coal.

The need for the U.S. Departments of Agriculture and Energy to execute fully all provisions for financial assistance to biomass-to-alcohol projects under Title II of the Energy Security Act.

The need for the Internal Revenue Service to issue expeditiously regulations under the Crude Oil Windfall Profit Tax Act to provide a greater degree of certainty for investors in alcohol fuel projects, and the need for the Congress to amend the Internal Revenue Code to remove disincentives to alcohol production.

The need to expand the ethanol raw material base beyond its present emphasis on livestock feed grains, and to assure that, to the degree the United States does use such grain for ethanol production, adequate grain reserves are maintained to meet both livestock feed and fuel requirements.

A fifth recommendation addresses the need to ensure that, as alcohol and other alternatives transportation fuels enter the marketplace, marketers and consumers are aware of the characteristics of these fuels and the precautions necessary in their handling and are guaranteed uniform product quality.

Coal-to-methanol

The U.S. Synthetic Fuels Corporation, established under Title I of the Energy Security Act, should give priority for financial assistance to construct coal-to-methanol plants in order to ensure an adequate supply of that fuel by the late 1980s for growing fleet and private transportation uses as well as for expected industrial and utility markets. Prior to full operation of the Corporation, the Department of Energy, acting under its authorities in the Defense Production Act of 1950, as amended by the Energy Security Act (Public Law 96-294), and the Federal Non-Nuclear Research and Development Act of 1974 (Public Law 93-577), should move rapidly to make the first commitments to plant construction.

Title I of the Energy Security Act establishes the U.S. Synthetic Fuels Corporation as an independent Federal entity to carry out the national nonbiomass synthetic fuel development program created by the Act.

The Corporation is charged with achieving a daily production rate equivalent to at least 500,000 barrels of crude oil by 1987 and 2,000,000 barrels of crude oil by 1992.

To achieve these goals, the Corporation may provide synthetic fuel projects with financial assistance in the form of loans, loan guaranties, price guaranties, purchase agreements, and joint ventures.

The Congress expected the Corporation to be in full operation no later than 15 months after passage of the Energy Security Act. To avoid delays during this interim period, Title I authorizes the President to provide financial assistance for synthetic fuel development under the Defense Production Act of 1950. In addition, the Department of Energy has authority under the Non-Nuclear Energy Research and Development Act to support such projects. Once the Corporation is in full operation, the interim authorities become standby powers of the President for possible use in emergencies.

Under the President's authority for an interim synthetic fuels program, the Department of Energy is accepting applications for financial assistance for synthetic fuels projects, including coal-to-methanol projects. Once the Corporation is in full operation, projects financed by the Department of Energy may be transferred to the jurisdiction of the Corporation.

The Congress has appropriated $17.5 billion to the Corporation for financial assistance during its first 4 years of operation. The Energy Security Act gives no specific direction to the Corporation about which synthetic fuels should receive priority. The Act does require consideration of certain factors in awarding financial assistance. These include: (1) diversity of technology; (2) overall production potential of the technology, taking into account its potential for replication, the availability and geographic distribution of its feedstock and potential uses of the fuel produced; and (3) unit cost of energy produced. Methanol-from-coal technology ranks high on all of these criteria.

If sizable numbers of pure-alcohol vehicles are to be introduced in the coming decade, methanol—as well as ethanol—must be available. Fuel requirements of these vehicles dictate that priority treatment be given to projects that produce methanol from coal.

Biomass-to-alcohol

All programs—including purchase agreements and price guaranties—established under Title II of the Energy Security Act should be fully implemented to ensure the maximum production and use of alcohol fuels from biomass.

Title II authorizes the Department of Agriculture and Energy to enter into product purchase agreements and price guaranties, in addition to providing loans and loan guaranties to build plants, for projects involving large- and small-scale production of alcohol fuels from biomass.

Neither Department has promulgated regulations to institute the purchase agreement and price guaranty programs, although both have implemented the loan guaranty authorities and the Department of

Agriculture, its loan authority. This restrained approach dampens the fullest private sector involvement in the program. Many potential biomass-alcohol producers believe that purchase and price guaranties are even more effective incentives to production than are loans and loan guaranties.

Tile II of the Energy Security Act also requires the President to issue an Executive Order requiring all Federal agencies that own or lease motor vehicles capable of using gasohol to use gasohol where it is available at reasonable prices and in reasonable quantities. This is the latest and most specific of a number of directives intended to increase gasohol markets through Federal Government purchases. It was signed on January 6, 1981.

The Federal fleet gasohol program has not been widely implemented, however. In fiscal 1979, only 13 million gallons—4 percent—of a total of 347 million gallons of motor fuel purchased by the Federal Government were gasohol. With few exceptions, Federal agencies have not set goals for increased gasohol use. The Congressional intent in the program is clear and should be fully executed.

The Department of Energy and the Department of Agriculture have further responsibility (in Title II of the Energy Security Act and a number of pre-existing authorities) to undertake alcohol fuel research and development, demonstration, and technical assistance programs. This will be especially important to the future growth of the Alcohol fuels industry. Not only is research needed in cellulosic technology and plant genetics (see Raw Materials Policy Recommendations), but also in a number of other important areas. Increases in energy efficiency in production of ethanol, advances in small-scale technology, and research into vehicle conversion and design of new vehicles to run on pure alcohol fuels are but a few of the significant areas in which additional research and technical assistance are needed.

Finally, the Department of Agriculture, because of its authority to finance smaller-scale alcohol production projects, should also exercise its responsibility to provide technical assistance and guidance to potential small-scale ethanol producers so that advances in this technology may be realized. This could be accomplished by financing research and demonstration projects directly, or by financing land grant and technical school research programs. A mix of these approaches is perferred.

Tax policy

The Internal Revenue Service (IRS) should immediately promulgate regulations under the Crude Oil Windfall Profit Tax Act. The Congress should amend the Internal Revenue Code to remove specific provisions that impede the development of the alcohol fuels industry.

The tax provisions of the Energy Tax Act of 1978 (Public Law 95-618) and the Crude Oil Windfall Profit Tax Act provide significant incentives for production and use of alcohol fuel. The provisions of these Acts have to be implemented by IRS regulations. The IRS generally is slow to write such regulations, preferring to wait to see what problems arise and what provisions need to be amplified. Many potential investors in the alcohol fuels industry are concerned about how the provisions of the Crude Oil Windfall Profit Tax Act will apply in specific situations or how particular terms in the Act will be defined.

Without IRS regulations, investors must guess at what final IRS determinations will be. Guessing wrong can mean loss of a tax credit that could make a project economically viable. The lack of regulations has a chilling effect on would-be investors. Therefore the IRS should move quickly to promulgate regulations, in order to carry out the intent of the Congress to provide strong incentives for alcohol fuels.

In addition to this administrative action, several changes are needed in the Internal Revenue Code: the Congress is urged to address these issues. These changes include the income tax credit for farmers and other who use alcohol fuel they have produced, the "still tax," and the 10 percent Energy Investment Tax Credit.

The Crude Oil Windfall Profit Tax Act provides an income tax credit of 40¢ per gallon of alcohol fuel of at least 190 proof (30¢ per gallon of alcohol fuel of at least 150 proof but less than 190 proof) for persons who use alcohol that they produce as a motor fuel. This was thought to be especially attractive to farmers interested in energy self-sufficiency. The Act states that this tax credit is both taxable and nonrefundable. Taxable means that the dollar amount of the tax credit must be included in one's annual income for tax purposes; this treatment results in raising the farmer's or other user's tax liability. The net effect is that the dollar value of the tax credit is reduced by as much as 40 percent. Because the tax credit is nonrefundable, farmers and other users are not allowed to claim tax refunds if the tax credit should exceed the amount of their tax liability.

The tax credit was intended to provide those persons, especially farmers, who wish to use the fuel alcohol they produce with an incentive equal to that offered to the general public to use gasohol; the tax credit as presently constituted does not do this. To correct this, the user's income tax credit should be made nontaxable and refundable.

The Internal Revenue Code imposes an annual tax of $55 on manufacturers of alcohol stills and a tax of $22 on each still or condenser manufactured. The cost of administering this so-called "still tax," originally enacted to aid the Department of the Treasury in keeping track of alcohol stills, now exceeds the approximately $6,000 it generates annually. Additionally, the Department of the Treasury, through its Bureau of Alcohol, Tobacco and Firearms, now has other means of keeping track of stills. The still tax unnecessarily escalates the cost of alcohol fuel stills, especially to small-scale producers, and imposes needless paperwork and reporting requirements on private businesses. These taxes should be repealed.

Finally, alcohol fuel production equipment that is financed by "subsidized energy financing" does not qualify for the 10 percent Energy Investment Tax Credit provided by the Crude Oil Windfall Profit Tax Act. Loan guaranties are not considered subsidized energy financing, and therefore do not make the borrower ineligible for the Energy Investment Tax Credit. However, the Act does not specify whether price guaranties and purchase agreements are to be considered subsidized energy financing. The Congress should eliminate this uncertainty.

Raw materials policy

The biomass resource base for fuel alcohol production must be expanded beyond its heavy reliance on livestock feed grain to include the full range of cellulosic materials as well as alternative starch and sugar crops. To the extent that grains are used as a raw material for ethanol production, U.S. grain reserves must be expanded to meet the increased demand.

Any long-term competition between fuel and animal feed uses of grains resulting in high food price inflation can be avoided if concerted efforts are made to expand research on technology for production of ethanol and methanol from cellulose materials and on plant genetics to develop new sugar, starch, and cellulose energy crops. In addition, means must be found to review, through normal policymaking processes, national needs and priorities for energy, feed, and exports of agricultural products in light of the overall necessity to reduce oil imports.

The expected level of ethanol production from animal feed grain over the next five years will not be sufficient to bring about significant food price increases, nor to affect adversely the ability of the United States to provide food grains for humanitarian purposes. However, over the longer term, if significant amounts of alcohol fuels are to be produced from biomass, the raw materials base must be expanded to include cellulosic materials such as municipal garbage, wood, forestry and wood product wastes, and crop residues as well as potential new sugar, starch, and cellulose crops.

Federal support for cellulosic research, development and demonstration has been minimal. The Department of Energy estimates that less than $5 million has gone into cellulosic research. The Energy Security Act contains no specific goals or targets regarding cellulose-derived alcohol and no specific priorities for cellulosic technology. There is no program for ensuring comprehensive research on and demonstration of all promising technologies to determine which is most promising for commercial production of cellulose-derived ethanol. This situation is unacceptable in light of the small cost of a cellulose-to-alcohol demonstration effort reltive to the long-term benefits to be derived.

The state of cellulose-to-alcohol technology requires pilot plant testing of the technology, proof-of-design, and verification of production costs before full commercial operation will attract private sector investment. The Commission recommends that a cellulose-to-alcohol demonstration program be undertaken that would prove the commercial feasibility of fuel alcohol plants using cellulose from municipal waste, silviculture, and agriculture. This program should receive high priority from the Departments of Energy and Agriculture and the U.S. Environmental Protection Agency (EPA), with a target date for commercial operation by 1985.

One aspect of the effort is authorized in existing law. The Energy Security Act established within the Department of Energy a new Office of Energy From Municipal Waste, with responsibility for implementing a comprehensive energy-from-waste financial support program. The Act provides priority financing for any municipal solid waste project producing liquid fuel (such as ethanol or methanol). If this provision were fully executed, it would provide substantial benefit to urban areas beyond the production of fuel. A pressing environmental concern—the disposal of municipal solid waste—would be reduced, and new jobs would be created in areas suffering from high unemployment. The Commission recommends that the Energy From Municipal Waste provisions of the Energy Security Act be fully implemented with emphasis on producing liquid fuels.

Over the next 5 to 10 years, during which U.S. ethanol production will rely on livestock feed grain as a primary raw material, the role of grain reserves will take on added importance. The farmer-owned livestock feed grain reserve has been popular with most farmers and has stabilized prices. However, total U.S. grain stocks, including reserves insulated from the market under the existing program, are not large enough to provide consistently assured supplies for all uses at reasonable prices. Expanded reserves will be needed over the next few years in order to meet export, feed, and fuel needs as ethanol production creates an expanded new market for livestock feed grains.

The Commission recommends that the Department of Agriculture seek to ensure adequate grain supplies by providing that farmers are given incentives to produce and make available grain in the quantities needed. The Congress should continue an adequate farmer-owned grain reserve program to meet food, feed, and fuel needs when the program comes up for reauthorization in the 1981 farm bill.

Providing adequate incentives to farmers to produce and make available these grains in the quantities needed is the best approach to ensure that there are supplies of these grains to meet all uses and to keep consumer prices within reasonable bounds.

Finally, the Commission recommends that the Department of Agriculture aggressively pursue research on the potential for converting the protein and other byproducts from ethanol production to human use, and on enhancing their marketability as animal feed both domestically and overseas. It must be recognized that the production of ethanol from livestock feed grain does not remove the entire nutritive content of the grain. Depending upon the milling and fermentation processes used, a variety of valuable byproducts—including high-protein concentrates, oils, and carbon dioxide—are produced. These can contribute to the production of human food and animal feed and are expected to find an expanding market in the years ahead.

Increased use of the byproducts will reduce demand for soybeans, the most widely used source of plant protein. This will result in an overall reduction in energy required to plant, harvest, and process soybeans.

Consumer protection

The Federal Government should cooperate with the private sector to establish voluntary fuel specifications for all alternative transportation fuels, beginning with gasohol, and should assure that all consumer protection and truth-in-labeling provisions that apply to traditional fuels also apply to alternative fuels.

As the use of alcohol fuels increases, standard references for quality and performance that are used to judge traditional fuels such as diesel and gasoline will become meaningless. The different chemical makeup of the new fuels and their varying energy content and combustion characteristics will require a new set of standards, specifications, and labeling requirements to be used by the industry for the benefit of producers, blenders, and marketers as well as by the consuming public.

Gasohol provides a good case in point. There is presently no uniform national specification for gasohol. Automotive fuel specifications are developed by members of the American Society for Testing and Materials (ASTM) representing the fuel and automotive manufacturing industries as well as the public sector. The specifications are adopted, and to some extent enforced, by individual State governments. This voluntary approach to standards-setting, which has succeeded in providing the consumer with good quality fuels, is desirable for setting gasohol specifications.

ASTM has developed an information document on gasohol that is to be followed eventually by a specification. In the absence of such a standard, however, several States have developed their own standards and quality control procedures. In addition, the Federal Government has developed a specification for its purchases of gasohol. The possibility exists that a number of standards, varying from location to location, may evolve. This is contrary to how other fuel standards have been set and it complicates gasohol marketing. If such a trend continued for other alternative fuels, serious problems could arise, creating an impediment to the development of nonpetroleum transportation fuels.

In order to rectify the situation, the Commission recommends that the U.S. Department of Defense (which has developed the Federal gasohol specification) work closely with the ASTM to develop voluntary gasohol standards and adopt those as the standards for all Federal gasohol purchases. This will help to encourage a nationwide adoption of a uniform standard without having to implement mandatory national standards.

Gasohol is also exempted from Federal Trade Commission requirements that gasoline octane be posted at all retail gasoline pumps. This exemption was originally granted because it was believed to be a burdensome requirement given the low level of gasohol consumption. With gasohol marketing increasing, the reason for the exemption no longer exists. It is important that gasohol's octane be posted to reflect its value as a high-octane gasoline. In order to provide consumers of gasohol with the same protection enjoyed by consumers of gasoline, the Commission recommends that the Federal Trade Commission require gasohol retailers to post fuel octane on all pumps and that the practice be extended as appropriate to all liquid alternative fuels.

PROGRAM RECONCILIATION

Existing Federal laws, policies, and programs that may impede or be adversely affected by increased alcohol fuels production and use must be evaluated and revised to ensure that potential problems are resolved prior to achievement of significant levels of alcohol production and use.

A number of Federal laws set national policies and goals that are seemingly unrelated to alcohol fuels production and use, but in fact are related. In enacting these laws, the Congress did not—and had no reason to—address how such programs and goals would relate to the need to increase production and use of alcohol fuel. In the absence of corrective actions, conflicts could affect the degree to which alcohol fuel will succeed as a petroleum replacement. The Commission recommends a thorough and periodic review and evaluation of several policy and program areas to determine how they affect or are affected by an expanded alcohol fuels program.

The Commission sees no innate conflict between increased reliance on alcohol fuels and the policy areas discussed below. The Nation can achieve the policy goals of all the indicated programs with moderate adjustments to either the alcohol fuels program or the other programs. But these problems must be addressed now, or they could overwhelm political and policymaking institutions in future years.

The Commission has identified two primary policy areas that will have a significant effect on, and in turn be affected by, increased reliance on alcohol fuels: environmental policies, primarily under the Clean Air Act Amendments of 1977 (Public Law 95-95) and the Clean Water Act Amendments of 1977 (Public Law 95-217); and transportation policies affecting vehicle fuel economy requirements and the Highway Trust Fund.

Motor vehicle emissions

The Congress should amend the Clean Air Act to:

Provide alcohol fuels and fuel blends a limited exemption from rules governing the introduction and use of new automotive fuels;

Allow modification of engines being converted from gasoline or diesel use to pure-alcohol use (which is now prohibited by anti-tampering provisions of the Act); and

Permit waiver of vehicle engine emission certification requirements involving restricted production engines designed to run on alcohol fuels.

Ethanol and methanol are both environmentally attractive automotive fuels. Both are clean-burning fuels that show reductions in total regulated emissions compared with those of gasoline and diesel fuel. However, several provisions of the Clean Air Act could prevent the introduction into commerce of these fuels as well as the new vehicles to burn them.

Section 211(f) of the Act effectively bans commercial use of new fuels that are not substantially similar to gasoline. A fuel manufacturer can apply for a waiver of this prohibition, but must supply the Administrator of EPA with extensive evidence to prove that the fuel does not cause air quality problems or failure of vehicle emission control devices. The procedure is costly and time-consuming and would be particularly so for new fuels such as alcohols that are introduced initially in small volumes.

The Commission recommends that the Congress amend the Clean Air Act to exempt alcohol fuels from this requirement during their initial limited use. Notwithstanding this exemption, if the EPA found an imminent and substantial endangerment of public health, the Agency could commence action under Section 307 of the Act to ban the fuel. The proposed Commission change simply would provide the flexibility to help introduce alcohol fuels more quickly into commerce, while retaining the necessary and adequate safeguards for public health.

Sections 203(a)(3)A and B of the Clean Air Act prevent a vehicle manufacturer or dealer, or persons engaged in the business of repairing, servicing, selling, leasing, or trading vehicles or vehicle engines from altering vehicles so that they do not meet certification-approved manufacturer specifications. At present, therefore, an existing vehicle cannot be legally modified by any of these groups to operate on pure alcohol or any other synthetic alternative fuels. At least 39 States extend this anti-tampering prohibition to individual owners.

The Commission recommends that the Clean Air Act be amended to allow vehicle manufacturers and dealers to modify existing vehicles to operate on alternative fuels, provided that the controlled emissions of the modified vehicle are not substantially different from those of the unmodified vehicle. The Commission also urges State legislatures to consider similar modifications to State anti-tampering requirements.

Section 206 of the Clean Air Act requires that vehicle manufacturers provide the Administrator of EPA with extensive information and automobiles for testing to determine engine emissions for vehicles to be offered in the market, in order to certify that the emissions are within allowable limits set by the Act.

Once the vehicle engine is found to conform to regulations, its manufacturer is granted a certificate of conformity. The certification process takes up to 1 year and rests on data obtained from a test fleet of about 100 vehicles.

Test data suggest that alcohol vehicles could survive such a certification procedure and meet all regulated Federal emission standards. However, requiring standard certification would mean a built-in one-year delay in the introduction of new vehicles and fuels. In addition, this certification procedure is costly for a limited production volume of vehicles.

The Commission recommends that the Clean Air Act be amended to permit a temporary engine certification waiver for alcohol engines to expedite the introduction into the marketplace of engines capable of using the new fuels. The period of the waiver should be based on production volume. Once the production of alcohol vehicles exceeds 0.5 percent of new vehicles produced, certification procedures would again become effective. This approach is environmentally acceptable and is cost-effective for the automobile engine manufacturer.

Synthetic fuel plant standards

The Environmental Protection Agency should move expeditiously to establish environmental standards for first-generation synthetic fuel plants—including ethanol and methanol plants—to provide the certainty necessary to encourage private sector investment.

Federal environmental laws—the Clean Air Act Amendments of 1977, the Clean Water Act Amendments of 1977, and the Resource Conservation and Recovery Act of 1976 (Public Law 94-580)—establish performance standards for regulated pollutants from categories of facilities such as refineries and coal-fired power plants. However, EPA has not set standards for emissions, effluents, and solid wastes that will be generated by synthetic fuels facilities using new processes to manufacture new products. In the case of ethanol distilleries and methanol plants, more is known of their processes and emissions than for other synthetic fuel processes because the technologies have been employed by industry. Even for these relatively well-known technologies, however, EPA has not set performance standards.

Although EPA is compiling Synthetic Fuel Pollution Control Guidance Documents, the Agency is hesitant to issue any new regulations without plant performance information. Yet, private investors are not willing to construct new facilities without the certainty that environmental standards will remain unchanged during the life of the plant. The Commission recommends that EPA set standards for first-generation plants, working with industry on the understanding that standards would remain unchanged for those plants in the absence of proof of a clear public health hazard.

Data collected from this first generation of plants could be used as a foundation for any new regulations (either more or less strict) found to be warranted. Only new plants constructed after the issuance of the regulations should be required to comply with the new regulations.

Motor vehicle fuel economy

Motor vehicle fuel economy measurements, used as the basis for judging whether auto manufacturers meet federally required economy standards, must be modified to allow a fair comparison between petroleum-based and alternative automotive fuels. A fuel economy credit should be given to manufacturers that produce vehicles capable of running on pure alcohol or other nonpetroleum fuels.

Corporate Average Fuel Economy standards were established by the Energy Policy and Conservation Act of 1975. The CAFE standards require an automobile manufacturer to achieve a minimum of miles-per-gallon performance, on average, for all vehicles that it produces. If a manufacturer produces vehicles that perform below the minimum, it must also produce vehicles that exceed the minimum. The CAFE standards went into effect in 1978, requiring an average performance of 18 miles per gallon; they will require an average performance of 27.5 miles per gallon by 1985.

Whether a company meets the CAFE standards is greatly affected by sales. In general, CAFE standards are being met fairly easily because buyers are demanding smaller and more fuel-efficient cars.

In addition to the CAFE standards, improved fuel economy is encouraged in the Energy Tax Act of 1978 by the "gas guzzler" tax. Manufacturers pay a tax on any new car that fails to achieve a certain miles-per-gallon performance. The cutoff point in 1980 is 15 miles per gallon; by 1986, new cars achieving less than 21 per gallon will be taxed.

The legal measure of vehicle fuel economy now is in miles per gallon. This measure fails to reflect the fact that alternative fuels may contain more or less energy per unit of volume than gasoline or may not even be measured in the same units. For example, alcohol contains less energy per gallon than gasoline, and its fuel economy is less if measured in miles per gallon. This method of measurement would penalize unfairly manufacturers building pure-alcohol vehicles.

A simple unit of measurement exists that can greatly clarify the real energy consumption of vehicles. This unit is the British thermal unit (Btu), which is used in measuring energy expenditure. (A Btu is the amount of energy required to raise 1 pound of water 1 degree (F) in temperature.)

The Commission believes that all liquid fuel economy measurements for vehicles should be made in miles per million Btus. This more accurately represents energy use rather than quantity of fuel. On a miles per million Btu basis, alcohol is more efficient than gasoline.

The purpose of fuel economy standards is to conserve petroleum fuels. Alternative fuels help to achieve this goal, and they ought not to be unfairly penalized by fuel economy measurement methods. A simple and realistic method of measuring energy used in the transportation sector will benefit more than just a pure-alcohol vehicles program; it will aid in greater public understanding of the qualities of synthetic and other alternative fuels in all respects.

The Commission also believes that in order to encourage the production of vehicles designed to operate on nonpetroleum fuels, manufacturers of such vehicles should be allowed to factor the actual petroleum savings of such vehicles into the CAFE standards compliance. This would put such vehicles on equal footing with electric vehicles, which were given such treatment as a result of action by the 96th Congress.

Finally, the testing procedures and fuel economy reporting methods should also be modified to provide the public with fuel economy performance information that more clearly reflects actual on-road use of the vehicle, rather than an idealized figure fathered under laboratory conditions. This would be an improvement over the current system, which is inaccurate and misleading.

Highway trust fund

The Commission recommends that the Congress (in examining financing mechanisms during reauthorization of the Highway Trust Fund) recognize that the 4¢ per gallon gasohol exemption from the Federal motor fuel excise tax is important to the development of this alternative fuel, and that adequate revenues are necessary to ensure the solvency of the Trust Fund and a system of well-maintained highways. The Commission strongly urges the Congress to consider these points during reauthorization of the Trust Fund so that alternative funding methods are found that will accomplish these ends.

The Energy Tax Act of 1978 exempted gasohol from the 4¢ per gallon Federal motor fuel excise tax. The Crude Oil Windfall Profit Tax Act of 1980 extended gasohol's exemption through 1992. The revenue generated by the motor fuel excise tax goes to the Highway Trust Fund. To the extent that the use of gasohol increases, the revenue going to the Trust Fund decreases. The Department of Transportation estimated in January 1980, that for the period 1981 through 1990, the Fund would lose tax revenue of between $2.7 billion and $4 billion—a loss of 3 to 5 percent—because of the gasohol exemption. The Congressional Joint Committee on Taxation estimated in February 1980 that, for the period from January 1, 1979, through December 31, 1992, the Fund would lose revenue of $4 billion because of the gasohol exemption. Some industry estimates of revenue loss for the period 1981 through 1990 reach $7.4 billion.

Legal authority for the Trust Fund expires in 1984, and statutory authority for gasohol's exemption will be in question. The 97th Congress is expected to consider extending the Trust Fund beyond 1984, and possibly to restructure and increase the taxes that support the Trust Fund. This action is anticipated because the tax revenues going to the Trust Fund have now stabilized, while highway construction costs continue to climb. The increasing use of exemptions, of which gasohol is only one, has compounded an already deteriorating situation for the Trust Fund. Improved vehicle fuel efficiency, a slowing rate of travel growth, and reliance on a constant fuel tax rate all contribute to the problem.

The Energy Security Act establishes a national production goal for 1990 of enough biomass-based alcohol fuel to equal 10 percent of the gasoline consumed within the United States. If that goal were achieved solely through the use of gasohol (that is, if all gasoline in 1990 were gasohol), the Trust Fund's revenues would be reduced by about 67 percent from what they would have been at that time. To the degree that the goal was not completely achieved, or was achieved in part through the use of biomass-derived alcohol in pure-alcohol vehicles (which would not qualify for the exemption), the Trust Fund revenue loss would be less. The remainder of the Fund's tax revenues come from other non-fuel excise taxes (such as the excise tax on tires and on new vehicles). Additionally, the Fund receives interest income from the U.S. Treasury on its balance.

The Congressional Conference Committee for the Crude Oil Windfall Profit Tax Act attempted to soften the potential effect of the gasohol exemption on the Trust Fund revenue. Recognizing that the Trust Fund's revenue base would soon be reconsidered by the Congress, the Conference Committee stated that "the exemption for alcohol fuels should not apply to any future increases in the taxes on gasoline or other motor fuels to the extent that such increases result in the taxes being imposed at a rate in excess of 4 cents per gallon."

The Department of Transportation is considering different new highway user taxes and tax changes in anticipation of Congressional consideration of these issues in 1981 as required by the Crude Oil Windfall Profit Tax Act.

Among the types of taxes being considered and analyzed are varying fuel taxes and tax determination methods, weight and distance taxes, computed on the basis of vehicle size and load as well as miles traveled, and various new or reconstituted non-fuel taxes that generally appear as excise taxes on equipment or vehicles.

The Congress should give careful consideration to these and other alternative financing mechanisms—including such other options as revenues from the Crude Oil Windfall Profit Tax.

COMMUNICATIONS FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communications from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 8, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena duces tecum issued by the United States District Court for the Southern District of New York. After consultation with my General Counsel, I will notify you of my determinations as required by the House Rule.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

WASHINGTON, DC,
April 8, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the United States District Court for the District of Columbia. After consultation with my General Counsel, I will notify you of my determinations as required by the House Rule.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

INTRODUCTION OF A BILL TO AMEND TITLE XI AND XVIII OF THE SOCIAL SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 5 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, today I am introducing a bill which would make the prospective payment system more equitable for the providers under the Medicare Program.

The prospective payment system of reimbursement for hospitals was a radical change from the retrospective cost-based system. Since we adopted this complex proposal in the 1983 Social Security Act amendments, Congress has been refining the system each year by amendments designed to improve both the policy and the payments to hospitals. Amendments have adjusted payments to hospitals which serve a disproportionate share of low income patients, sought to improve the quality of hospital care, and recalculated payments to improve reimbursement for rural hospitals among other things.

I believe that it is time for Congress to make an additional change in the law to resolve the disparity that exists in the appeals process. Under the current system, if a hospital claim is denied by the peer review organization (PRO), the beneficiary and the provider have the right to appeal that decision. If the claim is denied at the reconsideration level, however, only the patient has the right to pursue an appeal to the administrative law judge (ALJ) and, if necessary, for judicial review. Under my bill, providers and practitioners would have the same rights to appeal as beneficiaries.

It is important to remember that patients have little incentive to pursue an appeal because they are not legally responsible for bills incurred—unless told at the outset that the hospital services would probably not be covered. Moreover, many elderly patients who are just released from the hospital do not have the stamina to undertake an appeal. Many older persons are unfamiliar with the legal process and reluctant to initiate legal proceedings. These conditions, coupled with their lack of financial responsibility, explain why patients often lack the incentive to pursue an appeal through the rigors of the multilevel appeals process.

Many physicians and hospital administrators feel that because it is the providers and practitioners who bear the financial burdens when a claim is denied, they should have the right to pursue a hearing before an ALJ and judicial review. Many feel that the current statutory provision excluding providers and practitioners from appealing adverse determinations by the PRO beyond reconsideration is a violation of their right to due process guaranteed by the Constitution.

Although there are other concerns with the prospective payment system that need to be addressed, I believe that this bill would make the system more equitable for all those who participate as providers and practitioners. I urge my colleagues to review the bill and become cosponsors.

H.R. 2058

A bill to amend titles XI and XVIII of the Social Security Act with respect to provider appeals of adverse determinations by peer review organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVIDER APPEALS OF ADVERSE DETERMINATIONS BY PEER REVIEW ORGANIZATIONS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—(1) Section 1879(d) of the Social Security Act (42 U.S.C. 1395pp(d)) is amended by inserting "or under section 1155 (when the determination is under part B of title XI)" after "applicable)".

(2) The second sentence of section 1155 of such Act (42 U.S.C. 1320c-5) is amended by inserting ", practitioner, or provider" after "beneficiary" each place it appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by a contracting peer review organization on or after the first day of the first month that begins more than six months after the date of the enactment of this Act.

THE SQUARE DANCE: THE AMERICAN FOLK DANCE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a bill that would designate the square dance as the "American Folk Dance of the United States of America." In the 97th Congress, a resolution (Public Law 97-188) was adopted designating the square dance as the National Folk Dance for 1982 and 1983. Two hundred sixty-five Members of Congress supported that legislation. I am pleased to be joined today in introducing this resolution by Representatives LARRY SMITH, TONY COELHO, CLAY SHAW, and 13 other Members.

Square dancing is defined as the American Folk dance that is called, cued, or prompted to its participants. The variations in square dancing styles include squares, rounds, contras, clogging, line and heritage dances. Square dancing is easy to learn and participate in, and an activity in which it is easy to meet and make friends with others. In addition, Americans appreciate the display of etiquette that is a major element of square dancing.

There are numerous historical and other reasons that square dancing deserves permanent recognition by Congress. This form of dancing has been a popular tradition in this country since the earliest part of our colonial history, and it has attained a lofty status as a significant part of our country's folklore. As a traditional, wholesome form of family recreation in which people of all ages can take part, square dancing is an activity that symbolizes one of this country's basic strengths: The unity of the family. It also epitomizes the egalitarian spirit that is at the heart of our democracy because it pays no attention to arbitrary social or other distinctions—people from all walks of life equally enjoy square dancing. In addition, square dancing is an activity in which the elderly, as well as the physically and mentally handicapped, can fully participate, thereby greatly enriching their lives. Square dancing truly expresses the vibrant, egalitarian spirit of the people of this country.

This bill would give permanent recognition to the great American tradition. Today, there are almost 8,000 square dance clubs throughout the United States with over 1 million active dancers spanning two generations. All of these are nonprofit, self-supporting groups, none of which seek support from Congress or any other branch of government. In addition, 8 million other adults know how to square dance, and millions of school children regularly participate in this activity in their schools.

No other type of American folk dance has such broad appeal or represents such an amalgamation of various folk dance traditions. Seven States (Alabama, New Jersey, Oregon, Tennessee, Washington, Florida, and West Virginia) and 49 nations around the world have already designated the square dance as the American folk dance for their own territories. The wording of the resolutions of these States and nations is identical or very similar to that of the resolution being submitted today. If almost one third of the world's nations have so recognized the square dance, does it not seem most appropriate to do so in the United States, the country where it originated and is most practiced?

The square dance continues to thrive across this Nation and deserves the permanent recognition that this legislation would provide. I thank my colleagues for their support of previous square dance resolutions, and urge you to continue and extend this support by sponsoring the bill before you today.

SECRETARY SHULTZ SHOULD BE FIRED IF HE INSISTS ON GOING TO MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, my special order today is entitled: "Secretary Shultz should be fired if he insists on going to Moscow."

Today a considerable number of Congressmen signed a letter to President Reagan calling on him to change the proposed visit by Secretary Shultz from Moscow to a neutral site. The letter reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 1987.

Hon. RONALD REAGAN,
The President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We strongly support Congressman Broomfield's request that Secretary Shultz visit to Moscow next week be moved to a neutral country where confidentiality of communication can be assured.

We cannot pretend to continue business as usual with a Soviet dictatorship which systematically violates diplomatic principles and ridicules the United States in the process.

If our Secretary of State and Ambassador cannot communicate securely, we should refuse to participate in a charade of "normalcy." It is vital that the new Soviet leadership learn now that we have the self confidence to reject phony relations built on false assurances.

We respectfully request your consideration of our recommendation.

Sincerely,
Jack J. Duncan, Olympia Snowe, Dan Mica, ——— ———, Frank Horton, Jerry Lewis, Manuel Lujan, Jr., Hank Brown, Guy Vander Jagt, Bob Michel.

□ 1650

I have been told over 150 Members have signed that letter. This letter, which I signed, and many of my colleagues signed, frames the choice for President Reagan. Congressman BROOMFIELD is correct in noting that a trip to Moscow in these circumstances would be a major error.

Secretary of State Shultz is reported in today's New York Times to have said,

> They invaded our sovereign territory and we are damned upset about it. We are upset at them and we are also upset at ourselves and we intend to do everything we can to correct our problems.

Nevertheless, he said he would not accept suggestions that he postpone the trip. The administration, he explains, remains committed to creating "a more constructive and stable relationship with the Soviet Union." Note the Secretary of State says the Soviets have invaded "our sovereign territory" and then says we are going to have a "more constructive and stable relationship with the Soviet Union."

Two Representatives from the House, Congresswoman OLYMPIA SNOWE from the State of Maine and Congressman DAN MICA of the State of Florida, have visited the Soviet Union and have seen the current and future embassies. They are quoted in the New York Times as urging "Mr. Shultz to reconsider his decision to go. We question whether he can conduct substantive diplomacy in this kind of atmosphere." Now, that is what Mr. MICA said.

Frankly, the United States has not looked this inept and this humiliated since Jimmy Carter left the White House.

Consider the facts: the Soviets seduce our guards, infiltrate our current embassy with listening devices, build our new embassy with so many electronic bugs it will probably be unusable; faced with American outrage, the Soviet foreign ministry spokesman has been laughing, mocking and ridiculing the United States.

Faced with this outrageous behavior, Secretary of State Shultz uses strong language. The Washington Times reports:

> We didn't break into their embassy, they broke into ours, Mr. Shultz said. They invaded our sovereign territory. They can't expect to continue to incessantly massively work to create a hostile environment for our people overseas without a cost to themselves in their relation to us.

Yet Secretary Shultz' behavior encourages the Soviets to believe they can, I repeat, can expect to continue to incessantly massively work to create a hostile environment in our embassy.

Secretary Shultz's words of "invading our sovereign territory" are the words of Churchill. His actions of proposing to go to Moscow despite everything is an appeasement action worthy of Chamberlain.

When asked yesterday if he would take steps to force Soviet changes in our embassy, Secretary Shultz replied, according to the Wall Street Journal:

> The United States is presenting to an arbitration process claims for jobs that weren't done in accord with what we contracted for. He said it is a hard, difficult, delicate process.

It is like suggesting, after being mugged, that the mugger be taken to a local arbitrator.

President Reagan, which is it to be? Is this incident just a minor problem as Secretary Shultz asserted? Or is it an invasion of our sovereign territory, as Secretary Shultz asserted?

The new U.S. ambassador to Moscow, Jack Matlock, Jr., has filed a formal protest in Moscow, accusing the Soviet Union of a breach of the "norms of diplomatic conduct."

Let me suggest several principles. First, at a minimum, Congressman BROOMFIELD's request that we move the meeting to a neutral country is right. It would send the signal that we want to meet but we want to meet fairly, honestly, on our terms, with security. We would be leaving Moscow because the Soviets force us to leave Moscow. If they want to come halfway, Helsinki or Vienna would be fine.

Let me say to the President: if the State Department has now so co-opted Secretary Shultz that no matter what the outrage, no matter what the activity, no matter what the violation, no matter what the Soviets do or what they say, no matter how they mock or humiliate us, he is determined to go to Moscow, then I would strongly urge that he return with his resignation in hand or that the President fire him.

The simple fact is this State Department has mismanaged the Marine Guards, the State Department mismanaged the security, the State Department mismanaged the negotiations for the embassy, the State Department mismanaged building of the embassy. We are now being laughed at by the Soviet Union. For us to crawl to Moscow to accept a meeting under circumstances where there is only one tiny room in the entire embassy that is secure would be a humiliating act of self-flagellation unworthy of the United States of America. I hope the Secretary will change his mind. I hope the President will, if necessary, force him to change his mind.

But if this trip should go on in these circumstances, I would strongly urge President Reagan to fire Secretary Shultz, to appoint a rigorous committee to thoroughly overhaul the State Department and to come to Congress for substantial legislative authority to review and reexamine the entire security process of the U.S. State Department.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. Gray of Illinois) laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, January 21, 1987.

Hon. Jim Wright,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the United States District Court for the District of Columbia. After consultation with my General Counsel, I will notify you of my determinations as required by the House Rule.

With great respect, I am,

Sincerely yours,

Donnald K. Anderson,
Clerk, House of Representatives.

COMMUNICATION FROM HON. WALTER E. FAUNTROY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. Walter E. Fauntroy:

House of Representatives,
Washington, DC, January 20, 1987.

Hon. Jim Wright,
Speaker of the House,
U.S. Capitol,
Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that a former member of my staff has been served with a trial subpoena issued by the United States District Court for the District of Columbia.

After consultation with General Counsel to the Clerk, I will make the determinations as required by the House Rule.

Sincerely yours,

Walter E. Fauntroy,
Member of Congress.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. Gray of Illinois). The Clerk will suspend.

The gentleman from Michigan will state his point of order.

Mr. CONYERS. Is it not appropriate that the special orders entered into from the previous day be issued before all of these other important communications be put into the Record?

The SPEAKER pro tempore. This is a matter that is at the discretion of the Chair, and they have to be reported today. We were trying to accommodate all Members. This is a matter at the discretion of the Chair. The Clerk was about to conclude. We have one additional one and the Chair asks that the gentleman bear with us.

Mr. CONYERS. Well, I thank the Speaker for the Speaker's response, and I appreciate his discretion. He has always operated the special orders with nothing but more than fairness to me and to everybody else in the House.

The SPEAKER pro tempore. I appreciate the comments of my distinguished friend from Michigan.

The Clerk will report the communication.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

House of Representatives,
Washington, DC, January 16, 1987.

Hon. Jim Wright,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the United States District Court for the Western District of Tennessee. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,

Jack Russ,
Sergeant at Arms.

RELEASE GENERAL REVENUE SHARING TRUST FUND MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Eckart] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, I rise today in support of an action brought by the National Association of Counties against the Treasurer of the United States. Mr. Speaker, as my colleagues are painfully aware, the General Revenue Sharing Program [GRS] is no longer in existence to assist localities in meeting the most basic needs of its citizenry. But, what my colleagues may not be aware of, is that when GRS was terminated at the end of last year, there remained in the trust fund approximately $180 million. While those funds were sequestered under the Gramm-Rudman-Hollings Act, the sequestration was not to be permanent. Section 256 of the act provides that:

> Any amount of new budget authority, unobligated balances, obligated balances, * * * spending authority or obligation limitations which is sequestered or reduced pursuant to an order issued under section 252 is permanently cancelled, with the exception of amounts sequestered in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law, including the provisions of this act.

There is no statutory provision preventing disbursement of the sequestered revenue sharing funds. Indeed, the Revenue Sharing Act itself provides that the funds in the trust fund "remain available until expended." The act further provides that "each unit of general local government is entitled to an amount equal to any amount allocated to the Government" under the revenue sharing formula.

Under the State and local government fiscal act, the Secretary of the Treasury personally is the trustee of the trust fund. It appears to me that to fail to distribute the full amount of the trust fund would be a breach of his fiduciary responsibilities to the trust fund and its beneficiaries, the local governments across the country. This trust responsibility has been reaffirmed in a statutory mandate under the consolidated Omnibus Reconciliation Act of 1985 that reversions to the Treasury's general fund from the trust fund only be made "after all of such entitlement payments are completely made" in accordance with the law.

Mr. Speaker, colleagues on both sides of the aisle, I ask you to join me in supporting the National Association of Counties in their fight against this injustice. If the whole of the General Revenue Sharing Program is gone, the least that can be done is to provide the trust fund moneys that lawfully belong to the local governments of our Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Dixon] is recognized for 5 minutes.

[Mr. DIXON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MIAMISBURG TRAIN DERAILMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Hall] is recognized for 5 minutes.

Mr. HALL of Ohio. Mr. Speaker, last summer on July 8, a train carrying hazardous materials, white phosphorus and sulfur, derailed in my congressional district in Miamisburg, OH. Today I am introducing legislation that responds to some of the problems we saw in our policies, or lack thereof, that govern the safe transportation of hazardous materials by rail.

Mr. Speaker, every day 3,000 carloads of hazardous materials are shipped by rail. These loads travel over farmland and into populated communities all over the country. The safe transportation of these materials must be a top priority for us in Congress.

During the Miamisburg derailment, a tanker containing 12,000 pounds of white phosphorus exploded and burned, emitting poisonous fumes, for 5 days. Over 30,000 people in the cities of Miamisburg, Moraine, West Carrollton, as well as Jefferson and Washington townships were evacuated and spent up to 5 days in high school gyms and convention centers. Nearly 600 residents were treated at local hospitals for respiratory and eye problems.

Local taxpayers spent nearly $500,000 responding to the accident, and are still negotiating for the reimbursement of these expenses.

Although the accident happened last summer, approximately 2 weeks ago some pockets of phosphorus ignited on contact with air and burned again.

Mr. Speaker, our local officials coordinated over 30 jurisdictional bodies and demonstrated outstanding leadership in resolving the crisis and saving lives. However, the Miamisburg case raises some questions about our Federal policies as they pertain to the transportation of hazardous materials by rail. My legislation, which is cosponsored by Representative TOM LUKEN, chairman of the Subcommittee on Transportation, Tourism and Hazardous Materials, addresses those concerns.

First, our bill requires the Department of Transportation [DOT] to develop emergency response procedures for railroads to follow when these accidents occur. Miamisburg firefighters and other emergency officials had trouble getting information about the types of hazardous materials on the train, and where they were located. The bill requires the train personnel to turn over this information and work with local emergency firefighters and officials in responding to the situation.

Second, the bill will retire old tank cars, like the one that carried phosphorus through Miamisburg. That car was over 20 years old and, according to the National Transportation Safety Board [NTSB], would not meet current design standards. However, because the car was already in operation when the new regulations came into effect in 1971, it was "grandfathered" in. Our bill would eliminate the "grandfathering" and not allow these old cars to carry hazardous materials like phosphorus.

Finally, the bill requires the National Academy of Sciences to take a look at the whole design process of tank cars particularly with respect to public safety. Right now, DOT has delegated its authority to the Association of American Railroads [AAR] which designs tank cars. According to the Office of Technology Assessment [OTA], DOT is not involved in the design approval activities and does not attend sessions where designs are analyzed and evaluated. Our bill requires the Academy to take a look at this process and to determine whether public safety considerations require greater control by the Secretary of Transportation.

Mr. Speaker, I hope this legislation will help avoid accidents in other communities across the country and save our local taxpayers' money as well as good health. I urge my colleagues in the House of Representatives to join me in supporting this measure.

H.R. 2056

A bill requiring the development of hazardous materials emergency response procedures, prohibiting the transportation of hazardous materials in certain obsolete railroad tank cars, and requiring a study of railroad tank car design procedures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Materials Rail Safety Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) according to the Department of Transportation, about 4,000,000,000 tons of regulated hazardous materials are shipped each year;

(2) the National Transportation Safety Board estimates that approximately 250,000 hazardous materials shipments are made every day;

(3) approximately 3,000 carloads of hazardous materials are shipped each day by rail;

(4) accidents involving the release of hazardous materials are a threat to public health and safety;

(5) rail accidents are particularly dangerous, because railroads were historically designed and planned to go through populated areas;

(6) the Department of Transportation has failed to issue regulations requiring information pertaining to hazardous materials to be shared with local firefighters and emergency responders, and has developed no uniform criteria directing train crews on proper procedures for communicating with local and other appropriate officials in the event of rail accidents involving hazardous materials;

(7) investigations by the National Transportation Safety Board have shown obsolete tank cars to be the cause of accidents involving the release of hazardous materials into the environment; and

(8) the Office of Technology Assessment has determined that while the Department of Transportation prescribes railroad tank car design specifications, it is not sufficiently involved in the design approval activities of the industry-based Association of American Railroads Tank Car Committee, and is not permitted to attend sessions where the designs are analyzed and evaluated.

SEC. 3. EMERGENCY RESPONSE.

The Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) is amended by adding at the end a new section as follows:

"EMERGENCY RESPONSE

"SEC. 117. Within 18 months after the date of the enactment of this section, the Secretary shall, by regulation, issue emergency response procedures for rail carriers in accidents or other emergency situations involving the transportation and storage of hazardous materials, including requirements that—

"(1) copies of written information detailing the type and location of all hazardous materials carried on a train be carried on the train and be immediately provided to local emergency personnel responding to such accidents or emergency situations; and

"(2) employees on any train carrying hazardous materials, and other personnel of the involved carrier, that is in an accident or emergency situation provide technical assistance to local emergency personnel and other appropriate officials responding to the accident or emergency situation.".

SEC. 4. RAILROAD TANK CARS.

The Hazardous Materials Transportation Act, as amended by section 3, is further amended by adding at the end a new section as follows:

"RAILROAD TANK CARS

"SEC. 118. (a) No railroad tank car built before November 6, 1971, may be used for the transportation in commerce of hazardous materials unless such tank car meets all safety and design requirements imposed by the Secretary on railroad tank cars built after such date through regulations issued under this Act, the Federal Railroad Safety Act of 1970, or any other law.

"(b)(1) The Secretary shall enter into a contract with the National Academy of Sciences for the performance by such Academy of a study of the railroad tank car design process, including specifications development, design approval, repair process approval, repair accountability, and the process by which designs and repairs are presented, weighed, and evaluated. Such Academy shall also make recommendations as to whether public safety considerations require greater control by and input from the Secretary with respect to the railroad tank car design process, especially in the early stages, along with such other recommendations as the Academy considers appropriate.

"(2) The Secretary shall report the results of such study and such recommendations to the Congress within 1 year after the date of the enactment of this section.

"(3) There is authorized to be appropriated for carrying out this subsection not to exceed $500,000.".

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 60 minutes.

(Mrs. COLLINS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TODAY'S AGRICULTURE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. COLEMAN] is recognized for 60 minutes.

Mr. COLEMAN of Missouri. Mr. Speaker, today's agriculture crisis is far more than a farm problem. It is a rural community crisis that demands comprehensive solutions beyond the scope of traditional agricultural programs. Congress, unfortunately, has expended so much time and energy trying to devise programs for family farms that almost overlooked are the farm families themselves who are trying to cope in this difficult transition period. Farm families and entire rural communities are in trouble and need immediate assistance that higher price supports and production controls simply cannot address with the urgency required.

Declining farm income, and massive farm and bank failures are bleeding the rural economy. With farm land values plummeting 50 to 800 percent in the last 5 years, local tax bases are evaporating and are insufficient to fund even basic community services. Consequently, boarded up stores and empty plants have become as familiar as farm foreclosures throughout the Farm Belt.

The rural population of America comprises only 24 percent of the Nation's population. However, it holds 38 percent of the Nation's poverty, 67 percent of the Nation's substandard housing, and has a 9.2-percent unemployment rate compared to the 7.2-

percent unemployment rate of urban areas.

For rural communities to sustain themselves in the 1990's they must begin now to diversify their economic base. In order for many farm families to sustain themselves just in the next 12 months, Federal and State governments must provide immediate rural economic development and emergency assistance.

To address this crisis, Congress must act boldly and quickly. Today I am introducing the rural development initiative [RDI], legislation I believe can serve as a government blueprint for revitalizing rural communities. I am supported in this legislation by 50 colleagues as cosponsors.

The first step under RDI is to reorganize the U.S. Department of Agriculture to streamline existing rural assistance and development programs currently scattered throughout some 20 agencies of the Federal Government.

The Rural Development Reorganization Act of 1987, would transfer rural development and assistance programs within USDA to a newly created Rural Development Administration [RDA]. This should ensure better coordinated and more efficient management of those programs. This bill would also rename USDA the "Department of Agriculture and Rural Development" to accurately reflect its new comprehensive mission.

The General Accounting Office is currently conducting a review of all Federal rural oriented programs outside USDA to determine which would function more effectively under the new RDA.

Before the Federal Government can expect private sector investment in rural communities it must be willing to invest in rural America. By creating a Rural Investment and Incentive Block Grant Program, we can provide the seed capital for rural economic development and encourage private sector investment. Through a Rural Infrastructure Block Grant Program we can provide resources for rural roads and bridges, utilities, schools, and other important services communities need to attract new business and economic development.

We can further expand rural economies and create new jobs by requiring that rural suppliers be given priority consideration on Government contracts and procurement programs. Rural priority on the location of new Federal facilities should also become Federal policy. If Citibank of New York can move its entire credit card operation to South Dakota, surely the Federal Government can place new computer, communications, or administrative operations in rural communities. To develop new products, processes, and marketing techniques tailored for use in rural areas, local institutions of higher education can serve as centers for rural technology and training.

Just as the crisis in rural America did not happen overnight, we cannot expect the renewal of these communities to occur spontaneously. Therefore, it is critical to provide immediate counseling, informational and job training services for troubled families and displaced workers. These emergency services can be provided through the creation of regional agriculture action centers.

One of the most invaluable rural resources we cannot afford to lose is our youth. But with more and more young people leaving rural communities for jobs and a future in urban areas, the face of rural America is rapidly growing older. To encourage youth to remain in rural communities and prepare for leadership positions in a changing agricultural economy, we must expand educational opportunities available to them today.

Therefore, I am proposing the creation of a rural education program [ACCESS], based on a successful urban scholarship program in Cleveland, OH. This program should include systematic guidance and counseling from private sector professionals in career choices, academic preparation, technical training, and entrepreneurship.

Some 60 million citizens live in America's rural communities. The stabilization and prosperity of these communities must become a national priority for Congress and the adminsitration. This rural development initiative can provide the strategy and some of the tools necessary to insure the future of our rural and farm communities. I urge you to join me in a bipartisan effort to adopt this legislation and work together to rebuild rural America.

□ 1700

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Speaker, I want to express my appreciation to my colleague TOM COLEMAN for arranging for this special order. Rural development, the issue we are addressing today, is an issue whose time has come.

Throughout this great country, rural communities are suffering terribly from an economy that is poor at best. Some of that results from the weaknesses in the farm economy. Some of it comes from loss of jobs due to plants closing because they can no longer compete with the flood of imported goods that have come into this country.

Whatever the reasons, rural people are not sharing in the recovery that has helped so many others. It is time now that the Federal Government turn its attention to business in rural America.

Mr. COLEMAN and I have begun working together in a bipartisan spirit to fashion rural development legislation that will better address the needs of rural communities.

Make no mistake about our intentions. We are still experiencing serious weaknesses in the agricultural sector of our economy. We should not and cannot discontinue our efforts to make sure that we have farm policy that is effective and being administered properly. However, we must also begin the process of developing a rural development policy that complements the agricultural component of our rural economy, and that will diversify that economy to the extent possible.

This is a big task and a long-term one at that. The answers to the problems of a rural economy are not short term ones.

But in my mind, there is no time like the present to begin assessing the needs of rural America, its resources, and it economic development capability. Rural people continue to be resourceful and resilient. I am confident that with the help and awareness of the Federal Government, local officials can develop strategies that will provide their people with economic opportunity and economic progress.

Mr. COLEMAN of Missouri. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. JONES] for joining with me today in the spirit of bipartisanship. With the 50 cosponsors that we have, we have, I think, 20 Members of his party and 30 Members of mine, and we are going to encourage others to endorse this and sponsor it after we get back from the break.

I think it shows true bipartisanship, and I think we can be the driving force to lead the administration and others into an area of concern for economic development.

I look forward to working with the gentleman as we have hearings and try to move these economic development proposals that we are introducing.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, it is for me a unique opportunity to share these remarks with the distinguished gentleman from Missouri [Mr. COLEMAN], who is truly our leader in terms of rural economic development on the Republican side, and of course, the distinguished chairman of our subcommittee, the gentleman from Tennessee [Mr. JONES], who has such a long and distinguished record in support of rural economic development.

There is not one Member of the House or the other body's Committee on Agriculture, and I suspect there is not one Member of Congress who enjoys the reality and the statistics which show us that farmers across this country in every State and in almost every congressional district are disappearing.

We are seeing a reduction in the number of people in agriculture and frankly, agriculture is a new technology, new productivity that is allowing equal, if not more food, to be produced by less people.

We can debate all we want that farm policy ought to be a response to the problems in American agriculture today, but regardless of that debate, we are focusing this evening, I think, on an equally important debate, totally opposite, totally complimentary to the farm bill debate.

□ 1710

And that is: how do we respond to the transition that is occurring in rural America today? As a product of that rural America, I have seen my small two-room country school closed. I have seen a lack of economic development in our small towns, and I have seen our main streets lose store after store because there are not enough farmers to come into town and there is no economy for that town to exist in.

That is really the whole concept behind what we are trying to do here today on a bipartisan basis, to begin to focus this country's national leadership on the whole issue of rural economic development.

So many people have asked me questions about this recently. I just had someone yesterday, as a matter of fact, from the Department of Agriculture in my office, and he asked, "do you really think you people in Congress are serious about this rural economic development, or is this just some kind of political rhetoric?"

I said, "I think I can tell you that the Congress of the United States is not about to allow those in the Department of Agriculture and the administration or anyone across this country to be a hindrance to our efforts to provide some economic development tools for rural America."

That is exactly what the focus of this farm bill initiative is. I guess that is what it is called, the bill of which the gentleman from Missouri is our major author. No. 1, it is to change part of the focus of the Department of Agriculture, not to eliminate the focus on agriculture but to enhance the focus on rural economic development and to go over and above that, to begin providing some funds for the infrastructure of rural economic areas.

I happen to have had just a wonderful meeting this last week with all the university chancellors in my congressional district, and while I sat there and met with the five of them and we talked about rural economic development, we talked about how small towns have an inability to put together the applications to get those economic plans, and what we really need to do is we need to find a method and a way to provide a bigger capability to pool those small initiatives and not deal with this just as one municipality versus another but to deal with it from a regional perspective.

I think that is really what we are talking about, finding a way to find some capital funds so that these small communities can get together. Believe it or not, for us it is a big deal to even hire a planner, to say nothing about going above and beyond that and actually putting into place an economic development plan and getting the competition for the economic infrastructure, the block grants, the sewer and water facilities, and whatever else might be needed to bring about some type of economic development to those areas.

The third area about which I am very much encouraged is the whole focus we are beginning to make in the old formula process. The fact is that as we look at everything from job training to highway funds to our educational programs, we find, to be quite honest, that the rural areas are discriminated against in these programs. They are discriminated against because the formulas focus only on one man, $1, in terms of need regardless of the fact that in rural areas, No. 1, you have much higher capitalization costs to serve and provide any kind of a basic program, first and foremost, and, second, there is the recognition that many of our rural programs, particularly when we are dealing with displaced farmers, do not even count the farmer or the farm wife or the farmer's son or the farm daughter as people who are unemployed. So the statistics in the formulas do not even allow us to get a chance to get our opportunities in rural America to provide programs and begin building the training and retraining programs that are necessary to begin to bring in those businesses in industries that are necessary to begin bringing in those jobs that are so necessary to simply restore economic vitality to rural America.

Mr. Speaker, I must say that the work of the gentleman from Missouri, [Mr. COLEMAN], is just so significant, because what he is talking about here is really maintaining the moral fiber and the moral infrastructure of rural America, and what we really call that, I guess, is the quality of life throughout this country.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman from Wisconsin, [Mr. GUNDERSON], and I appreciate his remarks about this Member and, more importantly, his involvement with this issue. We serve together on both the Agriculture Committee and the Education and Labor Committee. We have seen how these interact with each other, and what we are really establishing here and I think what is semirevolutionary about this package that we are introducing is that it is not traditional approaches we are taking. These are nontraditional approaches.

We are looking beyond just agricultural issues. We are looking to job training, we are looking to education, we are looking to health and human services, we are looking at the whole gamut of services that are provided to rural areas and trying to focus and better present an advocacy voice for rural America in the U.S. Government.

I think by looking at this with a broad-brush approach—interagency, if you will—we find that there is something unique and different here, and that is why this package, I think, deserves the support of many of our colleagues in this House who may or may not even represent rural communities. But not only are we trying to provide opportunity in rural areas, we are also trying to say that we have got to diversify, that we have seen an agricultural economy that has gone into a tailspin, and for too long we have put all our eggs in one basket, if you will, and that economic basket is breaking with the agricultural economy.

We need to diversify; we need to provide opportunity for other people in other jobs and businesses to come into these communities, because there are so many people who lack that quality of life that the gentleman mentioned and who would love to stay in these small communities. But these small communities are going to continue to be boarded up and simply blown away and become a part of history if we do not do something now. Small towns of 1,000 people or less do not have a bright future in much of the agricultural belt.

There is a relationship between the small community and the small town. If one suffers significantly, the other is going to suffer significantly and both of them will decline. What we are saying today is that it is time to address this issue much like we addressed the issue of cities and urban areas in the 1960's and the 1970's. We have been able to turn around areas like Boston, MA, and make them into areas of high technology and in the forefront and on the cutting edge of what is happening in the economy worldwide. We would like to provide some of these basic concepts to rural areas and provide the effort there that we have all supported in the past in our urban communities.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield further?

Mr. COLEMAN of Missouri. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I think one of the things that is important to point out in all of this is that we are not talking about handouts. What we are talking about is simply providing and responding to the initiatives of the local people. Under any of these programs that the gentleman is introducing here today, none of these provide automatic formula distribution of funds to rural communities regardless of what they are doing.

Mr. COLEMAN of Missouri. That is correct.

Mr. GUNDERSON. What it says is "if you take the initiative in your local community, we will provide the helping hand."

Mr. COLEMAN of Missouri. The gentleman makes an extremely important point, and that is that regardless of what programs are in place, it takes strong local leadership. We have to accentuate that. What we are also saying is, if you have strong leadership, there is a role for the Federal Government to play, and we need to be able to play a constructive role.

No, there are no magic formulas here, and there are no definite earmarks, but it is a new awareness of what we can do through the procurement process, the employment process, and the location of Federal facilities and looking down to see how we can help on main street.

This point has got to be made: that when everybody thinks about having problems in rural America, they think it is the farmer who is having problems. It is not just the farmer; it is the people on main street and the town squares; it is the people who supply the farm communities, those who are there to train the youngsters in the schools, and those who are in business. Those people are suffering just as much as the farm families themselves.

So what we are talking about is trying to help families and trying to save families on farms and in towns and restore the quality of life and keep the economic underpinning, with the diversification, in place.

I so much appreciate the 49 or 50 colleagues who have joined in this cosponsorship because it represents, Mr. Speaker, areas from Massachusetts and California and from Minnesota to Mississippi. We have cosponsors from both parties, and I must say there is a lot of political philosophy in between as well. Some of our colleagues who sponsored this bill are from urban areas. Some do not represent one farmer or any rural constituency. I am glad they are with us. We want to encourage a lot more Members to go on this legislation with us after the Easter break.

Mr. JEFFORDS. Mr. Speaker, the people of rural America are caught up in stressful times. In an era of surpluses and falling world and domestic prices for farm products they are being forced to leave their business and homes in ever increasing numbers.

These people should be helped in the same manner and with the same dedication extended to persons displaced in other basic industries as the result of world and domestic market conditions.

The rural development initiative recognizes that America's farm crisis doesn't stop at the barn door. It recognizes that entire rural communities have been shaken and shattered by this crisis and must be rebuilt.

With this in mind the Education and Labor Committee of which I am a member, has reported as part of its trade bill a worker readjustment package that addresses the special needs of farmers, ranchers, one person businesses and rural areas.

This bill provides for rapid response capability at the State level. It includes worker readjustment centers in rural areas that can aggressively reach farmers with counseling and early adjustment assistance.

In addition, it authorizes up to 10 special demonstration projects directed to the issue of rural dislocation. Up to one-fourth of the funds could be used in dealing with farmers and ranchers who have been forced off their land by farm failures.

We need to aggressively tackle the problems of rural businesses and farms in order to preserve the very fabric of rural America and its' people.

Mr. STANGELAND. Mr. Speaker, as an original cosponsor of the rural development initiative I wish to express my complete support for this legislation. It will help to bring stability back to rural areas. The bill aims at keeping more people in these areas where they've established a way of life and can continue to contribute their time and talents to their communities.

As responsible legislators, it is our duty to help those facing hardship as a result of the present problems in the farm economy. This bill does just that and I am pleased to have worked with my colleagues on the Agriculture Committee in drafting this legislation.

In addition, I would like to take 1 minute to address a companion piece of legislation that I introduced this week regarding rural enterprise zones. These zones are badly needed in rural America. My bill would create these zones and provide incentives for new businesses to locate in rural areas. Targeted to ag-businesses, the system of tax incentives and investment opportunities would complement the rural development initiative to a great extent.

If these pieces of legislation were to pass—and I hope they do—an economic vitality would be brought back to rural America. Furthermore, entire communities would have the chance to rebound, with more jobs, opportunities, investments, and, most important of all, confidence and hope. I urge my colleagues to cosponsor and support this bill.

GENERAL LEAVE

Mr. COLEMAN of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATION CONVEYING THE LIBERTY SHIP U.S.S. "PROTECTOR" TO A NONPROFIT ORGANIZATION

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I rise today to introduce legislation giving the Secretary of Transportation the authority to convey the liberty ship U.S.S. *Protector* to a nonprofit organization for use as a nonprofit merchant marine memorial. My legislation would permit the U.S.S. *Protector* which is currently docked in the James River as part of the U.S. Ready Reserve Fleet, to be transferred to a nonprofit organization. This legislation would not allow the vessel to be used for commercial transportation purposes, and would require that the conveyed vessel be available to the U.S. Government when the Secretary of Transportation requests its use for a wartime emergency or for some other essential national purpose. Moreover, my bill would not require the Secretary to retain the U.S.S. *Protector* in the reserve fleet for a period longer than 2 years.

Although the legislation I am introducing today does not designate title of the ship to one nonprofit organization by name, the U.S. Merchant Marine Veterans of World War II organization plans on acquiring the vessel for the establishment of a merchant marine memorial. I personally have held many discussions with officials from this important nonprofit organization regarding the considerable time and effort they have spent in trying to obtain a liberty ship in order to turn it into a "living memorial" vessel that would be manned by former U.S. merchant mariners of World War II. I believe it is appropriate, and I believe that it is a special touch to designate a ship memorial to our World War II merchant marine veterans rather than designating a stationary land memorial to this important group of individuals. I strongly believe that designating the U.S.S. *Protector* as a merchant marine memorial would not only demonstrate the necessary official appreciation for our merchant mariners of World War II, but such a memorial would provide an excellent opportunity for the public to gain a better understanding and appreciation of the heroic World War II efforts and significant historical role played by this country's merchant marine.

As you all know, the U.S. World War II merchant marine played an indispensable role in the winning of this war by supplying and supporting our Armed Forces in battle. Thousands of mariners lost their lives in the process and many others were left permanently disabled from injury. It is ironic that these heroic individuals have received little recognition and praise for their essential efforts. I am convinced that the legislation I am proposing is one important step in providing our World War II mariners, both the living and the dead, with the praise and recognition they rightfully deserve.

My colleagues, the legislation I am introducing today would not involve the expenditure of a single penny of U.S. tax dollars. To the contrary, it would require that the nonprofit organization be 100-percent responsible for the financing of the restoration, transfer, maintenance, and day-to-day operation of the U.S.S. *Protector*. This financing would be made possible by fundraising proceeds from the organization.

In closing, I respectfully ask my colleagues to support the legislation I am proposing today. I believe that this legislation is a noncontroversial and sensible approach in serving the belated national obligation of recognizing our merchant marine veterans of World War II for the critical and patriotic role they played in the winning of this war.

UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 60 minutes.

Mr. HAYES of Illinois. Mr. Speaker, I requested time for this special order because there are many of us here in this Congress who know that it is time for us as a legislative body to focus attention and find solutions to the problem of unemployment and stop acting as though the problem does not exist.

□ 1720

Mr. Speaker, it has been almost 5 years since the Reagan administration declared that the current so-called recovery period began. President Reagan's messages to the American people have disguised the impact of the trade deficit and the Federal deficit. His economic reports have hidden the true facts on joblessness. They violate the mandate of the Hawkins-Humphrey Act to bring officially measured unemployment down to 4 percent. His latest budget conceals the big welfare given to chosen corporations through tax give-aways. It hides the fact that excessive military contracts are a way of laundering money into the political action committees that support the party of privilege. Unfortunately, the major media have allowed him to get away with it.

The Reagan administration boasts that more than 113 million Americans have jobs. That's a record, but it ought to be; our population and our economy are growing. In addition, about 75 percent of those people gaining employment got part-time jobs when they wanted to work fulltime.

The jobless rate is a full point higher then in 1979. Worse, it has gone up two points among blacks, who still suffer double-digit unemployment.

The Reagan administration has been reporting that our economy is growing. This is of little consolation to those who are still looking for work but cannot find it. These victims are living in the throes of a depression, and already some of them for several years now have been caught within its grip.

We are fully aware of our Nation's urgent need to adopt measures aimed at reducing the high rate of unemployment and putting those Americans who are looking for work back to work, and not continue to talk about how good things are or try to depict some of them as lazy, who do not want to work and are only looking for welfare.

We are all fully aware of our Nation's urgent need to adopt measures aimed at reducing the high unemployment and putting the American people back to work.

The national figures on officially measured unemployment for March 1987 show that 6.7 percent of Americans are unemployed which means that about 8 million Americans are looking for work. In addition, a million discouraged workers have stopped looking, and 5.7 million more who want full-time work are in part-time jobs. Today, unemployment lasts longer for people looking for work, about 15 weeks for last year, and about 11 weeks in 1979. Unemployment among minorities and minority youth is proportionately much, much worse. Black unemployment is 13.9 percent, Hispanic unemployment is 9 percent, and white unemployment is 5.6; while black youth unemployment stands at a staggering 37.6 percent.

The emphasis of the administration should be upon how to improve our most important human capital.

Back in the early forties, President Franklin Delano Roosevelt believed that the Federal Government had an obligation to its' citizens. His ideas resulted first in an "Economic Bill of Rights," which finally resulted in the "Employment Act of 1946." I was a recipient of benefits of President Roosevelt's philosophy of government. I worked in the Civilian Conservation Corps [CCC] planting trees to prevent land erosion. The experience has enhanced my life forever. We must have the collective wisdom to invest in our human capital again.

We need similar programs now in order to relieve the problem of unemployment among our youth. We also need to do something about protecting the environment. Not only in our cities but in our rural areas. Unemployment is not just limited to our urban community, it is prevalent in the rural communities.

We need to develop and renovate the infrastructure of most of our cities in the United States. We should have the collective wisdom to invest in our human capital.

In 1978 the Hawkins-Humphrey Full Employment and Balanced Growth Act was enacted for those who were stricken by poverty, homeless and hungry. We have the same problem today as we had then. These problems did not come from external sources but from the problems that our homeless face came from the fact that they do not have a job.

The rising rate of crime in many of our cities can be attributed directly to unemployment and joblessness. The trafficking of drugs in many areas, while not restricted to the poor communities, is going into the suburbs. Some of it can be directly attributed to the fact that people are unemployed and need jobs and some of them will resort to selling drugs in order to make money.

Without a decent income and providing jobs, it is impossible, we all know, to find a decent future, to plan a decent future. Our young have no future if we cannot help them find a job.

To provide for family security or to participate in the main stream of our society. We are now writing off some of the people who have been long-time unemployed and may not be trained for other jobs. Some of them who have been trained have found out they have been retrained, and the job they hoped to get does not exist.

If the private sector is not willing, and their sole motivation is going to be based on profit and not human beings and their survival, then I think the Government has a responsibility to begin to provide ways for people to have gainful employment and the kind of income that will help them have a decent life.

□ 1730

With all the debates that are going on now and are going to continue on deficit reduction and the questions being asked, have we done enough to call attention to decrease that which would be achieved by bringing down the official American unemployment rate, down by 1 percent, if we could just bring it down by 1 percent, the unemployment rate.

A recent Congressional Budget Office report in January of this year estimated that for every 1-percent reduction in officially measured unemployment, we could decrease the Federal deficit by $40 billion. A 3-percent reduction in the unemployment rate would reduce the Federal deficit by more than $120 billion.

What better way to reduce our debt than as we do in our homes. One of the best ways if we start running in the red in the House has always been if we can find a way to increase our income. This will help us to pay our bills. So it is with the Federal Government. If we would begin to enact programs that would help people to be gainfully employed, pay income taxes to the Federal Government, and, yes, some of those who are fortunate or unfortunate enough to be on some kind of federally supported programs, public aid or public assistance or something of that sort, this would enable them to get off those kinds of support programs and earn a decent living for themselves.

If more people were familiar with these estimates, perhaps we could begin to formally go to bringing the officially measured unemployment down to the Humphrey-Hawkins level of 4 percent over a number of years.

Now, the greatest threat to people who are stricken by poverty is hunger and homelessness. In every major city, almost, we could use additional housing. I know in Chicago we have more boarded up housing in my district I guess than any other district in the State of Illinois. This could be a source of employment if we could begin to set our priorities in this direction.

What our country needs today is a sufficient equivalent to our military spending. That means a total legislative package dealing with a shorter work year, with no reduction in pay, child care, health, housing, environment, Social Security, Public Works, progressive taxation, and all the other quality of life actions needed to attain the objectives of the bill which I have introduced, which will come before the Congress, I hope, before this year's end, entitled Quality of Life Action Act, H.R. 1398. When it was introduced on March 4 of this year, we had 30 cosponsors. That number has now grown to 46.

Let us be realistic. We may be able to take some steps in this direction if a better House and a much better city freely moves in the direction of caring for people who need help.

We might be able to force the White House to back down on a few of the issues that they say we cannot afford to spend on social programs.

I have received statements from several Members of the House of Representatives in support of the Quality of Life Action Act.

Mr. Speaker, I would like to introduce into the Record statements of support from Congressman Martinez of California and Congressman Traficant of Ohio in support of this position.

I would like to wind up, Mr. Speaker, if I can, with this resolution that simply states:

H. Con. Res. —

Concurrent resolution expressing the sense of the Congress that the continued unemployment of more than 8,000,000 Americans is inhumane and is a dilemma that must be treated as a national priority

Whereas the most significant issue of 1987 is not star wars but job wars;

Whereas the working men and women of America, through their labor, contribute to the economic and industrial strength of this Nation;

Whereas recently, because of a number of factors, unemployment has remained at approximately 7 percent, which has deteriorated the industrial base of the United States;

Whereas more than 8,300,000 Americans are unemployed; more than half of them do not receive unemployment compensation of any kind;

Whereas, because of this situation, the unemployed are losing their homes, their economic resources, their health, and their hope for the future;

Whereas, in response to this ongoing disaster, the Quality of Life Action Act (H.R. 1398) was introduced on March 4, 1987; the ultimate goal of such legislation is to promote a full employment society;

Whereas according to the Economic and Budget Outlook report issued during January 1987 by the Congressional Budget Office, a one percent reduction in the officially measured unemployment rate would reduce the Federal budget deficit by $40,000,000,000 dollars during fiscal year 1989; and

Whereas the Federal Government must play a leading role in helping the unemployed and in taking action to promote the standard of living of all Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the continued unemployment of more than 8,000,000 Americans is inhumane and is a dilemma that must be treated as a national priority.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me?

Mr. HAYES of Illinois. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to commend the gentleman from the First District of Illinois because he has taken up almost singlehandedly, not quite, there are more and more Members coming to rally around the issue of joblessness and unemployment in the Congress everyday, but it is around the gentleman's deep concern that began long before he arrived here in the Chamber of this great body that his concern for joblessness began. As a civil rights leader, as a vice president of his Amalgamated International Union, as one whose community concerns have now spread nationally, I just want to let everyone know that we are very grateful to the gentleman, our dear colleague, the gentleman from Illinois [Mr. Hayes], for the leadership he has given on this bill. The gentleman has rallied from where we left off on the Humphrey-Hawkins Income Act of 1978. The gentleman has moved us to the new present issue, which as the gentleman has pointed out is even deeper and worse than it was when we first focused our attention in the seventies on joblessness and the gentleman holds out the hope that the Congress may rally yet to deal adequately with the problem. For all of the hearings the gentleman has had across this country, we are very deeply grateful for the gentleman's statement today.

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentleman from Michigan for his continued support for the plight of those who are looking for work.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Illinois. Mr. Speaker, I yield to the gentleman from Texas [Mr. Gonzalez].

Mr. GONZALEZ. Mr. Speaker, I thank my very distinguished colleague, highly esteemed and very much beloved and respected colleague from Illinois.

I also join my equally distinguished colleague of some seniority from Michigan [Mr. Conyers] in his tribute to the gentleman from Illinois [Mr. Hayes], and also to express my appreciation for the leadership of the gentleman from Illinois.

At this point the Members of Congress, the Members of the other House are getting ready to do likewise, are all taking off. I think it is very appropriate that the gentleman should kind of give a little prick to our conscience about so many millions of Americans who have lost all hope that they actually belong to any country.

□ 1740

They are at this point relatively invisible. They are not to you, they are not to Mr. Conyers, they are not to me, and I am sure that they are not to our other colleague here, because our constituents in the main are in what we call the poor category, and therefore we inescapably must confront the reality of the situation, and that we have retrogressed to the point where even in the dim days—for instance, the gentleman mentioned what I think is a tacit acknowledgement that he and I were in the same generation, were the Depression-era kids.

Mr. HAYES of Illinois. That is right.

Mr. GONZALEZ. He said that he was in that great, great host of civilian workers who so much built the resources of our country. In my area we still have functional facilities that were constructed with your labor. It was the great idea of President Roosevelt to put to work in creative and constructive, not destructive, avenues this potential that is among us, among these millions.

At this point the official statistics—which we cannot rely upon any longer, as the gentleman well knows—as of the last 4 years, the statistical setup has been so eroded that we cannot depend on it for an actual, realistic picture of the numbers of unemployed. But I would say that even the official statistics admit to nearly 8 million unemployed.

Just a few years ago we used to consider that a shattering statistic. Today we shrug our shoulders. I think that the gentleman from Illinois does well. I think that we ought to realize that the promised stimulus of prosperity is lacking. At this point the growth rate of our economy is at most 1 percent, maybe zero. It is stagnant. It is stalled, if you want to say, because our country is still a dynamic, still a growing country. The only thing is that we have had a leadership of blight, a leadership of unconcern.

I cannot help but remember, and I am sure that my colleague remembers, those vibrant, thrilling words of Franklin Roosevelt when he said, in forging the leadership necessary under similar situations:

> Governments can err, Presidents do make mistakes, but better the occasional faults of a government that lives in a spirit of charity than the constant omissions of a government frozen in the ice of its own indifferences.

I thank the gentleman for his humanity and for his fight to keep us from sinking into this frozen state of indifference as to the plight of these millions of fellow Americans.

I want to point out that yes, politically right now close to 90 percent of our fellow Americans are well off, so this is 10 percent, but it should not allow us to chloroform our conscience that we ourselves are not sunk in poverty, that within range of our distance of perception in our neighborhoods we do not see that, because we are fast approaching the time when indeed we will have our neighbors.

It is like the Vietnam war. You know that as long as it was that poor little draftee that could not afford to go to college who was being sent over to get shot at, nobody gave much of a hoot until the casualties started coming in, until the draft call had to dip into that middle-income bracket. Then you began to hear the alarms and the telegrams from the corporate executives saying, "Hey, Mr. President, we ought to cut it out."

I do not think that we ought to wait for that. I do not think that we ought to wait until we are really sunk in a desperate economic situation in order for us to show concern, and I want to just pledge my continued support of the gentleman's very brilliant proposition.

It is a new dimension. It is one that I want to thank the gentleman for, and am privileged that he has invited me, and also privileged that he has asked me to participate with him this afternoon.

Mr. HAYES of Illinois. I want to thank the gentleman from Texas for supporting the position, not just my position, but the position that we should take as a government, to help people who are crying desperately for help.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

MR. HAYES of Illinois. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, I too wish to commend the gentleman on his initiative.

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Illinois. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Speaker, let me first commend my distinguished colleague from the State of Illinois for reminding us that there is no such thing as a comfortable level of unemployment and that one of the most fundamental of all Federal Government obligations is to protect and improve the right of all citizens to earn a living at decent wages.

Invariably, when this administration talks about its accomplishments, it points with pride to unemployment statistics which they claim are within acceptable limits. But to boast about 6.7 percent unemployment, representing some 8 million people who are out of work, is to ignore the tragic side effects produced by high unemployment, such as crime, drug and alcohol abuse, family disintegration, homelessness and hopelessness.

I suggest that we as a nation should never become complacent about such an unacceptably high underutilization of human potential and that instead of pointing at statistics we should be redoubling our efforts to further reduce and, yes, even eliminate unemployment altogether.

A close look at those statistics also reveals some disheartening realities. Unemployment really is a problem that has never been reserved for one racial or class segment of America. But the problem is being exacerbated by the Nation's rapid shift from a strong manufacturing base to a high-technology service-oriented economy. Plant closings and large-scale layoffs are almost daily occurrences, resulting in joblessness among a wider spectrum of the civilian workforce.

In my own home district, the Seventh Congressional District of Maryland, there are some 19,464 people out of work, and according to the Bureau of Labor Statistics, unemployment for black males in Baltimore is running around 14 percent, for black women it is over 10 percent, and for black teens it is in the neighborhood of 30 percent. These are statistics that may not bother the administration, but they certainly are of grave concern to me and my constituents. And this is not an isolated example. Unemployment among urban blacks in this country continues to more than double the national average and continues to be, again, a tragic waste of human potential. To say that nothing can be done about it is both callous and untrue.

I support the efforts of the distinguished Congressman from Illinois to deal with this problem through this bill called the Quality of Life Action Act (H.R. 1398). This legisation recognizes the fundamental right of every adult American to earn a living through paid work, chosen from among a diverse pool of job opportunities and at a decent, livable wage.

Specifically, the bill sets up a program for carrying out the Employment Act of 1946 and the Hawkins-Humphrey Full Employment and Balanced Growth Act of 1978. The bill also proclaims that those unable to work also have a right to an adequate standard of living.

Perhaps, more than anything, the Quality of Life Action Act provides a workable framework for committing more of our national energies toward reducing unemployment and the host of social problems that result from joblessness. That is a noble cause and one which I wholeheartedly support.

☐ 1750

Mr. HAYES of Illinois. I thank the gentleman from Maryland for his support, and I certainly welcome it. I know I reflect the opinion of those who are out of work and who are looking for work.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Illinois. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman from Illinois yielding to me, and I would like to open my remarks by congratulating him for seizing the initiative in the 100th Congress by introducing H.R. 1398, the Quality of Life Action Act. I am proud to note to my colleagues that I am a cosponsor of that act as well.

The gentleman, in communicating with our office regarding his bill, noted on April 3, that the national unemployment rate has remained unchanged in recent months and is now at about 6.7 percent. As he rightfully pointed out in his communication, every one of those people who are out of work representing that 6.7 percent nationally is a tragedy on an individual basis. In the district I represent in northwest Indiana, however, the picture is much bleaker than the national statistics would indicate. During the last month our unemployment rate in essentially Lake and Porter Counties in Indiana was at 12.9 percent, and it represents 28,134 individuals who could not last month find work in northeast Indiana.

People in our area have taken solace in the unemployment rate at 12.9 percent, which is down from previous levels. But I remind those people, however, that between the years of 1980 and 1985 we lost 30,000 workers out of our work force, and they are simply gone. So to be proud of the fact that we have an unemployment rate of only 12.9 percent in northwest Indiana, just east of our neighbor's district, that is double the national average and is unconscionable. We must as a government face this problem and we must act.

I congratulate the gentleman not just for his introduction of H.R. 1398, but also for his extra efforts on the House Education and Labor Committee. It was during the past week that the gentleman offered an amendment to the Elementary and Secondary Education Act to improve the situation that we find ourselves in as far as those who are potential dropouts in our school system to ensure that everyone does have that equal chance for an education. And fundamentally, he also recognizes that aspect in his legislation that is before the House today.

We have in Gary, IN, high schools that will shortly be graduating approximately 3,000 students. This will now be the third graduation I have seen in Gary, IN. About 1,000 of those students will go on to college or to military service. Another thousand will potentially find some type of employment in northwest Indiana, albeit at a much lower wage rate than we have historically experienced in that area. But most importantly, approximately 1,000 of those young people, and I remind my colleagues that 98 percent of the Gary school system is nonwhite, are not going to find that first job come June. They are not going to find that first job come September, and they are going to be a drain not only on themselves and their self-respect, but on the entire community and on this Nation. We must act to solve this problem. We must act not just for those who are jobless, but also, as my colleague from Illinois, Mr. HAYES, has pointed on April 3, for those who are underemployed.

I had a conference in Washington, DC earlier today, and the question was raised about whether or not I supported the increase in the minimum wage. I said absolutely, I do. When you have 1.1 million people in the United States of America today who make the minimum wage and who live below the poverty level, that wage rate, that floor to protect the individuals in our society must be raised.

Mr. Speaker, these are some of the concerns that I bring to this House today. Again, I wish to congratulate my colleague from Illinois for this tireless efforts on behalf of those in our society less able to defend themselves, and I join him again in trying to push this legislation.

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentleman from Indiana for his support and the statistical data that he brought forth, which is very informative to me in regard to the state of the unemployment situation for last month in the State of Indiana, particularly in the Lake County area and northwestern Indiana area.

Mr. TRAFICANT. Mr. Speaker, I'd like to thank my colleague, Mr. HAYES, for calling this special order today to discuss the issue of unemployment—an issue which is of utmost concern to me and the area I represent, the 17th District of Ohio.

The issue of unemployment is one that my constituents and I are very familiar with. Since 1977, with the decline of the steel industry, the Youngstown-Warren area has lost over 55,000 jobs. Unfortunately, what was once known as the "Steel Capital" of the United States is now referred to as the "Rust Belt." Once-prospering communities are now fighting to survive.

The latest unemployment statistics show that some 7.85 million people are unemployed. According to the Bureau of Labor Statistics [BLS] the current national unemployment rate stands at 6.6 percent. In the 17th District of Ohio, the unemployment rate is estimated to be hovering at almost 8 percent. Our present administration takes pride in announcing that the national unemployment rate has been steadily decreasing. Unfortunately, this does not hold true for hard-hit industrial areas such as mine. A recent study prepared for the Joint Economic Committee entitled "The Great American Job Machine," reports that recent employment records are not as accurate as we might think. The study reports:

> The civilian labor force—the number of Americans who are working or who *want* to work—grew at an even faster pace than the rate of job growth. This has left the overall unemployment rate essentially unchanged while the absolute number of unemployed workers has increased by nearly one-half million. (pg. 2-3)

I have spoken at every opportunity on the floor of this House, urging my colleagues to take a look at our current economic condition—to take a look at the high unemployment numbers in my district and other hard-hit areas throughout the Midwest, and to join in an effort to reevaluate current economic/trade policies. We are in dire need of national policies which will retrain and assist our unemployed workers in finding jobs. I commend Mr. HAYES for introducing the Quality of Life Action Act of which I am an original cosponsor. This measure seeks to protect and improve the quality of life in the United States by expressing national policy goals for protecting and expanding American wages and income. It offers workable suggestions on how the United States should address the ever-growing problem of unemployment.

Like Mr. HAYES, I have spent a great deal of my time here in Congress on efforts which seek to protect American jobs. I am a firm believer in "Buy American," and have introduced several pieces of legislation which reflects this very theme. My Foreign Subsidiary Tax Equity Act, H.R. 606, would discourage domestic corporations from establishing foreign manufacturing subsidiaries; another bill I've introduced, H.R. 905, would allow a deduction for State and local sales taxes on the purchase of an American-made automobile; and my 65 percent domestic content bill, H.R. 943, would reinstate the investment tax credit and deny an investment tax credit and accelerated cost recovery for property made outside the United States having less than 65 percent U.S. content. In addition, I have introduced the Truth in Import Advertising Act, H.R. 1382, which would establish requirements for the labeling of consumer goods indicating the foreign and domestic content of these commodities. This bill would make it much easier for the American consumer to be aware of goods that are American made. I am also in the process of working on a jobs bill which I hope to introduce in the near future.

Unemployment is still a problem even if our present administration chooses not to recognize it as such. America needs this Congress to treat the issue of employment as a national priority. America needs this Congress to support retraining and education programs which will enable the unemployed to once again join the work force. America needs this Congress to support economic and trade policies which look out for American workers interests. I urge my colleagues to join Mr. HAYES and myself in our efforts which would help all those men and women across this country who are fighting unemployment. We must work together on these and other efforts which would ensure jobs security, and a decent standard of living for all.

Mr. MARTINEZ. Mr. Speaker, a little while ago, during a nationwide factfinding mission for the Employment Opportunities Subcommittee which I chair, I was walking down a main street in a business district. I passed by a group of five men who seemed happy enough as they smiled and laughed while warming their hands over a transcan blaze to combat the chill of night. I casually commented on the cold weather. What was offered in response was far more than I had bargained for.

Among these men were a machine operator of 9 years, a community college graduate who had become an odd-jobber, a cash register repairman, a kid 8 months out of high school, and a factory worker employed at minimun wage. They had the fortune of being equipped with both jackets and comraderie, to shield themselves from the elements. But there was something which they admitted not having; its absence was the reason, they asserted, for their being street based on such an inhospitable night. Most of these men had been employed full time 2 years ago; some did temporary work and others had permanent jobs. Due to circumstances and recent trends, one had been told that the position which he filled had been eliminated, as it became obsolete; the company where another had worked went belly up; one man was laid off indefinitely; the minimum wage worker could no longer pay his rent; and the high school graduate, who had so far only held a job making pizzas in a family pizzeria which went bankrupt, had not found a job since high school.

With brush strokes bleak on a canvas corroded, these men did paint a picture austere of urban life 6 years into the age of Reagan elitist-radicalism. Typically, the periphery of the tableau incorporates an image of an assembly line, toolbox, or some other apparition of production. This part of the illustration is spangled with color, and characterized by facial expressions of concentration and intrigue. Elsewhere in the outer cadres are depictions of loved ones: various combinations of spouses and children. Also occasionally present are sketches of small homes, small businesses, big cars. But eyes are ineluctably drawn to the cental figures in the paintings, under whose umbrage all lesser figures are besmirched. In some instances, this space is occupied by characterizations of a Wall Street corporate takeover or merger; in other cases it is a line around the block at the employment office; in still other cases it is a newspaper announcing price wars in which the oligopolies price the small businesses out of the market. But the commonalities are clear: the faces depicted with expressions of futility, frustration, defeat, deperation; the presence of other similarly situated; and the conspicuous absence of the Federal Government.

This group of men is by no means an aberration. As Members of Congress are recognizing with increasing frequency, many serious problems have been spawned from the sword of Reaganomics, and they impel imminent rectification. In the process of slashing away at the fat of the governmental body, the sword severed some muscles, and even punctured some of the vital organs. The predicaments faced by an overwhelming number of Americans vary from region to region; but the message—shouted by the young and old, men and women, descendents of all nations, educated and not—is shouted in unison.

Inherent in the economic system which we know and love is the risk that some individuals/companies who are better situated will avail themselves of the system's intricacies at the insidious expense of Americans who are less economically ambulatory. By receding into the coves of Government noninvolvement, the Reagan administration has absolved itself of responsibility for protecting the preponderance of Americans who do not have a warehouse of economic advantages. The risk has been actuated like never before in American history, as the middle class—the bastion of American society—continues to be polarized, toward wealth and, much more often, toward poverty. The cry is heard from every State for a Federal Government committed not to "the elite" but to the interests of the majority, for the basic of life: a place to live, decent food to eat, a job with a reasonable wage, et cetera. Employment restraining and placement programs would be similarly well received, by four of the five men who I met that evening, for example. The time when the Government wore earplugs has passed; the time when government dances to the popular song—and translates it into the language of legislation—has arrived.

A forward-looking approach to unemployment and underpaying is a significant first step toward assessing and ameliorating present economic conditions and their itinerant problems. For these reasons, I heartily encourage all Members of Congress to support H.R. 1398 and to offer additional responses to these unequivocal concerns.

Mr. DYMALLY. Mr. Speaker, I want to commend our colleagues, Mr. HAYES, for giving us the opportunity to reflect on the state of employment in this country. It was not many months ago wlhen this was a matter that was in the news every day. Now there is little notice in the media. But just because the press has turned its attention to other matters does not mean the problem has gone away. At the moment, unemployment in my district is not at an unprecedented high, and for that I am deeply thankful. But there are still more than 16,000 people out of work and actively seeking employment in my district. Sixteen thousand people. Statistically that comes to 5.6 percent of the work force. Of course it does not count those who have become so discouraged in their search for work that they have given up. It does not count those who once had full-time jobs and now have had to settle for part-time work, or for work that is less well paying than the jobs they formerly held.

While there has been a recovery on the coasts, there are still many areas of this country where people are devastated by unemployment. We must not allow ourselves to become complacent about the issue. The problems attendant on unemployment, problems such as the need to retrain, the need to see that the unemployed have what they need while they seek employment, the need to take care of the homeless and get those who are able to work back into the work force—those problems are still with us.

We have not dealt with the challenge to set up a training and retraining progam that will rountinely help us to cope with the changes in the job market. And until we face that problem, we are going to have distortions in the market: labor surpluses in some areas, labor shortages in others, people out of work, and jobs going begging. Congressman HAYES has shown leadership in this area not simply by calling this special order but by introducing legislation to deal with the constellation of problems attendant on unemployment. We are building into our Nation's human structure a permanent class of the dispossessed. That is not only cruel in this Nation of plenty: it is stupid. The health of the country itself is dependent on the health of those individuals who make us the country. And economic health is every bit as important as physical health. To the extent that we do not deal with the unemployment issue, to that extent are we weakening the fiber of the country. We should address this issue responsibly and with a good deal of investigation and thought. It is not a simple problem to solve, but it is necessary, nevertheless, that we move toward a solution, and that we do it now.

Mr. HAYES of Illinois. Mr. Speaker, this concludes my analysis of the situation and my expression of the need for action. I would like to try to, and so would many others, impress upon what I know to be the most powerful legislative body in the whole world, 435 Members of this House of Representatives combined with 100 Members of the other body, totaling 535 persons, mostly men who could do something about this situation. I suggest that we need to change our priorities and begin to think about human life, think about the families, the little kids who suffer as a result of their parents, and some of them are single parents, not having a job.

We cannot afford to sit idly by and let the most important resource of our society just go down to nothing. We must fight against poverty, which is on the rise.

I see some boasting about the number of millionaires that are increasing today. But let me tell my colleagues, when you talk about the number of millionaires that are growing in our society, the number of people who are living in poverty is increasing in much greater numbers.

I would like to say in closing, Mr. Speaker, I appreciate the support that I have gotten from my colleagues who are cosponsors and those who have spoken here today in support of H.R. 1398. I want to see us drive forward and make this dream of a full employment legislation a living reality before this Congress adjourns.

GENERAL LEAVE

Mr. HAYES of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 782

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 782.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

[Mr. LUNGREN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 60 minutes.

[Mr. **PEASE** addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1800

THE URGENT SITUATION AT BOSTON CENTER

The **SPEAKER** pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from New York [Mr. MOLINARI] is recognized for 60 minutes.

Mr. MOLINARI. Mr. Speaker, I rise today to address a matter that I think is extremely important to this country and becoming more urgent as the days go by.

Today our subcommittee, the Subcommittee on Investigation and Oversight of the Committee on Public Works and Transportation held hearings on aviation and aviation safety. We had the Administrator of FAA, the Federal Aviation Administration, Mr. Engen, appear before us.

While he did admit there were some minor problems in the system, he painted a picture that our air traffic control system in this country is good today and, as a matter of fact, better than it ever has been. Nothing could be further than the true state of affairs that I found in traveling around the country.

Mr. Speaker, I have visited many facilities in the Nation over the past several years and at every facility I have heard men and women working in the system tell me of problems that they are facing. There is one facility that I was asked to go to time and time again, that was Boston Center. I am going to address primarily the situation at Boston Center tonight, but I do not mean to suggest that it is unique, the problems there are unique to Boston Center. In some cases I think they are a little worse. But for a number of months the controllers and supervisors, the airways system specialists and others, have asked Chairman OBERSTAR and me to visit Boston Center. For the sake of those viewing or reading this special order, you should know that Boston Center is actually located in Nashua, NH. We planned to visit Boston Center last December. Unfortunately, our schedules were such that we were not able to do so.

A couple of weeks ago I finally was able to make the trip myself. The day before I went I contacted the Federal Aviation Administration. I spoke to the Regional Administrator, Robert Wittington, and I offered to him that we hold a meeting, an all-hands meeting. That is, a meeting where everybody can attend who is available and they can speak what is on their mind, no holds barred.

To his credit Mr. Wittington was kind enough to accommodate my request.

I arrived at the Center the next morning at 8:30 a.m. and for the first hour or so I put on a headset and plugged in to some of the sectors that were described as problem areas. Even though I got there shortly after the morning rush was over, I observed a number of controllers very, very busy. They readily shared their concerns with me and explained to me the technical difficulties that they encountered in working these areas.

After touring the entire facility, we began our all-hands meeting with Robert Wittington, the Regional Administrator, and Acting Deputy Administrator of FAA as of late, Richard Hough, manager of the facility and other management personnel.

Over 150 people attended, controllers, supervisors, airway system specialists. And they are the skilled technicians responsible for repairing the outdated computers, radio equipment, and other equipment. Also, a number of other FAA employees were also present.

That session lasted 2½ hours and the only reason it stopped after 2½ hours was that I stopped it, because I wanted to try to get some promises from the management personnel that they would deal with the human problems that existed at Boston Center before we had a tragedy on our hands.

Last year I made a similar visit to New York Center and there again I spent the entire day from 8:30 in the morning until 5:30 at night. But unlike New York Center, there was not one single person that got up during the entire day and defended the management personnel at Boston Center. Also, there was not one single person who raised their voice in anger. I was amazed at that. They were very articulate, they were very concerned, and in many cases very disturbed. Some of the major complaints that they raised that day were: No. 1, low staffing, especially because of the transfer of a large amount of complex airspace from New York Center. And, No. 2, a severely inadequate training before the transfer of New York Center's airspace and particularly before the implementation of the expanded east coast plan.

No. 3, controllers required to one-hold sectors, that is to work sectors that are manned by only one controller rather than two as has been the custom over the years. No. 4, management of the facility does not have the final say on running the Center. The region is perceived as having a firm grip on the operations at the Center.

No. 5, a common complaint, management style is not responsive to controller needs. Controllers believe that management lacks respect and trust of their views.

No. 6, something that FAA knows about, that of all the centers in the country, Boston Center ranks next to last with regard to morale.

No. 7, a very serious and increasingly serious problem, equipment breakdown.

Now, what makes this matter extremely urgent is the fact that right now we are off-season. We are off-season and yet at Boston Center people are working forced overtime, 6 day weeks, and they are working with their radar scopes full. And, Mr. Speaker, as we approach the summer season, when we know that travel is going to increase substantially, controller after controller after controllers said, "Are we going to be able to handle the workload? How can we do it? We cannot do it now. How are we going to be able to do it then?"

I have relayed their concerns by letter as soon as I came back, to Administrator Admiral Engen, and so far I have not received a response. The fact is I do not expect to receive any miracle responses whatsoever.

The attitude of FAA is something bewildering. I have raised similar complaints for a number of years and yet the only response I have received from Admiral Engen and Secretary Elizabeth Dole is that the system is fine, the morale is fine and whatever problems exist in the system are being remedied. Since the strike occurred in 1981, we have come full circle; Morale is probably lower today than it was before the strike, staffing levels are much lower, while air traffic has dramatically increased. And, yes, a new union is in formation. We have read, I am sure, those of us interested in aviation, that the new union understandably and commendably has taken a new strike pledge. Additional wages is not one of their goals.

Why then have over 6,200 controllers petitioned for a new union? They have said they will not strike and they said they are not looking for money. There is only one answer. The answer is the work environment.

Unless FAA and the Department of Transportation recognize that there are serious problems in the system that need to be addressed now, we are heading for trouble. FAA and others may not like to hear it, but the system is indeed in crisis.

Mr. Speaker, at this time I would like to read for the RECORD, several excerpts that I have received in letters from some of the controllers who were there at Boston Center. This controller—and I am not going to mention any controller's names, for obvious reasons, but because if I were to do so you can bet that each and every one of them would be in trouble tomorrow.

This controller talked about the serious problem that occurred last year when they transferred a very large and complex bit of airspace from New York Center to Boston Center. That airspace was creating very serious problems for the controllers and others at New York Center. What did FAA do? They took the airspace and transferred it from New York Center over to Boston Center. That is their way of solving a problem. What happended? The problem that existed at New York Center disappeared, obviously, and then the problem appeared in Boston Center.

□ 1810

Here is what this controller said:

The relocation of this highly complex slice of this Nation's controlled air space to Boston ARTCC in the middle of the summer season is but a classic example of the FAA's Air Traffic Division's ignorance which bounders upon severe resentment toward all controllers and of the demands required to provide the services of safe, expeditious and orderly flow of air traffic into and out of the New York metropolitan area.

It is my sincere belief that the reason for the airspace transfer was to prevent you, Mr. MOLINARI, from forcing the FAA to rehire some of the "fired" controllers. The FAA's willingness to transfer this airspace, which I consider among the most complex in the Nation today, in the busiest traffic period of the year, with the shortest period of training, is proof positive of my theory that the FAA has done and will continue to do anything and I mean anything, to prevent the rehiring of those men and women, whose employment was terminated by President Reagan for participating in a illegal strike in August 1981.

Why would the agency, who is alleged to be the beacon and advocate of Aviation Safety in this great Nation, willingly participate in such a fraudulent activity against the very people they swear to protect, you ask? Because of pure and simple pride, that is in this case.

Mr. Speaker, I will jump down to a later portion of that same letter:

Today, for some strange reason, the workforce is complaining of the same workplace conditions, which were present and led to the strike of 1981. Who have not learned from the strike of 1981? The same managers who were equally responsible for the "job action." The euphoria of crushing those they resented, along with the pride of actually crushing them, have brought us to the point we are today. Namely, that the Air Traffic Division of the FAA will do anything to prevent those resented few from returning to the workplace. Sounds strangely like the conditions that prevailed at Morton Thialkol or in the NSA offices does it not?

With all this false pride and total "stonewalling" to never rehire, the money that the FAA has spent to replace the fired controllers has been outrageous. It is not difficult to understand why essential equipment has not been able to be maintained properly.

I jump now to another letter that I received, Mr. Speaker. It is a little technical and I will try to slowly explain it:

DEAR SIR: The following is a factual depiction of the events that occurred at the Boston Center on Wednesday April 1, 1987 beginning at 6:00 pm.

A DR (discrepancy report) was turned in by the controller at sector 5 which stated that the space bar on the Alphanumeric Key Board was sticking. AF (Airways Facilities) came to replace the keyboard but had to shut the PVD (Plan View Display [Radar Scope]) off. Traffic at the time was light to moderate and the Radar Controller was forced to look over the shoulder of the Radar Controller at Sector 6. After AF had replaced the ANK (Alphanumeric Keyboard) and turned the PVD back on, they found the RCRD (Radar Computer Readout Display) was now inoperative. AF then went down stairs and brought up another PVD (Radar Scope). The controller at Sector 5 is still looking over the shoulder of the Controller at Sector 6. This second Radar Scope that AF has just brought up is totally inoperative and a third Radar Scope is now brought up and put in place. Time now is 6:40 pm.

At 7:24 pm another DR is put in for the Radar Scope at Sector 5. This third Radar Scope's brightness intensity keeps changing and will not focus properly. A fourth Radar Scope is brought up and put in place. The Sector 5 Controller again looks over the shoulder of the Controller at Sector 6. After installation the fourth Radar Scope the Sector 5 Radar Controller reports that the RCRD is crooked but asked that nothing be done about it until the midnight shift when traffic is low, and says he can live with the problem.

At 8:50 pm Controller at Sector 5 reports Radar Scope Track Ball Home Key Cap is broken, another DR is turned in. Traffic at this time is moderate to heavy. Since this key is not a heavily used function key AF waits until traffic dies down to make repairs.

This is just what happened on one particular day with respect to the equipment at that center, and it shows the strain that exists, not only among the controllers who are there to try to protect the lives of the many thousands passing through, but also themselves. They are the ones who are faced with the problem.

Another letter, Mr. Speaker:

As a controller at the Boston Center I want you to know that I exceptionally appreciated your hectic visit last Friday. I realize that a Congressman's schedule is demanding.

Et cetera.

It is unfortunate that the situation at my facility was allowed to deteriorate to the point where a Congressman's intervention was required to bring together controllers and management.

That is rather shocking. Why should it take a Member of Congress to go to a facility to say to management, and the men and women in the trenches, let us get together and talk over your problems?

The GAO attitude survey was published over one year ago yet Messrs. Engen, Whittington, Lucas and Caudle have never once directly addressed the Boston Center controllers, or their grievances, even though we place dead last for morale. If nothing else your visit precipitated an opportunity for controllers to finally express their total frustration directly to top management.

This controller then took a rather dramatic step. He filed a UCR, an unsatisfactory condition report. That takes some courage because he is on record as claiming that the situation there with respect to training is inadequate and compromised matters at the facility.

Now, one last letter from a controller.

DEAR CONGRESSMAN MOLINARI: Thank you for visiting the Boston Air Traffic Control Center recently. Although met by skepticism initially, by some in the facility, it was quickly overcome after your opening remarks explaining your non-partisan stand on the issue of air safety in the air traffic control system.

The workforce appreciated you and your staff assistant, Mr. Dizard, sitting at the positions with headsets on, listening and watching the New York metropolitan area operation that Boston took over from New York Center last July 12.

I was impressed with the way my colleagues stated the issues with you, regarding Boston, using logic and without the histrionics frequently accompanying poor working conditions.

There are some major points that I would like, to key in on, Congressman MOLINARI, that highlight Boston Air Traffic Center's problems, which are serious, but more than that focus on the entire system and are straining the safety of the system, nationally.

"Boston Center's staffing level for controllers (full performance level and trainees) is just barely over 200, of which just over 150 are FPL. Our authorized compliment of controllers is just over 300."

At a center like that, where they were authorized to have 300, we are being told by this controller that they have but 200 working there, and of the 200, only 150 are full performance level.

We need 320 controllers to conduct routine business on a 5-day workweek in the control room, conduct staff business and to allow our Human Relations Committee and Facility Advisory Board members to make meetings regularly. This is not the case due to control room staffing requirements and all the members can't attend are frequently without a quorum for the participative management process.

This facility has been operating in a crisis management atmosphere for 5½ years; always working with minima or below minima, working sectors normally requiring 2 controllers per position but manned by one controller.

Overtime has always been used for the past 5½ years but has increased dramatically since July 12, 1986, when control sectors at New York were transferred to Boston.

We have retirements coming up which will further exacerbate the staffing problem.

Overtime is still required to run the operation but the fact remains that we need 100 more * * * full performance level controllers now.

□ 1820

On another question of controversy, Mr. Speaker, this gentleman recites as follows: "Boston Center has over 35 full performance level controllers rehired after the strike * * *."

These were people who claimed to have been on strike, and they were rehired. He says they were "working elbow to elbow with those who stayed on during the strike and those who were hired afterward. It's business as usual and no abrasiveness of either side."

He said: "I totally support a selective rehiring of controllers. They would be able to recertify in a minimum time"—anywhere from 4 to 6 months—"as opposed to 2 to 4 years for a new hire."

"The time has come," this man says, "for compassion by the President and the Congress. People make mistakes including the President but neither side can be accused of not being fine citizens. Enough time has passed, the point has been made that striking cannot be tolerated. Our air traffic system is in crisis, needs immediate bolstering of low experienced levels by a selective rehire."

I am going to try to abbreviate the remainder of my statement, Mr. Speaker, because I know there is another gentleman wishing to speak.

This man talks briefly about delays and the fact that at Boston Center they are now being asked to put planes into the air and to put them in circles, to circle, because their destination is not ready to receive them.

This runs exactly contrary to what FAA has been telling us all along, that they have full control, meaning that they hold the planes on the ground if they are going to have a delay. It is safer, they told us, to keep them on the ground. When you send them into the skies, you will have no delays until they get to the point of destination.

Now, in order to reduce that number of delays that is ever increasing, what are they doing? They are shooting the planes up into the air and putting them into circles. Those of us who fly frequently, I am sure, have had the experience of knowing that for some reason in many cases—and in most cases we do not know why—we are circling and circling and circling. This is one of the reasons why we are doing that.

He said, "If you combine Boston with the others who are experiencing similar difficulties around the Nation, one can see that logic and the law of averages increases the chance of safety compromises."

Mr. Speaker, I could read excerpts from some more letters, but I would choose not to do so. The men and women at Boston Center have appealed for help. They have been appealing for help for 5½ years, and the appeal for help comes not only from those who stayed on after the strike but from the new hires, the new people there. They are doing a wonderful job. They are dedicated men and women, and they deserve a lot of credit and a lot of praise for what they are doing.

But there comes a point when the human system can only take so much, when you are working 6 days a week and you have some problems at home or you are not feeling well and your morale starts to suffer. You start to experience burnout and fatigue.

That is what concerns me because that is the time when the performance of that controller might be off.

And in addition, Mr. Speaker, we looked at all the midair collisions that we have had in the country. There is always a great deal of publicity on them. We had a couple of crashes yesterday. We hear the ugly news about the loss of life and that investigations have commenced, and invariably after the investigation is concluded there will be a report, and the report will say that the accident was due to the fault of the controller, or the report will say the accident was due to the fault of the pilot, or it will say that the accident was due to a lack of communication, or that the accident was due to weather conditions. Never once have we ever heard of an accident that has been described to the management of FAA, because they are the ones who make the determination.

I strongly suggest that if we in Congress sit back and allow this to continue, there will be accidents, and there will be losses of lives that we might be able to save, and that will be the fault of the FAA management in Washington.

The men and women out there at Boston Center and elsewhere are asking for our help. In some cases they are pleading for it. I think it is time we responded.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DUCKS UNLIMITED 50TH YEAR COMMEMORATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. STANGELAND] is recognized for 15 minutes.

Mr. STANGELAND. Mr. Speaker, today I and 224 of our colleagues have introduced a resolution to commemorate one of this country's most outstanding wetlands conservation organization, Ducks Unlimited [DU]. As a longtime member and sponsor of Ducks Unlimited, I am particularly pleased that we are able to pay tribute to DU in this manner.

In their own right, each of the Members who have signed on as a cosponsor should be recognized as an original sponsor because DU's success has resulted from the cumulative efforts of more than 600,000 individuals throughout the North American Continent.

Wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish, wildlife, and plant resources and thus to the health, safety, recreation, and economic well-being of all citizens.

Our Federal Government, the governments of our 50 States, and the Governments of Canada and Mexico individually or collectively cannot adequately protect these valuable wetlands.

For more than 50 years, members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to conserve wetlands habitat.

With this resolution, we the Congress, would like to salute DU for their outstanding achievements and wish them every success in the years to come.

Mr. DAVIS of Michigan. Mr. Speaker, it gives me great pleasure to join with more than half of my colleagues today in introducing a House concurrent resolution congratulating Ducks Unlimited, Inc., on its 50th anniversary.

Begun January 29, 1937, by sportsmen who recognized that waterfowl populations were being drastically impacted by the loss of important habitat, the organization is now one of the most successful private wetlands and waterfowl conservation groups in the world. They have raised nearly $400,000,000 and have conserved more than 4,000,000 acres of wetlands throughout North America. Their work continues today, through projects in important waterfowl areas throughout the United States and Canada, and through active participation with the Canadian and United States fish and wildlife agencies in the development and implementation of the North American waterfowl plan.

Ducks Unlimited, which has chapters in almost all of our districts, is a foremost example of a group of individuals banding together to effectively act to restore and rehabilitate an important natural resource. While most of the members are primarily, although not solely, interested in waterfowl hunting, benefits accrue to all of us through the preservation of our rapidly decreasing wetlands. In addition to providing waterfowl habitat, wetlands also make material contributions to our national economy, food supply, water quality and supply, and to the reduction of flood damage.

In recognition of this half a century of outstanding effort, we have introduced this concurrent resolution in hopes of passage prior to the Ducks Unlimited Annual Convention to be held in early May.

Mr. Speaker, we hope that the remainder of our colleagues will join with us in passing this worthwhile resolution.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the House concurrent resolution which was introduced today to recognize and congratulate Ducks Unlimited, Inc., on its 50th anniversary as one of the largest and most successful private wetlands and waterfowl conservation organizations in the world. It is a privilege to be an original cosponsor of this resolution which seeks to honor an organization which has exhibited such spirited, farsighted and disciplined commitment throughout the past 50 years.

Mr. Speaker, on January 29, 1937, a unique group of U.S. conservationists, who had watched North America's waterfowl populations decrease rapidly during the drought of the early 1930's, banded together to ensure the future of wild ducks and geese. Their mission was genuine and resolute: To raise money for developing, preserving, restoring, and maintaining the waterfowl habitat of the North American Continent. Today Ducks Unlimited [DU] stands as the world's most effective protector of wetlands for wildlife having raised nearly $400 million, conserved more than 4 million acres of wetlands habitat, constructed over 3,000 wetlands projects, and carved out more than 15,000 miles of nesting shoreline.

The list of milestone projects engineered by DU is impressive beginning in 1938 when the organization constructed two wooden dams on a 27,000-acre wetland known as Big Grass Marsh in south-central Manitoba. Since that time, the legacy and dedication of DU has remained steadfast. In 1970 DU established a Mexican affiliate; in 1975 DU began large-scale work on the 500,000-acre Cumberland Marsh; in 1984 DU launched its U.S. habitat improvement program which has since completed 54 wetlands projects in prime waterfowl production States with 14 more projects currently in the balance; and in 1985 the organization entered into a cooperative venture with NASA's Landsat V satellite inventory of some 60 million wetland acres. However, no one individual can be singled out for credit for the past accomplishments of DU. Rather, the successes of the organization are the collective result of some 600,000 members, volunteers, and staff who have generously given of their time, energy, and financial resources to achieve outstanding conservation objectives. I, along with many Members of Congress, am proud to number among those 600,000-plus members.

Mr. Speaker, the wetlands of the North American Continent play an integral role in maintaining the environmental quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish and wildlife resources. However, wetlands occupy only a small percentage of the land area of North America and that area is shrinking at the alarming rate of over 700,000 acres per year. To help conserve dwindling wetlands habitat, governments find themselves relying more and more on the human and financial resources of private conservation organizations. It is organizations like Ducks Unlimited which have answered this challenge and have worked diligently for the past 50 years to protect and enhance wetlands and waterfowl habitats.

Mr. Speaker, I urge my distinguished colleagues to join with me today in cosponsoring this resolution saluting the 50th anniversary of Ducks Unlimited and its pioneering leadership in waterfowl conservation programs both in this country and abroad. I look forward to their future presence in the field of conservation and their continued guidance to us in Congress in formulating policy decisions concerning the management of critical wetlands habitat.

Mr. SHAW. Mr. Speaker, I am pleased to join with Congressman ARLAN STANGELAND and the other 223 cosponsors of House Concurrent Resolution 106, which commemorates Ducks Unlimited for their 50 years of wetland conservation efforts. As a member and sponsor of DU, this is truly a fitting tribute by which we can acknowledge their outstanding work.

On January 29, 1937, a group of conservation oriented sportsmen banded together, here in Washington, DC, to found what is now one of the Nation's premiere conservation organization.

The goal of this organization was to establish a continentwide waterfowl conservation program. At that time, though, I am sure that these individuals had little idea of how successful and important Ducks Unlimited would become in preserving wetlands habitat.

From a humble beginning, of but a handful of people, DU now has a membership of nearly 600,000. These 600,000 are volunteers who generously give their time, energy, and financial resources to achieve the outstanding conservation objectives of this exemplary organization.

Entering its 50th year, DU has raised and invested nearly $400 million to conserve more than 4 million acres of wetlands in the United States, Canada, and Mexico.

In addition, DU's pioneering leadership in scientific research and management practices have been adopted by public and private land and game managers throughout North America and in other parts of the world.

Governments alone cannot adequately protect valuable wetlands without help from private organizations. Ducks Unlimited has established and maintained a singleness of purpose for the protection and enhancement of wetlands and waterfowl habitats that is the standard of other similar organizations.

It gives me great pleasure to support this resolution. I would hope, Mr. Speaker, that we could make the passage of this resolution a top priority in the Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 15 minutes.

[Mr. WYDEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 15 minutes.

[Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPEAL OF THE NATIONAL ENDOWMENT FOR DEMOCRACY ACT

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, with its four core grantees, the National Endowment for Democracy is coming up for reauthorization very shortly. The four core grantees, I would remind my colleagues, consist of the AFL-CIO, the International Democrat and Republican Institute, respectively, and the chamber of commerce. They are very complicated-sounding names, which all leads to the reality that the National Endowment for Democracy, whatever it is, is operating globally in over 70 countries in the world, and its potential for good is far outweighed by the actual record that they have compiled over the last several years.

We are now going to evaluate whether there is a political and budgetary justification to continue the National Endowment for Democracy, whether on grounds of political and fiscal pragmatism this organization makes sense.

The National Endowment for Democracy in some circles is referred to as the Taxpayers' Funding for Foreign Elections Act. In other words, it allows at taxpayer expense for the United States through these organizations within the National Endowment for Democracy to meddle in other people's foreign elections. And it has meddled in several foreign elections to our disadvantage. It continues to engage in political advocacy, frequently embarrassing this Government and the State Department in the process. It is an indefensible use of the taxpayers' money, and is even more so in this era of Gramm-Rudman-Hollings.

Of course, the National Endowment for Democracy maintains that its activities are necessary to promote democratic institutions, and that it does not interfere with the political activities in other countries in which they are guests. But it has already secretly supported a political organization in France, one of the world's oldest democracies, by actively opposing there the governing party of President Mitterrand. President Mitterrand was not informed that the U.S. taxpayers had funded his political opponent's group, and that the group had publicized ties to at least one outlawed terrorist organization.

In another extraordinary activity, the National Endowment for Democracy was funding an organization advocating support of Contra funding in American newspaper advertisements.

□ 1830

Taxpayer money used to advise the Members of the House of Representatives how to vote on a Contra aid bill, advocating a pro-Contra position opposed overwhelmingly by a majority of Americans for the last several years. What a lesson in the ideals of democracy.

The organization known as Prodemca argued that none of the moneys went to the advertisements, but the arguments were unconvincing. Funds are fungible, as we all know and its as simple as that.

Prodemca also used National Endowment moneys to fund the Nicaraguan opposition newspaper, La Prensa in Nicaragua. In other words, here again we are directly intervening into a political dispute with counterproductive results in terms of promoting democratic reform. This time it is in a war-torn land over which there is so much debate in this country.

NED's activities certainly did not enhance free speech in Nicaragua. Rather, the publicized National Endowment for Democracy connection and the ineptitude with which it was administered gave the Nicaraguan Government the excuse that it sorely needed to close the opposition newspaper. So, democracy lost there, it suffered a serious blow at the hands of the Endowment.

Other National Endowment for Democracy activities have included the support of a military-backed candidate in Panama in the Presidential election, the closest one ever. Yes, you heard me correctly, the National Endowment for Democracy, federally funded, was involved in supporting a military-backed candidate in 1984 in the nation of Panama provoking protests from the American Ambassador in Panama.

NED also supports the ADN Party in Bolivia. It supports the Conservative Party in Colombia. It has operations in democracies like Portugal. It has political action committees in El Salvador, and a wide range of international organizations with very ideological and political agendas.

The publication of the relationship of the National Endowment for Democracy and organizations it funds, has been, to put it mildly, very embarrassing over the last several years.

The GAO finding that the National Endowment for Democracy has been funding the National Political Party Institutes in violation of congressional law was disturbing and shocking to a number of congressional Members of both political parties in this country as was the revelation that the National Endowment appeared to support in the Philippines a labor union created by the former dictator there, the deposed President Ferdinand Marcos.

The list of travesties goes on and on. All activities being carried on to support democratic transitions to open closed societies covers the nature of the activities that this money is being used for. Federal money; taxpayers' money.

Ninety percent of the National Endowment funds incredibly go to organizations who are represented by members of the board. In other words, it is a highly incestuous relationship—more democractic idealism. The people on the board give the money to each of the organizations that they are related to.

Is this necessary, even assuming that these purposes are worthy? The fact of the matter is it is not because private citizens donate far more than is federally given to NED for many purposes of promoting democracy that are far less controversial. Private citizens have spent over $1.5 billion last year through various public and private organizations to promote democracy in organizations around the world, which is a perfectly valid right an activity to be encouraged and within the scope of this law provided there is no military support in any way. But what we have here is incredible meddling and politicizing through an organization funded through the taxpayers that further brings into question the Constitution and its provisions governing administration of American foreign policy. How and why it came into being is a matter for future consideration.

The National Endowment of Democracy has appealing euphemisms for meddling when they move into foreign countries. Countries are in crisis like France, for instance or they are trying to sustain democratic possibilities in Portugal for example, or they are supporting democratic transitions; in Panama maybe? They are attempting to strengthen these new democracies. They are encouraging workers to be in labor unions. The list of descriptions, all flattering and supportable on their face, goes on and on.

But the truth is that they are really foreign political intervention paid for by our taxpayers without appropriate congressional oversight. And just as frequently without serious congressional approval.

To me, the National Endowment for Democracy is suspect and questionable, exactly because they have funded organizations like Prodemca, Friends of the Democratic Center in Central America, which is one of Marine Colonel North's conduits to the Contras.

Founded by Contra leader Arturo Cruz and Penn Kemble, Prodemca is also funded by Carl Channell's National Endowment for the Preservation of Liberty, one of Oliver North's fundraising organizations for the Contras.

Mr. Kemble and his sister, Eugenia, who runs the Free Trade Union Institute, the AFL-CIO's national endowment grantee organization, were amount the early supporters of Project Democracy, another operation officially launched by President Reagan's National Security Directive numbered 77 that led directly to the National Security Council's covert activities that have frequently proved illegal in both Iran and Nicaragua.

In other words, so much has happened since the last time that the House funded the National Endowment for Democracy, that we will now have to very carefully go through the relationship of many of these support organizations, arms, cover organizations, conduits, for organizations funded by the National Endowment for Democracy. This is a whole new ball game. To that end, I have accepted the invitation of the chairman of the Foreign Operations Subcommittee on the Foreign Affairs Committee, the Honorable Dan Mica, to meet with him to see if we can sort out some of these activities and see if he is going to continue his commitment to come down hard on NED if they have violated their charter.

Those were the assurances that I got after last year's vote and still new revelations have been discovered since then, and so I look forward to meeting with the chairman of the subcommittee who has this jurisdiction.

□ 1840

Now, the amendment that I offered last year to abolish the National Endowment for Democracy received a very healthy vote. It carried before in fiscal year 1985. At that time the issue was the intervention of the National Endowment for Democracy in foreign election processes in Panama, and other activities involving, political parties and their affiliated organizations. Its relationship to the ADN Party in Bolivia, the Conservative Party in Colombia, the Center for Political Studies in Guatemala and others have all been also questioned.

The issue is still the U.S. Government's foreign policy being made and implemented by the National Endowment for Democracy, its surrogates, its overt and covert funding grantees and recipients of funds through a number of networks and mechanisms, and the Iran-Contra scandal should remind us of the danger of that. And the scope of the National Endowment for Democracy's foreign activities is much broader than tampering in foreign elections. This is the fourth year of its operation, and as far as I can tell from the information that has come to my attention, it has been 4 years too long.

The National Endowment for Democracy's mission characterized once by President Reagan as being bold and difficult, in reality should be classified as illegal and prone to misadventures and mischief, with the inevitable embarrassing international repercussions that have occurred.

I am confident that the Members of the House will be following very carefully with me the new information about the Contra-Iran connection that the National Endowment has had with the funding illegally and covertly of the Contras publicly and privately and other related matters.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. Spratt] is recognized for 10 minutes.

[Mr. SPRATT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

APPOINTMENT AS ADDITIONAL MEMBER TO THE SELECT COMMITTEE ON HUNGER

The SPEAKER pro tempore (Mr. Gray of Illinois). Without objection, and pursuant to section 103 of House Resolution 26 of the 100th Congress and the order of the House of January 22, 1987, the Chair appoints as an additional member to the Select Committee on Hunger the gentleman from Colorado [Mr. Brown].

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 44 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1950

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Gray of Illinois) at 7:55 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 103. Concurrent Resolution 103 providing for a conditional adjournment of the House from April 9 to April 21, 1987, and a conditional adjournment of the Senate from April 9, 10, or 11 to April 21, 1987.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Madigan (at the request of Mr. Michel), for today between the hours of 12 noon and 3 p.m., on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Slaughter of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. Stangeland, for 15 minutes, today.

Mr. Sundquist, for 5 minutes, today.

Mr. Hammerschmidt, for 5 minutes, today.

Mr. Gingrich, for 5 minutes, today.

Mr. Hunter, for 15 minutes, today.

Mr. Pashayan, for 60 minutes, on April 23.

(The following Members (at the request of Mr. Jontz) to revise and extend their remarks and include extraneous material:)

Mr. Alexander, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Eckart, for 5 minutes, today.

Mr. Dixon, for 5 minutes, today.

Mr. Wyden, for 15 minutes, today.

Mr. Spratt, for 10 minutes, today.

Mr. Hall of Ohio, for 5 minutes, today.

Mr. Conyers, for 30 minutes, today.

(The following Members (at the request of Mr. Molinari) to revise and extend their remarks and include extraneous material:)

Mr. Lungren, for 5 minutes, on April 23.

Mr. Lungren, for 60 minutes, on April 28.

Mr. Lungren, for 60 minutes, on April 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Stokes, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,621.

Mr. Konnyu, in the Committee of the Whole today immediately preceding vote on House Concurrent Resolution 93.

Mr. Weldon, in the Committee of the Whole today immediately following vote on Dannemeyer amendment.

(The following Members (at the request of Ms. Slaughter of New York) and to include extraneous matter:)

Mr. Shumway in three instances.

Mrs. Roukema in four instances.

Mr. Gilman in two instances.

Mrs. Johnson of Connecticut.

Mr. Badham.

Mr. Inhofe.

Mr. Burton of Indiana.

Mr. Spence.

Mr. Young of Alaska.

Mr. DeWine.

Mr. Dreier of California.

Mr. Konnyu.

Mr. Tauke in three instances.

Mr. Gekas in two instances.

Mr. Coats.

Mr. Herger.

Mr. Kolbe in two instances.

Mr. Rowland of Connecticut.

Mr. Coble.

Mr. Gunderson.

Mr. Porter.

The following Members (at the request of Mr. Jontz) and to include extraneous matter:)

Mr. Lehman of Florida.

Mr. Dwyer of New Jersey in two instances.

Mr. Beilenson.

Mr. Vento.

Mr. Murphy.

Mr. Torres in three instances.

Mr. Martinez.

Mr. Kanjorski.

Mr. Lowry of Washington.

Mr. Kostmayer.

Mr. Panetta in three instances.

Mr. Lantos.

Mr. Coelho.

Mr. Traficant.

Mr. Chappell.

Mr. Udall.

Mr. Stokes.

Mr. Roybal.

Mr. Mazzoli.

Mr. Markey.

Mr. McMillen of Maryland.

Mr. Murtha in two instances.

Mr. Ackerman.

Mr. Florio.

Mr. Edwards of California.

Mr. Stallings.

Mr. Kildee.

Mr. Downey of New York.

Mr. Smith of Florida in two instances.

Mr. Bonker in two instances.

Mr. Waxman.

Mr. Nichols.

Mr. Ford of Michigan.

Mr. Gunderson.

Mr. Studds.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1783. An act to make technical corrections in certain defense-related laws.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 200. Joint resolution designating April 10, 1987, as "Education Day U.S.A."

ADJOURNMENT

Mr. UPTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 103 of the 100th Congress, the House stands adjourned until 12 noon on Tuesday, April 21, 1987.

Thereupon (at 7 o'clock and 56 minutes p.m.) pursuant to House Concurrent Resolution 103, the House adjourned until Tuesday, April 21, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1135. A letter from the Chief, Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that on April 10, 1987, the Department intends to file a Draft Environmental Impact Statement [DEIS] with the Environmental Protection Agency on the proposed final deployment of the Ground Wave Emergency Network [GWEN], pursuant to Public Law 99-145, section 209(c) (99 Stat. 610); to the Committee on Armed Services.

1136. A letter from the Secretary of Education, transmitting a copy of final regulations for the Endowment Challenge Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1137. A letter from the Acting Director, Defense Security Assistance Agency; transmitting a listing of the defense articles and services provided to Chad by the Department of Defense as of April 3, 1987, under the authority of Presidential Determination 87-5, dated December 16, 1986 (Ex. Com. No. 88), pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1138. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's annual report of its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1139. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's annual report of its compliance with the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(j); to theCommittee on Government Operations.

1140. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's annual report of its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1141. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide an appropriate retirement system for certain judges and magistrates, and for other purposes; to the Committee on the Judiciary.

1142. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIXON: Committee on Standards of Official Conduct. A report on the investigation of financial transactions participated in and gifts of transportation accepted by Representative Fernand J. St Germain (Rept. 100-46). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. A report on the violation of the Truth In Negotiations Act which give defense contractors millions in excess profits (Rept. 100-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. A report on the armed services' tactical communication systems still cannot work together in joint operations (Rept. 100-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 799. A bill to designate a segment of the Kings River in California as a wild and scenic river; with amendments (Rept. 100-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 1750. A bill to amend the Buy American Act, and for other purposes; with an amendment (Rept. 100-50, Pt. 1). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 1510. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space (Rept. 100-51, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLIPPO (for himself, Mr. Callahan, Mr. Nichols, Mr. Jenkins, Mr. Darden, Mr. Clarke, Mr. Erdreich, and Mr. Harris):

H.R. 2025. A bill to amend the Tennessee Valley Authority Act of 1933; to the Committee on Public Works and Transportation.

By Mr. COLEMAN of Missouri (for himself, Mr. Jones of Tennessee, Mr. Madigan, Mr. English, Mr. Jeffords, Mr. Marlenee, Mr. Huckaby, Mr. Hopkins, Mr. Stangeland, Mr. Glickman, Mr. Stenholm, Mr. Volkmer, Mr. Roberts, Mr. Emerson, Mr. Morrison of Washington, Mr. Gunderson, Mr. Tallon, Mr. Robert F. Smith, Mr. Thomas of Georgia, Mr. Combest, Mr. Tauke, Mr. Schuette, Mr. Espy, Mr. Jontz, Mr. Grandy, Mr. Montgomery, Mr. Lott, Mr. Taylor, Mr. Traxler, Mr. McHugh, Mrs. Smith of Nebraska, Mr. Livingston, Mr. Skelton, Mr. Watkins, Mr. Bereuter, Mr. Clinger, Mr. Dornan of California, Mr. Fazio, Mr. Pashayan, Mr. Williams, Mr. Daub, Mr. Frank, Mr. McCollum, Mr. Weber, Mr. Boulter, Mr. Robinson, Mr. Buechner, Mr. Houghton, Mr. Upton, Mr. Stallings, and Mr. Whittaker):

H.R. 2026. A bill to provide that the Department of Agriculture shall be known as the Department of Agriculture and Rural Development, to transfer certain other programs within such Department to a newly established Rural Development Administration, and for other purposes; to the Committee on Agriculture.

H.R. 2027. A bill to authorize the nine regional educational laboratories to receive funds from the Department of Education to develop and operate demonstration programs based in local educational agencies to provide rural secondary school students with information, assistance, and personal support related to the preparation, choice, and selection of postsecondary educational programs and institutions of higher education as well as career planning; to the Committee on Education and Labor.

H.R. 2028. A bill to provide guidance and oversight for programs for the development of rural businesses, and to implement the commitment of the Federal Government to the goal of encouraging greater economic opportunity for rural area enterpreneurs; to the Committee on Small Business.

H.R. 2029. A bill to amend the Office of Federal Procurement Policy Act to provide for procurement set-aside targets for rural areas; to the Committee on Government Operations.

By Mr. TAUKE (for himself, Mr. Swift, Mr. Lott, Mr. Slattery, Mr. Nielson of Utah, and Mr. Matsui):

H.R. 2030. A bill to permit the Bell operating companies to provide information services and to manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Energy and Commerce, and concurrently to the Committee on the Judiciary for a period ending not later than 30 calendar days following the date on which the Committee on Energy and Commerce files its report in the House.

By Mr. ALEXANDER (for himself, Mr. Jones of Tennessee, Mr. Glickman, Mr. Dorgan of North Dakota, and Mr. Kanjorski):

H.R. 2031. A bill to amend the Clean Air Act to require that all gasoline sold by refineries in the United States contain a certain percentage of ethanol or certain percentages of both ethanol and methanol; to amend the Internal Revenue Code of 1986 to extend for 8 years certain tax benefits for fuels containing alcohol; and to provide that revenues to the highway trust fund shall not be reduced by reason of such tax benefits; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANDERSON:

H.R. 2032. A bill to authorize the conveyance of the Liberty ship *Protector*; to the Committee on Merchant Marine and Fisheries.

By Mr. ARCHER:

H.R. 2033. A bill to extend the existing suspension of duty on certain diamond tool blanks; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. Andrews):

H.R. 2034. A bill to amend section 507 of the Tariff Act of 1930 to provide an allowance for detectable moisture and impurities in determining tare on imports of crude oil and petroleum products; to the Committee on Ways and Means.

By Mr. ATKINS:

H.R. 2035. A bill to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission; to the Committee on Interior and Insular Affairs.

By Mr. BATES (for himself, Mr. Scheuer, Mr. Waxman, Mr. Edwards of California, Mr. Leland, Mr. Sikorski, and Mr. Eckart):

H.R. 2036. A bill to require the Environmental Protection Agency to take certain steps to protect the stratospheric ozone layer from depletion resulting from chlorofluorocarbons, and for other purposes; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology; Ways and Means; and Foreign Affairs.

By Mr. BEILENSON (for himself, Mr. Hansen, and Mr. Nielson of Utah):

H.R. 2037. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on wine and beer; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 2038. A bill to amend the Child Abuse Prevention and Treatment and Adoption Reform Act to establish a grant program for foster care and adoption assistance; to the Committee on Education and Labor.

By Mr. BILIRAKIS (for himself, Mr. McCollum, Mr. Schuette, Mrs. Vucanovich, and Mrs. Bentley):

H.R. 2039. A bill to amend the Internal Revenue Code of 1986 to allow individuals a tax deduction for expenses exceeding 5 percent of adjusted gross income incurred in care of certain elderly individuals, to allow physicians and registered professional nurses a tax deduction for the cost of certain goods and services donated by them to elderly individuals, to permit tax-free withdrawals from individual retirement accounts to pay certain long-term care expenses or purchase insurance to cover such expenses, and to allow employers to deduct contributions to employee pension plans for the purchase of long-term care insurance for employees; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 2040. A bill to amend the Federal Aviation Act of 1958 to prohibit smoking on domestic and international commercial aircraft flights; to the Committee on Public Works and Transportation.

By Mr. BONKER (for himself, Mr. Tauke, Mr. Gray of Pennsylvania, Mr. KcKinney, Mr. AuCoin, Mr. Oberstar, Mr. Lowry of Washington, Mr. Dellums, Mr. Edwards of California, Mr. Hawkins, Mr. Dymally, Mr. Brown of California, Mr. Bates, Mr. Fauntroy, Mr. Hayes of Illinois, Mrs. Collins, Mr. Jacobs, Mr. Mavroules, Mr. Mfume, Mr. Crockett, Mr. Clay, Mr. Owens of New York, Mr. Walgren, Mr. Murphy, Mr. Kastenmeier, Mr. DeFazio, Mr. Conyers, and Mr. Perkins):

H.R. 2041. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the U.S. Peace Tax Fund to receive such tax payments; to establish a U.S. Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. BONKER (for himself, Mr. Biaggi, Mr. Roybal, and Mr. Pepper):

H.R. 2042. A bill to amend the Older Americans Act of 1965 to strengthen and improve the provisions relating to State long-term care ombudsman programs, and for other purposes; jointly, to the Committees on Education and Labor, Ways and Means, and Energy and Commerce.

By Mr. CRAIG:

H.R. 2043. A bill to prohibit the importation of certain products of Australia and New Zealand; to the Committee on Ways and Means.

By Mr. DARDEN (for himself, Mr. Kostmayer, and Mr. Lehman of California):

H.R. 2044. A bill entitled the "Nevada Wilderness Protection Act of 1987"; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. de la GARZA (for himself, Mr. Madigan, Mr. Jones of Tennessee, Mr. Coleman of Missouri, Mr. Jones of North Carolina, Mr. Brown of California, Mr. Rose, Mr. English, Mr. Panetta, Mr. Huckaby, Mr. Glickman, Mr. Coelho, Mr. Stenholm, Mr. Volkmer, Mr. Hatcher, Mr. Tallon, Mr. Staggers, Mr. Evans, Mr. Thomas of Georgia, Mr. Olin, Mr. Penny, Mr. Stallings, Mr. Nagle, Mr. Jontz, Mr. Johnson of South Dakota, Mr. Campbell, Mr. Espy, Mr. Marlenee, Mr. Hopkins, Mr. Stangeland, Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. Robert F. Smith, Mr. Combest, Mr. Schuette, Mr. Grandy, Mr. AuCoin, Mr. Boner of Tennessee, Mr. Bryant, Mr. Clarke, Mr. Clinger, Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Grant, Mr. Hefner, Mr. Kastenmeier, Mr. Lujan, Mr. McHugh, Mr. McEwen, Mr. Obey, Mr. Richardson, Mr. Sikorski, Mr. Skelton, Mr. Slattery, Mrs. Smith of Nebraska, Mr. Solomon, Mr. Spratt, Mr. Tauke, Mr. Taylor, Mr. Traxler, and Mr. Weber):

H.R. 2045. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment of Federal financing bank loans made to rural electrification and telephone systems; to the Committee on Agriculture.

By Mr. de la GARZA (for himself and Mr. Bustamante):

H.R. 2046. A bill to authorize the Secretary of State to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution of the Rio Grande; to the Committee on Foreign Affairs.

By Mr. DICKS:

H.R. 2047. A bill to establish a Defense Nuclear Facilities Safety Agency in order to provide for increased standards of safety with respect to radioactive emissions resulting from activities carried out at nuclear facilities of the Department of Energy; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mr. DioGUARDI:

H.R. 2048. A bill to amend the Federal Aviation Act of 1958 to prohibit domestic air carriers from providing alcoholic beverages on domestic and international flights to persons under 21 years of age; to the Committee on Public Works and Transportation.

By Mr. DORNAN of California:

H.R. 2049. A bill to amend section 312(c) of the Federal Aviation Act of 1958, relating to research and development, to require the Secretary of Transportation to assure the development of a collision avoidance system for use on all civil and military aircraft of the United States in the interest of air safety; to the Committee on Public Works and Transportation.

By Mr. DOWNEY of New York (for himself, Mr. Coelho, Mr. Fuster, Mr. Gray of Illinois, Mr. Scheuer, Mrs. Collins, Mr. Crockett, Mr. Hayes of Illinois, Mr. Carr, and Mr. Richardson):

H.R. 2050. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on charitable contributions of certain items; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 2051. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the purchase and installation of locks and other security devices on residences; to the Committee on Ways and Means.

By Mr. DURBIN (for himself, Mr. Madigan, Mr. Alexander, Mr. Dorgan of North Dakota, Mr. Gephardt, Mr. Glickman, Mr. Grandy, Mr. Holloway, Mr. Lightfoot, Mr. McEwen, Mrs. Martin of Illinois, Mr. Penny, Mr. Price of Illinois, Mr. Schuette, Mr. Skelton, Mr. Slattery, Mrs. Smith of Nebraska, Mr. Stallings, Mr. Stangeland, Mr. Tallon, Mr. Towns, and Mr. Traxler):

H.R. 2052. A bill to enhance the energy security of the United States, improve the environment and expand markets for agricultural commodities by providing for the increased use of motor fuel blended with ethanol; to the Committee on Energy and Commerce.

By Mr. EVANS:

H.R. 2053 A bill to amend title XVI of the Social Security Act to increase from $25 to $50 a month the amount of the personal allowance which is presently provided for eligible individuals and eligible spouses who are in medical institutions, with subsequent annual increases in the amount of such allowance to reflect changes in the cost of living; to the Committee on Ways and Means.

H.R. 2054. A bill to provide that the availability of extended unemployment benefits shall be determined by using the total unemployment rate and that such benefits may be made available on an area basis within a State; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 2055. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the medicare program to 10 percent and twice the period of no enrollment; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HALL of Ohio (for himself and Mr. Thomas A. Luken):

H.R. 2056. A bill requiring the development of hazardous materials emergency response procedures, prohibiting the transportation of hazardous materials in certain obsolete railroad tank cars, and requiring a study of railroad tank car design procedures; to the Committee on Energy and Commerce.

By Mr. HAMILTON (for himself, Mr. Smith of Florida, Mr. Daniel, Mr. Roe, Mr. Nichols, Mr. Dannemeyer, Mr. Dorgan of North Dakota, Mr. Atkins, Mr. Denny Smith, Mr. Roberts, Mr. Sabo, Mr. Mfume, Mr. Fascell, Mr. Dwyer of New Jersey, Mr. Lantos, Mr. Berman, Mr. Visclosky, Mr. Jontz, Mrs. Boxer, Mr. Bilirakis, Mr. Hayes of Illinois, Mr. Smith of Iowa, Mr. Evans, Ms. Kaptur, Mr. Bustamante, Mr. Jacobs, Mr. Courter, Mr. Armey, Mr. Miller of California, and Mr. Lehman of Florida):

H.R. 2057. A bill to amend section 1105 of title 31, United States Code, relating to the President's budget to require it to separately set forth the annual budget of the Federal Reserve System; to the Committee on Government Operations.

By Mr. HAMMERSCHMIDT:

H.R. 2058. A bill to amend titles XI and XVIII of the Social Security Act with respect to provider appeals of adverse determinations by peer review organizations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONTZ (for himself, Mr. Jones of Tennessee, Mr. Glickman, Mr. Volkmer, Mr. Coelho, Mr. Burton of Indiana, Mr. Coats, Mr. Hamilton, Mr. Hiler Mr. Jacobs, Mr. McCloskey, Mr. Sharp, Mr. Visclosky, Mr. Campbell, Mr. English, Mr. Espy, Mr. Evans, Mr. Grandy, Mr. Harris, Mr. Jeffords, Mr. Johnson of South Dakota, Mr. Penny, Mr. Staggers, Mr. Tallon, Mr. Thomas of Georgia, Mr. Olin, Mr. DeFazio, Mr. Nagle, Mr. Stallings, Mr. Holloway, Mr. Wise, Mr. Huckaby, Mr. Brown of California, Mr. Stenholm, Mr. Grant, Mr. Lancaster, Mr. Panetta, Mr. Perkins, Mr. Rose, and Mr. Coleman of Missouri):

H.R. 2059. A bill to require the Secretary of Agriculture to carry out the sale of assets required by section 1001 of the Omnibus Reconciliation Act of 1986 by offering to sell notes and other obligations issued by public bodies to the issuer before offering to sell them to the public; to the Committee on Agriculture.

By Mr. KOLBE (for himself, Mr. Udall, Mr. Stump, Mr. Rhodes, and Mr. Kyl):

H.R. 2060. A bill to require the Secretary of the Interior to divest certain utility properties in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. LaFALCE:

H.R. 2061. A bill to amend the Federal Water Pollution Control Act relating to the contruction and operation of certain treatment works which are subject to regulation under international treaties; to the Committee on Public Works and Transportation.

By Mr. LIPINSKI (for himself, Mr. Savage, and Mr. Traficant):

H.R. 2062. A bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHEL (by request):

H.R. 2063. A bill to amend the Employee Retirement Income Security Act of 1974 to increase premium revenue for the single-employer pension plan termination insurance program and to provide a more equitable distribution of single-employer pension plan premium costs; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. OXLEY:

H.R. 2064. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of benefits payable with respect to the death of public safety officers; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 2065. A bill to equalize the retired pay of persons who served during World War II as Philippine Scouts with the retired pay of other members of the Armed Forces of the United States of corresponding grades and length of service; to the Committee on Armed Service.

H.R. 2066. A bill to amend 9311 of the Omnibus Budget Reconciliation Act of 1986 to delay for 1 year implementation of the restrictions on use of the periodic interim payment system under Medicare; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. Smith of Florida, Mr. Montgomery, Mr. Tallon, Mr. Daniel, Mr. Stenholm, Mr. Shaw, Mr. Kostmayer, Mr. Hefner, Mr. Jenkins, Mr. Sunia, Mr. Bevill, Mr. McDade, Mr. Sabo, Mr. Coelho, Mr. Lehman of Florida, Mr. Dyson, Mrs. Boxer, and Mr. Nielson of Utah):

H.R. 2067. A bill to designate the square dance as the American folk dance of the United States; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. Walgren, Mr. Boehlert, Mr. Brown of California, Mr. Glickman, and Mr. Morrison of Washington):

H.R. 2068. A bill to establish the National Bureau of Standards and Industrial Competitiveness, and for other purposes; jointly, to the Committee on Science, Space, and Technology and Energy and Commerce.

By Mr. RITTER (for himself, Mr. Brown of California, Mr. Fawell, Mr. Frenzel, Mr. Houghton, Mr. Matsui, and Mr. Valentine):

H.R. 2069. A bill to create a National Commission on Commercial and National Defense Applications of Superconductors to study methods of developing improved superconductors and expanding the commercial and strategic use of superconductors; jointly, to the Committee on Science, Space, and Technology and Armed Services.

By Mrs. ROUKEMA:

H.R. 2070. A bill to amend title XVIII of the Social Security Act with respect to provision of home health services on a daily basis and to continuation of such services for the safety and maintenance of the individual; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SHUMWAY:

H.R. 2071. A bill to assure protection of certain historic abandoned shipwrecks by requiring responsible salvage, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Ms. SNOWE:

H.R. 2072. A bill to amend the Older Americans Act of 1965 to require State agencies and area agencies on aging to develop information and coordinate volunteer services, to assist older individuals in evaluating the provisions of medical insurance policies available to supplement Medicare, and to require the Administration on Aging to provide related technical assistance; to the Committee on Education and Labor.

H.R. 2073. A bill to amend the Older Americans Act of 1965 to increase the minimum amount required to be expended for services to older individuals residing in rural areas; to the Committee on Education and Labor.

H.R. 2074. A bill to amend the Older Americans Act of 1965 and the Older American Community Service Employment Act to provide for volunteer and employment projects to provide day care services for children and adults, and respite services for families of older individuals; to the Committee on Education and Labor.

By Ms. SNOWE (for herself and Mr. Biaggi):

H.R. 2075. A bill to amend the Older Americans Act of 1965 to require area agencies on aging to coordinate their services with the activities of community-based organizations established for the benefit of victims of Alzheimer's disease and their families; to the Committee on Education and Labor.

H.R. 2076. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to conduct a study regarding transportation services provided under such act, and to submit to the Congress a report summarizing the results of such study and containing recommendations with respect to providing such services; to the Committee on Education and Labor.

H.R. 2077. A bill to amend the Older Americans Act of 1965 to require uniform telephone listing of area agencies on aging; to the Committee on Education and Labor.

H.R. 2078. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to conduct a study regarding caregiver referral; to the Committee on Education and Labor.

H.R. 2079. A bill to amend the Older Americans Act of 1965 to require area agencies on aging to coordinate with community health centers certain programs relating to mental health services for older individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. SOLOMON:

H.R. 2080. A bill to suspend for 3 years the duty on Rosachloride Lumps; to the Committee on Ways and Means.

By Mr. STALLINGS:

H.R. 2081. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of silver bullion; to the Committee on Ways and Means.

By Mr. SWIFT (for himself and Mr. Morrison of Washington):

H.R. 2082. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to establish liability and indemnification for nuclear incidents arising out of the storage, disposal, and transportation of radioactive waste to which the United States holds title; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. SWINDALL:

H.R. 2083. A bill to impose travel restrictions on the personnel of certain foreign missions and foreign organizations in the United States; to the Committee on Foreign Affairs.

H.R. 2084. A bill to require the Secretary of State to include the amount and type of foreign assistance in the report on policies pursued by other countries in international organizations; to the Committee on Foreign Affairs.

By Mr. TALLON:

H.R. 2085. A bill to name the post-baccalaureate achievement program under subpart 4 of part A of title IV of the Higher Education Act of 1965 as the "Ronald E. McNair Post-Baccalaureate Achievement Program"; to the Committee on Education and Labor.

By Mr. TAUKE:

H.R. 2086. A bill to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. TAUKE (for himself, Ms. Snowe, Mr. Wortley, Mrs. Bentley, Mr. Boucher, and Mr. Schuette):

H.R. 2087. A bill to amend the Social Security Act to provide for a Beneficiary Ombudsman in the Social Security Administration; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 2088. A bill to amend the Bilingual Education Act to authorize the inclusion under family English Literacy programs of courses designed to enable aliens who are otherwise eligible for temporary resident status under section 245A of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States; to the Committee on Education and Labor.

By Mr. UDALL (for himself and Mr. Gephardt):

H.R. 2089. A bill to amend the effective date of the provision contained in the Tax Reform Act of 1986 dealing with allocation of indebtedness as payment on installment obligations; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 2090. A bill to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Agriculture, and Interior and Insular Affairs.

By Mr. WOLF:

H.R. 2091. A bill to improve the pay and management of employees of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. WYDEN:

H.R. 2092. A bill to regulate recruitment and treatment of certain door-to-door sales agents, and for other purposes; to the Committee on Energy and Commerce.

H.R. 2093. A bill to amend the Federal Food, Drug, and Cosmetic Act to limit the dispensing of certain drugs by practitioners; to the Committee on Energy and Commerce.

H.R. 2094. A bill to amend section 2314 of title 18, United States Code, relating to transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2095. A bill relating to requirements for insurance for recreational events on federally owned lands; to the Committee on Interior and Insular Affairs.

By Mr. BILIRAKIS:

H.J. Res. 241. Joint resolution to designate October 1987 as "Phobia Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. CHAPMAN:

H.J. Res. 242. Joint resolution designating September 1987 as "Southern Gospel Music Month"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 243. Joint resolution authorizing the Philippine Scouts and U.S. Veterans Association of America to establish a memorial on Federal land in the District of Columbia or its environs to honor the Philippine Scouts and to honor Filipino veterans who served in the U.S. Army during World War II; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H.J. Res. 244. Joint resolution designating the month of May 1988 as "Better Hearing and Speech Month"; to the Committee on Post Office and Civil Service.

By Mr. STANGELAND:

H.J. Res. 245. Joint resolution designating the week of May 10, 1987, through May 16, 1987, as "Handicapped Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. VALENTINE (for himself, Mrs. Lloyd, Mrs. Bentley, Mr. Bevill, Mr. Boner of Tennessee, Mrs. Boxer, Mrs. Collins, Mr. Daub, Mr. de Lugo, Mr. Fish, Mr. Frost, Mr. Gray of Pennsylvania, Mr. Gray of Illinois, Mr. Guarini, Mr. Hayes of Illinois, Mr. Horton, Mr. Hughes, Mr. Jenkins, Ms. Kaptur, Mr. Kastenmeier, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lancaster, Mr. Leland, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Mrazek, Mr. Owens of New York, Mrs. Patterson, Mr. Richardson, Mr. Ritter, Mr. Roe, Mr. Scheuer, Mr. Shumway, Ms. Slaughter of New York, Mr. Smith of Florida, Mr. Solarz, Mr. Sunia, Mr. Towns, Mr. Waxman, Mr. Wolf, Mr. Wortley, Mr. Vento, Mr. Martinez, Mr. Traficant, and Mr. Weiss):

H.J. Res. 246. Joint resolution to designate September 13-19, 1987, as "National Women's Health Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan:

H. Con. Res. 103. Concurrent resolution providing for a conditional adjournment of the House from April 9 to April 21, 1987, and a conditional adjournment of the Senate from April 9, 10, or 11 to April 21, 1987.

By Mr. GRAY of Pennsylvania (for himself, Mr. McMillen of Maryland, Mr. Dyson, Mr. Cardin, Mrs. Bentley, Mr. Hoyer, Mrs. Byron, Mr. Mfume, Mrs. Morella, Mr. Fauntroy, Mr. Foglietta, Mr. Yatron, Mr. Ritter, Mr. Walgren, Mr. Murphy, Mr. Weldon, Mr. Coughlin, and Mr. Goodling):

H. Con. Res. 104. Concurrent resolution recognizing the success of professional basketball and congratulating Julius Erving on the occasion of his retirement from professional basketball; to the Committee on Post Office and Civil Service.

By Mr. SHUMWAY (for himself, Mr. Lagomarsino, Mr. Penny, Mr. Gallo, Mr. Dornan of California, Mrs. Martin of Illinois, Mr. Kolbe, Mr. Inhofe, and Mr. Livingston):

H. Con. Res. 105. Concurrent resolution expressing the sense of Congress regarding the goals and objectives in international trade of the Member Nations of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. STANGELAND (for himself, Mr. Young of Alaska, Mr. Davis of Michigan, Mr. Shaw, Mr. Ackerman, Mr. Alexander, Mr. Anderson, Mr. Andrews, Mr. Anthony, Mr. Applegate, Mr. Archer, Mr. Atkins, Mr. AuCoin, Mr. Badham, Mr. Ballenger, Mr. Barnard, Mr. Bartlett, Mr. Barton of Texas, Mr. Bateman, Mr. Bates, Mr. Bennett, Mrs. Bentley, Mr. Bevill, Mr. Biaggi, Mr. Bliley, Mr. Boehlert, Mrs. Boggs, Mr. Boner of Tennessee, Mr. Bonker, Mr. Bosco, Mr. Boucher, Mr. Boulter, Mr. Brown of California, Mr. Bryant, Mr. Bunning, Mr. Bustamante, Mrs. Byron, Mr. Callahan, Mr. Cardin, Mr. Carper, Mr. Chandler, Mr. Chapman, Mr. Chappell, Mr. Clinger, Mr. Coats, Mr. Coble, Mr. Coelho, Mr. Combest, Mr. Conte, Mr. Craig, Mr. Crane, Mr. Daniel, Mr. Dannemeyer, Mr. Darden, Mr. Daub, Mr. Davis of Illinois, Mr. DeFazio, Mr. de la Garza, Mr. DeLay, Mr. Derrick, Mr. DeWine, Mr. Dickinson, Mr. Dicks, Mr. Dingell, Mr. DioGuardi, Mr. Dornan of California, Mr. Dreier of California, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Eckart, Mr. Emerson, Mr. Erdreich, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Fields, Mr. Fish, Mr. Flippo, Mr. Florio, Mr. Foglietta, Mr. Foley, Mr. Ford of Michigan, Mr. Frenzel, Mr. Frost, Mr. Gallo, Mr. Gilman, Mr. Gingrich, Mr. Goodling, Mr. Grandy, Mr. Grant, Mr. Gray of Illinois, Mr. Green, Mr. Gunderson, Mr. Hall of Texas, Mr. Hammerschmidt, Mr. Hansen, Mr. Hastert, Mr. Hayes of Louisiana, Mr. Hatcher, Mr. Henry, Mr. Herger, Mr. Hertel, Mr. Hiler, Mr. Holloway, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hunter, Mr. Hutto, Mr. Inhofe, Mr. Jeffords, Mr. Jenkins, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Jontz, Mr. Kleczka, Mr. Kolter, Mr. Lagomarsino, Mr. Lancaster, Mr. Latta, Mr. Leach of Iowa, Mr. Lehman of California, Mr. Lent, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Lipinski, Mr. Livingston, Mr. Lott, Mr. Lungren, Mr. Manton, Mr. Marlenee, Mrs. Martin of Illinois, Mr. Matsui, Mr. McDade, Mr. McGrath, Mr. McKinney, Mr. Mica, Mr. Miller of California, Mr. Miller of Washington, Mr. Mineta, Mr. Molinari, Mr. Montgomery, Mr. Moorhead, Mr. Morrison of Washington, Mr. Murtha, Mr. Nielson of Utah, Mr. Nichols, Mr. Oberstar, Mr. Olin, Mr. Ortiz, Mr. Oxley, Mr. Packard, Mr. Panetta, Mr. Parris, Mr. Pashayan, Mr. Penny, Mr. Pepper, Mr. Perkins, Mr. Petri, Mr. Pickett, Mr. Quillen, Mr. Rahall, Mr. Ravenel, Mr. Regula, Mr. Ridge, Mr. Ritter, Mr. Robinson, Mr. Roe, Mr. Roemer, Mr. Rogers, Mr. Rose, Mr. Rowland of Georgia, Mr. Sabo, Mrs. Saiki, Mr. Savage, Mr. Saxton, Mr. Schulze, Mr. Shumway, Mr. Sikorski, Mr. Smith of Texas, Mr. Smith of Florida, Mr. Denny Smith, Mr. Robert F. Smith, Mr. Solomon, Mr. Spratt, Mr. Staggers, Mr. Stenholm, Mr. Studds, Mr. Stump, Mr. Sundquist, Mr. Sunia, Mr. Sweeney, Mr. Synar, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Taylor, Mr. Thomas of Georgia, Mr. Towns, Mr. Traxler, Mr. Upton, Mr. Valentine, Mr. Vander Jagt, Mr. Vento, Mr. Volkmer, Mrs. Vucanovich, Mr. Weber, Mr. Weiss, Mr. Weldon, Mr. Whitten, Mr. Williams, Mr. Wilson, Mr. Wise, Mr. Wolf, Mr. Wolpe, Mr. Wortley, Mr. Wyden, and Mr. Young of Florida):

H. Con. Res. 106. Concurrent resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary; to the Committee on Post Office and Civil Service.

By Mr. TOWNS:

H. Con. Res. 107. Concurrent resolution urging the full funding of certain student financial assistance programs; to the Committee on Education and Labor.

By Mr. FORD of Michigan:

H. Res. 142. Resolution expressing the sense of the House congratulating the people of Berlin on the occasion of the city's 750th anniversary in the year 1987, commending the people of Berlin for their centuries of great tradition and continuing courage in the face of historical adversity and recognized the deep and lasting relations they have with the people of the United States of America; to the Committee on Foreign Affairs.

By Mr. BADHAM:

H. Res. 143. Resolution calling on the House of Representatives to resist all attempts to deny the home mortgage interest deduction to any taxpayer whose home is a boat; to the Committee on Ways and Means.

By Mr. DYMALLY:

H. Res. 144. Resolution expressing the sense of the House of Representatives that the United States should condemn nations which continue to flagrantly violate the United Nations arms embargo of South Africa; to the Committee on Foreign Affairs.

By Mr. PORTER (for himself and Mr. Mrazek):

H. Res. 145. Resolution expressing the support of Congress for the World Health Organization in its efforts to combat the spread of AIDS; to the Committee on Foreign Affairs.

By Mr. VALENTINE (for himself, Mr. Blaz, Mr. Robinson, Mr. Perkins, Mr. Lagomarsino, Mr. Dowdy of Mississippi, Mr. Carr, Mr. Ford of Tennessee, Mr. Flippo, Mr. Owens of New York, Mr. Daub, Mr. Frank, Mr. Kostmayer, Mr. Wortley, Mr. Fuster, Mr. Sisisky, Mr. Huckaby, Mr. Mavroules, Mr. Roe, Mr. Yatron, Mr. Towns, Mr. Rose, Mrs. Byron, Mr. Price of Illinois, Mr. Guarini, Mr. Udall, Mr. Levin of Michigan, Ms. Kaptur, Mr. Ridge, Mr. Bevill, Mr. Biaggi, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Neal, Mrs. Kennelly, Mr. Bonker, Mr. Tauzin, and Mr. Weiss):

H. Res. 146. Resolution expressing the sense of the House of Representatives that the 1988 budget should provide adequate funding for vocational education programs; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

28. By the SPEAKER: Memorial of the legislature of the State of Nevada, relative to the establishment of a training center for persons who respond to emergencies, particularly those involving hazardous materials; to the Committee on Armed Services.

29. Also, memorial of the legislature of the State of Nevada, relative to the deactivation of the 474th Tactical Fighter Wing at Nellis Air Force Base; to the Committee on Armed Services.

30. Also, memorial of the senate of the State of New Hampshire, relative to a high frontier defense system; to the Committee on Armed Services.

31. Also, memorial of the legislature of the State of California, relative to California exporters; to the Committee on Foreign Affairs.

32. Also, memorial of the legislature of the State of Nevada, relative to Federal liability for any accident which might occur if a nuclear waste repository is situated in Nevada; to the Committee on Interior and Insular Affairs.

33. Also, memorial of the senate of the State of Wyoming, relative to speed limits; to the Committee on Public Works and Transportation.

34. Also, memorial of the senate of the State of Wyoming, relative to oil import fees; to the Committee on Ways and Means.

35. Also, memorial of the senate of the State of Wyoming, relative to feeder lamb imports; to the Committee on Ways and Means.

36. Also, memorial of the senate of the State of Wyoming; relative to power marketing agencies; jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 2096. A bill for the relief of Joseph W. Newman; to the Committee on the Judiciary.

By Mr. LOWRY of Washington:

H.R. 2097. A bill for the relief of Frederick Paul and Aileen Paul; to the Committee on the Judiciary.

H.R. 2098. A bill for the relief of Frederick Paul of Seattle, WA; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2099. A bill for the relief of Nolan Sharp; to the Committee on the Judiciary.

By Mr. LOWRY of Washington:

H. Res. 147. Resolution referring the bill (H.R. 2098) for the relief of Frederick Paul of Seattle, WA, to the chief judge of the United States Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Fauntroy.

H.R. 39: Mr. Clarke, Mr. Jeffords, and Mr. Atkins..

H.R. 44: Mr. Schaefer.

H.R. 47: Mr. Burton of Indiana, Mr. Towns, Mr. Davis of Illinois, Mr. Wolf, and Mr. Biaggio.

H.R. 52: Mr. Jeffords, Mr. Kolter, Mr. MacKay, Mr. McCloskey, Mr. Green, Mr. Moody, and Mr. Murtha.

H.R. 74: Mr. Hoyer, Mr. DeLay, and Mr. de la Garza.

H.R. 130: Mr. Dwyer of New Jersey, Mr. Neal, and Mr. Lantos.

H.R. 140: Mr. Ray and Mr. Penny.

H.R. 186: Mr. Robinson.

H.R. 338: Mr. Burton of Indiana.

H.R. 339: Mr. Burton of Indiana.

H.R. 344: Mr. Burton of Indiana.

H.R. 345: Mr. Burton of Indiana.

H.R. 347: Mr. Biaggi, Mr. Garcia, Mr. Kanjorski, Mr. Schumer, Mr. Synar, Mr. Torricelli, Mr. Traficant, Mr. Williams, and Mr. Wyden.

H.R. 358: Mr. Gilman.

H.R. 432: Mr. Garcia, Mr. Mrazek, Mr. Dornan of California, Mr. Yates, and Mr. Fauntroy.

H.R. 442: Mr. Glickman, Mr. Hochbrueckner, Mr. Robinson, and Mr. Oberstar.

H.R. 459: Mr. Hochbrueckner.

H.R. 461: Mr. Hochbrueckner.

H.R. 486: Mr. Pease, Mr. Crockett, and Mr. Penny.

H.R. 543: Mr. Horton and Mr. McEwen.

H.R. 567: Mr. Ford of Tennessee, Mr. Lott, Mr. Ray, Mr. Gallegly, Mr. Wyden, Mr. Montgomery, Mr. Hutto, Mr. Shaw, Mr. Glickman, Mr. Fazio, Mr. Chappell, Mr. Coleman of Texas, Mrs. Bentley, Mr. Staggers, Mr. Bunning, Mr. Horton, Mr. Bustamante, Mr. Sweeney, Mr. Lujan, Mr. Campbell, Mr. Hochbrueckner, Mr. Young of Florida, Mr. Price of North Carolina, Mr. Bevill, Mr. Hubbard, Mr. Biaggi, Mr. Akaka, Mr. DeLay, Mr. Cheney, Mr. Parris, and Mr. Konnyu.

H.R. 603: Mr. Grandy and Mr. Lent.

H.R. 618: Mr. Solarz and Mr. Hawkins.

H.R. 637: Mr. Sundquist, Mr. Jones of North Carolina, Mr. Gordon, Mr. Lewis of Georgia, Mr. Davis of Illinois, Mr. Henry, and Mr. Solarz.

H.R. 639: Mr. Lowry of Washington, Mr. Owens of Utah, Mr. Manton, Mr. Conyers, Mr. Levin of Michigan, Mr. Gordon, Mr. Wolpe, Mr. Weldon, Mr. Kleczka, and Mr. Panetta.

H.R. 693: Mr. Ritter and Mr. Nielson of Utah.

H.R. 721: Mr. Applegate, Mr. Bustamante, Mr. Fish, Mr. Garcia, Mr. Hayes of Illinois, Mr. Levin of Michigan, Mr. McEwen, Mr. Mrazek, Mr. Oxley, Mr. Sawyer, Mr. Savage, Mr. Solarz, Mr. Vento, Mr. Smith of Florida, Mr. Clarke, Mr. Eckart, and Mr. Ridge.

H.R. 728: Mr. Boehlert and Mrs. Martin of Illinois.

H.R. 729: Mr. Lantos.

H.R. 789: Mr. Baker and Mr. Gilman.

H.R. 792: Mr. Howard, Mr. Scheuer, and Mr. Badham.

H.R. 911: Mr. Gray of Illinois, Mr. Burton of Indiana, Mr. Fuster, Mrs. Martin of Illinois, and Mr. Sundquist.

H.R. 920: Mr. Dellums and Mr. Brown of California.

H.R. 951: Mr. Weber.

H.R. 965: Mr. Daub, Mr. LaFalce, Mr. Nielson of Utah, Mr. Conyers, Mr. Wilson, Mr. Volkmer, Mr. Montgomery, Mr. Sabo, Mr. Badham, Mr. Hutto, Mr. Stallings, Mr. Kostmayer, and Mr. Jeffords.

H.R. 975: Mrs. Boxer, Mr. Garcia, Mr. Rangel, Mr. Stokes, Mr. Borski, Mr. Dellums, Mr. Porter, Mr. Howard, Mr. Hochbrueckner, Mr. Mrazek, Mr. Conyers, Mr. Levine of California, Mr. Miller of Washington, and Mr. McKinney.

H.R. 1008: Mr. Johnson of South Dakota, Mr. Dornan of California, Mr. Fawell, Mr. Donald E. Lukens, Mr. Nielson of Utah, Mr. Mrazek, Mr. Hansen, Mrs. Johnson of Connecticut, and Mr. Vento.

H.R. 1018: Mr. Crockett.

H.R. 1036: Mr. LaFalce, Mr. Dreier of California, Mr. Flippo, Mr. Pepper, Mr. Synar, and Mr. Weiss.

H.R. 1082: Mr. Badham, Mr. Packard, Mr. Dickinson, Mr. Roemer, Mr. Gibbons, Mr. Mack, Mr. Young of Florida, Mr. Gray of Illinois, Mr. Parris, Mr. Walker, and Mr. Hunter.

H.R. 1120: Mr. Hall of Ohio and Mr. Atkins.

H.R. 1140: Mr. Nichols, Mr. Horton, Mr. Hall of Texas, Mr. Henry, Mr. Natcher, Mr. Rose, Mr. Flippo, Mr. Baker, Mr. Glickman, Mr. Kasich, Mr. Bevill, Mr. Rahall, Mr. Edwards of Oklahoma, Mr. Upton, Mr. Daub, Mr. Coughlin, Mr. Houghton, Mr. Hefner, Mr. Emerson, Mr.

SMITH of New Hampshire, Mrs. BENTLEY, and Ms. SLAUGHTER of New York.

H.R. 1144: Mr. ANDREWS, Mr. ARCHER, Mr. ATKINS, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. DE LA GARZA, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRANK, Mr. FROST, Mr. GONZALEZ, Mr. LELAND, Mr. MRAZEK, Ms. OAKAR, Mr. RICHARDSON, Mr. TORRES, Mr. UDALL, and Mr. WILSON.

H.R. 1148: Mr. MAVROULES

H.R. 1200: Mr. TORRES

H.R. 1213: Mr. TOWNS, Mr. ERDREICH, Mr. KILDEE, Mr. UPTON, Mr. CONTE, Mr. MINETA, and Mr. GEKAS.

H.R. 1240: Mr. TOWNS.

H.R. 1259: Ms. SLAUGHTER of New York, Mr. AuCOIN, Mr. BARTLETT, Mr. BARNARD, Mr. STANGELAND, Mr. SPRATT, Mr. DANIEL, Mr. BIAGGI, Mr. MATSUI, Mr. DORNAN of California, Mr. McHUGH, Mr. SKEEN, Mr. ROWLAND of Georgia. Mr. DE LA GARZA, Mr. BATEMAN, Mr. SIKORSKI, Mr. OLIN, Mr. RICHARDSON, Mr. ROEMER, Mr. KANJORSKI, Mr. BILIRAKIS, Mr. LAGOMARSINO, Mr. CRAIG, Mr. BATES, Mr. ACKERMAN, Mr. HAYES of Illinois, Mr. BEVILL, Mr. BADHAM, Mr. CHAPMAN, Mr. OWENS of New York, Mr. TALLON, Mr. LOTT, Mrs. MORELLA, and Mr. PANETTA.

H.R. 1325: Mr. HOYER, Mr. WOLPE, Mr. LANTOS, Mr. FEIGHAN, Mr. DICKS, Mr. DERRICK, Mr. RINALDO, Mr. BARNARD, Mr. LOWRY of Washington, Mr. YOUNG of Florida, Mr. SMITH of New Hampshire, Mr. RITTER, Mr. HUGHES, Ms. SNOWE, Mr. WORTLEY, and Mr. KOSTMAYER.

H.R. 1342: Mr. CROCKETT.

H.R. 1346: Mr. BOUCHER, Mr. LANCASTER, Mr. McEWEN, and Mr. JONTZ.

H.R. 1367: Mr. SWINDALL and Mr. GRANDY.

H.R. 1396: Mr. BURTON of Indiana.

H.R. 1397: Mr. MAVROULES, Mr. HOWARD, and Mr. MRAZEK.

H.R. 1398: Mr. FORD of Tennessee and Mr. LEWIS of Georgia.

H.R. 1436: Mr. EVANS and Mr. CARR.

H.R. 1451: Mr. BONIOR of Michigan, Mr. ATKINS, Mr. PEASE, Mr. CAMPBELL, Ms. SLAUGHTER of New York, Mr. DWYER of New Jersey, Ms. OAKAR, Mr. VENTO, and Mr. CROCKETT.

H.R. 1452: Mr. BENNETT, Mr. DORNAN of California, Mr. WORTLEY, Mr. PERKINS, Mr. SCHEUER, Mr. BEVILL, Mr. OWENS of New York, Mr. BIAGGI, Mr. DANIEL, Mr. DeFAZIO, and Mr. TOWNS.

H.R. 1481: Mr. KANJORSKI.

H.R. 1517: Mrs. BENTLEY, Mr. MacKAY, Mr. BEILENSON, and Mr. WHITTAKER.

H.R. 1531: Mr. HAYES of Louisiana, Mr. SYNAR and Mr. TOWNS.

H.R. 1536: Mr. VALENTINE.

H.R. 1546: Mr. OWENS of New York.

H.R. 1558: Mr. NICHOLS, Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. OXLEY, Mr. RIDGE, Mr. BARNARD, Mr. BAKER, and Mr. NEAL.

H.R. 1566: Mr. NEAL, Mr. RIDGE, and Mr. DeLAY.

H.R. 1588: Mr. ATKINS, Mr. BUSTAMANTE, Mr. CLAY, Mr. CONYERS, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. FORD of Tennessee, Mr. LELAND, Mr. MORRISON of Connecticut, Ms. OAKAR, Mr. OWENS of New York, Mr. LEWIS of Georgia, Mr. SOLARZ, Mr. HAYES of Illinois, Mr. GARCIA, Mr. HORTON, Mr. STOKES, Mrs. COLLINS, Mr. HAWKINS, and Mr. TOWNS.

H.R. 1604: Mrs. MARTIN of Illinois and Mr. BOEHLERT.

H.R. 1609: Mr. WYDEN.

H.R. 1614: Mr. INHOFE and Mr. FROST.

H.R. 1617: Mr. KASTENMEIER, Mr. KLECZKA, Mr. VOLKMER, and Mr. NEAL.

H.R. 1633: Mr. ORTIZ, Mr. FLIPPO, Mr. DORNAN of California, Ms. OAKAR, Mr. EDWARDS of California, Mr. LEVIN of Michigan, Mr. HARRIS, Mr. BROWN of California, Mrs. BENTLEY, Mr. SUNIA, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. TOWNS, and Mr. DARDEN.

H.R. 1635: Mr. OWENS of New York, Mr. FLORIO, Mr. MOODY, Mr. DWYER of New Jersey, Mr. TRAFICANT, Mr. HUGHES, Mr. COELHO, Mr. HOCHBRUECKNER, Mr. YOUNG of Alaska, Mr. LANTOS, Mr. JEFFORDS, Mr. SCHUMER, Mr. PORTER, Mr. GARCIA, Mr. KOLTER, Mr. VENTO, Mr. UPTON, Mr. KLECZKA, and Mr. LEVINE of California.

H.R. 1641: Mr. BOLAND, Mr. FORD of Tennessee, Mr. DAVIS of Illinois, Mr. STUDDS, Mr. FAZIO, Mrs. BYRON, Mr. NIELSON of Utah, Mr. CONTE, and Miss SCHNEIDER.

H.R. 1642: Mr. WATKINS, Mr. INHOFE, Mr. LIVINGSTON, Mr. WILSON, Mrs. BENTLEY, Mr. BARTON of Texas, Mr. COMBEST, Mr. BOULTER, Mr. ENGLISH, and Mr. FROST.

H.R. 1659: Mr. ACKERMAN, Mr. STAGGERS, Mr. DORGAN of North Dakota, Mr. SABO, Mr. DAVIS of Illinois, Mr. ROE, Mr. VENTO, Mr. TOWNS, and Mr. FUSTER.

H.R. 1663: Mr. HATCHER, Mr. WILSON, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. OLIN, Mr. LELAND, Mr. SCHEUER, Mr. WORTLEY, Mr. VOLKMER, Mr. SCHAEFER, Mr. WILLIAMS, Mr. LANCASTER, Mr. FAZIO, Mr. BEVILL, Mr. LEWIS of Georgia, Mr. VENTO, Mr. DeFAZIO, Mr. BALLENGER, Mr. GLICKMAN, and Mr. NIELSON of Utah.

H.R. 1678: Mr. DioGUARDI and Mrs. MARTIN of Illinois.

H.R. 1693: Mr. MAVROULES, Mr. PEPPER, Mr. UDALL, Mr. EDWARDS of California, Mr. REGULA, Mr. BUSTAMANTE, Mr. FAUNTROY, and Mr. TOWNS.

H.R. 1701: Mr. DeFAZIO and Mr. SUNDQUIST.

H.R. 1707: Mr. SISISKY, Miss SCHNEIDER, Mr. QUILLEN, Mr. DONNELLY, Mr. MOAKLEY, Mr. FUSTER, Mr. SPENCE, Mr. DAVIS of Illinois, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. RICHARDSON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. McGRATH, Mr. BONER of Tennessee, Mr. DE LA GARZA, Mr. MRAZEK, Mr. ROE, Mr. VOLKMER, Mr. GARCIA, Mrs. BENTLEY, Mr. HORTON, Mr. ROWLAND of Connecticut, Mr. TOWNS, Mr. McEWEN, Mr. LEWIS of Florida, Mr. EMERSON, Mr. HOLLOWAY, Mr. WISE, Mr. NEAL, Mr. RIDGE, Mr. OWENS of New York, Mr. BIAGGI, Mr. TALLON, Mr. BURTON of Indiana, Mr. WORTLEY, and Mr. CLINGER.

H.R. 1711: Mr. DURBIN.

H.R. 1713: Mr. BILIRAKIS and Mr. FISH.

H.R. 1722: Mr. BATEMAN and Mr. DYSON.

H.R. 1723: Mr. BATEMAN and Mr. DYSON.

H.R. 1724: Mr. HUNTER, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. HILER, and Mr. ROWLAND of Connecticut.

H.R. 1732: Mr. FASCELL, Mr. LEWIS of Florida, and Mr. LANCASTER.

H.R. 1750: Mrs. COLLINS, Mr. KOLTER, Mr. GRANT, Ms. SLAUGHTER of New York, Mr. OWENS of New York, Mr. LANTOS, Mr. BARNARD, Mr. MARTINEZ, Mr. SPRATT, Mr. CONYERS, Mr. TOWNS, Mr. SYNAR, Mrs. BENTLEY, and Mr. SAWYER.

H.R. 1752: Mr. TOWNS.

H.R. 1754: Mr. UPTON.

H.R. 1769: Mr. DIXON, Mr. RANGEL, Mr. STOKES, and Mr. ORTIZ.

H.R. 1770: Mr. HOCHBRUECKNER and Mr. WEISS.

H.R. 1778: Mr. MILLER of California, Mr. FAUNTROY, Mr. LIPINSKI, Mr. NEAL, Mr. KASTENMEIER, and Mr. GORDON.

H.R. 1782: Mr. DE LA GARZA, Mr. HERTEL, Mr. TOWNS, Ms. KAPTUR, Mr. RIDGE, and Mr. CLINGER.

H.R. 1800: Mr. COLEMAN of Missouri, Mr. VOLKMER, Mr. EVANS, and Mr. TALLON.

H.R. 1802: Mrs. COLLINS, Mr. DELLUMS, Mr. DE LUGO, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRANK, Mr. FUSTER, Mr. HAWKINS, Mr. KASTENMEIER, Mr. MARTINEZ, Mr. MFUME, Mr. MORRISON of Connecticut, Mr. PEPPER, and Mr. UDALL.

H.R. 1809: Mr. FAUNTROY, Mr. KASTENMEIER, Mr. ACKERMAN, Mr. HAYES of Illinois, Mr. PEASE, Mr. SUNIA, Mr. PENNY, and Mr. LEWIS of Georgia.

H.R. 1819: Mr. CAMPBELL.

H.R. 1820: Mr. CAMPBELL.

H.R. 1821: Mr. CAMPBELL.

H.R. 1829: Ms. KAPTUR, Mr. SOLOMON, and Mr. KOLBE.

H.R. 1830: Ms. KAPTUR, Mr. SOLOMON, and Mr. KOLBE.

H.R. 1832: Mr. PORTER, Mrs. MARTIN of Illinois, and Ms. KAPTUR.

H.R. 1913: Mr. SMITH of Iowa, Mr. OXLEY, and Mr. GRANDY.

H.R. 1931: Mr. HUGHES and Mr. FISH.

H.R. 1960: Mr. COMBEST, Mr. DORNAN of California, Mr. FAWELL, and Mr. INHOFE.

H.R. 1973: Mr. LIGHTFOOT and Mr. ROBERTS.

H.J. Res. 16: Mr. BURTON of Indiana.

H.J. Res. 32: Mr. SHUMWAY, Mr. ROBERT F. SMITH, Mr. BENNETT, Mr. SAXTON, Mr. SCHUETTE, Mr. TRAXLER, Mr. GEKAS, Mr. GREEN, Mr. HARRIS, Mr. FRANK, Mr. HUBBARD, Mr. GUARINI, Mr. KASTENMEIER, LANTOS, Mr. LEACH of Iowa, Mr. MANTON, Mr. PEPPER, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Ms. OAKAR, and Mr. LEWIS of California.

H.J. Res. 62: Mr. LEWIS of Florida.

H.J. Res. 67: Mrs. MORELLA and Mr. WYDEN.

H.J. Res. 90: Mr. STAGGERS, Mr. LEHMAN of Florida, Mr. ROWLAND of Georgia, Mr. GOODLING, Mr. GINGRICH, Mr. BRUCE, and Mr. MARTINEZ.

H.J. Res. 91: Mr. MORRISON of Washington, Mr. CHAPPELL, and Mr. SISISKY.

H.J. Res. 100: Mr. SCHUETTE.

H.J. Res. 111: Mr. HOCHBRUECKNER.

H.J. Res. 132: Mr. KONNYU, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. HUGHES, and Mr. McCOLLUM.

H.J. Res. 140: Mr. WYDEN, Mr. TALLON, Mr. ACKERMAN, Mr. HEFNER, Mr. GUARINI, and Mr. DWYER of New Jersey.

H.J. Res. 143: Mr. BAKER and Mrs. MARTIN of Illinois.

H.J. Res. 161: Mr. CARPER.

H.J. Res. 163: Mr. OXLEY, Mr. SABO, Mr. PETRI, Mr. MANTON, Mr. CARPER, Mr. DWYER of New Jersey, Mr. JONES of Tennessee, Mr. TRAFICANT, Mr. WOLF, Mr. ROE, Ms. SLAUGHTER of New York, Mr. SCHAEFER, Mr. GARCIA, Mr. BOLAND, Mr. MAZZOLI, Mr. BORSKI, Mr. CLAY, Mr. LELAND, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, Mr. HOYER, Mr. BUNNING, Mr. COUGHLIN, Mr. HOPKINS, and Mr. SMITH of New Jersey.

H.J. Res. 171: Mr. BALLENGER, Mr. COBLE, Mr. CHAPPELL, Mr. THOMAS of Georgia, Mr. BATES, Mr. JENKINS, Mr. CLARKE, Mr. ROSE, and Mr. LEWIS of Georgia.

H.J. Res. 189: Mr. BOSCO, Mr. BROOKS, Mr. BUECHNER, Mr. CLINGER, Mr. CROCKETT, Mr. DARDEN, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. FLORIO, Mr. FRENZEL, Mr. GEJDENSON, Mr. GEKAS, Mr. GONZALEZ, Mr. GRADISON, Mr. GRANDY, Mr. GREEN, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HOYER, Mr. HUNTER, Mr. JONES of Tennessee, Mr. KASICH, Mr. KOSTMAYER, Mr. LEACH of Iowa, Mr. LOTT, Mr. McHUGH, Mr. McMILLEN of Maryland, Mr. MILLER of California, Mr. NAGLE, Mrs. PATTERSON, Mr. PORTER, Mr. RIDGE, Mr. RINALDO, Mr. DENNY

Smith, Mr. Sundquist, Mr. Towns, and Mr. Wyden.

H.J. Res. 190: Mr. Andrews, Mr. Bonior of Michigan, Mr. Borski, Mr. Coble, Mr. Derrick, Mr. Fields, Mr. Fazio, Mr. Gray of Pennsylvania, Mrs. Morella, Mr. Mfume, Mr. McMillen of Maryland, Mr. MacKay, Mr. Mineta, Mr. Price of North Carolina, Mr. Schumer, Mr. Tallon, Mr. Towns, Mr. Traficant, Mr. Torres, Mr. Vander Jagt, Mr. Visclosky, Mr. Wyden, Mr. Dymally, and Mr. Leach of Iowa.

H.J. Res. 194: Mr. Anthony, Mr. AuCoin, Mr. Barnard, Mr. Bates, Mrs. Bentley, Mr. Blaz, Mr. Boner of Tennessee, Mr. Burton of Indiana, Mr. Carper, Mr. Carr, Mr. Dornan of California, Mr. Fauntroy, Mr. Gray of Illinois, Mr. McHugh, Mr. Sunia, Mr. Traxler, Mr. Wortley, Mr. Wyden, Mr. Bevill, Mr. Gray of Pennsylvania, Mr. Hefner, Mr. Horton, Mr. Owens of New York, and Mr. Roe.

H.J. Res. 201: Mr. Roemer, Mr. Livingston, Mr. Manton, Mr. Gray of Pennsylvania, Mr. Dyson, Mr. Brown of California, Mr. Atkins, Mr. Green, Mr. Traficant, Mr. Coyne, Mr. Hammerschmidt, Mr. Panetta, Mr. Akaka, Mr. Gilman, Mr. Fawell, Mr. Kolbe, Mr. Duncan, Mr. Savage, Mr. Courter, Mr. Blaz, Mr. Clinger, Mr. Rinaldo, Mr. Dreier of California, Mr. Walgren, Mr. Boehlert, Mr. Holloway, Mr. Wolpe, Mr. Broomfield, Mr. Hayes of Illinois, Mr. Coughlin, Mr. Smith of New Jersey, Mr. Chappell, Mr. Hastert, Mr. Stallings, Mr. Oxley, and Mr. Schaefer.

H. Con. Res. 8: Mr. Burton of Indiana and Mr. Craig.

H. Con. Res. 28: Mr. McEwen, Mr. Horton, and Mrs. Martin of Illinois.

H. Con. Res. 30: Mr. Bartlett, Mr. Owens of New York, Mr. Saxton, Mr. Donald E. Lukens, Ms. Slaughter of New York, Mr. Kolbe, Mr. Molinari, Mr. Price of North Carolina, Mr. Bateman, Mr. Anderson, Mrs. Boxer, Mr. Moakley, Mr. Emerson, Mr. Craig, Mr. Lungren, Mr. Coelho, Mr. McCurdy, Mr. Denny Smith, Mr. Bates, Mr. Miller of Ohio, Mr. Dymally, Mr. Pashayan, and Mr. Lewis of Georgia.

H. Con. Res. 50: Mr. Cooper, Mr. Coats, Mr. Barnard, Mr. Ford of Michigan, Mr. Weldon, and Mr. Slattery.

H. Con. Res. 52: Mr. Owens of Utah.

H. Con. Res. 63: Mr. Henry, Mr. Feighan, Mr. Mrazek, Mr. Upton, and Mr. Andrews.

H. Con. Res. 97: Mr. Solarz.

H. Con. Res. 98: Mr. Nielson of Utah.

H. Con. Res. 102: Mr. Rhodes.

H. Res. 18: Mr. Gejdenson.

H. Res. 118: Mr. English.

H. Res. 131: Mr. Kastenmeier, Mr. Penny, Mr. Ackerman, Mr. Studds, Mr. Udall, Mrs. Collins, Mr. Hayes of Illinois, Mr. Fazio, Mr. Mfume, Mr. Clay, Mr. Hawkins, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Edwards of California, and Mr. Frank.

H. Res. 137: Mr. Weber, Mr. Schuette, Mr. Nichols, Mr. Lightfoot, Mr. McEwen, Mr. Daub, Mr. Stallings, Mr. Hastert, Mr. Olin, Mr. Inhofe, Mr. Thomas of Georgia, Mr. Pursell, and Mr. Upton.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 782: Mr. Richardson.

H.R. 1049: Mr. McDade and Mr. Bruce.

SENATE—*Thursday, April 9, 1987*

(Legislative day of Monday, March 30, 1987)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Thus saith the Lord God * * * in quietness and confidence is your strength* * * *—Isaiah 30: 15.

Be still and know that I am God * * *—Psalms 46: 10.

They that wait upon the Lord shall renew their strength * * *—Isaiah 40: 31.

Our Father God, as the Senate nears an extended recess, pressure mounts, frustration deepens, emotions heighten, and sometimes angry words erupt unthinkingly. Let this quiet moment as we open pervade us throughout these closing hours. Teach us how to quiet our hearts—to be still before the Lord—to wait upon Him for wisdom and self-control we beseech You. Manifest Your presence—Your peace—Your patience in our midst. In the name of the Prince of peace we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. **SANFORD** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the acting majority leader, the Senator from Wisconsin.

RESERVATION OF REPUBLICAN LEADER'S TIME

Mr. **PROXMIRE.** Mr. President, first I ask unanimous consent that the time of the Republican leader, Senator DOLE, be reserved for his use later in the day.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

COST OF SDI SHOULD SHOCK CONSERVATIVE SENATORS

Mr. **PROXMIRE.** Mr. President, what is the No. 1 military priority of this administration? Easy. It's SDI or star wars. What is the No. 1 domestic priority? That's easy too. It's to reduce the deficit without inceasing taxes. Can we do both? Can we cut the deficit and spend $1 trillion over the next 20 years or so building and deploying star wars? Can we then maintain, operate and modernize star wars at an annual cost of $150 billion every year—in 1986 dollars—and still hold down the deficit without increasing taxes? Keep in mind, Mr. President, that while we are pouring increasing hundreds of billions of dollars into star wars, we in Congress will have to appropriate hundreds of billions of dollars in interest on the national debt. We will also have to continue to pay for the massive conventional military force we will continue to have to maintain for our national security. And we will have a huge Social Security program plus all the social programs to fund. Mr. President, the time comes when a country, like a family, has to decide that there are some things that would be nice to have that we simply cannot afford. SDI is the No. 1 candidate for the we-cannot-afford title.

When do we make that can-afford or can-not-afford decision? The time may come in the near future when that go or no-go decision with respect to star wars may be made for us. Every Federal program that costs billions brings hundreds of thousands of jobs. It creates many cities and congressional districts that depend on the program for their economic life. The time comes in any of these huge projects when they have bought so much political support that they are very hard to stop. And then of course those who would end the immense boondoggle confront the argument that the country has already poured so much money into the pot that it must go on. The cry becomes: "We can't quit now. We've got too much at stake."

What astonishes this Senator is the repeated appearance on the floor of this body by the most conservative Senators to plead for moving ahead now, as rapidly as possible with SDI. Here are Members of this body who have won my admiration and respect for years with their steadfast support for holding down Federal spending. They have rightly pleaded for economy. They have wisely recognized the immense burden the growing deficit imposes on this country. They emphatically oppose a tax increase under any circumstances. And in spite of all this, they plead day after day for congressional funding of the most costly project in human history by far. Here is a trillion dollar extravaganza. Here is a project that will load a $150 billion additional maintenance and modernization cost on this country forever. Here is a project that will push the national debt to $4 or $5 trillion and beyond. Here is a project that will not provide for the education of a single child, or build even one house, or provide medical attention for one ailing person. And what happens when this project lifts the debt to several trillion dollars? What happens is that the only cost rivaling the cost of SDI will be the cost of paying interest on the massive debt that the SDI project has created.

Mr. President, henceforth when a Member of the body calls for proceeding with SDI, every listening Senator should ask in his own mind these questions: First, where is the money coming from? Second, won't this expenditure create a demand for more expenditures? Third, how much will this increase the national debt? Fourth, how much will this increase the cost of paying interest on the national debt?

Mr. President, as I have said before, the experts at the National Academy of Science by an overwhelming consensus tell us that star wars won't work. The arms control experts tell us that this system will provoke a defense–offense arms race that will skyrocket the prospects of nuclear war. No informed and independent expert believes that SDI can protect our cities from nuclear attack. For a small fraction of the cost of SDI, we can provide a mobility for our nuclear deterrent that will provide an infinitely greater and more assured protection for our nuclear deterrent that SDI can possi-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

bly provide. But unfortunately none of these arguments seem to carry any weight with the SDI advocates. They are convinced that some kind of magic, somehow, will provide that magic astrodome, that perpetual and perfect protection against hostile missiles. Frankly that doesn't surprise this Senator.

What surprises this Senator is that my colleagues who have repeatedly demonstrated their sincere support for holding down Federal Government spending, have become such pushovers for the most costly project in the history of the world. They have said no to more money for education. They have said no to more money for health. They have said no to more money for housing for the poor. They have said no to more money to clean up our polluted water and air. They have said no to more money for the handicapped. But SDI—a project the experts tell us won't work, a project that will cost far more than all the money we will be called on to spend on education and housing and health and the environment combined. Well, that's different. To SDI—they will say yes. Mr. President, they have fallen for trillion dollar instant magic. It is not worthy of them. This Senator simply doesn't understand it.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

Mr. PROXMIRE. Mr. President, I had earlier reserved the time of the Republican leader.

I am sure that the Republican leader would wish, if he knew that the Senator from Rhode Island was coming to the floor, that he have whatever time out of that that he would like to take.

I reserve the remainder of the time of the majority leader.

The **ACTING PRESIDENT** pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Thank you, Mr. President.

I thank the distinguished senior Senator from Wisconsin.

THE MOSCOW EMBASSY IMBROGLIO

Mr. CHAFEE. Mr. President, the appalling news regarding the construction of the new U.S. Embassy complex in Moscow reminds me of something Goethe wrote in 1808. This is what Goethe said 180 years ago. He observed:

> "Three things are to be looked to in a building: That it stand on the right spot; that it be securely founded; that it be successfully executed."

Three things are to be looked into in a building: that it stands on the right spot, that it be securely founded, that it be successfully executed; three simple things, and in all three the U.S. Embassy in Moscow has failed and failed completely.

I think all Americans share the indignation that I have over the situation of our Embassy in Moscow. I am talking about the new one, the one that is meant to be new.

The construction of an Embassy of the United States in the capital of our greatest adversary is a matter of paramount importance. The United States Embassy in Moscow is the most prominent symbol and presence of our Nation in the Soviet Union. With its American flag flying over the front door, our Moscow Embassy should be a secure, well-constructed source of pride to any American visiting that city. It should be a safe place in which to work for the Americans who spend their days conducting the important diplomatic business of this Nation. It should be a strong, well-designed outpost of democracy, a place that calls to mind that famous American ideal of a "city upon a hill."

The sad truth is that while both superpowers set out in 1977 to construct huge new embassies in each other's capitals, only the Soviets succeeded in building a city on a hill. High on Mount Alto up on Wisconsin Avenue, the Soviet complex is finished, partially occupied and ready to go. It is no shining symbol of democracy or freedom, but its successful completion at a cost overrun of only $350,000 makes the U.S. Embassy project in Moscow a tremendous embarrassment.

Our ill-conceived facility, as the American people are now learning, is nothing short of a disaster. The history of its construction is a pathetic tale of shortsightedness, waste, and what appears to be naivete. The facility that should have become our home base and island of security in the U.S.S.R. stands idle, unfinished, compromised by espionage, and to the astonishment of Americans may now be torn down. How stupid can we get?

How could this have happened and who is responsible? These are the questions that concern me today, and I am sure they are on the minds of many, many Americans. How many people are filling out their tax forms today, in order to meet next week's deadline, and wondering how much they contributed to this half-baked house of horrors? To date, we have spent $100 million of the $192 million appropriated for the project. And now they are suggesting that we tear it down.

Now that they know we have been throwing money down this sinkhole, and that all we have to show for it is a ghost town riddled with listening devices, people are angry and they derserve to be. They want to know who got us into this mess, who negotiated the agreements that got the Soviets a gleaming, finished embassy on the highest promontory in the District of Columbia, while the United States ended up with a low-lying object of ridicule. The people demand accountability.

It is not enough to say all those wicked Russians, they were not nice to us. Are our eyes closed? Do we not realize we are playing in a tough league where the Marquis of Queensbury rules do not apply?

Mr. President, this project has been in the works, believe it or not, since 1934 when William C. Bullitt, then the U.S. Ambassador to the U.S.S.R., began discussing the new Embassy with Stalin. The formal agreements leading to the construction of the two embassies, theirs over here, ours over there, were signed in 1969, 1972, and 1977. And these agreements among other things placed the new Soviet Embassy in the best possible location in the city of Washington for electronic and telephone surveillance. They could not have done better. They could not have done better and we could not have done worse. The U.S. Embassy in Moscow was placed in a low-lying swamp.

The U.S.S.R. Embassy has a little over a half million square feet at a price of $65 million. We planned on a building bigger than that—a complex of over 700,000 feet. We appropriated almost $200 million and may soon, as I say, have to tear the whole thing down.

The Soviets seem pleased with their embassy and look forward to occupying it. And I do not blame them. They ought to be pleased.

We, on the other hand, are now treated to the spectacle of the American Members of Congress sheepishly poking around to see where the bugs are and where they have been embedded in the beams. This is an outrage. Who is accountable? We are entitled to know.

I would like to know the members of the Nixon or the Ford or the Carter or the Reagan administration who approved this deal, and oversaw its implementation. There ought to be some answering to this. Accountability is old fashioned. That is gone from Government now. It is all lost, and nobody knows who did what.

Well, I think it is time to bring it back. Who is responsible for this mess?

Finally, once we get some accountability now let us go on, and get a secure embassy that we need and ought to have in Moscow.

Let us put somebody in charge who seems to be able to do it. Maybe Donald Trump ought to build it. He seems to be able to build a skating rink in New York City that nobody else could build. Maybe he can build us an Embassy in Moscow without bugs in it. The sign outside that Embassy ought to be that it is secure, that it represents the best of America, and that nobody is going to listen in when the Secretary of State from the United States goes over there. At least he ought to feel he can carry on a conversation without the Soviets listening to everything that takes place.

Thank you, Mr. President.

I would like to thank the distinguished senior Senator from Wisconsin.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished minority leader, Mr. Dole, is recognized.

Mr. DOLE. Mr. President, I know other colleagues are waiting to speak. I would like to take just a few minutes.

ABM

Mr. DOLE. Mr. President, throughout today Senators Lugar, Simpson, Hecht, and Kasten will make floor statements on the ABM Treaty issue. They are continuing a series in which 12 of us have already sought to remind our colleagues that the ABM "dispute" is really a discussion of SDI and America's defense. The President is seeking a legal option to pursue SDI in an efficient and cost-effective way. We believe he should have it.

We think we will make a very good record over the next few days and the next few weeks.

NATIONAL FORMER PRISONER OF WAR DAY

MC CAIN'S STORY OF HEROISM

Mr. DOLE. Mr. President, 20 years ago, John McCain's A-4 Skyhawk was shot down over Hanoi, and he was captured. For the next 6 years, John lived in conditions of hardship and stress that most of us cannot even imagine. It was the stuff of nightmares. But for John McCain, the nightmare was very real.

John McCain survived. He came back. He stands with us today—as a Senator, a leader of his Nation, a true hero.

John McCain's story is remarkable. But it is not unique. The same story, or one much like it, has occurred again and again, in every war our Nation has fought.

130,000 POW'S HONORED

Today, we honor the subjects of each one of those remarkable stories: The 130,000 American soldiers—80,000 of them still living today—who have been taken captive in wars throughout our history.

In the darkest hour, through the most incredible hardships, these soldiers kept the faith. Their loyalty to country, to their code of honor, and to their fellow prisoners, reflect the best in American ideals and American traditions. They deserve our thanks; they deserve this day of recognition. It is long overdue.

No doubt about it, this country has come a long way on the POW issue. I remember hosting a "POW awareness" event in 1972 at Constitution Hall—what I remember most was that the hall was just about empty! But we were not deterred. Many dedicated and concerned Americans joined the fight—to push and push—until today, when we finally see this long-deserved tribute become a reality.

APRIL 9: THE FALL OF BATAAN

Why this date, April 9? It was the day in 1942 when Bataan, in the Philippines, fell to enemy forces; an event which led to the capture of thousands of American soldiers; and to the death of hundreds of them, in the now infamous Bataan death march. No day in our military history has had more tragic consequences; no day, therefore, could have more meaning as a symbol of the sacrifices our POW's have made for their country.

"AMERICAN EX-PRISONERS OF WAR" ORGANIZATION

The "American Ex-Prisoners of War" Organization, under the able leadership of its national commander, Curt Musten, took the lead in generating this special occasion. I congratulate them for the initiative, and for their hard work in following up on it. And I would note, also, that countless thousands of veterans—some POW's, many not—joined in supporting this initiative.

Mr. President, today we honor true heroes; the bravest of the brave. I salute them; the Senate does. Most important of all, America does.

In recognition of the courage and sacrifice of our POW's and their families, I ask unanimous consent that an interview in USA TODAY with our distinguished colleague, John McCain, be made a part of the Record.

His story should be included here, so that future generations can read this inspirational tale of courage, sacrifice, and triumph over unimaginable odds.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From USA TODAY, Apr. 9, 1987]

[Topic: Honoring POW's]

(Sen. John McCain, 50, was a Navy pilot held prisoner for 5½ years during the Vietnam War. His grandfather was an admiral during World War II, and his father, also an admiral, commanded the Pacific forces during the Vietnam War. The Arizona Republican was interviewed by USA TODAY's Sally Ann Stewart.)

POW's Life: Soup, Torture, Boredom

USA TODAY: There are 83,000 former prisoners of war in the USA, but only 651 are from the Vietnam era. Isn't that a surprisingly low number?

McCAIN: It is a small number, but I think part of it's understandable. The Viet Cong in the South took no prisoners for many years, and those of us who were caught in the North were mainly pilots. The survival chance of a pilot who was shot down was about 50-50. In World War II, American soldiers were captured everywhere, and with all of the airplanes that were shot down, thousands of airmen were captured. It was a very different war.

USA TODAY: What do you think the mood of the country is now toward POWs? We're seeing so many movies about Vietnam.

McCAIN: I think the American people have re-evaluated their feelings about the Vietnam War, at least those who fought in it. And there's been a great surge in the last few years of appreciation and sympathy. Because of this resurgence of patriotism and good feeling about America, the appreciation has spilled over for all those who served. I'm very glad it's happened.

USA TODAY: What are the sacrifices a POW makes?

McCAIN: Being a prisoner, particularly in World War II with the Japanese, was a terrible experience. They were starved and beaten and cruelly treated. And I think certainly the Vietnam POWs had a difficult time, and the Korean POWs were kept in awful conditions, so they did make enormous sacrifices.

USA TODAY: Have you seen the movies *Platoon or Hanoi Hilton*?

McCAIN: I have seen neither, I'm sorry to say. But I intend to see both.

USA TODAY: Have you heard from other POWs or veterans about the movies?

McCAIN: I've heard from a lot of veterans, enlisted men who fought in combat, who say the brutality and the treatment of the Vietnamese people are terribly distorted. Most men had no ill will toward the Vietnamese people. In fact, the relationship was excellent. But *Platoon* made a point: the horrors of war.

USA TODAY: Do you think a movie could tell the whole story?

McCAIN: I think it's very difficult, because so much of it was long hours of boredom, and that's very hard to depict in a film. Also, there's a great deal of humor because wherever there's group of Americans, there's going to be things happen that are funny, and so far that has never been portrayed.

USA TODAY: It's surprising to hear a former POW talk about humor. Do you remember any incidents?

McCAIN: Oh, sure. They would have a loudspeaker in our cells and would play this *Hanoi Hannah* program and Vietnamese music. One song was *Dead Marines on Highway Number Nine*—nice, clever tune. Another one was called the Children's Song: I Bet My Mother How Many Air Pirates We Captured Today. The Vietnamese were very amusing from time to time, particularly some of their propaganda.

USA TODAY: Like what?

McCAIN: After Ho Chi Minh died, they came on the radio with this big thing about electing a new president. They selected one candidate, then they had a secret ballot, then the ballots were counted, and guess who won? What astonishing results! And Uncle Ho, you know, grass didn't grow, flowers didn't bloom, planes didn't fly, and tractors didn't work unless Uncle Ho told them how to do it. He would visit a farm, and guess what? The next crop was a bumper crop. He went to visit a tractor factory, and they were below their quotas, but he gave them some instruction, and guess what? They doubled their quota!

USA TODAY: Anything else?

McCAIN: Sometimes they would have new interrogators, and they would break them in with you—kind of on-the-job training. I got this new guy who said, "Last week in your country you celebrated the Easter. What does Easter mean? I thought maybe I could do some good here, so I said, "We believe there was a guy who walked the earth, did great things, was killed, and three days later, he rose from the dead and went up into heaven." The guy gave me a very puzzled look, and asked me to explain that again—and again. Then he left the room. A few minutes later, he came back and said, "The other officers tell me you tell nothing but lies, so go back to your room before I have you beat."

USA TODAY: Could you keep up with what was going on in the world?

McCAIN: They never gave us any meaningful news. They told us the day that Martin Luther King was shot, they told us the day that Bobby Kennedy was shot, but they never bothered to tell us about the moon shot. So it was certainly selected news.

USA TODAY: What was a typical day like?

McCAIN: Well, a gong would go off at 5:30 in the morning, and we'd get up. After a while, a guard would come, and he would make you, say, empty the bucket that we used for toilet purposes. Then a few hours later would come the first meal, which consisted of soup. Then a few hours later would come the second meal, which also consisted of soup, and in the evening about 9 they would play this *Hanoi Hannah* program. And a gong would go off, and we'd go to bed.

USA TODAY: What was the bed?

McCAIN: It was a wooden thing, nailed together.

USA TODAY: How many men were in your cell?

McCAIN: I was by myself for three and a half years. They did that to a lot of people—solitary, or two or three to a cell, so we couldn't organize. Then I moved into a big room with a whole bunch of guys.

USA TODAY: But you did organize. How?

McCAIN: Tapping on the wall to each other, dropping notes, those kinds of things.

USA TODAY: Did they parade you through the streets of Hanoi, as we've read?

McCAIN: They did that to a group just before I was shot down. They never did it to me.

USA TODAY: Were you hurt physically?

McCAIN: Yes, I had broken arms and leg.

USA TODAY: You're uncomfortable talking about this.

McCAIN: Well, I just, you know, it happened a long time ago, and it's something I don't focus on too much. It's something that happened, and it's over. I'm certainly not embarrassed about it or anything. It's just—I've looked forward in my life. And unfortunately, too many veterans, POWs, spend all their time looking back.

USA TODAY: Are POWS different from other veterans?

McCAIN: I think not really. There's a little closer bond between them, perhaps, than other veterans, but that's understandable. Shared experience.

USA TODAY: Are you still in contact with any of your fellow POWs? What are their lives like?

McCAIN: I'm still in contact with quite a few of the ones I was close to. Most of them are doing fine. Some have mental problems, some serious physical problems.

USA TODAY: What do you think happened to the POWs and MIAs who never came back?

McCAIN: Many of them died. We don't know about the others. That's why we've got to keep on this MIA issue until we get it resolved. There's no hard evidence I've seen that they're alive, but there are enough allegations that make it clear it has to be pursued and pursued hard.

USA TODAY: How would you like to see the USA observe National POW Recognition Day today?

McCAIN: Just a speech by the president, perhaps. The kind of recognition we give on Veterans Day, so that we can express our nation's appreciation.

USA TODAY: How had the USA changed while you were gone?

McCAIN: Remember, I left in '67 and came back in '73. There was a definite relaxation of morals, as you know, different lifestyles. But overall, it was still the greatest country in the world.

USA TODAY: How did you feel about the changes?

McCAIN: Let me just tell you one quick story. When I went back with Walter Cronkite and the CBS film crew a couple of years ago, at the 10th anniversary of the fall of Saigon, they even went back to one of the cells I had lived in. That evening, Cronkite and I were stitting there talking, and Cronkite said, "Gee wasn't it a bad day for you? Do you have any nightmares, or flashbacks?" And I though about it, and I said, "No, it really wasn't." I really had no discomfort about it, but I did have a great deal of sorrow, not for myself, but for those friends of mine who did not come back, and those who had not been given a second chance, as I have, to serve the country. So I'm very grateful. That's basically the way I feel.

THE USA'S POW'S

Today is Former POW Recognition Day, the 45th anniversary of the fall of Bataan, after which 11,500 U.S. servicemen were taken prisoner. Honored: the 83,430 ex-POWs in the USA:

336 from World War I.

78,914 from World War II.

3,562 from Korea.

618 from Vietnam.

Many died in captivity; many were never found.

	Captured	Returned alive
World War I	4,120	3,973
World War II	130,201	116,129
Korea	7,140	4,418
Vietnam	766	651

Source: American Ex-Prisoners of War, and the National League of Families.

Most POWs who did not come home are presumed dead. However, 21 Korean POWs refused repatriation, and one serviceman, Col. Charles Shelton, is still listed as a POW in Vietnam.

SENATOR DOLE'S BICENTENNIAL MINUTE

APRIL 9, 1867: SENATE APPROVES ALASKA PURCHASE

Mr. DOLE. Mr. President, on this date in 1867, 120 years ago, the U.S. Senate approved the Alaska Treaty. Under the terms of this treaty, the United States paid the Russians $7.2 million for a territory twice the size of Texas. Averaging about 2 cents an acre, the Alaska purchase was one of the greatest real estate deals in world history. But this "bargain" was not fully appreciated at the time.

The Russians, eager to unload their unprofitable colony, let Secretary of State William H. Seward know they were ready to negotiate its sale; and he jumped at the opportunity. Seward was an ardent expansionist, who envisioned the United States someday extending over the entire continent of North America. With a vast western territory still largely unoccupied, most Americans could not see the need to purchase Alaska, which for all they knew was "a city, an animal, or a new kind of drink." The newspapers laughed at "Seward's folly," and "Seward's icebox." But the able Secretary of State convinced the Senate of Alaska's valuable natural resources and strategic location for American interests in the Pacific. On April 9, 1867, the Senate ratified the treaty by a vote of 37 to 2.

It took the House of Representatives another year to approve the appropriation of funds to make the purchase; and when it did, rumors spread that the Russian Ambassador had used some of the money as bribes to win the support of various Congressmen and journalists. A congressional investigation failed to substantiate these charges, but the bitter taste left by the Alaska scandal lingered long after. Thus, one of the most successful land deals in our history helped to turn Americans, away from further expansionist efforts.

CAFETERIA BUDGET PLAN

Mr. DOLE. Mr. President, I was going to comment today on the budget which came out of the Senate Budget Committee, but I do not know which one to comment on. There are four budgets. It is sort of the cafeteria plan of budgeting. People report out four or five budgets, and take your choice.

I have been around here since we began the congressional budget process in the mid-1970's. And this is the first time I can remember when the Senate will be treated, at the outset, to this "cafeteria plan" of budgeting.

The so-called Chiles plan, which I think we can assume is the committee's "real" budget, does not provide adequate funds for defense, and calls for $18.5 billion in additional revenues. The other three choices include the President's budget; one that makes deep and sweeping cuts in domestic programs; and a third that relies so heavily on new taxes that even the most ardent "tax-and spenders" would have trouble supporting it.

We all know the Senate will not accept, and neither will the American people, a budget that does not provide adequately for our country's security. And no one, no one, is going to standby and allow us to break the compact we made last year with taxpayers to simultaneously take away tax breaks and lower tax rates. There may be ways to find some revenues—by closing loopholes, or user fees, or asset sales—but touching the rates will not happen.

It seems to me what the Senate has awaiting it, after the Easter recess, is a prescription for one of two things: budget chaos, or budget paralysis. If we actually begin consideration of the 1988 budget with four budgets before us—probably none of which can muster a majority of votes—we may as well stay home, or debate something else.

It is time to get this process moving—but moving in the right direction. There's only one way Congress will deal with the deficit this year—and that is for Republicans and Democrats to join together, with the President to forge a reasonable, workable budget plan—a plan that focuses on spending cuts—domestic as well as defense—coupled only with revenue increases similar to those in the President's own budget.

At the same time, we need to begin focusing on ways to put some sanity into the budget process—make it rational and meaningful. The "budget process reform package" developed by Senator DOMENICI provides an excellent guideline.

If we join together—we just might succeed: we just might keep this economic recovery going; and at the same time, keep our pledge to the American people to balance the budget in the next few years.

So I just suggest that we are probably going to have all the debate on the budget following the Easter recess. I look forward to working with my colleagues on both sides of the aisle to see if we can find some reasonable approach, some way to reach the Gramm-Rudman-Hollings target, but, above all, some way to reduce the Federal deficit.

I reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes, with Senators permitted to speak therein for 5 minutes each.

The distinguished Senator from Nevada is recognized.

SOVIET MISCONDUCT

Mr. HECHT. Mr. President, much has been said recently by media pundits, distinguished members of the bar, administration legal experts, and Members of the Senate on legalistic interpretations of treaty provisions and further strategic defense initiative development. As usual, when lawyers start counting angles on the head of a "legal" pin, most of the rest of us end up in a dense fog of confusion. If we do not keep a broader perspective, we can become mired in the same sticky morass of definitions, intentions, and variances in understanding as the lawyers.

I recognize that the United States—as a law-abiding member of the community of nations—must adhere to its clear treaty commitments, if indeed, such commitments are clear and understandable. However, Mr. President, as we decide our national course on the strategic defense initiative, and the 1972 treaty, we must not be so blinded by this fog of confusion that we forget two critically important aspects of this debate: The future wellbeing of the people of the United States, and, who, and what, we are dealing with.

I believe that expedited development of the President's strategic defense initiative is a vital step for our future security, and I urge the administration to proceed at all deliberate speed. I fail to see how SDI development threatens the people of the Soviet Union, since it is a purely defensive system, and we should not forget that the President, in pursuit of a secure and stable world, has offered to share SDI technology with the U.S.S.R.

Before we tie ourselves into too many knots with all these arguments over definitions, I urge my fellow Senators to remember what sort of an adversary we are dealing with. Soviet international conduct since 1972 has been consistently expansionist, threatening, and destabilizing, offering little reason to trust their future intentions about the people of the United States and our allies. Our citizens, and the Members of the Senate, are well aware of this history of hostility to our interests, and other international misconduct, and time does not permit me to repeat the entire litany of such incidents here today. Just to remind you: This is the regime that supported North Vietnamese slaughter in Cambodia; that finds the attack and destruction of a peaceful commercial airliner, with the death of all abroad, a justificable act; that actively supports destabilization and development of totalitarian regimes in Central America; and, which has turned Afghanistan into a charnel house to support its expansionism. How far should we bend to placate leaders of a system who justify this sort of international behavior?

As one step in evaluating this question, Mr. President, I had a list of incidents of Soviet international misconduct, since 1972, the date of the treaty, prepared. The list is by no means exhaustive, but it makes clear what kind of treaty partner we are dealing with.

Mr. President, I ask unanimous consent that this list be made part of the RECORD immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HECHT. Looking at the overall record of Soviet behavior toward us, and taking at face value their own statements about their intentions for our future, I suggest, Mr. President, that we not take too much time in quarrelling among ourselves about definitions and interpretations before we get on with the development of this badly needed national defensive system.

EXHIBIT 1

SOVIET INTERNATIONAL MISCONDUCT AFFECTING UNITED STATES SECURITY INTERESTS, 1972 TO PRESENT

1972 (and before) to present: "Active measures"/disinformation programs executed by official Soviet agencies, falsely accusing U.S. of international crimes; latest is charge that U.S. military developed and spread "AIDS".

1973 to present: Soviets jam foreign radio broadcasts in violation of 1973 Treaty on Communications.

1973—Arab-Israeli War: USSR supplied military hardware to Egypt and Syria, after which they initated hostilities. Moscow threatened deployment of its own forces to Egypt in the face of Israeli counter-offensive.

1975—Angola: Soviet support in the form of arms and advisors to the MPLA. Secondary support through Cuban surrogates. Support continues to this day.

1977—Ethiopia: Moscow initiated support in the Horn of Africa to Ethiopia in the wake of Haile Selassie's overthrow, provided massive build-up of arms and advisors including Cuban surrogates for war against Somalia.

Throughout period to 1980—Rhodesia/Zimbabwe: Soviet political/arms support to the rebel forces, principally ZAPU.

1973—Peru: Moscow sold supersonic fighter aircraft and more modern tanks to Peru. Arms sales were destabilizing, and threatened peaceful relations for the region.

1978—Vietnam: Using massive support, Hanoi, in connection with invasion of Cambodia, committed major human rights violations against Cambodians.

1979—Afghanistan: Soviet invasion to prop-up the unpopular Marxist-Leninist regime. Continuing to date, including fake "withdrawal," cross border bombings in Pakistan, and internal "Charnel House" conditions in Afghanistan, with widespread violations of human rights.

1973 to present, Syria: Replacement of equipment lost in 1973 Arab-Israeli War with modern advanced armaments, including first-time deployment outside Warsaw pact of sophisticated SA-5 surface-to-air missiles, significantly threatening Israeli defenses.

Early 1970s to present, Libya: Arms sales to Libya chiefly in exchange for oil has permitted Libya's leader to act as a destabilizing agent throughout the Mediterranean region and in Africa, to include sponsorship of, and aid to, terrorists. Recent (1986) transfers of SA-5 surface-to-air missiles threaten flight over a large portion of the central Mediterranean Sea.

1977 to present, South Yemen: Soviet aid has been chiefly military and has kept tensions in the southern Arabian Peninsula high.

1984 to present, North Korea: Support to NK truculence and sabre rattling, such as sale of Mig-23 aircraft to Pyongyang, and Korean permission for Soviet intelligence collection and strike mission simulation flights in North Korean territory.

1983—Grenada: Ouster and execution of Prime Minister by more radical Soviet-backed New Jewel Movement members. Subsequent to intervention by U.S. and Caribbean neighbors, enormous caches of Soviet arms destined for Latin American trouble spots were discovered.

1983: State Department report to Congress showed that Soviet forced labor system of 4 million inmates, including at least 10,000 political and religious prisoners, contravened U.N. Charter and the Anti-Slavery Convention of 1926.

1983—USSR: Soviets shot down civil airliner, flight KAL-007, after it strayed off course and flew over Soviet territory. 269 persons on board perished. Soviet Government falsely claims that KAL-007 on U.S.-controlled "spy flight," as justification.

1985—East Germany: Lieutenant Colonel (then Major) Arthur Nicholson killed by Soviet sentry in East Germany. Despite clear evidence of misconduct on part of the sentry, Moscow refused to acknowledge responsibility for the killing, or to compensate LTC Nicholson's survivors for their loss.

1986—Chile: Arms cache discovered containing large quantities of Soviet-provided arms, presumably intended for use by leftist guerrillas.

Late 1970's to present—Central America: Intensive large scale Soviet support, partially through Cuban surrogates for military Guerrilla action to install or stabilize pro-Soviet Marxist-Leninist totalitarian regimes in El Salvador and Nicaragua.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

THE NEED FOR PRIVATE ENFORCEMENT OF FEDERAL CAMPAIGN LAW

Mr. REID. Mr. President, ours is a system of government which has long recognized that from time to time the private sector may more efficiently carry out the task traditionally seen as limited to the role of the State. The substitution of private interests as a motivating factor for pursuit of what was formerly State action has been seen in areas as varied as industry deregulation, privatization of Federal monopolies, and use of civilian contractors to fill roles formerly filled by the military.

One area in which the use of private action to enforce a public interest has some valuable potential for application is in the enforcement of Federal election laws.

For some time now, it has been my observation, and that of many of my colleagues, that the Federal Election Code is not being vigorously or adequately enforced. The problems in enforcement may be laid at the feet of the FEC, or the Congress for underfunding the Commission; it really does not matter which. The real question now, is how are we going to solve the problem of lax enforcement.

Late last month I introduced S. 780, the Fair Campaign Enforcement Act. I believe that bill does a great deal to eliminate the present lamentable inability of the FEC to strictly and adequately enforce Federal election laws. I am delighted that Senator BOREN is cosponsoring that legislation as an appropriate companion to S. 2.

The centerpiece of the act is its encouragement of private actions to enforce Federal election laws. It does so in three ways.

First, the bill removes the requirement of present law limiting private actions to the District of Columbia. That change will make it easier for an aggrieved party to file an action in any district where jurisdiction would normally lie; in most cases that will be the State where the violation occurred.

Second, the bill amends present law to eliminate the low standard to which the FEC is presently held in order to avoid a private action. As the law now stands, all the FEC has to demonstrate is that it has taken some action to pursue the complaint. The act amends the law to require a finding of reasonable pursuit of the action.

Finally, the act provides for a mandatory award of attorneys' fees and costs to the prevailing party. That section is designed both to encourage action by otherwise impoverished but wronged claimants, as well as to discourage frivolous litigation by awarding fees and costs to a prevailing defendant.

Taken together, these provisions greatly improve the future of enforcement of the campaign laws we have already enacted, as well as those I hope we shall pass in the future. I know my fellow Members are committed to fair elections and fair campaign laws. The corollary to that commitment is the necessity for supporting enforcement of the laws we all espouse.

I hope Senators will join me in sponsoring this important legislation, and I look forward to our working together to pass it into law.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

THE ABM TREATY CONTROVERSY AND ARMS CONTROL NEGOTIATIONS

Mr. LUGAR. Mr. President, East-West arms control negotiations have a habit of degenerating into family feuds among ourselves and our allies, to the detriment of both. Controversies have arisen within and between the Congress and the administration over arms control which could hobble our negotiators in Geneva. Our negotiators are being put in the position of having to negotiate arms control on two fronts simultaneously—with their Soviet counterparts, and with the United States Congress.

The debates in the Congress currently revolve around the proper legal interpretation of the ABM Treaty. Indeed, all of the players in the debate over a "narrow versus broad" interpretation of the ABM Treaty are from the Western side, our side of the table. The Soviet Union, by adopting a position at Reykjavik, Iceland, that can only be described as "super narrow," has no incentive to deal with the issue seriously so long as it believes that the Congress will decide the matter for it in its favor.

At the same time, consultations between the administration and the Congress with respect to the ABM Treaty and a prudent SDI Program are essential. The Senate has inaugurated such consultations through the formation of our ABM Consultative Group. While these consultations continue, it would not be helpful for individual Members of Congress to attempt to legislate personal legal interpretations of the ABM Treaty, just as it would be unwise for the administration to announce premature SDI policy decisions based on its legal interpretation.

We have reached a stage in our debates where a decision on the proper interpretation of the ABM Treaty could well hinge on congressional disposition of the administration's fiscal year 1988 funding request for the strategic defense initiative. Such a linkage, however, can cut several ways. Some Members may counsel a delay in the administration announcement of its policy decision on the ABM Treaty until after the Congress considers the SDI funding request, lest administration actions jeopardize such research funds. Other Members may believe that such an administration decision should be reached, in part, on the basis of how much funding the Congress provides for the strategic defense initiative. Implicit in the latter view is the threat that the administration will move to the broad interpretation of the ABM Treaty if the Congress slashes the President's SDI funding request.

We do not know at this stage whether areas of compromise are possible between the Soviet intention to kill SDI and the administration's commitment to maintain it. Certainly, no compromise is possible if the Soviets can accept no outcome other than the effective end of SDI.

The administration has successfully resisted any crippling restrictions on SDI research permitted by the ABM Treaty, most recently at Reykjavik. However, our negotiators are not convinced that the Soviets would not settle for an outcome that provided predictability to the strategic defense area while the United States moved forward with a robust research program.

Some Members have become convinced that lack of enthusiasm for any of the early deployment schemes translates into support for SDI only as a "bargaining chip," to be traded away for Soviet reductions of offensive nuclear forces. I disagree. I believe that a persuasive case can be made in favor of a robust, well-funded SDI Program but against early deployment of immature systems that might not even meet minimum defensive requirements. We would do no favors to the SDI Program by rushing to an early deployment judgment based primarily on political calculations rather than technical feasibility. Indeed, we could harm the program irrevocably by depriving it of the requisite political support.

Mr. President, I would find it difficult to support an early deployment of defensive systems simply as a means of repudiating the 1972 ABM Treaty. Nor would it make sense to consider the early deployment of defensive systems merely as a preemptive means of locking in successor administrations to the SDI Program. First, I believe that SDI has become a permanent feature of the American strategic landscape; SDI will survive this administration. Second, Mr. President, no administration can irrevocably commit its successor to its policies and to attempt to do so is usually self-defeating.

As the Secretary of State departs for Moscow, our objective in the Congress must be to strengthen, not weaken, the hands of our negotiators in Geneva. Indeed, some negotiated outcomes with the Soviets in Geneva might render moot the current issue of the legally correct interpretation of the ABM Treaty. For the moment, our security objectives are best served by no preventive SDI and ABM legislation and no ABM breakout policy by the administration, unless justified by the "supreme national interest."

If the Soviet negotiators in Geneva can argue that they seek through the defense and space talks a measure of predictability with respect to the administration's actions in the SDI Program, surely our negotiators have every right to expect a "period of predictability" with respect to congressional actions and debates. The "window of opportunity" that may have recently arisen in Geneva cannot be properly explored if such a "period of predictability" does not obtain in Washington.

A moratorium on debilitating arguments and legislation in Washington may be necessary to sustain our positions in Geneva. We must let our negotiators negotiate. Attempts by the Congress and the administration to lock in legislation and policies during the initial months of the 100th Congress could lock out our negotiators from exploring in a meaningful fashion the prospects for the very outcomes that both Members of Congress and the administration seek for the rest of the century.

Mr. President, I yield the floor.

THE STRATEGIC DEFENSE INITIATIVE IN RELATION TO THE ABM TREATY

Mr. KASTEN. Mr. President, recently there has been much discussion on the interpretation of the Anti-Ballistic Missile Treaty. It comes at a time when we are participating in the defense in space talks in Geneva and soon Secretary Shultz will travel to Moscow. I think three points need to be made.

First, the ABM Treaty we attempted to attain is not what we ended up with. We did try to ban future exotic systems. The Soviets wouldn't agree to it. Furthermore, if we are required to adhere to a narrow interpretation we may need Moscow's permission before we go any farther with SDI. In other words, we are arguing for permission we already have—and from someone who is breaking the same agreement.

There are two texts that should be used to determine this treaty's meaning:

The treaty itself; and

The negotiation record—which shows the intent of the parties as expressed in a legally meaningful fashion.

Attempts have been recently made to use the record of ratification proceedings to interpret the treaty. Such statements can be useful in understanding a treaty's terms—but that is only if they reflect the agreement of both parties. The record of ratification is simply not binding.

Second, the Soviets are in awe of United States technology—and I think that is what bothers them the most about President Reagan's strategic defense initiative. For example, the Soviets are lacking in the SDI software being developed for battle management in space. We have the opportunity to apply SDI technology to defending ourselves and the world—especially in defense of strategic and tactical ballistic missile forces.

Third, in deciding whether we should consider a broad interpretation, we must recognize the fact that the Soviets have allocated resources equivalent to approximately $40 billion a year for strategic offensive and defensive programs. That level of funding has been going on for close to 10 years. During the same time, the cost of Soviet military space programs approached $80 billion.

In addition:

There is only one operational ABM system in the world today—and it protects Moscow.

Their radar facility at Krasnoyarsk is supposed to be for space tracking. The problem is that they already have a space tracking network. This radar is identical to other radars which the Soviets admit are used in missile detection and tracking. And Krasnoyarsk is not located on the periphery of the U.S.S.R. and pointed outward, as required in the treaty for early warning radars. It is some 750 miles from the nearest border—and it is oriented across approximately 2,500 miles of Soviet territory.

Moscow has also deployed a series of modern phased array battle management radars. They are now mass producing components of its ground based ABM system—and they have constructed a sizable civil defense system for their elite.

There is only one country moving toward the capability of a nationwide ABM capability—and it is not us.

CURRENT STATE OF EVENTS

We will soon find out to what degree we need the "broad" versus "narrow" when we receive the list of tests that could be conducted under the broad interpretation. General Abrahamson, head of the SDI Office, is expected to deliver that compilation by April 30.

While this effort is being conducted in the Defense Department, Judge Sofaer—the State Department's counsel on this subject—is conducting a second review of additional treaty materials. It is my understanding that they are reviewing all documents which pertain to negotiations, subsequent practice, and ratification proceedings. That is also due by April 30. I understand that the administration is taking on a massive search to try and find all the documentation involved.

I think it is outstanding that the administration is willing to do these studies to make sure their conclusions are correct, and to help determine what avenue we should take next.

FUTURE EVENTS

I support SDI's research, development, test, and evaluation. But you cannot develop, test, and evaluate without a broad interpretation of the ABM Treaty.

This means, for example, that we cannot realistically test devices in space to identify and track enemy missiles and warheads. Nor can we develop a capability to discriminate between warheads and decoys or track enemy missiles immediately after launch. Space based kinetic kill vehicles could not be tested under real conditions in space. Also, no airborne optical sensor test devices, such as the airborne optical adjunct, could reach full antiballistic missile performance levels.

If we stop at research, all we can do is see how the technology works.

A. By doing so, the program costs are driven up to exorbitant levels—making them ripe for budget cuts.

B. This will delay a decision on whether to deploy defenses against nuclear missiles.

C. When we do face deployment decisions we will not have the confidence needed to know whether a system will work or not. There is a method to what the advocates of a "narrow" interpretation have in mind. When you lift the veil of the interpretation issue the real incentive for a "narrow" interpretation is to kill SDI.

CONCLUSION

Mr. President, we are moving toward a point when we can create a defense which is good enough to make our adversaries think twice. It is clear that research along these lines will surely yield technology which will complicate the calculations of any aggressor. We simply cannot afford to yield our right to explore strategic defense. We must refrain from making any unilateral decisions at this time.

A consensus has to be reached that will give us the capabilities that will set the stage for genuine arms control. By this, I mean arms control that strengthens deterrence at lower levels of risk and lower levels of nuclear arms.

Knowing if SDI works will help take us there.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from Defense News of April 6, 1987.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense News, Apr. 6, 1987]

LAWMAKERS DEFEND BROAD INTERPRETATION OF TREATY

(By Trish Gilmartin)

WASHINGTON.—Senate minority leader Robert Dole of Kansas last week kicked off the first in a series of spirited floor speeches planned by Republican lawmakers in defense of the Reagan administration's position on the Antiballistic Missile Treaty of 1972.

The coalition—which includes Sens. Jake Garn, Utah; Dick Lugar, Indiana; Strom Thurmond, South Carolina; and John Warner, Virginia—is crafting a strong rebuttal to claims by Senate Armed Services Committee Chairman Sam Nunn, D-Ga., and others that a broader interpretation of the treaty would result in a constitutional crisis.

Additionally, these lawmakers will attempt to refocus the raging debate over the legally correct interpretation of the treaty on national security. The broader reading of the treaty, which the administration has deemed to be the legally correct one, would permit a wider array of tests of technologies being developed for the controversial Strategic Defense Initiative (SDI) program.

The administration's expected shift to the broad interpretation of the treaty has been the source of growing angst on Capitol Hill. Nunn and other Democratic leaders have warned the president that adoption of the broader version of the treaty could jeopardize funding for SDI—the administration's effort to develop a defense against enemy ballistic missiles.

Indeed, the treaty battle has pitted staunch Republican SDI advocates and Democrats such as Sen. Ernest Hollings, D-S.C., against critics of the antimissile program. Hollings has charged that SDI opponents are using Nunn and his arguments against the administration's treaty position to kill further funding for the SDI program.

In remarks to his colleagues last Thursday, Dole argued that President Reagan is not "abandoning the Geneva negotiating table" but proceeding "in the wisest of ways to ensure what we do is technically, legally and strategically sound."

Some lawmakers, Dole said, are resorting to "complex legal gymnastics" that are designed "to tie the president's hands and to kill SDI." The president has asked the Pentagon to answer the "responsible" question of whether the SDI program can be restructured to save time and money and enable the United States to make a deployment decision when the time comes, he said.

Dole expressed doubt that his colleagues eventually would agree upon one correct interpretation of the treaty. The real question, he said, is whether the president has a legally justifiable option to restructure the SDI program without withdrawing from the treaty. Said Dole, "I believe he does."

The painstaking legal analysis being undertaken in the United States stands in "stark contrast" to the practice of the Soviet Union, which violates treaty obligations "whenever it suits their convenience," Dole said.

He concluded by telling his colleagues that the bottom line is that the question of the treaty is "much, much more than a legal question." Dole said, "It is a question of America's defense."

Other Republicans slated to address issues such as interpretation of the treaty, Soviet violations of the treaty, the negotiating record and the effect of the treaty on the arms control talks in Geneva during the next week include Phil Gramm, Texas; Jesse Helms, N.C.; and Pete Wilson, Calif.

Meanwhile, the legal problems facing Pentagon managers fashioning SDI experiments and certifying that they comply with the treaty were underscored by top Defense Department officials in testimony before a Senate Armed Services panel last Wednesday.

Lt. Gen. James Abrahamson, director of the SDI program, told the strategic forces and nuclear deterrence subcommittee that a decision to go with the broad reading of the treaty would allow testing that would not currently be permitted, but also opens up a new set of legal questions that would have to be examined with care.

Richard Godwin, undersecretary of defense for acquisition, who testified with Abrahamson, told the panel that one of his office's responsibilities is to ensure that SDI experiments comply with the treaties. Under questioning from Sen. Carl Levin, D-Mich., Godwin said his office is not making a specific determination on whether a planned space-based kinetic kill vehicle experiment is based on so-called "other physical principles."

The treaty provides that if ABM systems based on "other physical principles," including components capable of substituting for ABM interceptor missiles, ABM launchers or ABM radars, are created in the future, limitations on such systems and their components would be subject to discussion between the two nations.

Godwin said his office has provided some informal advice on the issue of what SDI technologies might be based on other physical principles; Abrahamson told the panel that the definition of that terminology was to be handled by policymakers.

Levin wanted to know how Abrahamson could provide the White House with a list of SDI experiments that could be conducted under the broad reading of the treaty absent that definition. Abrahamson acknowledged that it was a fundamental and difficult problem. Said Abrahamson, "Like everything else in the program, our technical ability to proceed is impeded by policy . . ."

WORLD POPULATION AWARENESS WEEK

Mr. SANFORD. Mr. President, the recent famine in Ethiopia opened many eyes and many hearts to the suffering and need in Africa. The U.S. response was overwhelming. Touched by the stark images of starving children and parched earth, Americans sent over $2 billion in aid to African famine victims.

Two years later, Africa has receded from our consciousness, but its hardships persist. Here and in developing nations throughout the world, one of the greatest barriers to growth and sufficiency is overpopulation.

Countries struggle to expand their economies, only to see their slight economic growth dwarfed by a burgeoning population. An already wretched standard of living declines further. Many nations today cannot provde their citizens with adequate food, housing, drinking water, health care or employment. How are they to cope when their population doubles?

To remind citizens of the grave consequences of overpopulation, North Carolina Gov. James G. Martin has proclaimed April 20-25 "World Population Awareness Week in North Carolina." Governor Martin's proclamation urges North Carolinians to "assist in population stabilization through humanitarian and voluntary efforts."

I commend Governor Martin for his initiative to increase public awareness and concern about the suffering caused by overpopulation. Without objection, I would like to enter the text of Governor Martin's proclamation in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

WORLD POPULATION AWARENESS WEEK IN NORTH CAROLINA

(By the Governor of the State of North Carolina)

A PROCLAMATION

In a time of increased communications and international interaction, the problems of excessive world population becomes a matter of concern for all of us. Malnutrition and hunger, resource shortages, and environmental deterioration caused by excessive demands made on our planetary resources lead to shorter lives and a lowered standard of living for our people.

Our current world population is projected to exceed six bilion by the end of this century. Ninety percent of that growth is expected to take place in underdeveloped nations already struggling to provide their citizens with adequate food, housing, sanitation, employment, health care and other basic human services.

Living in a state and nation of plenty, it is our responsibility to assist our world neighbors in dealing with the problems caused by overpopulation. Their plight is our concern, and requires our attention as citizens committed to humanitarian action throughout the world. We must join together with other nations to address overpopulation and its accompanying problems while seeking to provide relief for those countries already struggling to maintain a stable existence for their citizens.

Now, therefore, I, James G. Martin, Governor of the State of North Carolina, do hereby proclaim the week of April 20 through April 25, 1987, as "World Population Awareness Week in North Carolina," and urge all our citizens to reflect upon the consequences of overpopulation and assist in population stabilization through humanitarian and voluntary efforts.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this first day of March in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and tenth.

THE DEFENSE BUDGET

Mr. WARNER. Mr. President, 2 weeks ago my distinguished colleague, the chairman of the Senate Budget Committee, submitted a budget proposal for fiscal year 1988. This proposal, offered as an alternative to the budget submitted earlier by the President, was favorably reported yesterday from the Senate Budget Committee together with three other budget proposals for which the committee made no recommendation. Last week, the House Budget Committee voted out a recommendation similar to the Chiles plan. These proposals have some rather profound implications for our national defense which I would like to bring to the attention of my colleagues.

For the past 2 years, the Congress has imposed real declines of almost 7 percent in the defense budget below the fiscal year 1985 level. The defense budget peaked in 1985, declined in 1986, and shrank even further in 1987. The budget proposals recommended by the Senate and House Budget Committees would make 1988 the third consecutive year of negative growth for defense. Yet no one is arguing that the world is a safer place today than it was 3 years ago, or that the threats to our national security have diminished.

Mr. President, the Chiles proposal would cut $14.7 billion in outlays from the defense budget request for 1988. The House proposal would cut even more—$16.6 billion. Such recommendations would have a severe impact on our national defense, and I intend today to lay out for my colleagues the consequences for such proposals.

A cut of more than $16 billion in outlays from the proposed fiscal year 1988 defense budget could come from several categories:

I submit, Mr. President, that no one will wish to make severe reductions in force structure or reduce the pay or benefits of our service men and women—particularly at a time when the retention indicators are beginning to turn down and the pool of available manpower continues to shrink. This area of the budget—military and civilian pay and related expenditures—represents $131.7 billion, or 45.5 percent of DOD outlays for fiscal year 1988. It is off limits for cuts, in my judgment. So where else could one look in this complicated defense picture?

I suggest, Mr. President, that there will be few among us who wish to cancel prior year contracts on which we are still making payments. In 1988, these prior year obligations total $117.5 billion, or 40.6 percent of proposed DOD outlays. These include such things as second and third year payments for aircraft, tanks, and other hardware purchased in 1986 and 1987 which are scheduled for delivery over the next 2 years. Termination of these contracts will have two results: First, we won't get the equipment that Congress has already determined we need, and second, the Government will still incur expenses because of contract termination costs. This is another area that is off limits.

I doubt also, Mr. President, that any of us would be eager to slash the Defense Department budget for operations. This, of course, is a key element of readiness—an area the Congress has insisted be protected even under the most extreme budget proposals. Spending directly related to training, maintenance, and other operations support totals $9.9 billion or 3.5 percent of fiscal year 1988 DOD outlays. Here again, large cuts are off limits.

Mr. President, when these three areas—pay, prior year obligations, and this year's operations—are set aside, only 10.4 percent of the DOD budget, or $30.2 billion in outlays, remains. This $30.2 billion segment of the defense budget is this year's investment in the future. It includes the first-year outlays for all R&D and procurement programs for fiscal year 1988. In order to cut $16.6 billion from this $30.2 billion, one could consider the following:

Eliminate all procurement in fiscal year 1988. This would terminate the procurement of all aircraft, all ships, all missiles, all tanks and other wheeled vehicles, all ammunition, and all of the so-called other procurement items which the services require in order to function. It would literally eliminate the entire $84 billion request for budget authority for Department of Defense procurement in 1988. Yet this drastic, unthinkable approach would save less than $13 billion in outlays in fiscal year 1988 spending.

Alternatively, we could wipe out 76 percent of the R&D accounts. This would mean the termination of virtually every major undertaking in R&D.

Or we could simply terminate all new starts, all controversial programs, and all so-called big ticket programs, whether in procurement or R&D. We could, for instance, terminate the MX, Midgetman, SDI, ASAT, C-17, ATF, F-15, F-16, F-14, F/A-18, A-6, V-22, LHZ, Trident II, and M-1, and eliminate the entire Navy shipbuilding account. This would reduce the defense budget by about $38 billion in budget authority, but only $8.2 billion in outlays—another $8.4 billion would have to be found elsewhere. No Member of the Senate, no matter how opposed to defense he or she may be, could consider such a proposal reasonable or responsible.

At this point, someone must be wondering: If these are the consequences of a $16.6 billion reduction, how were we able to sustain similar reductions in the past without such dire results? The answer is simple, and we should all know it. In the past, we were able to meet the Budget Committee target largely by using financing adjustments. Last year, for instance, we moved a pay date 1 day—which slipped it from one fiscal year to the next—and thereby generated an apparent $2.2 billion savings. The Appropriations Committees wrote legislation requiring contractors to bear the upfront costs of tooling and mandated a change in progress payments to save $1 billion. By arbitrarily assuming lower inflation rates for fiscal year 1987 than those initially projected by OMB, we reduced the budget request by another $2 billion. We also cut $2.8 billion from the fiscal year 1987 budget on the basis of declining fuel costs, and we rescinded over $5.3 billion in prior year budget authority from program and inflation savings to achieve fiscal year 1987 outlay reductions of approximately $2 billion.

Mr. President, some of the techniques we used last year were accurately described as "gimmicks". They did not represent substantive reductions in the defense budget—they only deferred to a later date a bill that will eventually come due. Many of us on the Armed Services Committee opposed them. Senator NUNN, now our distingushed chairman, repeatedly expressed his opposition to the use of such techniques to reach the budget resolution target.

Other reductions, such as the change in inflation assumptions and revised fuel prices, represent financing adjustments. So long as inflation and fuel prices continue to decline, real savings can be derived in these areas. But who among us believes inflation will be less than 3.5 percent in fiscal year 1989—as the Pentagon is currently budgeting for—and then decline even further during the next 5 years? I, for one, think we have squeezed all we are going to get out of inflation savings.

Mr. President, that was how it was done last year. Today, I am serving notice that if my colleagues wish to cut the defense budget, this year they must do it the hard way. There are no more gimmicks; there are no more rabbits in the hat. Slipping the pay date only works once; the inflation savings that Cap Weinberger was ridiculed for identifying have been taken out prospectively as well as retrospectively and cannot be counted again; and fuel prices and currency fluctuations are all moving in the wrong direction. The times of easy reductions in the defense budget are over.

Mr. President, I remind my colleagues that in preparing the defense request for fiscal year 1988, the President did exactly what the Congress insisted he do. He submitted a reasonable and credible defense proposal. Instead of asking for $340 billion, as some in the administration advocated, he submitted a closely trimmed proposal of $312 billion representing 3 percent real growth over the fiscal year 1987 appropriated level. This level—which is less than was actually appropriated—in real terms—for defense in 1985—was overwhelmingly supported by a majority of the Armed Services Committee members—the vote was 18 to 2—in the committee's recommendation to the Budget Committee.

Mr. President, I hope my colleagues on the Budget Committee—in fact, all Members of the Senate—will keep these things in mind as we proceed to develop the budget for fiscal year 1988. Our national security depends to a very real extent on the decisions we will make in the near future, and I am confident we will face up to our responsibilities.

In that regard, I am reminded of the words of a former President who understood the importance of providing sufficient resources for our national security. As John F. Kennedy once stated so well: "This Nation can afford to be strong—it cannot afford to be weak. We shall do what is needed to make and to keep us strong."

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The absence of a quorum is noted.

The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the time for morning business be extended for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAMM. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct. We are still in morning business. It has been extended.

Mr. GRAMM. Mr. President, I ask unanimous consent that we return to the consideration of H.R. 558.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

ASSISTANCE TO THE HOMELESS

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

The Senate resumed consideration of the bill.

(Pending: Byrd-Dole Amendment No. 90, in the nature of a substitute.)

AMENDMENT NO. 128

(Purpose: To require that any authorization of appropriations (or other authorization to provide budget authority) in the bill shall be funded in a manner that does not increase the deficit of the United States Government for fiscal year 1987)

Mr. GRAMM. Mr. President, I send an amendment to the desk, an amendment to the pending substitute, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself and Mr. NICKLES, Mr. HECHT, Mr. DOLE, Mr. GARN, Mr. HELMS, and Mr. MURKOWSKI, proposes an amendment numbered 128.

At the appropriate place in Amendment 90, insert the following:

SEC. . FUNDING OF AUTHORIZATIONS.

Any authorization of appropriations (or other authorization to provide budget authority) in this Act—

(1) shall be funded in a manner that does not increase the deficit of the United States Government for fiscal year 1987, and

(2) is suspended to the extent that funding provided under such authorization increases the deficit for such fiscal year.

AMENDMENT NO. 129

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 129:

In lieu of the matter proposed to be inserted, insert the following:

"SEC. —. Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings)."

Mr. BYRD. Mr. President, I temporarily withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BYRD. Mr. President, I ask for the yeas and nays on Mr. GRAMM's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 129 TO AMENDMENT NO. 128

Mr. BYRD. Mr. President, I reoffer my amendment.

The PRESIDING OFFICER. The Senator has the right to reoffer his amendment.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 129:

In lieu of the matter proposed to be inserted, insert the following:

"SEC. —. Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings)."

The **PRESIDING OFFICER.** The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, we all have concerns about the homeless, but additionally, we have concerns about the debt of the Federal Government, and, therefore, the working men and women of America. We have concerns about the deficit. We have shown those concerns, Mr. President, by adopting a law that sets out an ordered reduction in the Federal deficit to reduce the deficit to zero and balance the budget in fiscal year 1991.

That law currently calls for a $144 billion deficit in fiscal year 1987. According to the Congressional Budget Office, and in fact according to any other estimate that I have seen anywhere by any responsible party, we have breached that target by roughly $30 billion.

So we find ourselves today in the classic dilemma: On the one hand, we have a need that is perceived by Congress, the need to help the homeless. That is an issue which will be debated later, and which I will speak on at that time. That is not the purpose of this amendment.

We have, however, a second need, and that need is to try to control the growth of the deficit recognizing that every penny that we spend raising the deficit is a dollar that has to be borrowed; that is, a dollar that, if borrowed by the Federal Government, will not be available to build new homes, new farms, or new factories to generate new economic growth.

So, in a very real sense, if we simply raised the deficit $442.7 million, while we may help some people who are now designated as being homeless, there are working Americans who because we have preempted the capital market by almost $500 million will find that those funds are not available in the capital market to make them homeowners—they are working families who are trying to become homeowners not through some Government program, not through some gift of the taxpayer, but the old-fashioned way, by going to work, building up a nest egg, going to the savings and loan and borrowing the money, building, and buying their own home.

I submit, Mr. President, that while we are expressing concern for the homeless it is very appropriate that we reaffirm our commitment, a commitment that we made before the homeless problem at least in its current form surfaced as a new concern of the Congress, and that is concern about the Federal budget deficit. I think this is especially true given the action that is currently underway in the other body even as we speak.

The other body is considering a budget that raises taxes on the working men and women of America by about $20 billion next year. Their argument is that there is more fat in the family budget than there is in the Federal budget, that we cannot find any way to control spending, roughly freezing spending next year at the current year's level to meet the Gramm-Rudman target, but they say that cannot be done, and that instead we ought to raise taxes on the working men and women of America.

My amendment addresses that, Mr. President, and it addresses it directly. It says that we have been presented with a need here in the name of the bill for the homeless. The House has adopted a bill that would, if funded, cost about $500 million. The bill before us, depending on the estimate you are looking at, is roughly in the $440 million range.

This amendment does not say do not authorize funds for the homeless. This amendment does not seek to judge relative priorities as to whether funds ought to go to the homeless, and what funds should be taken away from other uses. This amendment simply says that any subsequent appropriation that funds programs authorized here for the homeless has to be undertaken in such a way as to be deficit neutral. In other words, if the homeless problem is of sufficient priority, what we should do is find a way to fund it not by passing the cost on to our children and a higher deficit, not by passing the cost on to the working men and women of America in higher interest rates, but by coming up with a way of meeting these needs while at the same time reordering priorities to prevent the deficit from increasing.

The amendment really says two things. It first says that this authorization must be funded in a way that is deficit neutral. And, second, it suspends this authorization to the extent that any appropriation in the future is not deficit neutral. It seems to me, Mr. President, that this is an effective affirmation of our commitment to have binding constraints on spending.

There are many here who are troubled—I am one of them—about committing roughly $500 million of money we do not have to yet another need and another cause.

The objective of this amendment is to simply say that we can authorize it but when the time comes to appropriate it it has to be appropriated for in a deficit-neutral manner, and should an appropriation occur that is nondeficit neutral, then this authorization would be suspended by the amount that the deficit was increased.

I think this is a reasonable approach. It does not commit us to taking the money from any specific program. It does not prejudge the relative value of housing for the homeless with any other program in the Federal budget, education or AIDS research or defense. It simply says that like every family in America, if we suddenly have discovered a new want or a new need, that we have to reorder priorities.

Finally, Mr. President, I never fail to be struck by how differently Government operates from every family and every business in the Nation. Every time some new group comes along that wants more money, we are very quick to pass the bill on to the taxpayer. Very seldom do we ever reorder priorities.

Yet, everyone else in our society has to do it. If Johnny falls down the stairs and breaks his arm, his family may have a very tight budget. They certainly have one that is tighter than the budget of the Federal Government. And yet, miraculously, they find a way—most families without Medicare or Medicaid—to get Johnny's arm set. They do it by cutting back on expenditures in other areas. They do not like to do it. But they have to do it. And what is wisdom in every household in America cannot be folly in the policy of a great nation.

The Federal Government must adhere to a pay-as-you-go appproach when we have written a budget, when we have committed to live within that budget, and then all of a sudden, there is a new program, a new cause. This month it is the homeless. I am not sure what it is going to be next month. But I think it is important on this bill that we reaffirm that while we are authorizing money be spent, that when it comes time to write the check that money is going to have to come from somewhere to pay for it. I think that is the commitment we made in the budget we adopted. It is the commitment we made in Gramm-Rudman-Hollings.

I think it would be therapeutic to reaffirm it on this bill. Therefore, I urge my colleagues to adopt the amendment.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, the substitute amendment signifies our intention to abide by the deficit reduction process established by Gramm-Rudman. That process prohibits the consideration of any bill or amendment that would cause the deficit to exceed the amount established in the Gramm-Rudman law. This prohibition forces the Congress to try to find offsetting reductions in spending, such that any subsequent appropriations bill will not increase the deficit. That in accordance with the current budget process.

The maximum deficit allowed under Gramm-Rudman for this fiscal year is $144 billion. Yet by the most recent estimates, the deficit for 1987 is likely to be about $176 billion.

The fact that the slowdown in the economy was partially responsible for missing the deficit target makes it all the more important that we abide by the budget process as we make future spending decisions.

This bill is an authorization bill. It does not directly spend any money. The appropriations necessary to carry out this program contained in the bill now before us will come at a later date, presumably not too far down the road, when the supplemental appropriations bill comes over from the House following the recess.

When the supplemental appropriations measure comes before the Senate, the Senate will decide how best to meet the requirements of Gramm-Rudman.

I would point out to my colleagues that the requirement in Gramm-Rudman for deficit neutral bills cannot be waived by a majority vote. It requires three-fifths of the Senate to override that point of order. This higher threshold ensures that the point of order cannot be waived solely by one side of the aisle, at least by one side of the aisle as the present makeup of the Senate stands. It requires a bipartisan super majority to set aside this requirement when it is in the national interest.

We all recognize the importance of reducing the budget deficit which threatens this country's future. Yet we must also be mindful of the need to take care of other critical issues that also affect our country's future.

Providing needed emergency assistance to the homeless is one such issue. This amendment reiterates our desire to balance the need to do both in a fair and responsible manner.

Mr. President, I have sent word to the distinguished Republican leader that I would like to recess the Senate at 1 o'clock.

Mr. President, may I ask the distinguished Senator from Texas if he wishes the floor again? I wish to recess the Senate at 1 o'clock. Does he wish to have the floor before 1 o'clock?

Mr. GRAMM. Mr. President, there are several other people who wish to speak on this. I do not know that they would want to start with only 4 minutes remaining or not.

If I might, I would like to make known the fact that Senators NICKLES, HECHT, DOLE, GARN, HELMS, and MURKOWSKI are cosponsors.

Mr. MURKOWSKI. Mr. President, does the majority leader have objection to my speaking for 4 minutes on the measure?

Mr. BYRD. Until 1 o'clock? I want to accommodate the distinguished Senator. How long does he wish to speak?

Mr. MURKOWSKI. Five minutes would be sufficient.

Mr. BYRD. The Senator does not plan to make any unanimous-consent request?

Mr. MURKOWSKI. No. The Senator from Alaska will speak only on the amendment of the Senator from Texas.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska be allowed to speak for 5 minutes and when the Senator resumes I have no objection to the Senator proceeding again.

Mr. President, I ask unanimous consent that the Senator from Alaska be permitted to speak for up to 5 minutes, at the close of which 5 minutes the Chair will recess the Senate for 1 hour.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, I just want to inquire as to the effect of the request. Does that in any way affect the situation regarding the cloture motion that was filed and the time of the cloture vote?

The PRESIDING OFFICER. The Chair will respond to the Senator from New Hampshire that there will be no amendments that will be able to be filed.

Mr. HUMPHREY. The cloture vote will still come at the time it would ordinarily come?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Alaska is recognized to speak for 5 minutes.

Mr. MURKOWSKI. Mr. President, I rise in support of the amendment by Senator GRAMM to make the legislation we are now considering deficit-neutral.

The Senate is considering this bill because of our compassion for the homeless. I support this amendment because I believe that we must be both compassionate and fiscally responsible at the same time. The terms compassionate and fiscally responsible are not mutually exclusive. In fact, our capacity for compassion depends upon our ability to be responsible. If we continue to spend, spend, spend, without accountability for our actions, the day will soon arrive when the consequences of our spending will prevent us from being compassionate.

The Nation's economy, and our ability to be compassionate, are drowning in an ever-rising tide of red ink that marks our Federal budget. if we spend dollars we do not have, we must either print them or borrow them. Either course will continue the Nation's slide down a path we promised the voters we were leaving. If we are truly concerned about the homeless, the needy, the sick and the disabled, we must address the equally important funding issue.

It is easy to come down here, demonstrate our compassion for the homeless and then, with a wave of the hand, tell our colleagues that we can worry about paying the bill another day. We have been doing that for decades, and look where it has gotten us. A $2 trillion national debt, a $200 billion deficit and interest payments alone on that debt a hundred times greater than the cost of this one bill alone. This debt carries a heavy price for the American people, and it can be seen and felt each day in boarded-up factories, farm bankruptcies, lost jobs, and, in general, a weakened economy. If we continue to spend money we do not have, the consequences of our spending will create future generations of homeless people.

Mr. President, in fiscal year 1986, the actual deficit was $220 billion. We borrowed that money. If we pay 5 percent interest on it, then this year, we must pay $11 billion in interest on the money we borrowed to fund last year's deficit. If we had it, that $11 billion would pay for 10 bills to assist homeless Americans. But we do not have that $11 billion available to meet the needs of our society this year because we must now pay the price for last year's deficit.

Mr. President, that interest does not provide one job; it does not provide for one bill. Each year, we allow ourselves to believe that.

Believe that compassion requires us to ignore or hide from the inexorable effects of compounding debt, which reduces even further our resources for future compassion.

Mr. President, I believe one of the most important responsibilities of the Senate is establishing national priorities. We abdicate that responsibility when we act as though there are no consequences to spending without restraint. That is unreasonable.

We abdicate that responsibility if we create new spending without offsetting reductions elsewhere. Perhaps the time has come to set priorities and to recognize that we do not have the means to do everything for everyone. We must be willing to look at lower priority programs, and if necessary, take that money and reallocate it to programs of higher value to the American people.

Mr. President, if I use my resources to meet the needs of a fellow citizen, I am being compassionate. If I use someone else's resources to meet those needs, I am being a thief. Adoption of this amendment will ensure that the needs of the homeless are met by our resources, not those of the next generation. Adoption of this amendment will keep the Congress honest. I believe that is best for the homeless as well as the Nation.

I thank the Chair, and I yield the floor.

RECESS FOR 1 HOUR

The PRESIDING OFFICER. Under the previous order, the Senate will now be in recess for 1 hour.

Thereupon, at 1:03 p.m., the Senate recessed for 1 hour; whereupon, at 2:03 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. SHELBY).

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to speak out of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Louisiana.

ENERGY SECURITY TAX ACT OF 1987

Mr. JOHNSTON. Mr. President, today the Senator from Texas [Mr. BENTSEN] and I are introducing the "Energy Security Tax Act of 1987."

This bill is vital in two respects:

First, it will insure the continued viability and vitality of our domestic petroleum industry.

Second, it represents a partial solution to one of the most basic dilemmas facing the Congress: Where can we go to find the revenues we so desperately need if we are to come even close to meeting the Gramm-Rudman-Hollings budget targets?

Let me briefly outline the basics of the energy security issue.

From January 1986, until January 1987, the United States lost 1 million barrels per day of its domestic oil and natural gas liquids production. This year, even if the OPEC production limitation agreement stays intact, we are likely to lose an additional 400,000 to 500,000 barrels per day of production.

According to the latest information available from the Department of Energy's Weekly Petroleum Status Report, for the week ended March 27, 1987, net crude oil imports—including oil for the strategic petroleum reserve—averaged 3.364 million barrels per day, a 0.572 million barrel per day increase from a year ago. That means our imports have increased 20.5 percent from a year ago.

Net imports represented 40.3 percent of all petroleum products supplied for the week ended March 27. We are currently importing more than we were in 1973, at the time of the OPEC embargo.

The long-term trend is clearly ominous even using the most conservative assumptions, such as those used by the Department of Energy in their most recent Annual Energy Outlook. The DOE "base case" shows imports rising from an average of 5.2 million barrels per day in 1986, to just over 8.2 million barrels per day by 1995 and 9.8 million barrels per day by the year 2000. Dependence would increase to 56 percent by the year 2000.

I believe there is a growing awareness of what this Nation's energy future holds if we do not act. The President's special task force on energy security recently concluded that, "Revolutions, regional wars, or aggression from outside powers could disrupt a large volume of oil supplies from the Persian Gulf, inflicting severe damage to the economics of the United States and allied nations."

This need not be the case. We have the means to preserve the domestic oil industry and to assure that our vital interests are not endangered by reliance on OPEC, particularly by an OPEC led by the likes of the Ayatollah Khomeini.

But we must act, and we must act now.

The President's energy security report accurately diagnosed the growing cancer of our energy dependence. But it failed to offer any type of prescription. The only effective remedy I know is an oil import fee. Anything short of that simply will not work.

From the budget perspective, it is obvious to anyone who has examined the figures that we cannot reduce our budget deficit to acceptable levels without additional revenues. Even the President's budget includes $23 billion in increased revenues. His budget is a tacit admission that the deficit can never be eliminated with spending cuts alone.

The President's budget includes a combination of unreasonable assumptions about economic performance, unacceptable program cuts, and revenue sources that have been rejected time and time again by this body.

Yesterday the Budget Committee acted, at long last, on a budget resolution. As a matter of fact, we acted on four budget resolutions. We acted favorably on the chairman's proposal. In order to present all of the options to the Senate, we also sent three other proposals to the Senate floor without recommendation.

I believe that as the Senate works its way through the various budget proposals that the need for new sources of revenues will become apparent. Without additional revenues, we would have to make additional drastic cuts in domestic programs, or in defense.

An oil import fee such as the one we are proposing today would provide needed revenues. But it would not take energy prices as high as they were just 2 or 3 short years ago.

The Energy Security Tax Act of 1987 would provide a stable foundation for the Nation's domestic oil industry. Unless we provide that foundation, the industry will continue to crumble around us. And I, for one, cannot stand idly by while that happens.

Mr. President, I ask unanimous consent that a summary of the Energy Security Tax Act of 1987 appear at this point in the RECORD, along with the text of the bill itself.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Security Tax Act of 1987".

SEC. 2. Fee on Imported Crude Oil or Refined Petroleum Products.

(a) IN GENERAL.—Subtitle I of the Internal Revenue Code of 1954 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 54—IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS

"Sec. 5881. Imposition of tax.

"Sec. 5882. Definitions.

"Sec. 5883. Registration.

"Sec. 5884. Procedures; returns; penalties.

"SEC. 5881. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) Any crude oil,

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative,

that has been imported to the United States, and

"(2) the use within the United States of—

"(A) Any crude oil, or

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative,

that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX—

"(1) CRUDE OIL.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax shall be the excess, if any, of—

"(A) $24.00 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(2) Refined petroleum product.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax shall be the excess, if any, of—

"(A) $26.50 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(3) Petrochemical feedstock or petrochemical derivative.—For purposes of paragraphs (1)(C) and (2)(C) of subsection (a), the rate of tax shall be equal to the rate of tax determined under paragraph (2) of this subsection, except that 'barrel equivalent of crude oil feedstocks used in the manufacture of such petrochemical feedstocks or petrochemical derivative' shall be substituted for 'barrel' the first place it appears in such paragraph (1).

"(4) Fractional parts of barrels.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) Determination of Average Price.—

"(1) In general.—For purposes of this section, the average price of internationally traded oil with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) Basis of determination.—For purposes of paragraph (1), the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, shall determine the average price of internationally traded oil for the preceding four weeks, pursuant to the formula for determining such international price as is used in publishing the Weekly Petroleum Status Report and as is in effect on the date of enactment of this section.

"(d) Liability for Payment of Tax.—

"(1) Sales.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil, refined petroleum product, petrochemical feedstock, or petrochemical derivative within the United States.

"(2) Use.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil, refined petroleum product, petrochemical feedstock, or petrochemical derivative.

"SEC. 5882. DEFINITIONS.

"For purposes of this chapter—

"(1) Crude oil.—The term 'crude oil' means crude oil other than domestic crude oil (within the meaning of chapter 45).

"(2) Barrel.—The term 'barrel' means 42 United States gallons.

"(3) Refined petroleum product.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) Export.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5883. REGISTRATION.

"Every person subject to tax under section 5881 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5884. PROCEDURES; RETURNS; PENALTIES.

For purposes of this title, any reference (other than in chapter 45 or section 6429) to the tax imposed by section 4986 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, as a reference to the tax imposed by section 5881.".

(b) Conforming Amendment.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"CHAPTER 54. IMPORTED CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL FEEDSTOCKS OR PETROCHEMICAL DERIVATIVES.".

(c) Deductibility of Imported Oil Tax.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5881.".

(d) Effective Date.—The amendments made by this section shall apply with respect to sales and use of imported crude oil, imported refined petroleum products, petrochemical feedstocks, or petrochemical derivatives on or after October 1, 1987.

Sec. 3. Repeal of Windfall Profit Tax on Domestic Crude Oil.

(a) Chapter 45 of the Internal Revenue Code of 1986 (relating to windfall profit tax on domestic crude oil) is hereby repealed.

(b) The repeal made by subsection (a) shall apply to oil removed from the premises after the date of enactment of this Act.

Summary; Energy Security Tax Act of 1987

Section 1. Short Title.

Sec. 2. Fee on Imported Crude Oil or Refined Petroleum Products.

(a) Applies to imports of crude oil, refined petroleum products, petrochemicals, and petrochemical derivatives.

(b) Rate of tax.

The fee would be the difference between the price of the oil and $24.

It would provide a differential of $2.50 per barrel for product imports and petrochemical feedstocks.

(c) The fee would stay on until the weighted average international price of crude oil reaches $24 per barrel.

(d) No exemptions.

Sec. 3. Repeal of Windfall Profit Tax on Domestic Crude Oil.

Mr. JOHNSTON. Mr. President, what this bill does as introduced by Senator Bentsen and myself would be to have an oil import fee to tax the difference between the present price of oil and $24 per barrel. If the price of oil gets to $24 per barrel, there would be no import fee. But if, as today, the weighted average is, let us say, $18.50, then the oil import fee as proposed by this statute would tax the difference. It would also provide a differential of $2.50 for imported product and the same amount, that is, a differential of $2.50 for petroleum feedstocks. The fee, as I say, would stay on between today's weighted average at $24 per barrel. Why $24 per barrel?

Because, Mr. President, that is the figure which has been furnished in hearing after hearing by people in the oil industry from majors to small independents as being the price necessary to ensure the economic viability of the industry, to ensure that at least a nominal amount of drilling will commence.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. JOHNSTON. Yes; I certainly yield.

Mr. BUMPERS. Mr. President, since we are waiting on a time to get back on the bill, the distinguished chairman of the Energy Committee has made an interesting statement on oil import fees. First, I say to the Senator I share his concern about the economic plight of the oil industry. We have a small oil industry in my State. I am cognizant of what has been happening there, a number of wells that have been shut in, the lost production because they are no longer viable, but I have two questions about an oil import fee.

I have been a little bit ambivalent about my feelings on it.

No. 1, the windfall profit tax does not kick in on oil until what price? Can the Senator answer that? They are not paying windfall profit tax now because——

Mr. JOHNSTON. They are not paying it now. It kicks in in stages, as I recall. I hate to venture a guess, but it is around the early twenties that that kicks in, as I recall.

Mr. BUMPERS. Does the Senator have a study or any other information as to what the Government would get in windfall profit tax at $24 a barrel?

Mr. JOHNSTON. I do not have a study, Mr. President, but that information is available, I am sure, at Treasury, because that is quite an easy figure to determine. You determine what is the production in the country and multiply it by the rate of tax and you get the amount of windfall profit tax.

Mr. BUMPERS. So an oil import fee would be collected by the Federal Government, is that not correct?

Mr. JOHNSTON. That is correct.

Mr. BUMPERS. In addition to that, the Treasury would get some additional amount in windfall profit tax from the domestic industry as the price of domestic oil matched the price of oil plus the import fee from abroad, is that correct?

Mr. JOHNSTON. I think the Senator is correct.

Mr. BUMPERS. The next question deals with the problem I have with an oil import fee. It has been raised by the Senator from Texas based on a study that I think he made. I see him on the floor here and I thought it made a lot of sense. I know that, being from Texas, it is not easy to take the position he has taken, but I ask the Senator from Louisiana, how do you reconcile, how do you justify this proposition?

Right now, one of the major issues confronting this country and the Congress and the President is competitiveness in world trade. The Japanese, the Canadians, the Germans, everybody is running a big deficit against the

United States because we say they are more efficient, more productive than we are and that is the reason we are running the trade deficit. We are trying to grapple with what we can do such as a more superior educational system, profit sharing—a whole host of things to try to improve our productivity and become more competitive.

But a company in this country that is now, we will say, paying $17 to $18 a barrel for oil, let us assume that company in part of an industry that is highly energy intensive, maybe even using heating oil—how can that company, if it happens to be trying to survive and compete with Japanese imports—does this not really exacerbate one of the biggest problems we are trying to deal with here? That is, require a company to pay $24 a barrel for oil when the Japanese, for example, would still only be paying $17 or $18 a barrel? Does that not put a lot of American industry at a very disadvantageous, uncompetitive—does it not put them in sort of noncompetitive position or exacerbate the problems they are having competing now?

Mr. JOHNSTON. Mr. President, I say to the Senator that I think the effect would be relatively mild, first because the increase in price is not a great one. Second, because with most products, the cost of the crude oil component is really a very small one. Across the board in those industries in which we compete with the Japanese, the crude oil component—certainly, that crude oil component as represented by the difference between $18.50 and $24—would be very slight. To that extent, to whatever very small extent that would be a factor, it would have some effect. But I think it would be really an almost nonmeasurable effect.

What is measurable is the effect, first, on the economy that the present depression in the oil patch is having; but more important than that is the effect that it will have if we continue the present policy very much longer. We are just taking apart the domestic oil industry. Those people who are in the industry, who were geologists, for example—we are producing now, maybe 20 percent of the geologists we used to produce. Those who are presently working are going into other lines of work. That is just geologists.

The same is true of engineers, the same is true of those in the mudrig business, the petroleum helicopter business, the bore business, the drill bit business, the drill pipe business. The trouble is going to be when OPEC gets a little more disciplined, and they are getting a little more disciplined all the time, they are going to have the ability to run the price back up. Some day in the not too distant future, I think, the price is going to be up to where it is not only unprofitable to drill, but the country is going to say, "We need you now, oil industry; do your magic as you did before in the seventies." But there will not be much industry left to respond to that need.

That is the really frightening thing, because you cannot dissemble the industry and put it back together overnight. It has taken many years to build it, but it is not taking that long to pull it apart.

Mr. BUMPERS. What the Senator is saying is there is an overriding transcendent national interest in the oil production industry in this country and natural gas production; that the overriding interest in saving that industry and helping those allied industries the Senator has listed is sufficient to offset the disadvantageous effect it may have on the other industries that will be adversely affected. Is that a fair statement?

Mr. JOHNSTON. The Senator is exactly correct.

Mr. BUMPERS. If I may make just this one comment, then I shall be happy to yield to my distinguished friend from Michigan. Lester Thurow, a very prominent economist in this country, wrote a book called "The Zero Sum Solution." I am reluctant to paraphrase that because it was a very scholarly production, but the thrust of it is that for every governmental action taken to help one part of our economy, there is almost a corresponding and equally adverse effect on somebody else. It seems to me this is one of those cases that fits squarely into the Lester Thurow "Zero Sum Solution" theory. Would the Senator from Louisiana agree with that?

Mr. JOHNSTON. Mr. President, I read that book, and I happen to think that Lester Thurow is one of the great thinkers of the Nation. I did not get that from Mr. Thurow's book. As a matter of fact, the reading I got from Mr. Thurow's book is that there are many times—now being one of those—when some hard, tough trade legislation taken in our own interest to protect our own markets for a transitional period of time is wise to do. As a matter of fact, that was one of his themes, that while you cannot prop up an industry, any industry—and he did not really deal with oil and gas in that book very much.

Mr. BUMPERS. I am sorry, Mr. President. I did not mean to suggest that he covered the very situation we are talking about. This is a sort of abstract theory he was talking about.

Mr. JOHNSTON. But he did point out that sometimes you need to protect temporarily an industry to make it strong, as in the case of Chrysler, as in the case of Lockheed. Then, once it is on its feet, take away the Government's support.

That is precisely what we are talking about in this bill, because the oil import fee would phase out at $24 a barrel. I do not think there is any Senator here or any energy expert in the country who thinks it will be very long before we will get $24 a barrel. We will pass that like a truck passing a stop sign. We will see it very soon.

Mr. BUMPERS. I do want to say this: There is some discussion of a 10-cent gasoline tax in this country. I would find it virtually impossible to entertain the notion of voting for that, because my State is 41st or 42d in per capita income. We are 10th or 11th in the amount of gasoline we use per capita. Our people do not drive long distances to work because they enjoy driving. They do it because it is a necessity.

To me, a 10-cent gasoline tax, a consumption tax, is regressive in the extreme. I do not think a 10-cent gasoline tax is going to pass here, even though we are desperate to find some money to try to get the deficit under control.

I am not suggesting that I will not vote for some revenues. I may vote for something I consider rather regressive because the deficit, I think, is our No. 1 problem. But if you put an oil import fee on, you do essentially the same thing through the back door. If you increase the price of oil, both imported and domestically produced, by $6 a barrel, it is essentially what $24 a barrel will mean right now.

I agree with the Senator: We have lost 700,000 barrels of production in the past year. The Senator and I have sat on the Energy Committee and looked at the global figures and the domestic figures. We have lost at least 300,000 of that 700,000 permanently, which will never be recovered.

So it is a real problem, and we are talking about tradeoffs here. An oil import fee would surely have the effect of raising gasoline prices by some amount. The upper-middle and the wealthy classes of the country can afford 10 cents, but for a lot of people in my State, the operation of their automobile is a significant part of their income. It takes an inordinate part of their income. I have problems from that standpoint.

I think we are ready to get back on the bill, but while we were not doing anything, I wanted to engage the Senator in this conversation.

I am not committing myself one way or the other, because the Senator makes a good point, but I think there is a point to be made on the other side.

With the leader's permission, I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, my friend from Arkansas makes the point that perhaps our products could be slightly less competitive if the energy going into them were less expensive.

I have not read the bill of the Senator from Louisiana, but the revenue raised in this bill would be applied to the deficit, and part of our noncompetitiveness in the world is the overvalue of the U.S. dollar.

If we can get the deficit down, we can get the overvalued U.S. dollar down, and we become somewhat more competitive, and our products become somewhat more competitive. So there is that kind of positive effect by reducing the deficit.

As I understand the Senator from Louisiana, this money would be used for deficit reduction as well as allowing the domestic oil industry to survive, so that we will compete with OPEC and we are not at their mercy, as we were a few years ago.

Mr. JOHNSTON. The Senator makes a good point.

Mr. BUMPERS. The Senator makes a good point.

In that connection, we are going to have four budget bills on this floor when we come back from the Easter recess. I have been reviewing those budget bills.

I heard a Presidential candidate, who shall remain nameless, the other day say almost in one breath that he was unalterably committed to SDI, thereby saying that he is unalterably committed to the expenditure of $1 trillion for one weapons system, that he was unalterably opposed to any kind of revenue or tax increase, and that he was for a balanced budget—all in one breath.

I suppose there are places in this country where that sells. It sounds good. But just for the edification of my colleagues, I had my staff do a study recently—just to show how foolish some of the debate on balancing the budget really is.

There are roughly 500 functions of the U.S. Government, about 500 different functions of Government, from the landing lights at National Airport to the Coast Guard in Chesapeake Bay, to the Defense Department, to Social Security—you name it. Out of the 500 functions, let me name seven of them: Defense, Social Security, Medicare, Medicaid, interest on the debt, civil service pensions, and veterans pensions. If you just fund those seven sacred cows—and there is not a Member of this body who is going to vote against any of them, you cannot do anything about the interest on the debt. If you just fund those seven functions—and I dare say that there is nobody in this body who would vote to cut one of them a dime. Do not cut the other 493 functions; totally eliminate them. Eliminate the Senate—that will probably get a few hurrahs around the country—eliminate the House, eliminate the Presidency and the White House, eliminate the court system. If you eliminated everything in Government and just funded those seven, in 1986 you would have had a $56 billion deficit. Think about that.

Mr. President, I yield the floor..

Mr. BENTSEN. Mr. President, I am pleased to be a cosponsor of the Energy Security Tax Act of 1987, being introduced today by my good friend Senator JOHNSTON. As chairman of the Senate Committee on Energy and Natural Resources, he is uniquely situated to appreciate the dire consequences of the deterioration in our domestic energy industry. That industry is flat on its back. And that spells trouble for our economy and our national security in the years immediately ahead as foreign oil increasingly replaces domestic production as our major source of supply.

The American oil industry has suffered the most dramatic collapse under foreign price manipulation of any industry in our peacetime history. Virtually overnight, prices for its output were slashed nearly 60 percent by the Organization of Petroleum Exporting Countries [OPEC]. Cash flows dwindled to a trickle. Contracts were torn up. Agreements were cancelled. Customers turned to foreign competitors to take advantage of cutthroat pricing. Drilling plunged 55 percent to the bare level necessary to avoid lease cancellations. Layoffs of roustabouts and geologists became widespread, surpassing 35 percent of the profits disappeared. Hundreds of drilling rigs were abandoned to rust under the hot Southwestern Sun. And perhaps most importantly, exploration activity ground to a halt as uncertainty about prices spread like wildfire through the oil patch. Wildcats costs $250,000 apiece for oil and over $400,000 each for gas wells. Yet, only one in nine are brought in. And the American industry can't play against those odds when prices could drop precipitously again without warning at the whim of OPEC. They would be better off betting blind at a roulette wheel.

The decline in domestic oil production has been sharp and swift—nearly 1 million barrels a day of production lost in little over a year. Demand has risen and the gap has been filled with imports, now running a million barrels a day faster than last year. This data is proof that OPEC's strategy of crippling the independent oil industry in our country is succeeding. That strategy is designed to create conditions which permit a replay in the near future of the 1973 embargo. And a number of preconditions for another such oil embargo are being created as our oil dependence rises, increasing worldwide reliance on OPEC once again.

The administration's energy policy is woefully inadequate to counter OPEC's strategy. It is a fair-weather policy, unfit for the perilous energy future we face. If this policy continues, the question is not whether we face a repetition of the 1973 OPEC embargo but when. In today's dollars, a replay of the 1973 embargo would cost the United States as much as $500 billion in lost income and production. And the entire Western Alliance would suffer a staggering $1.7 trillion loss. The military implications are even more hair-raising.

We need an energy policy able to prevent loss of our oil independence to OPEC. That means an energy policy which creates stability and predictable prices at levels adequate to sustain the risks involved in exploration. And I believe Senator JOHNSTON's Energy Security Tax Act will provide that policy. It establishes a floor price for oil, through a variable import fee on foreign oil, of $24 per barrel for crude. Because of the higher energy content and value of petroleum products, a floor price of $26.50 per barrel is created by the legislation for imported product. Those prices are lower in real terms than prices in 1985 before OPEC price dumping occurred. They are prices to which our economy has adapted. And most importantly, they would support robust exploration and production of domestic energy resources.

I congratulate Senator JOHNSTON and commend this legislation to the administration. It should form a major plank of the energy policy America needs for the future. The crafting of that energy policy can benefit from a review of history. I urge the President to revisit it to see our future. And I urge the President while doing so to think of OPEC and recall the child's nursery rhyme.

Fool me once—that's your fault.
Fool me twice—that's my fault.

ASSISTANCE TO THE HOMELESS

The Senate continued with the consideration of H.R. 558.

Mr. BYRD. Mr. President, the amendment which is pending is the Byrd amendment to the amendment by Mr. GRAMM?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, the yeas and nays have not yet been ordered on the Byrd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So the Byrd amendment is subject to modification.

The PRESIDING OFFICER. Again, the Senator is correct.

Mr. BYRD. Mr. President, the distinguished Senator from Texas and I have discussed this issue, and I believe we have reached an agreement.

I am prepared to modify the amendment, and the modification would reiterate our intent to abide by the existing budget process, to keep the budget deficit from increasing this year. The modification simply adds language which makes that commitment more explicit. It would not add any new requirement.

I thank the Senator from Texas for his assistance; and if he is agreeable, I am prepared to ask for modification of the amendment. I do not yield the floor. I do not want anybody to try to get the yeas and nays, so that I cannot modify the amendment, so the Senator will understand the restrictions on my yielding.

I ask unanimous consent that I may yield to the Senator from Texas [Mr. GRAMM] only for the purpose of his making a statement, and the Chair will protect my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader. I think we have put together an excellent amendment that achieves the joint objective we sought. It does it in technical terms with regard to the Budget Act, as amended by the Balanced Budget Emergency Deficit Control Act, and it does it in clear, unambiguous terms as well, which we all understand. That is our objective—that when ultimately this homeless bill is funded, we do it without raising the Federal deficit.

I thank the distinguished majority leader for his kindness and generosity in working with me to achieve a bipartisan amendment, one which I think, quite frankly, improves the homeless bill and should broaden the base of support for it.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Texas for his contribution and for his statement.

AMENDMENT NO. 129, AS MODIFIED

Mr. BYRD. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

Mr. BYRD. Mr. President, I ask the clerk to state the amendment as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD, for himself, Mr. GRAMM, Mr. DOLE, Mr. NICKLES, Mr. HECHT, Mr. GARN, Mr. HELMS, and Mr. MURKOWSKI), proposes an amendment numbered 129, as modified, to amendment No. 128, as follows:

In lieu of the matter proposed to be inserted, insert the following:

"Sec. . Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), such that it shall not increase the deficit of the United States Government for fiscal year 1987."

Mr. BYRD. Mr. President, I would be happy to have a voice vote if the Senator would.

Mr. GRAMM. If the distinguished leader will yield, I think this is an important enough issue that since Members expect to be here and vote that I would like to have the yeas and nays. The yeas and nays have been ordered on the underlying amendment. There are about a half-dozen Senators who are cosponsors and we might want to give them an opportunity to come over if they want to speak on behalf of the amendment before we dispose of it.

Mr. BYRD. That will be fine with me, or you can get the yeas and nays on it and vote.

Mr. GRAMM. Fine.

Mr. BYRD. Would that be agreeable?

Mr. GRAMM. That would be fine.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the modified amendment in the second degree as modified by Mr. GRAMM and myself.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that I may be listed as a cosponsor of the Byrd amendment along with Senators NICKLES, HECHT, DOLE, GARN, HELMS, and MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if the Senator is ready, we can proceed to vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the Byrd amendment as modified.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—100

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

So the amendment (No. 129, as modified) was agreed to.

RECESS UNTIL 3:08 P.M.

Mr. BYRD. Mr. President, I move that the Senate stand in recess for 10 minutes.

The motion was agreed to and the Senate, at 2:58 p.m., recessed until 3:08 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WIRTH).

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 90 offered by the Senator from West Virginia (Mr. Byrd) to H.R. 558, an act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

Senators Robert C. Byrd, Daniel K. Inouye, Spark Matsunaga, Alan Cranston, Wendell Ford, Harry Reid, Jay Rockefeller, Pat Leahy, Bob Graham, Howard Metzenbaum, Brock Adams, John Breaux, Wyche Fowler, J. Bennett Johnston, Dennis DeConcini, Claiborne Pell, Lawton Chiles, Terry Sanford, Daniel Moynihan, and Alan J. Dixon.

ASSISTANCE TO THE HOMELESS

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the yeas and nays on amendment No. 128.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

AMENDMENT NO. 128

The PRESIDING OFFICER. Is there any debate on the amendment, as amended, of the Senator from Texas? The question is on agreeing to the amendment.

The amendment (No. 128), as amended, was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I would like to make a few remarks relating to the homeless bill pending on the floor with respect to the Appropriations Committee as a member of that committee.

I am a supporter of the homeless bill; I cosponsored the bill; I support the bill; I want to see it funded. But let me say to the body that we could be perpetrating a cruel hoax upon the American people, particularly the homeless, by thinking that whatever we have done here today, and what we will ultimately do in passing this bill, actually provides a program for the homeless.

Mr. BYRD. Mr. President, I apologize to the Senator and this will not take him off the floor.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send another cloture motion to the desk.

Mr. HATFIELD. I feel it is incumbent upon me to—Mr. President, I will cease and desist until I get instructions from the Chair as to the procedure.

The PRESIDING OFFICER. If the Senator will suspend momentarily, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 558, an act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

Senators Patrick Leahy, Robert C. Byrd, John F. Kerry, Brock Adams, Mark O. Hatfield, Paul Simon, Tom Daschle, Dale Bumpers, Alan Cranston, Terry Sanford, Carl Levin, Bob Graham, Tom Harkin, Christopher Dodd, Timothy Wirth, and J.J. Exon.

ASSISTANCE TO THE HOMELESS

The PRESIDING OFFICER. The Chair thanks the Senator from Oregon for his forebearance.

Mr. BYRD. Mr. President, I apologize to the Senator also.

Mr. HATFIELD. I am always happy to yield for any purpose to the majority leader.

Mr. President, let me continue on this matter relating to the homeless and merely indicate that when we authorize any kind of a program, I think most people realize that, in effect, it is only a hunting license for an appropriation. We have authorized billions and billions of dollars for programs in Congress over the years that have never been funded. For the Corps of Engineers alone we have literally billions of dollars for projects authorized but not appropriated. So let us not play a charade, let us not feel that we have accomplished the major task once we pass, hopefully, this particular bill.

Now, why I raise this point at this time is that we have been given due notice by colleagues in the Senate that when this matter gets to the Appropriations Committee and we act upon it in the context of the spring supplemental, a point of order could be made and will probably be made unless it is budget-deficit neutral.

Now, let me also just do a little recalling. In the last session of the Congress we had a very important issue called the drug bill, about $1 billion as I recall the figure. We all wanted this bill. It was a good bill. The President and Congress had achieved agreement on a package. But, my colleagues, I want you to recall that it was a budget buster. We did not waive the Budget Act. We did not offset it. When the issue was raised by members of the Appropriations Committee as to how we were going to address the Budget Act problem, we blinked, ignored it and took off for the airports.

Now, that was in the last session. In the meantime we have now accumulated a $32 billion deficit in this current fiscal year over the Gramm-Rudman-Hollings target. We are at this point $13 billion higher in outlays than what we had anticipated through all the smoke and mirrors and all the other things that we went through in reconciliation, budget resolutions, and all the other gimmickry.

The President of the United States has in this session submitted a $12.4 billion supplemental appropriation request. The Appropriations Committee of the House of Representatives has reported an $11.3 billion package. They will be acting on it very shortly after Easter—which means that this spending bill will be before us soon. It includes a homeless program, with approximately the figures we are using in our authorization bill, I am convinced the Senate Appropriations Committee will not engage in gimmickry. In other words, we will directly confront the requirements of the Budget Act and Gramm-Rudman-Hollings. First, we have the option to offset new spending by reducing current programs to make up for this appropriation known as a supplemental.

My friends, that will not happen. We do not have that many offsets that we can make under existing programs which in many cases have already been cut to the bone and are suffering under the current levels. So what do we do? All right, we could engage in gimmickry. We can say let us refinance the REA. Let us go through that as an offset. That will produce what, $7 billion, I ask the Senator from New Mexico?

Mr. DOMENICI. That is correct.

Mr. HATFIELD. We could try that. But we know what the administration position is. We know that does not really meet concerns of Senators who want to cut spending. We could say that we are really establishing almost a quasi-entitlement in this homeless bill; and we should be mindful that we are not going to fund this only 1 year and then drop it. We are going to generate ongoing program demand that comes around next year at a higher level, and the next year, and so forth.

Mr. DOMENICI. Will the distinguished ranking minority member of the Appropriations Committee yield for an observation?

Mr. HATFIELD. I will be happy to yield.

Mr. DOMENICI. The Senator mentioned REA. We ought to add to this dialog the budget that was reported out of the Budget Committee, the chairman's budget, already envisions that for next year we would refinance all of REA except we do it a little differently. It would be interesting for the Senator to know what happens. It is used as revenues on the tax side. If you add up revenues that we need for that budget, $7 billion of it is supposed to go from REA refinancing to the revenue side of the equation, not to the budget authority side for a committee to spend. So the appropriators in the House are looking at it to refinance to spend, and the Senator has explained that position. Now we are looking at a budget that says refinance but then they take credit for the revenues as if they were new taxes in the 18.5 on that side of the ledger.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATFIELD. I thank the Senator from New Mexico.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATFIELD. I will be happy to yield.

Mr. BYRD. How much is in the President's budget for increased taxes?

Mr. HATFIELD. For?

Mr. BYRD. Increased taxes.

Mr. HATFIELD. About $5 billion.

Mr. BYRD. $5 billion. If one listens to what he says, one gets the impression that nothing is in his budget for increased taxes. So there is $5 billion increased taxes in the President's budget. What is the nature of those taxes?

Mr. HATFIELD. First of all, let me say to the majority leader I think there was a Republican that first said when the budget came out of the White House it was DOA, or DBA, dead before arrival.

I really do not think that is the point of reference today. We are looking at that issue as only one component, under the Budget Committee's actions, being one of the several choices that we will have.

The point I am making is that we are now dealing with a House supplemental appropriations package and from an appropriations point of view, we have to find a way to make it deficit neutral. The House has procedures which permit an automatic budget waiver for the House to act. We do not have that procedure on the Senate side. Each Senator will have to make a decision.

The point I am making today is if we vote for this homeless bill, which I am going to do, we should be prepared, as I am, to vote for a budget waiver to fund it. I am just trying to emphasize a simple point: voting for an authorization of a program does not mean that we have established the program. We are going to have to take this one step further, and that is going to really separate the men from the boys and the girls from the women, to coin a phrase, if we are not willing to vote for the budget waiver in order to actually fund the program.

I just do not want to see us go through the charade we did with the drug bill last year when we ignored Gramm-Rudman-Hollings, we ignored the budget-busting character of it and, as much as we supported it, we were not willing to face up to the tough issue of setting aside the Budget Act.

I am ready to vote for the budget waiver, but I do want to add that it will not be raised in a simple context. Remember: The Appropriations Committee of the Senate will report the whole supplemental package out. The whole package is, in a sense, subject to a point of order if the package, as a whole, violates the Budget Act and the Gramm-Rudman-Hollings modification.

Let me remind Senators what that package is. It includes things like pay for Federal employees, retirement benefits—requirements such as that. There will be a Central American Aid Program, perhaps, of some kind. The President has asked for $300 million. There will be scores, perhaps hundreds, of items.

We can find one objectionable one, and thereby we can say:

> I was for the homeless bill, but it was incorporated with all these other programs I could not support, so I would not vote for a budget waiver.

I do not want us to set the stage for that mentality today—and let us hope we can pass this bill; I support it enthusiastically. But we must recognize that the Byrd-Gramm amendment will not settle the issue. It will come back to us. But the next time around, it will not stand on its own, isolated, where we can vote on the merits of the homeless program and say that we supported this particular homeless program. It will probably be incorporated in a much larger supplemental appropriations bill.

Some of us are not very sympathetic to the Central American Program. Some of us may not be sympathetic to funding the new Retirement Program or some other programs. Are we willing to put aside all those objections and say we are going to see this authorization bill through to a funding, and not raise false expectations among the homeless, that somehow the program could be actually established by the authorization process?

We must remember that people do not distinguish between authorizing and appropriation measures. Frankly, I also have been confused on occasion about some of these procedures that I have to look to the experts to examine the details of some legislation. Gramm-Rudman-Hollings, budget waivers, offsets, and all these procedures we handle casually on the floor—the public does not distinguish between the objects we are trying to address.

At the same time, I need not remind my colleagues that there are a lot of decisions people sidestep and dump into the Appropriations Committee. It is easy to vote for an authorizing program and then come to the Appropriations Committee and say:

> Don't fund it, because I couldn't vote other than "aye' for the program.

I see four members of our committee on the floor, and I think we all can give testimony as to how we often have had to try to cover for the brothers and the sisters on some of these tough votes, where an authorization was an easy vote, and we had to do the tough one by either modifying it or reducing it or not appropriating for it.

Again, in no way do I want my remarks to diminish the support for the bill. This is a great bill.

I remember when the administration at the White House said:

> Sure, we will support the idea of taking that Federal building a few blocks from the Capitol and providing some help to convert it into a homeless shelter.

It was months upon months, with personal negotiations, eyeball to eyeball, toe to toe, head to head, before we could work out the details because they did not want title to pass or they did want title to pass.

There was a myriad of procedural obstacles we had to overcome before we really saw the day when we got the $6 million actually made available to rehabilitate this Federal building and transfer it to a shelter.

So I have been down that road with the Homeless Program, and I know how tough it is to get through all these procedures, as well as to try to keep the objectives in mind.

I repeat: We are $13.3 billion in outlays over the budget target and we have a $11.3 billion supplemental appropriation bill coming from the House. We probably will not change it much in our Appropriations Committee. We may amend a few minor points, but that means we will probably be adding another $4 or $5 billion to the deficit. Let us just keep that in mind as we proceed.

I appreciate the patience of my colleagues in listening. I am not a bearer of bad news but realistic issues on what we have to face up to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, a parliamentary inquiry: Do we have any time limitations on this agreement?

The PRESIDING OFFICER. There are no time limitations on this agreement.

Mr. DOMENICI. I ask whether the majority leader assumes that we will be on this bill for a few hours today.

Mr. BYRD. Mr. President, I am glad the distinguished Senator asked the question, because I felt it was time Senators understood that the majority leader intends to close the Senate down today around 7 o'clock, if possible.

I am still hoping that the distinguished Senator from New Hampshire will relent and let the Senate vote today on cloture. I have submitted a cloture motion that has been signed by the requisite number of Senators and a few in addition thereto. If we cannot get consent to vote on this cloture motion today, then tomorrow the Senate will vote on the cloture motion, under the rule. Under the rule, the Senate will vote on cloture 1 hour after the Senate comes in and immediately following the establishment of a quorum.

I would assume that the Senate would come in at 9 o'clock or 9:30, or some such. After the first hour, there will be the establishment of a quorum, after which the Senator will vote on cloture.

I have submitted a second cloture motion, which will ripen on Saturday or on the first day that the Senate gets back, if the Senate should go out. I will bring the Senate in tomorrow.

If we dispose of the pending legislation, it is not my plan to have any rollcall votes tomorrow. I would only come in so that Senators may speak or introduce legislation.

There may be some Senators who have not yet delivered their eulogies with respect to our late, departed colleague and friend, Ed Zorinsky.

So we can have some business tomorrow—morning business, unanimous-consent action, introduction of bills and resolutions, and speeches. But there will be no rollcall votes tomorrow, and the Senate will then go over until Tuesday following the recess.

However, if the Senate does not vote on the cloture motion today, it will vote on the cloture motion tomorrow, under the rule.

And following the cloture vote any Senators who have qualified their amendments by offering them in accordance with the requirements of rule XXII may call up those amendments to the bill and there will be rollcall votes following the cloture vote.

I would hope that we could have that cloture vote today, and there are a few amendments around that would be accepted I believe without rollcall votes.

Perhaps we could finish action on this bill by 7 or 7:30 tonight.

I would be happy to inquire right now if it would be possible for us to proceed with the cloture vote this afternoon.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I have had a previous discussion with the distinguished Senator from New Hampshire. We have not reached any conclusion, but he has indicated, and I think that will keep the bill moving, that there are at least three amendments: one by the Senator from Wyoming, Senator WALLOP; one by the Senator from Alaska, Senator MURKOWSKI; and I think one by the Senator from Oregon, Senator HATFIELD, who had an amendment on this bill.

He would be prepared on a one-at-a-time basis to set aside the pending amendment and consider those amendments and that would at least keep things moving while we are trying to work out something on a cloture vote.

Mr. BYRD. Yes. I thank the distinguished Republican leader.

I understand there are some Members on this side who have amendments and I wonder if the distinguished Senator from New Hampshire will be agreeable to their offering their amendments, also.

Mr. HUMPHREY. Yes, indeed.

Mr. President, I am not trying to discriminate on any basis except the germaneness basis, and may I say further with respect to the majority leader's offer to move up the cloture vote to today, I have a better offer. I am prepared to vote on the Weicker amendment, dispose of that right now, vote on the Humphrey amendment, dispose of that right now, vote on all the other amendments which Senators propose to offer today and finish the bill tonight.

It is not the Senator from New Hampshire who is holding up ultimate passage of this bill. It is Senators who insist on having a cloture vote.

We are ready to go. We are ready to vote on Weicker-Humphrey right now.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. DOMENICI. I believe I had the floor and yielded to someone.

Does the distinguished majority leader desire the floor?

Mr. BYRD. No, I do not.

Mr. McCLURE. Will the Senator yield briefly?

Mr. DOMENICI. I yield.

Mr. McCLURE. Mr. President, I informed the leaders I had intended to offer an amendment to one portion of the homeless bill that deals with the Food Stamp Program and its application. I think the amendment is germane to that section of the bill; however, it is not really dealing with the aid to the homeless. It deals with the other aspects of the program.

In view of the kind of situation that has developed here on the floor, I do not intend to offer that amendment. I will retain the right to do that at a different time on a different bill.

Mr. DOMENICI. Mr. President, I might first say that the distinguished majority leader rose as I was engaged in a very brief dialog with my good friend, the former chairman of the Appropriations Committee, the senior Senator from Oregon.

I want to say to my friend, the majority leader, I did not raise the issue of the $7 billion in revenues provided for in the Chiles proposal by way of raising the issue of who is for taxes and who is not. I raise it because there is $7 billion floating around called the REA refinancing which is an accounting gimmick. If you refinance you save money in the first year and you cost money over a number of years, and my good friend from Oregon was saying perhaps that is one of the ways that somebody plans to pay for the supplemental.

I only wanted to remind the Senate that this is indeed in the wind. But in the wind right behind it is a budget resolution for the next year that contemplates using the same fund but putting it on the revenue side. To the extent I do not like either one, I have argued we ought not do either one. I am saying if we use it for one you spend money, and it is just an accounting gimmick. There really was not any money to spend but then you are not going to have the $7 billion in revenues that were contemplated in the budget reported out by the Senate Budget Committee. That is the only reason I raised the issue.

Now, Mr. President, I know there are a lot of Senators who want to offer amendments. I have some lengthy remarks analyzing services for the homeless mentally ill in this bill.

Mr. President, the Senate can be proud of its prompt action on S. 809, "Urgent Relief for the Homeless Act," introduced on March 23, 1987. As an original sponsor of S. 809, I want to thank the chairmen and ranking members of the Senate Labor, Banking, Governmental Affairs, and Agriculture Committees for doing as much as possible under tight time and budgetary constraints.

As many Senators know, I have a strong interest in helping the homeless who are seriously mentally ill. In pursuit of this interest, I consulted with many leading mental health groups. Together, we developed S. 763, "Services for Homeless Mentally Ill Individuals Act of 1987." This bill was introduced on March 18, 1987.

Today, I am happy to report to my colleagues that the major principles of S. 763 have been incorporated into S. 809. While there was no reason to rush into a 5-year commitment—fiscal years 1988 through 1992—on the Urgent Relief for the Homeless Act, I want my colleagues and supporters to know that I have not given up the quest for long-term assistance. The homeless mentally ill need this commitment, and today's version of S. 809 makes an excellent start.

There was a difference of opinion in the Labor Committee regarding the proper way to provide staff training to shelter personnel and others who are confronted with mentally ill clients. The statement by Senators HATCH and KENNEDY makes clear that we intend to resolve this matter in the reauthorization of the Alcohol, Drug Abuse, and Mental Health Administration later this year. Similarly, the expansion of the Community Support Program will be addressed in the same reauthorization.

Beyond the questions of long-term funding, staff training support, and the expansion of the Community Support Program, however, S. 809, as reported, does an excellent job of standing behind the principles and needed funding for implementing S. 763 beginning this fiscal year.

As I have explained on two previous occasions in this Senate Chamber, my bill, S. 763 identifies five services that we deem essential for treating the homeless who suffer from schizophrenia, severe depression, manic-depression, or other psychotic behavior.

There are many reasons for the increase of this population onto our streets. Through court decisions and advances in psychotropic medications, State mental hospitals are no longer the national repository for the mentally ill.

On June 26, 1975, in O'Connor versus Donaldson, The Supreme Court ruled that, "Patients who are not dangerous to themselves or others, or receiving only custodial care and are capable of surviving safely in freedom or with the help of family or friends" could not be institutionalized against their will.

The condition of dangerousness as a standard for commitment is now found in the laws of virtually every

State. In 1970, half of the States did not include this standard.

This new philosophy of treatment and freedom known as deinstitutionalization has reduced the population in State hospitals from 559,000 to 126,000 since the mid-1950's. This reduction has occurred while the total population has increased.

Psychoactive medication, when properly administered, worked wonders for many. When their local communities, families, and doctors acted in concert, many were able to enter a new life of activity and usefulness.

But we also failed.

As one leading psychiatrist argues:

> There were those too sick, to impaired or too socially unskilled to survive in alternative settings, and many of these persons spilled over into our streets.

I have explained more of this problem and a recommended path of action in my article, "Street People Who Are Mentally Ill," printed in the Washington Post on Thursday, March 26, 1987. I ask unanimous consent that this article appear in the RECORD after my remarks.

The National Alliance for the Mentally Ill, the American Psychiatric Association, the National Association for the Mentally Ill, the American Psychological Association, the National Association of State Mental Health Program Directors, the Mental Health Law Project, the National Council of Community Mental Health Centers, and the American College of Neuropsycopharmacology all formally endorsed S. 763.

I ask unanimous consent that their letters of endorsement be printed in the CONGRESSIONAL RECORD today to help clarify the legislative history of S. 809.

At this point I would like to take a few minutes to explain these five service elements. They are simple and comprehensive. They can do a lot to help. We make no claim that all mentally ill homeless will be made whole, but we are hopeful that the application of our best psychiatric and psychological treatment will go a long way toward redbuilding these fractured lives. The quotations I use are from my article in the Washington Post.

THE FIVE SERVICE ELEMENTS

> First, there must be "outreach." We must search the parks and bus stations, identifying the mentally ill so they can be helped. Literally, we must walk into those shadows of dispair and offer help. If it is refused—as it will be so often—we must return again and again to those shadows. Volunteers in crowded shelters may be far too busy and ill-trained to undertake this "outreach." So we must hire special people.

S. 809 provides for outreach. Title V, section 1934 requires that a State shall provide outreach services to homeless individuals and individuals who have chronic mental illnesses and who are at risk of becoming homeless.

> Next, we must provide a roof, some real shelter. We must offer a hand to these sick individuals and help them up off the grate and into a warm bed. The bill would provide funds for what is called transitional housing—group homes with supervision to provide a transition from the sidewalk to a new respectability.

While the transitional housing services are in a separate title and in a different Federal agency, S. 809, as I will explain more fully, does provide needed housing. Before I explain the housing link to these services, I would like to complete my description of the other key service elements.

> Third, we must offer treatment. There have been many advances in diagnosis and drugs helping those who suffer from Schizophrenia and the other terrible diseases of the mind. We must make certain that the best treatment is available to quiet the anguish. This need ties into demands in current law that the States must plan services for those suffering mental illnesses.

S. 809, title V, section 1934, requires that outpatient mental health services, partial hospitalization, diagnostic services, crisis intervention services, and habilitation and rehabilitation services be provided. In the floor managers' joint statement of explanation of S. 809, there is a further clarification of mental health services.

This explanatory statement says:

> The committee intends that each project furnish comprehensive outpatient care, including diagnostic services, the provision of pharmaceuticals, substance abuse treatment and rehabilitation, individual and group counseling, family therapy and psychosocial rehabilitation services.

It would be hard to add to that list of comprehensive treatment services for the homeless who are mentally ill.

The fourth service element is case management:

> With proper medicines and attention, most of the estimated 1.6 million Americans who are schizophrenic can function in society, and function well. But when they skip their medicine, or if they are ignored, their hope may dissolve quickly into terror. Any strong program to help the mentally ill must keep staff available day and night, providing those little reminders of life: Here's your medicine; please dress warmly; it's time for dinner. That would take more staff.

Again, S. 809 mandates a major principle of S. 763. The case management provision of title V, section 1934, includes the "preparation, and the review at least every 3 months, of a plan for the provision of mental health services." In addition, S. 809 calls for coordination of "social and maintenance services * * * relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services and housing services."

I believe our mandate to mayors and Governors to provide case management is clear.

The fifth and final essential element is staff training. There is a definite need to increase clinical training:

> We need to help medical, social and government workers identify persons suffering mental problems. These good people (who work with the homeless) are so burdened with work that they often fail to know the best approach to help the mentally ill. That expertise can and must be improved.

Once again, S. 809 addresses the problem. It calls for the—

> Provision of training to individuals who provide services to homeless individuals, including individuals who work in shelters, mental health clinics, and other sites where homeless individuals receive services.

The joint statement of the bill managers includes a further elucidation of this training element. It says:

> The homeless mentally ill require specialized personnel, trained in the approaches which have proven effective in working with this population. Without such specially trained personnel, projects cannot expect to successfully engage seriously mentally ill individuals in services.

Senators KENNEDY and HATCH have obviously been excellent proponents of this philosophy and approach. I thank them both for their full willingness to include outreach, transitional living requirements, proper treatment, case management, and training components in the legislation reported.

THE ALLOCATION FORMULA

In S. 763, we created a unique funding formula for the Alcohol, Drug Abuse, Mental Health Administration [ADAMHA]. This formula is the one used by the U.S. Department of Housing and Urban Development for allocating community development block grants [CDBG]. The CDBG formula targets services where we believe most of the homeless population tends to congregate—metropolitan areas. This formula has also been incorporated into S. 809.

This formula applies to four of the five services that I have discussed in detail. The housing funds are in another title of S. 809, and are not subject to this allocation formula. Generally, all the support services except housing are subject to this formula. I will explain the link to housing after this brief comment on the allocation formula for the support services.

By modifying the CDBG formula slightly, we are able to allocate funds directly to metropolitan areas where most homeless people are believed to go. The modifications, as reported out by the Labor Committee, include a one-half of 1-percent minimum to each State and a $50,000 minimum. This minimum means that smaller cities would apply to the Governor for funds; $50,000 is the minimum we believe necessary to have a comprehensive support service program.

Those cities that would get less than $50,000 from the formula have their funds allocated to the Governor. In New Mexico, for example, the CDBG formula generates $70,000 for Albuquerque, $14,000 for Las Cruces, and

$12,000 for Santa Fe—if $55,000,000 is appropriated in fiscal year 1987. The Albuquerque amount—$70,000—would be allocated by the Governor to the mayor of Albuquerque because it is more than $50,000.

The rest of New Mexico—minus Albuquerque—is given $179,000 by the CDBG formula in this example. This State balance of $179,000 would be enlarged by the Las Cruces and Santa Fe amounts—$26,000—since they are each less than $50,000. Thus, the total for the rest of New Mexico becomes $179,000 plus $26,000 or $205,000. Adding Albuquerque back in, New Mexico receives a total of $275,000.

The Governor is then required to spend at least $70,000 in Albuquerque and may allocate as much as is appropriate from the $205,000 to Las Cruces, Santa Fe, Gallup, Farmington, or any other New Mexico city in need of these services. If he chooses, the Governor of New Mexico could also make more funds available to Albuquerque if there is a strong need to do so.

The $55,000,000 assumed in this example for a nationwide appropriation is the amount authorized for fiscal year 1987 in title V of S. 809. Since we are more than half way through fiscal year 1987, I believe this authorization is quite sufficient.

Thanks to a committee amendment by my chief cosponsor, Senator SIMON, S. 809, as reported, makes room for the $100 million needed for the four support services elements in our original bill, S. 763. S. 809 authorizes such sums as may be necessary for fiscal year 1988.

THE BRIDGE TO HOUSING

S. 809, as reported, has no specific funds for transitional housing in title V—health services and mental health services for the homeless. Making the support services and the transitional housing available in one block grant was part of the initial concept of S. 763. In S. 809, however, the Transitional Housing Program is in a separate title and will be administered by the U.S. Department of Housing and Urban Development [HUD] in close coordination with the U.S. Department of Health and Human Services [HHS] as I will explain.

S. 763, as introduced, is a practical and comprehensive approach to the problems facing the mentally ill homeless. Given the short time line for action on S. 809 and the need to work within committee jurisdiction, we did all we could to link housing and supportive services.

In simple terms, the resulting grant programs may cause more administrative problems for Governors and mayors. This is because they will have to coordinate two grants rather than one for this population. The same will be true, however, for any other homeless group that will benefit from housing. The housing money will come from HUD and most of the service money will come from HHS.

To resolve this jurisdictional problem, the Labor and Banking Committees have been most cooperative in linking the support services to housing and vice versa.

S. 809, title V, section 1934, is the primary source of support services for the homeless mentally ill. It is the section on "use of allotments."

Section 1934 states that funds "paid to a State under section 1933 shall be used by such State to assist in the carrying out of emergency projects for homeless individuals who have chronic mental illnesses. Such projects shall include each of the following activities."

The five service elements discussed previously in detail are then named and defined.

The first link to housing is in section 1934(a)(1)(D), case managers are mandated to provide assistance in obtaining housing services for the seriously mentally ill.

In section 1934(a)(1)(E), the States receiving these funds are mandated to provide supportive and supervisory services for the homeless mentally ill in residential settings.

In section 1935, each State is required to submit an application with assurnaces. Section 1935(b)(3)(B) mandates compliance with section 1934 and, therefore, with the mandate for supportive and supervisory services in residential settings.

In yet another assurance for housing, section 1935(b)(1)(D) mandates that the chief executive officer of each State shall:

> Certify that the State will ensure that the activities conducted under this part will be coordinated with transitional housing provided under the transitional housing demonstration program carried out by the Department of Housing and Urban Development.

Thus, we see that title V of S. 809 has clearly and forcefully mandated the requirement that outreach, treatment, and case management be centered around a residential setting or transitional housing for the homeless who suffer from schizophrenia, depression, and other psychotic behaviour.

TRANSITIONAL AND SECTION 8 HOUSING

Having established that States must address the housing question for the chronically mentally ill when they receive allotments under title V, I turn now to the Federal source of funds in the "Urgent Relief for the Homeless Act," S. 809, for this vital service element.

In S. 763, we assumed that transitional housing would cost about half of a local program effort. Our $200 million authorization for fiscal year 1988, therefore, was assumed to be about half for services and no more than half for housing.

Title IV of S. 809 provides an authorization of $60 million for transitional housing in fiscal year 1987 and "such sums as may be necessry for fiscal year 1988." Title IV also authorizes $50 million for section 8 housing assistance and $35 million for section 8 single room occupancy dwellings.

Thus, for the remainder of fiscal year 1987, $145 million is authorized for housing assistance that can benefit the mentally ill as well as other homeless individuals. This is in addition to $80 million for emergency shelter grants.

Title IV establishes a comprehensive homeless assistance plan. This plan calls for an assessment of the "size and characteristics of the homeless population within the jurisdiction of the State, city, or county submitting the plan."

A description of all available services for the homeless in that jurisdiction is required as is a strategy to match needs with available services. Section 1(b)(3)(B) requires that the local strategy.

> meet the specific needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans.

Different local findings about the prevalence of mental illness among the homeless will yield different levels of housing assistance. It is my belief that the national average of such findings will show that about 40 percent of the homeless are suffering from some sort of serious mental illness.

Forty percent of $145 million in fiscal year 1987 is $58 million. While this can only be a rough estimate at this time, we can confidently say that for the remainder of this fiscal year, $50 million in housing assistance will be directed to the mentally ill population, some of whom may also be veterans or elderly.

The Transitional Living Program at HUD which is expanded in S. 809, requires a 50-percent local match. Transitional housing is limited to 18 months and assistance may not be used for new construction. Acquisition or rehabilitation are allowed. HUD will advance funds of up to $200,000 or 50 percent of the aggregate acquisition/rehabilitation costs, whichever is less, to provide transitional housing.

The section 8 provisions of S. 809 make an important change in the existing section 8 program for the mentally ill homeless. Under the current section 8 program, funding is tied to the tenant. S. 809 allows assistance payments to be attached to the structure—

> If the owner is a nonprofit organization that has agreed to furnish decent housing and a level of support services satisfactory to the public housing agency.

In Albuquerque, NM, the Transitional Living Program has not been able to attract the needed financing for a converted motel to serve mentally ill clients. Under the terms of S. 809, the section 8 financing can be linked to the structure which will be an immense help in moving this project forward.

Again, I congratulate the Senate Banking Committee and its fine staff for an excellent job in a short time. In particular, I thank Senator CRANSTON for his subcommittee's active support in realizing the vital link between services and housing for this fragile population.

The homeless population being served is not likely to know the administrative difference between one or two grants. I am confident that local leaders will rise to the challenge and maximize the resources being made available under titles IV and V of S. 809 for the benefit of the homeless who are mentally ill.

In conclusion, I remain proud to be a sponsor of S. 809 in its entirety. I will work in the Appropriations Committee to fund as much of S. 809 as possible in the next supplemental appropriations bill. The support of my colleagues in making room in S. 809 for the major concepts of S. 763 is most sincerely appreciated. I thank each of my cosponsors, Senators SIMON, BURDICK, NUNN, GORE, HATFIELD, and DURENBERGER. I believe that we will begin to see some improvement in the lives of those who need us most—the street people who are mentally ill.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, in a couple of minutes I will ask unanimous consent that the pending business be set aside to take up a nongermane amendment. I do that fully understanding the criteria that has been laid down. But this nongermane amendment has some sense of urgency in that our Secretary of State has plans to depart these shores for Moscow on Saturday.

No one needs having explained, no one in the audience and no one in the Senate, the consequences that have befallen our Embassy capabilities in the city of Moscow. No one needs having brought home to them that absent trips out to the airport to converse on the airplane, or in a pair, or single Winnebago that may be parked in the backyard of the Embassy, that classically secret conversations necessary in advance of arms control negotiations and posturings cannot be held in secure fashion.

No one needs having explained why these kinds of conversations have to be so secure. If the Soviets were to know each of the bottom lines to which the American team would accede in advance of having them offered, clearly, that is where they would start and negotiate downward from our bottom line.

More importantly, if in the determination of bottom lines in those sensitive conversations we were to discuss the reality of certain things we know about Soviet military capabilities that are being negotiated over in the INF field and others, we would display not only the depth of our knowledge but our intelligence capability and bring to an end those capabilities.

There is no real reason for us to have to hold this conversation in Moscow. It is not a conversation between the heads of state with all the paraphernalia and preparation that is necessarily required. This is a conversation, a dialog, between our Secretary of State and the Soviet Foreign Secretary, Shevardnadze. This can take place in Vienna. This can take place in Stockholm. This can take place in Switzerland. This can take place with reasonable swiftness almost anywhere in the world and without much change, if any, in preparation.

Pilots of Air Force One know where to go in the world when asked. So, too, do the pilots that move the Soviet Foreign Minister, to say nothing of the fact that it is somehow appallingly degrading to have the Secretary of State of the United States repair to a Winnebago in the back of the Embassy of the United States in order to be able to hold a conversation in any kind of security about issues which affect the security of every man, woman, and child not only in the United States, but of all the Western World.

The Secretary of State has indicated he is damned mad, but he is not apparently damned concerned. The important part of what I am going to ask unanimous consent to offer is simply a request not to stop the meeting, not to divert the attention from the pursuit of arms control and other topics to which they have agreed to talk, but only to change the venue. It is not to derail United States-Soviet relations. It is not to do any of those things. It is to be able to hold serious conversations, serious negotiations with our Soviet counterparts on matters which affect the world.

So on behalf of myself and Senator DOLE, Senator HELMS, Senator MCCLURE, Senator ARMSTRONG, Senator WILSON, Senator SYMMS, Senator HECHT, Senator THURMOND, and Senator HUMPHREY, I ask unanimous consent that the pending business be set aside that we might consider this amendment in its entirety and at least provide the Senate's counsel to the Secretary of State in a timely fashion.

Mr. BYRD. Mr. President, reserving the right to object, I do not see the Senator from New Hampshire on the floor. If he is around, I would like to ask him whether or not in view of the fact that this amendment is not a germane amendment he is willing to let Mr. HARKIN also call up his amendment. I am told that the Senator from New Hampshire, Senator HUMPHREY, is not willing to let Mr. HARKIN call up an amendment which is not germane, and since it was he, Mr. HUMPHREY, who wanted to make this a key restriction as to whether or not any other amendments could go ahead of the amendments that are now pending, and also in view of the fact that he had indicated just a few minutes ago on the floor that he does not want to discriminate between or among Senators, I would like to know whether or not he would be willing to do this.

I personally may very well vote for the Senator's amendment when the amendment is called up, especially if he would vote for cloture.

Mr. WALLOP. Mr. President, if the leader would yield to me for a half second.

Mr. BYRD. Yes.

Mr. WALLOP. I believe that the problem the Senator has here with Senator HARKIN has been worked out. May I just say that I was willing, as the majority leader well knows, because he tried to assist in that matter, to run this as a freestanding resolution and to which objection was raised, and I have no doubts that maybe that same objection could be raised here.

My problem is that this is so sensitive. If the Senate is to provide its opinion and advice, and there is no indication that the Secretary of State would take it even if we did, it is not binding upon him as the majority leader well knows. I am simply concerned about the timing of it and that we put off matters of this sensitivity to the future of the United States over a disagreement upon niceties of germaneness on other parts of this bill.

Mr. BYRD. Mr. President, I simply want to be sure that the Senator from New Hampshire is willing to let Senator HARKIN call up a nongermane amendment. I personally do not know what Mr. HARKIN's amendment does myself.

Mr. HUMPHREY. Will the Senator yield?

Mr. BYRD. The Senator has the floor. I am merely reserving the right to object, and I will desist momentarily for any other Senator who wishes to speak to the request.

Mr. HUMPHREY. Mr. President, I understand the Harkin amendment has been rewritten so it is germane. Therefore I would not stand in the way of his offereing it at some point along here. But let me also make the point that those who are really obstructing matters here are those who are delaying a vote on Weicker and Humphrey. Maybe, as a way of demonstrating who the real parties are who are delaying matters, I ought to object to laying aside the pending business, and let those who want to delay things come and filibuster. Then we find out who is really delaying things.

The PRESIDING OFFICER. The Chair would note that the Senator from Wyoming has asked unanimous consent that the business be set aside so that he may offer an amendment. Is the Senator from New Hampshire reserving the right to object? Does the Senator from New Hampshire object?

Mr. HUMPHREY. Reserving the right to object, Mr. President, I will not object if the Senator would also include the caveat that this agreement covers only the Wallop amendment and that upon the disposition of the Wallop amendment the pending business—what is being asked to be set aside?

The PRESIDING OFFICER. I believe the Senator from Wyoming might want to repeat his unanimous-consent request. I believe he has asked unanimous consent to set aside all four underlying amendments so that he can offer an amendment to the Byrd-Dole substitute.

Mr. WALLOP. Mr. President, the Chair is correct.

The PRESIDING OFFICER. The unanimous-consent request has been made by the Senator from Wyoming. The Chair will note that the answer to the inquiry of the Senator from New Hampshire is that in order for any amendment to be offered it has to be done by unanimous consent whether or not that amendment is germane. Before the Senator from Iowa offered his amendment, he would have to ask unanimous consent that the pending business be set aside, parallel to the unanimous-consent requested by the Senator from Wyoming.

Mr. HUMPHREY. Is the Chair saying that upon the disposition of the Wallop amendment, the Weicker amendment automatically recurs?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I am prepared to offer an amendment which has been cleared on both sides. I am somewhat concerned about the position in which I am put by the unanimous-consent request.

Mr. WALLOP. Mr. President, if the Senator from Wyoming may respond, granting my request would in no way jeopardize or authorize what the Senator from Alaska wishes to do and, in effect, it in no way jeopardizes or authorizes what the Senator from Iowa would want to do. I have not offered my amendment yet.

The PRESIDING OFFICER. If that is in the nature of an inquiry to the Chair, the Senator from Wyoming is correct. After the amendment offered by the Senator from Wyoming is disposed of, assuming there is no objection, then any other Member of the Senate may offer an amendment but would have to have unanimous consent in order to have that amendment considered by the Senate.

Mr. BYRD. Mr. President, reserving the right to object, I personally do not want to object to this amendment. As I say, I will probably support it. I hope if it is adopted that the distinguished Senator from Wyoming and others who are signatories will vote for cloture on the bill today. I will not object to his offering his amendment. I would hope, however, that the Senator from New Hampshire would not shut out the Senator from Iowa, who has an amendment which I understand now is germane.

I have no objection to the request of the Senator from Wyoming.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Wyoming is recognized to offer an amendment.

AMENDMENT NO. 138

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk will read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. DOLE, Mr. HELMS, Mr. MCCLURE, Mr. ARMSTRONG, Mr. SYMMS, Mr. HECHT, and Mr. HUMPHREY, proposes an amendment numbered 138.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, why not finish the reading of it? I read it and I kind of like it myself.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

At the end of amendment No. 90 add the following:

Since the Soviet Union has totally compromised the security of our Embassy in Moscow and possibly in other Eastern Bloc nations; and

Since the Secretary of State is currently scheduled to travel to Moscow to meet with the Soviet Foreign Minister; and

Since this is not a summit meeting of the heads of State and can be either postponed or have a change of venue to a locale where secure facilities for internal and external communication exist; and

Since a postponement or change of venue could occur without any serious repercussions for U.S.-Soviet relations; and

Since any discussions between the Secretary of State and the Soviet Foreign Minister will necessarily entail classified and sensitive communications between American officials in Moscow and between the Secretary's delegation and Washington; and

Since the meeting will include, among other things, discussions on arms control matters that require the highest level of security to protect U.S. negotiating positions and strategy;

Be it therefore declared, that it is the Sense of the Senate that:

1. The Secretary of State should not meet with the Soviet Foreign Minister in Moscow unless and until a thorough examination of the security situation in Moscow has been made and the facilities there, such as they are, are determined to be secure;

2. Unless such a determination can be made prior to April 13, in the interest of establishing confidence in and facilitating the meeting between the Secretary of State and the Soviet Foreign Minister, the U.S. Department of State should seek a change in venue for the upcoming meeting to a location in which the United States can occupy secure facilities.

Mr. WALLOP. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WALLOP. Mr. President, I believe the case of the Senator from Wyoming has been made. I think it has been made in the newspapers and by Members of the Senate in discussions on the floor today and yesterday. I think it has been made by the trip of Representatives MICA and SNOWE to the Soviet Union last week.

Mr. President, I think there is no need for a continued dialog on this beyond stating the nature of the crisis that we all know to exist. It is a means by which the Senate can provide its counsel, not its restriction, I will admit, to the Secretary of State.

Mr. LEVIN. Mr. President, I understand this resolution to mean that Secretary of State Shultz and Soviet officials should not meet unless they can do so in a secure facility, not that every other facility we operate in Moscow has to be secure before they meet. On that basis, I can vote for the resolution, although I think it is unnecessary.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I would like to see us vote right away. I do want to see us move ahead on the homeless bill.

I will say one word. I will support the amendment of the Senator from Wyoming. It is appropriate. I do feel it should be noted before we vote that it has been revealed today that we, ourselves, our country, our agents or representatives, endeavored to bug the Soviet Embassy which is under construction in our city. We should be aware that this is a game that is played by both sides, I guess by all sides, and I do not think we should be too outrageously self-righteous about the situation that we confront in the Soviet Union, which is very unpleasant from our point of view and not the kind of a world we would like to live in.

But let us recognize it. We are engaged in those kinds of activities also.

Mr. WALLOP. Mr. President, we could have a dialog about who does what to whom, but that is not the point here. The point is that we have allowed, through our own inaction, a sufficient level of breaches of security to occur that the ordinary espionage to which we might expect to be subjected has been surpassed. This is extraordinary.

This is not a comment on East-West relations. It is a comment on the security of the situation that exists in Moscow at the present time for the Secretary of State and his party in communicating both to the President of the United States and amongst themselves about the negotiating positions which the United States might discuss.

Mr. CRANSTON. Mr. President, I realize that. Perhaps the Soviets were a little more frustrated than we were after discovering the bugs in their Embassy here.

Mr. WALLOP. Let me say to the Senator from California that it has only been alleged—and it is easy to allege—and has not been proven that we tried to bug the Embassy.

Mr. President, as far as this Senator is concerned, I am ready to have a vote.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Wyoming? If not, the question is on agreeing to the amendment offered by the Senator from Wyoming. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—70

Armstrong
Baucus
Bentsen
Bingaman
Bond
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dixon
Dole
Domenici
Evans
Ford
Fowler
Garn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kasten
Kerry
Lautenberg
Levin
McCain
McClure
McConnell
Melcher
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Roth
Rudman
Sasser
Shelby
Simpson
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—30

Adams
Biden
Boren
Boschwitz
Bumpers
Conrad
D'Amato
Daschle
Dodd
Durenberger
Exon
Glenn
Hatfield
Inouye
Kassebaum
Kennedy
Leahy
Lugar
Matsunaga
Metzenbaum
Packwood
Pell
Rockefeller
Sanford
Sarbanes
Simon
Specter
Stafford
Stennis
Stevens

So amendment (No. 138) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I will not take the time of Senators more than just 2 or 3 minutes.

Mr. MOYNIHAN. Mr. President, may we have order? The majority leader is speaking.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I thank the Chair, and I thank the distinguished Senator from New York.

Mr. President, it is almost 4:30 p.m. on this Thursday, and there is a cloture motion that has been entered, which will mean that there will be a cloture vote on tomorrow under the rule, rule XXII of the Standing Rules of the Senate.

If we can get unanimous consent to vote on cloture this afternoon and if cloture is invoked, and if we can then dispose of the further amendments on this bill—and I understand there are some that could be accepted and be agreed to quickly, and there probably would not be more than one or two votes following cloture—there would be a vote on final passage.

This could be done this afternoon, and there is yet time to dispose of this bill this afternoon, if the Senate will invoke cloture.

However, first we have to get unanimous consent to have that cloture vote this afternoon. One objection can force the cloture vote over until tomorrow, in which case the vote will come early tomorrow.

If some Senators may be laboring under the feeling that on tomorrow there will be enough Senators absent to keep the vote on cloture from being successful, I do not believe that will be the case. I think we will have good attendance in the morning, and the vote will occur early. It will occur under the rule tomorrow without requiring unanimous consent. But it does require unanimous consent today.

I hope that, for the convenience of Senators, Senators will not object to voting on cloture this afternoon. The distinguished Republican leader and I, with other Senators on both sides of the aisle, worked many hours, and our staffs worked many days and many nights, to put this package together.

Mr. President, this is an emergency bill. The supplemental appropriation bill will be coming along not long after the recess. And this is the authorizing measure which would provide relief for the homeless. The funds would be in that bill, the supplemental appropriations bill. After the Senate completes action on this bill, if it completes it today, the bill still has to go to conference with the House because the bill will have been changed and it will be the substitute offered by Mr. DOLE and myself and other Senators on both sides.

So it is not a matter that necessarily ends here on the vote today or tomorrow. But it is important that we get on with this vote. It is a vote for the homeless, and they could not care one whit about the salary increase. They are sleeping on those grates. We have all had a chance to vote on the salary increase. I voted against the salary increase. It took a lot of courage to vote against it.

I know we all like to demagog a little bit, and I have done some of that myself, and this is not the first time. I think it is about time we stopped demagoging on this issue and get on with voting on the homeless legislation.

This is an emergency piece of legislation. We are talking about the veterans. We are talking about victims of child abuse, the mentally retarded, the elderly, families with children, families that have no roof over their heads.

I hope we will let the Senate vote on the measure today. But we have to get by the cloture vote first.

I understand there are two or three or four amendments that are going to be accepted.

May I say to the distinguished Republican leader that I understand Mr. MURKOWSKI has an amendment that will take very few minutes and Mr. CRANSTON who is managing this bill is closer to those matters than I am and I understand Mr. HARKIN has another amendment.

Mr. DASCHLE. Mr. President, I have one.

Mr. BYRD. And Mr. DASCHLE.

These are amendments that probably could be disposed of in a very few minutes and then we could vote on cloture.

Mr. CRANSTON. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes; I am happy to yield. The Republican leader asked me to yield.

Mr. DOLE. Go ahead.

Mr. BYRD. I yield.

Mr. CRANSTON. Mr. President, as the acknowledged master of the rules of the Senate, knowing what could be done and what could not be under all sorts of circumstances, I would like to propound this question. It is clear that we have the votes for a strong cloture vote now. That is after checking on both sides of the aisle by people on both sides of the aisle. It is also clear based upon people's plans that many people have plans to leave, would like to leave tonight and leave the first thing in the morning, but they will not in sufficient number so that there will be, as far as I can see, a cloture vote tomorrow for cloture if we are not allowed to vote today. I have checked with over half of our side and only one is planning to be absent that I talked to thus far.

I understand they checked on that side and that only three plan to be absent tomorrow.

Does the majority leader see any reason then for the delay other than the inconvenience that it causes to many Senators, since the outcome will be the same as far as I can see it whether we vote now or vote tomorrow?

Mr. BYRD. I see no reason at all for the delay. I am determined to have a vote on cloture and that vote will be tomorrow if not today. Delaying until tomorrow will not change the outcome on the bill one iota. So why not let the Senate render its decision today?

We have disposed of all other legislation that we needed to dispose of before we go out. The Republican leader and I and Senators on both sides have worked together and disposed of the Fuel Use Act this week which was a very important piece of legislation that came out of the Committee on Energy, chaired by the distinguished Senator from Louisiana, Mr. Johnston. And we have disposed of other measures that normally take time and there were several of those on the calendar but they have been disposed of. Otherwise they would have kept us in tomorrow.

There is no reason to stay in tomorrow if we dispose of this bill today. Otherwise we have to stay in, an inconvenience to all Senators with not one iota of change to be made in the final vote on the bill, nothing, nothing.

I hope we would be reasonable men here. We are not voting on a salary increase here. We are voting on a piece of emergency legislation to help the homeless in this country, tens of thousands of them. They are not all here in the District of Columbia. There are a good many here, sleeping out there on those grates at night. They do not have the next meal. They do not know where the next meal is coming from, with no roof over their heads. There are people all over this country, in the rural communities and towns of West Virginia, and in every State of this Union.

I have named some of the people who are affected here—victims of child abuse, veterans, the elderly, homeless, unemployed, families with children—and it is not going to make one whit of difference, insofar as the outcome on this bill is concerned, whether we vote today or whether we vote tomorrow.

I would appeal to the Senator from New Hampshire to let Senators vote on cloture this afternoon.

Mr. CRANSTON. I thank the Senator.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I certainly would like to vote today as well. We have been urging Members on this side to help us wrap up the debate. As I understand the situation now before us, an amendment can be offered, of course, but the pending amendment must be set aside. The Senator from New Hampshire, Senator Humphrey, has agreed that three amendments, the Murkowski amendment, the Harkin amendment, and the Hatfield amendment could be debated. But, at the same time I am advised he would not like to have his amendment set aside beyond consideration of those three, unless someone can convince him they have a germane amendment. What he would prefer to do is return to a vote on the Weicker amendment, which would eliminate honoraria, and then, vote on his amendment.

It seems to me, based on a careful check on our side, I may be off maybe one or two Senators that we will have 42 or 43 out of 46 Republicans in attendance tomorrow. And I am certain attendance would be very high on the Democratic side. So all but three or four Members on this side will be here tomorrow. And I hope that we still can work out something because we only have very few amendments left, as the majority leader indicated. And those that have not been cleared, are for the most part not controversial.

So, we will continue on this side to counsel with our colleagues and see if we can work out something.

Mr. BYRD. I thank the Republican leader.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, there is a lot of news about Moscow in the press these days, none of it particularly good.

I am relieved the President has declared that we will not move into the new Embassy in Moscow until he is convinced that it is secure. I am also relieved that he does not intend to allow the Soviets to occupy their new Embassy on Mount Alto until we occupy our new Embassy in Moscow. After all the President is saying he is going to follow the law when he says that because, Mr. President, 2 or 3 years ago we passed a law that says that they will not be able to occupy Mount Alto until we occupy our Embassy and until they pay damages.

Two years ago, my colleagues from Vermont and Louisiana, Senator Leahy and Senator Johnston, and I introduced legislation that prohibited the Soviets from occupying the Mount Alto building or any other new facility in the Washington, DC, area until we are compensated for the damages caused by the Soviets in delaying construction in Moscow.

This measure was signed into law in July of 1985.

I would like to respectfully remind the President that his State Department protested that amendment. They fought it, but the Congress in its wisdom passed it into law anyway.

And last year my friends from Vermont and Louisiana and I again sponsored legislation which was also enacted into law, which required the National Bureau of Standards to independently evaluate the Embassy construction project in Moscow. The administration fought that amendment also, but again Congress in its wisdom passed it into law, and last year, we also required that the Secretary of State report every 6 months on Soviet behavior toward American diplomats in the Soviet Union and what the State Department had done to redress those damages. They did not want to make that report and they still have not, but we hope that they will. It is the law and they are required to do that.

I am disturbed to find that now it seems like the Embassy is a new problem that has been discovered. For 2 years, the Senate has initiated legislation aimed at addressing the Moscow Embassy problem.

For 2 years we have been fought by the administration. But I am glad that we now have the President on our side. The President said he is going to have outside experts review the situation in Moscow. That is good.

We already have the National Bureau of Standards reviewing it. They are supposed to report back in the next few days. When these reports are in, we are going to have to study them carefully and decide what to do. The building we occupy today in Moscow is clearly unacceptable. We do not know what we have to do to make it acceptable.

Mr. JOHNSTON. Will the Senator yield?

Mr. CHILES. And the new building has serious problems. We will have to determine whether it is going to have to be torn down or not. But we should have a solution on what we are going to do before that.

I am happy to yield to my colleague from Louisiana.

Mr. JOHNSTON. Mr. President, do I not recall that, when the Chiles-Leahy-Johnston bill was up before and the Secretary of State testified before the Senate Budget Committee, there was real, authentic anger directed at the Senator from Florida and his coauthors in that he said something to the effect: How could you ever suggest that we in the State Department do not know enough about construction standards to be able to recognize a good embassy when we see one?

Do I not recall that kind of exchange with the Secretary of State?

Mr. CHILES. The Senator is recalling something and I have to trust his memory because I had left the committee room at that time. I think Senator SASSER was asking the question. I think it was directed toward some of our concerns as to whether the State Department was qualified to oversee construction of a lot of this new embassy construction that they wanted in lieu of some of the past mistakes, and I think there was some kind of remark made at that time.

That is still a concern that I think we share as to whether the State Department has that expertise.

Mr. JOHNSTON. If the Senator will yield further just for one moment, and that is that it is rarely a great pleasure to say and be able to prove that I told you so, but I must say that the Senator from Florida and his coauthors had been telling them so on this particular embassy for not just weeks but for years. And it is something that should have been avoidable, was easily avoidable and, if the advice of the Senator from Florida was taken earlier, I think we could have saved a lot of money and a lot of misery.

I am simply reinforced in my desire to always be with the Senator from Florida, because he is on the side of truth, right, and justice.

Mr. LEAHY. Will the Senator from Florida yield for a question?

Mr. CHILES. I am happy to yield to my friend from Vermont, who was also a great help in trying to pass this amendment.

Mr. LEAHY. I compliment the Senator from Florida and the Senator from Louisiana on this matter. As I recall—perhaps the Senator from Florida recalls also—when the Chiles-Leahy-Johnston legislation was before us, when the State Department was lobbying against it, without going into matters and discussions that we had in private with them on classified matters, would it not be safe to say that, in effect, we then at that time, months ago, years ago, raised precisely the questions that we now see on the front pages of our newspapers this week and last week and that the President discussed at his minipress conference within the past day or so?

Mr. CHILES. The Senator is absolutely correct. And we, not once, but over two particular pieces of legislation, tried to urge them to try to deal with and correct these matters. We did have some recalcitrant people at that time. But I guess there is nothing like someone who has seen the light. And we hope that light will help us now develop some kind of a secure embassy structure in the future.

But, again, I think there is a concern that we need to continue to monitor, when we are talking about a $5 million to $10 million construction request over a period of years to change a number of embassies, who should be overseeing that construction, how should it go. And I think those are things that we will continue to have to follow.

Mr. LEAHY. If my friend from Florida will yield further on this point, I recall, on one other piece or two other pieces of legislation, the Leahy-Cohen legislation that the distinguished Senator from Maine and I had in to limit the number of Soviet Embassies here in the United States, diplomatic immunity, we had raised some of these issues and then on the Chiles-Leahy-Johnston amendment raised it again, I know what I found so frustrating was the tremendous lobbying effort by the Department of State to defeat the Chiles-Leahy-Johnston amendment and to defeat the Leahy-Cohen amendment.

In fact, the Leahy-Cohen amendment, after talking with the President of the United States, he endorsed it on his 5-minute radio broadcast during the time it was before the committee of conference and the State Department still lobbbied against it and it did not stop lobbying until I sent every conferee a transcript of what the President of the United States—who, after all, is the guy who is supposed to be leading the whole charge—had said on the radio. And even then, having had our legislation endorsed by the President of the United States publicly in a 5-minute radio broadcast, finally, reluctantly—reluctantly—and they even stated to me reluctantly, the State Department backed off.

Now, I mention this only because I voted against this last amendment partly because I trust the Secretary of State to be aware of the security problems that have come up and I assume the Secretary of State will do everything possible to keep secure communications while he is in the Soviet Union. I am perfectly willing to let him use his judgment on that.

But I have to say, as I think back to what happened on Chiles-Leahy-Johnston and on Leahy-Cohen, I voted no reluctantly. I voted no reluctantly.

In doing that, I am trying to say I will leave it up to the Secretary to use his judgment. But that kind of patience wears thin when I see legislation like ours which, if they had not only strongly backed but even more important strongly supported internally, I doubt if we would be facing these terrible revelations we see day after day in the press, terrible revelations that the President has had to come forward and make.

So I compliment the Senator from Florida. He has led a lonely fight. I know he, at times, probably felt like he was banging his head against a brick wall in doing this. He has had his judgment questioned and everything else. Now, everybody can look back and say, "Why in heaven's name didn't they follow the lead of the Senator from Florida?" And I compliment you.

Mr. CHILES. Well, I know the Senator from Vermont must have felt just a little bit bemused, as the Senator from Florida did, when he heard of the President's press conference in which he announced that he was not going to allow the Russians to occupy their embassy at Mount Alto until we were able to occupy, when we knew that was the law of the land that we had passed over their objections in 1985.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I send an amendment to the desk.

Mr. MURKOWSKI. Mr. President, I would ask for an inquiry of the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Does he yield to the Senator?

Mr. MURKOWSKI. I ask for a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe it is the custom of the Chair that the Chair resolves the recognition of Senators. I have been on the floor now for 1 hour and 45 minutes and I noted that the Chair had not deferred to the normal custom.

The PRESIDING OFFICER. If that is in the form of a parliamentary inquiry, the Chair would point out to the Senator from Alaska, first, there is no such custom. Second, the Chair recognizes who is heard first. Third, I would point out that the Chair, in attempting to recognize Members for the purpose of offering amendments, has been attempting to rotate from one side to the other. The last amendment offered was offered by the Senator from Wyoming, Senator WALLOP. The Chair has not recognized the Senator from Iowa, Senator HARKIN.

Mr. MURKOWSKI. The Senator from Alaska will defer and simply submit his amendment to our leader, who will get recognition.

Mr. DOLE. Mr. President, if the Senator from Iowa will yield, I think the Senator from Iowa is prepared to yield to the Senator from Alaska.

Mr. HARKIN. I am happy to yield. You are not going to take very long?

Mr. MURKOWSKI. No, I am not going to take very long.

Mr. HARKIN. I am glad to yield to the Senator.

Mr. MURKOWSKI. I appreciate that.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 136

(Purpose: To authorize an additional appropriation for certain reintegration programs for homeless veterans)

Mr. MURKOWSKI. Mr. President, I would ask the clerk to call up Amendment No. 136.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, Mr. CRANSTON, Mr. SIMPSON, Mr. SPECTER, Mr. DECONCINI, and Mr. ROCKEFELLER, proposes an amendment numbered 136.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment reads as follows:

Amend the amendment of Mr. BYRD as follows:

Amend section 708(A)—

(1) by striking out $10,000,000" and inserting in lieu thereof "$12,000,000"; and

(2) by inserting ", of which $2,000,000 shall be available only for the purpose of carrying out section 707A" after "title".

Amend title VII by inserting after section 707 the following new section:

"SEC. 707A. HOMELESS VETERANS' REINTEGRATION PROJECTS.

"(a) GENERAL AUTHORITY.—The Secretary, using funds appropriated and made available for the purpose of carrying out this section, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force. Notwithstanding any other provision of law, the amount so appropriated shall be available for distribution in such manner as the Assistant Secretary of Labor for Veterans' Employment and Training considers appropriate and shall remain available until expended.

"(b) AUTHORITY TO MONITOR THE EXPENDITURE OF FUNDS.—The Secretary of Labor is authorized to obtain such information as the Secretary considers appropriate to enable the Secretary to monitor and evaluate the distribution and expenditure of funds appropriated pursuant to the authorization contained in subsection (a). Such information shall be furnished to the Secretary in such form as the Secretary considers appropriate for the purpose of this subsection.

"(c) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(d) DEFINITION.—As used in this section, the term 'homeless veteran' means a homeless individual who is a veteran within the meaning of section 101(2) of title 38, United States Code.".

Mr. MURKOWSKI. Mr. President, I rise to offer, with my distinguished colleague, the chairman of the Committee on Veterans' Affairs, Senator CRANSTON and Senators SIMPSON, SPECTER, DECONCINI, and ROCKEFELLER, an amendment which would allow the veterans' employment and training service to continue and expand an effective and innovative program which assists homeless veterans in returning to the work force. My amendment would add $2 million to the $10 million that this bill would provide, for a job training demonstration project. This $2 million would allow the "Jobs for Homeless Veterans" Program of the veterans' employment and training service to continue in operation for another year.

The "Jobs for Homeless Veterans" Program provides grants to allow local communities to hire and train homeless veterans. These homeless veterans are trained as Outreach counselors to identify, recruit, and motivate other homeless veterans to participate in existing rehabilitation and job-training programs.

Many homeless veterans mistrust the Government and don't participate in Government programs. This program overcomes their mistrust by relying on other homeless veterans to explain and promote the rehabilitation and job-training programs which offer many veterans a way out of homelessness. Improved targeting on homeless veterans also increases the effectiveness of these rehabilitation and job-training programs.

The Jobs for Homeless Veterans Program is cost-effective. In 1987 the veterans employment and training service will commit about $250,000 to the program. This will fund operations in nine cities—Boston, Denver, New Orleans, San Antonio, Seattle, Fort Lauderdale, Atlanta, Los Angeles, and Detroit.

The Jobs for Homeless Veterans Program is successful. In only 4 months, the first program to go into operation, in Boston, has placed 225 homeless veterans in treatment and counseling programs, 60 into job training, and 23 in unsubsidized jobs. In 3 months, the Denver program has placed 15 homeless veterans in treatment and counseling programs, 33 in job training and 8 in unsubsidized jobs. I believe this record of success will grow as the Jobs for Homeless Veterans Programs continue to go into action in other communities.

The Jobs for Homeless Veterans Program is innovative. In addition to utilizing the talents of homeless veterans, the veterans' service organizations have used this program as a method to channel their volunteer efforts to meet the needs of homeless veterans.

Mr. President, the activities of the veterans' service organizations to assist homeless veterans have earned the praise of the Senate and of the Nation. The members of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, and the Vietnam Veterans of America, have once again proven, through their service, that America's veterans will rise to meet the challenges which face the Nation.

We must also recognize the commitment of the Assistant Secretary of Veterans' Employment, Donald Shasteen, and acknowledge his responsiveness to the needs of America's veterans and to our homeless veterans. It is his willingness to commit discretionary funds available under part IV-C of the Joint Training Partnership Act that made this innovative and effective program possible. I commend Mr. Shasteen for his commitment and vision, and offer this amendment to give this important program the funding priority its success has earned.

The homeless veterans of America owe a debt of gratitude for the leadership of the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, as well as that of the ranking minority member, Senator HATCH, and Senator QUAYLE, for their assistance in making this amendment possible. The assistance of Senator CRANSTON, and Mr. Jon Steinberg of his staff, has been invaluable.

Mr. President, the Jobs for Homeless Veterans Program is now funded by a one-time allocation of the discretionary funding available to the Assistant Secretary of Labor for Veterans' Employment. My amendment will dedicate $2 million to this program. This funding would allow the program to continue in the communities where it now exists and expand to other communities. This funding will give those who work in the program and those who depend upon it, the assurance that they no longer need to depend upon the limited and overextended discretionary funds of the veterans employment and training service.

Mr. President, adoption of this amendment would result in a real, measurable improvement in the lives of homeless veterans. I urge my colleagues to join me in supporting its adoption. I ask unanimous consent that the text of the amendment be printed in the RECORD at the conclusion of my remarks.

Mr. President, I understand that this amendment has been cleared on both sides and I move its adoption.

I have cleared this with the distinguished senior Senator from California, Senator CRANSTON. I will defer to any comments that the Senator from California may have.

The **PRESIDING OFFICER.** The Senator from California.

Mr. CRANSTON. We have no objection to the amendment. It serves a good purpose. We are glad to accept it.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

Mr. MURKOWSKI. Mr. President, I want to thank the chairman of the Committee on Veterans' Affairs as well as the ranking minority member, and chairman of the Committee on Labor and Human Resources, Senators KENNEDY and HATCH, for their assistance in making the amendment possible.

And again I move the adoption of the amendment.

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am pleased to join with my good friend and the ranking minority member of the committee [Mr. MURKOWSKI] in proposing this amendment to provide increased employment opportunities for homeless veterans. Our amendment would authorize the appropriations of $2 million to expand and enhance an innovative and highly promising initiative aimed at helping homeless veterans regain self-sufficiency through employment.

I congratulate Senator MURKOWSKI on this very worthwhile initiative. Also, I would like to thank the distinguished chairman of the Committee on Labor and Human Resources [Mr. KENNEDY] and the ranking minority member of the committee [Mr. HATCH] for their excellent cooperation and assistance in facilitating the Senate's consideration of this amendment.

Mr. President, homelessness is a tragic reality for a growing number of Americans in our Nation. Every dimension of this problem is deeply troubling, and as the chairman of the Subcommittee on Urban and Housing Affairs of the Banking Committee, I have been taking the lead in legislative efforts to help individuals suffering from lack of adequate shelter and to prevent others from joining their ranks. As the chairman of the Veterans' Affairs Committee, I am very concerned by reports that veterans account for a disproportionately large part of the homeless veteran population and have been very actively pursuing legislation to help address the needs of these veterans, including the needs of so many homeless veterans for help in becoming job ready and finding a job.

Indeed, earlier this year I joined with my good friend and fellow Veterans' Affairs Committee member from West Virginia [Mr. ROCKEFELLER] in introducing S. 553, the proposed Veterans' Job Training Act Extension of 1987 which would extend through fiscal year's 1987 and 1988 the unused authorization of fiscal year 1986 appropriations of $30 million for the Veterans' Job Training Act [VJTA], postpone by 6 months the deadlines for veterans to apply for VJTA participation and enter into training, and to delete for unemployed Korean-conflict and Vietnam-era veterans who are homeless the length-of-unemployment criterion for eligibility under this program. More recently, following consideration of this measure by the Senate Veterans' Affairs Committee, this legislation was incorporated, along with a provision also to delete the length-of-unemployment criterion for certain service-connected disabled veterans, into section 106 of S. 477, the proposed Homeless Veterans' Assistance Act of 1987, which the Senate passed on March 31, 1987.

Mr. President, our amendment would enhance the activities of an existing program aimed at helping our Nation's homeless veterans rebuild their lives. Specifically, this legislation would authorize an appropriation of $2 million in fiscal year 1988 for the Jobs for Homeless Veterans Program, an innovative, but small pilot program developed and administered by the Department of Labor.

Under this program, developed by Dr. Daniel R. Cloutier, a consultant to the Department of Labor who for many years has been engaged in efforts to help homeless individuals, representatives of the Veterans' Administration and the Departments of Labor and Health and Human Services have joined together in a number of cities across the Nation to coordinate Federal efforts to provide homeless veterans with the array of job-training, job-counseling, drug and alcohol treatment, and other vitally needed programs and services necessary to assist many homeless veterans in successfully returning to the workforce. In addition, working closely with each of these groups is a veteran who has been at some time in his or her life homeless, who is responsible for seeking out homeless veterans to guide them in availing themselves of the services and resources they are eligible to receive.

Currently, these programs are underway or are planned in the cities of Boston, Denver, New Orleans, San Antonio, Fort Lauderdale, Atlanta, Seattle, Los Angeles, Baltimore, and Detroit, and a number of other cities are showing great interest in launching similar programs. Unfortunately, at present, a total of only $250,000 in funds is available for these programs. Thus, with this amendment, current activities under these programs could be expanded and new programs initiated.

Mr. President, homelessness is a desperate condition that has become a tragic fact of life for many veterans in cities across the land. This measure represents a vital contribution to our Nation's efforts to address this critical problem, and I urge all of my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. MURKOWSKI].

The amendment (No. 136) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 142

(Purpose: To modify the adjustment of the standard deduction and excess shelter expense deduction under the food stamp program)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Thank you, Mr. President.

I have an amendment, which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 142.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. —. ADJUSTMENT OF FOOD STAMP DEDUCTIONS.

(a) STANDARD DEDUCTION.—Effective October 1, 1987, the second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (3) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: "and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30".

(b) EXCESS SHELTER EXPENSE DEDUCTION.—

(1) IN GENERAL.—Effective October 1, 1987, the proviso of clause (2) of the fourth sentence of section 5(e) of such Act is amended by striking out "on October 1, 1986" and all that follows through the end of the sentence and inserting in lieu thereof the following: "(A) on October 1, 1987, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the 24 months ending the preceding June 30, and (C) on October 1, 1988, and each October 1 thereafter, to the nearest lower dollar increment to reflect such changes for the 12 months ending the preceding June 30.".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to a household for a certification period beginning before October 1, 1987.

(c) The authorization of appropriations for food storage and distribution costs under TEFAP shall be—

(1) $53,000,000 for fiscal year 1987 and

(2) $65,000,000 for fiscal year 1988.

The **PRESIDING OFFICER**. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this amendment has been cleared as I understand on both sides of the aisle. I want to especially thank the distinguished minority leader, Senator DOLE, whose interest in this area and leadership in this area of food stamps has been long and well known. I also want to thank the distinguished chairman of the Senate Agriculture Committee, Senator LEAHY; also Senator BOSCHWITZ and all their staffs for working together to correct this technical error that has been in the food stamp bill, and one that really addresses itself to the issue before us; that is, the issue of trying to help the homeless.

Mr. President, I am proposing an amendment today to H.R. 558, a bill to aid homeless persons. The net effect of the amendment I am offering is to better direct the resources we are proposing to spend so that more of this money goes to the homeless and near homeless. My amendment will increase the maximum shelter deduction for food stamp recipients by restoring a portion of that which has been lost due to unintended effects of the methods used in computing the shelter deduction cap. Let me say at the outset that this amendment does not change the estimated authorization level of the bill before us now in fiscal year 1987 or 1988.

Let me explain what the shelter deduction is. When an individual or household applies for food stamp benefits, they have to declare their income. To qualify, gross income must be below 130 percent of the poverty line, or, if no elderly or disabled persons are in the household, net income must be below 100 percent of the poverty line, and an asset limit test must be met. Certain items are deducted from household income, including an allowance for shelter. Food stamp benefits are then provided if the total available income after deductions is below a specified amount. The only amounts currently deducted for the shelter allowance are $149 per month over 50 percent of the household's net adjusted income. That doesn't leave much when you're starting out at 13 percent of the poverty line.

During hearing late last week the Senate Agriculture Committee's Subcommittee on Nutrition and Investigations, which I chair, received testimony and collected evidence that the shelter deduction cap for Food Stamp Program participants has been permitted to fall behind the rate of inflation. The Congressional Research Service in a report dated February 9, 1987 identified two factors that have caused the value of the maximum shelter deduction to fall. One factor was that the shelter deduction cap was legislatively frozen from 1981 through most of 1983. The second factor was an unintended technical flaw in the indexing procedure that has caused the cap to increase at a rate less than it would have had it been indexed appropriately. Under my amendment the maximum shelter deduction will likely rise from its current level of $149 to a level of $158 next October 1.

Under current law, the cap on the excess shelter deduction is indexed to shelter—excluding homeowners costs and maintenance and repair components—fuel, and utilities components of housing cost in the CPI-U. The proposed new index would include the presently excluded homeowners costs and maintenance and repair components. The major effect of changing the index is to reduce the relative weight given to the fuel and utilities component which has recently represented over half the total shelter component. The combined effect these two factors has, had significant effects.

In 1984, 27 percent of all food stamp households claimed the maximum deduction, indicating that substantial numbers of families had shelter expenses in excess of those that the Food Stamp Program would recognize. Testimony before the Nutrition Subcommittee revealed that Vermont today has 69 percent of households claiming the maximum shelter deduction. Informal contacts between subcommittee staff and State officials in Kansas indicated between 50 to 70 percent of food stamp households claimed the maximum shelter deduction. Minnesota had between 75 to 90 percent of households at the shelter cap and Missouri had 71 percent.

These examples serve to illustrate that the shelter cap deduction is adversely affecting a growing population of food stamp households. The bottom line is that current food stamp rules contribute to causing homelessness by prohibiting most households from taking deduction for the full amount of their necessary and reasonable shelter costs.

The change I am proposing today is modest. It does not address the issue of the freeze in the index from 1981 to 1983, nor does it address the index problem prior to 1985 when we last dealt with this provision in the farm bill. It does however correct the technical error in the shelter deduction index revealed by CRS, from 1985 forward. This amendment will cost nothing in fiscal year 1987, $12 million in fiscal year 1988, and $18 million in fiscal year 1989. To offset this increase, my amendment would reduce the increased TEFAP authorization. Consequently, there will be no net cost in fiscal year 1987 and fiscal year 1988 and only $18 million in fiscal year 1989. I propose this change not because an increase on TEFAP is not warranted, but because the Food and Nutrition Service has testified that only one-tenth of 1 percent of the current TEFAP authorization goes to the homeless and that is what this legislation is all about—to help our Nation's homeless.

In summary, I believe this change is necessary to correct an unintended technical flaw which has the effect of reducing the real value of the maximum shelter deduction. I believe that this will serve to increase food stamp benefits to those who need them most and will help to prevent homelessness, which is the principal objective of H.R. 558.

So again, Mr. President, this has been cleared on both sides. I move the adoption of the amendment.

The **PRESIDING OFFICER**. Is there further debate on the amendment? The Senator from California.

Mr. CRANSTON. Mr. President, I support this amendment. It would allow a more accurate accounting of shelter costs when calculating eligibility for food stamps.

State officials estimate that in some States an overwhelming majority of food stamp recipients must pay more for rent than they are allowed to deduct for shelter costs.

This means that many poor families do not have enough for other essential items. National policy intends to allow these families a certain modest level of resources for nonhousing expenses, but those resources are going toward rent. These families are subsequently getting an inadequate allocation of food stamps.

The current method implies that rent accounts for only 48 percent of total housing cost, when rent typically accounts for 60 percent to 70 percent of housing costs for most families.

This amendment would use a more realistic adjustment factor for rents in the Food Stamp Program. The consumer price index would be applied to rents, as well as utilities and fuel.

For these reasons of fairness and equity, I applaud the Senator from Iowa for offering the amendment. As far as I am concerned, we are glad to accept it.

Mr. ARMSTRONG addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, there has been so much discussion of amendments, both germane and those that actually have nothing to do with this subject of this bill, that we are losing sight of what this legislation is about.

This is the fad of the month. This is the latest manifestation of what the Washington Post correctly called a gesture. It is a gesture which does no credit, in my opinion, to the Congress, because it is another in a very long series of episodes in which, as one authority put it, the news media pulls the chain of the Congress.

That is not to say that the homeless are a fad. They are, as the Washington Post correctly termed them, a wretched and helpless people who deserve better than they are getting out of this bill.

But you know, Mr. President, over the last few years, time after time this body has turned its attention for a brief period of time, for a day or a week or for a couple of weeks, on some topic and, in haste, has passed some legislation that feels good and sounds good and plays well before the television camera, and then moves on to the next popular fad, never looking back to see the outcome of legislation it has previously passed, raising false expectations and actually making fools of ourselves.

Do you remember last fall? The fad then was drugs. For about 3 weeks, the topic of drug abuse, which I judge to be one of the most sensitive and serious concerns of thoughtful people in this country, was uppermost on the minds of everybody in this Chamber. By golly, it did not matter what the subject was. If you wanted to talk about deficit, somebody would stand up and say, "The biggest deficit is our effort toward drug abuse."

If somebody said the topic was national defense, someone would leap to their feet and say, "What we have to defend against is the tidal wave of drugs."

That is true. What I am objecting to is racing through legislation which has been ill thought out, which most Senators have no idea of what it actually accomplishes, and then go home and crow about the fact that we have really solved the problem.

How could Senators know what is in this bill? Maybe I am wrong. Maybe every Senator is fully aware of the contents of this bill. I would be truly surprised if that was true because in the first place this bill has been considered by four committees and not one of the four committees thought it was important enough to issue a committee report. What does that say for care and thought and scholarship with which this legislation was considered in committee?

I happen to be a member of one of the committees which considered this legislation and I will just tell you that if anybody thinks the Banking Committee considered this carefully, looked into the pros and cons of it, weighed the underlying problems, and really looked deeply into the concerns and needs and aspirations and heartbreak of people who are homeless—I will just tell you that they do not know what happened in the Banking Committee of the U.S. Senate.

I come before you as one who is concerned about the homeless and in fact have been for a long time. Long before it was ever a fad, there were some of us in Denver, CO, who were concerned about the problem, who did something about it, who are continuing to work on the problem.

That is not to say we have been 100 percent successful. But I think it is a lot more admirable for us to be serious and thoughtful than to just throw money at the problem.

For the benefit of those who did not have access to a committee report, let me take a minute to recap what it is we are actually doing here.

This bill, which probably will never be implemented—it is authorizing legislation, of course, and the underlying reality is when we get down to it, we are not going to actually spend all this money very quickly. But even if we do, here is what will happen: We will spend $80 million in budget authority in fiscal 1987 for emergency shelter grants; $60 million more in BA for transitional housing; $50 million more in section 8 for existing housing certificates; $35 million for section 8 rehabiliation certificates; $10 million for job training demonstration programs, and so on and so forth.

Mr. President, since there was no committee report issued, I ask unanimous consent that there be published in the RECORD at this point an analysis of this legislation prepared by the staff of the Republican Policy Committee.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

S. 809: URGENT RELIEF FOR THE HOMELESS ACT

Calendar 67 (Committees on Labor; Banking, Housing, and Urban Affairs; Agriculture; and Governmental Affairs; no reports issued)

Note: S. 809 was introduced by Senators Byrd and Dole on March 23, 1987. The bill subsequently was placed on the calendar and referred to four Committees. The Committees pushed the bill through four separate markups during the week of March 30 and each has modified the bill to some degree. No committee reports have been or will be issued. Two weeks after its introduction, the original calendar version of S. 809 will likely be the measure considered by the Senate, with Committee amendments offered en bloc.

HIGHLIGHTS

This bill costs upwards of $440 million and would give homeless Americans more food, shelter, health care, job training and education. It would:

Authorize $80 million more BA in FY87 for the Emergency Shelter Grants program, and any amount necessary in FY88. Under the expanded program, HUD would make grants to state and local governments to set up emergency shelters;

Authorize $60 million more BA in FY87 (and any amount necessary for FY88) for the transitional housing program, to ease the move from institutional to independent living;

Authorize an additional $50 million in section 8 existing housing certificates, targeted to provide rental assistance to homeless families;

Authorize $35 million for section 8 moderate rehabilitation certificates to provide an estimated 1050 housing units;

Authorize $10 million for a job training demonstration program;

Authorize funds for education of homeless children and for literacy programs;

Amend the Food Stamp Act to aid the homeless and would authorize additional funds for the TEFAP program so more commodities may be distributed to facilities that feed the homeless; and

Require the provision of case management services for the homeless at shelters receiving FEMA grants, authorizing $20 million in each of FYs 1987 and 1988 to fund the requirement.

ANALYSIS BY COMMITTEE

Banking (S. 810)

Emergency Shelter Grants—The bill provides a two-year authorization for the Emergency Shelter Grants Program. The program originally was funded at $10 million in the continuing appropriations resolution. The bill authorizes an additional $80 million in budget authority for FY 1987 and such sums as necessary for FY 1988.

Under the expanded program, HUD would provide grants to state and local governments to set up emergency shelters. The program would be operated under authorization language included in the continuing resolution.

Transitional Housing—The bill provides a two-year authorization for the Transitional Housing Program. The objective of the program is to provide housing and supportive services to ease the transition to independent living. The program originally was established as a demonstration program and funded at $5 million in the continuing appropriations resolution. The bill authorizes an additional $60 million in budget authority for FY 1987 and such sums as necessary for FY 1988.

Under the expanded demonstration program, HUD would provide grants for local governments or nonprofits to establish transitional housing for homeless people. The demonstration program would be operated under authorization language included in the continuing resolution.

Other Housing—The bill authorizes an additional $50 million in section 8 existing housing certificates. The certificates would be targeted to provide rental assistance to two classes of homeless people: (1) families, particularly families with children, and (2) elderly families. The section 8 contracts would have a life of five years. The certificates would be distributed by local housing agencies in urban/suburban areas and by FmHA in rural areas. The bill would enable a housing agency to attach the certificates to a particular housing unit as part of a local program in which a nonprofit organization provides decent housing and suitable services to homeless families. If fully funded, this provision would provide approximately 1,900 additional certificates.

The bill authorizes $35 million for section 8 moderate rehabilitation certificates. The funds would be allocated in accordance with section 8(n) of the Housing Act of 1937. If fully funded, this provision would provide an estimated 1,050 housing units. In addition, the following guidelines would govern this appropriation:

The certificates would have a life of ten years and could be used only with units located in newly rehabilitated single-room occupancy structures.

The government would retain the option to renew the certificates for an additional ten years, subject to the availability of appropriations.

The bill would mandate the installation of necessary safety features such as a complete sprinkler system, hard-wired smoke detectors, and any other features required by state or local code.

The bill would limit the rehabilitation cost per unit to $14,000, excluding expenditures for the safety features delineated above.

The Secretary would be authorized to increase the limitation by an amount determined is reasonable and necessary to accommodate special local conditions including (1) high construction costs; (2) stringent fire or building codes; and (3) high acquisition costs.

Comprehensive Plan—To be eligible to receive funds under the housing title, states and major urban centers would be required to submit comprehensive homeless assistance plans to the Interagency Council. The bill outlines information that would be required in the plans and directs the Council to review and approve each plan within 30 days of receipt, unless it determines that a plan plainly does not meet the requirements of the Act. Finally, States and major urban centers would have to submit annual performance reports and the Council would have to carry out performance evaluations beginning with FY 1990.

Governmental Affairs (S. 813)

Sets up HHS's Federal Task Force on the Homeless as an independent Interagency Council on the Homeless. Professional and technical assistance would be furnished to the Council through council personnel employed in each of the ten standard federal regions. The Council would expire three years after enactment (as provided for in the House bill).

Clarifies the operation of federal property laws to facilitate the identification of federal surplus property suitable for use by providers of assistance to the homeless.

Authorizes amounts already appropriated for the current fiscal year for the Emergency Food and Shelter program grants administered by the Federal Emergency Management Agency. The bill authorizes such sums as necessary for FY 1988.

Requires the provision of case management services for the homeless at shelters receiving FEMA grants, authorizing $20 million in each of FYs 1987 and 1988 to fund the requirement.

Amends the Federal Property and Administrative Services Act of 1949 to include providers of services to homeless individuals among the entities eligible to receive donations of surplus federal personal property.

Requires that GSA make lists of surplus property suitable for the provision of services to the homeless, which could then be made available to homeless providers; furnishes the surplus personal property at no charge; and requires the federal government to absorb the cost of transporting such surplus personal property to the homeless provider unless the provider waives the requirement or if a State or local government agrees to pick up the tab.

Agriculture (S. 728)

Food Programs

Changes the definition of "household" under the Food Stamp Act to allow a parent and minor children living with a sibling or a grandparent to be eligible for food stamps if food is bought and meals are prepared separately within the household.

Adds the definition of "homeless individual" to the Food Stamp Act.

Allows States to receive a 50 percent federal match for activities that provide food stamp information to the homeless.

Provides expedited food stamp service to certain homeless persons whereby States must provide food stamps within 5 days of application.

Authorizes an additional $10 million for the Food Assistance Program (TEFAP) for FY '87 (from $50 million to $60 million) and authorizes $70 million for fiscal year 1988.

Labor and Human Resources (S. 811)

Education for Homeless Children

Authorizes $2.5 million in FY 87 and $5 million in fiscal year 1988 for education of homeless children.

Ensures that homeless children are eligible for educational programs even if they have no permanent or fixed address.

Requires States to submit to the Education Secretary a plan for educating homeless children and provides grants on a competitive basis to state and local agencies for exemplary programs.

Literacy Programs

Authorizes $10 million for FYs 1987-88 for grants to state educational agencies to implement literacy programs for adult homeless individuals.

Mental Health Programs

Authorizes $55 million for services to the homeless who are chronically mentally ill and expands Title XIX of the Public Health Service Act to allow the use of existing alcohol, drug abuse and mental health services block grants for this purpose.

Distributes funds under a modified community development block grant formula, giving each State at least one-half of one percent and capping administrative costs at four percent.

To be eligible for grants, States must provide case management, outpatient services, training for staff, outreach services, and supervised living arrangements not funded under housing services.

Health Programs

Authorizes $30 million for HHS grants to public and non-profit organizations to support routine, primary health care for the homeless, including emergency services and counseling.

Alcohol and Drug Abuse Program

Authorizes $20 million for FY 1987 for the alcohol, drug abuse and mental health block grant to require States to provide services to homeless individuals suffering from substance abuse.

Job Training for Homeless

Authorizes $10 million over three years for a Labor Department national demonstration program to determine ways to provide job training for the homeless. A 50 percent non-federal match is required and States must have coordination plans.

ADMINISTRATION POSITION

The Administration opposes S. 809, because it establishes costly and duplicative programs in a time of fiscal problems. The Senate bipartisan bill would authorize spending of $392.7 million in fiscal year 1987 and $331.2 million in fiscal year 1988 for these programs. It also establishes a dominant federal role where State and local governments are better able to deal with the plight of the homeless.

In fiscal year 1987, the federal government has committed over $260 million, more than in any previous year, on programs targeted specifically to the homeless ($115 million for FEMA's emergency food and shelter program, $15 million for HUD's emergency shelter grants programs, over $100 million for rental subsidies for the mentally ill homeless and homeless families, $23 million for runaway and homeless youth, and nearly $10 million in surplus food, equipment, and facilities for the homeless). Other existing federal programs fund State and local efforts to provide services and facilities for the homeless. For example, the Community Development Block Grant program (CDBG) and the Social Services Block Grant program (SSBG) provide funds that States and communities may use to assist the homeless. State and local governments have used more than $100 million in CDBG funds to renovate shelters and provide support services for the homeless.

Rather than authorizing costly add-ons or new federal programs and bureaucratic structures, State and local governments should be urged to target additional amounts of the over $6 billion already available this year through CDBG, SSBG, the Community Services Block Grant, and the Alcohol, Drug Abuse, and Mental Health Block Grant to address the needs of their homeless citizens.

Any additional federal funding should be funneled through existing State block grants and be offset with resources from lower priority programs.

Possible unprinted amendments thereto:

HUMPHREY. To rescind the automatic pay raise for Members of Congress and senior federal officials.

HELMS. Disapproving the District of Columbia's action, which stops insurance companies from testing for AIDS before issuing life insurance policies. It is reported that 82% of the top 50 life insurance companies have stopped writing policies for D.C. residents because of this law.

GRAMM. To make the bill deficit-neutral.

Mr. ARMSTRONG. Mr. President, I want to ask Senators to consider whether or not this is really a Federal responsibility. I am not at all persuaded, and I am not aware that there has been any convincing showing, that the problem of the homeless, serious though it is, is primarily a national problem.

I think, in fact, that a more careful analysis might indicate that it is primarily a problem within the competence and compassion and jurisdiction of States and local communities. Indeed, many of the communities to be aided by this bill have great public and private resources.

Washington, DC., for example, an area where there are some homeless, quite a number of them, regrettably, has a median income level of $41,700 per year.

Just as a point of departure, would it not be well for Senators to ask themselves whether or not in a Federal system, in a system which, by its very intent and purpose and scope, is supposed to leave large areas of initiative, control, and responsibility to local authorities, indeed, which in its initial conception intended to leave everything to local authorities that was not clearly national by its very nature, such as national defense or interstate commerce—in a nation such as that, would not a reasonable threshold question be, what is the national issue? What is the justice, may I say, to suggesting that the people of Blackfoot, ID, which I judge to be a community that has a median income of maybe $12,000 a year, being asked to pay taxes, send them to Washington, DC, so that we can send money to New York City where I would guess that the New York City median income is just about four times what it is in Blackfoot, ID?

Or, for that matter, why should the people of Poughkeepsie, NY, send money back to Washington, DC, to pump it out to Denver, CO? Is this not really in its essence a problem which can be adequately financed and better managed by people at the local level? I think the answer to that is clearly yes.

I am well aware, let me say, Mr. President, that the argument I am making is long out of fashion. The question of drawing a line and saying, "This is a local responsibility" and "This is a Federal responsibility" is not very often raised in recent years, and I think by gosh it is time that we start asking that question again.

Indeed, the Senator who occupied the desk where I now sit, our colleague and friend Barry Goldwater, used to raise that question over and over again. I believe that I am going to take it up as one of my tasks and responsibilities, to pick up where Barry Goldwater left off, as these bills come before us to just at least ask Senators to consider on this bill and others to follow it, what is the national issue, what is the justification for moving taxpayer dollars out of local jurisdictions to Washington and then pumping them back out to some other place in the country?

(Mr. GRAHAM assumed the chair.)

Mr. SYMMS. Will the Senator yield?

Mr. ARMSTRONG. I am happy to yield.

Mr. SYMMS. I just want to say that I want to compliment the Senator from Colorado for a very, very enlightening statement. I think his question deserves deep consideration by all Senators because in my view in the national Congress our responsibility is to provide a safe, secure, environment for people to be able to live and do business and create commerce and create jobs, and that these responsibilities are always better served at the local level.

I think the Senator made reference at the outset of his remarks, which were very enlightening, about it is a typical congressional response to some news media jerking the chain of the Congress and everybody has to get on the bandwagon to do something, so that you are doing something for the homeless.

Mr. ARMSTRONG. Does the Senator remember, may I ask, when swine flu was a great fad in this Chamber?

Mr. SYMMS. That is exactly right. I was going to bring that up. We were in the House, in the other body, at the time, and the swine flu epidemic was sweeping the country. The Congress had to get involved to vaccinate all Americans for swine flu.

Most people do not know it, but the Federal Government is still trying to settle all the litigation because they got involved in that issue.

Two physicians that were very able and very well-educated debated strongly that that was no position for the Federal Government to be involved in. The physicians, who were Members of the House at the time, made a very striking case how this was a mistake for the Federal Government to try to do this as a unit, that it was just going to open up all kinds of liability questions and problems and it was not the answer, that the people who had died from the 1918 flu epidemic had died because there was no penicillin.

But the mood was we had to do something for the swine flu epidemic.

Mr. ARMSTRONG. Even if it is wrong.

Mr. SYMMS. Even if wrong.

Mr. ARMSTRONG. We have to do something. If we do not know what to do, we ought to do something and go home and tell people we know enough to legislate and pass bills and spend money.

Mr. SYMMS. I might say to the Senator, I do not know how the Senator plans to vote, but in my view, this is none of the Federal Government's business to be involved in. The best system in the world to get rid of homeless and help the country have less homeless is to provide for an economic system that provides for capitalism to work and people to voluntarily work in the marketplace and work their way out of the ghetto, so to speak. We cannot solve the problem by passing a bill here.

Mr. ARMSTRONG. Would the Senator have any concern in voting against this bill that when he gets back to Boise or Nampa or Pocatello or wherever, that somebody is going to say, "Senator SYMMS, why did you vote for that? Don't you care about the plight of the homeless?"

Mr. SYMMS. Mr. President, I think we can better take care of that through our local school districts and churches and communities and counties and the State. The Federal Government does not have any money anyway that it is not taking away from somebody else. They will be putting people out of their homes. We are literally watching farmers being kicked out of their homes now because of past policies of the Government that have led to high interest rates, depressed land prices and so forth, overproduction of agriculture, that have created an environment where people are losing their homes because of doing good, so to speak, in the name of compassion.

I think our failure is that we need to act like humanitarians. Our system is already good. We need to do things that will provide more jobs. What we are talking about is having the Government put its nose into it. The Government has not done anything lately unless they take away from somebody else.

Mr. ARMSTRONG. I wonder if the Senator would help me reflect for a moment on some of the other fads that have come sweeping through here. Does he remember when there were gas lines, what our response was?

Mr. SYMMS. I recall.

Mr. ARMSTRONG. We got so excited about that gasoline shortage that we not only did a lot of things we should have done——

Mr. SYMMS. We printed rationing coupons.

Mr. ARMSTRONG. That is right. Does the Senator remember we authorized the expenditure of $88 billion for a Synthetic Fuels Corporation?

Mr. SYMMS. I remember that, Mr. President.

Mr. ARMSTRONG. I got a lot of criticism about that measure at home because I voted against it. As the Senator will remember, most of the oil shale industry in the country happens to be located in my State.

Mr. SYMMS. The Senator introduced a bill to repeal it.

Mr. ARMSTRONG. That is right. There was such tremendous interest in the energy crisis that people were saying we have to do something and since there were not any real good ideas, they said, "We are going to create a Synthetic Fuels Corporation."

When I voted against it, I went home and people could not understand why I would be against something the result of which would be to spend something like billions of dollars in my State.

Later, the idea not only came to be known as a bad idea, but it was laughable. The very same people, name for name—I am not talking generically—the very same Members of Congress who ridiculed those of us—the Senator from Wisconsin, the Senator from Idaho and others—who said, you are going to have to defend, in creating this corporation, spending way too much money on a problem you do not understand very well, those same Members came back and insisted that

Congress abrogate contracts made in good faith, in which companies had contracted to do work, in one case involving almost a billion dollars. These people wanted to break faith on contracts already written and work that had already been done. That is how silly they felt about the Synthetic Fuels Corporation.

I remember another fad that swept through this Chamber was that somehow, the energy crisis had become so severe that we had to preempt the ability of the States to set speed limits. I bet the Senator from Idaho remembers the outcome of that.

Mr. SYMMS. How well I remember. The law was changed.

Mr. ARMSTRONG. Mr. President, I think we made the point that this is an issue which is really deserving of far more serious treatment than it is getting. It is an issue which, in all likelihood, would be better handled in a more thoughtful and compassionate way at the local level and with less expense. It is an issue that would benefit from the kind of legislative scrutiny that would at least result in a committee report if not deliberate hearings, and so on.

Mr. President, I want in closing to point out that existing Federal programs for the homeless are substantial. It may be that they are not adequate, but they are not miserly, either. According to the President's budget office, OMB, the Federal Government will spend more than $260 million on direct aid to the homeless in fiscal year 1987. This includes $115 million for FEMA's Emergency Food and Shelter Program, a program which, since 1983, has spent nearly a half billion dollars.

Another $15 million is already appropriated this year for emergency shelter grants from HUD; over $100 million for rental subsidies for the mentally ill, homeless, and homeless families; $23 million for runaway and homeless youth; and nearly $10 million in surplus food, equipment, and facilities for the homeless donated by the Government. This is over and above very substantial private efforts which are, in my view, in the long run far more efficient as well as a more responsible and compassionate approach to the problem.

In addition, Mr. President, OMB reports the Department of Agriculture has donated 1 billion dollars' worth of food—last year—to charitable institutions, soup kitchens, and shelters, and that the Department of Defense has donated services worth $1 billion to homeless shelters.

My point is this: Before we add more millions, nearly half a billion dollars authorized in this bill, and create a bunch of programs and agencies, we could well pause to examine whether the money we have already spent has been wisely spent, whether or not it is achieving its purpose, and whether it has helped to solve this tragic problem. I personally believe that if we did so, we would end up with legislation that would took quite different from what we see here.

In the final analysis, as others have noted, particularly the Senator from New Mexico [Mr. DOMENICI] on another occasion, we need to look at the question of the mental health of homeless people. Many people believe, and I am inclined to share that belief, that this legislation does not even purport to address the underlying problem which causes many people to be homeless. That is the untimely release of the mentally ill from hospitals.

Mr. President, as I yield the floor, I ask unanimous consent that there be printed in the RECORD the editorial of the Washington Post which I mentioned earlier, which appeared under the headline, "Gestures and the Homeless." Gestures and the homeless. We are seeing a piece of legislation in response to a fad, a popular fad, a fad which, undoubtedly, appeals to a compassionate instinct. I ask unanimous consent that the article be printed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1987]

GESTURES AND THE HOMELESS

Several members of Congress, the mayor and a few movie stars were scheduled to spend last night on a grate to demonstrate their concern for the homeless. The gesture continues the strange glamorization of this issue that no one fully understands yet so many want to use.

The problem of the homeless has arrived in our midst with what has to be called unnatural speed. Five years ago, if headlines are the measure, it hardly existed. Now it pervades the society. To what extent has reality changed, to what extent is this a genuine public discovery of wretchedness previously ignored, to what extent is it a media artifact? No one quite knows, and at a certain level it does not matter. The people are there, and plainly wretched. The issue has been seized on by such as several members of Congress and the mayor who were to sleep last night on the grates, seized on as proof of neglect by the society at large, the government and this administration, as proof of their own caring and as a lever to pass an easy bill and set the stage for passing others.

A bill is fine, and some of the funds for emergency measures are needed. But the issue is more complex than this hasty solution suggests. Who are the homeless? Why are they suddenly in evidence when they were not before? What are their problems and what are the solutions? Are they mainly deinstitutionalized mental patients? Or are they victims of the weak economy of recent years?

It isn't a tidy world, but no program can be meaningful for long without a better sense than anyone seems to have of what its purposes and dimensions are. The bill in Congress would create an Interagency Office on Homelessness. Do the homeless really need a separate agency to champion their cause within the government? Or do they not need stronger support from agencies along the way to becoming homeless, better help in their lives before they end up on the grates and in the makeshift shelters?

The limited amount the bill would provide cannot solve the problem of the homeless, whatever that is; it is a token amount. The bill would give an additional $70 million to the Federal Emergency Management Agency to distribute food; $100 million to cities, states or other intercessors to renovate buildings for use as shelters; $30 million for transitional housing; extra funds for outpatient mental health care. Calling a halt to the emptying of mental hospitals until the necessary community mental health programs are in place is a better idea. The bill skips on the surface.

The homeless, we say again, are wretched people who need help. If the government can help them with some emergency funds, it should. But there is a side to this stampede toward the TV cameras that does no one credit and will not help the homeless. It is much more help for the helpers, at best an impulse without clear content, aid of the kind we should all have learned long ago to distrust.

Mr. ARMSTRONG. Mr. President, I want to say in closing that a more thoughtful approach will be more compassionate. To send this legislation—I do not entertain the idea that it will happen—back to the four committees and ask them to do a more workmanlike job will not only result in better legislation for the homeless but enhance the reputation of the Senate itself.

I thank the Chair. I yield the floor.

Mr. CRANSTON. Mr. President, I wish to respond briefly to a few of the points made by the Senator from Colorado.

First, no one has suggested that this bill is the whole answer to the problem of the homeless. All of us who have worked on it know that it is by no means a measure that brings to bear all the resources for medical care, for housing, and for much else that the homeless people need. It is an effort to help alleviate a very severe human problem, with full recognition that we are not doing all we would like to do for people who are homeless. I believe it is a reasonably workmanlike measure which was given careful consideration in a number of committees.

There was very fine bipartisan cooperation in preparing this bill under the leadership of the majority leader and the minority leader. There was some speed necessary because we want to try to alleviate the pain and suffering of at least some of the homeless individuals and families during the time that they are suffering as they are.

I want to interrupt for one moment to say to the Senator from Oregon that we will be ready to entertain his amendment in just a moment.

Mr. President, the Senator from Colorado suggested that this is not a national problem. It is a national problem because national policies, unwise national policies, have contributed to the fact that so many Americans are now homeless. There have been cuts in housing assistance. The number of people who need assistance rises, but assistance does not rise. Many people are out in the streets because of cutbacks in care for those who are mentally ill. Formerly they were given care, decent care. Much of that has been cut off due to, I think, very callous budget cuts, so they are out in the streets. It is a national decision that has led to that. Unemployment benefits have not been expanded as they might have been, and that is a national decision.

The Senator from Colorado suggested that this should be left to local government. Local government is facing some severe strains. We cut out revenue sharing. That adds to their burden. The homeless are primarily in communities with the slimmest resources, so the communities with the slimmest resources have the largest homeless problem, and they are unable to cope with. If a community does seek on its own to help alleviate the terrible plight of the homeless, the word gets around and that community becomes a magnet; people are attracted to that community, hoping to have their homeless problem dealt with and that community then is overwhelmed. Plainly, it is a national problem and that is why we have national legislation.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment. Is there further debate?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator BOSCHWITZ be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I support the amendment offered by the distingushed Senator from Iowa. This amendment will correct part of the error in the way the excess shelter deduction cap and the standard deduction has been indexed over the past 6 years. Correcting this misindexing will keep more people in their apartments and homes. Without this correction households on the brink of homelessness will be forced to spend money on food instead of for housing.

Back in 1981, we were concerned that the index not reflect the historically high interest rates we were then experiencing. Fortunately, the Bureau of Labor Statistics has revised their computation methods to correct this problem. Unfortunately, the change that was made in 1981 excluded consideration of very real costs of homeowners, such as home repairs.

In many rural and suburban areas, and even in some cities, a scarcity of rental housing has forced many poor families to sign land contracts or mortgages to borrow money to buy apartments or homes. Thus there is a need to adjust this shelter cost index to reflect changes in these family shelter costs. The problem now is that the index weights fuel costs too heavily in relation to homeownership costs. This needs to be fixed. For example, if there were another oil embargo the food stamp index used to adjust the shelter cost cap could increase at a much faster rate than the rate of increase of actual shelter costs. If oil costs were to drop the reverse distortion would occur.

Although the difference between using the corrected index instead of the uncorrected index may seem small, to a food stamp household faced with possible homelessness it is very important that even small adjustments in the cap reflect changes in actual shelter costs.

The House Select Committee on Hunger found that inability to pay for shelter is a leading cause of homelessness. It therefore, is especially important that we take steps to ensure that we are not forcing households with high shelter costs to spend money needed for rent or utilities on food. If set unreasonably low, as it is today, the excess shelter cap can do just that as it reduces families' food stamps by presuming that moneys needed for shelter expenses are available for food. The exact nature of this misindexing, that Senator HARKIN and I want to correct, is set forth in detailed letter from the Congressional Research Service which was reprinted in the CONGRESSIONAL RECORD on March 5, 1987.

On a personal level, the excess shelter cap is of particular importance to me and to the people of Vermont. Because of our location, shelter costs such as heating expenses are particularly high in Vermont. Many poor households must spend extremely large proportions of their incomes just to keep a roof over their heads. The Vermont welfare commissioner, Ms. Veronica Celani, testified before our subcommittee that almost 70 percent of the food stamp households in our State are being denied deductions for legitimate excess shelter expenses because of the current level of the cap. I am deeply committed to correcting this problem, for the good of Vermonters and needy people throughout the country who are threatened with homelessness.

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment.

The amendment (No. 142) was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 141

(Purpose: To authorize $20,000,000 for fiscal year 1987, and to strike out the case management provision)

Mr. HATFIELD. Mr. President, I either have an amendment at the desk that I would like to call up at this time or I will send a copy to the desk.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 141 to the Byrd amendment numbered 90.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM

Part C of Title III of Amendment (No. 90), entitled "Case Management," is deleted and the following new Part C is hereby added:

PART C—EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM

SEC. 321. PROGRAM AUTHORIZED.

There are authorized to be appropriated for the Emergency Community Services Homeless Grant Program, to be carried out by the Office of Community Services of the Department of Health and Human Services, $20,000,000 for fiscal year 1987 and $20,000,000 for fiscal year 1988. These funds shall remain available until fully expended.

SEC. 322. PURPOSES OF GRANTS.

The purposes for which funds awarded under this part must be used are: the expansion of comprehensive services to the homeless to provide follow-up and long-term services to enable the homeless to make the transition out of poverty, the provision of assistance in obtaining social and maintenance services and income support services for the homeless, and to promote private sector and other assistance to the homeless.

(a) Allocation of funds.

From funds provided under this part, the Secretary of Health and Human Services shall make grants to State agencies that also administer the Community Services Block Grant ("CSBG") Act, 42 U.S.C. § 9901 et seq. The Secretary shall allocate emergency community services homeless grant program funds to the States in accordance with the formula set forth in section 674(a)(1) of the CSBG Act [42 U.S.C. § 9903(a)(1)]; *Provided* that if a State does not apply for such funds or does not submit an approvable application, the Secretary shall use the funds to make grants directly to agencies and organizations in that State in accordance with the criteria set forth in subparagraph (2)(b) below.

(b) Application and assurances required.

In order to receive an emergency community services homeless grant, a State agency must:

(1) submit an application to the Secretary in the form and at such time as the Secretary may require, describing the agencies and organizations as well as the activities that the State agency intends to support with emergency community services homeless grant program funds;

(2) assure that it will award all of the grant funds it receives to (i) community action agencies which are eligible to receive funds under § 675(c)(2)(A) of the CSBG Act [42 U.S.C. § 9904(c)(2)(A)]; (ii) organizations serving migrant and seasonal farmworkers, *Provided* that not less than 90% of the funds received shall be awarded to those agencies and organizations which, as of January 1, 1987, are providing services to meet the critically urgent needs of the homeless, and (iii) any organization to which a State that applied for and received a waiver from the Secretary of Health and Human Services under Public Law 98-139 made a grant under the CSBG Act for fiscal year 1984.

(3) assure that emergency community services homeless grant funds are not used to supplant other programs for the homeless administered by the State;

(4) assure that no emergency community service homeless grant funds will be used to defray State agency administrative costs.

Mr. HATFIELD. Mr. President, this amendment has been cleared by the Labor Committee, Senator KENNEDY and Senator HATCH, by the Governmental Affairs Committee, Senator GLENN and the Senator from Pennsylvania [Mr. HEINZ], by the Senator from West Virginia, the majority leader [Mr. BYRD], and by the Senator from New Hampshire, the comanager of the bill [Mr. HUMPRHEY].

Mr. President, this is basically a substitute amendment for the Case Management Program within the bill. The network that exists today of some 4,100 stations under the Community Services Block Grant Act is now involved with basically much of the program that exists to help the homeless. This then provides a less possible duplicative character to the bill by substituting this group for the one in the bill, the FEMA group. I feel after talking with the various committees that are involved and with the leaders and managers of the bill, this will provide for better management.

Mr. President, I believe that basically constitutes the explanation of the amendment. As I say, I know of no objections to this amendment. Therefore, I invite any response from the managers of the bill at this point.

Mr. CRANSTON. Mr. President, this is a very fine amendment. It serves a valid purpose, as the Senator from Oregon almost always does when he offers an amendment or a bill.

Mr. HATFIELD. This amendment provides emergency support for an array of programs designed to aid the homeless that are operated by agencies funded by the community services block grant. These programs, operated primarily by community action agencies and migrant and seasonal farmworker organizations, include expansion of community services, followup and long-term services to enable the homeless to make the transition out of poverty and the promotion of private sector and other forms of assistance to the homeless.

The selection of community action agencies and migrant and seasonal farmworker organizations to administer the emergency program authorized by this legislation is important. It is predicted on the awareness that such agencies typically provide services to families in need and represent the most extensive network of outreach centers of any human services program, with more than 4,100 centers in cities and rural communities. Community action agencies already have been providing basic food and shelter to the homeless as well as other types of programs authorized by this legislation.

Mr. KENNEDY. Is it not true that activities funded by the community services block grant and operated primarily by community action agencies provide the important access to existing services that the bipartisan task force on homelessness thought necessary?

Mr. HATFIELD. The Senator is absolutely correct. Some of the specific services now provided that would be expanded under this provision involve the coordination of social and maintenance services like transportation, rehabilitation, prevocational and vocational services. These agencies also identify income support services such as housing, food stamps, and SSI benefits.

Mr. HATCH. I want to add to what the Senator from Oregon has stated. These agencies are already providing these services effectively in more than 75 percent of the counties they serve. They have the experience suited to the task and most importantly this provision does not create a new delivery mechanism.

Mr. HEINZ. I commend the Senator from Oregon on his amendment. It has been my experience in Pennsylvania that the 34 community action agencies are providing a multitude of essential services for the homeless. Typical of the services are information and referral, emergency and temporary shelter, as well as health, nutrition, and permanent housing assistance.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment (No. 141) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I thank the Senator from California for his assistance.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while my friend from New Hampshire is on the floor, I have an amendment which has been cleared by both sides. It is an amendment which will take no more than 2 minutes. It is a germane amendment. I am wondering if at this point, while he is on the floor, because I would not want to do it while he is not on the floor, I might ask unanimous consent that the four underlying amendments be laid aside for no more than 4 minutes to give me an opportunity to offer this germane amendment which has been cleared by both sides.

The PRESIDING OFFICER. There is a request for unanimous consent to lay aside the four underlying amendments for purposes of consideration of a germane amendment. Is there objection to that request?

Mr. HUMPHREY. Mr. President, I would have to object at this time.

The PRESIDING OFFICER. There is objection.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I would like to propound a unanimous-consent request that the four amendments be set aside so that I may offer an amendment that has been cleared by both sides. I am addressing Senator HUMPHREY and asking whether or not that can be done so that I can submit the amendment.

The PRESIDING OFFICER. There is a request for unanimous consent to set aside the four underlying amendments for the purposes of offering a germane amendment. Is there objection?

Mr. HUMPHREY. I regret I have to object, Mr. President.

The PRESIDING OFFICER. There is an objection.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, the Senate has been making reasonably good progress on this bill. The Senator from New Hampshire has not objected to motions to lay aside the pending business so that other germane amendments can be dealt with; four or five or six have been considered under that arrangement. But I think the time has come to vote on the Weicker amendment.

Various Senators are accusing the Senator from New Hampshire of being dilatory. I am not. I have let these amendments go through. I have made it perfectly clear it is not my wish to delay this bill. But I think the time has come to vote on the Weicker amendment. May I ask a parliamentary inquiry, Mr. President. What is the pending business?

The PRESIDING OFFICER. The pending question is the Weicker amendment.

Mr. HUMPHREY. Fine. Those who are interested in expediting measures I would think would be in favor of now voting on the Weicker amendment, and then when that is disposed of voting on the Humphrey amendment and then voting on other amendments that Senators wish to offer. There is no need even to get to a vote on cloture. We can just proceed in a very orderly fashion and I would urge that that would be our course.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I hope the distinguished Senator from New Hampshire would relent and let the Senate vote on the motion to invoke cloture today. Otherwise, the Senate is going to have to vote on that motion tomorrow and that will cause the Senate to have to come in tomorrow for votes. The Senate will come in tomorrow but not for votes unless this matter is still pending. Would the distinguished Senator be willing to consent to allowing the Senate to vote on cloture now so that Senators may cast that vote and perhaps finish the bill?

Mr. HUMPHREY. If I may respond, Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. There is a much simpler way to proceed, and that is to have a vote on the pending business. There is no need of a vote on cloture tonight, tomorrow, or next month. All we have to do is dispose of the pending business. That is the regular procedure. I do not know why anyone would be concerned about that.

Mr. BYRD. Mr. President, I ask unanimous consent, notwithstanding the requirements of rule XXII, that the Senate vote cloture at this time.

Mr. HUMPHREY. Mr. President, I would have to object.

The PRESIDING OFFICER. There is objection to the unanimous consent request.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate vote on cloture at 6 o'clock p.m. today, on the motion to invoke cloture.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HUMPHREY. I would have to object.

The PRESIDING OFFICER. There is objection.

Mr. BYRD. Mr. President, I will make one more effort. I ask unanimous consent that the Senate vote on cloture this evening, at 7 o' clock p.m.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Objection.

The PRESIDING OFFICER. There is objection.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, reserving the right to object, may I inquire of the majority leader how he intends to proceed this evening?

Mr. BYRD. I intend to go out, because obviously the Senator is not going to let the Senate vote on cloture this evening; so we will just come in and vote on cloture in the morning. The Senate will come in at 9 o'clock.

One hour after the Senate comes in, under rule XXII, the clerk will call the roll to establish a quorum. Immediately upon the establishment of a quorum, the Senate will proceed to vote on the motion to invoke cloture, which would mean that the Senate would vote on the motion to invoke cloture at circa 10:15, 10:25.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. BYRD. Mr. President, I do not yield the floor.

Mr. HUMPHREY. I was going to ask the Senator to yield so that I may respond to what he said.

Mr. BYRD. What was the Senator's request?

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield so that I may respond to his remarks?

Mr. BYRD. Mr. President, I will be glad to yield to the distinguished Senator for the purpose of his responding to my remarks. I ask unanimous consent that the Chair protect my rights to the floor, and I yield only for a statement.

The PRESIDING OFFICER. Without objection, the majority leader, reserving his rights to the floor, has yielded to the Senator from New Hampshire for a statement or inquiry.

Mr. HUMPHREY. Fine. I appreciate the courtesy of the Senator from West Virginia.

Mr. President, there are many, including the majority leader, who contend that this is an emergency situation and that we need to move this homeless bill as quickly as possible.

I find it interesting that we did not come in and proceed with this until 12 o'clock.

Mr. BYRD. May I beg the Senator's pardon?

Mr. President, the Senate should be in order. The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader has yielded to the Senator from New Hampshire for a statement or an inquiry.

Mr. BYRD. I apologize to the Senator.

Mr. HUMPHREY. Mr. President, is this an emergency or is it not? If it is an emergency, why did we not turn to this bill until 12 noon? If it is an emergency measure, why is the majority leader proposing to take the Senate out very shortly? Where is the emergency? Either it is or it is not an emergency.

Of course, it is not an emergency, and the dilatory tactics of those opposing the Humphrey amendment prove it is not an emergency. They are prepared to resort to dilatory tactics in an effort to defeat the Humphrey amendment. That is why I objected to further laying aside the pending amendment, to prove the point that it is not the Senator from New Hampshire who is dilatory; it is those standing in the way of repealing the pay raise.

The pending business is the Weicker amendment to the Humphrey amendment. The most expeditious fashion in which to move is to dispose of these amendments, adopt the other amendments, pass the bill tonight, and do whatever the leadership wants us to do tonight. That is the expeditious way to proceed, and that is what I propose.

However, since the majority leader has made it clear that it is not an emergency and he will use dilatory tactics—within the rules, as he has a right to do—it is not my wish to hold up germane amendments. Therefore, I will entertain them—that is the wrong word. I will not object to setting aside the pending business on an amendment-by-amendment basis with respect to the main amendment only.

The reason I asked for this colloquy is that I want to make the point that I am ready to move in an expeditious fashion to finish the bill tonight. It is not the Senator from New Hampshire who is holding up the bill. It is those holding up the amendment to repeal the pay raise. I just want to make clear who the villains of the piece are. It is not the Senator from New Hampshire.

The PRESIDING OFFICER. The majority leader.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BYRD. Yes; on the same conditions.

The PRESIDING OFFICER. Reserving the right to the floor.

Mr. BYRD. Mr. President, less than 10 feet from the Senator there is a conversation going on. I do not mean to be discourteous to others, but the Senator has a right to be heard, and the camera is on him and on the people just behind him who are talking.

The **PRESIDING OFFICER.** The Senate will be in order.

Mr. **MELCHER.** I thank the majority leader for yielding.

Mr. President, this question of germaneness possibly affects the amendment I have at the desk. It has to do with providing additional food—that is, commodities we have in storage, that the United States owns.

People are hungry. The amendment deals with a situation in which a Governor makes a request, meeting a set of criteria—higher unemployment rates, obvious needs to have more flour and cornmeal, powdered milk. Perhaps that is a nongermane amendment. But I am reminded of the Bible, where we are instructed that not by bread alone does man live. The bill provides shelter to help some unfortunate people live. I also know that without bread, without food, man does not live at all.

Now, whether the amendment is viewed as nongermane, I am not sure. But I would like to offer the amendment, and I do not believe it has any opposition.

I ask the majority leader if he would yield to the Senator from New Hampshire, to see if, within his heart, he does not find, as I do, that it is perfectly germane, that it is needed, and that it should be adopted.

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW

Mr. **BYRD.** Mr. President, before I yield, I ask the Chair to propound my request.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 tomorrow morning.

The **PRESIDING OFFICER.** The Senator has made a request for a recess until 9:15 a.m. tomorrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BYRD.** Mr. President, I will yield the floor now, but I yield only for the purpose of the distinguished Senator from Montana inquiring of the distinguished Senator from New Hampshire if he may call up his amendment; and if that is agreed to, I yield the floor.

The **PRESIDING OFFICER.** The majority leader has yielded the floor to the Senator from Montana for the purpose of an inquiry to the Senator from New Hampshire.

Mr. **BYRD.** Mr. President, I did not yield the floor to any Senator. I said that I would yield the floor for the purpose of the two Senators deciding whether or not the Senator from Montana may call up his amendment today. If there is an agreement that they may, I yield the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **MELCHER.** Mr. President, I propound that question to my friend from New Hampshire.

Mr. **HUMPHREY.** Is there a difference between asking and propounding? I respond in any event. Plainly, the danger to the Senator's amendment arises from the cloture motion filed by our beloved leader. The cloture motion, if the cloture vote is successful, will cause the Melcher amendment to fall and will cause any nongermane amendment pending to fall.

So the danger to the Senator's position arises from the cloture motion filed by the leader of his party. If the Senator is concerned on that point he should take it up with the leader of his party.

Mr. **MELCHER.** Mr. President, if my friend from New Hampshire will further yield on this matter, the amendment is simply drafted in a very straightforward way. The amendment could be drafted to make it germane by changing a little bit of what is in the bill before us after cloture is either invoked or is not invoked. But in either case, the amendment belongs with the bill. That is the only point I am making.

I am just drawing the amendment to suit the circumstances now. I do not believe it would be an amendment that could not be made germane should cloture be invoked. I will just save the Parliamentarian, myself and my staff some time just to have it considered as is. It is not far off from the purpose of this bill.

Mr. **HUMPHREY.** Mr. President, it is not my wish or plan to act as traffic cop here. I find that role embarrassing actually. But I will reserve all of the rights which any Senator has with respect to any unanimous-consent agreement requests.

Mr. **BYRD.** Mr. President, I do not want to be charged with keeping any Senator from calling up a nongermane amendment at this point.

I ask unanimous consent that I may yield the floor with the proviso that no motions will be in order with respect to the pending matter before the Senate or the pending question before the Senate and that only those amendments may be called up which are nongermane and which the distinguished Senator from New Hampshire may give his consent to calling up.

Obviously, no Senator can call up any amendment in the present stage unless there is consent and, if the distinguished Senator from New Hampshire wishes to give consent calling up another amendment, that is fine with me. But I do not want to yield the floor unless I may have the unanimous consent of the Senate to yield with the understanding that there will be no motion made and no amendment set aside, the two pending lines of amendments may not be set aside for any amendment other than a nongermane amendment.

The **PRESIDING OFFICER.** Is there objection?

Mr. **DOLE.** Mr. President, reserving the right to object.

Mr. **HUMPHREY.** Mr. President, I did not hear the request.

The **PRESIDING OFFICER.** There has been a request for a restatement of the request for the unanimous consent.

Mr. **BYRD.** Mr. President, I misspoke. I meant germane amendments.

The **PRESIDING OFFICER.** All right.

The Senator from New Hampshire had requested clarification of the unanimous consent request.

Has there been such clarification? If so, is there any objection to the request for unanimous consent?

Mr. **HUMPHREY.** Mr. President, reserving the right to object, just so I may consult with the majority leader for a moment.

Mr. **BYRD.** Mr. President, I misspoke earlier. Let me rephrase my request.

I yield the floor with the understanding that no motions may be made for the remainder of the evening unless the distinguished Republican leader and I agree on such motion to be made and with the understanding likewise that no amendment that is not germane may be offered.

This would be in accordance with the understanding that I think we already have with the distinguished Senator from New Hampshire that the two lines of amendments, one line being the substitute and the other line being the House bill, may be set aside if the distinguished Senator from New Hampshire agrees to setting aside thereof to let in a germane amendment.

I do not mind his doing that, but I do not want any motions to be made.

The **PRESIDING OFFICER.** Is there objection?

Mr. **DOLE.** Mr. President, reserving the right to object, I think I understand the thrust of the unanimous-consent request. I am advised by the Senator from New Hampshire that he has no intention of offering any motions with reference to any pending amendment or any other motions. Is that correct?

Mr. **HUMPHREY.** That is correct.

Mr. **DOLE.** I do not know of any other motions. The only other Senator who might have had that in mind indicated to me earlier that he would not offer his motion. So under the circumstances I have no objection to the request.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **DOLE.** Mr. President, I know it is 5:45 p.m., but I always tend to be optimistic in these matters. I still hope we might be able to resolve this matter this evening.

I know the Senator from New Hampshire wants to preserve his rights and certainly should. I do know I speak for some Members, on both sides, who would like to leave this evening, but will not and will be here tomorrow.

I think right now, if I am accurate, we may have outside four or five who will be gone tomorrow, I understand the point of the Senator from New Hampshire is that if we want to vote on his amendment we can dispose of this bill this evening.

There appears to be some disagreement on which vote should come first.

I happen to be supporting the homeless bill. I would like to pass the homeless bill without the pay amendment on it. I voted against the pay raise audibly, not too loud, but I voted "no." We have already voted on that issue. I do not know how many more times we are going to vote on it.

I voted for the majority leader's amendment yesterday because it made sense to me. Under the Byrd amendment, if people do not want their raise, they can turn it back in. But that amendment failed.

It seems to me that we only have three or four amendments, as I understand two or three of those could be disposed of very quickly. We are going to have about 90 Members present tomorrow, maybe more. And based on our head count, and the head count of the majority leader there are more than enough votes to invoke cloture.

It is my job on this side to protect every Senator, certainly the Senator from New Hampshire. But I must also try to protect other Senators who are going to miss some votes tomorrow because of plans they had made and cannot change. They had no assurance we would not be in Friday. But if there is still some way to resolve this matter I hope we could do it between now and 6:15 p.m., since I know people have other obligations yet this evening.

Mr. BYRD. Mr. President, I merely want to thank the Republican leader and I also have to restate what I stated earlier today on two or three occasions, which he has taken cognizance of by his statement.

I had indicated earlier today that I am under an obligation to close the Senate down or attempt to go out by no later than 7:30 p.m. today. There is an important meeting in the city. The radio and television correspondents are having a dinner and a good many Senators on both sides have been invited. I have indicated earlier that I would like to have the Senate go out. So I do not wish to stay in later unless it is absolutely unavoidable.

I think we kind of have to fish or cut bait pretty soon because if we have the cloture vote now, we are still going to have at least one rollcall vote and that would be on final passage of the bill.

I do not know whether or not there would be amendments called up that would require rollcall votes or not.

But I would have to say, with the Republican leader, that if we are going to vote on cloture, we ought to do it within the next 25 minutes to a half-an-hour. And even that soon now, if there are amendments, many amendments, that remain to be called up under cloture that are germane, it is going to be difficult to complete action on the bill now tonight.

So I yield the floor, Mr. President.

The PRESIDING OFFICER. The majority leader has yielded the floor.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, it is my understanding at the present time, under the unanimous-consent request that has been agreed to, that germane amendments could be offered that had been cleared. But I would not offer my amendment if the Senator from New Hampshire is maintaining the same position that he was. And I would inquire of the Senator from New Hampshire—and I do not yield the floor, but only for the purpose so that he may answer my question—if he is going to object to germane amendments, we would like to be aware of that because we will reserve and either decide whether we will offer them or not offer them tomorrow so that the majority leader and Republican leader can make a decision now as to whether they wish to move to adjourn. We certainly do not wish to take the time of the other Members if we are not going to proceed any further. For that purpose, I make the inquiry to the Senator from New Hampshire. I will certainly not offer my amendment if he has objection and then the majority leader is in a position where he may proceed to adjourn the Senate for the evening.

The PRESIDING OFFICER. The Senator from Washington, while maintaining the floor, has asked the Senator from New Hampshire to respond to an inquiry.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, has the Parliamentarian ruled the amendment germane?

Mr. ADAMS. The Parliamentarian has ruled, I might say, that this amendment that I would offer is germane. We are offering no amendments that are not germane and would not fit within the germaneness rule.

Mr. HUMPHREY. I will not object to setting aside the amendments for that purpose.

AMENDMENT NO. 112

(Purpose: To limit case management services provided under title XIX of the Public Health Service Act unless such service would include the provision of representative payee services under certain circumstances)

Mr. ADAMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Senator from Washington has moved that the four underlying amendments be set aside for the purpose of considering a germane amendment. Is there objection? Without objection, it is so ordered.

Mr. ADAMS. I thank the Chair. I had not renewed that motion. I appreciate the Chair ruling on that.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS] proposes an amendment numbered 112.

Mr. ADAMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The Senator has moved for unanimous consent to waive the reading of the balance of the amendment. Is there any objection? Without objection, it is so ordered.

The amendent reads as follows:

On page 46, line 7, insert the following:

"None of the funds authorized to be appropriated by this Act, may be spent unless the provision of case management under this subsection also includes the provision, in the case of a homeless individual receiving aid under title XVI of the Social Security Act, of representative payee services, in accordance with section 1631(a)(2) of such Act, if the public or private entity carrying out the project under this section is designated by the Secretary to provide such representative payee services.".

Mr. ADAMS. Mr. President, this amendment is very simple. The new Emergency Assistance for Homeless Mentally Ill Individuals Block Grant requires service provider to provide case management services to homeless individuals who have chronic mental illnesses. This amendment would add as one such case management service the provision of representative payee services to homeless individuals receiving aid under title XVI of the Social Security Act in cases where the Social Security Administration designates the service provider as payee.

The case management services specified in the bill before us are comprehensive and detailed. Service providers under the act are encouraged to involve themselves intimately in the daily living activities of the people they serve. These case management services include the preparation, and review every 3 months, of a plan for provision of mental health services to the individual, assistance in obtaining and coordinating social and maintenance services for the individual, including transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services; and assistance in obtaining income support services such as housing assistance, food stamps, and supplemental security income benefits.

This amendment makes a logical addition to this list. A primary source of income support services for disabled individuals, including the chronically mentally ill homeless who will be served by this new program, is supplemental security income [SSI] under title XVI of the Social Security Act. Social Security regulations provide that if it is in the best interests of a beneficiary, payment of their benefits will be made to a representative payee. Furthermore, representative payees must be selected for individuals eligible for benefits solely on the basis of disability, and who are medically determined to be a drug addict or alcoholic.

Representative payees are obligated to use the benefits for the best interests of the beneficiary. This generally means distributing funds for basic needs like food and shelter.

Homeless individuals who are mentally ill are in particular need of this service. They are a transient population without a fixed mailing address where a check can be sent. They often have no close relatives available to assist them. This means that too often the payee will be someone who exploits the individual, and does not use the benefits for their best interests.

Assistance with money management should be one of the cornerstones of any assistance to the homeless. Enabling individuals to obtain financial stability is a crucial factor in bringing emotional stability to the lives of these unfortunate people.

This amendment encourages service providers under this bill to work with their clients who are receiving SSI to ensure that they are receiving appropriate payee services. Furthermore, service providers are required to provide representative payee services if they are designated as payee by the Social Security Administration. This means that in cases where, due to the lack of another appropriate payee, the Social Security Administration determines that such a service provider would be the most appropriate payee, the service provider must provide this service.

It is not the intent of this amendment to require service providers under the mental health section of this bill to provide these services to all of their clients. This provision is meant to deal with emergency situations where no other payee is available. I believe that the homeless bill as a whole does not contain adequate financial resources to properly deal with this crisis. SSI benefits paid to homeless mentally ill individuals represent a vital, existing resource that must be utilized as efficiently as possible on behalf of these beneficiaries. This amendment is designed to help ensure that this will occur.

Finally, I would like to express my firm support for this homeless bill as a whole. The managers of this bill, the distinguished majority leader and the distinguished minority leader, are to be commended for acting quickly to address this crisis, and drafting a genuine bipartisan bill.

The homeless population in this country is, from all reliable accounts, getting larger every year. This is a problem that is not going away. Not only is it a disgrace that in such a rich country people sleep out on the streets in the middle of winter, or scavenge through dumpsters for food, but the steady increase in this population is a bleak omen for our future as a nation.

In this country the gap between rich and poor is now a chasm. More and more families live on the brink of economic disaster. All it takes is a major illness or a job lost to a plant closing, and hard-working American families become part of the faceless underclass out there on the streets scrambling for food and shelter.

This bill obviously does not address the social and economic conditions that are generating this silent tragedy. It addresses a disease, not the cause. It is emergency legislation, designed to get help out on the streets as quickly as possible. This legislation is innovative and covers a broad spectrum of needs, including housing, emergency food and shelter needs, health and mental health services, education, nutrition, job training, and coordination of existing Government efforts to aid the homeless.

This legislation recognizes that in order to help homeless individuals make the transition from homelessness to independence, service providers must help bring temporary stability to people's lives. This bill gives providers more tools to accomplish this task. It is then up to us in Government, Mr. President, to take the next step and tackle the larger economic and social conditions that are forcing this tragedy upon us.

Mr. President, this bill recognizes that homeless individuals need more than food and shelter. They also need assistance in achieving temporary stability in their lives.

Mr. President, I am particularly aware of this in my home city. We have a great many people there who are veterans of the unfortunate conflict we had in the Pacific who have arrived at an age where they need assistance. We also were one of the States where we believe we pursued an enlightened policy of releasing people who had been institutionalized. These people need assistance far more than just money assistance.

Therefore, the provisions of this bill that provide for assistance to the management of their lives are very important to give them that stability so that they can make a transition to independence.

Accordingly, the mental health grants section of this bill require that certain "case management services" be provided to the homeless.

This amendment simply adds to that list the provision of representative payee services to homeless individuals receiving aid under title XVI of the Social Security Act, in those cases where the Social Security Administration designates the service provider as payee.

Mr. President, this does not require any additional money. This simply is directed toward requiring the payees who have been designated to provide the services for the homeless and for many of the helpless within the homeless.

The need for this amendment is clear. Homeless individuals who are mentally ill often find themselves exploited and their benefits diverted. The Social Security Administration already has the authority to require the use of a representative payee when a person is found not capable of managing their money or is an alcoholic or a drug addict.

The amendment does not expand this authority nor does it change the conditions under which a payee can be required. It simply says that service providers under the mental health grants section of this bill, who will already be providing a variety of management services specified in this legislation, must serve as a representative payee if the Social Security Administration determines that, due to lack of another appropriate payee, the service provider is in the best position to assume that responsibility.

To clarily further, this amendment would require that case management services include the identification of who is providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act. If the mental health provider finds that no individual is designated as representative payee, or if the Social Security Administration chooses to reassign who will be designated as representative payee, then the provider of mental health services, if designated, would act as representative payee.

Mr. President, this amendment has been cleared by the managers on both sides. We have discussed this matter with the parties on both sides, both the minority and the majority.

Mr. President, that concludes my statement and presentation. I hope that this amendment might be adopted. I do not believe it is controversial.

It does not add additional moneys to the bill. It simply provides a service to those who need protection under this bill.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

Mr. DOLE. Mr. President, I would just indicate what the Senator from Washington has already indicated, that we have no objection on this side. It is a good amendment. We urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, this is a fine amendment. We are happy to accept it. I applaud the Senator from Washington for his initiative in offering it.

Mr. ADAMS. I thank the Senator very much. I thank the minority leader.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Washington [Mr. ADAMS].

The amendment (No. 112) was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The minority leader has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. MELCHER. Mr. President, we have gone over the amendment that I would like to offer and found that it is germane. Therefore, I now ask unanimous consent that the pending business may be temporarily set aside for the purpose of calling up my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, I did not hear the request.

The PRESIDING OFFICER. Will the Senator state his unanimous-consent request again?

Mr. MELCHER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of calling up my amendment which has been found to be germane by the Parliamentarian.

The PRESIDING OFFICER. Is there objection? It is so ordered.

AMENDMENT NO. 115

(Purpose: To permit each State to receive more commodities under TEFAP if Governor requests more for the needy)

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 115.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending question add a new section as follows:

SEC. —. DISTRIBUTION OF SURPLUS COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC COMMODITIES

"SEC. 202A. (a)(1) Notwithstanding any other provision of law, and subject to such amounts as are provided in advance in appropriation Acts, in each of the fiscal years 1988, 1989, and 1990 commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligation (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and Commodity Credit Corporation Charter Act, may be made available under this section by the Secretary.

"(2) The Secretary shall in the case of flour and cornmeal and may in the case of cheese, rice, honey, butter and nonfat dry milk make such excess commodities available in any State, in addition to the normal allotment of commodities (adjusted by any reallocation) under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

"(A)(i) individuals in such State who are eligible to receive commodities under this Act are not receiving commodities distributed under over provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the 90-day period ending on the date the certification is made, and

"(B) the distribution of commodities under this subsection in such State will not substantially displace the commercial sale of commodities in such State.

"(3) Commodities made available under this subsection by the Secretary shall be made available without charge or credit in such fiscal year, in a usable form, for use by eligible recipient agencies in such State."

Mr. MELCHER. Mr. President, this amendment is, simply put, to add a newer definition to what we are trying to do in distributing surplus commodities to the needy. Specifically, the amendment identifies those commodities that are in surplus, particularly those that are in heavy surplus, and says that the Secretary, if he gets a request form the Governor of a State that satisfies a series of criteria that are established in the amendment, will satisfy that request by making additional flour, cornmeal, or other surplus commodities available.

Last August I was in Montana during the wheat harvest, and I found that in community action programs in various parts of the State flour was not available even though wheat was so plentiful we found at times we could only find storage on the ground.

I thought that was a very stark, unnecessary condition. The needy people line up in the commodity distribution programs and go in and get cheese, sometimes some honey, or dry powdered milk, and sometimes some flour.

When we have an abundance of wheat available under Federal ownership that we cannot even store except temporarily on the ground, that is an ironic situation and one we do not want to see exist.

Our wheat is not stored any longer on the ground in Montana, but it is stored in proper storage. However, the surplus is huge, as it is throughout the rest of the wheat-producing parts of this country.

I have checked with some other States and found that they, more used to using cornmeal, found themselves not able to have sufficient amounts of cornmeal available to distribute to the poor. This is not a situation that we want to see continued for those people who are so hungry. This is one of the sources of food that they can put on their table.

What I am proposing, Mr. President, is that we add to this bill the impetus to make more of the surplus commodities available. The bill already says in it that it makes a variety available to the poor. This specifies those commodities that are in excess and directs, if the Governors of the States can satisfy this criteria and requests additional, that they be allowed to have it from the Secretary of Agriculture.

Let me give that criteria.

When the chief executive officer of a State, that is, the Governor, certifies to the Secretary of Agriculture that individuals in such State who are eligible to receive commodities under this act are not receiving commodities distributed under other provisions of this act, or the number of unemployed individuals in such State has increased during the 90-day period ending on the date this certification is made, and the distribution of commodities under this subsection in such State will not substantially displace the commerical sale of commodities in such State, the Governor having made that request to the Secretary, the Secretary will do all in his power to make available the commodities that we have, such as wheat and cornmeal in particular, but also cheese, rice, honey, butter, and nonfat dried milk.

The amendment is simply drafted to make sure that surplus commodities that we have will be put into those areas of the country and into those particular programs, community action programs, that distribute these kinds of commodities to the needy. I think we will all feel better if it is accomplished.

Mr. President, I hope the amendment can be adopted.

Mr. DOLE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 115) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending business be temporarily set aside so that I may offer an amendment which has been cleared on both sides as being germane.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I will not object, Senator HUMPHREY has indicated he will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 102

(Purpose: To include mobile health vans in the locations in which health services can be accessible)

Mr. LEVIN. Mr. President, I call up an amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 102.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 22, insert the following after "individuals": ", including mobile health vans,".

Mr. LEVIN. Mr. President, the amendment I am offering would increase the flexibility for local efforts to bring health care services to the homeless, and it would do so at no additional cost.

Under the bill as reported to the Senate, grants can be made to public and nonprofit entities for the provision of outpatient health services. The goal, to use the words of the bill, is to "provide outpatient health services in locations accessible to homeless individuals." These grants would not be available for the purchase of buildings, but would fund the actual provision of health care services from those buildings.

My amendment recognizes that as a practical matter if we are to deliver health care services effectively to the homeless—if we are to make the services accessible to the homeless—then we should make it clear that the delivery of health care services should not be limited to a fixed location. At the present time, some of the homeless do not have the ability to go to an outpatient facility located in a building. My amendment would enhance accessibility by allowing local groups to use the funds we are authorizing to deliver these health care services through mobile health care units if they choose to pursue that option.

This amendment would not allow funds to actually go to purchasing the mobile van itself, just as the bill before us would not allow health care funds to be used for the purchase of buildings. The facility itself—the building or the van—could be contributed by corporations, nonprofit organizations or local units of government. It is my understanding that this is the practice in those areas which have attempted to provide health care to the homeless through one means or another. Funds in this bill would go toward the actual provision of services to meet the essential needs of homeless individuals. For example, homeless individuals are frequently afflicted with extremely painful foot ailments. Basic health care services to deal with this problem can be provided through a mobile health care unit.

I want to emphasize that this amendment does not require that local efforts employ mobile health units and does not add to the cost of this bill. What this amendment does is to provide local homeless efforts with an additional option at no additional cost. It recognizes that local efforts to assist the homeless may find it useful to have the flexibility of providing health care services though a mobile unit and may want to have the option of using the funds alread available under this bill to provide some of its health care services in that manner.

Mr. President, I ask unanimous consent that a list of actual examples of instances in which mobile health vans have been used to help the homeless be included in the RECORD.

There being no objection, the examples were ordered to be printed in the RECORD, as follows:

EXAMPLES OF THE USE OF MOBILE VANS IN PROVIDING HEALTH CARE SERVICES TO THE HOMELESS

(1) The Houston Coalition for Health Care for the Homeless in addressing the health care needs of the estimated seven to ten thousand homeless people in Harris County, determined that a mobile health care van would be an efficient way to provide easier access to already existing medical, social, and mental health services. The health vans provided onsite treatment to homeless individuals for minor health problems, and transporting patients with more serious health problems to the appropriate providers.

Houston's Mobile Health program consisted of two vans; one large van housed an actual examination room for screening patients and for treating minor health problems; the other van transported people who needed additional medical attention to whatever health care facility that was most appropriate.

(2) Last year, in Albuquerque, New Mexico, a Mobile Clinic that traveled to sites where the homeless congregated, and a permanent clinic in a fixed location near the downtown area treated an estimated 3,000 homeless people who lived in the streets, under bridges, in cars, in shelters for the homeless, in parks and abandoned buildings.

(3) A Medical Van Project in Providence, Rhode Island offered services and referrals to homeless street youth and runaways. Services to hundreds of homeless youth last year ranged from emergency medical, shelter, food and alcohol and drug detoxification.

(4) The District of Columbia's Mobile Health Care Unit consists of one emergency and general health service van and two hyperthermia vans which transport patients to hospitals or shelters.

Mr. CRANSTON. Mr. President, I support the Levin amendment.

It would make it clear that States and cities have the option of using mobile health units to provide outpatient health services to homeless individuals. States and cities need this flexibility to reach homeless individuals who are in need of health care but are unwilling or unable to attend an outpatient facility.

It is my understanding that this amendment is acceptable to the Labor Committee.

The amendment is a good one, and on our side, we are willing to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 102) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, the majority leader has won. I acknowledge his parliamentary skill and his power. Picture two armies facing each other, two lines of troops. The troops who profess to want to repeal the pay raise out of concern for the Constitution and due process and responsible, respectable behavior on the part of the Congress—the line has broken, it is falling back in retreat. The lieutenant is out there waving his saber trying to rally the troops, but in looking over his shoulder, he sees more backs now than fronts.

The Senator from New Hampshire has done his very best, has gone toe-to-toe with the king of parliamentary tactics. We have held out as long as we can and as long as we reasonably should.

Therefore, I am willing now, knowing that we do not have the votes to defeat cloture, probably would not have them tomorrow—I may be wrong on that, and I may kick myself after I see the tally. But that is the best I could make of it at this point.

The majority leader has the votes. Those who want to keep the dough have the votes and there is no sense in prolonging this agony any longer and disrupting travel and particularly family plans.

So, if the majority leader wishes to vote on cloture tonight, that is agreeable to the Senator from New Hampshire.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Hampshire. I hope the Senate can then vote forthwith on the cloture motion.

AMENDMENT NO. 143

(Purpose: To provide employment opportunities for Homeless individuals.)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 143.

Mr. NICKLES. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF THE DAVIS-BACON ACT AND ANY OTHER SIMILAR PROVISION OF FEDERAL LAW.

Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, and any other similar provision of Federal law shall not be required with respect to any homeless individual employed in connection with a project constructed, improved, or otherwise assisted under the provisions of this Act or any amendment made by this Act.

Mr. NICKLES. Mr. President, I might notify Members that we are probably going to have a rollcall vote on this and probably two or three other rollcall votes pretty quickly.

The amendment I have sent to the desk would provide employment opportunities for homeless individuals. It would allow the homeless to work on these projects we are going to build and renovate with money in the homeless bill.

I have heard a lot of statements about the homeless and I support those statements. I personally have visited some of the homeless centers in my State and have been deeply moved by the compassion of the people who are dedicated to helping other people less fortunate than themselves. There are a lot of people out there who are homeless, maybe because of a down economy. Certainly, I know the State of the present Presiding Officer and my State have down economies.

There are a lot of people there who do not want to be there. There are a lot of people there who want to help, who are willing to help fix up these centers, they are willing to paint, to renovate. We have probably $130 million for construction and renovation of centers for the homeless. I think those individuals should have the right and the opportunity to work to help fix up these shelters.

But since we are talking about Federal construction, Federal laws pertaining to that construction would apply. Basically, I am talking about Davis-Bacon, the law that mandates prevailing wage rates to be paid to any person involved in the construction of any project in excess of $2,000. Davis-Bacon mandates prevailing wage rates that would be far in excess of what that individual who is homeless and unemployed would be able to receive. Passage of this amendment would allow the administrator running a homeless shelter—whether it be in Washington, DC, Oklahoma City or Albuquerque, NM—to encourage those individuals who are unfortunate, who are homeless, who are poor, and give them the opportunity to renovate and fix up these facilities, maybe even help construct an addition to a facility. Right now, if we do not pass this amendment, they would be prohibited from doing so. That would be a real tragedy.

Mr. President, I hope we will pass this amendment. I hope it will be agreed to by both sides. I think it is a positive amendment, one that will help the homeless. It will save money as well and allow the money we are putting into this bill to go a lot farther.

In other words, instead of paying somebody maybe $15 or $20 an hour to go in and do some painting in a homeless center, they perhaps could have some of the homeless men living there do some of the painting. And you know what? Those people want to help, in many cases. They want to be able to work. They want to be able to contribute, to assist themselves and their friends and neighbors in that facility.

I hope the Members on both sides will adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CRANSTON. Mr. President, I am not totally familiar with all the details of the amendment. I am not certain myself that it requires a waiver of Davis-Bacon. If it does, I would have problems with that. I am not certain of that. Because of that uncertainty and because it would be helpful to let people help renovate their own shelters, I am willing to accept the amendment.

Mr. LEVIN. Mr. President, it is my understanding we are talking about the homeless working on their own shelters, basically. Is that correct?

Mr. NICKLES. That is my intention. I appreciate the assistance of Members on both sides.

Mr. LEVIN. Mr. President, I agree with the Senator from California, that we can accept it under those circumstances.

Mr. CRANSTON. That they would be working on their own homes, basically, and a waiver of Davis-Bacon is not necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 143) was agreed to.

Mr. NICKLES. I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I understand the Senator from New Hampshire is willing to vote on cloture and I hope the Senate will vote that cloture. I would like to see the Senate get out at a reasonable hour this evening and perhaps not have to come back tomorrow.

VOTE ON CLOTURE MOTION

The PRESIDING OFFICER. Is there objection to a cloture vote at this time? Without objection, it is so ordered. The question is, Is it the sense of the Senate that debate on amendment No. 90 by the Senator from West Virginia [Mr. BYRD] to H.R. 558, an act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children, shall be brought to a close. The yeas and nays are automatic under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran] and the Senator from Virginia [Mr. Warner] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—68

Adams
Bentsen
Bingaman
Bradley
Breaux
Bumpers
Byrd
Chafee
Chiles
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Harkin
Hatfield
Hecht
Heinz
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Metzenbaum
Mikulski
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Wallop
Weicker
Wirth

NAYS—29

Armstrong
Baucus
Bond
Boren
Boschwitz
Burdick
Cohen
Danforth
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
McCain
Melcher
Mitchell
Nickles
Proxmire
Roth
Rudman
Shelby
Thurmond
Trible
Wilson

NOT VOTING—3

Biden
Cochran
Warner

The PRESIDING OFFICER. On this vote the yeas are 68, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the precedents of the Senate, once cloture is invoked, the Chair is required to rule out of order each nongermane amendment that is pending and subsequently called up.

The Weicker amendment 97 is nongermane and falls. Amendment 94, offered by Senator Humphrey, is nongermane and falls. Amendment 93, offered by Senator Byrd, is nongermane and falls. Amendment 94, offered by Senator Humphrey, is nongermane and falls.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Does the Senator from New Hampshire correctly understand that the invocation of cloture kills his effort to repeal the pay raise?

The PRESIDING OFFICER. The invocation of cloture requires that amendments be germane.

Mr. HUMPHREY. By invoking cloture the Humphrey amendment to repeal the pay raise falls?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. I thank the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, let me just indicate I think we are going to be able to conclude action on this bill now, and I thank the distinguished majority leader.

But I wanted to indicate prior to this vote and did not do it at that time that as far as I have been able to determine this cloture vote does not deal directly with the pay raise issue. It should not be construed to deal with the pay raise issue. It is not a vote for or against the pay raise. I hope we have made that clear.

What we are trying to do in this particular instance is pass the homeless bill. To do that we had to make certain that nongermane amendments did not tie up the Senate or were not added to the homeless bill.

I thank all my colleagues. Particularly I thank the distinguished Senator from New Hampshire, Senator Humphrey, for letting us conclude action on this bill this evening.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I associate myself with the remarks of the distinguished Republican leader. The vote on the cloture motion today was a vote for passage of the homeless legislation.

I also thank the distinguished Senator from New Hampshire for allowing the Senate to vote on the cloture motion today. This in turn will allow the Senate to vote shortly on final passage of the bill and on tomorrow the Senate will be in, but it will not be in for rollcall votes. If there is any business that can be transacted by unanimous consent tomorrow, it will be so done. Senators may make speeches. There may be some Senators yet who would be here tomorrow who would like to deliver eulogies in connection with the passing of our late friend and colleague, Ed Zorinsky.

If they have other statements, they may do that, but there will be no rollcall votes on tomorrow.

When the Senate returns on Tuesday following the Easter recess there will be rollcall votes. There are two measures or three, at least, that can be called up at that time and I indicate to Senators what they will be.

One of the measures which I expect to call up upon our return on next Tuesday is H.R. 1157, an act to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987.

Another one might very well be Calendar Order No. 79, S. 742, that has to do with Communications Act of 1934. That is the fairness doctrine.

In addition thereto, the budget resolution or resolutions will be available and, of course, they are under a very strict time limitation.

So Senators will please make their schedules accordingly and be prepared to vote reasonably early a week from this coming Tuesday.

Mr. MURKOWSKI. Mr. President, I wonder if I could inquire of the majority leader if he said early on Tuesday?

Mr. BYRD. Yes.

Mr. MURKOWSKI. There will be votes early on Tuesday.

Mr. BYRD. Yes.

Mr. MURKOWSKI. I have about 13 hours of airplane ride and I would like to have something like that. I thank the majority leader.

Mr. BYRD. I thank the distinguished Senator.

I do have to say that henceforth, Mr. President, votes will occur on Tuesdays, Wednesdays, Thursdays, Fridays, and hopefully not often but once in a while only on Saturdays but only in emergency situations, but there will be rollcall votes early on Tuesdays from here on out throughout the remainder of the session.

There will be no rollcall votes on Mondays, may I say to the distinguished Senator from Alaska. During the remaining Mondays prior to August, prior to the first Monday in August, there will not be any Monday votes through the month of July, barring an emergency which I do not foresee.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that an amendment agreed on both sides concerning accountability and recordkeeping be considered.

Mr. CRANSTON. Mr. President, this is an amendment that we consider fine. It simply calls for an accountability of the funds used in this homeless effort and, while it is not germane, we do not object to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 144

(Purpose: To provide appropriate access to records of recipients of assistance.)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered to consider the amendment.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mr. DOLE, proposes an amendment numbered 144.

Mr. GRAMM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the proposed section 104 in Title I of the pending amendment No. 90, add the following:

"(d) ACCESS TO BOOKS AND RECORDS.—Each recipient of financial assistance under this Act shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(A) For the purpose of assuring accountability with respect to assistance provided under this Act or any amendment made by this Act, the Council and any agency the head of which is a member of the Council shall have access to the books and records of any grantee or recipient, other than a homeless individual, of assistance under this Act or any such amendment and that such books and records shall be available for public inspection and copying.

(B) AUTHORITY OF THE COMPTROLLER GENERAL.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the recipients for such purposes.

Mr. GRAMM. Mr. President, the amendment is very simple. It requires recordkeeping and accountability of those who receive funds.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 144) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, just for the advice of Senators, there are only three other amendments. We are prepared to accept all of them. So we ought to be able to do that in 5 minutes and then we will go to final passage and that will be it.

AMENDMENT NO. 145

(Purpose: To provide set-asides for Native Americans)

Mr. DASCHLE. Mr. President, I ask unanimous consent to bring up an amendment that has been accepted on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, just for the sake of Senators who are not in on the agreement, could we know the nature of it before we grant consent?

The PRESIDING OFFICER. Will the Senator explain the amendment briefly?

Mr. DASCHLE. The amendment would simply require that 1½ percent of funds allocated in this particular bill would be designated for Indian reservations. Under the mechanism of the bill today, no funds would be allocated to the Indian reservations without the mechanism I am proposing at this time.

Mr. ARMSTRONG. Mr. President, I have no objection. I thank the Senator for the explanation.

The PRESIDING OFFICER. Is there objection to the amendment to be considered? Without objection, it is in order.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 145.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end, add the following:

TITLE X—GENERAL PROVISIONS

SEC. 1001. SET-ASIDES FOR NATIVE AMERICANS.

(a) IN GENERAL.—None of the funds authorized by this law shall be expended unless—

(1) 1.50 percent of all funds provided to each program by reason of titles III, IV, V, and VII of this Act shall be allocated to Indian tribes,

(1) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians.

Mr. DASCHLE. Mr. President, I will further describe the amendment. It simply requires, as we did on the drug bill, that a certain amount of funding under this bill be allocated for Indian reservations, a mere 1½ percent. It is the only way that Indian people on the reservations will be entitled to benefits under the bill.

I believe, with that description, I have no further need to describe the purpose of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 145) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 146

(Purpose: To authorize the Secretary of Health and Human Services to make a demonstration grant for the study of the underlying causes of youth homelessness)

Mr. HATFIELD. Mr. President, I will propound a unanimous consent request to consider one of the amendments which has been cleared on both sides. Since the Senator from Colorado asked for an explanation before I propound such a request, I would like to explain.

The PRESIDING OFFICER. The Senator will withhold for a moment. The Senate is not in order. Conversations please be taken to the cloakroom.

The Senator from Oregon.

Mr. CRANSTON. Mr. President, it is necessary to ask unanimous consent to consider this, since it is not germane, but we have no objection to that unanimous consent request.

Mr. HATFIELD. I thank the Senator from California. I was trying to comply with the request of the Senator from Colorado, who said he would like to have an explanation of what the amendment does before he granted unanimous consent to consider it.

Within Health and Human Services there is a child welfare research and demonstration program that has research moneys that are unobligated. What this would do would be to direct a $50,000 grant to be competitive throughout the country for any eligible agency to make a careful analysis of the cause of children homelessness.

There is a great explosion of children on the street. It has no budgetary impact. It is existing funds that are available. It is, in fact, a reprogram.

I ask unanimous consent to consider this amendment.

The PRESIDING OFFICER. Is there objection to the consideration?

Mr. HATFIELD. I send the amendment to the desk.

The PRESIDING OFFICER. If not, the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 146.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the amendment insert the following:

SEC. . DEMONSTRATION GRANT.

(a) AUTHORIZATION.—The Secretary of Health and Human Services is authorized to make demonstration grants to a qualified applicant for a special research project to study the underlying causes of youth homelessness.

(b) FUNDING.—The Secretary of Health and Human Services shall make available not to exceed $50,000 of the funds appropriated under Section 426 of the Social Security Act for fiscal year 1987 for the purpose of making a grant under this section.

Mr. HATFIELD. Mr. President, one final point, I would like to take just 1 moment to say that this is at the request of a very distinguished former Member of Congress, a former Congresswoman from Oregon, Congresswoman Edith Green, who has done so much work in the field of child welfare and education, who is in a very serious health condition at the moment. I would like to have this as really sort of a tribute to Edith Green from our State.

Mr. President, it is estimated that there are up to 1.5 million runaway and homeless children and youths in America every year. Some are just runaways who leave home without parental permission for a night or more. Others, however, are homeless youth who have no parental or substitute foster home and are often known as "throwaways" or "pushouts." These youth have left home, or been urged to leave, with the full knowledge and approval of their parents or legal guardians and have no alternative home. Recent statistics show a disturbing steady increase in the number of youths in this category.

Reports to the Department of Health and Human Services from youth service organizations receiving Federal assistance provide an indication of the percentage of these kids who are homeless. In fiscal year 1985 the Department reported that 35 percent of kids they served were in fact homeless.

Studies by youth service organizations paint a rough sketch of the profile of homeless youth. Many are 13 and 14 years old, but the average age is 17 for boys and 15 for girls. In 1974 the average age was 16 for both boys and girls, today it is just slightly over 14. Most of the boys and girls have come from home situations where there is intense conflict. The National Network of Runaway and Youth Services reports that up to 50 percent of homeless youth are fleeing physical or sexual abuse at home.

Especially disturbing to me, Mr. President, are statistics showing the problem of homeless youth in Oregon at or above the national average. Youth service professionals in the city of Eugene, OR, estimate that on any given day there are between 200 to 250 teenagers looking for a place to spend the night. In Oregon's more urban counties five crisis intervention and temporary shelter programs report over 1,000 runaway youths are served each year. Although difficult to document, Oregon law enforcement officials estimate that 500 to 600 youths are chronically homeless.

The Senate is considering today legislation to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children. As I have stated previously, I strongly support the bill. However, after examining the act closely, I must admit some disappointment over the bill's scope, particularly with regard to homeless youth.

Mr. President, I recognize that this bill is but a piecemeal attempt to deal with a situation of crisis proportions, providing only a bare minimum of funds with which to work. As the ranking minority member of the Senate Appropriations Committee I am painfully aware of the fiscal and political constraints which have kept the Senate from consideration of more comprehensive legislation, but I cannot be satisfied with the bill knowing that it allows homeless youth, who are arguably the most fragile of the homeless, to fall between the cracks.

Action must be taken to stem the rising tide of homeless boys and girls fighting to survive on our Nation's city streets. Given the problems faced by homeless youth, however, there are a few options available to the Senate to address the issue. One option would be to amend the urgent relief for the homeless bill to include additional authorization for the Runaway and Homeless Youth Act, to fund homeless youth projects all over the country. But I do not believe that approach is the best option. Rather, I wish to see the Senate act to seek out answers to this troubling problem. Fiscal salves may relieve some suffering, but they cannot cure youth homelessness unless we first make a proper diagnosis. A report, such as the one required by my amendment, will help identify the proper focus of Government and local efforts.

Mr. President, the amendment I am offering directs the Office of Human Development Services of the Department of Health and Human Services to set aside $50,000 in available research funds, through the Child Welfare Research and Demonstration Program, to be used for a study, or studies, of the underlying causes of youth homelessness. The grant would be available, using the program's existing criteria.

Through this set-aside of $50,000, it is my hope to stimulate research that will help us identify the root causes of homelessness among kids ages 10 to 17. I am convinced that uncovering those factors which drive these kids to the streets will provide an important step toward effectively addressing this critical problem. I do not believe that Congress can put together a comprehensive response to this problem until such a research project is completed and carefully considered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon [Mr. HATFIELD].

The amendment (No. 146) was agreed to.

Mr. CRANSTON. Mr. President, there may be one amendment that will take a moment after this one and then I believe we are finished.

AMENDMENT NO. 147

(Purpose: To make technical correction)

Mr. CRANSTON. Mr. President, I am offering an amendment that comes from the Labor Committee. It is a technical amendment submitted by Senators KENNEDY and HATCH and I am offering it for them.

The bill includes funds for services to homeless alcoholics and substance abusers through the Alcohol, Drug Abuse, and Mental Health Block Grant Program. This amendment would clarify that no separate application would be required for the program. The amendment would also make clear that funds for this program are new funds and would not be drawn from the funding for existing programs.

Finally, the amendment would require that these funds be directed to alcohol abuse and drug treatment programs and would waive the prohibition on using funds for inpatient services.

With that explanation, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment will be considered. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] on behalf of Mr. KENNEDY and Mr. HATCH, proposes an amendment numbered 147.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 52 of the pending amendment strike out section 531 and insert in lieu thereof the following:

SEC. 531. PROVISION OF SERVICES FOR HOMELESS INDIVIDUALS UNDER THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS.—Section 1911 of the Public Health Service Act is amended by striking out "$576,000,000" and inserting in lieu thereof "$596,000,000".

(b) Use of Amounts for Homeless Individuals Who Are Substance Abusers.—Section 1916(c) of such Act is amended—

(1) by inserting after paragraph (15) the following new paragraph:

"(16) The State agrees—

"(A) to use, for the provision of prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers, an amount (from the amount allotted to the State under section 1913 for fiscal year 1987) that is not less than the amount which bears the same ratio to such allotted amount as the amount equal to the difference between the total amount appropriated under section 1911 for such fiscal year minus $509,800,000 bears to such total appropriated amount; and

"(B) that the services described in subparagraph (A) will be provided by alcohol abuse and drug abuse treatment programs."; and

(2) by inserting after the last sentence the following new sentence: "For purposes of paragraph (16), the term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.".

(c) Exception to Restriction on the Provision of Inpatient Services.—Section 1915(b) of such Act is amended by adding at the end thereof the following new sentence: "Paragraph (1) does not apply to services provided under section 1916(c)(16).".

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 147) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 133

Mr. SASSER. Mr. President, I call up amendment No. 133, which is at the desk, on behalf of myself and Senator Glenn and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. Sasser] for himself and Mr. Glenn proposes amendment numbered 133.

Mr. SASSER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Strike sections (a), (b), and (c) of section 204 which appears beginning on page 11 of amendment No. 133 and insert the following in lieu thereof:

(a) Eligibility.—Section 203 (j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals" after "health centers,".

(b) Requirement for Notification.—Within 90 days after the enactment of this act, the Administrator of General Services shall require each state agency administering a state plan under section 203(j) of the Federal Property and Administrative Services Act of 1949 to make generally information about available surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals and families.

(c) Costs.—Surplus personal property identified pursuant to this section shall be made available to nonprofit organizations by a state agency distributing such property at (i) A nominal cost to such organization or (ii) At no cost when the Administrator agrees to reimburse the state agency for the costs of care and handling of such property.

Mr. SASSER. Mr. President, this amendment has been cleared with the distinguished manager of the bill, Senator Cranston, and also the distinguished manager on the minority side, Senator Dole, and with Senator Roth, the ranking member of the Governmental Affairs Committee.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. What does it do? How about a few words of explanation?

Mr. SASSER. Mr. President, in very simple terms, what this amendment does it to provide that homeless service organizations may have direct access to surplus property held by State surplus property agencies.

It provides that State surplus property agencies shall make information generally available to homeless providers about surplus property which is held by such State agencies in order that homeless service organizations may take steps to procure this surplus property.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, we believe this is a fine amendment, and urge that it be adopted.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Mr. President, the amendment has been explained. It is technical in nature. We have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Tennessee [Mr. Sasser].

The amendment (No. 133) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the Byrd-Dole amendment in the nature of a substitute, as amended.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, this vote will be the last rollcall vote because it is understood that a rollcall vote on the House bill, as amended, by the substitute would, in essence, be just simply the same rollcall vote over again. So no Senator will ask for a rollcall vote on the House bill. We have that understanding. That will be the last rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Dole amendment in the nature of a substitute, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], and the Senator from Virginia [Mr. Warner], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden], is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. Biden], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—85

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Weicker
Wilson
Wirth

NAYS—12

Armstrong
Bond
Exon
Garn
Gramm
Helms
Humphrey
Kassebaum
McClure
Roth
Rudman
Symms

NOT VOTING—3

Biden
Cochran
Warner

So the amendment in the nature of a substitute (No. 90), as amended, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANFORD. As a member of the Banking Committee, I am pleased to join my distinguished colleagues in a bipartisan effort to attack the deepening crisis of homelessness. It is encouraging to see this great cooperative effort by the Committees on Banking, Agriculture, Labor, and Government Affairs. This response shows a growing understanding of the urgency and magnitude of the problems.

In pooling our efforts this package initiates constructive strategies with programs for housing, health care, mental health, education, job training, and social services to reach out to a diverse range of immediate needs and deeper long-range concerns. We simply must address this complex social challenge that brings us ever increasing numbers of people from all walks of life whose most fundamental life sustaining needs of shelter, food, and health are not being met.

While homelessness has touched all parts of our society, tragically, the fastest growing portion is that of our Nation's families and children. I am distressed that at least one-third of those forced out in the streets are families, single mothers, and children, and I am pleased that this bill focuses on their critical needs. It troubles me that homelessness has increased as our commitment to decent housing for low- and moderate-income families has waned.

Deep cuts in Federal housing programs have created long waiting lists for housing assistance. Too many people have nowhere to wait but in the streets and I support a move ahead to craft a new national housing policy, one that will help people find decent shelter before they have to endure the trials of homelessness. I look forward to working with my colleagues on the Banking Committee to write a more comprehensive housing bill.

While there is not one solution, and this represents only a starting point, I am pleased that this bill will push forward the supportive services and programs that can help permanently lift the poor out of the homeless category. I feel this bill deserves our support as we work to invest the resources necessary to find hope for the future to those facing the plight of homelessness and to prevent its spread.

Mr. MITCHELL. Mr. President, I am pleased the Senate is considering today the Urgent Relief for the Homeless Act, a bipartisan bill introduced 2 weeks ago. The committees with jurisdiction over the legislation: the Agriculture Committee, the Banking, Housing, and Urban Affairs Committee, the Labor and Human Resources Committee, and the Governmental Affairs Committee are to be commended for their prompt attention and action in reporting the measure back to the Senate in such an expeditious manner.

The legislation authorizes over $470 million for fiscal year 1987 to provide forms of assistance to the homeless that are most urgently needed and can be delivered quickly. The bill would encourage local initiative and reinforce existing partnerships among pricate and nonprofit organizations, States, and local governments. A number of provisions in the bill are specifically designed to address the needs of homeless families and the elderly.

Throughout the country, the demand for emergency food and shelter is steadily increasing. In many cases, people are turned away as existing shelters are overcrowded and the food supply is inadequate. The diversity in the homeless population is also a problem since some shelters are single-sex only, or are not designed to accommodate families.

On average, single men comprise 56 percent of homeless persons, 28 percent are families with children, and 15 percent are single women. A large number of these individuals are chronically mentally ill, have drug or alcohol related problems, or are jobless.

Estimates of the total number of homeless people nationwide vary tremendously—from 250,000 to 3 million. Although experts disagree on the number of homeless people, there is almost universal agreement that it is rising and that families account for the fastest growing segment.

The problem of homelessness is not confined to cities. The number of homeless people in the suburbs and rural areas is rising dramatically in many areas. In the suburbs, the homeless are often part of the "new poor," including families whose primary breadwinner recently has become unemployed and who cannot find or maintain affordable housing.

Since 1979, the number of families in poverty has grown and the income of poor families has dropped. The Census Bureau estimated in 1979 that 11.7 percent of the population fell below the official poverty line for that year—$7,386 for a family of four. In 1985, the Census Bureau estimated that 14 percent of the population fell below the poverty line of $10,989 for a family of four. These and other poor families are routinely forced to choose between paying for food and shelter, clothing or heat, medical care or electricity.

For many, the cost of even substandard housing consumes a huge and still growing proportion of their meager incomes. The number of low income households paying more than one-half of their incomes for rent and utilities rose from 3.7 million to 6.3 million between 1975 and 1983.

Not only families on welfare face homelessness. In general, wages for lower income workers have failed to keep pace with rising rents. Between 1970 and 1980, the median rent rose 120 percent, but renters' median income rose only 66 percent. A study released a few months ago by the Joint Economic Committee found that a family of three headed by a person working full time at minimum wage would fall 20 percent below the poverty line. By contrast, in 1979 a person at the minimum wage earned just enough to stay over the poverty line for such a family.

The National Housing Law Center estimates that 2.5 million people lose their homes each year to condominium conversions, redevelopment, and building abandonment. While some of the displaced residents find new, affordable housing, the tight market and high costs mean that many will not.

All of these factors have led to an increased number of working individuals and families among the homeless.

In my own home State, a task force was appointed by the Governor in 1985 to study the extent of homelessness in Maine and to make recommendations on appropriate methods of assistance. The task force's report found that on any given night, between 250 and 350 people in Maine are in need of shelter. Over the course of a year, some 3,500 individuals actually experience at least a night of homelessness. While these numbers may not seem as critical as the homeless population in New York City, for a State the size of Maine homelessness has become a serious problem.

Increasingly, many working families in Maine are among the ranks of the homeless. Maine census data indicates that 13 percent of the population, or 141,000 individuals are below the poverty level. Of these, 52,000 households—188,000 people—may be considered to be "at risk" of homelessness.

Four-fifths of these households pay more than one-half of their total income for rent or mortgage or heat. One-fifth of the at-risk group live in substandard and/or overcrowded housing and have poverty level incomes.

For people who are homeless, emergency shelter is the most basic and critical need. And, yet there are many communities in Maine without shelters, and many of the existing shelters are completely full.

To be homeless is more than being without housing. Often it means being in poor health. And for many with no money, clothing, food, or the simplest of possessions it means a complete and utter loss of identity.

In 1986 Congress passed a law clarifying that homeless persons cannot be denied eligiblity on this basis for AFDC, SSI, Medicaid, or veterans program benefits. Congress also provided that homeless persons will be allowed to use food stamps to purchase meals in soup kitchens operated by nonprofit organizations. Earlier this year, Congress appropriated $50 million in emergency funds for the homeless. The Urgent Relief for the Homeless Act under consideration today is a more comprehensive measure which builds on that which Congress has already done.

For fiscal year 1987, the bill would expand the current Emergency Shelter Grants Program by authorizing $80 million for loans to fund the rehabilitation or conversion of buildings to be used for shelters. An additional $50 million in section 8 housing certificates would be authorized. The certificates would be distributed by local housing agencies in urban and suburban areas and by FmHA in rural areas and would be specifically targeted to aid families with children.

The bill would authorize an additional $60 million for the Transitional Housing Program operated by HUD for loans to fund the rehabilitation or acquisition of structures to be used for housing and supportive services. Another $35 million would be authorized for section 8 moderate rehabilitation of single room occupancy units [SRO's]. This would ensure that there is both a long-term commitment toward aiding the homeless and providing much needed improvements to the existing low-income housing stock.

The measure would ensure that homeless children are eligible for any educational program for which they are entitled. Currently, students without a permanent address have a difficult time enrolling in schools.

The bill would authorize $55 million to expand the Public Health Service Act to allow the use of the existing Alcohol, Drug Abuse, and Mental Health Services [ADMS] block grant to provide services to homeless individuals who have serious mental illnesses.

In addition, the bill would provide funds for health care, job training, case management, and the Temporary Emergency Food Assistance Program [TEFAP]. An interagency council would be established to review Federal homeless programs, and monitor, evaluate, and recommend improvements in Federal, State, local, and private homeless relief programs.

The Urgent Relief for the Homeless Act under consideration today is not a panacea that will end homelessness. There is no one single solution to address the homeless. But, by enacting this legislation, the Congress is taking a major step toward addressing many of the most urgent needs of the homeless.

I urge my colleagues to pass this legislation and act expeditiously in conference to ensure that these much needed funds are allocated this year.

Mr. BRADLEY. Mr. President, the bill before us will not end hunger in the United States. Nor will it house all of the homeless. Nor will it keep more families and individuals from becoming homeless. But it is an effort to recognize the urgent need for food, shelter, and supportive services for the countless people who have nowhere to go but to wander the streets.

Mr. President, the magnitude and composition of the homeless population is difficult to define. One thing that we can be absolutely certain of, however, is that our homeless population is a growing source of national shame. A compassionate society cannot tolerate having between 250,000 and 3 million people who are without the basic necessities of life.

It is wholly inaccurate to depict the homeless as derelicts and malingerers. These are people in dire need of help. It is alarming that an increasing number of homeless are two-parent families or women with children. The U.S. Conference of Mayors survey indicates that in all but 2 of 25 major cities surveyed, the number of families with children requesting emergency shelter increased between 1985 and 1986. Familes with children on the average comprise 38 percent of the homeless population.

It is now tragically common to see children in shelters, sleeping under freeway overpasses or in abandoned cars, and wandering the streets with their parent or parents in a dehumanizing search for the basic necessities of food and shelter. Preliminary findings from a study of children in New Jersey who end up in temporary youth shelters show that, contrary to previous belief, a significant percentage are not running away from troubled homes but rather are seeking shelter because they have no home at all.

Mr. President, the misery of these children and families is visible not only in New York, Washington, Los Angeles, and Philadelphia but also in Jersey City, Newark, Paterson, Trenton, and Camden. In Trenton, families with children comprise 50 percent of the homeless population.

In my home State of New Jersey, there are an estimated 25,000 homeless individuals. In the city of Newark, there are approximately 8,000 homeless individuals, but only around 900 shelter beds to meet their needs. Unfortunately, Newark is not an isolated case, and this situation sadly repeats itself across America.

Mr. President, let me share with you a brief vignette from Trenton, in my home State, which I am sure is repeated with frequency across the country. A low-income family was living in a dwelling that did not provide adequate heat. They used their rent money to pay exceedingly high gas and electric bills because they used their stove for heat. Consequently, they fell behind on their rent payments and were presented with an eviction notice. With no financial resources, they did not take their landlord to court to fight the housing violations, and consequently, they were found at fault and evicted with no place to live. As quickly and simply as that, they joined the ranks of the homeless.

Mr. President, 2.5 million people are displaced from their homes every year as a result of eviction, revitalization projects, economic development plans, and rent inflation. According to the House Committee on Government Operations, 500,000 low-rent dwellings are lost each year as a result of condominium conversions, abandonment, arson, and demolition.

In addition to the tragedy of children and families who are homeless, elderly poor often find themselves at the end of their lives, homeless and destitute. An additional portion of the homeless are chronically mentally ill persons. They are the casualties of Federal mental health policy, dating from the 1963 Community Mental Health Centers Act. A humane policy of releasing individuals from institutions at the same time that community support services have been cut back has left many chronically ill individuals homeless on the street without homes and without support services.

A significant Federal response to the problem of homelessness is long overdue. The bill being considered today is an important step toward addressing the problem of homelessness in this country. However, I would caution that it must not be considered the final step. What is also urgently needed is more legislation designed to prevent homelessness from occurring in the first place.

One example of such legislation which is in place in my home State of New Jersey is the Prevention of Homelessness Act. This act allows the State to loan and grant families who have been temporarily dislocated from income money for the payment of rent and mortgages for up to 3 months in order to prevent their eviction. Future legislation must address ways in which Federal support for such programs can be developed.

The current legislation does provide much needed emergency relief for the homeless. It also provides a chance for those of us who have adequate food and shelter to meet our responsiblity to help our less fortunate fellow citizens. I urge speedy passage of this important legislation.

VETERANS' ADMINISTRATION NURSES

Mr. MURKOWSKI. Mr. President, I had intended to offer an amendment to H.R. 558 which would enhance the Veterans' Administration's [VA's] ability to recruit and retain nurses and thus alleviate a critical shortage of skilled nursing professionals in the VA.

As ranking minority member of the Veterans' Affairs Committee, I am very concerned about the VA's ability to hire and keep qualified medical personnel for its 172 hospitals in order to fulfill its mission to care for veterans—many of whom are disabled, aged or poor. The VA operates a large nursing home and domiciliary program. Without adequate nursing care staff, the VA would be forced to turn many of these veterans away who depend upon the VA for shelter and treatment.

This country is experiencing a nursing shortage which has reached critical proportions. The private sector is addressing this shortage by using many innovative techniques—such as free housing and educational benefits for the nurse and family members, to name a few. The public sector, in order to be competitive, must also explore cost-effective methods in order to attain these qualified professionals.

The VA is the largest single employer of nurses in the United States—about 38,000 nurses work for the VA. Notwithstanding the large number of nurses in the VA system, certain VA medical centers are experiencing devastating nursing shortages. Let me be clear that veterans suffer when the VA is unable to attract quality nurses. In fact, certain VA medical centers have closed entire wards because they don't have enough nurses to staff those beds.

Currently, the VA has certain authorities to enhance its ability to employ nurses. Although these authorities exist, it is often a slow and burdensome process to get appoval from the central office to implement them. That is, the process lacks flexibility on the part of medical center directors to act promptly to address a recruitment or retention problem.

Mr. President, I hear from medical center directors in the Northeast and California who say that they lose nurses on a daily basis to the private sector. I recognize that it is difficult to run a medical center, outpatient clinic or extended care facility under those conditions.

Because of my concern about this issue, I introduced S. 713 which would provide the VA with the authority to pay bonuses of up to $20,000 for a nurse who agrees to work full time for at least 3 years in a professional specialty or geographic area where the VA is experiencing problems.

I realize that bonuses are not the only answer to this complex problem. I believe they are important but other tools are necessary. With that in mind, I am currently exploring an initiative to provide premium pay for nurses who work on Saturday and to provide tuition reimbursement for nurses who are in degree-seeking programs.

The Senate Veterans' Affairs Committee will hold hearings on veterans' health care issues which will include my bill, S. 713, in May. In light of the pending hearings, I will not offer my amendment on VA nurses to S. 809. I have been assured that these important issues will be carefully considered by the Veterans' Affairs Committee in a timely fashion. I look forward to working with Senator CRANSTON, the committee chairman, on this important issue.

Mr. STEVENS. Mr. President, section 3 of the Urgent Relief for the Homeless Act contains the definition of "homeless individual" as reported out of the Governmental Affairs Committee. That definition was amended in committee to delete a section identifying as a "homeless individual,"

> an individual who has a primary nighttime residence that is a temporary makeshift accommodation in the residence of another individual.

This definition was deleted because of the strong possibility of abuse by individuals who were not truly homeless in the sense of this bill. All other definitions of "homeless individual" in the bill are consistent with the new definition in section 3, with the exception of the definition in section 802 dealing with Nutrition and the Food Stamp Program. The definition in section 802 contains the temporary makeshift accommodation provision that we deleted in Governmental Affairs Committee.

I had intended to offer an amendment to delete the definition in section 802 to make it conform with section 3, thereby ensuring consistency of application throughout the act. It is my understanding however, that the current language in section 802 does not establish any new eligibility criteria for who may receive food stamps under the Food Stamp Act. Any individual whether or not they are homeless must first meet the income limits for regular participation, which are already established in the law. Then, and only then, they may qualify for expedited service based on additional criteria which is also already established in law. The new provision in section 802 adds the "homeless individual" and establishes criteria for receipt of the expedited service for the homeless. It is also my understanding that this definition is needed in section 802 to allow families who are doubling and tripling up, in order not to be on the streets, to receive the expedited service, if they in fact meet the other criteria.

Mr. LEAHY. Mr. President, the Senator from Alaska is correct in his statement. The provisions in sections 802 and 803 do not confer additional eligibility for food stamps but allow expedited service to those homeless individuals who meet the eligibility criteria already present in the Food Stamp Act.

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Vermont.

AIDS PATIENTS RECEIVING MEDICAL CARE FROM THE VA

Mr. MURKOWSKI. Mr. President, I had also intended to propose an amendment to H.R. 558 which would have provided the Veterans' Administration [VA] with $32.5 million for the treatment of veterans who suffer from acquired immune deficiency syndrome—otherwise known as AIDS.

My colleagues are certainly aware of the serious nature of this illness. It is of epidemic proportions and rapidly becoming a leading cause of death in this country. I commend my colleagues who have introduced measures to address the AIDS issue. Most recently, Senator DOLE, the distinguished Republican leader, introduced Senate Resolution 184, to express the sense of the Senate that a Presidential Commission on AIDS be established to deal with the problems of AIDS. It is essential that a Presidential Commission be established as soon as possible to advise the President and the Congress on how best to deal with this ever growing national and international health-care crisis. We must bring together the best minds in our country to coordinate our efforts and to make the tough decisions related to this deadly disease, from education to treatment. I was pleased to join on that measure as an original cosponsor.

I strongly believe that the issue of veterans who suffer from AIDS merits immediate consideration by this distinguished body. However, due to the limited nature of S. 809, I will not offer my amendment to this bill. I know that the distinguished chairman of the Veterans' Affairs Committee and floor manager on this homeless bill has been in the forefront on the AIDS crisis. He has helped to raise the consciousness in our country regarding this epidemic. I hope that we can work together within our committee to ensure that the VA receives adequate funding for the treatment of AIDS patients. At some point, it may be necessary to offer an amendment to appropriate additional funds for the treatment of AIDS so that VA hospitals will have sufficient funds to treat AIDS and non-AIDS veteran-patients.

The VA plays a significant role in the treatment of AIDS patients and research concerning the disease. The VA estimates that in fiscal year 1987 it will treat about 1,300 AIDS patients, or 7 percent of the AIDS patients, at a cost of $49 million. I believe that the

VA figures may be underestimated. AIDS patients can be found throughout the VA system—in VA hospitals, nursing homes, domiciliaries, and in outpatient clinics.

As President Reagan recently stated: "AIDS is public health enemy No. 1."

The Congress has provided hundreds of millions of dollars into research of this deadly disease. The VA is also deeply involved in AIDS research.

Research is vital and must continue. However, there are individuals who today suffer from AIDS. They need our help now. Treatment, which is compassionate and humane, is also essential.

Members of my staff have recently visited several New York VAMC's which treat large numbers of AIDS patients. Currently, VA medical centers are allocated only about $50 a day to care for these patients. The cost of the new drug AZT, for one VA hospital alone, will be in excess of $500,000 a year. This does not include the costly blood transfusions required of those who receive this drug. Let us compare the vast difference between the actual cost of treating these patients with the amount reimbursed to the medical centers for treating AIDS patients. The true cost is closer to $800 per day.

There is quite a disparity.

A lack of adequate funding means that other veterans are denied care or veterans with AIDS are turned away.

It is essential that we consider providing the VA with additional funds which would be earmarked for AIDS treatment so that AIDS patients will not be denied treatment because of the high cost of their care.

Recently, the Veterans' Affairs Committee has recognized this problem and recommended, in its views and estimates to the Budget Committee, $47.5 million in additional funds for AIDS treatment in fiscal year 1988.

I did not offer my amendment because, in part, I recognized that many will argue that the bipartisan homeless bill is not an appropriate vehicle to address this issue of AIDS.

Thus, when an appropriate vehicle is present, if necessary I will propose additional funding for AIDS patients. I remain convinced that it is necessary and appropriate to address this issue in a timely fashion by providing the VA with adequate funds to treat AIDS patients who have served this country in our Armed Forces.

Mr. SPECTER. Mr. President, as an original cosponsor of S. 809, the Urgent Relief for the Homeless Act, I urge my colleagues to support this important initiative which provides over $433 million in fiscal year 1987 to serve homeless individuals and families. This bill establishes a coordinated approach to dealing with homelessness, and provides a range of services from housing and nutrition to health care, education, and job training.

Providing assistance to the homeless has been a great concern to me for several years. In January 1983, as chairman of the District of Columbia Appropriations Subcommittee, I held hearings on the local problem of homelessness. On February 3, 1983, I introduced S. 451, a bill to provide $50 million for an emergency food and shelter program through the Federal Emergency Management Agency (FEMA). In March of the same year, this provision and an additional $50 million were included in the emergency jobs bill, for a total of $100 million in assistance. During consideration of the fiscal year 1984 supplemental appropriations bill, I worked to obtain $30 million for the homeless, with an additional $10 million appropriated in the fiscal year 1984 continuing resolution in November 1984.

Since we began providing emergency food and shelter for the homeless in 1983, we have learned a little more about this population. The estimated number of homeless persons in this country ranges from 350,000 to 3 million. While families once represented a negligible portion of the homeless population, they now comprise nearly 28 percent of all homeless persons.

In my own State of Pennsylvania, the Department of Public Welfare estimates that approximately 11,395 single adult men and women are homeless. In Philadelphia, it is estimated that 10,000 to 15,000 persons annually are homeless, with 2,000 to 3,000 persons needing shelter on any given night.

Mr. President, the time has come for the Congress to provide better coordinated assistance to the homeless. The Urgent Relief for the Homeless Act is a positive step in this direction. The legislation establishes an Interagency Council on the Homeless to coordinate Federal services, and provide technical assistance to State and local programs. It expands housing assistance, and authorizes additional funding for FEMA food and shelter programs and for the distribution of surplus food commodities to homeless shelters in fiscal year 1987. In addition, the bill increases access to food stamps, provides grants for primary and mental health care, gives assistance to States for the education of homeless children, and funds job training demonstration projects for homeless adults.

Mr. President, on any given night one can observe homeless individuals walking the streets, huddling in doorways, sleeping in public parks, or seeking refuge in bus or train stations. Our Nation cannot afford the long-term human costs of failing to serve these homeless individuals and families. I encourage my colleagues to support this important measure.

Mr. MOYNIHAN. Mr. President, I rise in support of S. 809, the Urgent Relief for the Homeless Act. The bill attacks a major problem in our Nation, one what arouses a compassionate response in all of us. But as we consider the needs of the homeless, let us ask first of all how we can better understand the efforts we are making.

Who are the homeless? Some are people who have simply run into economic difficulties; increasingly these are families. For example, a mother with two young children whose husband left her with no money to pay the rent has been evicted from her apartment. She and the children end up at a shelter.

Many others, though, have problems beyond an immediate shortage of funds. Examples are the hoarse young man on the sidewalk addressing an unseen audience and the suspicious old woman who refuses to approach the van handing out free hot food on the corner.

How many of the homeless are the severely mentally ill: the schizophrenics, the manic depressives, the paranoid? The American Psychiatric Association's Task Force on the Homeless Mentally Ill estimated that 25 percent to 50 percent of the homeless have serious mental problems. The Department of Health and Human Services estimates 33 percent to 66 percent. About 10 percent of the mentally ill homeless are estimated to abuse alcohol or drugs.

Regardless of the exact numbers, it is clear that a large proportion of the homeless are people who before 1965 would have been cared for in State mental hospitals. Since then, they have been released from hospitals as part of the reform in mental health care known as deinstitutionalization.

In 1955 in New York State, for example, there were 93,000 mentally ill in State institutions; in 1984, the number had fallen to 20,000. And overall in the Nation, the number of patients in State hospitals dropped by three-quarters, from 550,000 in 1955 to 132,000 in 1980.

Certainly there was widespread support for deinstitutionalization in the 1960's. It was widely believed by mental health professionals that the new drugs just being developed would enable patients to be moved out of huge State hospitals where they were warehoused. Physicians aware of the new treatment possibilities saw that patients could be shifted into smaller, more flexible combinations of inpatient and outpatient care, closer to their homes and families. Community care would be not only more humane, but would alleviate the problems of dependency patients developed in the hospital environment.

President Kennedy in a letter of December 1, 1961, set up an interagency committee to develop a new Federal program to improve the care of the mentally ill, as more of them moved out of State hospitals. He asked Secretary Celebrezze of Health, Education and Welfare, Secretary Goldberg of Labor, and John Gleason, the Administrator of Veterans Affairs to form the committee. In turn, Secretary Goldberg asked me to participate in the committee's work. Boisfeuillet Jones represented HEW and Robert Manley participated for Veterans Affairs. The committee of the three governmental agencies met regularly together with Rashi Rein, of the Council of Economic Advisors, Robert Atwell, of the Bureau of the Budget, and Drs. Robert Felix and Stanley Yolles of the National Institute of Mental Health.

The Interagency Committee started its work greatly aided by the commendations in the report Action for Mental Health, submitted on December 31, 1960, by the Joint Commission on Mental Illness and Health. After documenting the enormous unmet needs of the mentally ill, the report strongly advocated that States and private groups expand the services available.

I joined the Kennedy administration having just had the experience of working in the field of mental health in the Harriman administration in New York. I had witnessed the decrease in numbers of mentally ill housed in State hospitals and was aware of the innovative work done in the Dewey administration when Paul H. Hoch, at the New York State Psychiatric Institute, began working with chlorpromazine and reserpine in the treatment of mental illness. At Rockland State Hospital, Nathan S. Kline had been studying the possibilities of rauwolfia and its derivatives. When Harriman became Governor, he appointed Hoch Commissoner of Mental Hygiene, and the commissioner introduced psychotropic drugs generally into the New York State hospital system. The effects were dramatic: the population of New York State mental hosptials continued to rise for another 18 months or so, and then broke in the classic pattern of an epidemiological curve.

By midsummer, the Interagency Committee had reached general agreement and on August 21, 1962, I produced a draft of the committee's report. It set down three main notions: first, mental illness would not go away, but now, with new, scientific advances, could be treated. Second, the large mental institutions then existing would gradually disappear over a generation. Third, in place of large mental hospitals, the greatest number of the mentally ill could be cared for in treatment centers in their own communities, much as would persons stricken with any other disease.

The committee's proposals became the basis of the final committee report to President Kennedy and the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963, signed on October 31, 1963.

Specifically, the report made the following proposals:

First, Federal grants should be made available to the States to assist them to develop both short- and long-term plans for the establishment and operation of comprehensive community mental health programs.

Second, increased Federal funds should be allocated specifically for the construction of community mental health facilities with the goal of building 2,000 by 1980.

Third, Federal funds should be provided to raise the level of care of patients in State mental hospitals, community mental health centers, and psychiatric units of general hospitals.

Fourth, Federal funds for research in the field of mental illness and health should be doubled over the next 5 years.

Fifth, Federal support for education in the mental health professions should be increased in order approximately to treble the supply of professional manpower by 1980.

Did we accomplish what we set out to do? It may be useful to examine these proposals to see how our efforts measured up to the goals.

Funds for the construction of community mental health centers were appropriated, but the goal of building 2,000 centers by 1980 was never reached. The committee's final report stated "the goal of building at least 2,000 centers—approximately 1 per 100,000 population—by 1980." When States drew up their State plans, they found that because of geography, some catchment areas were smaller or larger than 100,000 people, and in these cases States received waivers from NIMH permitting them to make exceptions. Thus, it happened that in 1981, the year in which most of the legislation on community mental health centers was repealed in favor of block grants to the States, there were 1,565 catchment areas nationwide. However, only 768 community mental health centers were in operation—less than half the goal of 1 center for each 100,000 people and 38 percent of the 2,000 originally proposed. The average catchment area in 1981 served 140,565 people. And some sections of the country, especially rural areas and inner cities, never received their share of centers.

The Federal funds provided to raise the level of patient care were directed toward patients in State institutions: demonstrations of new, improved methods of patient care, upgrading of facilities—the hospital improvement program—and inservice training of hospital staff. These were important efforts but not directed to the problem of the deinstitutionalized.

Did we follow the draft proposal to double the funds for research in 5 years? Actually, the final committee report went further, calling for a doubling of research funding over the first 5 years of the act and a trebling by 10 years. What we actually invested in research efforts was much less. NIMH received $91 million for basic and clinical research in 1965 and $92 million in 1970. In fact, when inflation is taken into account, the amount decreased from $91 to $72.5 million.

In 1980, NIMH funding for research reached $143.5 million, only a 10 percent increase, in real terms, in 15 years.

The fifth and final point in my 1962 draft recommended tripling the number of doctors, social workers, and psychologists by 1980 to staff the new community health centers. In a draft dated January 14, 1963, I wrote that the number of professionals should increase from about 45,000 in 1960 to 170,000 in 1980. We met that goal overall, but the number of psychiatrists—needed to prescribe and monitor medication for the severely mentally ill—did not even double over that period. And over the years, the percentage of psychiatrists on center staffs declined as they pursued careers in other settings. In 1970, according to the American Psychiatric Association and the National Council of Community Mental Health Centers, psychiatrists made up 25 percent of center staffs; by 1975, they made up only 15 percent. And each psychiatrist carried a larger patient load: in 1974, an average of 4.6 full-time equivalent psychiatrists in each center served an average of 1,600 patients. In 1979, an average of 4.1 psychiatrists in each center served about twice as many patients. NIMH funds for training all types of mental health professionals declined from about 98 million in 1969 to 72 million in 1980.

And clearly we never gave the community mental health centers the stable Federal funding to match our expectations. Funds were appropriated at much lower levels than authorized and many projects recommended for approval were never funded. And in the 1975 amendments to the original program, the centers were required to expand the "essential services" to be offered from 5 to 12, but no additional funds were appropriated. Finally, over the years a patchwork of other Federal regulations were added which stretched center resources even further.

Given the inadequate support the fledgling mental health centers received, it is not surprising that they did not always meet the needs of the severely mentally ill. In my 1962 report I had described the broad spectrum of services and programs community mental health centers should offer, for diagnosis and treatment of mental illness, and as a focus for aftercare of discharged hospital patients. The services were to include: a general diagnostic and evaluation service (precare); an inpatient service; a day and night care program; an emergency clinic for walk-in patients operating on a twenty-four hour basis; rehabilitation facilities including sheltered workshops or their supervision; consultation services to community agencies and organization; a public information and education service; and supervision of foster home care facilities.

The problem centers faced in dealing with the severely mentally ill was not only medical; it was a social service problem. What patients got in the State hospital in one place—housing, food, showers, clothing, laundry, medications, and personal safety—had to be provided by a variety of different community organizations. It was hard to keep track of patients and to make sure they took their medications. No wonder many of the severely ill fell between the cracks, especially as low cost housing became scarce in the cities. Some ended up in nursing homes, some in jail for misdemeanors such as loitering, and others among the homeless.

The tragedy is that two decades ago we knew what had to be done. The concept of community mental health centers was a good one. It worked well when all the essential ingredients were in place: an organized community mental health system utilizing inpatient units in general hospitals, outpatient units, day treatment, close interaction with rehabilitation centers and psychosocial clubs, and supervised shelter. But the concept was inadequately carried out. Surely we feel compassion for the homeless mentally ill, the orator on the street, just as we did for the people shut into the State hospital snake pits. But let's make sure that our efforts to help today's mentally ill homeless build on an understanding of what happened to our previous compassionate attempts to reform the treatment of the mentally ill.

Mr. ROTH. I am pleased to support and cosponsor S. 813, the Governmental Affairs Committee portion of the omnibus homeless bill. S. 813 is an important and appropriate first step in helping the homeless. It builds on the successful efforts that currently exist to meet the needs of the homeless and contains provisions that will help ensure homeless individuals receive available services. In addition, and equally important, S. 813 puts in place a mechanism for evaluating programs designed to help the homeless and recommending future action to meet the needs of homeless individuals.

Unfortunately, the ominibus bill, in its entirety, does not represent a carefully planned and thoughtful approach to the homeless problem. Rather, it is an example of an inability to learn from the lessons of the past. To put it simply, it is yet another attempt to solve a problem by throwing more money at it without consideration for the workability and effectiveness of the programs being created. Such action in the past has contributed greatly to our current budgetary problems.

Before authorizing an additional $400 million, it is important to examine the current funding of programs which provide service to the homeless. The FEMA Emergency Food and Shelter Program is funded at a level of $120 million for the current year. I voted for the amendment in the last Congress that increased the funding for this program by $50 million. It is important to point out that this is only one of the many existing programs which provide aid to homeless individuals.

I share the concern of my colleagues for the homeless and I share the desire of my colleagues to help the homeless. The thought of not having a place to call home is enough, in itself, to engender compassion in all of us. But it is essential that that compassion take the form of responsible action. The omnibus bill before us today falls far short of that criteria.

It has been hastily rushed through this body without adequate time to determine if it meets the needs, who should administer it, how it will work, and, most importantly, who it will really help. Yet, we are asked to vote to authorize $400 million in additional program funds to support it.

An example of the result of this haste is the inclusion in the omnibus legislation of additional funds for recently created and untested programs—programs which may be duplicative of current efforts. The FEMA Emergency Food and Shelter Program has been effective in providing shelter, food, and services to the homeless. For this fiscal year, funding of $120 million has been provided. But last fall, Congress created a new emergency shelter program and a transitional housing demonstration program at HUD. Now, before these programs are even off the gorund, the omnibus bill would add money to them. This is unwise.

It is also unwise to spend $400 million to create new programs without considering the current budgetary fate of existing programs that can provide help. For example, the community development block grant is slated for a 30-percent reduction under the proposal of the chairman of the Budget Committee. At a hearing on the Governmental Affairs portion of the omnibus bill, the National League of Cities submitted a statement opposed to spending for the homeless legislation if it meant reducing CDBG. According to the testimony of Mayor Jim Moran, Alexandria, VA:

> The CDBG program is the single most effective and efficient program we have—not just to respond to the homeless in our cities, but to prevent homelessness. Proposals, such as that currently pending before the Senate Budget Committee, to cut CDBG by nearly $1 billion next year, but to initiate new funding for the homeless through this legislation at a level near $400 million would be counterproductive. That would mean far less would actually be available to help the homeless, and that which would be available would entail more bureaucracy, more Federal and State admministrative costs, and more Federal and State regulations. Any homeless legislation which works as a substitute for current CDBG funding will make our job harder, not easier.

I submit this as evidence we have not even listened to those governmental entities closest to the homeless problem and with the greatest responsibility for dealing with the homeless problem in developing this legislation. Once again, it appears our view is Washington knows best.

In fact, any legislation we consider to help the homeless should be designed to help local governments and those organizations like the Salvation Army, the United Way and others, who have done the hard work of opening and operating shelters for the homeless. I recently met with a group of constituents from Dover, DE, representing the Whatcoat Social Services Agency which operates the Ruth N. Dorsey Relief Shelter for the Homeless. At the meeting, it was clear to me that these local citizens have a firm grasp of the homeless problem in their local community and, in fact, local groups such as this are in the best position to assess the particular needs of the homeless and the needs of their communities in responding. Our legislation should provide assistance to the providers of service at the local level and should build on what has been successful in meeting the needs of the homeless.

The Governmental Affairs portion of the omnibus bill is just such a bill.

S. 813 establishes the Federal Interagency Task Force as an independent Council on the Homeless. Comprised of the agencies which currently comprise the task force, it would be charged with the responsibility of providing information and technical assistance on Federal programs, property, and services which are available to local governments and private organizations that are assisting the homeless. And, it would be charged with reporting directly to the President and to the Congress on the problems in the delivery of assistance to the homeless as well as recommendations to remedy those problems.

In addition, it would provide an authorization for the operation and funding of FEMA's emergency food and shelter program. In fiscal year 1986, this program allocated $90 million to 1,800 jurisdictions and 6,973 agencies providing food at a cost of 60 cents per meal and shelter at a cost of $1.73 per night. With the recent congressional transfer of $50 million to this program, a total of $120 million is provided for the current fiscal year.

It would clarify the requirements of the Federal Property Act to foster the identification of excess and surplus Federal property which might be suitable for use for shelter or the provision of services to the homeless.

Finally, it would make funds available to organizations providing services under the FEMA Emergency Food and Shelter Program to provide case management services. A case management system would assure that homeless individuals are put in touch with all the various programs and services which can help meet their needs.

In sum, S. 813 would help ensure homeless individuals are receiving all of the existing services available to them through case management, would assure the current successful programs continue, and would put in place the mechanism to identify further needs and appropriate solutions to the problems through the Council. It is the appropriate first step at this time.

The omnibus bill is not. It goes many steps beyond without sufficient consideration of its workability and desirability in the current fiscal environment. For these reasons, while I am a cosponsor of S. 813, I cannot support the omnibus bill.

Mr. DODD. Mr. President, I rise in strong support of H.R. 558, the Urgent Relief for the Homeless Act of 1987, and urge its swift passage.

The bill we are acting upon today is the product of a bipartisan effort, and I commend Majority Leader BYRD and Minority Leader DOLE for their initiative and guidance. I must also commend my cocolleagues on the Democratic Task Force on the Homeless. It is through the interest of the members of that task force—and that of our Republican counterparts—that we were able to hammer out a package in the Senate that at long last begins to address the needs of the homeless. Chairman CRANSTON, Chairman KENNEDY, Chairman GLENN, and Chairman LEAHY have also shown great leadership in expediting the component parts of this omnibus legislation through their committees.

Our main goal with this legislation is to get fundamental assistance to the homeless quickly—get it to the streets. In agreeing to make this legislation a 1987 authorization, we go a long way to insure that resources begin to reach the homeless in our streets before the winter cold comes back to haunt them.

The bill takes a critical first step toward meeting the shelter needs of the homeless. It increases funding for HUD's transitional housing program. The current funding level of $5 million would be increased by $60 million in fiscal year 1987. This transitional housing program provides the homeless with interim housing and support services in the transition back to productive and independent lives.

The legislation would also increase the authorization for HUD's Emergency Shelter Grants Program by $80 million for fiscal year 1987. Under this program, formula grants are made to States, cities, and counties for the renovation or conversion of buildings for use as emergency shelter for the homeless.

I was particularly pleased to see included in this section of the legislation a provision that I authored—section 403(d)—which would allow the Secretary of HUD to waive the 15-percent limitation on the use of assistance for essential services for a unit of local government if that jurisdiction demonstrates that the other eligible activities under the program are already being carried out. This is critically important to a State like Connecticut which has an already sufficient emergency shelter program. With this waiver in place, the State of Connecticut and other States may use a larger portion of its emergency shelter grant for employment, health, drug abuse, education, and other essential services to assist the homeless.

S. 809 would also increase the budget authority for section 8 certificates by $50 million. During the Banking Committee discussion of the housing portion of this legislation, it was decided that these certificates would go solely to homeless families with children—the largest growing segment of the homeless population. Thirty-five million dollars of section 8 assistance would also go to the moderate rehabilitation of single room occupancy dwellings (SRO's).

While the lion's share of funds in this legislation go toward providing shelter for homeless Americans, critical provisions in the bill address the health, mental health, education, nutrition and job-training needs of the homeless.

Thirty million dollars is provided for grants in fiscal 1987 to public and nonprofit entities to provide for health services for homeless individuals. Fifty-five million dollars is also provided in fiscal year 1987 as a block grant to assure assistance to homeless mentally ill individuals.

As chairman of the Subcommittee on Children, Families, Drugs and Alcoholism, I am especially pleased that this legislation contains another provision that I authored—section 531—which targets alcohol and drug abuse treatment services for homeless individuals.

It is estimated that as many as 45 percent of the homeless suffer from alcohol or drug abuse. In Connecticut, it is estimated that as many as 75 percent of homeless men and women are alcohol or drug abusers. The reality is that homelessness and drug or alcohol abuse are part of a vicious cycle—substance abuse often leads to homelessness; homelessness often leads to substance abuse. Given the magnitude of the problem of drug and alcohol abuse among the homeless and given that existing law does not specifically target resources for the homeless substance abuser, section 531 will direct States, through the existing Alcohol, Drug Abuse and Mental Health Block Grant (ADAMHA) authority, to fund drug and alcohol abuse treatment programs to serve homeless individuals. An additional $20 million will be given to States to carry out this section.

It should be clear to all of us that this small step in targeting services to homeless substance abusers by no means comes close to eradicating this problem. Like all of the other sections of the bill, however, it is a first step. And it helps States build upon the existing array of nonhospital alcohol and drug treatment programs so that they can enhance and leverage their overall delivery services to homeless alcoholic and drug abusers.

S. 809 also authorizes $2.5 million in fiscal years 1987 to assure the education of homeless children. This section guarantees that all homeless children are eligible for any educational program for which they are entitled, even though they lack a permanent fixed address. States must submit a plan to the Secretary of Education which addresses the issue of education for homeless children. Grants will be made on a competitive basis to State and local agencies for exemplary programs.

A job training for the homeless demonstration project is also included in this legislation and is a new program authorized at $10 million in 1988 to be spent over 3 years. Program funds will be allocated on the basis of application to the Secretary of Labor who will administer the program. Applicants may be public or private agencies, organizations and businesses. The Federal Government's share of each project shall be 50 percent; the non-Federal share will be provided by the applicant. This demonstration program will be carefully monitored by the Secretary of Labor and the Inter-Agency Council on the Homeless—also established by this legislation—so that a determinaton can be made on how best to fulfill the job training needs of a diverse homeless population.

Finally, this legislation increases the authorization for the Temporary Emergency Food Assistance Program (TEFAP) by $10 million in fiscal year 1987 and also provides $20 million to arrange for the provision of case management services to the entities receiving support under the emergency food and shelter provisions of this legislation.

Mr. President, homeless Americans can be found in all segments of our population. There are between 350,000 and 3 million homeless Americans. There is not one kind of homeless person. There is not one reason for homelessness. Homeless people are no longer just the stereotypical "hobo"—white, middle-aged, single, male. Twenty-eight percent of the homeless population is families with children; families and children with no where to go but the street; no where to go but the street because the stock of decent and affordable housing for low- and moderate-income households has been unconscionably diminished in the last 6 years. Homeless are people with mental illness. They are the veteran. They are the substance abuser. They are the unemployed and the working poor. They are the Americans who have felt it as the national poverty rate has increased to 14 percent in the 5-year period from 1980-85. In fact, the fastest growth in homelessness has occurred during the recent economic recovery. There are more homeless people in the United States today than at any time since the Great Depression.

Mr. President, the problem of homelessness in America is vast and troubling. The needs of the homeless in America are immediate and many. And just as there is not one reason for being homeless or one stereotypical homeless person, there cannot be one simple answer to the problem of homelessness in America.

While this omnibus legislation is a critical first step toward finding an answer to the problem of homelessness in America, it is by no means the answer. Let us take a moment here today to remind ourselves what this omnibus legislation is and what it is not.

It is not an answer to the problem of homelessness in America.

It is an effort to begin to meet the needs of the homeless in America.

It is not all things to all people who have concerns about the homeless.

It is an effort to meet the most immediate and fundamental needs of the homeless—those for shelter, health and mental health, nutrition, education and training.

It is not an attempt to build another layer of Federal bureaucracy.

It is an attempt to utilize and leverage existing State and local resources to meet the needs of the homeless.

It is not the end of our commitment to meet the needs of the homeless.

It is, in my view, only the beginning of a long-range commitment to meet the needs of the homeless—one that this Senator is determined to keep.

If we are not so determined, then we harm more than we help. If we are not so determined, then we play a cruel game of politics, throwing empty words at those men and women most needy among us.

I feel confident that that is not our intention. Let us commit ourselves here today to seeing to it that it is not.

Let us pass this emergency legislation here today by a wide margin. Let us show homeless Americans that we are committed to meeting their emergency needs.

Let us cast our votes here today not for this legislation alone. Let us also cast our votes here today as a symbol of our commitment to eradicate, in the long term, the problem of homelessness in America.

I would ask that the attached article from Newsweek magazine appear in the RECORD.

The article follows:

[From Newsweek, Jan. 12, 1987]

A FAMILY DOWN AND OUT

The homeless used to be mostly single men and women—many of them alcoholics, drug addicts or former mental patients. Now the National Coalition for the Homeless reports that families have become the fastest-growing group of people without permanent homes. A recent 25-city survey by the U.S. Conference of Mayors found that families accounted for 28 percent of the urban homeless; among the cities polled, there was an average increase in 1986 of 22 percent in the number of families seeking emergency shelter. In many parts of the country a shortage of low-income housing and cutbacks in social programs have made a bad situation worse.

The effects of living on the streets, or in temporary housing, can be devastating. In a recent Massachusetts study, Dr. Ellen Bassuk, a Harvard Medical School psychiatrist, found that 47 percent of homeless preschoolers were slow in language, physical or emotional development; at least half needed further psychiatric evaluation. "The road back is very, very hard," Bassuk says. "We're beginning to raise a generation of kids in the streets. That has dire consequences for the future." Behind the statistics are stories of families who have tried and failed—for the moment—to make an independent life for themselves. NEWSWEEK correspondent Patricia King reports on one family in Kansas City, Mo.:

It is 2 a.m. Quiet has finally settled on the Salvation Army Emergency Lodge. Three red exit lights glow in the dark. The daytime cacophony of running, screaming children has dwindled to one sick baby's cry. For 11 families, this place is a refuge of last resort. Their new "homes," small, impersonal cubicles, ring the first floor of the four-story brick building. In the center of all this stands a glass-enclosed office. It has three security monitors and a refrigerator stocked with baby formula for early-morning feedings. Here the night staffer plays host to residents of the shelter who cannot sleep. Jim Brand, 37, is one of the wee-hour regulars. Brand's nervous wakefulness does not hide his fatigue. His usual blustery manner gives way to a moment of uncommon introspection: "To come here is one step ahead of blowing your damn head off," he says. "You don't want to admit you're a failure. You don't want anybody else to see how bad off you are . . . We fought this for a long time."

For Brand, his wife, Peggy, 38, and their four children, age 5 to 11, the fight ended last fall; they were evicted for the second time in eight months. The Brands were both out of work and there were bills to pay. The emergency shelter was their only option. They loaded all their possessions into a storage locker and huddled together in the apartment where they were no longer wanted while they waited six days for an opening at the shelter. When the electricity was shut off, the children did their homework by candlelight. When the gas went off, a few blankets that doubled as makeshift beds were their only barrier against the bone-chilling autumn dampness. "If it was only me, I'd sleep in the car. I'm a survivor," says Brand, who was wounded three time in Vietnam. "But I wanted something better for my family."

A real home: Only a year earlier, the family did have something better. True, it was only a $296-a-month apartment in a low-income housing project in Shawnee, just across the Kansas border, but it felt like a real home. There were three bedrooms and a kitchen big enough for the kids to play in. There were lots of toys, a tabletop organ and even an encyclopedia set in the living room. Peggy Brand usually got home early from her part-time job as a Head Start teacher's aide so she could be with the kids after school. Jim's maintenance work around the apartment complex knocked $95 off the rent. In addition, there were food stamps and Jim's $267-a-month veterans' disability check for Vietnam injuries that include a hearing loss in one ear and nightmares that won't go away. No one could have mistaken them for rich people; but, says Jim, "we were making it."

At least they were making it as well as could be expected for a family headed by a man who hadn't had a steady job for a long time. Jim used to make as much as $14.75 an hour doing seasonal construction work. "And now it's come to this," he says. Six years ago he was a foreman at a factory that made rollers for printing presses. Then he hurt his back while carrying some heavy equipment. After surgery to shave one disc and remove three others, he returned to work. More bad luck: the company was sold. Although the new owners said there would be no changes, they soon started bringing in their own people from Chicago and Nashville. Jim knew he was in trouble when his bosses told him they wanted to cut him back to part time. Since then, Jim has learned, finding a job can be almost impossible for a guy who has had back surgery. He says his doctor thinks there are two more deteriorating discs above and below the ones that were removed; he takes pill after pill to mask the pain. But when Jim works too long or sits too long, the pain still stabs at him.

Series of snafus: Despite his injury, Jim had thought he could hold his family together in Shawnee doing odd jobs. But then things began to go wrong. Through a series of apparent misunderstandings, the Brands believe, they lost their apartment. Says eight-year-old Shauna: "I think what happened is that we paid the rent, but they didn't know it." That's why, she explains, the family left Shawnee even though it was "much funner" and the children could collect caterpillars that turned into butterflies. When the building's management changed, the Brands' rent went up and they got behind in their payments. Although they eventually scrounged up the money and were even able to pay some of the next month's rent in advance, they nonetheless got a notice in the mail to appear in court. When they called the landlord, they say, they were told that everything had been taken care of and that they didn't have to show up. Next thing they knew, the sheriff was knocking on their door with a deadline to get out. They had lost by default because they hadn't come to court. "It was three days to get out of Tucson," says Jim, falling back on the language of the Western novels he loves.

The eviction order forced the Brands into a three-month odyssey that was too depressing to be anything like the adventure stories Jim likes to read. Relatives tried to help, but they didn't have much money. First, the Brands stayed with Jim's brother in his 14-foot-by-80-foot mobile home in nearby Edwardsville, Kans. But it was impossible to cram nine people into a space that normally held three. The Brands left, Jim says, because "I wanted to keep my brother as my friend." Then they stayed with Jim's parents, where there was plenty of room. But the house was about to be sold. Jim's parents were moving because his father had emphysema and wanted to live in the South during the winter. Just as the last of Jim's parents' possessions were being auctioned off, Peggy and Jim found a two-bedroom, $295-a-month apartment in De Soto, Kans. It was so tiny for six people that Jim dubbed it the "crackerbox."

Still, they had a roof over their heads. Peggy quit her part-time Head Start job and found higher-paying, full-time work in a factory. With that financial boost, the Brands seemed to be getting back on their feet. Then one day as Peggy got ready to go to work, the family's decaying 1968 Buick Electra refused to start. The nearest telephone was a mile away; when Peggy got to the phone, she couldn't get through to her boss at the temporary-employment agency that had placed her in the factory. She was fired. Once again the cycle of eviction began. This time the Brands lost even the crackerbox. The shelter was the end of the line.

It has not been an easy adjustment. When the shelter is packed, more than 60 people of all ages can jam the building. Each family is supposed to keep a constant eye on its own children. But Jim complains that some of the other parents "let the kids run wild." The families must share the combination television room and playroom near the office with a transient group of single men, who sleep downstairs, and with the single women, who sleep in a room on the first floor. It is not always the best place for children. When everyone does assigned chores, the rooms are clean. But there's always someone who doesn't do his share. Peggy, a meticulous housekeeper, gets annoyed when she has to clean up someone else's mess. The worst place, she says, is the women's shower and bathtub. Not only is there often a line to get in, but the drain has been clogged since the Brands arrived. There's no shower curtain; privacy is just a memory.

Classmates' taunts: Still, the family tries to keep up appearances. Every morning 10-year-old Jaime and her two sisters wait just inside the entrance for the school buses to stop at the shelter's front door. "I loved Shawnee," the gangly fifth grader says with a sigh. She is bored in the new school in Kansas City. "They just started division a few days ago." she says, wrinkling her nose. Despite her girlish bangs and giggles, Jaime plays the role of the wise elder, explaining to her younger sisters the ways of their new world. Rule number one: you can't let it bother you when the kids make fun of you and call you "Salvation Army Girl." Rule number two: you can't go visiting friends after school. The shelter is in a tough neighborhood and it's dangerous to walk home alone after dark. "This is not like Shawnee," Jaime explains sternly.

Sometimes, Peggy says, she thinks that she must have done something very bad, and God is punishing her. How else can she explain her family's fate? Jim isn't the type to agonize about the reasons why his family has fallen on hard times. But he's determined to pass the work ethic on to his kids. "I've taught my kids work is a privilege," Jim says. He looks down on the "shirkers" at the shelter who don't do their chores. "They're professionals riding the system," he says. The Brands do more than the assigned tasks. "I don't believe in a free lunch," says Jim. Peggy did such a good job in the kitchen that she's now getting paid on the weekends. Jim has become the resident handyman and nightly driver for the mobile kitchen that brings food to Kansas City's poor. He says that pouring steaming coffee for the street people, some of whom sleep in cardboard boxes under the Missouri River bridges, has made him realize that "there are people worse off than me."

That knowledge is small comfort to the Brands' oldest child, 11-year-old Dusty. The boy hates the shelter and its restrictions—especially the 8:30 p.m. curfew for children. "Baby hours," he calls it. Even on Friday night he is not supposed to be out of the Brands' 14-foot-by-16-foot shelter room after the curfew. There are worse indignities as well. Once Dusty borrowed a bike from one of the other kids at the shelter; on the way back, he was mugged and the bike was stolen. Jim worries that Dusty is "getting hardened" by such experiences. The boy is also going stir crazy in his shelter cubicle; even Jim says the room is too small to change your mind in. Dusty has always wanted a brother to hang out with; now he is cooped up in a shoe box with his parents and his three little sisters. It's even worse at night when the girls' cots are set up. The space is jammed full with three single beds and toys given to the kids by the doting Salvation Army staff. They also have their old television set, brought from the storage locker as an enticement to keep the kids in the room and out of trouble. Dusty has been helping his father fix cars for years; he wants to be a mechanic when he grows up. The only time he is happy is when he is outside working, helping with cars or loading Salvation Army trailers. Inside, he says, he can't shake his resentment: "I'm sick of living in this place."

The strict rules that Dusty hates so much are the price the family pays for a safe, clean place to sleep. At night the job of enforcing those rules often falls to watchman Dave Newman, who calls Sunday evening "rap" sessions to exhort parents to do their chores and keep a constant eye on their kids. Newman allows that he doesn't let the shelter kids get away with much: "You'd think I was a drill sergeant," he says. There is no alternative; the rules are the only way to make order out of the chaos that could result from housing single men and women as well as families in one building. But Newman is not without sympathy. "A child has to have growing space," he says. ". . . The freedom they need is not here . . . The space is so confined."

In the dark of the night, sleeping shoulder to shoulder in their one-room sanctuary, the Brands dream of that freedom. Dusty wants a house with a hundred rooms—large enough to enclose his pent-up anger. Jaime is more levelheaded; she wants four bedrooms in the country with horses and cows and a barn. Shauna and little five-year-old Michelle want the same as their sister. And they want Freddie Mae Wade, the kindly Salvation Army chef they call Grandma, to live with them. The dreams of Jim and Peggy are smaller. They are waiting to hear about their applications for social-security disability and subsidized housing. Meanwhile, they're saving money and hoping they will soon be back in Shawnee, where they have a post-office box. A storage locker still holds the remnants of the life they had in a town that has become an almost magical symbol of the good life. Shawnee, says Jim, was happiness.

HELP FOR THE HOMELESS—A START

Mr. RIEGLE. Mr. President, I rise today to express my support for the homeless package now before us.

More men, women, and children are homeless in America today than any other time since the Great Depression. The number of homeless persons increased by an average of 20 to 25 percent in the past year alone. Homelessness has become one of the most serious and tragic problems facing residents of our cities today.

According to a recent survey of 25 major cities by the U.S. Conference of Mayors, the demand for emergency shelter during 1986 increased in all but one of the survey cities and is expected to continue to increase in 1987. Nearly one-fourth of the demand went unmet in 1986.

Who are these homeless people? On average, the composition of the survey cities' homeless population is 56 percent single men, 28 percent families with children, and 15 percent single women. An average of 29 percent of the homeless in the responding cities are chronically mentally ill, and nearly one in five are employed, in either full or part-time jobs. By far the most significant change in the cities homeless population has been in the number of families with children, with four out of five of the survey cities reporting an increase in the number of homeless families with children seeking emergency shelter. In my home State of Michigan, the city of Detroit reports a 40-percent increase in the number of young families seeking shelter.

I believe it is imperative that we come up with some long-term solutions for the problem of homelessness. Some of these might include: creating opportunities for families to earn a decent living, providing adequate nutrition for children and senior citizens, reforming our welfare system to help families become self-sufficient, providing health care and day care for working mothers and ensuring an adequate supply of low cost housing.

While this homeless assistance package does not offer a permanent solution, it does provide immediate assistance in the form of shelter, health care, and job counseling to alleviate the misery of the men, women, and children now on the streets. It is an important first step in the elimination of this national tragedy, and I urge my colleagues to give their support to this legislation.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of this legislation. Thank you.

Mr. SARBANES. Mr. President, I want to commend Senator BYRD for his leadership and hard work in making the Urgent Relief for the Homeless Act before us today, a reality. From the outset he worked with the minority leader and the various committee chairmen and ranking members in an effort to make this bill a truly bipartisan effort. It is thanks to Senator BYRD's dedication and commitment that this comprehensive legislation was introduced on March 23, considered by four different committees during the last 2 weeks, and reported to the Senate floor for consideration.

This bill, S. 809, addresses in a very comprehensive way the devastating problem of homelessness that has faced many of our citizens and families over with the past years. The plight of the homeless in my State of Maryland has been outlined in a study commissioned by the Governor's Advisory Board and the Maryland Department of Human Resources, entitled "Where Do You Go From Nowhere."

The study points out that Maryland's homeless population resembles the homeless population of most of the other States. Families comprise 28 percent of the homeless served, and people 30 years old and under make up 58 percent of the homeless. Minorities represent 48 percent of the homeless population, although they comprise only 23 percent of Maryland's population. Approximately one-third of the population experience problems with alcohol or drug abuse, and one-fourth suffer from mental illness.

The diversity of the homeless population points out the need for a comprehensive program to address their concerns adequately. S. 809 fulfills this requirement. The legislation before us has four major components.

The first section expands the ability to provide the basic emergency food and shelter needs for homeless citizens. The Senate Banking, Housing, and Urban Affairs Committee, of which I am a member, met last week to report out the proposals regarding housing. We recommended to expand the HUD demonstration of interim housing for the homeless; enhance formula grants to States, cities, and urban counties to develop and operate shelters; to provide about 1,900 section 8 certificates to help homeless families with children; and to provide certificates to rehabilitate about 1,000 single room occupancy units for elderly and other homeless people.

The second major section provides for other immediate services to the homeless such as health care, education, and treatment for alcohol and drug abuse. The third major component looks to the longer term in assisting the homeless and includes a 3-year job training demonstration program and expands block grants for emergency assistance for chronically mentally ill homeless people. The fourth section provides for the establishment of an independent interagency council comprised of representatives from agencies providing services to the homeless.

I urge my colleagues to support this very important legislation. The Urgent Relief for the Homeless Act is a comprehensive bill that should be passed now. It provides the immediate help needed by the citizens and families who are without food and shelter in our communities. S. 809 should be enacted so that churches and community organizations which have done so much to address this pressing problem, and State and local governments can intensify their efforts to provide assistance to the homeless.

Mr. SASSER. Mr. President, I rise in strong support of H.R. 558, a bill to provide comprehensive and emergency relief for the Nation's homeless.

I commend the majority leader for his prompt action on this measure. He has urged the committees of jurisdiction to fashion a bill that could be acted on before the Easter recess, and today we are witnessing the fruits of his efforts in this regard.

It has been said that some may advise the President to veto this bill because it is a budget buster. Well, I respectfully disagree with this assessment. This measure does not do violence to the budget, but it does provide a ray of hope for the homeless in America. It tells these unfortunate people—men, women, families, elderly, Vietnam veterans, and children—that we care about their plight. It tells them that we are going to work with State and local governments and volunteer groups to provide them with at least a portion of the shelter and food that they so desperately need in these trying times.

Mr. President, homelessness in America is on the rise. It is estimated in some research reports that there may be as many as 3 million homeless people in the country today. Recent press reports have indicated that homeless populations in various cities have risen by as much as 20 to 25 percent during the past winter. There are no reports that I know of which indicate that we will soon see an end to the problem of homelessness in America.

Mr. President, I might note that the profile of the homeless is changing in recent years—the new profile of the homeless is a most disturbing one.

In the past, most people felt the homeless were individuals who had just opted out of society—derelicts who for one reason or another just could not find their way in our society. Every city and town, we knew, had its skid row where unfortunate individuals, mostly adult males, went when they were down and out.

Well, if my home State of Tennessee is any indication, the picture is quite different today. According to a recent report by the Tennessee State Legislature's Special Committee on Homelessness, the daily size of the Tennessee homeless population is somewhere between 5,000 and 7,500—and most of that number are to be found in the larger cities of Memphis, Nashville, Knoxville, and Chattanooga. Various reasons and combinations of reasons contribute to homelessness—mental and health disabilities, personal crises, economic problems, and alcohol and drug abuse are among the most prevalent.

Thirty-five to forty percent of Tennessee's homeless are without shelter due to loss of employment or to evictions. Urban reconstruction projects—which tend to destroy low rent, single home occupancy units without creating housing units in the same rent range inadvertently contribute to the rising homeless population. Those experiencing personal crises—about 10 to 15 percent of Tennessee's homeless—is the group with the largest turnover rate. Some of these unfortunate people are temporarily homeless because they are divorced or because they have been released from jail or from hospitals. Many are stranded while traveling, many are runaways, some are fugitives from domestic violence—all have nowhere to go.

A larger group—the mentally ill and those suffering from the effects of alcohol and drug abuse may well account for 50 to 65 percent of all homeless in Tennessee. Twenty-five to thirty-five percent of these are former patients of mental hospitals.

My hometown of Nashville is representative of these facts. The Reverend Carl Resener of the Nashville Union Mission, for example, indicates that at any one time, there may be some 1,200 to 2,000 homeless in Nashville. But only about 25 percent of these people are traditional "street people." The balance are people who are mentally ill or people who have been displaced from their job.

They are families, often headed by a single parent who may have come to

Nashville seeking employment but with little or no means to sustain themselves. They are Vietnam veterans who have been unable to hold steady employment and who may still be suffering from the stress and trauma of that terrible conflict. These men, often in their late thirties, probably make up about 30 percent of the homeless people in Nashville.

And yes, there are the children. Reverend Resener estimates that perhaps as many as 8 percent of the homeless people in Nashville are children.

These children, Mr. President, are the silent victims of homelessness. They are uneducated, poorly clothed, and poorly fed. They may well be the second generation of homeless in America. I know that they probably realize little of the American dream. Rather they are just hoping for some shelter from the elements—a warm bed for the night and a hot meal.

Maybe when the President's advisers recommend a veto of this bill, just maybe they might go to Nashville and seek out some of these unfortunate children and tell them face to face that we simply can not give them a chance for some food and shelter because it would disrupt the Federal budget.

Mr. President, S. 809 has several facets that would be of immediate help to the homeless. Let me touch on just a few of these features of this bill.

First, the housing component of S. 809 authorizes some $225 million for shelter programs for the homeless; $80 million is provided for emergency shelters, shelters that are desperately needed in all parts of the country; $110 million is provided for transitional housing programs and programs to help house homeless children and the elderly; and $35 million is authorized for a single room occupancy program.

There is a crisis in low-income housing as we all know; the housing squeeze in this country is making it increasingly difficult for low and even moderate-income individuals and families to find affordable housing. As a result, there is less and less housing stock available for use to shelter the homeless. It is my hope that this section of the bill will help local governments and homeless organizations find and sometimes rehabilitate the property they need to help the homeless. This section of S. 809 should help them in that regard.

Another section of the homeless bill has been reported from the Governmental Affairs Committee on which I serve.

Title III of the measure authorizes $50 million for emergency food and shelter grants for organizations that help shelter and feed the homeless.

Mr. President, this program has been essential in helping the homeless. In the last 5 years this program has: Made 6,100 food and shelter grants to homeless organizations throughout the country; and helped provide some 279 million meals to the homeless and helped provide some 76 million nights of emergency shelter for the homeless.

And the program has been highly cost-effective. The average per capita cost of a meal in the program is 71 cents. The average per capita cost of a night's lodging under the program is $2.24.

This Mr. President, is hardly a budget-busting program.

Also included in the bill is section II of the bill which promotes the transfer of more surplus property to the homeless.

As a result of an amendment which I offered in the Governmental Affairs markup, homeless provider groups can now directly receive surplus Federal property. They will be able to directly contact State surplus property agencies and determine whether they have the surplus bedding, the surplus clothing, the refrigerators and the stoves that can be used to help extend services to the homeless. And they will be able to receive this surplus property without any burdensome costs.

I might note that in many cases, local governments already do a fine job of working with these surplus property agencies in acquiring property for homeless service providers. But in cases where a local government is unable or unwilling to provide these services, my amendment permits homeless service providers to directly obtain this property.

I believe that this amendment will help homeless service providers extend their services in a most cost-effective way. Rather than spend their meager funds on buying costs, maybe they can buy some more food for the shelter. Rather than having to buy a refrigerator to store their food, they can provide some services to the children that use their shelter. I am confident that the many dedicated volunteers who staff the organizations that help the homeless will find ways to use this portion of the homeless bill constructively.

Mr. President, the Easter season for many is a time of rejoicing and renewal. It is a time when we reflect on the blessings that are ours. It is in such a time that we should lend a hand to those less fortunate. Let us help the homeless and let us help them now. Let us give them that ray of hope that will enable them to know that better times may indeed lie ahead.

Mr. HARKIN. Mr. President immediate relief for the increasing number of Americans who are homeless is critical. The problems of homelessness are more severe than ever before in our history, and the number of people who are homeless is greater than at any time since the Great Depression. Estimates of the numbers of homeless vary considerably, but they all show an alarming escalation of the problem. These estimates range from as few as 250,000 to as many as 2.5 million, with estimated annual increases in homelessness ranging from 10 to 38 percent.

There is no single cause of homelessness and no simple solution. Studies show that homeless people fall into many categories—they are aged, abused spouses, mentally ill, substance abusers, disabled, unemployed and underemployed, veterans—and, increasingly, they are families with children. Families with children are the fastest increasing homeless group and now comprise as high as 38 percent of all homeless persons in the United States.

The national press frequently focuses on homelessness as a problem affecting only urban States. It is not. The numbers of homeless people in rural States is rising dramatically. The intensifying farm crisis in rural Iowa has had a devastating statewide impact. Rural homelessness in Iowa has begun to steadily increase, to say nothing of the hidden homeless—people without their own homes, including many families, who are doubling or tripling up with friends or relatives. Rising poverty rates in rural Iowa coupled with the dramatic increase in urban poverty, homelessness, and hunger are becoming a powerful negative force eroding the social and economic welfare of the State of Iowa.

In the past, in periods of major economic distress, some farmers left the land to migrate to urban areas to find jobs. According to a recent study done by the National Coalition for the Homeless, Des Moines City officials are ill-equipped to meet the needs of the homeless, and would be unable to respond to the resounding needs of an immigrating population of displaced farmers. Certainly, the economic health of Iowa has already been affected by the burgeoning farm crisis, and more recently, by plant closings. The numbers of people struggling to survive below the poverty level has increased, both in the State and throughout the region. In addition, the unemployment rate has risen.

According to April 3, 1987, testimony before the Iowa House of Representatives Committee on the Homeless, there are 1,500 homeless in Des Moines, which is the fourth highest per capita in the Nation. The study of homelessness in Des Moines done by the National Coalition for the Homeless found that the sheltered homeless population has increased by 46 to 58 percent since 1984. While measuring the number of shelter beds only provides a count of the homeless who were sheltered, it is clear that the number of those in need of shelter exceeds the number of available beds. A survey of shelter providers found that shelters turn away the homeless when they reach capacity.

Among the groups who are at greatest risk of becoming homeless is the population that suffers from mental illness. According to the National Coalition report, in Des Moines, where psycho-social community residential facilities are severely lacking, a significant portion of the mentally ill who are in need of services are unable to find supportive living environments. For these people, many of whom are ex-patients, housing has been documented to include the city's shelters and missions, substandard permanent housing, and unlicensed and unregulated residential care facilities. Many of the mentally ill are unemployed and dependent on government grants and aid and spend a disproportionate amount of their incomes on rent.

There are situations and conditions related to homelessness that cannot be satisfactorily resolved by short term, urgent action to authorize temporary programs. Among these is the need for permanent housing for adult and aging people with disabilities. In recent years, increasing numbers of physically and mentally disabled individuals have remained in their communities and homes rather than being placed in institutions. Their parents, who in most cases have been their primary caretakers, are now dying or becoming too frail to care for them. Disabled people in this situation are clearly at risk of becoming homeless and long-term programs will be necessary to meet their needs.

Yesterday, the Labor and Human Resources Committee's Subcommittee on the Handicapped, which I chair, heard testimony from the mature mother of a 34-year-old woman with developmental disabilities. This witness described the very real fears she and her husband have for their daughter's future after they die. Their adult daughter lives at home because there are no appropriate residential placements available. The witness made a convincing plea for the same stability in Federal support to families who raise and care for sons or daughters with disabilities in their homes as we provide to families who place their children in institutions. Permanent housing for adult and aging persons with disabilities is clearly one area we must address.

The bipartisan leadership has crafted a comprehensive bill that is a first step toward addressing the tragic plight of the homeless. The bill we have before us, S. 809, would provide immediate and necessary health, mental health, education, and job-training services to homeless individuals and to their children and families.

While I endorse this bill, I also recognize the possibility for improvement. I have addressed a portion of the bill in hearings in the Senate Agriculture Nutrition Subcommittee, which I chair. As a result of this hearing, I offered an amendment to the bill that will serve to better focus the food assistance resources we are committing to serve the homeless. I am pleased that the Senate adopted my amendment.

I would also like to mention the mental health services provisions in the bill which were crafted by Senators SIMON and DOMENICI. Although the bill is meant to provide immediate, short-term relief to homeless Americans, the Simon additions provide the longer range, effective services to the seriously mentally ill who are homeless.

Mr. HATCH. Mr. President, I am pleased to support this emergency legislation to increase the availability of social services to homeless Americans. I believe that a majority of homeless Americans want to be self-sufficient and independent. This legislation provides them with temporary help they need so that they can move back into the mainstream of our society.

Our States are asking for help with the varied problems confronting the homeless. According to the task force on homelessness in my State, there are an estimated 1,000 to 2,400 homeless people in Utah at any given time. The estimates also show that Utah's homeless population typifies the national trends. Approximately 78 percent are single men, 15 percent are families, and 7 percent are single women.

While States and private organizations should be commended and encouraged to continue their ongoing activities to help the homeless in our country, I can appreciate the need to supplement such efforts with Federal assistance. We can develop a Federal, State, and private sector partnership necessary to address this social problem.

These programs support mental health and health programs, job training and education for homeless people. Other committees are considering additional programs to provide shelter, food, and other services for our society's homeless. As we consider these proposals, I hope we keep in mind the fact that there is no way to aggregate the needs of all homeless people into a few categories. We must allow flexibility for local programs so that they can design and implement activities which address the specific needs of the homeless on their own.

For example, the Utah Task Force on Homelessness was trying to help a homeless person with a mental illness who suffered from drug and alcohol problems. He drank to relieve his symptoms of mental illness. They also were working with another homeless individual who was unemployed and needed temporary shelter and job retraining skills. We also can document that homeless people have been deprived of existing social services problems because they often lack the capacity, resources, documentation, and transportation necessary to receive these services. Shelter programs should have flexible case management programs to assist homeless people gain self-sufficiency skills.

I think the legislation we reported from the Labor and Human Resources Committee on April 2 provides State and local programs this important flexibility. I want to thank Senator KENNEDY and other members of the Labor and Human Resources Committee for their willingness to encourage cooperation among Federal, State, and private sector programs. I urge my colleagues to support these provisions. This initiative is designed to supplement ongoing local activities and will help the homeless become active and productive citizens.

Mr. DURENBERGER. Mr. President, I rise today to express my support of the Urgent Relief for the Homeless Act introduced jointly by Senators on both sides of the aisle. The bipartisan support for this bill makes it clear that the problem of homelessness in America is one which needs to be addressed immediately, for that problem is quickly turning into a crisis of proportions not seen since the Great Depression.

Although there is no reliable information on the number of homeless people in America, it is estimated that well over 1.5 million people may be living in our streets. According to concerned interest groups, that number is increasing by between 10 and 38 percent each year.

Mr. President, while there is disagreement on the number of homeless, there is little disagreement over who they are and why they are in their current circumstances. The General Accounting Office notes that factors affecting homelessness include increased unemployment in the late 1970's and early 1980's, deinstitutionalization of mentally ill persons and the lack of available community-based services to help them, cuts in public assistance programs, declining availability of low-income housing, and alcohol and drug abuse.

We are also finding that the street people of today are no longer just the substance abusers and others normally associated with homelessness. Ever-increasing numbers of American homeless come from more diverse backgrounds: they are the unemployed, the mentally ill, the aged, evicted families, abused spouses and their young children, abandoned children, and displaced farmers who have been forced off the family farm. These are not the independent, freewheeling, lovable drifters who were the heroes of the oldtime movie screen.

Even in the heartland of our country, my own State of Minnesota finds almost half of the homeless are women and children, with 23.2 percent children, and over 25 percent women. And if these numbers are not distressing enough, as we look at individual cases, it is heartbreaking.

Mr. President, I would also like to point out that the homeless are not just in our cities. In a rural State such as Minnesota, the homeless ranks are increasingly being filled by displaced family farmers. In the past 2 years, 12,000 farmers and another 1,000 businesses in rural Minnesota have gone bankrupt. And when these families lose their farms or businesses, they are also at risk of losing their homes.

Many of the homeless of today, such as the displaced farmers, are willing and able to work in order to attain a better life for themselves. But they need help to achieve that goal. Local governments and private charitable and nonprofit organizations have tried to address the homeless crisis, and have succeeded to some extent. But the limited resources they possess will not put an end to the homeless problem. While Federal resources are also limited, our homeless cannot wait for Congress to get its budgetary house in order. Their survival depends upon our willingness to end this crisis as soon as possible.

And while homelessness takes a huge toll in terms of human suffering, it taxes our resources in other ways as well. Right now, in Minnesota, it costs $60 a day to meet the bare needs of survival for a homeless Mom and three kids. That cost, of course, varies in other communities, but is always higher than the cost of preferable, long-range shelter.

Mr. President, there are many noteworthy aspects to this bill. For instance, the major components of the bill are based upon or expand programs already in place. The creation of the Interagency Council on the Homeless, for example, is merely a formal recognition of the need to bring together Federal officials in charge of the various Federal programs to discuss any possible programmatic solutions to arising circumstances. Thus, only a bare minimum of the funds which are appropriated to carry out the act will be lost in the bureaucracy, meaning that nearly all of the appropriated money will actually be used for its designated purpose—to help the homeless.

It is evident that this legislation was crafted to specifically address each and every part of the homeless problem. The act contains provisions for sheltering and feeding the homeless, transitional and other housing, health and mental health services, education and nutrition programs, and, to ensure that the homeless can once again become an important part of the work force, job training projects. It is a comprehensive, multifaceted approach that will enable public and private agencies to design a specific plan for each homeless individual they serve.

This bill enables communities to build upon and strengthen existing programs such as the very effective YWCA Progressive Housing Program in St. Paul which targets homeless families, particularly those headed by females. This is the most intensive program to date in Minnesota, picking up on families in emergency situations then moving them toward self-sufficiency through case-management plans. Children in this program are bused to school together, providing them with the beginning of a feeling of community and belonging.

Also, Mr. President, through this bill we should be able to follow through on what we learn from studies such as one being done by the University of Wisconsin in Minneapolis, tracking homeless people through second- and third-wave interviews. They are looking for more definitive answers to the questions of who is able to escape the homeless state and how.

Preliminary findings of that study include the fact that factors other than drug abuse and mental illness contribute to trapping people in homelessness. Various other kinds of institutionalization, such as jailing, hospitalization, or even foster care decrease chances of escaping homelessness.

Mr. President, I am pleased to have cosponsored this desperately needed piece of legislation. It is time we recognize a problem affecting millions of Americans, and do something to reverse the direction of the growing homeless crisis. Mr. President, S. 809 will provide badly needed funds to take prompt and appropriate action to address the most immediate and critical needs of the homeless.

Mr. CHAFEE. Mr. President, today we must take a long overdue step toward addressing the suffering of the homeless in this country. I am proud to cosponsor H.R. 558, the Urgent Relief for the Homeless Act. The act represents our feeling as a bipartisan body that no one in this country should lack the basics of human existence. Today we must act in support of that feeling—by voting for this responsible and realistic approach to the immediate problems faced by the masses of men, women and children who are currently forced to live on our streets every day and sleep on benches every night.

There could be as many as 2 million homeless individuals in the United States. They are of disparate backgrounds, they are of all ages and colors. They have one thing in common. They are united by a basic human need for food, shelter, and clothing. The American dream remains unfulfilled so long as we continue to look the other way as we pass hungry children and broken men on our way to work.

This is an emergency measure. It does not purport, and cannot be expected, to solve the spreading problem of homelessness. What it can be expected to do is to ease the discomfort of those who are homeless and save lives when the winter and cold sets in and there is "no room at the inn."

In Rhode Island, this emergency measure will aid the approximately 500 homeless persons—the fastest growing segment of which are women and children—in a number of ways. The FEMA provisions will give a much needed boost to the Emergency Housing and Fuel Assistance Program in my State. Currently there is no State money at all for emergency housing. This sort of aid will help prevent homelessness for those who find themselves temporarily short of money to pay rent. The nationwide increase from $10 to $90 million in emergency shelter money will provide the impetus for more beds and basic shelters in States everywhere. The $60 million increase in funding for transitional housing will help two specific Rhode Island programs. Currently the State is trying to convert both the Army/Navy YMCA in Newport, and the Old Continental Hotel in Providence into transitional housing for the homeless. The increase in funding for section 8 housing certificates could not be more crucial. Currently, in Warwick, there is a 6-year waiting list for section 8 housing. In Providence, such housing is virtually unobtainable.

In addition, my distinguished colleague from New Mexico, Senator DOMENICI, has broadened the scope of this legislation in a very meaningful way.

Among our homeless, a very large percentage—some say as high as 50 percent—suffer serious mental disorders; often the terrors of schizophrenia. The American Psychiatric Association has estimated that 25 to 50 percent of homeless Americans have "serious and chronic forms of mental illness." Whatever the number, the problem is real. There is a cyclical pattern as well. Some are homeless due to their mental illness. Some become mentally ill because of the harsh circumstances under which they live. Either way, simply sheltering these people is not enough. Their problems must be addressed.

Senator DOMENICI has focused our attentions on this reality—one of the many causes of homelessness. And so, in title IV and title V of the act, there are provisions that take the bleak future of despair and plant a seed of hope.

In step with the overall practical nature of this bill, the transitional housing, and the mental health portions of the act were constructed with the unique difficulties of homelessness in mind. For instance, the programs start with the most crucial of all elements—and the one we are so severely lacking at the present time: Outreach. Essentially, we must go out into the streets to search for the mentally ill, to offer them help. We know that in the harshness and confusion of the streets it is unlikely that the homeless will initiate contact with potentially intimidating and unknown treatment programs. They will not use the yellow pages to seek out their nearest psychiatric professional. If they could, then need would not be as great. We must find them—in bus stations, parks, shelters, and other nontraditional settings.

We have to establish a caring relationship so that trust can be formed—an element crucial to the beginnings of treatment. Crucial to what is technically termed, "pyschosocial rehabilitation."

While a sense of stabilization that these people have never known in a shelter begins to build, treatment can be provided. In transitional housing, counseling and family therapy, the process of rehabilitation—a road back to normalcy—can be effectively presented.

There is a key principle here that coordinates these efforts to work effectively with the homeless: that of case management. This is essentially a guardianship service, a service that will help the mentally ill meet their daily needs, including transportation to treatment programs, daily allowances, medication, food, and shelter. These may seem now to be inconsequential—but they are the practical details that make the difference between a program that works for the people who need it, and one that does not. Case managers will also help to enroll the homeless who are eligible in existing Government assistance programs, such as Supplemental Security Income, Food Stamps, and Medicaid. Again, such a helping hand can make the difference between a family going hungry—and a child being fed.

Finally, the measure offers training to those who will work with the homeless who are mentally ill. Shelter staff, case managers, outreach workers, and other individuals who provide services in shelters, mental health clinics and other service sites for the homeless will be trained in techniques for recognizing and initiating treatment for serious mental illness. They will be taught ways to approach and assist persons who may be hallucinating, hearing voices, suffering delusions, or are otherwise disoriented. It is a commonsense step that is crucial for an effective response to our homelessness crisis.

Thus we have five steps—five steps to address responsibly that in which we are already investing a great sum of money: outreach, transitional living, treatment, case management and training of shelter and support staff. Five steps that are an intelligent addition to any emergency bill for the homeless.

Mr. President, homelessness is an American tragedy. And it is well on its way to taking on epic proportions. In Rhode Island, 3 years ago, it was estimated that 70 people were homeless. Now the estimate is around 500. Such growth is frighteneing. We must act now.

Homelessness has no place in this country.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for the strong support he has given to the measure that has just been passed. He and his staff gave of their time, their talents, their advice and counsel, and made it possible for us to have a measure that was cosponsored not only by the Republican leader and myself but by other Senators on both sides of the aisle. I thank all Senators who were appointed to the task force on this side and on the other side to help develop this piece of legislation.

I also thank the Republican leader for his help in making it possible for the vote to occur today on the motion to invoke cloture. He has, at every step of the way, lent his strong support, and that was invaluable.

I again thank the Senator from New Hampshire for allowing the vote to occur today on the motion to invoke cloture.

I thank the distinguished Senator from California [Mr. CRANSTON], the assistant leader on this side, for the leadership he showed in managing the bill throughout.

I believe, Mr. President, that the people throughout the country will feel that the Senate has done its duty in passing this important legislation. It deals with the terrible problem facing the homeless throughout the country and special thanks are tendered to all of those Senators who had a part in developing the package and also in offering their amendments which improved the legislation.

I want again to thank the staffs on both sides. Especially, I would like to thank Mrs. Sally Mernissi on the Democratic Policy staff and Sheila Burke on the distinguished Republican leaders' staff, and all other staff people who have been so faithful and so dedicated and so helpful. I think this is a proud moment for the Senate. We have acted expeditiously and I am grateful again for the help of all Senators.

Mr. President, I know the distinguished Republican leader wishes to speak and I shall yield the floor to him.

Mr. DOLE. Mr. President, I want to take just 1 minute. Again, I certainly share the views expressed by the distinguished majority leader and I want to commend him. He indicated to me weeks ago that one thing we would complete action on before the Easter recess would be the homeless legislation. We have achieved that, largely due to the persistence of the distinguished majority leader, and I appreciate that.

I also want to thank members of my staff and the staff on the other side and all the Senators who have been active in this legislation. I think a record may have been set for sending a complicated bill to committees and getting parts of it back from the committees in very rapid order.

I thank the distinguished Senator from Connecticut [Mr. WEICKER] for managing the bill on this side, but above all, I thank those who voted for cloture today. It seems to me the issue was not congressional pay raises; the issue was and is should we act on a bill that had a high priority in the Senate, not involving any of us or any selfish interest we had, but to do something for those who may be homeless in America. They cover a wide range of people—the unemployed, mental patients who have been discharged, those who suffer from child abuse and spouse abuse, those who suffer from drug and alcohol problems, and many, many others. We have taken, I believe, a forward step. A large share of the credit goes to the distinguished majority leader and I thank him.

Mr. BYRD. Mr. President, I thank my friend, the Republican leader. I inadvertently overlooked thanking the distinguished Senator from Connecticut [Mr. WEICKER]. I am glad Mr. DOLE mentioned Mr. WEICKER's name.

Mr. WEICKER is a valuable ally in any situation. I would not mind having him with me if I were in a street brawl. He is a good man to have on your side and he always does a good, conscientious job.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, so the business of the Senate may be executed, as soon as the House bill is passed, I want us to go into a period of morning business so we can dispose of other matters. I hope we might proceed with the House bill.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 558), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate may have a period for the transaction of morning business, that Senators may speak therein for 5 minutes, and that the period end not later than 8 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, what is the convening time for tomorrow? Did I ask for 10 o'clock or does it remain at 9:15?

The PRESIDING OFFICER. The convening hour is 9:15 a.m.

Mr. BYRD. Mr. President, may I say my good friend and colleague is presiding at this hour. I thank him.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES — CONDITIONAL ADJOURNMENT OF THE TWO HOUSES

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House dealing with the adjournment resolution.

The PRESIDING OFFICER. The Chair lays before the Senate the following concurrent resolution.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 103) providing for a conditional adjournment of the House from April 9 to April 21, 1987, and a conditional adjournment of the Senate from April 9, 10, or 11 to April 21, 1987.

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 9, 1987, it stand adjourned until 12 o'clock meridian on Tuesday, April 21, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on Thursday, April 9, 1987, or Friday, April 10, 1987, or Saturday, April 11, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 10 o'clock ante meridiem on Tuesday, April 21, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution? Without objection the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 103) was considered and agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that the following measures be indefinitely postponed: Calendar Order Nos. 67, 78, 80, 81, and 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent to place on the calendar a resolution on behalf of Senators KERRY and ADAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The resolution and the remarks of Mr. KERRY appear earlier in today's RECORD.)

NATIONAL MINORITY CANCER AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 119, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (H.J. Res. 119) designating the week of April 19, 1987 through April 25, 1987 as National Minority Cancer Awareness Week.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 119) was read the third time and passed.

The preamble was agreed to.

Mr. BYRD. I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I understand that the nomination on page 2 of the Executive Calendar under Department of Defense, James H. Webb, Jr., to be Secretary of the Navy has been cleared on the other side of the aisle, may I ask the distinguished Republican leader?

Mr. DOLE. It has been cleared.

EXECUTIVE SESSION

Mr. BYRD. I ask unanimous consent that the Senate go into executive session to consider the nomination of James H. Webb, Jr., to be Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of James H. Webb, Jr., of Virginia, to be Secretary of the Navy.

Mr. GLENN. Mr. President, I rise in support of the nomination of Mr. James H. Webb, Jr., to be the 66th Secretary of the U.S. Navy. Mr. Webb's nomination was unanimously reported out by the Senate Armed Services Committee.

Mr. President, this country is indeed most fortunate to have men of the caliber of Jim Webb who are willing to serve in the Government in such a responsible position. In fact, a review of Jim's professional career indicates that he has dedicated most of his adult life to service to this country.

I believe that Jim Webb is superbly qualified to be Secretary of the Navy given that he has repeatedly demonstrated enormous talent and exceptional leadership ability. His accomplishments include being a much decorated Marine officer during the Vietnam war; the minority counsel for the House Veterans' Affairs Committee; an award winning novelist; and Assistant Secretary of Defense for Reserve Affairs.

Mr. President, Jim was no late bloomer. When he graduated from the U.S. Naval Academy in 1968, he was 1 of only 18 graduates out of his class of 841 Midshipmen to be awarded the Superintendent's Letter of Commendation for outstanding leadership contributions.

Commissioned in the Marine Corps, he was the honor graduate of his class of 243 members at the Marine Officers Basic School. After basic school, he was immediately assigned to Vietnam where he served as a rifle platoon and company commander. In Vietnam he was one of the Marine Corps' most highly decorated marines, receiving the Navy Cross, the Silver Star, two Bronze Star Medals for Valor, and two Purple Hearts.

Mr. President, as you know, the Navy Cross is second only to the Congressional Medal of Honor in recognizing valor in combat. Although I know Jim is very reluctant to talk about what he did to earn the Navy Cross, I believe it would be useful to briefly describe the circumstances that led to that award in order to give my colleagues and the guests here today some insight as to the personal character of Jim Webb.

On July 10, 1969, Jim was leading his platoon on a combat patrol when the platoon suddenly became involved in a major fire fight with the enemy. The

Vietnamese were attacking from bunkers and spider holes using hand grenades and automatic weapons. When an enemy grenade landed dangerously close to a companion, First Lieutenant Webb immediately pushed the marine away from the grenade and shielded him from the explosion with his own body. Although he sustained serious fragmentation wounds, Lieutenant Webb continued to lead his platoon until the enemy was defeated. For this heroic, unselfish action, he was awarded both the Navy Cross and the first of his two Purple Hearts.

Leaving the Marine Corps after the war, primarily because of the wounds he had suffered, Jim entered Georgetown Law Center and ultimately received his law degree in 1975. It was during law school that he began writing seriously, and there completed his first book "Micronesia and U.S. Pacific Strategy."

Jim published his first novel, "Fields of Fire," the best selling, and I would say classic, novel of the Vietnam War, in 1978. "Fields of Fire" was nominated for a Pulitzer Prize and was a finalist in the Hemingway competition for outstanding first novel. His second book, "A Sense of Honor," a story about the Naval Academy, was published in 1981. His latest novel, "A Country Such as This," a saga of America during the years 1951-76, was published in 1983; it too was nominated for a Pulitzer Prize, and also for the Pen/Faulkner Award.

During this same period Jim began his government service as a civilian. He served as both assistant minority counsel and as minority counsel for the House Veterans' Affairs Committee. In 1979 he became the first "visiting writer" at the Naval Academy where he taught literature and lectured frequently on leadership and the role of the military in U.S. society.

Following his stint at Annapolis, Jim served in the Pentagon as the First Assistant Secretary of Defense for Reserve Affairs from 1984 to early 1987; he just left that position in February.

Obviously, Mr. President, Jim Webb has clearly demonstrated the ability to meet and conquer a variety of challenges. However, as Secretary of the Navy, the Secretary for both the Navy and the Marine Corps, he may well face one of his toughest assignments.

As this body is well aware, the Navy is in the midst of expanding to 600 ships, introducing new and sophisticated equipment, and opening new bases. In a period of lower defense budgets the Department of the Navy's major challenge will be to maintain the current high combat readiness of both the Navy and the Marine Corps while finding the resources to continue the modernization program.

Once again, I believe Jim will be equal to the challenge, but, Mr. President, I must express one notable concern.

I understand from Jim's dad, James Webb, Sr., who is a retired Air Force officer, that he strongly supports Jim's efforts to be Secretary of the Navy. The problem here is that for the first time Jim, Sr., finally agrees with what Jim, Jr., wants to do.

When Jim wanted to join the Marine Corps his dad was against it, urging Jim to join a service that wasn't required to live on the ground and fight from ditches.

When Jim wanted to be a lawyer, his dad reminded him that lawyers were a dime a dozen—why didn't Jim pursue a real career?

When Jim wanted to be a novelist his dad warned him that most writers end up penniless and hungry—that surely he could find a more promising career.

The fact that Jim's dad finally agrees with a major decision that his son has made has prompted his dad to warn him that he better approach this latest endeavor with extreme caution.

Mr. President, for once I believe Jim will follow his Dad's advice, and I feel that he will make a superb Secretary of the Navy. I strongly support this nomination, as do all of my colleagues on the Armed Services Committee. I urge my other colleagues in the Senate to do the same.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, I rise today to express my support for the nomination of James H. Webb, Jr., to be Secretary of the Navy.

Last month I wrote to members of the Armed Services Committee asking them to question Mr. Webb about his attitude toward women in the Naval Academy. I thank Chairman Nunn, Senator Levin, Senator Gore, Senator Cohen, and Senator Kennedy for responding to my request.

I have received Mr. Webb's testimony and I have studied it carefully. Mr. Webb is a man of his word. He gave significant assurances that as Secretary of the Navy he would carry out the letter and spirit of the law about women in the Naval Academy. I feel confident he will do just that, and I feel confident he will be an outstanding Secretary of the Navy.

There is much about Mr. Webb that I admire. His record of service to his country is outstanding: as a soldier, a writer, and teacher, and most recently as Assistant Secretary of Defense for Reserve Affairs. He is a soldier's soldier—someone whose understanding of military service, and of the men and women who serve, was forged on the fields of battle. As such, he would bring to the Office of Secretary of the Navy an invaluable perspective.

I will vote to confirm Mr. Webb as the 66th Secretary of the Navy. He is a man of exceptional leadership capabilities. I look forward to working with him to strengthen the security of this great Nation.

The **PRESIDING OFFICER.** Is there further debate on the nomination?

Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move that the Senate reconsider the vote by which the nomination was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AGRICULTURAL AID AND TRADE MISSIONS ACT

Mr. BYRD. I guess I have one remaining item. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 77.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 659) to establish agricultural aid and trade missions to assist foreign countries to participate in United States agricultural aid and trade programs, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Agricultural Aid and Trade Missions Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

Sec. 101. Definitions.
Sec. 102. Agricultural aid and trade missions.
Sec. 103. Eligible countries.
Sec. 104. Functions.
Sec. 105. Mission reports.
Sec. 106. Progress reports.
Sec. 107. Use of Commodity Credit Corporation.

TITLE II—AMENDMENTS TO PUBLIC LAW 480

Sec. 201. Level of sales for foreign currency.

Sec. 202. Terms and conditions of agreements with friendly countries and organizations.
Sec. 203. Criteria of self-help measures.
Sec. 204. Use of cooperatives to furnish commodities.
Sec. 205. Limitation on use of foreign currencies.
Sec. 206. Reports on sales and barter and use of foreign currency proceeds.
Sec. 207. Use of foreign currency proceeds.
Sec. 208. Periods for review and comment.
TITLE III—AMENDMENTS TO SECTION 416
Sec. 301. Eligible commodities.
Sec. 302. Availability of commodities.
Sec. 303. Multiyear agreements.
Sec. 304. Foreign currency use and allocation requirements.
Sec. 305. Periods for review and comment.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Authorized personnel level for the Foreign Agricultural Service.
Sec. 402. Contract authority for individuals abroad.
Sec. 403. Multiyear agreements under the food for progress program.
Sec. 404. Report on intermediate export credit.

SEC. 2. FINDINGS.

Congress finds that—

(1) United States agricultural exports declined by more than 37 percent since 1981, from $43.8 billion per year to $27.5 billion per year;

(2) the United States' market share of agricultural commodities and products has dropped worldwide by 28 percent during the last 5 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of $1 billion in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms, and the economic well-being of rural America;

(6) in order to reverse the decline of agricultural exports and improve prices for the farmers and ranchers of the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including such programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(7) greater use should be made by the Secretary of Agriculture of the authority established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a et seq.) to provide intermediate credit financing for the establishment of facilities in importing countries—

(A) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) to increase livestock production in order to enhance the demand for United States feed grains;

(8) food aid and export assistance programs can stimulate economic activity in developing countries and, as incomes improve, diets improve and the demand for and ability to purchase food increases;

(9) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs;

(10) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives can—

(A) provide communities with health care, credit systems, and tools for development; and

(B) establish the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products; and

(11) greater support by the United States government for the development activities of private voluntary organizations and cooperatives is in the interest of the United States and our farmers and ranchers.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) ELIGIBLE COUNTRY.—The term "eligible country" means a country that is eligible under section 103(a).

(3) MISSION.—The term "mission" means an agricultural aid and trade mission established under section 102.

(4) UNITED STATES AGRICULTURAL AID AND TRADE PROGRAMS.—The term "United States agricultural aid and trade programs" includes—

(A) programs established under titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.);

(B) the program established under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) the agricultural export enhancement program established under section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v);

(D) the dairy export incentive program established under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) the export credit guarantee program (GSM-102) established under section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

(F) the intermediate export credit guarantee program (GSM-103) established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b));

(G) the food for progress program established under section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o); and

(H) other agricultural aid and trade programs authorized by the Food Security Act of 1985 (Public Law 99-198), by the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or by other applicable authorities.

SEC. 102. AGRICULTURAL AID AND TRADE MISSIONS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, under the direction of the Secretary of Agriculture, the Secretary of Agriculture, the Secretary of State, the Administrator, and the President of the Overseas Private Investment Corporation shall establish agricultural aid and trade missions to eligible countries to encourage the countries to participate in those United States agricultural aid and trade programs for which they are eligible in accordance with section 104.

(b) COMPOSITION.—A mission established in an eligible country shall be composed, under the direction of the Secretary of Agriculture, of—

(1) representatives of the Department of Agriculture, the Department of State, the Agency for International Development, and the Overseas Private Investment Corporation, appointed by the Secretary of Agriculture, Secretary of State, Administrator, and President of the Corporation, respectively; and

(2) not less than 3, nor more than 6, representatives of market development cooperators, private voluntary organizations, and cooperatives, appointed jointly by the Secretary of Agriculture, Secretary of State, Administrator, and President of the Corporation,

who are knowledgeable about food aid and agriculture export programs, as well as the food needs, trade potential, and economy of the eligible country.

(c) TERMS.—The term of a member of a mission shall terminate on submission of the report of the mission required under section 105.

(d) COMPENSATION AND TRAVEL EXPENSES.—A member of a mission shall serve without compensation, if not otherwise an officer or employee of the United States, except that a member shall, while away from the home or regular place of business of the member in the performance of service under this title, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

SEC. 103. ELIGIBLE COUNTRIES.

(a) CRITERIA.—

(1) INDIVIDUAL COUNTRIES.—Subject to paragraph (2) and subsection (b), a mission shall be established to a foreign country selected by the Secretary of Agriculture if—

(A) the country is eligible for participation in United States agricultural aid and trade programs and such participation would be mutually advantageous to the country and the United States; and

(B) the country is friendly to the United States.

(2) MULTIPLE COUNTRIES.—In selecting countries for missions under this section, the Secretary shall—

(A) select countries that are in various stages of development and have various income levels; and

(B) consider—

(i) past participation in United States food programs;

(ii) experience with United States agricultural aid and trade programs; and

(iii) import market potential.

(b) INITIAL COUNTRIES.—A mission shall be established and completed—

(1) not later than 6 months after the date of enactment of this Act, in 8 eligible countries selected by the Secretary of Agriculture; and

(2) not later than 1 year after the date of enactment of this Act, in 8 additional eligible countries selected by the Secretary of Agriculture.

(c) ADDITIONAL COUNTRIES.—Additional missions may be established by the Secretary of Agriculture.

SEC. 104. FUNCTIONS.

The members of a mission to an eligible country shall—

(1) meet with representatives of government agencies of the United States and the eligible country, as well as commodity boards, private enterprises, international organizations, private voluntary organizations, and cooperatives that operate in the eligible country, to assist in planning the extent to which United States agricultural aid and trade programs could be used in a

mutually beneficial manner to meet the food and economic needs of the country;

(2) provide technical expertise and information to representatives of government agencies of the United States and the eligible country and private organizations with respect to United States agricultural aid and trade programs and agricultural commodities and other assistance available to the eligible country under such programs; and

(3) assist in obtaining firm commitments for—

(A) proposals for food aid programs; and

(B) agreements for commodity sales.

SEC. 105. MISSION REPORTS.

Not later than 60 days after the completion of a mission under section 103, the mission shall submit a report that contains the findings and recommendations of the mission in carrying out this title to—

(1) the President;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(5) the Committee on Foreign Relations of the Senate;

(6) the Secretary of Agriculture;

(7) the Secretary of State;

(8) the Administrator; and

(9) the President of the Overseas Private Investment Corporation.

SEC. 106. PROGRESS REPORTS.

During the 2-year period beginning 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Administrator shall jointly submit a quarterly report on progress made in implementing the recommendations of the missions reported under section 105, including the quantity and dollar value of commodities shipped to eligible countries and the specific development programs undertaken in accordance with this title, to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(4) the Committee on Foreign Relations of the Senate.

SEC. 107. USE OF COMMODITY CREDIT CORPORATION.

Within the funds made available to the Commodity Credit Corporation, the Secretary of Agriculture shall use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out this title during a fiscal year.

TITLE II—AMENDMENTS TO PUBLIC LAW 480

SEC. 201. LEVEL OF SALES FOR FOREIGN CURRENCY.

Section 101(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701(b)) is amended—

(1) in paragraph (1), by adding at the end thereof the following new sentence: "For each of the fiscal years 1988 through 1990, each agreement entered into under this title shall provide for some sale for foreign currencies for use under section 108, except for agreements with a country the President determines is incapable of participating in section 108."; and

(2) in paragraph (2), by inserting ", or enter into sales agreements not providing for sales for foreign currencies for use under section 108," after "currencies".

SEC. 202. TERMS AND CONDITIONS OF AGREEMENTS WITH FRIENDLY COUNTRIES AND ORGANIZATIONS.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) by striking out "and" at the end of subsection (p);

(2) by striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subsection:

"(r) give favorable consideration in the allocation of commodities under this title to countries promoting the private sector through the use of section 108.".

SEC. 203. CRITERIA OF SELF-HELP MEASURES.

The first sentence of section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1709(a)) is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) promoting the conservation and study of biological diversity.".

SEC. 204. USE OF COOPERATIVES TO FURNISH COMMODITIES.

The third sentence of section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722(a)) is amended by inserting "or cooperatives" after "voluntary agencies".

SEC. 205. LIMITATION ON USE OF FOREIGN CURRENCIES.

Section 206 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726) is amended by inserting after "extraordinary relief requirements," the following: "or for nonemergency programs conducted by nonprofit voluntary agencies or cooperatives,".

SEC. 206. REPORTS ON SALES AND BARTER AND USE OF FOREIGN CURRENCY PROCEEDS.

Section 206 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726) (as amended by section 205 of this Act) is further amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Not later than February 15, 1988, and annually thereafter, the President shall report to the Congress on sales and barter, and use of foreign currency proceeds, under this section and section 207 during the preceding fiscal year. Such report shall include information on—

"(1) the quantity of commodities furnished for such sale or barter;

"(2) the amount of funds (including dollar equivalents for foreign currencies) and value of services generated from such sales and barter in such fiscal year;

"(3) how such funds and services were used;

"(4) the amount of foreign currency proceeds that were used under agreements under this section and section 207 in such fiscal year, and the percentage of the quantity of all commodities and products furnished under this section and section 207 in such fiscal year such use represented;

"(5) the President's best estimate of the amount of foreign currency proceeds that will be used, under agreements under this section and section 207, in the then current fiscal year and the next following fiscal year (if all requests for such use are agreed to), and the percentage that such estimated use represents of the quantity of all commodities and products that the President estimates will be furnished under this section and section 207 in each such fiscal year;

"(6) the effectiveness of such sales, barter, and use during such fiscal year in facilitating the distribution of commodities and products under this section and section 207;

"(7) the extent to which such sales, barter, or uses—

"(A) displace or interfere with commercial sales of United States agricultural commodities and products that otherwise would be made;

"(B) affect usual marketings of the United States;

"(C) disrupt world prices of agricultural commodities or normal patterns of trade with friendly countries; or

"(D) discourage local production and marketing of agricultural commodities in the countries in which commodities and products are distributed under this subsection; and

"(8) the President's recommendations, if any, for changes to improve the conduct of sales, barter, or use activities under this section and section 207.".

SEC. 207. USE OF FOREIGN CURRENCY PROCEEDS.

Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a), by inserting "or cooperative" after "agency";

(2) in subsection (b), by striking out "5 percent" and inserting in lieu thereof "10 percent"; and

(3) by adding at the end thereof the following new subsection:

"(c) Foreign currencies generated from any partial or full sales or barter of commodities by a nonprofit voluntary agency or cooperative shall be used—

"(1) to transport, distribute, and otherwise enhance the effectiveness of the use of commodities and products donated under this title; and

"(2) to implement income generating, community development, health, nutrition, cooperative development, agricultural programs, and other developmental activities.".

SEC. 208. PERIODS FOR REVIEW AND COMMENT.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 208. (a) Not later than 45 days after submission to the Agency for International Development office in Washington, D.C., the President shall take final action on a proposal submitted by a nonprofit voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(b) Not later than 30 days prior to the issuance of a final guideline issued to carry out this title, the President shall—

"(1) provide notice of the proposed guideline to nonprofit voluntary agencies and cooperatives that participate in programs under this title, and other interested persons, that the proposed guideline is available for review and comment;

"(2) make the proposed guideline available, on request, to any nonprofit voluntary agency, cooperative, and person; and

"(3) take any comments received into consideration before the issuance of the final guideline.

"(c) Not later than 15 days after receipt of a call forward from a field mission for com-

modities or products that meets the requirements of this title, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.".

TITLE III—AMENDMENTS TO SECTION 416

SEC. 301. ELIGIBLE COMMODITIES.

Section 416(b)(2)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(2)(A)) is amended—

(1) by striking out "grains," and inserting in lieu thereof "wheat, rice, feed grains,"; and

(2) by inserting ", and the products thereof," after "price support operations".

SEC. 302. AVAILABILITY OF COMMODITIES.

Section 416(b)(3) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(3)) is amended by adding at the end thereof the following new subparagraph:

"(D) If eligible commodities are made available under this section to a friendly country, nonprofit and voluntary agencies and cooperatives shall also be eligible to receive commodities for food aid programs in the country.".

SEC. 303. MULTIYEAR AGREEMENTS.

Section 416(b)(4) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(4)) is amended by adding at the end thereof the following new sentence: "In agreements with recipients of eligible commodities under this section (including nonprofit and voluntary agencies or cooperatives), the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements meet the requirements of this section.".

SEC. 304. FOREIGN CURRENCY USE AND ALLOCATION REQUIREMENTS.

(a) FOREIGN CURRENCY USES.—Clause (ii) of section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended to read as follows:

"(ii) Foreign currencies generated from partial or full sales or barter of commodities by a nonprofit and voluntary agency or cooperative shall be used—

"(I) to transport, distribute, and otherwise enhance the effectiveness of the use of commodities and products donated under this section; and

"(II) to implement income generating, community development, health, nutrition, cooperative development, agricultural programs, and other developmental activities.".

(b) ALLOCATION REQUIREMENTS.—Section 416(b)(7)(D)(iii) of such Act is amended—

(1) by striking out "5 percent" and inserting in lieu thereof "10 percent";

(2) by inserting ", or the minimum tonnage required, whichever is greater," after "furnished".

SEC. 305. PERIODS FOR REVIEW AND COMMENT.

Section 416(b)(8) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)) is amended by adding at the end thereof the following new subparagraph:

"(C)(i) Not later than 45 days after submission to the Agency for International Development office in Washington, D.C., the Secretary shall take final action on a proposal submitted by a nonprofit and voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(ii) Not later than 30 days prior to the issuance of a final guideline issued to carry out this section, the Secretary shall—

"(I) provide notice of the proposed guideline to nonprofit and voluntary agencies and cooperatives that participate in programs under this section, and other interested persons, that the proposed guideline is available for review and comment;

"(II) make the proposed guideline available, on request, to any nonprofit and voluntary agency, cooperative, and person; and

"(III) take any comments received into consideration before the issuance of the final guideline.

"(iii) Not later than 15 days after receipt of a call forward from a field mission for commodities or products that meets the requirements of this section, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZED PERSONNEL LEVEL FOR THE FOREIGN AGRICULTURAL SERVICE.

To ensure that the various agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Foreign Agricultural Service shall not be less than 850 full-time employees during each of the fiscal years ending September 30, 1987, through September 30, 1989.

SEC. 402. CONTRACT AUTHORITY FOR INDIVIDUALS ABROAD.

(a) AUTHORITY.—The Secretary of Agriculture may contract with individuals for personal services to be performed outside the United States as the Secretary determines necessary or appropriate for carrying out programs and activities to maintain, develop, or enhance export markets for United States agricultural commodities and the products thereof.

(b) NONFEDERAL EMPLOYEES.—The individuals referred to in subsection (a) shall not be regarded as officers or employees of the United States Government under any law, including any law administered by the Office of Personnel Management.

SEC. 403. MULTIYEAR AGREEMENTS UNDER THE FOOD FOR PROGRESS PROGRAM.

Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) In carrying out this section, the President shall, on request, approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements meet the requirements of this section.".

SEC. 404. REPORT ON INTERMEDIATE EXPORT CREDIT.

Not later than December 31, 1987, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the use of authority provided under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707(b)) to provide intermediate credit financing for the establishment of facilities in importing countries—

(1) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities;

(2) to increase livestock production in order to enhance the demand for United States feed grains; and

(3) to increase markets for United States livestock and livestock products.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. MELCHER. Mr. President, we have just completed passing the homeless bill, which contains some additional surplus commodity availability for those who are hungry in this country. We have done something about converting the surplus commodities we have in the United States to help the hungry have better nutrition. The bill now before us is another bill of that type but it addresses countries abroad. Our exports are down considerably, about 40 percent from 1981. This bill seeks to correct that. The 1985 farm bill has a broad variety of food assistance programs in it for countries abroad, to help them in their need of food and to develop trade. Somehow it has not been working because the drop in exports of agricultural commodities continues to plague us.

This bill will correct that by recognizing that we need to know exactly what are the needs of developing countries with which we trade and have good relationships. We set up in the bill trade missions, those representing both the State Department and the Agriculture Department, but also the private sector who will visit in the foreign countries and discuss with them their actual food needs. In addition, within the trade mission will be representatives from the private voluntary organizations and cooperatives. In discussions with their counterparts in friendly developing foreign countries that are short of food, they will find what types of programs we have available to utilize our surplus commodities.

The bill will in short accomplish three results: by reducing the surplus in wheat, corn, and other feedgrains, soybeans and other commodities in the United States that we already own and have in Federal storage, it will assist in a better price for American farmers.

It will also mean that we are providing the food needs to help our friends abroad.

Third, we get a benefit from it in that we over the long-term develop lasting trade opportunities.

Mr. President, my friends on the other side, particularly those on the Agriculture Committee of the Senate, have worked long and hard along with the rest of us on the majority side to develop this bill and I am delighted it will be passed tonight.

Mr. DOLE. Mr. President, we have no objection. We think it is a good bill.

Mr. MELCHER. I very much appreciate that.

Mr. LEAHY. Mr. President, I am happy to join with my distinguished colleague, Senator MELCHER, in support of S. 659, the Agricultural Aid and Trade Missions Act. This bill, which I should stress had full bipartisan support in the committee, is designed to provide a comprehensive approach toward expansion of our agricultural exports and markets. It does so through establishment of a series of agricultural aid and trade missions, greater participation of nonprofit voluntary agencies and cooperatives, increased use of foreign currency proceeds by the voluntary agencies and cooperatives for development purposes, and the expediting of voluntary agency and cooperative activities under title 2 of Public Law 480 and under section 416 of the Agricultural Act of 1949.

Mr. President, we are all aware of the severe drop in U.S. agricultural exports. They have declined 37 percent since 1981, from over $43 billion to just over $26 billion in 1986. This precipitous drop has resulted in the loss of hundreds of thousands of agricultural and related nonagricultural jobs, a loss that this country simply cannot afford.

It is useful to look back at some of the underlying causes of the huge increase of world grain exports during the 1970's and the fact that the United States was able to capture 80 percent of this increase.

First, developing countries grew rapidly, averaging about 5.5 to 6.0 percent annual growth rates. Rapid growth of per capita income and the increasing availability of foreign exchange enabled the developing countries to increase substantially their agricultural imports.

Second, the U.S. foreign exchange rate was favorable.

Third, the so-called centrally planned economies increased in a major way their purchase of U.S. food and feed grains.

Since 1981 a number of factors affected the world grain trade and particulary the U.S. share of that trade:

The rate of economic growth by developing countries in the early 1980's dropped to nearly half of the 1973-79 average. Furthermore developing countries had to use more of their foreign exchange for mounting debt service; less was available to buy U.S. agricultural commodities.

The strengthening U.S. dollar resulted in the need for more foreign exchange to buy the same amount of U.S. agricultural commodities.

The centrally planned economies substantially reduced imports of feedgrains.

Crop production among industrialized nations increased substantially, the prime example being the heavily subsidized production of the European Economic Community. At the same time food production of the developing countries did not even keep pace with population growth.

Mr. President, the Congress has not been idle in the face of our declining agricultural exports and the adverse impact it has had on our farmers, agricultural related businesses and the economy in general. A variety of tools have been designed to assist in the aggressive promotion of agricultural commodities and products.

The Food Security Act of 1985 contains a number of provisions designed to meet subsidized competition, develop new markets, and provide food assistance to developing countries. It includes reauthorizing such long standing export assistance programs as Public Law 480 (Food for Peace) and establishing new efforts such as the Targeted Export Assistance Program, which provides funding or commodities to help U.S. producers finance promotional activities for U.S. agricultural products disadvantaged by the unfair trade policies of competitor nations.

The law also provides continued support for several export assistance programs such as short term export credit guarantees (GSM-102) and the Export Enhancement Program, which enables U.S. exporters to meet competition from other subsidizing countries, especially the European Community. The law provides for an intermediate Credit Guarantee Program (GSM-103), a new Export Assistance Program to promote the export of meat and dairy animals, as well as a Pilot Barter Program. Finally the law adds an important new local currency initiative to promote the development of the private sector in developing countries (Section 108 of Public Law 480), adds another new program, Food for Progress, designed to encourage agricultural reform and adds major amendments to section 416 of the Agriculture Act of 1949.

You may well ask, Mr. President, with this arsenal available why the committee believed new legislation was not only desirable but necessary. The answer is that while some progress has been made, the committee was not satisfied that the job was getting done. That is why we believe that the aid and trade missions proposed in this bill are critical to sensitizing our own people in embassies and missions abroad as to the possibilities for increasing agricultural exports, as well as to promote economic development.

What we are really looking for here is not another study or mere discussions; we are looking for results, specifically that these missions will bring home commitments for firm proposals or agreements to implement these programs.

Mr. President, one of the best assets we have in implementing food aid programs abroad is the number of U.S. nonprofit voluntary agencies and cooperatives working overseas who have had years of experience.

These fine organizations are prepared to expand their operations, but find themselves frequently constrained by unnecessarily restrictive administrative guidelines. The committee believes that greater participation of the voluntary agencies and cooperatives, particularly through increased use of foreign currency proceeds for a broad range of development purposes, will stimulate greater use of U.S. food resources abroad.

The bill provides for expedited procedures in approving both proposals and the shipping of commodities which have already been approved in those proposals. A key element of the bill doubles the amount of commodities that must be sold for local currencies and encourages full as well as partial sales of commodities under Public Law 480 and section 416.

Why are those aid and trade missions being sent to the developing countries? The answer is simple: The developing countries have replaced the industrialized countries as our fastest growing markets for agricultural exports. Recently the developing countries share of our exports reached 50 percent. Interestingly enough, development policies that encourage broadly based growth of agricultural production generally result in an even faster growth in demand for agricultural products. As incomes rise in the developing countries, so do food imports, because the poor in these countries tend to spend most of their increased income on improving and diversifying their diets.

It is important to recognize, therefore, that we have in place a comprehensive set of tools which are aimed both at development and at increasing export sales. It is this message that we want the aid and trade missions to bring to the countries they visit.

There are other important elements of this bill. It authorizes an increase in the strength of the Foreign Agricultural Service so that it will be better equipped to implement the export programs we have discussed. We would expect that the great majority of these additional positions would be established overseas where they are needed. Finally, the bill adds the very important subject of conservation and study of biological diversity as a self-help measure under Public Law 480 title 1.

Mr. President, the issue of increasing U.S. agricultural exports is a matter of serious concern to all of us. I am pleased to cosponsor this bill and urge its immediate adoption.

I ask unanimous consent that the following letters of support for S. 659 be included in the RECORD.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Association
of Wheat Growers,
Washington, DC, March 16, 1987.

Hon. Patrick J. Leahy,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This is to indicate the National Association of Wheat Growers' support for the "Agricultural Aid and Trade Mission Act" (S. 659) which is scheduled for markup in your Committee on March 18.

The NAWG believes that this legislation represents a strong initiative towards rebuilding markets for U.S. farm commodities and utilizing excess commodity inventories to develop overseas markets and stimulate economic growth.

U.S. agricultural assistance programs were designed to have market development benefits, and the NAWG is convinced that export assistance can be tailored to meet individual country requirements. Moreover, food and export assistance, properly used, can lead to future market expansion which will benefit U.S. agriculture in the near and long term.

The U.S. can benefit in several ways from this approach. Economic activity and employment would increase; the Agriculture Department's Commodity Credit Corporation would realize savings from lower storage and handling costs; and the large amount of commodity inventories that burden U.S. markets would be diminished.

This legislation would also make changes in current law to assist private voluntary organizations in carrying-out overseas development projects; increase the amount of minimum tonnage under Section 416; strenghten USDA's Foreign Agricultural Service; and place much-needed emphasis on the use of intermediate credits in financing infrastructure development in importing countries. These provisions make necessary improvements in existing programs, and they are likewise supported by the NAWG.

We appreciate your interest in our views, and we look forward to the Committee's approval of this legislation.

Sincerely yours,
James W. Miller,
President.

National Milk
Producers Federation,
Arlington, VA, March 17, 1987.

Hon. John Melcher,
U.S. Senator, Washington, DC.

Dear John: The National Milk Producers Federation supports S. 659, the "Agricultural Aid and Trade Missions Act" introduced by yourself and Senators Leahy, Pryor and Daschle.

The establishment of agricultural aid and trade missions to cultivate contacts and knowledge of U.S. programs within foreign countries which wish to participate in the full array of food assistance and trade programs will provide a crucial link which is currently missing.

Certainly the experience of many states and the U.S. Commerce Department demonstrates that a trade mission composed of public and private sector representatives provides an invaluable opportunity to determine the particular needs and goals of other countries and how the United States might best respond and fulfill that demand.

Furthermore, trade missions which include interested parties from both countries with their particular program responsibilities and expertise should foster a comprehensive review of and encourage maximum use of all available U.S. aid programs in contrast to the current piecemeal, program by program approach.

In addition to the establishment of the trade missions, NMPF is appreciative and supportive of the language in S. 659 which clarifies the role of cooperatives under the provisions of both the Agricultural Trade Act of 1954 and Section 416 of the Agricultural Act of 1949. As you are aware, some U.S. agencies' interpretations of cooperatives' involvement in the full range of development activities have been negative and discouraging.

The National Milk Producers Federation appreciates your continuing efforts to improve both our domestic agricultural programs and procedures for enhancing our foreign markets.

Sincerely,
James C. Barr, CAE,
Chief Executive Officer.

National Council
of Farmer Cooperatives,
Washington, DC. March 17, 1987.

Hon. John Melcher,
U.S. Senate, Washington, DC.

Dear Senator Melcher: We would like to take this opportunity to express our support for S. 659, the "Agricultural Aid and Trade Missions Act," which you recently introduced along with Senate Agriculture Committee Chairman Pat Leahy and Senators David Pryor and Tom Daschle.

Enactment of this legislation would serve to strengthen the relationship between the federal government and the private sector, while encouraging related efforts to better meet the commercial and noncommercial food needs of indiviual eligible nations.

In addition, the bill would help ensure that such programs as authorized by Congress are able to be carried-out as intended by authorizing not less than 850 full-time employees for USDA's Foreign Agricultural Service. To the extent that adequate funds are also made available, we believe this would better enable USDA to meet the goals and objectives of S. 659 and other trade-related provisions under existing law as well as those proposed as part of the omnibus trade bill.

For these reasons, we strongly support S. 659 and commend you for your continued leadership and support of American agriculture.

Sincerely,
Wayne A. Boutwell,
President.

Dairymen,
Washington, DC March 17, 1987.

Hon. John Melcher,
U.S. Senate, Washington, DC

Dear Senator Melcher: We are writing to show our support for S. 659, the "Agricultural Aid and Trade Missions Act".

We feel S. 659 is a positive step to a complicated and urgent issue—the continuing erosion of our export markets. The profound effect of that loss have been far-reaching, the loss of jobs, loss of farmer income, and loss of family farms. The damage both real and potential make support of S. 659 very important.

The bill is comprehensive and all aspects of foreign aid and assistance are considered. We would like to see greater utilization of existing programs, greater government and private sector initiatives, an expanded role for cooperatives and private voluntary organizations, and a more inclusive Section 416, all of which are addressed in your bill.

We share in the adverse effects of shrinking export markets, we want to share in the support of a solution.

Very truly yours,
Ben F. Morgan, Jr.,
Chief Executive Officer.

Mr. LUGAR. Mr. President, I rise in support of S. 659, the Agricultural Aid and Trade Missions Act.

The distinguished Senator from Montana brought this legislation before the Committee on Agriculture, Nutrition, and Forestry earlier this year. In March, the committee held two business meetings to discuss the bill and there were numerous consultations between majority and minority staffs on various provisions.

The bill's objective is to increase the sale of U.S. agricultural products overseas and this is certainly a goal which we can all enthusiastically support. The bill also aims to expand agricultural exports and markets through greater participation of private voluntary organizations and cooperatives and this is also commendable.

When the bill came before the committee, however, there were several questions raised on the minority side. I was personally concerned that one provision in the draft legislation could have increased outlays this fiscal year by some $50 million. This was also of concern to the Budget Committee as well.

In addition, we saw the need to strengthen the organization of the trade missions to make them as effective as possible. Finally, the bill expands the use of foreign currencies overseas and we wanted to make sure that this program is closely monitored and efficiently managed.

Mr. President, on the question of cost, the provision in the draft that would have resulted in the largest outlays was removed from the bill. At present, the only outlays authorized this year will be nominal sums for the costs of the trade missions and these are quite reasonable.

As to the organization of the trade missions, the bill clearly states that the missions are under the direction of the Secretary of Agriculture. The bill and the report also provide for monitoring and reporting of the foreign currency program by the Agency for International Development and U.S. missions overseas under existing law.

In addition to the suggestions which I put forward, the distinguished Senator from North Carolina, Senator Helms, and the distinguished Senator from Missouri, Senator Bond, also had suggestions for improvement or amendments to the draft and these were worked out in committee meetings and by staff.

Mr. President, American agricultural exports have suffered in the past few years but some recent statistics from the U.S. Department of Agriculture indicate a brighter picture for 1987. U.S. exports of wheat, grain sorghum, rice, and cotton are exceeding those of last season. While dollar figures for exports are not significantly higher so far this year, this is to be expected because of the dollar's decline relative to other currencies.

USDA predicts the volume of exports to be on the increase in fiscal 1987, about 4 percent over last year. Imports of agricultural products are expected to decline by about 4 percent in value which would mean an increase in our agricultural trade balance for the first time in 3 years.

We cannot expect any sudden or dramatic increase in our farm exports this year or next. World economic growth is modest, about 2.6 percent this year. More countries are producing crops for domestic use and for export. Demand for agricultural products in the 69 least developed nations actually decreased this year and last.

Growth prospects in some developing countries will encourage the purchase of more U.S. agricultural products and it is to these countries that the trade missions will go. After these missions complete their visits, we will analyze the results to see what they have been able to contribute to U.S. food and grain exports.

In closing, Mr. President, I want to congratulate the distinguished Senator from Montana, Senator MELCHER, for his hard work and accomplishment in producing this bill. I would like to thank him personally for his courtesy and consideration in working with Republican Senators and staff on this legislation which received unanimous approval in the committee. I encourage my Senate colleagues to support S. 659.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Aid and Trade Missions Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

Sec. 101. Definitions.
Sec. 102. Agricultural aid and trade missions.
Sec. 103. Eligible countries.
Sec. 104. Functions.
Sec. 105. Mission reports.
Sec. 106. Progress reports.
Sec. 107. Use of Commodity Credit Corporation.

TITLE II—AMENDMENTS TO PUBLIC LAW 480

Sec. 201. Level of sales for foreign currency.
Sec. 202. Terms and conditions of agreements with friendly countries and organizations.
Sec. 203. Criteria of self-help measures.
Sec. 204. Use of cooperatives to furnish commodities.
Sec. 205. Limitation on use of foreign currencies.
Sec. 206. Reports on sales and barter and use of foreign currency proceeds.
Sec. 207. Use of foreign currency proceeds.
Sec. 208. Periods for review and comment.

TITLE III—AMENDMENTS TO SECTION 416

Sec. 301. Eligible commodities.
Sec. 302. Availability of commodities.
Sec. 303. Multiyear agreements.
Sec. 304. Foreign currency use and allocation requirements.
Sec. 305. Periods for review and comment.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorized personnel level for the Foreign Agricultural Service.
Sec. 402. Contract authority for individuals abroad.
Sec. 403. Multiyear agreements under the food for progress program.
Sec. 404. Report on intermediate export credit.

SEC. 2. FINDINGS.

Congress finds that—

(1) United States agricultural exports declined by more than 37 percent since 1981, from $43.8 billion per year to $27.5 billion per year;

(2) the United States' market share of agricultural commodities and products has dropped worldwide by 28 percent during the last 5 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of $1 billion in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms, and the economic well-being of rural America;

(6) in order to reverse the decline of agricultural exports and improve prices for the farmers and ranchers of the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including such programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(7) greater use should be made by the Secretary of Agriculture of the authority established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a et seq.) to provide intermediate credit financing for the establishment of facilities in importing countries—

(A) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) to increase livestock production in order to enhance the demand for United States feed grains;

(8) food aid and export assistance programs can stimulate economic activity in developing countries and, as incomes improve, diets improve and the demand for and ability to purchase food increases;

(9) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs;

(10) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives can—

(A) provide communities with health care, credit systems, and tools for development; and

(B) establish the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products; and

(11) greater support by the United States government for the development activities of private voluntary organizations and cooperatives is in the interest of the United States and our farmers and ranchers.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) ELIGIBLE COUNTRY.—The term "eligible country" means a country that is eligible under section 103(a).

(3) MISSION.—The term "mission" means an agricultural aid and trade mission established under section 102.

(4) UNITED STATES AGRICULTURAL AID AND TRADE PROGRAMS.—The term "United States agricultural aid and trade programs" includes—

(A) programs established under titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.);

(B) the program established under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) the agricultural export enhancement program established under section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v);

(D) the dairy export incentive program established under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14);

(E) the export credit guarantee program (GSM-102) established under section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

(F) the intermediate export credit guarantee program (GSM-103) established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b));

(G) the food for progress program established under section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o); and

(H) other agricultural aid and trade programs authorized by the Food Security Act of 1985 (Public Law 99-198), by the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or by other applicable authorities.

SEC. 102. AGRICULTURAL AID AND TRADE MISSIONS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, under the direction of the Secretary of Agriculture, the Secretary of Agriculture, the Secretary of State, the Administrator, and the President of the Overseas Private Investment Corporation shall establish agricultural aid and trade missions to eligible countries to encourage the countries to participate in those United States agricultural aid and trade programs for which they are eligible in accordance with section 104.

(b) COMPOSITION.—A mission established in an eligible country shall be composed, under the direction of the Secretary of Agriculture, of—

(1) representatives of the Department of Agriculture, the Department of State, the Agency for International Development, and the Overseas Private Investment Corporation, appointed by the Secretary of Agriculture, Secretary of State, Administrator, and President of the Corporation, respectively; and

(2) not less than 3, nor more than 6, representatives of market development cooperators, private voluntary organizations, and cooperatives, appointed jointly by the Secretary of Agriculture, Secretary of State, Administrator, and President of the Corporation,

who are knowledgeable about food aid and agriculture export programs, as well as the food needs, trade potential, and economy of the eligible country.

(c) TERMS.—The term of a member of a mission shall terminate on submission of the report of the mission required under section 105.

(d) COMPENSATION AND TRAVEL EXPENSES.—A member of a mission shall serve without compensation, if not otherwise an officer or employee of the United States, except that a member shall, while away from the home or regular place of business of the member in the performance of service under this title, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

SEC. 103. ELIGIBLE COUNTRIES.

(a) CRITERIA.—

(1) INDIVIDUAL COUNTRIES.—Subject to paragraph (2) and subsection (b), a mission shall be established to a foreign country selected by the Secretary of Agriculture if—

(A) the country is eligible for participation in United States agricultural aid and trade programs and such participation would be mutually advantageous to the country and the United States; and

(B) the country is friendly to the United States.

(2) MULTIPLE COUNTRIES.—In selecting countries for missions under this section, the Secretary shall—

(A) select countries that are in various stages of development and have various income levels; and

(B) consider—

(i) past participation in United States food programs;

(ii) experience with United States agricultural aid and trade programs; and

(iii) import market potential.

(b) INITIAL COUNTRIES.—A mission shall be established and completed—

(1) not later than 6 months after the date of enactment of this Act, in 8 eligible countries selected by the Secretary of Agriculture; and

(2) not later than 1 year after the date of enactment of this Act, in 8 additional eligible countries selected by the Secretary of Agriculture.

(c) ADDITIONAL COUNTRIES.—Additional missions may be established by the Secretary of Agriculture.

SEC. 104. FUNCTIONS.

The members of a mission to an eligible country shall—

(1) meet with representatives of government agencies of the United States and the eligible country, as well as commodity boards, private enterprises, international organizations, private voluntary organizations, and cooperatives that operate in the eligible country, to assist in planning the extent to which United States agricultural aid and trade programs could be used in a mutually beneficial manner to meet the food and economic needs of the country;

(2) provide technical expertise and information to representatives of government agencies of the United States and the eligible country and private organizations with respect to United States agricultural aid and trade programs and agricultural commodities and other assistance available to the eligible country under such programs; and

(3) assist in obtaining firm commitments for—

(A) proposals for food aid programs; and

(B) agreements for commodity sales.

SEC. 105. MISSION REPORTS.

Not later than 60 days after the completion of a mission under section 103, the mission shall submit a report that contains the findings and recommendations of the mission in carrying out this title to—

(1) the President;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(5) the Committee on Foreign Relations of the Senate;

(6) the Secretary of Agriculture;

(7) the Secretary of State;

(8) the Administrator; and

(9) the President of the Overseas Private Investment Corporation.

SEC. 106. PROGRESS REPORTS.

During the 2-year period beginning 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Administrator shall jointly submit a quarterly report on progress made in implementing the recommendations of the missions reported under section 105, including the quantity and dollar value of commodities shipped to eligible countries and the specific development programs undertaken in accordance with this title, to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(4) the Committee on Foreign Relations of the Senate.

SEC. 107. USE OF COMMODITY CREDIT CORPORATION.

Within the funds made available to the Commodity Credit Corporation, the Secretary of Agriculture shall use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out this title during a fiscal year.

TITLE II—AMENDMENTS TO PUBLIC LAW 480

SEC. 201. LEVEL OF SALES FOR FOREIGN CURRENCY.

Section 101(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701(b)) is amended—

(1) in paragraph (1), by adding at the end thereof the following new sentence: "For each of the fiscal years 1988 through 1990, each agreement entered into under this title shall provide for some sale for foreign currencies for use under section 108, except for agreements with a country the President determines is incapable of participating in section 108."; and

(2) in paragraph (2), by inserting ", or enter into sales agreements not providing for sales for foreign currencies for use under section 108," after "currencies".

SEC. 202. TERMS AND CONDITIONS OF AGREEMENTS WITH FRIENDLY COUNTRIES AND ORGANIZATIONS.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) by striking out "and" at the end of subsection (p);

(2) by striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subsection:

"(r) give favorable consideration in the allocation of commodities under this title to countries promoting the private sector through the use of section 108.".

SEC. 203. CRITERIA OF SELF-HELP MEASURES.

The first sentence of section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1709(a)) is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) promoting the conservation and study of biological diversity.".

SEC. 204. USE OF COOPERATIVES TO FURNISH COMMODITIES.

The third sentence of section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722(a)) is amended by inserting "or cooperatives" after "voluntary agencies".

SEC. 205. LIMITATION ON USE OF FOREIGN CURRENCIES.

Section 206 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726) is amended by inserting after "extraordinary relief requirements," the following: "or for nonemergency programs conducted by nonprofit voluntary agencies or cooperatives,".

SEC. 206. REPORTS ON SALES AND BARTER AND USE OF FOREIGN CURRENCY PROCEEDS.

Section 206 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726) (as amended by section 205 of this Act) is further amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Not later than February 15, 1988, and annually thereafter, the President shall report to the Congress on sales and barter, and use of foreign currency proceeds, under this section and section 207 during the preceding fiscal year. Such report shall include information on—

"(1) the quantity of commodities furnished for such sale or barter;

"(2) the amount of funds (including dollar equivalents for foreign currencies) and value of services generated from such sales and barter in such fiscal year;

"(3) how such funds and services were used;

"(4) the amount of foreign currency proceeds that were used under agreements under this section and section 207 in such fiscal year, and the percentage of the quantity of all commodities and products furnished under this section and section 207 in such fiscal year such use represented;

"(5) the President's best estimate of the amount of foreign currency proceeds that will be used, under agreements under this section and section 207, in the then current fiscal year and the next following fiscal year (if all requests for such use are agreed to), and the percentage that such estimated use represents of the quantity of all commodities and products that the President estimates will be furnished under this section and section 207 in each such fiscal year;

"(6) the effectiveness of such sales, barter, and use during such fiscal year in facilitating the distribution of commodities and products under this section and section 207;

"(7) the extent to which such sales, barter, or uses—

"(A) displace or interfere with commercial sales of United States agricultural commodities and products that otherwise would be made;

"(B) affect usual marketings of the United States;

"(C) disrupt world prices of agricultural commodities or normal patterns of trade with friendly countries; or

"(D) discourage local production and marketing of agricultural commodities in the countries in which commodities and products are distributed under this subsection; and

"(8) the President's recommendations, if any, for changes to improve the conduct of sales, barter, or use activities under this section and section 207.".

SEC. 207. USE OF FOREIGN CURRENCY PROCEEDS.

Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a), by inserting "or cooperative" after "agency";

(2) in subsection (b), by striking out "5 percent" and inserting in lieu thereof "10 percent"; and

(3) by adding at the end thereof the following new subsection:

"(c) Foreign currencies generated from any partial or full sales or barter of commodities by a nonprofit voluntary agency or cooperative shall be used—

"(1) to transport, distribute, and otherwise enhance the effectiveness of the use of commodities and products donated under this title; and

"(2) to implement income generating, community development, health, nutrition, cooperative development, agricultural programs, and other developmental activities.".

SEC. 208. PERIODS FOR REVIEW AND COMMENT.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 208. (a) Not later than 45 days after submission to the Agency for International Development office in Washington, D.C., the President shall take final action on a proposal submitted by a nonprofit voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(b) Not later than 30 days prior to the issuance of a final guideline issued to carry out this title, the President shall—

"(1) provide notice of the proposed guideline to nonprofit voluntary agencies and cooperatives that participate in programs under this title, and other interested persons, that the proposed guideline is available for review and comment;

"(2) make the proposed guideline available, on request, to any nonprofit voluntary agency, cooperative, and person; and

"(3) take any comments received into consideration before the issuance of the final guideline.

"(c) Not later than 15 days after receipt of a call forward from a field mission for commodities or products that meets the requirements of this title, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.".

TITLE III—AMENDMENTS TO SECTION 416

SEC. 301. ELIGIBLE COMMODITIES.

Section 416(b)(2)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(2)(A)) is amended—

(1) by striking out "grains," and inserting in lieu thereof "wheat, rice, feed grains,"; and

(2) by inserting ", and the products thereof," after "price support operations".

SEC. 302. AVAILABILITY OF COMMODITIES.

Section 416(b)(3) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(3)) is amended by adding at the end thereof the following new subparagraph:

"(D) If eligible commodities are made available under this section to a friendly country, nonprofit and voluntary agencies and cooperatives shall also be eligible to receive commodities for food aid programs in the country.".

SEC. 303. MULTIYEAR AGREEMENTS.

Section 416(b)(4) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(4)) is amended by adding at the end thereof the following new sentence: "In agreements with recipients of eligible commodities under this section (including nonprofit and voluntary agencies or cooperatives), the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements meet the requirements of this section.".

SEC. 304. FOREIGN CURRENCY USE AND ALLOCATION REQUIREMENTS.

(a) FOREIGN CURRENCY USES.—Clause (ii) of section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended to read as follows:

"(ii) Foreign currencies generated from partial or full sales or barter of commodities by a nonprofit and voluntary agency or cooperative shall be used—

"(I) to transport, distribute, and otherwise enhance the effectiveness of the use of commodities and products donated under this section; and

"(II) to implement income generating, community development, health, nutrition, cooperative development, agricultural programs, and other developmental activities.".

(b) ALLOCATION REQUIREMENTS.—Section 416(b)(7)(D)(iii) of such Act is amended—

(1) by striking out "5 percent" and inserting in lieu thereof "10 percent";

(2) by inserting ", or the minimum tonnage required, whichever is greater," after "furnished".

SEC. 305. PERIODS FOR REVIEW AND COMMENT.

Section 416(b)(8) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)) is amended by adding at the end thereof the following new subparagraph:

"(C)(i) Not later than 45 days after submission to the Agency for International Development office in Washington, D.C., the Secretary shall take final action on a proposal submitted by a nonprofit and voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(ii) Not later than 30 days prior to the issuance of a final guideline issued to carry out this section, the Secretary shall—

"(I) provide notice of the proposed guideline to nonprofit and voluntary agencies and cooperatives that participate in programs under this section, and other interested persons, that the proposed guideline is available for review and comment;

"(II) make the proposed guideline available, on request, to any nonprofit and voluntary agency, cooperative, and person; and

"(III) take any comments received into consideration before the issuance of the final guideline.

"(iii) Not later than 15 days after receipt of a call forward from a field mission for commodities or products that meets the requirements of this section, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZED PERSONNEL LEVEL FOR THE FOREIGN AGRICULTURAL SERVICE.

To ensure that the various agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Foreign Agricultural Service shall not be less than 850 full-time employees during each of the fiscal years ending September 30, 1987, through September 30, 1989.

SEC. 402. CONTRACT AUTHORITY FOR INDIVIDUALS ABROAD.

(a) AUTHORITY.—The Secretary of Agriculture may contract with individuals for personal services to be performed outside the United States as the Secretary determines necessary or appropriate for carrying out programs and activities to maintain, develop, or enhance export markets for United States agricultural commodities and the products thereof.

(b) NONFEDERAL EMPLOYEES.—The individuals referred to in subsection (a) shall not be regarded as officers or employees of the United States Government under any law, including any law administered by the Office of Personnel Management.

SEC. 403. MULTIYEAR AGREEMENTS UNDER THE FOOD FOR PROGRESS PROGRAM.

Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) In carrying out this section, the President shall, on request, approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements meet the requirements of this section.".

SEC. 404. REPORT ON INTERMEDIATE EXPORT CREDIT.

Not later than December 31, 1987, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the use of authority provided under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707(b)) to provide intermediate credit financing for the establishment of facilities in importing countries—

(1) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities;

(2) to increase livestock production in order to enhance the demand for United States feed grains; and

(3) to increase markets for United States livestock and livestock products.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRATULATIONS OF CONGRESS ON 750TH ANNIVERSARY OF BERLIN

Mr. BYRD. Mr. President, I now ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of House Concurrent Resolution 86, that the Senate proceed to its immediate consideration, that it be passed and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOUNT RUSHMORE SOCIETY DEDICATED TO IMPROVEMENTS PROJECT

Mr. PRESSLER. Mr. President, on January 11 of this year, I held a meeting in Rapid City, SD, to discuss a plan to expand and modernize facilities at the Mount Rushmore National Memorial. Our distinguished colleague, Senator DOLE, joined me in discussing this initiative with over 100 South Dakotans. As you know, I have introduced legislation along with Senators DOLE and DASCHLE, regarding the much needed renovations at the monument.

The large number of concerned citizens who joined Senator DOLE and I left quite an impact on us. Their interest in and dedication to the improvements project is tremendous. Many citizens spoke eloquently on the significance and meaning of our national shrine to democracy, and the need for the proposed improvements.

Because of the strong support demonstrated at the meeting, I took the opportunity last week to share with my colleagues the inspirational message given by James Borglum, grandson of Mount Rushmore's great sculptor, Gutzon Borglum. Now, I wish to bring to the attention of my colleagues, statements of other members of the Mount Rushmore Society who spoke at the meeting.

Let me give just a bit of background on those whose statements will be printed in the RECORD today, and who have contributed so much to the spirit of Mount Rushmore over the years. Of course, it is impossible to mention everyone. But I would like to recognize a few.

Ray Aldrich, a prominent Rapid City attorney and the past president of the Mount Rushmore Society, is one of the driving forces behind the improvement proposal. He now serves as head of the society's Committee for Special Improvements at Mount Rushmore, and has dedicated countless hours of time and effort to getting this proposal off the ground. Carolyn Mollers, the current president of the society, is an educator who came to Washington recently to join me in a personal meeting with National Park Service Director, William Penn Mott, Jr., to discuss the proposal. Glenn Barber is the president of Robbins & Stearns Industries in Rapid City. James Borglum, whose statement I shared with my colleagues last week, is the grandson of Mount Rushmore's famous sculptor, Gutzon Borglum. Mary Ellis Borglum Vhay, Gutzon's daughter, also remains very active in fulfilling her father's dream. Charles "Eddie" Clay is the chairman of the famous Mammoth Site in Hot Springs. Kirk Dean is the president of the Norwest Bank in Rapid City. Don Delicate is the immediate past president of the Rushmore Society and former executive of Homestake Mines. Morris Hallock is the past publisher of the Rapid City Guide. Eugene Koevenig is a recently retired Park Service official who has dedicated his life to working at Mount Rushmore. Lloyd Keszler, a long-time secretary of the society, is a past owner of a Rapid City travel agency and has been an active advocate of the tourism industry. Tom Lane is a Rapid City insurance executive and vice chairman of the Rapid City Economic Development Foundation. Chuck Lein is the past president of the University of South Dakota and is now the chief executive officer of Landstrom's Black Hills Gold Jewelry. Doris Sparks McKenna is a long-time activist in the Mount Rushmore Society and a tireless worker on countless community projects. James Nelson is president of the Rushmore Mutual Life Insurance Co., in Rapid City. Richard Schleusener is past president of the South Dakota School of Mines and Technology and the current chairman of the Rapid City Area Chamber of Commerce.

I should also recognize the longstanding contributions of Kay and Charlie Steuerwald, members of the society and current concessionnaires at Mount Rushmore; and Julie Jensen, the tireless director of the Rapid City Convention Center and Visitors Bureau. The Rapid City Journal also must be commended for its community leadership on the Mount Rushmore project. And last, but certainly not least, the entire National Park Service—under the able leadership of Director Mott; Rocky Mountain Regional Director, Lorraine Mintzmyer; and Mount Rushmore Superintendent Dan Wenk—has been most helpful.

Finally, I would like to insert at this point in the RECORD the list of members and officers of the Mount Rushmore Society.

MEMBERS AND OFFICERS OF THE MOUNT RUSHMORE NATIONAL MEMORIAL SOCIETY OF BLACK HILLS

Officers and trustees

Stanley Adelstein, Ray J. Aldrich, W. Ralph Arnold, Glenn Barber, Ethel W. Boland, James Borglum, William Burkett, Fred C. Christopherson, S. Cushman Clark, Charles E. Clay, Hoadley Dean, Kirk E. Dean, Don Delicate, Richard Erickson, and Michael Finnegan.

Joe Foss, Morris Hallock, Lloyd E. Keszler, Beverly Locke, Wallace McCaw, Doris Sparks McKenna, Josef Meier, Carolyn Mollers, Jim Nelson, Mary Olsen, Will D. Robinson, John D. Samuelson, O. Dale Sayler, Richard A. Schleusener, and Kay Riordan Steuerwald.

Members

Stanley Adelstein, Robert J. Albrecht, Ray J. Aldrich, Jerry Lee Allin, Leonard Anderson, W. Ralph Arnold, Glenn Barber, Zella Barber, James G. Bell, Ben Blumenthal, and Florence Bogue.

Ethel W. Boland, John Boland, III, James Borglum, Tom Brokaw, Ron Brue, William A. Burkett, William C. Burkett, Mrs. L.A. Robin Carter, Fred C. Christopherson, S. Cushman Clark, Charles E. Clay, and Chaplain Herbert Cleveland.

Hoadley Dean, Kirk E. Dean, Don Delicate, Dr. William F. Duhamel, James B. Dunn, Richard Erickson, Wally Evans, Clark B. Ewald, Martin P. Farrell, Carolyn Finley, Joseph L. Floyd, and Joe Foss.

Tod Robert Ford, W. H. T. Foster, Hobart H. Gates, Gwen Godfrey, Morris Hallock, Helen Hare, Charles Hathaway, John W. Hauer, Robert Helmer, Allen M. Hermann, Carole Hillard, and Bill Honerkamp.

Everett Howe, Edwin L. Hubbeling, Robert P. Hunt, Bill Hustead, Rick Hustead, Julie Jensen, Dr. Keith T. Johnson, W. W. Jones, Kay Jorgensen, Jim Kelley, Myles Kennedy, and Lloyd F. Keszler.

Rubye Klay, Eugene Koevenig, Thomas E. Lane, Charles W. Laws, Dolores L. Lee, Sharon Lee, Charles D. Lein, Eugene Lindberg, Beverly Locke, Thomas A. Lockhart, Wallace McCaw, and Royal McCracken.

Doris Sparks McKenna, R.W. McKie, Josef Meier, Florence Lowden Miller, Walter Miller, Carolyn Mollers, George Moses, Mary Ellen Murphy, Richard J. Murray, Jim Nelson, Gerhardt Neugebauer, and Evans Nord.

May Olsen, Howard Owens, Dr. Paul Reinke, Mrs. Robert Reynolds, Jack Riordan, Will D. Robinson, Robert Rosenwald, Milo Rypkema, John D. Samuelson, O. Dale Sayler, Richard A. Schleusener, and Harlan A. Schmidt.

David Seefeldt, Milton P. Shaver, Verne Sheppard, Jim Shevling, V.J. Skutt, Rex Allen Smith, Arnold Snortland, Kay Riordan Steuerwald, James W. Swan, Jean Kennedy Swartling, Dr. Charles Thielen, and Clifford Thomas.

Carveth S. Thompson, Leo Toskin, Tower Optical Co, Kay Trucano, Mary Ellis Borglum Vhay, Lloyd E. West, Marguerite White, Janet Case Williams, Allen G. Wilson, Margaret C. Wray, and June Zeitner.

Mr. President, I know there is always a great danger in mentioning individuals' contributions because of the inevitability of leaving many deserving names unmentioned. I know I am guilty of that today, but mention these individuals today to illustrate to my colleagues the tremendous support for the project and the selfless dedication of a great number of people. They have taken time out of their very busy schedules to work for a project in which they believe. So we owe them careful consideration of the Mount Rushmore improvements project proposal.

The Mount Rushmore National Memorial Society of the Black Hills is the private group which originated the improvements proposal. It has been dedicated to working for the best interest of Mount Rushmore for 57 years. The Mount Rushmore Society was first organized in 1930 in the District of Columbia, as a nonprofit corporation to work on the grounds with sculptor Gutzon Borglum and to assist in administering private and public funds for the sculpture.

The society worked at the monument during the years of construction, from 1930 to 1941, when the work on the sculpture ended due to the untimely death of Gutzon Borglum and our entrance into the war. Following the construction period, the society became the first concessionaire at Mount Rushmore. Funds earned from the consessions were used for the construction of buildings, roads, and parking facilities. These funds were used solely for the benefit of the memorial, with the last major construction completed in 1964.

The Rushmore Society has since provided funding for various projects, such as assisting with promotional efforts and providing the films and brochures for visitors at the monument. A few years ago, the society backed Rex Alan Smith, the author of "The Carving of Mount Rushmore," an outstanding book on the history and ideals of Mount Rushmore. During our meeting, both Senator Dole and I were privileged to receive beautiful leather-bound copies of this book from the past president of the Rushmore Society, Donald Delicate, and the author. A reference library is now nearing completion at the foot of Mount Rushmore in a building which was originally used as a residence next to the sculptor's studio.

The statement given by Ray Aldrich perhaps best describes the commitment of this group to the memorial over the years. Let me quote from his statement:

> The Rushmore Society has been aware for many years of the need to modernize and enlarge facilities for visitors at Mount Rushmore. The visitation has more than doubled to around two million persons a year since the last major improvement was made. The needed items are nothing new. Most of them were incorporated into the master plan for the monument put together by the Park Service and published in 1980. The Society simply does not have resources necessary to do the modernization and enlargement program needed to accommodate the millions of visitors to Mount Rushmore.
>
> The Rushmore Society is asking support from the Congress, State of South Dakota, and private foundations, and businesses to help us do this necessary job. The people of the State of South Dakota and the Members of the Rushmore Society cannot do these necessary improvements alone. It must be realized that the visitors to Mount Rushmore alone are greater in number than two and one-half times the entire population of the state. This shrine to democracy is national in scope, and the people of America as a whole should contribute to its maintenance and improvement. The Rushmore Society has raised funds for more than fifty years for the benefit of the monument, and we simply do not have the resources available to do what needs to be done. Hundreds of thousands of dollars have been spent by the Society, including $120,000 from contributions needed in the last two years to provide a new film for showing to the visitors. The improvements at Mount Rushmore through the regular National Park budget have a priority of consideration for sometime in the first twenty-five years of the 21st century. I hope we will not have to wait until Mount Rushmore is in a state of disrepair and obsolescence as was the case with the Statue of Liberty. We hope that the Congress will recognize the necessity and need and will give us the impetus to begin what needs to be done.

Mr. President, I too hope we will not wait until the monument is in a state of disrepair before renovations begin. The commitment of the Mount Rushmore National Memorial Society to the monument is inspirational. This is a very dedicated group of people. The improvements project may be the most difficult task yet tackled, but it must be done. I ask unanimous consent that the statements to which I referred earlier be printed in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

MOUNT RUSHMORE NATIONAL MEMORIAL SOCIETY

The Mount Rushmore National Memorial Society of Black Hills is almost as old as the monument itself. The enabling act for the construction of the monument was passed by Congress in 1925 at which time the construction of heroic figures at Mount Rushmore was approved but provided no funds for the purpose. In 1927 the South Dakota State Legislature gave authority of the State for the monument to the Mount Harney Memorial Association of the Black Hills. This again was without appropriation.

Doane Robinson, state-historian for South Dakota was the motivating force for the construction of the monument at Mount Rushmore. He first contacted Gutzon Borglum in 1924 with the idea that Robinson had for a carving of heroic western figures in the Black Hills, and after negotiations with Borglum, the concept was changed to the four presidents. Borglum was busy with the Confederate Memorial on Stone Mountain in Georgia, and it was not until 1927 that anything came of the carving in the Black Hills. Borglum visited the Black Hills in 1927 at the request of Robinson and the Mount Harney Association to determine the feasibility of carving the monument. He received an enthusiastic welcome in the Black Hills, but the state government and the press and other parts of the state were generally in opposition.

President Calvin Coolidge became interested in the monument in 1927 and he appointed the first Mount Rushmore National Memorial Commission authorized by Congress in the same year. The Commission was headed by Joseph Cullinan who was a financier and Chairman of Texaco Corporation in Houston, Texas. The other eleven members of the Commission were principally national figures in finance and industry. This was done particularly to raise funds for the memorial. The only local individuals named to the Commission at that time where John Boland from Rapid City and Congressman William Williamson from South Dakota. Williamson and Senator Peter Norbeck from South Dakota took the lead with promotion and legislation which eventually made the Mount Rushmore National Memorial a reality rather than a dream.

In 1929 Congress appropriated funds for the construction of the monument. It soon became apparent that the Mount Rushmore National Commission could not function effectively since the Commission had no one on the grounds at Mount Rushmore to work with the sculptor and to handle finances appropriated and solicited.

Joseph Cullinan conceived the idea that another organization was required to work with the sculptor on the mountain and to handle the fund-raising and practical aspects for the construction of the monument. Cullinan and others incorporated a nonprofit corporation called the Mount Rushmore National Memorial Society of Black Hills in the District of Columbia in 1930. From the trustees of the corporation, an Executive Committee of the Society was directed to do all the many things required to keep the work underway.

Representative William Williamson guided the Society through appropriation and solicitation problems, and John Boland was the businessman who worked with the sculptor at Mount Rushmore.

Appropriated funds were totally inadequate and it soon became the function of the Commission to raise additional funds. Many of the Commission members and other interested people who had funds made contributions and these were enough with the appropriation to get the construction of the monument underway.

The economic crash of 1929 and the following depression ended a great deal of support for the construction of the memorial. The Rushmore Society found it necessary to embark on fund-raising even to the point of having penny collections in the schools throughout South Dakota and the area. Somehow funds were put together to continue the work. Much of the friction between the Society and Gutzon Borglum arose from the continuing shortage of funds to do the work that the sculptor envisioned and demanded.

Construction was finished for the most part in 1941 when Borglum died. His son, Lincoln, completed the monument. World War II had started and there was little emphasis or interest in doing anything further at the monument. The monument was open for public viewing and increasing crowds came to see it.

The Mount Rushmore National Memorial Society was the first concessionaire at Mount Rushmore and with funds earned from the concession, undertook to construct some of the buildings, roadways, parking and other facilities at the mountain. The funds from this Society were used solely for the benefit of the memorial, and the last major items of construction were completed in 1964. There have been no further items of major construction since that time. The Rushmore Society has provided funds from that time to the present for some projects such as providing the films which have been used through the years for showing to visitors; assisting with advertising projects and providing minor amounts of funds for needed activities at the mountain. We are just completing a reference library at the foot of Mount Rushmore which was originally used as a residence next to the sculptor's studio. Brochures are printed periodically for distribution to visitors at the mountain and funds are provided for nonbudget items necessary and expedient by the National Park Service at Mount Rushmore. A few years ago the Society backed Rex Alan Smith who is the author of "The Carving of Mount Rushmore."

The Rushmore Society has been aware for many years of the need to modernize and enlarge facilities for visitors at Mount Rushmore. The visitation has more than doubled to around two million persons a year since the last major improvement was made. The needed items are nothing new. Most of them were incorporated into the master plan for the monument, put together by the Park Service and published in 1980. The society simply does not have resources necessary to do the modernization and enlargement program needed to accommodate the millions of visitors to Mount Rushmore.

The Rushmore Society is asking support from the Congress, State of South Dakota, and private foundations, and businesses to help us do this necessary job. The people of the State of South Dakota and the members of the Rushmore Society cannot do these necessary improvements alone. It must be realized that the visitors to Mount Rushmore alone are greater in number than two and one-half times the entire population of the state. This the shrine of democracy is national in scope, and the people of America as a whole should contribute to its maintenance and improvement. The Rushmore Society has raised funds for more than fifty years for the benefit of the monument, and we simply do not have the resources available to do what needs to be done. Hundreds of thousands of dollars have been spent by the Society including $120,000.00 from contributions needed in the last two years to provide a new film for showing to the visitors. The improvements at Mount Rushmore through the regular National Park budget have a priority of consideration for sometime in the first twenty-five years of the 21st century. I hope we will not have to wait until Mount Rushmore is in a state of disrepair and obsolescence as was the case with the Statue of Liberty. We hope that the Congress will recognize the necessity and need and will give us the impetus to begin what needs to be done.—Ray J. Aldrich, Committee Chairman.

Rapid City, SD, *January 11, 1987.*

Dear Senator Pressler: A country needs symbols. We need places where people may be still and ponder the meaning of democracy and the American experience. I submit that Mount Rushmore is uniquely qualified as one of these symbols in a special place.

It is located in the geographic center of America surrounded by natural beauty. Its sculptor was a Danish immigrant. The carved figures represent special qualities that Americans prize—the courage and foresight of Washington, the intelligence and creativity of Jefferson, the compassion and sacrifice of Lincoln and the vitality and action of Roosevelt. Who cannot come to this place and look upon those figures without a stirring of spirit?

Throughout history Americans have encouraged and applauded dreams, visions and possibilities. Consider the man who looked at a bare mountain and said, in essence, I think I'll carve out the likenesses of four great leaders of this country I love. That's American vision and spirit.

Consider the hundreds of school children in the 1930's who saved pennies to help Borglum's dream become a reality. That's America.

For nearly fifty years millions of Americans have traveled to this place. Surrounded by the beauty of the Black Hills they have gazed upon the monumental carvings. One can only guess their thoughts and somehow feel the stirrings of their hearts. Americans yearn for reassurance of our greatness and for restoration of our spirit.

Last Fourth of July people intent on celebrating our national holiday at Mount Rushmore had to park in obscure corners and on embankments halfway down the mountain. In the amphitheater they had to sit on steps and rocks. Some were hanging from trees.

We must ask you to seriously consider the needs that surround this great symbol of our country. We hope you agree that Mount Rushmore must continue its mission of illuminating those men and their ideals. And perhaps Americans, young and old, through the experience of this park may envision their own possibilities.

Yours truly,

Carolyn J. Mollers.

Mount Rushmore Improvement Request

Primary Improvements have been presented by Speakers.

(1) By improving and expanding facilities at Mt. Rushmore the following additional secondary benefits will occur.

(a) Improvements at the Monument will promote longer stays to hear the Rushmore Story, this will increase overnight stays at area motels and hotels.

(b) Increase number of meals served in area restaurants.

(c) Create construction work in area that has been cut significantly in highway funds and public works projects.

(d) Construction dollars have tremendous trickle down effect on local economy.

(e) South Dakota is suffering in agriculture. We must expand whatever areas possible. Tourism is a Number 1 prospect for growth.

(f) Expanding facilities will promote expanded promotion on South Dakota's part. When present facilities are overflowing, promotion is wasted if people can't be served.

(g) Allowing a National Monument of the caliber of Mt. Rushmore to become less than it is capable of being is gross negligence of a National Shrine.—Glenn C. Barber.

Mt. Rushmore began as a local attraction, became an ideal in the minds of a few, suffered periods of doubt, apathy, misunderstandings and a lack of financial support. It became greater than these obstacles when the government took responsibility. Then this ideal grew in the minds of many and it became distinctly a national mounment "decidely American in its concept, in its magnitude and in its meaning . . . Destined to remind future centuries of the ideals and achievements of men who were responsible for the conception, preservation and growth of this Nation."

"Regardless of the ultimate destiny of western civilization, this sculpture will show suceeding generations that we had reached a peak of power, audacity, and importance. It idealizes all that is best in our national traditions, principles, and form of government. It symbolizes maturity, stability, noble purpose and liberty of thought and action."

"A monument was not created to Washington, Jefferson, Lincoln or Roosevelt but to the concept that man has the right to be free and to be happy as developed and maintained in a national government by these four great national leaders."

Work on Mt. Rushmore was stopped abruptly in 1941 because of the more pressing needs of war. Now, a memorial has been created around this unfinished monument. Peace and prosperity have come and gone since 1941 and still in almost 50 years no work has been done towards its completion. "This work, to be a credit to the men who founded our civilization, must proceed much further, it must be carried on with a fresh and new sense of its greatness, and the need of perfecting this message from the soul of America to posterity."

Many people come to Mt. Rushmore and marvel at the task. The rubble pile, evidence of labor, has unfortunatly become part of our mental image. It is as if we were commemorating the effort that has gone into the project thus far, and losing sight of what it represents. Without the permanent accessories and historical references that this work deserves, Mt. Rushmore may have a message lost on future generations.—James Borglum.

Western Union, *Saturday, January 10, 1987.*

Being unable to attend meeting with Senators Pressler and Dole I would like to bring my thoughts to the attention of the committee. Create a Hall of Records to encapsulate for all time a chronicle of the memorial and the democracy it portrays. Incorporating a history of our civilization and completing the concept of the monument's creator. Use creative thoughts to solve traffic problems not spend millions making an asphalt jungle surrounding Rushmore. Give the public a knowledge of the monument and our civilization which time or war can not eradicate.

Sincerely,

Mary Ellis Borglum Vhay.

The Mammoth Site
of Hot Springs, South Dakota, Inc.
Hot Springs, SD, January 11, 1987.

Senator Larry Pressler,
Dirksen Senate Office Building, Washington, DC.

Dear Senator Pressler: We applaud your interest in developing the facilities at Mount Rushmore.

The ideals represented by the four presidents, in my opinion, express more fully the qualities that have made America great than does the Statue of Liberty.

It was, in fact, the opportunity to become a part of the American Dream that caused so many of our forefathers to greet the "Lady" in the harbor.

The 50th anniversary of the completion of the faces at Mount Rushmore give us an opportunity to once again dedicate ourselves, and the Nation, to the great ideals that inspired the four presidents to lead our country to greatness.

The increased attendance at Mount Rushmore make it imperative that we improve the facilities to insure that a visit to the Shrine of Democracy is a moving and meaningful experience.

We assure you that we will do our utmost to support your efforts in this worthwhile undertaking.

Sincerely,

CHARLES E. CLAY,
President.

JANUARY 10, 1987.

Senator LARRY PRESSLER,
Washington, DC.

DEAR SENATOR PRESSLER: Geographically, the Mount Rushmore Memorial is isolated from major population centers. This certainly does not diminish the significance of the memorial as a national treasure. It is certainly a very recognized symbol throughout the world of American ingenuity and patriotism, second only possibly to the Statue of Liberty. The Statue is located in a population center that cannot be equalled in the entire world.

Mount Rushmore does have a unique attribute in that it is recognized as a very definite regional landmark. Being located in Western South Dakota and being very close to the borders of North Dakota, Montana, Wyoming and Nebraska, it has a very decidedly regional ownership. The residents of these states, naturally, take great pride in this monument being located in their area. But given the current facilities, they are effectively being cheated from proper enjoyment of the monument. The average visitor stay at the memorial is now under an hour which certainly does not provide the visitor an experience comparable to the importance of Mount Rushmore.

This is middle America—not only geographically, but representative of America financially, ethnically, and politically. As visitor numbers continually increase, it is rapidly becoming evident that this symbol of democracy is not meeting the demands of the population. Mount Rushmore has enormous significance to all America and the world, but the personal visit is no longer representative of the significance. Facilities that were constructed to accommodate less than one million visitors are now looking at handling over two million visitors.

Yes, the monument is located as an island. It is away from large population centers but it is located in the center of the country. When visitors arrive from either coast, their experience should be an appropriate reward as well as an experience appropriate of the significance of the monument.

The Black Hills were considered for the headquarters of the United Nations many years ago largely due to the "remote" location. This project, too, was given definite regional support but that project had economic consideration being the driving force of the proponents. Mount Rushmore has very obvious economic benefits for the area but, be assured that Mount Rushmore improvements rate an almost moral obligation given its significance to the region and all America.

The Congressional response to this much needed improvement project will show America and the Upper Midwest the recognition of this most valuable national memorial.

Sincerely,

KIRK E. DEAN.

MOUNT RUSHMORE NATIONAL
MEMORIAL SOCIETY OF BLACK HILLS,
Rapid City, SD, January 11, 1987.

Senator LARRY PRESSLER,
Washington, DC.

DEAR SENATOR PRESSLER: The interest expressed by you during the past few months in raising funds for capital improvements at Mount Rushmore is appreciated greatly. As you are aware a special committee of the Mount Rushmore Memorial Society was appointed last fall with Ray Aldrich as chairman. This committee was assigned the task of investigating ways to raise money to fund badly needed capital improvements at Mount Rushmore. It is the hope of the committee that funds can be provided from the private sector, the State of South Dakota and the federal government.

Your interest in sponsoring legislation to provide "seed money" for planning, engineering and construction of new and enlarged facilities at Mount Rushmore is an important first step. I have been advised that the National Park Service is cooperating to provide you with up to date information regarding the needed capital improvements at Mount Rushmore. The Mount Rushmore National Memorial Society is anxious to assist and cooperate in any way possible to secure some funding from the federal government.

The Society has been actively involved for many years in projects which have improved the physical plant, the visitor education and experience at Mount Rushmore. It has worked closely with the National Park Service and the concessionaire since the completion of the monument. The Society has provided some of the funds for buildings, parking facilities and other capital improvements. Funds for the video presentation in the visitors center and other interpretive displays were provided by the Society.

The long range plan for improvements at Mount Rushmore which was prepared by the National Park Service was reviewed by the Society. As you are aware, many of the facilities at Mount Rushmore were designed to accommodate slightly more than one million visitors per year. Visitation in recent years has been nearly double that number. Consequently, most of the facilities including the buildings, ampitheatre and parking lots are overloaded during the summer months and need enlarging and improving. A cooperative effort by the federal government, the State of South Dakota and the private sector to provide funds for improvements at Mount Rushmore should be feasible and possible.

The objectives and purposes of the Mount Rushmore National Memorial Society are: "the promotion of the arts; development and preservation of Mount Rushmore National Memorial; support and assistance to the National Park Service and other governmental agencies in the formulation of plans and policies for the preservation and improvement of the Memorial, including all support facilities such as landscaping, parking, trails, visitor centers for the viewing public and centers for the display of supportive arts; to provide limited financial assistance consistent with management plans and goals; to provide promotional and defensive support for the continuation of the Mount Rushmore Memorial as a public shrine of democracy."

The objectives of the Society are clearly in keeping with your efforts to secure federal funds for improvements at Mount Rushmore. The Society stands ready to assist you in any way possible in an effort to raise the initial funds. The special committee for Mount Rushmore Improvements whose chairman is Ray Aldrich will be working hard to secure support and financial assistance from the State of South Dakota and the private sector.

On behalf of the Mount Rushmore National Memorial Society I would like to thank you for your interest and efforts in securing funds for improvements at Mount Rushmore.

Sincerely yours,

DONALD T. DELICATE,
President.

JANUARY 18, 1987.

Hon. LARRY PRESSLER,
U.S. Senator,
Washington, DC.

DEAR SENATOR PRESSLER: I would like to take this opportunity to add my comments to the written testimony in support of the planning of improvements at Mount Rushmore.

I write to you as lifetime resident of the Hill City, Keystone area, a member of the Rushmore Society, Chief of Maintenance at Mount Rushmore for 26 years and a personal friend of Lincoln Borglum and the family.

There is no question that improvements should be made at the memorial to provide a more meaningful visit to the public. The general concensus of gaining financial support at the State and National level is indeed a requirement of this undertaking. I would like to point out that National and State support cannot be generated by decrying our plight of a lack of parking and a need for ampitheatre improvements. We must use a vehicle that will generate National interests and support much as the "Saving of the Statue of Liberty" did. We have before us this opportunity if we make the first major priority the completion of the original Borglum plan of the construction of a "Hall of Records". This construction project will provide a threefold benefit. First, it would give the romance of the completion of the unfinished dream that was interrupted by World War II and the death of Gutzon Borglum. Second, it will provide National advertising for South Dakota and give a major tourism boost to the State economy. Third, the increased visitation will automatically support the requirement of the additional improvements presently envisioned.

This project is feasable by relocating the Hall of Records at ground level under the Washington head where public access would be easily available and encouraged. In 1983 while in Texas doing oral history tapes with Lincoln Borglum, I discussed this proposal with him. He was very agreeable to this proposal as are the remaining members of the family. This concept of the construction of the Hall of Records has been presented to Secretary of the Interior Hodel who is also very enthusiastic about the prospects of the project and the public involvement.

I am available at any time to further discuss the details of this proposal, its effects on the Memorial, the feasability of location, construction techniques, etc.

This is a rare opportunity to further the Memorial, bolster the States economy and complete a dream. We must not let it pass!

Sincerely,

E.J. KOEVENIG.

REMARKS OF TOM LANE TO SENATORS LARRY PRESSLER AND ROBERT DOLE

My name is Tom Lane. I am President, Chairman, and CEO of First American Systems, Inc., an insurance agency managing and holding company with agencies in Colorado, Wyoming, and South Dakota. Our major agency is Kluthe and Lane Insurance Agency in Rapid City. I am a native of Rapid City and am now and have been for many, many years vitally interested in the economic well-being and development of our entire area. I have served on the South Dakota Industrial Development Board and in many capacities on industrial development and economic development committees and boards in the Rapid City and Black Hills area. I am now vice-chairman of the Rapid City Economic Development Foundation.

I believe that Mt. Rushmore is the most significant industry that Rapid City and the Black Hills have. Tourism and visitor activity to our area, in my opinion, is industrial development. It therefore concerns me and many people in this area when we realize there has been no major construction at Mt. Rushmore since 1964. A great many improvements and modernizations to the facilities are needed. A facility built to handle one million people which now handles two million people as well as it does is a tribute to the National Park Service, however we should not wait any longer to update and upgrade it.

Visitations to this area will increase if for no other reason than we in the Rapid City area will continue to promote visitations for the industrial and economic development that it is. Recognizing that, it seems imperative that enlargement and upgrading of the facilities for this ever-growing visitor population be accomplished.

Thank you very much for the opportunity of speaking and again, I urge you to make every effort to see that enlargement and modernization of the Mt. Rushmore facilities is accomplished as soon as possible.

LANDSTROM'S,
January 11, 1987.

Subject: Renovation/Facilities Improvements at Mount Rushmore.

Mr. RAY ALDRICH,
Project Chairman, Mount Rushmore Historical Society, Rapid City, SD.

DEAR MR. ALDRICH: It is an honor and pleasure to be able to present some ideas and perceptions regarding the proposed capital improvements for our Shrine of Democracy, Mount Rushmore. In my opinion, the marriage of public and private money for the proposed project is appropriate and should be a model for other public projects and activities throughout the country.

Outside the confines of Washington, D.C. our nation has two internationally-prominent symbols of this great Country: The Statue of Liberty and Mount Rushmore. Last summer's Statue of Liberty rededication and celebration activities at Ellis Island and throughout the nation served as a visible and emotional reaffirmation of many of the philosophical foundations and principles of America and the freedoms we enjoy. In July, 1985, a Rapid City Area Chamber of Commerce publication articulated the feeling of pride, unanimity and patriotism shared by most Americans when it pictured Mount Rushmore and the Statue of Liberty beneath a sea of exploding fireworks. The caption beneath the picture read "* * * the four gentlemen from the Black Hills of South Dakota extend greetings to the Lady from New York on the occasion of her 100th birthday."

As one of our Naton's most visible patriotic points of pride, Mount Rushmore is obviously a popular place to visit. If Mount Rushmore is going to remain a point of pride and accessible to visitors from throughout the United States and the world, it is imperative that the facilities be upgraded, expanded and modernized. Americas expanding population base, a sensitivity to the needs of the handicapped and the preservation and reinforced appreciation for our American heritage were all critical philosophical considerations in the development of the specific recommendations for improvement which have been proposed.

Americans everywhere join those of us in South Dakota in looking forward to the rededication of Mount Rushmore in 1991 on the occasion of its 50th anniversary. We hope that the proposed improvements will have been made by that date.

Thank you for your consideration.

Most sincerely,

CHARLES D. LEIN,
President and CEO.

ROCKY MOUNTAIN OUTDOOR WRITERS AND PHOTOGRAPHERS,
Sturgis, SD, January 20, 1987.

Senator LARRY PRESSLER,
Senate Office Building,
Washington, DC.

DEAR LARRY: As a member of the Mount Rushmore Society and the Special Committee for Mount Rushmore Improvements, I want to personally thank you for your support on this issue and your part in arranging the meeting with Senator Dole. Because our time ran out at the meeting Sunday, January 11, before all of us were able to make a statement, I'm sending you my written statement for your records.

It is difficult to imagine that no substantial improvements have been made at Mount Rushmore since 1964! The visitation has doubled since that time. Facilities planned for a million visitors annually are now serving two million. Very often there are long waits for parking and I have literally seen people "hanging from trees" at the amphitheatre, a facility originally planned for 850 with the attendance now averaging 2250!

Like the Statue of Liberty, Mount Rushmore is a national treasure and should be maintained as such. The combination of private and public funding could assure the completion of the necessary improvements by 1991, the 50th anniversary when the memorial will become a destination point for thousands of visitors from throughout the world. Not only for the Black Hills and South Dakota but for the Nation, this part of our heritage must be maintained and preserved for future generations.

Thank you and Senator Dole again for your concern and active involvement in this project.

Sincerely,

DORIS SPARKS MCKENNA.

RAPID CITY, SD, *January 5, 1987.*

Re: Mount Rushmore Improvements.

Senator LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: As a member of the Mount Rushmore National Memorial Society, I can say that the people of South Dakota appreciate your leadership and initiative in obtaining Federal funds for much needed improvements at Mount Rushmore Memorial.

Mount Rushmore, like the Statue of Liberty, is world-renown and is a symbol of America's greatness as a free and democratic society. The Memorial is, indeed, a true "Shrine of Democracy".

Mount Rushmore is owned by all of the people of America and represents this country's image of democracy. It is a national treasure and it is, therefore, fitting and proper that tax dollars be spent to make Mount Rushmore accessible to all citizens through much needed improvements. The current facilities are not adequate to handle current visitations. Every American citizen should have the opportunity to visit the Shrine of Democracy and spend as much time there as is needed in order to understand the significance of the Memorial. Due to inadequate facilities, visitors are encouraged to leave so that others can find a parking space, etc., and improvements are needed immediately to meet current needs and projected needs in the future. The public image of our country is at stake and Congress should act accordingly.

I realize that the National Park Service has all sorts of projects which it would like to have funded. The improvements for Mount Rushmore should have top priority because, quite frankly, Mount Rushmore is unique and represents the spirit of America. The image of our freedom loving country is more important than funding some other park just for recreational purposes. It is one thing for a tourist to see the natural wonders of Yellowstone Park, for example, and quite another for either a foreigner or a citizen of the United States to see Mount Rushmore and sense the greatness of our country. The world needs a political statement for democracy and Mount Rushmore is it! We need to keep the Memorial in excellent condition for generations to come and it will take Federal funds to do so.

Sincerely yours,

JAMES S. NELSON.

RAPID CITY, SD, *January 7, 1987.*

Hon. LARRY PRESSLER,
Russell, SOB,
Washington, DC.

DEAR SENATOR PRESSLER: The Mt. Rushmore Memorial has become one of our Nation's most cherished treasures, attracting over 2 million visitors from all over the world each year.

Because Rushmore is an international "attraction", the appearance and utility of the parking lots, information center, and concession areas are a reflection on every citizen.

We heartily support your proposals for the expansion and upgrading of the parking lots at Mt. Rushmore and other facility improvements. With the 50th Anniversary of the completion of this "symbol of our nation" just a few years away, the timing for these proposed improvements is certainly appropriate.

The Rapid City Chamber and the 1000 plus member firms we represent, undoubtedly share a bias when it comes to issues affecting Rushmore, which has been entrusted to our area's keeping; however, I believe that our concerns are a good sample of the collective opinion and support of the general public.

We strongly support your efforts and offer our assistance as you deem best.

Sincerely,

Dr. RICHARD A. SCHLEUSENER,
Chairman of the Board.

REMARKS OF SENATOR PELL BEFORE FAPA

Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues the eloquent remarks given recently by the Senator from Rhode Island [Mr. PELL] before the Formosan Association for Public Affairs.

Over the past year, I have had the distinct honor to serve with Senator PELL as honorary cochairman of the Committee for Democracy on Taiwan, along with the committee's two chairmen, Congressmen SOLARZ and LEACH, and I commend my colleague's commitment to justice and democracy on Taiwan.

I recommend the insightful comments of Senator PELL to my colleagues which address the critical issues faced today by the people of Taiwan.

Mr. President, I ask unanimous consent that the remarks of my good friend, Senator PELL may be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS TO THE FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS BY SENATOR CLAIBORNE PELL

Dr. Peng, Senator Den, distinguished guests from Taiwan, ladies and gentlemen:

I am delighted to be with this distinguished group once again to discuss the future of Taiwan.

As many of you may know, my interest in Taiwan dates back to World War II days. I was one of several hundred officers selected at that time for a six-month intensive course designed to prepare administrators for duty on the island in the event we recaptured it from the Japanese. In those days we called the island Formosa, and my views on Taiwan have been greatly influenced by that experience.

From that experience, and from my observations of the events which have unfolded in Taiwan since the end of the war, I have reached the same conclusion enunciated very clearly by Dr. Trong Chai in his recent article entitled The Future of Taiwan. Dr. Chai concludes that article with the following summation: "Unless the future of Taiwan is determined by the people of Taiwan, there will be no just solution to the Taiwan problem."

I believe strongly that that single statement should represent the basis for American thinking and for American policy towards Taiwan. Nothing is more consistent with American values than the principle that every people shall have the right to shape their own destiny.

Since I last addressed this distinguished group in 1984, I believe that Taiwan has moved forward on that path toward self-determination. The two most promising developments, as I see it, have been the government's pledge to abolish martial law and the recent formation of a vibrant new political party, the Progessive Democratic Party, or DPP. Let me briefly discuss each of these developments in turn.

The government's pledge to lift the regime of martial law that has suffocated political freedoms in Taiwan is a welcome sign, and the United States will watch closely to see whether that pledge is kept. It is important that we commend the government for this historic step as we encourage them to move farther down the path of democratization. But, at the same time, we must not allow ourselves to be deceived by cosmetic changes which put a new face on the same reality. The end of martial law must bring real change.

Specifically, American policymakers must monitor very closely the Taiwan government's implementation of the new National Security Act that will replace martial law. Neither the Taiwanese nor the American people can be satisfied with a National Security Act which simply gives martial law a new name. We cannot be satisfied by a National Security Act which grants full political rights to all political parties in one clause, but takes them away in another. Under the new Act, political parties must be guaranteed full political rights.

The question of political parties brings me to the second positive development which has taken place since the last time I spoke up to you—the formation of the DPP. The creation of the DPP last November was an inspiration to all of us who want the Taiwanese people have a greater voice in their own future. I hope the DPP members who recently visited the United States returned home with the message that Americans share their vision of a democratic Taiwan.

The government of Taiwan should be credited for the tolerance it has shown toward the DPP, and Americans will be following events with a powerful conviction that this tolerance must continue if Taiwan is to attain true democracy. The DPP should be recognized as a legitimate political party and accorded full political rights.

As many of you know, the National Security Act which will replace martial law may require all political parties to meet certain conditions, including the requirement that they support the concept of re-unification with the mainland. There has been some speculation that this provision will be used as a pretext to ban the DPP. That would be a grave mistake.

The position of the DPP is clear. It does not call for separation; it calls for self-determination. It does not say that Taiwan should declare its independence from the mainland; it says the people of Taiwan must be free to determine their own future. It says, if the Taiwanese people freely vote for independence, the world should respect their judgment.

I fully support that position. And because I do, I am proud to serve, with Senator Kennedy, as an honorary co-chairman of the Committee for Democracy on Taiwan, along with Congressmen Solarz and Leach, who serve as operational co-chairmen. America was built on the principle that the American people should determine their own destiny. We cannot and should not expect the Taiwanese people to settle for anything less.

I know that members of this fine organization have made great efforts to bring that message to the American people. And your message is being heard in Congress and around the country.

I think this year holds much promise for greater progress towards self-determination in Taiwan, and I know that FAPA will continue its energetic efforts to promote democracy and a respect for human rights on that beautiful island. Therefore, let me close with a Taiwanese expression:

Happy New Year. May this be a prosperous year.

And may all your seeds sprout.

Or, if I might try it in Taiwanese:

Kiong-hi Hoat-chai.

THE U.S. MILITARY IN NARCOTICS INTERDICTION

Mr. DIXON. Mr. President, during consideration of the drug bill last year, I introduced an amendment calling on the President to utilize this Nation's vast array of military personnel and equipment to combat the flow of illegal narcotics into the United States.

I remain convinced that this Nation's military resources can and should be applied to our efforts to locate and interdict the flow of narcotics into the United States. The facts support these views, Mr. President. Consider what the U.S. military is contributing today to our interdiction effort:

The U.S. Air Force has based helicopters in the Bahamas, and is currently cooperating with the U.S. Drug Enforcement Administration and the U.S. Customs Service to stem the flow of drugs coming through the Bahamas into the Southeastern United States.

The U.S. Army is operating four Blackhawk Helicopters out of Georgetown in the Bahamas, providing manpower and equipment in the southern region of the target area.

The U.S. Navy frequently joins the U.S. Coast Guard in providing intelligence-gathering shipboard radar as well as E2-C airborne radar planes. According to a U.S. Customs brief in Miami, the Navy reports that these interdiction exercises have not compromised mission readiness.

The U.S. Marine Corps is cooperating in drug interdiction by using OV-10 radar planes in a coastal observation mode to assist Customs in spotting suspect watercraft. In addition, a Marine mobile radar unit is planned for deployment in Georgetown in the Bahamas to assist in target acquisition.

Mr. President, my staff toured these facilities and interviewed those U.S. military personnel involved in narcotics interdiction. The strong feeling among these soldiers was unanimous that their participation in the interdiction mission provided invaluable overall training, and contributed significantly to overall military readiness.

I believe it is important to recognize, Mr. President, that involving our military forces in narcotics interdiction has a positive, constructive effect on training and readiness, by using radar to locate drug smugglers at sea and in the air, and by piloting aircraft to search the many islands which comprise the Bahamas. These young men and women in the U.S. military benefit from this invaluable training, Mr. President. As they gain this experience in radar and target acquisition they assist in curbing the flow of illegal drugs which find their way onto the streets of our cities.

Mr. President, I was especially pleased to learn that Gen. John Galvin, commander of the U.S. Southern Command in Panama, requested $430,000 to design a "brown water Navy training center" at the Southern Command. General Galvin intends to utilize our military resources to patrol the 500,000 kilometers of rivers throughout Central and South America that are frequently used by drug runners. In addition, Mr. President, my staff received a briefing at the U.S. Southern Command, where the officers at headquarters expressed their willingness to provide military training teams to cooperative nations in Central and South America to combat narcotics production and traffic. These training teams could assist the U.S. Ambassador and the Bureau of International Narcotics Matters in developing strong, in-country paramilitary antinarcotics forces, trained by U.S. experts to effectively meet the challenge of armed narcotics traffickers and vast areas of marijuana cultivation.

The list of U.S. military involvement in narcotics interdiction goes on, Mr. President, and as a member of the Senate's Armed Services Committee I intend to see that this continues. We have recently learned that Operation Blast Furnace, which utilized U.S. military forces in the cocaine-producing nation of Bolivia, may return to South America for a repeat performance.

I strongly urge my colleagues in the Senate to consider the valuable contribution the U.S. military can make to narcotics interdiction, and the valuable training they receive while stemming the flow of narcotics into this country.

CENTENNIAL OF LEEDS, AL

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to congratulate the citizens of Leeds, AL on the centennial anniversary of the founding of their city. Though many festive events have already been held during the month of March, the actual 100th anniversary of Leeds' incorporation as a city is Monday, April 27, 1987. Throughout April, the citizens of Leeds will join together to celebrate in many different ways. They will hold a picnic, a Bar-B-Q, the Norfolk-Southern Railway steam locomotive will stop at the depot, there will be a Centennial Ball, and a Centennial Parade, among many, many other events that, I am sure, will be both fun, and instructive from a historic standpoint. I know that this will be a time that all will remember for many years to come.

Although Leeds was founded in 1887, it enjoys a rich history that has, through the years, been the focus of many historians. Located in the beautiful Upper Cahaba Valley, the site of Leeds was surrounded for many hundreds of years by Indians. The Upper Creeks lived to the east, the Cherokees to the north and northeast, the lower Creeks to the south and southeast, and the Chickasaws lived to the west and northwest. None, however, lived in the Upper Cahaba Valley and it is believed that this valley and neighboring Jones Valley were set aside as ceremonial and hunting grounds for the four Indian tribes.

Hernando DeSoto was the first outsider to venture into this region, when he came in 1540 searching the New World for gold. He stopped for a prolonged visit with the chief of the Upper Creek Tribe at Coosa, near Talladega, and it is believed that his scouts explored the Cahaba Valley. Needless to say, DeSoto did not find the gold he was searching for in Alabama. Blind in his greed to the incredible beauty of the area, he moved on met his death near the Mississippi River.

Outside of stragglers, missionaries, and other explorers, few settlers entered the valley until Gen. Andrew Jackson and his troops came to remove the Indians from Alabama in the early part of the 18th century. While performing their task, Jackson's soldiers were greatly impressed by the physical beauty and splendor of the Upper Cahaba Valley, and after the Battle of Horseshoe Bend in 1814, many of these soldiers decided to return, stake claims for land, and make this valley their home. Beginning around 1815, small plots of land were cleared, log cabins were built, and crops were planted in newly-tilled soil. As time passed, the farms grew in size, new land was cleared, and homes were enlarged and made more comfortable. These stout-hearted soldiers-turned-farmers were the first settlers of the area where Leeds now stands. They worked with great determination to build productive farms, changing the once unknown wilderness into a thriving community. Many of their descendants still inhabit the area, and share this pioneer spirit, which is an identifying feature held by all Alabamians.

The history of Leeds, like many other areas of our State, took a different turn as the industrial revolution began to spread through the South after the War Between the States. The Cahaba River Valley is recognized as possessing a rich abudance of raw materials and natural resources that are of great benefit to all industrial development. Indeed, it has been said that "Leeds leads the rest in raw materials." Recognizing these benefits that the coal, iron, limestone, shale, and sandstone deposits would have on the South, several far-sighted businessmen formed the Cahaba Valley Land Co. on September 22, 1881. Although the city was not incorporated until 6 years later, it was already called Leeds, after the city in England, which, likewise, was first an agricultural center and then developed into an industrial area. After the incorporation, Leeds was on its way.

With the outstanding efforts through the years of many of its citizens, such as those of the Duke of Leeds, James B. Elliott, Leeds has developed into a great city which has many opportunities to offer. There is a great sense of community spirit in Leeds which pervades all efforts and concerns. The citizens share a common bond and a sence of family. When visting the city, one can immediately sense the hospitality, and can understand why the people of Leeds take such pride in their home.

For 100 years, Leeds has been devoted to the enrichment and happiness of the lives of its citizens. It is a wonderful place to live and to visit. Furthermore, it is dedicated to the development of our State. The events which have been scheduled to celebrate the anniversary of Leeds are truly magnificent, and I know that all citizens, whether they are able to participate or not, will be filled with a great sense of pride as their heritage and their past achievements and accomplishments are remembered and recognized.

Yet, this centennial anniversary is not merely a birthday celebration. Rather, it offers the citizens of Leeds an opportunity to formulate plans and dreams for the future. Keeping one foot firmly entrenched in their present and past, the citizens of Leeds can step forward to an even more successful future. The children of today will be planning for the sesquicentennial celebration of Leeds in just 50 short years. The dreams of today will grow, take shape, and mature between now and then. During this centennial celebration, as the citizens of Leeds celebrate their heritage together, I urge them to also dream together of their future and then put those dreams to work.

In the years to come, I know that Leeds will make these dreams a reality, offering even more to its people, our State and our Nation. Leeds truly does lead the rest, because of the spirit, the drive and the determination of its citizens. I am proud to represent the people of Leeds, and look forward to working with them to achieve their goals. In this effort, we will see even greater progress than ever before.

BILL TO PRESERVE THE DEFENSE INDUSTRIAL BASE

Mr. DIXON. Mr. President, on February 23, I took the floor to raise concerns about our deteriorating defense industrial base. Since that time, I have received comments from several groups. Some good discussions have taken place and some good issues have been brought to the fore.

It still amazes me that in these United States, the strongest country in the world, our national defense options are driven by the capabilities of our industrial base, rather than having a national defense industrial policy toward which our defense production capabilities are driven.

The United States is dependent on foreign manufacturing in many essential defense industries. We regularly import lower grade products for use by our military personnel, products that are dumped on the U.S. market. In some essential areas, we may be completely unable to rapidly increase production to meet emergency needs. This worries me. I know that I am not the only Member of this prestigious body who is troubled by this situation—this crisis.

There have been numerous studies and discussions of these concerns. While I do not dispute the value of these initiatives, I believe that it is high time that we stopped simply studying, and started acting to resolve the problems of the deteriorating industrial base.

During the recess, I will be circulating, for comments, a discussion draft of a bill to preserve the defense industrial base. There are a number of good ideas in this discussion draft. Some of the measures offered to provide a level playing field for domestic contractors and subcontractors are: The refocus of existing training programs to meet the needs of the industrial base; the inclusion of quality as a criterion for the award of a defense contract by making state of the art technology standard in the bidding process; the assurance of domestic sourcing at the prime and subcontractor levels before the number of U.S. suppliers falls to a critical level; the application of liquid damages and restrictions on governments and companies found to be dumping or subsidizing products in the U.S. market; integration of Government and industrial resources at the design, production, and inventory stages.

Without providing the discussion draft in its entirety, these are some of the major provisions. Many of these provisions exist in one form or another in the regulations of some of our agencies. However, they are seldom enforced. As a member of the Armed Services Subcommittee on Defense Industry and Technology and as chairman of the Armed Services Subcommittee on Readiness, Sustainability and Support, I am assuming the responsibility for legislation to enforce the rules necessary to assure that our once mighty industrial base is preserved.

I want to ensure that this Nation has the ability to surge into production in emergencies. I want to feel confident that we can defend ourselves and our allies if necessary. I want the United States to retain its position as an industrial giant.

GETTING THE EDGE IN EDUCATION

Mr. SANFORD. Mr. President, competitiveness is an intriguing word and needs our careful definition as we strive now to make the United States more effective in an increasingly competitive world. We need to talk and think of many forces and many places. For one important force, when we talk about competing with the Japanese, we look at a number of factors: trade practices, industrial policies, standard of living, and patterns of saving and investment. One aspect we cannot neglect is education, and one figure is telling: Japan has only half as many people as the United States, yet they graduate twice as many engineers. How does this affect our competitive balance?

Dr. Earl H. Dowell, dean of the Engineering School of Duke University, addressed this question in his testimony before a recent field hearing of the Senate Budget Committee. Dr. Dowell talked about the relative strengths and weaknesses the American and Japanese systems of education, as well as about the rewards and incentives that industries offer for continued learning. He offers valuable advice about tipping the education scales in our favor.

I ask unanimous consent to have printed in the RECORD Dr. Dowell's remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND JAPAN IN ECONOMIC AND EDUCATIONAL COMPETITION

(By Earl H. Dowell, Duke University)

The balance of trade deficit with the Japanese, not to mention the Canadians and the Europeans, is a sore subject with most American policy makers. Many recognize the economic competition for what it is: the most serious competition the United States has faced in several generations. And the Japanese know, even Prime Miniter Nakasone is so impolitic as to state publicly, that they are winning this competition.

Several reasons have been cited for the Japanese success including cultural differences, Americans unwilling to live within their present means, and unfair Japanese trade practices. Here we focus on one aspect of the competition, and possibly the most important factor, the educational systems in Japan and the United States.

A BETTER EDUCATED WORKFORCE

The American University system has few peers in scope or, at its best, in quality. There must be several dozen American Universities of the quality of Kyoto and Tokyo Universities, the two best in Japan. But the Japanese workforce is better educated and apparently more highly motivated. How does this come about?

It is generally agreed that the Japanese have a superior elementary and secondary educational system. It is not reasonable to expect that American Universities can overcome in four years the shortcomings of the previous twelve. Moreover in both countries nearly half (slightly less in the U.S. and more in Japan) of the workforce never have a fulfilling University experience.

The reward for superior performance in secondary education in Japan is high as is well known; by contrast the Japanese University has traditionally served as a gatekeeper for industry and the business world. In Japan, the University one attends is determined by one's performance in secondary school and the company where one will be employed is determined by the University one attends. A late bloomer in Japan is at a distinct disadvantage!

But perhaps the most significant difference in the educational systems of the United States and Japan, at least philosophically, is at the post-graduate level. In the United States, the best and the brightest go on to some form of post graduate education in large numbers. To law school, to medical school, to business school and, yes, even to graduate school in the arts, sciences and engineering. Each year in the United States we produce new graduates in approximately these numbers, 35,000 lawyers, 15,000 physicians, 250,000 bachelors degrees in business, 70,000 masters degrees in business (MBA), 70,000 bachelors degrees in engineering, 18,000 master degrees in engineering, and 3,000 Ph.D. degrees in engineering and another 3,000 in the physical sciences.

What are the Japanese doing? In round numbers, they produce 500 lawyers, 1,100 physicians, 100,000 bachelors degrees in business, there is no comparable MBA in Japan, 70,000 bachelors degrees in engineering, 8,000 masters degrees in engineering, 600 Ph.D. degrees in engineering, and 600 Ph.D. degrees in the physical sciences.

What do we conclude from all this? The Japanese are comparable only in the number of bachelor degrees in engineering. Of course, the Japanese population is approximately one half that of the United States and one should double all the Japanese numbers to obtain a per capita comparison. On that basis the Japanese are well ahead in bachelors degrees in engineering, but still well behind in other areas especially law, medicine and business. Thus if superior numbers in graduate education especially law, medicine and business (and most would believe superior quality as well) is the way for America to win the competition, we should have won long ago. But apparently it is not. This does not mean, however, that the Japanese workforce is not well educated. It is a matter of being educated differently.

The Japanese system has a real advantage in, what we would call in the United States, continuing education. it is an education provided by challenging assignments from one's employer and it is being rewarded for one's contribution to the team effort at the XYZ corporation rather than one's credential from ABC university. It also is being given one or two years in America or Europe at full salary plus a living allowance to learn about another culture (even if, as one may perceive, an inferior one), to improve one's foreign language skills (after having had eight years of English and two years of another foreign language) and, to have the opportunity to work with a foreign scholar (usually in engineering or science). All of this is being done not to receive a credential or degree (that might lead to a greater potential for employer mobility in the Western World), but to transfer technology in the most effective and perhaps the only effective way it can be transferred, from one person to another.

By contrast, consider the American system of continuing education. Often it is focused on a credential or degree without too much attention as to the quality of the program. Geographical convenience is a strong factor in program selection. The goal of the students/employees is frequently to enhance their mobility in the marketplace. Many times there is an unhealthy tension between the employer who is providing the financial support for continuing education (and who may have used this benefit in recruiting the employee) and the employee who looks to continuing education as a way of leaving an undesirable situation or moving on to a more attractive one. Only occasionally do employer and employee agree that this educational experience is being pursued to improve the employee's productivity in his present position.

TO CHANGE THE COURSE OF THE COMPETITION

Is all lost? No, surely not. We are fortunate by circumstance of natural material resources to have an inherent advantage with respect to both the Europeans and Japanese. But our most valuable resources, as well as theirs, is people. And we neglect their education at our peril.

Then, what to do? Fortunately, if not altogether consciously, we have already done some things to our long term national benefit. And there are certain demographic trends which are favorable to our cause.

As Prime Minister Nakasone has so indelicately pointed out, Americans have often been in turmoil with respect to ethnic groups and their status in our society. He has further noted the advantage that Japan enjoys by way of having a more homogenous society. But, in point of fact, there is a large segment of Japanese society with fully half the talent and energy which is in quiet tension with the other half. Japan has yet to face the challenge of fully according women their equal place in Japanese society. America, for all its faults, has done much better.

On another front, the Japanese population is aging at a more rapid rate than ours. Age may bring wisdon (as I get older I like to think so), but it surely slows down the assembly line worker. And robotics, folklore to the contrary, has not replaced the manual worker in Japan. Also the relatively earlier retirement age in Japan compared to America is a challenge for them. Recognizing all this, it is not surprising that recent news accounts talk of plans for retirement communities for Japanese retirees in other countries in order to minimize the cost of supporting this expanding older population. Will the tradition minded Japanese accept this?

But do we need to depend solely upon Japanese to lose the competition by some miscalculation or can we take steps to win it?

Here are some possibilities.

Emphasize performance, not certificates, at every educational level including continuing education.

Strengthen the ties between industry and academic. We are not or should not be enemies. Indeed the Japanese are coming to America to learn how we have developed good working relationships between university and corporation. But we can and must do better.

The Federal Government, rhetoric to the contrary, is unlikely to play any significant role in elementary and secondary education. But those of us in the some 3,000 colleges and universities in this country can speak up for the importance of our colleagues in the earlier years of education and their programs. We can support that local bond issue and suggest that a local or state tax to support education might be in order. In short, those of us with tenure in universities could use our precious academic freedom to support something important and unpopular that others may not.

No doubt there are additional steps we can take, but whatever we do we must do it together. For in the final analysis the Japanese are not the problem; as Pogo reminds us, it is you and me.

SIOUX NATION ACT

Mr. PRESSLER Mr. President, today I would like to restate my position on a particular piece of legislation which could have a momentous impact on my home State of South Dakota. This statement is strongly opposed to the bill. My remarks are to express continued opposition to S. 705, the Sioux Nation Black Hills Act. It has often been said that two wrongs don't make a right. This adage is as true today as the day it was coined, and it aptly applies to the legislation which was introduced on March 10, 1987, by the Senator from New Jersey.

This bill has been resurrected from the 99th Congress, where it was considered by the Select Committee on Indian Affairs, but never reported out. On July 17, 1985, the date of original introduction, I made a statement on the Senate floor in opposition to this bill. My statement explained the history of the Sioux claim, and my efforts to assist the Sioux in obtaining a fair settlement. While serving in the House of Representatives, I supported efforts to waive res judicata and allow the Sioux to bring another suit. Indeed, portions of my speech were quoted in Justice Blackmun's majority opinion explaining the decision for the Supreme Court in *United States* v. *Sioux Nation of Indians,* 448 U.S. 371, 394 (1980). The Supreme Court then held that the Sioux were entitled to a settlement for the taking of the Black Hills without just compensation. I believe that *U.S.* v. *Sioux Nation of Indians,* 448 U.S. 371, 394 (1980) is the final disposition of this issue.

The Sioux Nation Black Hills Act is a bill to return the Black Hills to the Sioux Nation and restore the Great Sioux Reservation of 1868. The bill has been purported as the righting of an old wrong, and the restoration of the Sioux identify and religious mecca, It is not. The proponents of this legislation claim that it only conveys Federal land, and that the rights of private land owners, are fully protected. It does not do this. This assertion is a myth and a grave misconception. I have asked the legal division of the Congressional Research Service to conduct an indepth analysis of the bill which will likely reveal serious infringements on the rights of private landowners in the reestablished area.

This bill does not convey only federally held lands. As part of the extensive compensation measures provided to the Sioux in this bill, all Federal lands are conveyed and the Secretary of the Interior is to undertake to purchase or otherwise acquire State and privately held lands within the reestablished area. Referring to sections 8 and 9 of S. 705, entitled the status of private lands and exchange of lands, respectively, it is stated that "the Sioux Nation shall have a right of refusal to purchase privately held lands within the area described." Nowhere in the bill is it provided that private landowners, including the State of South Dakota are guaranteed any such right with regards to the sale or transfer of ownership of their land.

Specifically speaking, section 9(b) directs the Secretary of the Interior to "immediately and diligently undertake to acquire, by exchange, those lands held by the State of South Dakota at Bear Butte." What about the rights of South Dakota? Has the State no right of refusal in this matter? South Dakota's State park at Bear Butte is a beautiful spot in the Black Hills, which is there for the enjoyment of all. If this bill is made law, South Dakota would be forced to convey land, not Federal land, which it currently owns, devoid of the right to say, "Sorry, no sale." And this is only the beginning.

The Sioux Nation would have the first right of refusal to purchase privately held lands within the reestablished areas. Period. No qualifying language or exceptions are mentioned for this provision. Let us consider an example of how this provision would be a travesty of justice for a private land owner—a land owner who had nothing to do with the abrogation of the Fort Laramie Treaty of 1868 and the dissolution of the Great Sioux Reservation.

Perhaps there is a rancher who owns some grazing land within the area to be reestablished under ownership of the Sioux Nation. This rancher may be nearing retirement and wish to sell his land to his son, who has worked with him, thus keeping the land and the ranching operation in the family. The Sioux Nation Act would demand that the Sioux be given the first opportunity to buy this land. The first right of refusal to purchase this land would be held by the Sioux, negating any right by the landowner to sell the land to his son, if he so chooses.

Mr. President, I fail the see how the Sioux will obtain justice by depriving others of their rights. It has been legally determined that the Black Hills were taken from the Sioux without just compensation, and compensation, which now totals $186 million, has been awarded. This legislation is negligent in its attempts to protect the rights of private land holders. I urge my colleagues to carefully consider the precedent S. 705 would establish, and the consequences of such an action.

PAUSING TO RECOGNIZE AMERICAN PRISONERS OF WAR

Mr. NICKLES. Mr. President, today, in honor of Prisoner of War Recognition Day, I would like to share with my colleagues several passages from a book written by an Oklahoman many of us were fortunate enough to have known, the late Howard E. Rutledge, a retired Navy Captain.

Howard's book, "In the Presence of Mine Enemies," was written after his ordeal as an American prisoner of war in Vietnam from 1965 to 1973. On November 28, 1965, during a mission to destroy a strategic bridge in North Vietnam his plane was shot out from under him. He survived the parachute drop, and much later recalled:

> I had come close to death so many times in that one day and each time I had felt the hand of God. Pictures flooded my mind: the plane exploding into a ball of flame moments after I had ejected—shots zinging by me, making holes in my parachute—the crowd of angry men beating and kicking me, intent upon my death—that unforgettable face twisted by anger and by war, running at me with the rusty lance—the medic—the commissar, the old man. I was a prisoner of war. I had no idea what my fate would be, but the Lord had made Himself abundantly clear. He was there with me in the presence of my enemies, and I breathed my second prayer of thanks that day.

Howard survived his 7 year ordeal of torture, humiliation, and starvation because of his unwavering faith, the love he felt for his family and the love he knew they had for him, and his pride in being an American. Many of his colleagues were not as fortunate.

Mr. President, we pause today to recognize and thank those veterans who, since the beginning of this Nation's history, endured not only separation from their country and their families, but unspeakable terror at the hands of our enemies and separation from their comrades in arms as prisoners of war. We should also recognize their courageous families and friends who never stopped waiting for their safe return.

It saddens me deeply that there are still families and friends hoping and praying for 2,417 service members who are still unaccounted for after the Vietnam war. I urge my colleagues to take several minutes today and be thankful for those of our POW's who have returned home and to pray for the return of those still missing.

SUPPORT FOR THE BROAD INTERPRETATION OF THE ABM TREATY

Mr. SYMMS. Mr. President, I support President Reagan's broad interpretation of the ABM Treaty, because it is the legally correct interpretation, and it is absolutely vital to American national security. We need to deploy President Reagan's strategic defense initiative as soon as possible, and the broad interpretation of the ABM Treaty is the only way to develop and test the SDI so that we can deploy it.

The Soviets are flagrantly violating the ABM Treaty, with their Krasnoyarsk radar. The Soviets actually even admit that the Krasnoyarsk radar is a violation, according to recently declassified CIA information. The United States could exercise its rights to abrogate the ABM Treaty in response. I believe that we need to debate United States ABM Treaty abrogation as a proportionate response to Soviet break out from the ABM Treaty.

Mr. President, I ask unanimous consent that the following two documents supporting the broad interpretation be printed in the RECORD, so that they can be available to the Congress, the press, and the American people:

First, statement of Abraham D. Sofaer to the House Foreign Affairs Committee, October 22, 1985.

Second, statement of Abraham D. Sofaer to the joint hearing of the Senate Committee on Foreign Relations and Judiciary Committee, March 26, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ABRAHAM D. SOFAER, LEGAL ADVISER, U.S. DEPARTMENT OF STATE

(Source: U.S. Department of State, "Current Policy," No. 755 (October 1985))

This is my first appearance before your committee. I am honored by your invitation to discuss the meaning of the Anti-Ballistic Missile Treaty with respect to so-called future ABM systems or components, including some contemplated as part of the Strategic Defense Initiative.

The ABM Treaty is an important element of our strategic arms control structure. When the President first announced the SDI program in March 1983, he made clear that it would be conducted "consistent with our obligations [under] the ABM Treaty." This commitment has been maintained. The United States has scrupulously complied with the treaty, notwithstanding such clear Soviet violations of it as the Krasnoyarsk radar station.

BROAD VS. RESTRICTIVE INTERPRETATION

Soviet violations of the ABM Treaty, the implementation of our SDI program, and the ongoing arms negotiations at Geneva recently caused various agencies to consider more thoroughly than ever before the appropriate interpretation of the ABM Treaty as it relates to future or "exotic" systems. By that, I mean defensive systems and components but that use devices based on technology not understood in 1972 when the treaty was negotiated and that are capable of substituting for ABM interceptor missiles, launchers, and radars. This examination has led to the conclusion that a reading of the ABM Treaty that would allow the development and testing of such systems based on physical principles other than those understood in 1972 is wholly justified.

At the same time, however, I want to emphasize a critical point made by Secretary Shultz in his speech to the North Atlantic Treaty Assembly last week: "[O]ur SDI research program has been structured and, as the President has reaffirmed [on October 11], will continue to be conducted in accordance with a restrictive interpretaton of the treaty's obligations." Secretary Shultz assured our NATO allies of "[o]ur commitment to pursue the program as currently structured, which is consistent with a restrictive interpretation of our obligations under the ABM Treaty." Accordingly, he described the debate over the two interpretations as "moot." The issue may have practical significance only when the SDI program has reached the point at which questions regarding the feasibility of strategic defense have been answered and engineering development, with a view to deployment, becomes a real option.

I was well aware when I began my work on this issue that several officials associated with the SALT I [strategic arms limitation talks] negotiations and others still in the government had advanced the view that the ABM Treaty is unambiguous in its treatment of such future systems. They argued that article V of the treaty forbids development, testing, or deployment of any future ABM systems and components other than those that are fixed land-based. They read Agreed Statement D as relevant only to fixed land-based systems and components, arguing that it permits "creation" of such systems and components when they are based on "other physical principles" but conditions their deployment on agreement between the parties on specific limitations. Other persons were contending, however, that this "restrictive" view of the ABM Treaty is based on unilateral assertions by U.S. negotiators, that the treaty is ambiguous; and that the negotiating record supports a broader view of our freedom to develop, test, and deploy future systems.

My study of the treaty led me to conclude that its language is ambiguous and can more reasonably be read to support a broader interpretation. An examination of the three provisions primarily at issue will demonstrate why this is so.

Article II(1) defines an "ABM system" as "a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of" ABM interceptor missles, ABM launchers, and ABM radars.

Article V(1) provides that the parties agree "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based."

Agreed Statement D, a side agreement that accompanies the treaty, provides as follows:

> In order to insure fulfillment of the obligations not to deploy ABM systems and their components except as provided in Arti-

cle III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for AMB interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

The restrictive interpretation rests on the premise that article V(1) is clear on its face: it says no deployment of "ABM systems or components" other than those that are fixed land-based. But this language does not settle the issue of the article's applicability to future systems and components. That issue depends on the meaning of the term "ABM systems or components": is that phrase limited to systems and components based on then-current technology, or does it also include those based on future technology?

In attempting to answer this question, one must turn to the definition of "ABM system" in article II(1). Proponents of the restrictive view contend that this definition is functional: anything ever conceived that could serve the function of countering strategic missiles in flight falls within the definition. These persons argue that the three components identified in that paragraph—missiles, launchers, and radars—are merely listed as the elements that an ABM system is "currently consisting of" and that all future components of a system that satisfies the functional definition are also covered by article II(1). Only when armed with these meanings can proponents rely on article V(1) as a ban on development, testing, and deployment of all nonfixed, land-based systems or components, whether current or future.

SHORTCOMINGS OF THE RESTRICTIVE INTERPRETATION

This reading of the treaty is plausible, but it is not the only reasonable reading; on the contrary, it has serious shortcomings. The premise that article II(1) defines "ABM system" in a functional manner, meant to include all future systems and components, is difficult to sustain. The provision can more reasonably be read to mean that the systems contemplated by the treaty are those that serve the functions described and that currently consist of the listed components. The treaty's other provisions consistently use the phrases "ABM system" and "components" in contexts that reflect that the parties were referring to systems and components based on known technology.

Article II(2), for example, further describes the "ABM system components listed in paragraph 1 of this Article" to include those that are operational, being tested under construction, etc.—thereby indicating that the definition in article II(1) was not merely illustrative but was intended to describe the actual components covered by the treaty. To take another example, article V(2) sets limits on the types of "launchers" that may be developed, tested, or deployed—thus reflecting, in the same article as the alleged prohibition on future mobile systems and components, an exclusive concern for one of the current components listed in article II(1).

Systems and components based on future technology are not discussed anywhere in the treaty other than in Agreed Statement D. In that provision, the parties felt a need to qualify the term—systems and components created in the future—with the phrase "based on other physical principles." If "ABM system" and "components" actually meant all systems or devices that could serve ABM functions, whether based on present or future technology, the parties would not have needed to qualify these terms in Agreed Statement D. That this qualification was added suggests that the definitions of "ABM system" and "component" in article II(1) extended only to those based on presently utilized physical principles and not on "other" ones.

The existence of Agreed Statement D poses a fundamental problem for the restrictive view. Nothing in that statement suggests that it applies only to future systems that are fixed land-based; on the contrary, it addresses all ABM systems and components that are "based on other physical principles." Moreover, the restrictive interpretation would render this provision superfluous. If article II(1) extended to all ABM systems and components, based on present as well as future technology, then article III implicitly would have banned all future fixed land-based systems and components. Such an interpretation, by rendering a portion of a treaty superfluous, violates accepted canons of construction.

The serious difficulties of construction created by the restrictive reading are avoided if one reads articles II(1) and V(1) as referring only ABM systems and components based on currently utilized physical principles. Read in this manner, the treaty establishes a coherent, nonredundant scheme that prohibits:

The deployment of all fixed land-based systems and components derived from current technological principles, except as specifically permitted (article III);

The development, testing, and deployment, of all mobile systems and components derived from current technological principles (article V(1)); and

The deployment of all forms of systems and components derived from "other" physical principles until after agreement on specific limitations (Agreed Statement D).

Other reasonable constructions of the treaty have been advanced, but I think that the arguments that I have presented serve to demonstrate the ambiguities present in the text of the ABM Treaty.

HISTORICAL SUPPORT FOR A BROADER INTERPRETATION

Under international law, as under U.S. domestic law, once an agreement has been found ambiguous, one must seek guidance in the circumstances surrounding the drafting of the agreement. Thus, in the present situation, once we concluded that the treaty is ambiguous, we turned to the negotiating record to see which of the possible constructions most accurately reflects the parties' intentions.

Examining the negotiating record for the ABM Treaty presented some real, albeit mundane, difficulties. No single agency has systematically collected and preserved the entire record in a readily usable form. My staff and I, therefore, obtained from various sources everything that we could find that might be relevant to the issue of future systems and components. Because we are still in the process of collecting materials, I cannot tell you with certainty that I know every single step in the negotiating process. But we are far enough along that I can say with confidence that a much stronger case exists in the record for the broader interpretation of the treaty than for the restrictive interpretation.

The entire negotiating record is classified, and I, therefore, cannot reveal any detail in open session. If, after this public session, the committee chooses to go into executive session, I will be free to explain much more. I can tell you in general, however, that I personally reviewed all of the significant statements and drafts in the available negotiating history regarding future systems. I reached the firm conclusion that, although the U.S. delegates initially sought to ban development and testing of nonland-based systems or components based on future technology, the Soviets refused to go along, and no such agreement was reached. The Soviets stubbornly resisted U.S. attempts to adopt in the body of the treaty any limits on such systems or components based on future technology; their arguments rested on a professed unwillingness to deal with unknown devices or technology. The farthest the Soviets were willing to go with respect to such future systems or components was to adopt a side agreement prohibiting only the deployment of such systems and components, once created, until the parties agreed on specific limitations. The parties did not agree to ban development and testing of such systems or components, whether on land or in space.

The negotiating record also contains strong support for a reading of article II(1) that restricts the definitions of "ABM system" and "components" to those based on current physical principles. The Soviets specifically sought to prevent broad definitions of these terms, and our negotiators acceded to their wishes. Moreover, our negotiators ultimately convinced the Soviets to adopt Agreed Statement D by arguing that, without it, the treaty would leave the parties free to deploy systems or components based on other physical principles, such as lasers.

I am aware that some U.S. negotiators in the SALT I talks assert that they achieved a total ban on the development, testing, and deployment of all future mobile systems and components, including those based on other physical principles. The negotiating history contains suggestions as to why they reached their conclusions. But the record of the negotiations fails to demonstrate that they actually succeeded in achieving their objective. On the contrary, the record reflects that they failed to obtain the ban they sought and that we could never have enforced such a ban against the Soviets. Treaties, like other agreements, are enforceable only to the extent they create mutual rights and duties. In effect, because the Soviets succeeded in avoiding a broad, binding commitment regarding the development and testing of mobile systems and components based on future technology, we cannot properly be said to be bound by such a commitment.

CONCLUSION

I wish to close by reiterating a critical point. Notwithstanding our belief in the merits of the broader interpretation, the President has decided to pursue the SDI program as currently structured, which can be accommodated within the confines of the "restrictive" interpretation—namely, research into, but not development or testing of, systems or components based on future technology and capable of substituting for ABM interceptors, launchers, or radars.

STATEMENT OF ABRAHAM D. SOFAER, LEGAL ADVISER U.S. DEPARTMENT OF STATE

I am honored to be invited to testify before this joint hearing of the Foreign Relations and Judiciary Committees on your consideration of the ABM Treaty and its constitutional implications. I would have preferred to appear after my studies of issues relevant to these subjects were complete, and I hope these Committees will invite me to return at that time. But I welcome the invitation nonetheless, and I will do my best to assist the Committees in these important deliberations.

I. THE ABM TREATY REVIEW

I will begin by summarizing where the Administration stands in the process of analyzing the question of the application of the ABM Treaty to future ABM systems or components, or what are called in the Treaty systems or components "based on other physical principles" than those used in the ABM system in use in 1972. In 1985 I was asked to prepare a legal analysis of the text and negotiating history of the ABM Treaty with respect to the development, testing and deployment of such systems.

On the basis of this and other studies of the text and negotiating history, President Reagan concluded that a broader interpretation of the Treaty was fully justified. At the time the President announced that judgment in 1985, he also announced that, as a matter of policy, he would not at that time restructure the SDI program based on that determination. He promised to consult with Congress and the Allies before making any change in that policy. The Administration's position on the negotiating history is contained in the classified August 1986 memorandum which has been provided to the Senate.

Earlier this year, before considering whether to restructure the SDI program, the President concluded we would require comprehensive analyses of two other aspects of the treaty interpretation question: The Senate's ratification proceedings: and the parties' subsequent practices. He ordered my office to complete these studies by April 30. Together with the negotiating record, they will add to the foundation for the President's decisions about the future of the SDI program and its relationship to the ABM Treaty.

In his recent statements on the Senate floor, Senator Nunn focused his criticism on a preliminary study of the ratification process that was prepared by my Office in October 1985 in response to a request made in a congressional hearing. As Senator Nunn pointed out, that memorandum was not complete and omitted certain relevant materials: the errors he cited had been corrected in August 1986, but this study of the ratification process was inadequate. This is a serious matter, but should be kept in perspective. That memorandum and its conclusions were never relied upon by the President in evaluating the board interpretation, and it does not represent the Administration's position.

I am presently preparing with several members of my staff a comprehensive study of the ratification record, as well as a study of the subsequent practice of the parties. Personnel from other agencies are assisting in this effort. I will personally review this material and satisfy myself that the analyses we present are complete and accurate. When these studies are complete. I fully expect they will be shared with Congress, subject to whatever arrangements may be necessary to protect classified material.

The President has promised full consultations on this issue, with Congress and the allies, before making up his mind as to what actions are appropriate. He is well aware that, in this respect as in all other defense-related matters, he needs Congress' support on a bipartisan basis to protect the nation's interests.

Viewed in light of these unprecedented steps, I question the characterization that the President's actions have created any kind of constitutional crisis. He has announced his belief—shared by his senior advisors—that the Soviets never committed themselves to the so-called narrow interpretation. However, the President decided not to restructure the SDI program at that time. Moreover, he decided in August 1986 to adopt the unprecedented step of sharing with the Senate our study of the negotiating record. In February 1987, when we began seriously to consider the possibility of restructuring the SDI program, he took the steps necessary for full consultation with Congress and our allies, to be completed prior to making a decision. He has indicated his intention to consult fully with Congress on the results of the studies, includng the legal study, and obtain the judgments of legislative leaders, including members of these distinguished Committees. This is not a scenario that should be characterized as a constitutional crisis or confrontation. Rather, the President is moving carefully, and in full cooperation with Congress, in his consideration of a sensitive and important aspect of his duties.

2. ROLE OF THE RATIFICATION PROCESS IN TREATY INTERPRETATION

In my remarks today I thought I could be most helpful by focusing on the proposed Resolution of March 11, 1987, submitted by the Senator from Delaware. That Resolution proposes rules for the interpretation of treaties generally, and then offers specific conclusions as to the ABM Treaty in particular. My study will deal with the conclusions suggested for the ABM Treaty. I can appropriately comment, however, at this time, on the general principles the Resolution proposes.

Let me say, at the outset, that I fully agree with the proposition expressed in Section 2(1)(B) that "the President may ratify only the treaty to which the Senate advised and consented." The treaty power is a special aspect of our Constitution. But it is similar to other aspects of the Constitution that reflect the Framers' intention to have a government of shared or mixed powers. The Senate and the President are partners in the treaty-making process, each having its own roles, but each needing the other's concurrence to act effectively. The statement by Professor Henkin in this connection—that the President can only ratify the treaty to which the Senate consents—is unobjectionable. The issue, always, in the context of our international obligations, is: What is that treaty to which the Senate advised and consented?

The key question posed by the Resolution is by what standards should the President, or the Senate, determine the meaning of a treaty ratified years before the issue of interpretation arises. Likewise, the Resolution properly states that a treaty is a law, and that the President must take care that all laws, including treaties, be faithfully executed under Article II, section 3, clause 4 of the Constitution. Once again, however, the question remains what is the treaty, that is the law, that the President must faithfully execute? How is its meaning determined?

The Resolution before these Committees proposes several rules by which it would require such determinations to be made. Some of these rules are traditional standards, such as the proposition that the meaning of a treaty "is informed by reference to expressions of intent by the Senate. . . ." If anything, that language is an understatement. The Senate's power over the meaning of a treaty, during the process of advice and consent, is enormous—its decisions and directions can be authoritative, when it chooses to exercise its power for that purpose.

The Resolution misstates the law, however, in at least two important respects. It is wrong, first, in the special weight it seeks to accord to what it defines as "Senate acquiescence in any interpretation communicated by the Executive." It is also wrong in attempting to mandate that, "to the extent the meaning of a treaty is clear" from how the Senate understands it and from the treaty's text, "anything not transmitted to the Senate" during the process of advice and consent, "including the negotiating record, is not relevant to the meaning of the treaty." These standards are inconsistent with established practice, and their adoption could have no effect internationally other than occasionally to bind the United States to standards of conduct which our treaty partners are free to ignore. Moreover, while these standards may appear to protect the prerogatives of the Senate, they would seriously undermine the Constitution's real purpose in assigning to the Senate the power of advice and consent.

The effect of ratification proceedings on the international obligations of the United States can be, and was intended to be, profound. The Senate is able, in a variety of ways, to have a powerful—even decisive—impact on the international obligations of the United States. The Senate has the power to decide in each instance just how far it wishes to go in establishing the meaning of a treaty on any question of interest to the Senate. In each instance, the Senate acts, not merely to protect its own prerogatives, but as a partner with the President in forming an international contract. A treaty is a law, and in some respects it has purely domestic effects that lead to its being applied in the way any law is applied. But a treaty is also more than a law. It is an international contract, and the Senate is as responsible as the President for making sure that the contracts made in behalf of the U.S. are mutually enforceable and do not create unilateral duties.

In implementing its important powers, therefore, over the meaning of treaties, the Senate has developed a set of practices to ensure that the Senate's determinations and opinions have the same degree of binding effect on our treaty partners as they do upon the United States. Thus, the Senate acts to incorporate its proposed interpretations as amendments, reservations, understandings, or other conditions in the Senate's resolution or ratification. The resolution of ratification is the document by which the Senate formally grants advice and consent, and it typically requires the President to take appropriate action in connection with ratification to ensure that the other party is officially informed of the Senate's input on the terms of the international contract, and is mutually bound.

In the case of a bilateral treaty, the practice of the Executive Branch has generally been to seek the express agreement of the other party to all the conditions in the Senate's resolution of ratification which affect the rights and obligations of the parties. The Executive then incorporates all such conditions into the U.S. instrument of ratification. The Senate is well aware of the importance of this process, and has occasionally concerned itself in great detail with the precise manner in which the Executive Branch would ensure that our treaty partners are legally bound with respect to the Senate's understandings or conditions.

In the case of the Panama Treaties, for example, the Senate conditioned its advice and consent on a series of amendments, reservations, understandings and other conditions, some of which addressed the meaning of treaty provisions. The Senate's resolutions of ratification required that the President include in the U.S. instruments of ratification all of the conditions in the Senate's resolutions, and that certain of these conditions be included in both the United States and Panamanian instruments, or in a bilateral agreement called a protocol of exchange to be signed by the two parties at the time of ratification.

In considering the SALT II Treaty, the Senate Foreign Relations Committee decided that the Senate should specify explicitly what was requested by the President for all conditions. It proposed a three-part resolution of ratification: first, provisions that did not require formal notice to or agreement by the Soviet Union, including a few interpretive statements and a number of internal instructions to the Executive Branch; second, provisions that would be formally communicated to the Soviet Union prior to ratification as the official position of the United States, including a number of interpretive statements; and third, provisions that would require the explicit agreement of the Soviet Union prior to ratification, concerning the legal status of certain associated documents.

The Committee report indicated that the President would be bound vis-a-vis the Senate with respect to the conditions in all three categories, but that the three categories differed with regard to their effect on the Soviet Union. With respect to the third category, the Committee recognized that even the formal inclusion of the conditions in the United States instrument of ratification might be insufficient to bind the Soviet Union, and that the Senate should therefore require the President to obtain express Soviet agreement.

These examples and others from the practice of the two branches illustrate that the Senate may, through its resolution of ratification, oblige the President to act to ensure that the other party is legally bound to an interpretation of treaty terms. They also show that the Senate is fully aware that the proper and effective way to bind treaty partners is to secure their express written agreement to conditions or other terms. In the absence of express agreement, some degree of doubt will always exist as to whether the other party is legally bound to an interpretation, even when it is contained in the Senate's resolution and the U.S. instrument of ratification. Finally, this practice reflects that, by implication, our treaty partners are not bound by interpretations as to which they are not given formal notice prior to ratification.

The fundamental importance given to the Senate's explicit, formally communicated understandings is also clearly supported in law. The Vienna Convention on the Law of Treaties provides that treaties must be interpreted "in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of its objects and purpose." Senate additions to a ratification instrument often constitute the terms of a treaty, at times, the Senate rewrites a treaty's terms to make it acceptable. Where the U.S. formally communicates the Senate's conditions, reservations, or understandings, which are not "terms" stricly speaking, they clearly constitute an important part of the "context" in which the treaty's terms must be construed and its purposes ascertained.

In sharp contrast to Senate actions that are contained in the resolution of ratification and formally communicated to treaty partners, interpretations of a treaty merely discussed before, or presented by Executive witnesses to, the Senate in general have far less weight in the process of treaty interpretation. This does not mean that such interpretive statements have no probative value on the issue of the treaty's international meaning and effect.

Their probative value for this purpose, however, is far less certain than statements placed in ratification resolutions, and depends upon a variety of factors, including the degree to which the Senate evidenced an intent to adopt the interpretation as a condition to its assent to the treaty, whether and the manner in which the treaty partner is put officially on notice of such statements, and the extent and manner in which the treaty partner responds.

How the record of internal ratification proceedings fits into the scheme of the Vienna Convention on Treaties is unclear. The internal ratification proceedings of one of the parties to a treaty may shed light on that party's understanding of the meaning intended by its terms and the object and purpose of the treaty.

Standing alone, however, such proceedings would not appear to be part of the context of a treaty, or the materials cited in Article 31. Such evidence might, however, qualify under Article 32 as "supplementary materials", and appear to have been treated as such by various scholars. Assuming that internal ratification records are, at best, "supplementary" means of interpretation, they are therefore no higher in status in the interpretation of treaties for international purposes than the negotiating record.

The Convention does not indicate what relative probative weight should be given to ratification proceedings; presumably this would depend on their content, significance, and all other relevant circumstances. But the content of such proceedings must always be considered with caution, in that they reflect the views expressed in the internal processes of only one of the parties.

The American Law Institute's Restatement of Foreign Relations Law of United States generally repeats the principles of the Vienna Convention.

Section 325 of the revised Restatement, and the official commentary to that section. Note that this treatment under international law differs somewhat from the approach ordinarily taken by U.S. courts in determining the domestic legal effect of international agreements. U.S. courts tend to take greater account of internal U.S. materials, such as committee reports and debates, than would be the case in the determination of international obligations. But the process of determining what the U.S. is obliged to do internationally is very different, and internal discussions are accorded far less authority in that context than conclusions of the Senate communicated by the Executive to the other party.

The November 1977 Senate Foreign Relations Committee memorandum, *The Role of the Senate in Treaty Ratification*, draws this clear distinction between the effect of ratification proceedings on U.S. international obligations, as opposed to U.S. domestic law. It states that:

". . . The Committee reports, although purely domestic documents and of no concern to other parties, have value to the Executive and Judicial Branches in interpreting the intent of the Senate. They serve as legislative history in the event questions should arise over the meaning of a treaty. Statements and colloquies by the floor manager of a treaty serve a similar purpose."

This characterization of internal ratification proceedings, for the purpose of determining international obligations, as "purely domestic documents" of "no concern to other parties" is an accurate appraisal, except where, in a particular case, the U.S. Government acts formally to communicate such matters to the other party. In such a case, an interpretation communicated to the other party, while not binding, could have probative weight in determining what the parties intend, depending on the manner in which the statement is communicated and the response (if any) made by the other party. This is why the Senate has regularly insisted upon incorporating its serious concerns into the resolution of ratification.

The Senate has repeatedly refused to rely on the record of its advice-and-consent proceedings alone as the basis for establishing authoritative interpretations of the international aspects of treaties.

For example, the Foreign Relations Committee's report on the Genocide Convention, referring to the formal conditions that it recommended be included in the Senate's resolution of ratification, stated that:

"The Senate's conditions, together with the treaty and its accompanying documents, describe in full the obligation of the United States in ratifying the treaty. To insure an identity of expectations by all parties concerning the rights and obligations imposed by the treaty, each party should be accorded formal notice of the Senate's conditions. . . ."

The interests of the United States would be disserved by adopting the Resolution's treatment of the weight to be accorded to statements made in the internal ratification proceedings.

The U.S. presently regards itself as having no duty to monitor, or respond to, statements made in the ratification proceedings of other nations, unless the statements are formally communicated. If the U.S. were charged with knowing what went on during such internal proceedings, we would, among other things, have to detail legally and technically trained personnel to observe such proceedings, make judgments about legal and constitutional systems with which we are not familiar, and in many cases introduce a visible U.S. presence in domestic bodies of other countries that might have negative political consequences.

Such a practice would make no sense. Moreover, because we could not successfully insist that other nations monitor and respond to statements at ratification hearings in the U.S. Senate. Like the U.S., other states do not regard themselves as obliged to follow our domestic activities. They rely upon the written instruments and other formal communications as the proper means for conveying the views of the United States on the meaning of treaties. In any event, we could not press such a view without accepting a comparable obligation with respect to their proceedings.

Other, sound reasons exist for avoiding the rule suggested by the Resolution under consideration that would place great weight upon what it describes as the Senate's "understanding" as informed by reference to "Senate acquiescence in any interpretation communicated by the Executive." Statements in ratification proceedings will vary in the authority with which they are entitled to be viewed, and each nation will have its own set of values in this regard.

The importance which the Senate attaches to particular statements will also vary, and will often be speculative. To infer Senate approval from "acquiescence," moreover, would be a dangerous practice, and certainly one with no sound empirical basis. Experience shows that the Senate deals in general, in an authoritative manner, only with what it must deal, or with what it wants to deal. The Senate, as a body, often forms no judgment—of approval or acquiescence—on matters it is presented, especially when they are relatively minor concerns in a treaty's consideration.

For these reasons it is essential to judge the evidentiary value of ratification proceedings, in the context of determining international obligations, by reference to the degree to which their substance is formally communicated to the foreign government in question, and the manner in which the foreign government responds.

With respect to matters on which the Senate has not acted, and on which the Executive has communicated with the treaty partner, the weight to give such supplementary materials, if any, should be far less than the weight given to matters on which the Senate has adopted a view which has been formally communicated. Furthermore, these materials must be subjected to the normal. Careful evaluation to which any form of legislative history is subjected. Materials of this sort should not be given a particular legal status, as the proposed Resolution suggests, and in particular such material should not be given any greater importance than it is presently accorded under established principles of international and domestic law.

3. *The President's Descretion in Interpreting Treaties:*

The Resolution under consideration gives too little recognition to the President's substantial discretion in the interpretation of treaties.

The President has this power pursuant to his responsibilities to enforce the laws and to conduct the foreign affairs of the United States. U.S. courts typically give great deference to the manner in which the Executive Branch interprets a treaty. Where a question of interpretation has not been resolved by an express condition in the Senate's resolution of ratification. The President has the latitude to consider all relevant interpretive materials and to reach a lawful decision that maximizes the interests of the U.S. and its citizens. Of course, the President cannot and should not disregard views expressed during Senate proceedings, which are considerable importance. This Administration has never said otherwise. But this nation has developed an allocation of powers, and a set of practices, concerning treaty interpretation that work well and should not be abandoned over a particular controversy on all aspects of which the President wishes to work closely with the Senate.

Subsection (2)(C) of the proposed Resolution seeks to limit the President's power of interpretation by stating generally that, to the extent the meaning of a treaty is clear under subparagraphs (A) and (B), anything not transmitted to the Senate at such time, including the negotiations record, is not relevant to the meaning of the treaty. This evidently means that if the Senate had an internal understanding on a particular point, then the negotiating record, the subsequent practice of the parties, and later interpretive agreements between the parties are all irrelevant. This would, of course, be fundamentally unacceptable to all of our treaty partners, and with good reason. We cannot unilaterally interpret treaties based on the uncommunicated and unconsented understanding of one of our internal branches of government. We would not accept any such effort by another nation.

The only practical effect of the rules proposed in the Resolution would be for the Senate of the United States to limit the President of the United States to a legislatively mandated meaning of a treaty, irrespective of what the treaty really means, and what a treaty partner may be free to claim the treaty means. The United States would be put at a significant disadvantage if the President is subject to stricter constraints, as a result of internal understandings of the Senate, than those which apply to other parties. Neither the Senate nor the President should have any interest in depriving our nation of the benefits of mutuality-of-obligation in its treaty relations.

We fully recognize the importance the Senate attaches to Executive communications. We particularly recognize that communications bearing on legislation or treaty-making are relied upon by legislators, and that Congress has a right to rely on such statements.

At the same time, however, human experience demonstrates that errors sometimes occur, people sometime exaggerate, and misunderstandings take place. But the Senate has ample remedies for these dangers, which can be used without prejudicing U.S. interests in its international relations. The Senate can, of course, and does include in its resolution of ratification those matters which are fundamental to its willingness to grant advice and consent, and which have not been adequately resolved by agreement between the parties. The Senate can also insist on being adequately informed on issues during the treaty ratification process. Requests were tentatively advanced during consideration of the ABM Treaty, for instructions and the negotiating record, but they were not pressed. Senator Jackson at one point mentioned that the State Department had promised an analysis of the Treaty, and such an analysis was in fact prepared, but a legal analysis was not formally requested or provided.

Where issues of treaty interpretation arise on which the Senate takes a strong interest, the President and the Senate must work together in good faith to resolve such questions in a manner that, consistent with the Constitution and international law, maximizes the interests of the United States. This requires active cooperation and mutual accommodation, in a process in which neither branch has absolute authority to control the outcome. Our Constitution is complicated because of the uncertainties it leaves, and the overlapping powers it confers. But it works, whereas the apparently simple solution described in S. Res. 167 will not work. It would create chaos in the applicable law, and would have no international effect, beyond prejudicing the United States by depriving us of the right to insist in some cases on mutuality of obligation.

In evaluating the Senate's constitutional prerogatives, moremover, the Senate should evaluate all the implications of giving binding effect to the statements of Executive officers on the meaning of a treaty. The Senate, of course, is entited to full and fair presentations by Executive officials on the meaning of every aspect of treaties under Senate consideration. The Senate's interest in full and fair presentations, however, is to inform itself of the treaty that was actually made. When it gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanations it is provided. The Senate should not adopt rules that would in effect enable Executive officers to transform (for the U.S.) the treaty obligations actually negotiated. That result would, in fact, far more seriously undermine the Senate's role than the possibility that the Senate may from time to time be inadequately informed on a matter that was insufficiently important to lead the Senate to issue some form of qualification on its formal advice and consent to ratification.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bill and joint resolutions:

On March 20, 1987:

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week."

On March 25, 1987:

S.J. Res. 19. Joint resolution to designate March 20, 1987, as "National Energy Education Day."

On March 27, 1987:

S.J. Res. 63. Joint resolution to designate March 21, 1987, as "Afghanistan Day."

On April 3, 1987:

S. 632. An act to amend the Legislative Branch Appropriations Act, 1979, as reenacted, to extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate, and for other purposes.

S.J. Res. 96. Joint resolution designating April 3, 1987, as "Interstate Commerce Commission Day."

On April 8, 1987:

S.J. Res. 47. Joint resolution to designate "National Former POW Recognition Day."

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 15, 1987, as "National Minority Cancer Awareness Week".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 103. Concurrent resolution providing for a conditional adjournment of the House from April 9 to April 21, 1987, and a conditional adjournment of the Senate from April 9, 10, or 11 to April 21, 1987.

ENROLLED BILL SIGNED

At 5:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1783. An act to make technical corrections on certain defense-related laws.

The enrolled bill has subsequently signed by the President pro tempore (Mr. STENNIS).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-975. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study of Health Insurance Designed To Supplement Medicare and Other Limited Benefit Health Insurance Sold to Medicare Beneficiaries"; to the Committee on Finance.

EC-976. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Social Security Administration—Stable Leadership and Better Management Needed To Improve Effectiveness"; to the Committee on Finance.

EC-977. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the 49th quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the proposed increase in the Medicare prospective payment system for fiscal year 1988; to the Committee on Finance.

EC-979. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1988 arms control impact statement; to the Committee on Foreign Relations.

EC-980. A communication from the Secretary of State, transmitting, pursuant to law, the determination of the President that the Board of the International Fund established by the Anglo-Irish agreement is representative of the interests of the communities in Ireland and Northern Ireland; to the Committee on Foreign Relations.

EC-981. A communication from the Secretary of State, transmitting, pursuant to law, the report on the situation in El Salvador for the period October 1, 1986 to March 31, 1987; to the Committee on Foreign Relations.

EC-982. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, the fiscal year 1986 annual report, the Auditors Report on Compliance, and the Auditor's Report on Internal Control; to the Committee on Foreign Relations.

EC-983. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report on tropical forestry; to the Committee on Foreign Relations.

EC-984. A communication from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend 5 U.S.C. 5724a(a)(40(A) to liberalize certain provisions which authorize reimbursement for the expenses of the sale and purchase of a residence upon transfer of an employee; to the Committee on Governmental Affairs.

EC-985. A communication from the Vice President of the Farm Credit Banks of Columbia, transmitting, pursuant to law, the audit report of the Farm Credit Banks of Columbia for the plan year ending August 31, 1986; to the Committee on Governmental Affairs.

EC-986. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-987. A communication from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Presidential Inaugurations—Legislation Is Needed To Clarify Agencies Support Roles"; to the Committee on Governmental Affairs.

EC-988. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Agency Fund 803, the District of Columbia Inmate Trust Fund"; to the Committee on Governmental Affairs.

EC-989. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, notice of a request for a decision on proposed changes to the Domestic Mail Classification Schedule; to the Committee on Governmental Affairs.

EC-990. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, an opinion and recommended decision on third-class mail maximum size; to the Committee on Governmental Affairs.

EC-991. A communication from the Attorney General of the United States, transmitting, pursuant to law, certain certifications under the Bankruptcy Judges, U.S. Trustees, and Family Farmer Act for the Northern and Eastern Districts of Texas; to the Committee on the Judiciary.

EC-992. A communication from the Freedom of Information Act Director of the Federal Home Loan Mortgage Corporation (Freddie Mac), transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-993. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the annual report on Extraordinary Contractural Actions to Facilitate the National Defense for calendar year 1986; to the Committee on the Judiciary.

EC-994. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-995. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-996. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend the Drug-Free Schools and Communities Act of 1986, and for other purposes; to the Committee on the Judiciary.

EC-997. A communication from the Chairman of the Railroad Retirement Board, transmitting a draft of proposed legislation to provide for rail sector financing of the full cost of civil service retirement of Railroad Retirement Board employees; to the Committee on Labor and Human Resources.

EC-998. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

EC-999. A communication from the Chairman of the President's Cancer Panel, transmitting, pursuant to law, the annual report of the Chairman for calendar year 1986; to the Committee on Labor and Human Resources.

EC-1000. A communication from the Secretary of Education, transmitting, pursuant to law, Notice of Final Funding Priorities—Program for Severely Handicapped Children; to the Committee on Labor and Human Resources.

EC-1001. A communication from the Chairman of the National Advisory Council on Women's Education Programs, transmitting, pursuant to law, the 12th annual report of the Council; to the Committee on Labor and Human Resources.

EC-1002. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to repeal the National Sea Grant College Program Act, as amended; to the Committee on Labor and Human Resources.

EC-1003. A communication from the general counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend section 516 of title 44, United States Code, with respect to the prosecution of defaulting contractors by the general counsel for the Department of the Treasury; to the Committee on Rules and Administration.

EC-1004. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide on call pay to certain civil service health-care personnel; to the Committee on Veterans' Affairs.

EC-1005. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to index

rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living, and for other purposes; to the Committee on Veterans' Affairs.

EC-1006. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

EC-1007. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the administration of veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

EC-1008. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on cases recommended for equitable relief during calendar year 1986; to the Committee on Veterans' Affairs.

EC-1009. A communication from the Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting, pursuant to law, the third quarterly commodity and country allocation table showing current programming plans for food assistance for fiscal year 1987; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1010. A communication from the Director of the Bureau of Justice Statistics, Department of Justice, transmitting, pursuant to law, the annual report on the activities of the Bureau for fiscal year 1986; to the Committee on the Judiciary.

EC-1011. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final procedures for the Robert C. Byrd Honors Scholarship Program; to the Committee on Labor and Human Resources.

EC-1012. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the State Veterans' Home Grant Program; to the Committee on Veterans' Affairs.

EC-1013. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; to the Committee on Veterans' Affairs.

EC-1014. A communication from the Board of Trustees, Federal Old-Age and Survivors Insurance Trust Funds, transmitting, pursuant to law, the 1987 Annual Report of the Trust Fund; to the Committee on Finance.

EC-1015. A communication from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1987 Annual Report of the Trust Fund; to the Committee on Finance.

EC-1016. A communication from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1987 Annual Report of the Trust Fund; to the Committee on Finance.

EC-1017. A communication from the Assistant Secretary of State transmitting, pursuant to law, a travel advisory for Peru; to the Committee on Foreign Relations.

EC-1018. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1988 and 1989; to the Committee on Commerce, Science, and Transportation.

EC-1019. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, lease prospectuses for 24 sites; to the Committee on Environment and Public Works.

EC-1020. A communication from the Executive Secretary of the Board of Regents for the Uniformd Services University of the Health Sciences transmitting, pursuant to law, the Board's Government in the Sunshine Report for 1986-87; to the Committee on Governmental Affairs.

EC-1021. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's 1986 Freedom of Information Act Report; to the Committee on the Judiciary.

EC-1022. A communication from the Director of the Office of Civilian Nuclear Waste Management, Department of Energy, transmitting, pursuant to law, the mandated proposal for the construction of a monitored retrievable storage facility; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-66. A resolution adopted by the City Council of Port Arthur, Texas, opposing proposed regulations to require turtle exclusion devices on towing trawls in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

POM-67. A petition from citizens of Apple Valley, California opposing the California Desert Protection Act S. 7; to the Committee on Energy and Natural Resources.

POM-68. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION NO. 13

"Whereas, During its last legislative session, Congress failed to enact the Highway and Transit Reauthorizations Bill which proposed to appropriate money from the Highway Trust Fund to the various states for the construction and maintenance of the Federal Aid Highway System; and

"Whereas, As a result, Nevada has only that money reserved from appropriations made in the past, totaling approximately $33,600,000, to use for the construction and maintenance of highways in this state which are a part of that system; and

"Whereas, The money in the Highway Trust Fund is collected from fees imposed on the users of highways and was dedicated expressly for the purpose of constructing and maintaining those highways; and

"Whereas, The failure of Congress to authorize the release of that money strongly demonstrates its breach of faith with the various states and the users of their highways; and

"Whereas, Nevada has worked hard to complete its portion of the Federal Aid Highway System and has effectively used the money the state has been given to complete the system of highways outlined by the Federal Government; and

"Whereas, If Congress fails to enact the Highway and Transit Reauthorization Bill by March of 1987, much of the needed construction will have to be unnecessarily delayed until 1988, thereby causing many workers to lose their jobs and seriously damaging many other areas of the state's economy; now therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, that the Legislature of the State of Nevada hereby urges the Congress of the United States to enact the Highway and Transit Reauthorization Bill without delay; and be it further

"Resolved, That copies of this resolution be transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and the members of the Nevada Congressional delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval.

POM-69. A resolution adopted by the House of Representatives of the State of Arizona; to the Committee on Foreign Relations:

"HOUSE MEMORIAL 2001

"To the President and the Congress of the United States of America: Your memorialist respectfully represents:

"Whereas, more than seven years have passed since the invasion of Afghanistan by the Soviet Union; and

"Whereas, the invading Soviets have subjected the citizens of that suffering country to the destruction and devastation of their homes and property; and

"Whereas, over one million people have died in either fighting the Soviet invaders or through Soviet reprisals against Afghanistan civilians; and

"Whereas, the Soviet strategy of invasion deliberately targets civilians and, in particular, children with bombs disguised as toys; and

"Whereas, notwithstanding the employment of superior weapons, the Soviets have been unable to crush the spirit of Afghanistan resistance; and

"Whereas, the heroic resistance of the people of Afghanistan to Soviet aggression continues to be a beacon of inspiration to all freedom loving people.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the President and the Congress of the United States give their most earnest consideration to providing all possible moral and financial support by the United States to the people of Afghanistan in their struggle against Soviet aggression.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

POM-70. A petition from a citizen of the United States praying for a redress of grievances regarding certain patents; to the Committee on the Judiciary.

POM-71. A concurrent resolution adopted by the Legislature of the State of Texas; ordered to lie on the table:

"SENATE CONCURRENT RESOLUTION NO. 3

"Whereas, The 99th Congress of the United States adjourned without reauthorizing the Federal-aid Highway Program; and

"Whereas, The result of the failure of the congress to reauthorize the Federal-aid Highway Program is that no additional funds have been added to the program since September 30, 1986; and

"Whereas, On December 31, 1986, the funds available to the State of Texas in several accounts were extinguished, and therefore the state may not enter into contracts for essential maintenance and construction of Texas roads, bridges, and highways; and

"Whereas, each Texas driver continues to pay nine cents per gallon in federal motor fuel taxes, which revenue should be available for desperately needed maintenance and construction of Texas roads, bridges, and highways, but which will be unavailable for such purposes until the Federal-aid Highway Program is reauthorized by the congress; now, therefore, be it

"*Resolved*, That the 70th Legislature of the State of Texas do hereby request that the 100th Congress of the United States reauthorize the Federal-aid Highway Program at the earliest possible moment; and, be it further

"*Resolved*, That the 70th Legislature of the State of Texas do hereby urge the 100th Congress of the United States to begin the process of reauthorizing the Federal-aid Highway Program by immediately reaffirming areas of agreement between house and senate conferees which were reached in the closing hours of the 99th Congress and by setting aside for separate consideration those issues in contention that prevented passage of this vitally important legislation in 1986; and, be it further

"*Resolved*, That the secretary of state of the State of Texas forward an official copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Texas delegation to the 100th United States Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-72. A concurrent resolution adopted by the Legislature of the State of Iowa; ordered to lie on the table:

"HOUSE CONCURRENT RESOLUTION NO. 5

"Whereas, the 99th Congress adjourned without reauthorizing the Federal-aid Highway Program with the result that the program ran out of new money on September 30, 1986; and

"Whereas, on December 31, 1986, the State of Iowa exhausted its Interstate 4R, Consolidated Primary, and Bridges funds, and cannot undertake essential new federally assisted contracts without assurance that the 100th Congress will promptly enact reauthorization legislation (which would prevent loss of the entire 1987 construction season in Iowa); Now Therefore,

"Be it Resolved by the House of Representatives, the Senate Concurring, That the incoming 100th Congress be urged to reauthorize the Federal-aid Highway Act at the earliest possible time by reaffirming areas of agreement between House and Senate conferees, which were reached in the closing hours of the 99th Congress, as a starting point, and by setting aside for separate consideration those issues in contention that prevented passage of this vitally important legislation in 1986; and be it further

"*Resolved*, That the Chief Clerk of the House forward copies of this Resolution to the members of the Iowa Congressional Delegation, to the presiding officers of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment:

S. 360. A bill to improve the education status of Native Hawaiians, and for other purposes (Rept. No. 100-36).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment:

S. 903. A bill to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 965. A bill for the relief of Yong-Tzi-Ma; to the Committee on the Judiciary.

By Mr. ADAMS (for himself and Mr. EVANS):

S. 966. A bill for the relief of Frederick Paul of Seattle, WA; to the Committee on the Judiciary.

S. 967. A bill for the relief of Frederick Paul and Aileen Paul; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 968. A bill to amend the Internal Revenue Code of 1986 to deny an employer a deduction for group health plan expenses unless such plan includes 1st dollar coverage for pediatric health care; to the Committee on Finance.

By Mr. McCONNELL:

S. 969. A bill to impose quotas on certain products of the Republic of Korea, and to deny benefits under the Generalized System of Preferences to such products, until the Republic of Korea opens its markets to United States cigarettes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. LUGAR, and Mr. GLENN):

S. 970. A bill to authorize a research program for the modification of plants focusing on the development and production of new marketable industrial and commercial products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSTON (for himself and Mr. BENTSEN):

S. 971. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil or refined petroleum products and to repeal the windfall profit tax on domestic crude oil; to the Committee on Finance.

By Mr. CHILES:

S. 972. A bill to amend the Immigration and Nationality Act to require, pending deportation proceedings, the detention of aliens who have been convicted of aggravated felonies; to the Committee on the Judiciary.

S. 973. A bill to provide for additional criminal penalties for deported aliens who reenter the United States, and for other purposes; to the Committee on the Judiciary.

S. 974. A bill to impose criminal penalties upon persons who neglect or refuse to appear before certain proceedings under the Immigration and Nationality Act; to the Committee on the Judiciary.

S. 975. A bill to impose criminal penalties against persons aiding aliens violating certain laws to enter the United States; to the Committee on the Judiciary.

S. 976. A bill to amend the Immigration and Nationality Act to establish a connection between certain computerized indexes containing information on deportable aliens; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 977. A bill to provide routine confidential testing of individuals convicted for drug and sex offenses for exposure to the human immunodeficiency virus; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself, Mr. SHELBY, Mr. BYRD, Mr. DOLE, and Mr. THURMOND):

S. 978. A bill for the relief of Jens-Peter Berndt; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. INOUYE, and Mrs. KASSEBAUM):

S. 979. A bill to provide that political candidates meet certain requirements in advertising; to the Committee on Rules and Administration.

By Mr. SYMMS:

S. 980. A bill to prohibit the importation of certain products of Australia and New Zealand; to the Committee on Finance.

By Mr. STAFFORD (for himself, Mr. BAUCUS, Mr. DURENBERGER, Mr. MITCHELL, and Mr. CHAFEE):

S. 981. A bill to amend the Toxic Substances Control Act so as to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in Federal and other buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. CRANSTON):

S. 982. A bill to authorize payments to States to be used for grants to provide support for family day care providers; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself, Mr. PRYOR, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BOND, and Mr. DASCHLE):

S. 983. A bill to provide for the establishment of rural enterprise zones, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 984. A bill to extend the filing period for reliquidation of certain imports; to the Committee on Finance.

By Mr. BOREN (for himself and Mr. NICKLES):

S. 985. A bill to expand coverage of bilateral steel arrangements to include welded steel wire fence panels, wire fabric, and welded steel wire mesh; to the Committee on Finance.

By Mr. BAUCUS:

S. 986. A bill to provide Federal financial assistance to facilitate the establishment of partnerships between local educational agencies, private businesses, and the community to improve the quality of elementary and secondary education instruction, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. TRIBLE (for himself and Mr. Warner):

S. 987. A bill to improve the pay and management of employees of the Federal Government; to the Committee on Governmental Affairs.

By Mr. ROTH:

S. 988. A bill to amend section 2314 of title 18, United States Code, relating to transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting; to the Committee on the Judiciary.

S. 989. A bill to regulate recruitment and treatment of certain door-to-door sales agents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 990. A bill for the relief of Marie Ange Adolphe; to the Committee on the Judiciary.

S. 991. A bill for the relief of Hreinn Pio Francisco Lindal; to the Committee on the Judiciary.

S. 992. A bill for the relief of Abu-Ras Nehad and Fadia Salem; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. Roth):

S. 993. A bill to require the Department of State offices involved in overseas construction projects; to the Committee on Foreign Relations.S. 994. A bill to improve security at facilities of the United States Government located in foreign countries; to the Committee on Foreign Relations.

S. 995. A bill to assure the availability of funds for additional construction activity in certain Communist countries; to the Committee on Foreign Relations.

S. 996. A bill to increase penalties for espionage, to enhance security at United States missions abroad, and for other purposes; to the Committee on Foreign Relations.

By Mr. PELL:

S. 997. A bill to require the Director of the National Institute on Aging to provide for the conduct of clinical trials on the efficacy of the use of tetrahydroaminoacidine in the treatment of Alzheimer's disease; to the Committee on Labor and Human Resources.

By Mr. DeCONCINI (for himself, Mr. Leahy, Mr. Simon, Mr. Domenici, Mr. McCain, Mr. Harkin and Ms. Mikulski):

S. 998. A bill entitled the "Micro Enterprise Loans for the Poor Act"; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. Matsunaga and Mr. DeConcini):

S. 999. A bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program; to the Committee on Veterans Affairs.

By Mr. HELMS (by request):

S. 1000. A bill to improve the operation of the sugar price support program and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself, Mr. Moynihan and Mr. Durenberger):

S. 1001. A bill to amend title IV of the Social Security Act to improve the performance of States in establishing the paternity of children, assuring the adequacy of child support award amounts, and enforcing child support awards; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. Simon, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, Mr. Graham and Mr. Pell):

S. 1002. A bill to amend title 38, United States Code, to provide disability and death benefits to veterans (and survivors of such veterans) exposed to ionizing radiation during the detonation of a nuclear device in connection with the U.S. nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan; and for other purposes; to the Committee on Veterans Affairs.

By Mr. CHAFEE:

S. 1003. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to medicare beneficiaries on prepaid, capitated basis; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Stafford, Mr. Danforth, Mr. Thurmond and Mr. Cochran):

S 1004. A bill to reauthorize financial assistance to meet the special educational needs of disadvantaged children to reauthorize programs under chapter 2 of the Educational Consolidation and Improvement Act and to strengthen provisions of that Act, to provide programs for gifted and talented students, to provide for a White House conference on teaching and competitiveness, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STAFFORD (for himself, Mr. Dole, Mr. Hollings, Mr. Domenici, Mr. Thurmond, Mr. Leahy, Mr. Grassley, Mr. Inouye, Mr. Cochran, Mr. Danforth and Mr. Melcher):

S. 1005. A bill to reauthorize and improve chapter 2 of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HECHT (for himself, Mr. Inouye, Mr. McClure, Mr. Garn, Mr. Matsunaga, Mr. Stevens, Mr. Murkowski, Mr. Nickles, Mr. Symms and Mr. Hatch):

S. 1006. A bill entitled the "Geothermal Steam Act Amendments of 1987"; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 1007. A bill to enable States located on a river or acquifer affected by the siting of a repository for high-level radioactive waste or spent nuclear fuel to participate effectively in the site selection, review, and approval process for such repository, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 112. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself, Mr. Shelby, Mr. Stevens and Mr. Sanford):

S.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States with respect to the impeachment of Article III judges; to the Committee on the Judiciary.

By Mr. BREAUX:

S.J. Res. 114. A joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mr. Evans):

S. Res. 187. A resolution referring the bill for the relief of Frederick Paul to the Chief Judge of the United States Claims Court; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. Res. 188. A resolution to express the sense of the Senate regarding reciprocal trade in agricultural commodities; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Adams):

S. Res. 189. A resolution to commend the United States Coast Guard for its recent heroic action in the rescue of 37 Soviet crew members.

By Mr. KENNEDY (for himself, Mr. Pell and Mr. Levin):

S. Con. Res. 46. A concurrent resolution expressing the sense of the Congress concerning representative government, political parties, and freedom of expression on Taiwan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S.J. Res. 112. A joint resolution proposing an amendment to the Constitution of the United States which requires—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET AMENDMENT

Mr. SHELBY. Mr. President, I am pleased to introduce, Senate Joint Resolution 112, a joint resolution which proposes an amendment to the Constitution of the United States to require—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of revenues received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year. This measure is identical to legislation that I introduced while serving four terms as a Member of the U.S. House of Representatives.

This resolution is unique in that it combines the need for a constitutional amendment to balance the budget with a cap on overall spending. By making sure that congressional budget outlays do not exceed 20-percent of the previous calendar year's gross national product, we restrain ourselves from raising spending levels just because the country did well economically.

I take this action because I believe that until our still outrageously high deficits are reduced, long-term economic growth will be at the mercy of deficit-induced high interest rates and the subsequent onset of rising inflation. Therefore, it is imperative that Congress devise a more palatable budget, one which clamps down on wasteful spending while smoothing the way for the restoration of fiscal sanity to our financial system.

It is time for Congress to stop looking at the short-term benefits of particular programs and start looking at the long-term effects our policies will have on our children and our children's children down the road.

In order to accomplish this task we will need the assistance of all segments of society: the President; Congress; Business, both large and small; our Federal agencies, State legislatures; and the whole spectrum of special interests. However, it must be Congress that has to take the leadership role.

I supported the Balanced Budget and Emergency Deficit Control Act of 1985, otherwise known as the Gramm-Rudman-Hollings amendment, which requires Congress to balance the budget by 1991. Through this process the deficit has declined from $220 billion in fiscal year 1986 to $173 billion in fiscal year 1987 and will fall to $108 billion in fiscal year 1988 if we continue to abide by its provisions. However, I believe that the magnitude of the problem warrants stronger action. Congress is finding it more and more difficult to reach the Gramm-Rudman-Hollings targets. We also risk the danger of falling back into the trap of projecting deficits far short of actual amounts and then trying to figure out ways to pay for them.

For example, in fiscal year 1982 the projected deficit was $45 billion, the actual deficit turned out to be $128 billion. In fiscal year 1983, the projection was $91 billion, the actual figure became $208 billion. This has continued through fiscal year 1986 when the Office of Management and Budget projected a deficit of $172 billion, whereas we really spent $221 billion more than we took in. Therefore, a responsible Federal policy demands that a cap be placed on spending and a constitutional requirement is the only mechanism that will work.

The massive Federal deficits that we have managed to pile up over the past 6 years have led to a national debt now well over $2 trillion. These actions have bestowed a debt burden exceeding $5,000 on each man, woman, and child in America. Until we realistically come to grips with this issue this figure will surely continue to grow.

There are those who believe that our $2 trillion national debt is a nonissue, that the American people are not concerned about its effect on the economy or in their every day lives. However, when interest on the national debt takes up over 20 percent and is the third largest line item of the fiscal year 1988 budget it is cause for great concern. Gross interest payments on the public debt are estimated to be $191.7 billion in 1988, $198.4 billion in 1989, and $205.6 billion in 1990. Reallocation of these funds could buy the American people much more aid to education or health research or national security.

There are those who might argue that reducing the deficit or eliminating it all together would bring on a recession. I believe the effect would be just the reverse. These huge deficits, piled up year after year, have brought about much of this country's economic problems, particularly the trade deficit, which reached $170 billion last year, and have also brought about low capital investment. Eliminating deficits would certainly aid in the reversal of our trade problems and free up capital for productive private investment.

Mr. President, for too long we have operated under a tax-and-spend philosophy—steadily increasing the role of government in our lives while assessing increasingly onerous taxes on our taxpayers. Therefore, it is important that Congress eliminate wasteful spending across the board.

With a definite ceiling on how much money the Federal Government can spend, the President and Congress will be forced to look more carefully at each expenditure and at each revenue-raising attempt. This will be a painful process, but one that I feel is mandated by the crucial nature of the problem and something that is far preferable to placing the burden of debt on future generations of Americans.

Mr. President, I yield back the balance of my time.

By Mr. HEFLIN (for himself, Mr. SHELBY, Mr. STEVENS, and Mr. SANFORD):

S.J. Res. 113. Joint resolution proposing an amendment to the Constitution of the United States with respect to the impeachment of Article III judges; to the Committee on the Judiciary.

IMPEACHMENT OF ARTICLE III JUDGES

Mr. HEFLIN. Mr. President, I rise today to introduce a joint resolution calling for a constitutional amendment to give the Congress the authority to provide for alternative procedures for the removal from office of Federal judges serving pursuant to article III of the Constitution. This amendment will only apply to those Federal judges found to have committed treason, bribery or other high crimes and misdemeanors.

As I stated at the end of the 99th Congress, I feel that the current procedure for impeaching Federal judges is unworkable. It is unrealistic to expect 100 Senators to act as both judge and jury. I think this fact was obvious in last session's impeachment trial of Judge Claiborne. While I feel that Judge Claiborne received a fair and impartial hearing of his grievances, I also believe that an alternative procedure can be devised which will better serve the ends of justice. I set forth my views about the Claiborne impeachment proceedings and my thoughts on how such proceedings should be held concerning the removal of judges in a commentary article that appeared in the December 15, 1986 issue of Legal Times. I ask unanimous consent that it appear in the RECORD after my remarks and before the resolution I am introducing.

The amendment which I am proposing will in no way alter the reasons for which a Federal judge can be removed from office. The causes for removal stated in the amendment have been drawn directly from the U.S. Constitution. This amendment will give Congress the power to institute different procedures for the removal of judges than the one that is presently employed.

The current method of having the House of Representatives pass articles of impeachment against a Federal judge and then having the Senate conduct an impeachment trial is both cumbersome and out of date. The U.S. Congress is not the institution it was was 50 years ago. It is much larger now and it faces an extremely diverse and complex workload every day. Further, the demands on a Senator's time have also increased dramatically. A Senator must deal with a wide variety of issues from the farm debt crisis to nuclear arms control. A U.S. Senator no longer has the option of devoting all of his time to a lengthy and complicated impeachment trial of a Federal judge. Therefore, I believe that the U.S. Congress is no longer the best place to carry out the removal of Federal judges.

I believe that as the number of Federal judges in this country increases, we may very well be faced with more than one impeachment trial every 50 years. Currently there are two impeachment trials on the horizon. We must devise a method of removing Federal judges which is both fair to the individual and maintains one of the essential requirements of justice—an independent judiciary.

This is an area in which the Congress not only has the opportunity to provide for a more efficient process but also enhance justice—if it chooses to do so.

I ask unanimous consent that the resolution concerning a constitutional amendment to achieve the procedure heretofore mentioned be printed in the RECORD following my remarks.

There being no objection, the article and joint resolution were ordered to be printed in the RECORD, as follows:

[From the Legal Times, Dec. 15, 1986]

IN WAKE OF CLAIBORNE TRIAL—WHO SHOULD JUDGE THE JUDGES?

(By Howell Heflin)

I recently had the opportunity to participate in the first impeachment trial in the U.S. Senate in 50 years. As a result of serving on the 12-member Impeachment Committee and participating in the impeachment proceedings on the Senate floor, I have concluded that the Senate's impeachment rules, as they apply to federal judges, were written for an era that has passed and for a Senate that has changed. I believe that the Senate no longer is the appropriate place to conduct an impeachment trial of a federal judge.

This article examines the Senate's impeachment function, especially in light of the recent impeachment of U.S. District Judge Harry Claiborne, and discusses some alternatives to the federal impeachment system.

The Constitution provides in Article 1, § 2, Clause 5 that "[t]he House of Representatives shall . . . have the sole power of impeachment," and Article 1, § 3, Clause 6 provides that "[t]he Senate shall have the sole power to try all impeachments."

By its very words the Constitution requires the Senate to conduct an impeachment trial, in which it functions as both judge and jury.

In order to carry out such a weighty responsibility, a senator must be acutely aware of all the facts of the case. When the facts are in dispute, the actual observation of witnesses under cross-examination is uniquely important. I believe that the full Senate no longer is able structurally to carry out such a responsibility because of the time and attention it demands.

Since the adoption of our Constitution almost 200 years ago, there have been only 13 impeachments by the House of Representatives. As a result of these 13 impeachments, the Senate has conducted 11 impeachment trials. Only four have ended in convictions.

It seems clear that the framers of the Constitution intended that the Senate conduct a full judicial trial on the Senate floor, and in effect, this is how the Senate conducted impeachment trials until 1986. But times have changed. The Senate has 100 members, not 26. Its work schedule is much more intense and varied than it was in the late 18th, 19th, or early 20th centuries. The role of a senator has changed substantially over the past 200 years.

In 1936, the Senate took notice of some of these changes and tried to alleviate these problems by adopting Senate Rule 11, providing for the formation of an Impeachment Committee. The Senate did not, however, utilize the Impeachment Committee during the 1936 impeachment trial of federal District Judge Halsted Ritter, who was removed from office for a variety of improprieties.

In the Claiborne impeachment trial, the Senate made the historic decision to establish a 12-person Impeachment Committee to receive evidence and take testimony prior to a trial on the Senate floor. The Senate leadership felt that the Impeachment Committeee would allow the full Senate to perform its legislative responsibilities while preserving the rights of the judge facing charges.

While I believe that the committee functioned effectively in its limited role during the Claiborne impeachment, I do not believe that the overriding problems inherent in the impeachment process were resolved.

The Claiborne impeachment trial presented some unique problems. Most notable was that Judge Claiborne already had been convicted by a court of law and was serving time in a federal prison. The American people were rightfully outraged that a federal judge could be simultaneously serving time in prison and drawing his judicial salary.

Based on these facts, the House of Representatives voted unanimously to impeach Judge Claiborne on July 22, 1986. The House's view was that the prior conviction should govern and that a new trial in the Senate was unnecessary. Some senators shared these views, but the committee and the Senate determined that Judge Claiborne should receive a hearing of the evidence *de novo*. I agree that an impeachment trial should always be considered separate and distinct from a trial in a federal or state court.

After the Senate received the articles of impeachment from the House of Representatives, it convened the Impeachment Committeee. Sen. Charles Mathias Jr. (R-Md.) was selected as the committee's chairman, and the other five Republicans on the committee were Sens. Orrin Hatch of Utah, John Warner of Virginia, Larry Pressler of South Dakota, Warren Rudman of New Hampshire, and Mitch McConnell of Kentucky. Sen. Paul Sarbanes (D-Md.) served as vice chairman, and in addition to myself, the other Democrats on the committee were Sens. Dennis DeConcini of Arizona, Albert Gore Jr. of Tennessee, and Jeff Bingaman of New Mexico.

For approximately seven days the committee heard witnesses and considered the parties' various motions. The attendance record of all 12 senators was good by usual Senate committee standards, and a quorum of seven senators was always present. When compared with jury attendance standards, however, the committee's attendance record was unacceptable. If a juror is absent without an alternate, the trial is stopped.

In narrowing the issues to be considered by the full Senate, the committee decided to limit the testimony to whether Judge Claiborne willfully and knowingly made and subscribed false income tax returns in 1979 and 1980. The Senate allowed Judge Claiborne much greater latitude, however, than did the trial court.

The committee did not allow testimony concerning Judge Claiborne's allegations of governmental harassment or targeting, except to the extent that such activity may have affected the testimony of witnesses at the prior criminal trials.

The committee's role was extremely limited. During Judge Claiborne's impeachment hearing, senators on the committee were able to listen to most of the witnesses, including Judge Claiborne, and cross-examine them. Under Senate Rule 11, however, the committee was prohibited from making any recommendation regarding Judge Claiborne's guilt or innocence. Serious constitutional questions would have been raised had the committee exercised powers beyond its limited scope.

The 12 senators on the Impeachment Committee were well aware of the facts and issues involved. The other 88 Senate members did not have the advantage, however, of hearing the testimony and counsel's arguments.

The transcript of the hearing totaled more than 3,500 pages, and it is highly improbable that any senator had the time to review this material thoroughly. At the very least, only a few senators other than the 12 on the Impeachment Committee were familiar with the elements of the case. A majority of the Senate had neither the benefit of this knowledge through a committee report containing additional or dissenting views, nor the time to prepare properly for deciding Judge Claiborne's fate. Some senators were in conference committee meetings on other matters during the impeachment proceedings.

After the Impeachment Committee concluded its work and a record of its hearings was published, the full Senate began consideration of the matter. The Senate decided not to rehear committee witnesses, but rather to accept the committee's written record and to allow both the House managers and Judge Claiborne's attorney to make closing statements. The Senate also allowed Judge Claiborne to make a statement before the full Senate.

Approximately 40 members were not present in the Senate chamber during any portion of Judge Claiborne's closing statement, and I estimate that at least 35 senators were never on the floor during the presentations by the prosecution and the defense. Some of these members may have heard part of the proceedings on the Senate's radio or television stations.

Nevertheless, the crux of the problem is: How can a senator carry out his impeachment responsibilities if he neither participates in the committee hearings nor has the opportunity to gain knowledge of the case from a full trial on the Senate floor?

I have concluded that the current impeachment process no longer functions effectively. A question could be raised whether the proceedings were in accordance with the due process clause of the Fifth Amendment. Therefore, I feel that we must find a better way of removing federal judges from the bench.

I believe Congress would do well to examine how states remove judges. The states have developed a variety of methods, but one of the most common is the so-called "bifurcated" system.

Under this system, a body called the Judicial Inquiry Commission is established, composed of members appointed by the state judiciary, the governor, and the state bar. The commission investigates, receives, or initiates complaints concerning judges. These complaints are then filed with a body called the Court of the Judiciary, which is drawn from the state judiciary and state bar. This court, whose decisions are reviewable by the state supreme court, has the authority to remove, suspend, censure, or otherwise discipline judges.

Such a system has worked extremely well in Alabama. Another method, which is probably more common, also makes use of a Judicial Inquiry Commission. Under this system, the commission makes recommendations directly to the state supreme court, which is empowered to remove or otherwise discipline state judges directly. I believe that either of these two systems could be adapted to work on the federal level.

While I believe that the impeachment process should be changed, I wish to emphasize that one overriding consideration should be maintaining judicial independence. No federal judge should ever be challenged because of his decisions or opinions.

Finally, some have argued that since impeachments occur so infrequently, the Senate should not alter the manner in which it conducts impeachment trials. Proponents of this view fail to realize that the federal judiciary is in the midst of a monumental change. The number of federal judges and the volume of litigation is growing at an unbelievable rate. At present, 575 district court judgeships and 168 court of appeals judgeships are authorized, and the Judicial Conference has proposed the creation of 41 new federal district court judgeships. This would bring the total number of federal judges to well over 775.

Unfortunately, there probably will be more cases of judicial misconduct as the number of federal judges increases. Two more impeachment trials are now on the horizon. In the coming years, impeachment proceedings could lose their status as a rarity, and the Senate may be faced with a number of trials that would severely hinder its ability to perform its legislative functions.

The time to act is now; we must look at both statutory and constitutional solutions that would make the impeachment process for federal judges more effective. No rule requires that Congress act only in response to a crisis. This issue demands a reasoned and deliberative approach. For once, Congress should act instead of react.

S.J. Res. 113

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission by the Congress:

"ARTICLE

"Sec. 1. The Congress shall have the power to provide procedures for the removal from office of Federal judges serving pursuant to Article III of the Constitution, found to have committed treason, bribery, or other high crimes and misdemeanors.".

By Mr. BREAUX:

S.J. Res. 114. Joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

CULTURAL RIGHTS AMENDMENT

● Mr. **BREAUX**. Mr. President, I am pleased to introduce a proposed amendment to the Constitution of the United States. This amendment is the cultural rights amendment. Its provisions are as follows:

Section I. The right of the people to preserve, foster, and promote their respective historical, linguistic, and cultural origins is recognized. No person shall be denied the equal protection of the laws because of their culture or language.

Section II. The Congress shall have the power to enforce this Article by appropriate legislation.

America is great because of its cultural diversity. In every city of America one can find in the language, music, food, and architecture, cultural heritage which has originated in other lands.

The blood, sweat and tears of hard working immigrants helped to build America. Today that influence is tightly woven into the fabric that gives America its cultural diversity. If we are to understand and appreciate the future we must preserve our past.

I am proud of my cultural background. Many of my colleagues in the House and Senate are descendants of immigrants of varied cultural origins. I am sure that they, too, are proud of their heritage and would like to preserve its greatness. It is for that reason, as well as others, that I am introducing the cultural rights amendment.

In Louisiana, we have made an attempt to protect our cultural heritage. The Louisiana Constitution prohibits discrimination on the basis of culture (article I, section 3.) and recognizes "the right of the people to preserve, foster, and promote their respective historic, linguistic and cultural origins" (article XII, section 4).

Louisianians are proud of their linguistic and cultural heritage. Today, the food and music indigenous to Louisiana are popular throughout the country and abroad. Louisiana artists exhibit their works around the world, enriching us all. I offer this amendment because Louisianians have a deep respect for the dignity of all cultural groups.

America prides itself on its efforts to recognize, enforce, and guarantee the principles of domestic freedom and democracy. America has become a model nation for expanding the ideals of freedom and democracy throughout the world. Thus, we must continue to seek ways to expand the freedom of choice. The first amendment insured freedom of religion and speech.

The 14th amendment prohibited race discrimination and great men like Dr. Martin Luther King, Jr. died in an effort to prohibit racial discrimination. The work of great women like Susan B. Anthony has led to laws prohibiting discrimination on the basis of sex. It is now time for our country to follow the lead of my State and other States and move toward greater freedom in the area of culture and language.

If America is going to remain a leader committed to the principal of freedom and cognizant of cultural pluralism, we must not foreclose the opportunity for linguistic and cultural development. Moreover, we cannot lead if we suppress the expression of our languages and cultures. Americans of African culture, Chinese culture, French culture, German culture, native American culture and our many other cultures, are vital to our continued understanding of the world, and also, a critical link to our participation in international affairs.

Many Louisianians are concerned about the concept of an English only constitutional amendment. The cultural rights amendment submitted here today is offered as an alternative to an English only amendment. Therefore, the question of which amendment is in America's best interest will be debated and decided in the great American tradition. I call on my colleagues to give the bill their consideration and support.●

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 965. A bill for the relief of Yong-Tzi Ma; to the Committee on the Judiciary.

RELIEF OF YONG-TZI MA

● Mr. D'AMATO.

Mr. President, I rise today to introduce legislation to provide permanent residence status to Yong-Tzi Ma, a gifted young Chinese musician.

Mr. Ma came to the United States in 1980 as a student. In 1984, he received an M.A. in music from the State University of New York at Stony Brook. He received a second M.A. in advanced music and cello from Kent State University in 1986, and is currently enrolled in Kent State's practical music training program.

Yong-Tzi Ma is the son of Ma Guo Liang, a noted anti-Communist Chinese editor and writer who provided important assistance to the U.S. Army during World War II. After the Communists seized power, the elder Mr. Ma paid a great price for his wartime service to the United States. He was subjected to severe repression and was forced to undergo extensive "reeducation" on a pig farm.

Since Yong-Tzi Ma's arrival in the United States, his father and mother have left the People's Republic of China, and settled in Hong Kong. As a result of this move, none of Yong-Tzi Ma's relatives remain in the People's Republic. His uncles and aunts have all defected to the United States, and are living in New York and Philadelphia. If Mr. Ma is forced to return to the People's Republic now, after all his relatives have left, his future there will be a bleak and difficult one at best.

The bill I introduce today can prevent that. It recognizes how dramatically Yong-Tzi Ma's circumstances have changed in the last 7 years. His home is no longer the People's Republic of China. It is the United States of America.

Mr. President, I urge my colleagues to give this bill their full support. In making it possible for Yong-Tzi Ma to remain in this country, we will be thanking his father for his many services to our Nation, and we will be acquiring as a permanent resident a very talented young musician who loves this country.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yong-Tzi Ma shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number if immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.●

By Mr. ADAMS (for himself and Mr. EVANS):

S. 966. A bill for the relief of Frederick Paul of Seattle, Washington; to the Committee on the Judiciary.

S. 967. A bill for the relief of Frederick Paul and Aileen Paul; to the Committee on the Judiciary.

RELIEF OF FREDERICK AND AILEEN PAUL OF SEATTLE, WA

● Mr. ADAMS. Mr. President, I rise to introduce three private relief bills. These measures concern an attorney who represented Alaskan Natives during the drive to enact the Alaska Native Claims Settlement Act of 1971 [ANCSA]. Mr. Fred Paul of Seattle, WA had a contract to represent various Alaska Native tribes which ultimately led to the enactment of ANCSA.

Accordingly, his effort was detrimentally impacted by the Government's abrogation of its contractual obligation to pay equitable fees under ANCSA. The violation of the contract left Mr. Paul with inequitable payments for hours of dedicated and pioneering work.

The first bill states that the Treasury Department should pay Mr. Paul a sum yet unspecified, to cover what he should have received for representing the Natives, had ANCSA not abrogated the contract. The relevant resolution, Senate Resolution 187, refers the bill to the U.S. claims court to determine the amounts legally or equitably due from the United States.

The thrust of the above resolution is to only authorize a hearing for Mr. Paul in his attempt to secure consideration in the U.S. claims court. There is no attempt, by means of this resolution, to admit or deny liability or to suggest an award amount. We leave it to the claims court to make this determination.

The third bill will relieve Mr. Fred Paul and his wife Ms. Aileen Paul, of all liability to the United States for payment of taxes associated with legal fees awarded to him from work on the ANCSA.●

By Mr. CHAFEE:

S. 968. A bill to amend the Internal Revenue Code of 1986 to deny an employer a deduction for group health plan expenses unless such plan includes 1st dollar coverage for pediatric preventive health care; to the Committee on Finance.

CHILD HEALTH INCENTIVES REFORM PLAN

Mr. CHAFEE. Mr. President I am pleased to offer legislation today that would require businesses to include children's preventive care and health supervision services in their employee health benefit packages. Such services would be required for the insurance premiums to be deductible as a business expense.

I have been concerned for some time about the health care policies in this country. The cost of health care has continued to rise at an astounding rate and it's rapidly reaching the point where we simply can not afford to pay for it.

For many years our health care system has focused on acute care. We have not spent much of our resources on preventing illness. Few Americans would disagree with the old adage "an ounce of prevention is worth a pound of cure," yet our present system of health care clearly contradicts this proposition. It seems to me that we should begin to reverse this costly and dangerous trend. The place to start is with our children.

To move in this direction I am introducing, the Child Health Incentives Reform Plan [CHIRP]. My legislation would require businesses to include children's preventive health care in their employee health plans in order for insurance premiums to be tax deductible. This requirement would dramatically alter—for the better—the quality and cost of health care in the United States for years to come.

Under CHIRP, preventive health care would be provided for children under age 18. Included would be complete physical examinations, immunizations, laboratory procedures, vision and hearing tests, and developmental and behavioral assessments. The potential savings are substantial and self-evident: even an optimally liberal series of preventive health care services for a child from birth through age 20 would amount to less than the average cost of 1 day in the hospital!

Common sense is at the heart of this proposal. Employment-based group health plans, which are tax deductible, now represent the second largest taxpayer-supported health program, after Medicare, in this country. In 1986 this subsidy cost the Federal Government $32 billion in lost revenues. Because of this special tax-deductible status, group health plans have become the dominant method of financing personal health care services in the United States. More than 90 percent of all employment groups are now covered by some form of private health insurance.

Unfortunately, the coverage provided by most of these plans is aimed at acute illnesses. Few resources are expended to keep individuals out of the hospital (the most expensive end of the spectrum of health care). Through covering only the most expensive procedures and care, group health plans discourage preventive care and early diagnosis of disease—both of which can decrease costs. The result of this trend is a "sickness-only" health care system—the cost of which is running out of control.

The time has come to consider a fundamental "redesign" of these policies. We must move away from the current system of "sickness-only" care toward a true system of "health" care which emphasizes preventive care and ultimately will hold down health care costs. CHIRP is an important step in that direction. This proposal recognizes that children are unique in their health care needs which are substantially different than the needs of adults. Children under 15 years of age require only about one-fourth as much hospitalization as do adults, but they need much more ambulatory care. Yet, health insurance plans generally continue to focus on and cover adult needs, but deemphasize the needs of children.

Young working people with children rely on their employer-provided health insurance to an even greater extent than do older workers. New families generally have less income. It is often difficult to budget, with after-tax dollars, for anything but essential costs of living; such as housing, food, clothing, and transportation. If health insurance plans exclude coverage of well-baby and child health supervision services, many families will wait for symptoms of illness to appear before bringing their children into a physician. As the two examples below show, this wait can be tragic and ultimately exceedingly expensive.

At age 4, Billy was taken to a pediatrician for the first time because he had been walking on his toes for several days. The physical examination revealed marked muscle spasm with tetanic contractions pulling his feet down; his neck and jaw muscles were so tight that he could not even talk. A small puncture wound was found under one of Billy's toes. Billy's medical history revealed that he had never received his childhood immunizations. Tentanus was confirmed when the organism was found in the wound. Billy had to be hospitalized for 6 weeks under light anesthesia to prevent life-threatening spasms; he was fed by tubes and underwent a gradual recovery—mortality from tetanus is higher than 50 percent.

At age 12, Lisa had not seen her doctor for a health supervision visit since she was 6. When finally examined by a physician, a severe scoliosis, curvature of the spine, was discovered. Lisa had to be referred to a university hospital for implacement of metal rods along the spine. She was placed in a complete body and head cast and on a pit so she could be continually turned to avoid bed sores and circulatory difficulties. If the scoliosis had been diagnosed a few years earlier, Lisa would have required only brief hospitalization. Instead, she lay in a cast for nearly a year.

Had Billy and Lisa been taken to a pediatrician regularly their problems would have been discovered in a regular preventive care visit. The visit would have cost $15 to $30. The treatment in Billy's case would have been a simple tetanus vaccination which costs a few dollars. In Lisa's case the treatment would have required a brief hospital visit. Instead, the cost of treating Billy and Lisa was close to $12,000 each.

The enactment of CHIRP is especially important in light of the fact that millions of American children—including a significant percentage of all preschool children—still do not receive vaccinations for measles, 24.4 percent, rubella, 24.8 percent, mumps, 27.3 percent, polio, 21.7 percent, and diphtheria-tetanus-pertussis, 13.1 percent. Immunizations are not generally covered by group health plans, even though there is ample evidence that for every dollar spent on measles vaccinations, $10 is saved; and for every dollar spent on mumps vaccinations, $7.40 is saved.

For each dollar spent on screening Texas children for congenital malformations, eye and ear problems and preventive dental care, $8 was saved in long-term costs and income loss. But screening also is not generally covered. It is interesting to note that Medicaid provides for early and periodic screening, diagnosis and treatment [EPSDT] of eligible children, but private health insurance does not. It has been found that children screened through EPSDT in Missouri were on average 33 percent less costly to Medicaid than were other children. In Ohio, they were 30 percent less costly; in North Dakota 40 percent less, and so forth. It would make sense that a similar return on investment in preventive health care would occur in the private sector.

More recently evolved health care models such as Medicaid and HMO's, which cover just 6 percent of the population, recognize the social and economic value of providing preventive care for children. In addition, certain innovative group health carriers have begun to break the traditional mold: Blue Shield of Pennsylvania was able to begin offering children's preventive care 4 years ago and Union Mutual Insurance Co. offers this coverage with no premium increase at all because, a company spokesman explained, "substitution of appropriate preventive care today for acute care services tomorrow will lower medical costs and our policyholders' premiums."

At most, according to a study conducted by the American Academy of Pediatrics based on data gathered by a major insurance corporation, the average monthly cost per family for the additional coverage outlined in CHIRP would be $2.28, or roughly 1 percent of the employer's current payment. That compares with the $200-plus per month now being expended for sickness-covered health insurance. And the premium costs for child health supervision do not include credits for reductions in illness and hospitalization that would surely result.

If employers and private insurance companies did nothing more than add these CHIRP-mandated benefits to their plans, made no effort to change other features to offset the small additional costs, and merely passed them along to taxpayers, Treasury expenditures for employer group health insurance might increase by approximately 1 percent. However, Treasury expenditures for employer group health insurance have been escalating by about 15-20 percent annually for two decades now, and unless the form of coverage is changed to stimulate preventive care and reduce hospitalization, the Federal Government stands to suffer much greater losses of revenue than any additional deduction owing to preventive care for children.

But more than just money is at stake: children are our most precious asset. They are particularly vulnerable, and their needs are not protected in the second largest of all Federal taxpayer-supported health care programs. The tax laws have remained neutral with respect to children and, consequently, so have insurance plans. They exclude coverage for immunizations—for adults as well as children. But few adults need to be immunized against polio, measles, or diphtheria. All children need this protection!

Unless the Government provides incentives for all insurers to offer preventive and supervisory health care services, it will be difficult to break through the existing design of private health care plans which focus on acute care. Individual insurance companies regard preventive services as additive in cost, rather than as a mechanism for long-term savings. Changing the tax laws to mandate preventive health care services for children, however, would stimulate redesign of existing plans. Such a redesign of our health insurance system would ultimately help control costs by deemphasizing acute care and focusing on preventing illness.

By redesigning their health insurance plans, employers can encourage improved efficiency and better cost management. While providing new and overdue equality of benefits for children's health care at low cost, they can insist on other new features to make all providers and consumers more cost-conscious of the big ticket items.

In the long run, and many believe in the short term as well, preventive care is one method of cost-effective use of health care resources. The lack of preventive care for children has resulted in unnecessary disease and disability, unnecessary deaths, unnecessary loss of education, and poorer social, moral, and psychological development than could have been achieved.

At the very least, we should remove financial barriers to preventive care of children. Through the enactment of CHIRP, we would permit all insurers, without fear of loss of any competitive edge, to include the health care services children need in their plans, and make them even more attractive to employer groups.

If we can raise the next generation of children to be aware of the value of preventing illness—through periodic checkups, weight control, excercise, education on the dangers of alcohol and drug abuse, and other measures which will help ensure healthly minds and bodies—we will be well on our way to a healthier society with lower health care costs.

The future of our Nation depends on our children, and they deserve a better chance to survive and to be healthy.

I believe that this is an important step to take and support for this measure will come from all groups in our society who feel as I do: That our children are our most important and precious asset and that their health must be protected.

I ask unanimous consent that my legislation be printed in full in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Health Incentives Reform Plan".

SEC. 2. DEDUCTION DISALLOWED FOR EMPLOYER CONTRIBUTIONS TO GROUP HEALTH PLANS WITHOUT PEDIATRIC PREVENTIVE HEALTH CARE.

(a) IN GENERAL.—Paragraph (1) of section 162(i) of the Internal Revenue Code of 1986 (relating to deduction for trade or business expenses with respect to group health plans) is amended to read as follows:

"(1) GENERAL RULE.—The expenses paid or incurred by an employer for a group health plan shall not be allowed as a deduction under this section if—

"(A) the plan differentiates in the benefits it provides between individuals having end stage renal disease and other individuals covered by such plan on the basis of the existence of end stage renal disease, the need for renal dialysis, or in any other manner, or

"(B) the plan does not provide 1st dollar coverage for pediatric preventive health care.".

(b) PEDIATRIC PREVENTIVE HEALTH CARE DEFINED.—Section 162(i) of such Code is amended by adding at the end thereof the following new paragraph:

"(4) PEDIATRIC PREVENTIVE HEALTH CARE.—

"(A) IN GENERAL.—The term 'pediatric preventive health care' shall, with respect to any child who has not attained the age of 18, include periodic—

"(i) determination of health and development history,

"(ii) comprehensive unclothed physical examinations,

"(iii) developmental and behavioral assessments,

"(iv) immunizations appropriate for age, health, and developmental history,

"(v) laboratory procedures appropriate for age and population groups,

"(vi) appropriate vision and hearing testing and referral for treatment as necessary,

"(vii) preventive dental services, and

"(viii) other medical services as required by regulations prescribed by the Secretary after consultation with the Secretary of Health and Human Services and appropriate medical organizations involved in child health care.

"(B) REFERRAL SERVICES.—Required medical services under such care need not include services for which a referral is made under clause (vi) or (vii) of subparagraph (A).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to taxable years beginning after December 31, 1988.

By Mr. McCONNELL:

S. 969. A bill to impose quotas on certain products of the Republic of Korea, and to deny benefits under the generalized system of preferences to such products, until the Republic of Korea opens its markets to U.S. cigarettes; to the Committee on Finance.

KOREA TOBACCO LEGISLATION

Mr. McCONNELL. Mr. President, I came before the Senate last year to share my growing concern about what, in my view, are the excessively protectionist policies of one of America's most important Asian allies—the Republic of Korea.

At that time, I introduced Senate Resolution 369 which would have expressed the sense of the Senate that until substantial progress was made in the liberalization of its import restrictions, the Republic of Korea should be removed as a beneficiary country under the U.S. generalized system of preferences.

Today, I must report my dismay at the lack of substantive progress toward dismantling these import restrictions. I also note, Mr. President, the United States in 1986 realized a 48-percent increase in our trade deficit with Korea. Our trade deficit increased from $4.8 billion in 1985 to $7.1 billion in 1986. While there is nothing inherently wrong with one nation selling more goods than it buys from another, our friendship with Korea demands the maintenance of accountability in our trading relationships. I am pleased that Korea has found a healthy market in the United States for its products. But it has become clear to me that some U.S. products do not share reciprocal market access in Korea, particularly the importation of U.S. cigarettes.

Beyond the basic economics of trade, the subtle and bureaucratic methods used by many of our trading partners to prohibit market access must be exposed. We cannot compete if we do not have access. The U.S. Government must use its power to the fullest extent of the law to ensure American exporters can enter and profit in foreign markets.

The American Business Conference has listed South Korea as one of the countries with the highest trade barriers. Its study notes the tariffs and government subsidies are the most egregious practices. Others have exposed and documented these practices as I will note later.

In May 1986, I went to the Republic of Korea to discuss these issues, particularly as they concern U.S. tobacco products. I received personal and specific assurances from the highest level of that government that South Korea would decriminalize possession of foreign cigarettes, privatize the cigarette monopoly, and allow the sale of foreign cigarettes. Once negotiations were concluded by the U.S. trade Representative, it became obvious that the Government of South Korea would need a little more persuasion. The July 1986 agreement called for these same three measures to liberalize foreign cigarette market access in Korea.

Mr. President, the results of this agreement evidence my disappointment. The Korean Government has enacted legislation which decriminalizes possession of foreign cigarettes, as well as legislation that will privatize the state tobacco monopoly as of April 1, 1987. But, the double tariff which remains on foreign cigarettes is contemptable. What good are these changes if the Korean people cannot afford American cigarettes in the first place? Indeed, actual sales have been very disappointing.

The agreement allowed for only 1 percent of the Korean cigarette market to be opened to foreign cigarettes. One percent. In the first month of sales, last September, the sales of imported cigarettes stood at 284,000 packs. This compares with 352.7 million of locally produced packs sold. This was barely 0.08 percent of sales and far below the 1 percent limit. The Office of Monopoly has only licensed 500 of some 70,000 retail vendors to sell imported cigarettes. Only some 300 retailers are actually selling imported cigarettes. Although, the Korean Government considered these three steps to be significant concessions, I assure you, Mr. President, that they are wholly inadequate.

Furthermore, the Korean Legislature will soon consider a proposal which would effectively ban every kind of advertising of American cigarettes in Korea. Of course, Korean cigarettes will continue to be advertised. This is the kind of subtle protectionism which prevents any real improvement in marketing conditions in foreign countries. I am very concerned that any meaningful market opening, when dealing with cigarettes or any other product, may be in appearance only unless Congress takes aggressive actions.

We must also respond to the blatant protectionism which is poisoning the important strategic relationships which exist with many of our allies and in this particular situation, Korea. I'm convinced that the only time foreign governments listen to American politicians is when they are convinced we mean business and have no other alternative but to listen. To this end, I'll be sending a Dear Colleague letter to every Member of the Senate from a tobacco-producing State in an attempt to form a Senate tobacco export coalition.

Members' opinions on tobacco usage notwithstanding, over 500,000 small family farmers in 22 States produce tobacco. A coalition would give us an opportunity to speak with a united voice against policies of foreign governments which prevent free international commerce of tobacco products. One of the first acts of this coalition might be to request the U.S. Trade Representative to conduct a section 305 investigation of the import barriers the Koreans have constructed to prevent the importation of American cigarettes. Members could then see for themselves that serious problems exist in the bilateral trade relationship with the Republic of Korea which must be addressed.

Mr. President, I ask unanimous consent that a report on the import barriers to U.S. cigarette exports to Korea be printed in the Record at this point as background information on the serious problem which exists.

There being no objection, the report was ordered to be printed in the Record, as follows:

IMPORT BARRIERS—U.S. CIGARETTE EXPORTS TO KOREA

FOREWORD

Korea exported roughly US$14 billion of goods to the U.S.A. in 1986, creating a trade surplus of US$7.4 billion. The trade surplus with the U.S. is expected to reach US$10 billion in 1987.

In the spirit of free trade, the U.S. government does not place any meaningful barriers on Korean imports, even though these imports created dislocation of many domestic industries.

Korea's car exports to the U.S. in 1987 are expected to exceed 500,000 cars valued at over US$2 billion.

What would happen to Korean car exports if the U.S. Government imposed a quota equivalent to 1 percent of the market for imported cars?

What would happen to Daewoo's car export sales if General Motors took a profit equivalent to 39 percent of the retail price but did not deliver them to its dealers?

What would happen to Hyundai Motors' car sales if the dealer margin was fixed by the U.S. Government at a level one-third that of U.S.-made cars?

Fifteen percent of Korea's exports worth US$1.7 billion entered the U.S. free of duty in 1985.

What would happen to these exports if the U.S. Government imposed a 100 percent tariff?

CIGARETTE INDUSTRY

The Office of Monopoly (OMROK) controls all aspects of the tobacco and cigarette business in Korea.

Effective April 1, 1987 the Monopoly is to become a state-owned public corporation.

Korea is the 13th largest cigarette market in the world with an annual consumption of 78 billion cigarettes worth US$1.9 billion at retail.[1]

And yet sales of foreign cigarettes in the domestic market totalled only 0.06 percent of all cigarettes sold in Korea in 1986.

Korea exported over 2 million color TV sets valued at US$260 million to the U.S. in 1986.

What would happen to Korean TV sales if the U.S. Government levied taxes and duties which forced Korean TV sets to sell at three times the price of U.S-made TV sets?

Korea's footwear exports reached almost 200 million pairs valued at US$1.5 billion to the U.S. in 1986.

What would happen to Korean footwear sales if the U.S. Government limited the retail outlets to less than 1 percent of the total number of retail outlets?

And yet this is exactly what U.S. cigarette manufacturers are facing in Korea today.

The following pages review how the government of Korea applies discriminatory import barriers to a competitive U.S. export product.

[Charts are not reproducible for the Record.]

LIBERALIZATION

On September 1, 1986 the government of Korea lifted the import ban on cigarettes:

The government repealed the law that prohibited Koreans from smoking foreign cigarettes;

But imposed an import quota, equal to 1 percent of the domestic cigarette market.

Instead of a single ban on smoking foreign cigarettes, a myriad of new barriers have been erected which, operating individually and collectively, will ensure that Korea's market remains virtually closed.

Each of these barriers is described in the following pages.

Key Issues:

PRICE

Barrier.—Imported cigarettes are priced at Won 1,400 per pack, nearly *three times* more than SOL, the most popular local brand sold at Won 500 per pack. The price differential between imported and local brands is among the largest in the world. This is because the Korean government takes 75 percent of the retail price through tariff, taxes and monopoly profit.

Recommended Action.—Reduce the retail price of imported cigarettes by lowering the tariff and eliminating the Monopoly profit.

RETAIL OUTLETS

Barrier.—Only 1,000 shops or 0.8 percent of Korea's 125,000 retail outlets are licensed by the Monopoly to carry foreign brands.

Recommended Action.—Permit all retail outlets to carry imported brands.

RETAIL MARGIN

Barrier.—The Monopoly has mandated a fixed retail margin for all cigarettes at Won 30 per pack. This represents only a 2 percent profit margin on foreign cigarettes versus 6 percent on local cigarettes.

Recommended Action.—Increase the retail margin for imported cigarettes to at least the same 6 percent level as local cigarettes.

QUOTA

Barrier.—The Korean government has imposed a 1 percent quota for imported cigarettes.

Recommended Action.—Eliminate the quota system, and let market factors determine the quantity of imports.

IMPORTATION RIGHTS

Barrier.—Only the Monopoly has the right to import foreign brands. The Monopoly controls timing of orders; determines the import quantity of each brand and buys them at a pre-determined price without any reference to market factors.

Recommended Action.—Permit independent companies to import foreign brands. Allow those importers the freedom to select the brands and quantities of imported cigarettes. Give importers the right to determine the retail price according to market factors.

DISTRIBUTION

Barrier.—The Monopoly delivers its own brands to retailers directly. But for imported brands, the retailer must pick up his stock from the Monopoly depot.

Recommended Action.—Distribute both imported and local brands directly to retailers and/or allow independent distribution for imported brands.

ADVERTISING/PROMOTION

Barrier.—The Monopoly permits no advertising or point of sale promotion for imported brands. This inability to promote imported brands puts U.S. cigarette manufacturers at a great disadvantage in this highly restrictive market with a long history of a legal ban on smoking imported cigarettes.

Recommended Action.—Allow some forms of advertising, point of sale, consumer promotions, and sampling.

SUMMARY: DISCRIMINATORY PRACTICES IN KOREA

[Imported vs Local Cigarettes]

Barriers	Imports	Local	Recommended Action
Price	Won 1,400	Won 500	Reduce price gap to competitive level.
Retail margin	2 percent of retail price.	6 percent of retail price.	Equalize margins.
Retail outlets	1,000	125,000	All outlets for imports.
Quota	1 percent of domestic market.	NA	Import level determined by market demand and life quota.
Brand allocation	Dictated by Monopoly.	Market demand	Imported brands determined by market demand.
Importation rights.	Exclusively by Monopoly.	NA	By commercial importers.
Distribution to retail outlets.	Pick up by retailers.	By Monopoly	By Monopoly and/or independent distributors.
Warehousing	Exclusively by Monopoly.	By Monopoly	Independent warehousing.
Advertising/ promotion.	([1])	([1])	Allow some advertising and promotion activities.

[1] Prohibited but no legal basis.

CONCLUSION

U.S. cigarettes remain one of the most competitive American exports in the world. Korea is one of the world's largest cigarette markets and offers a tremendous potential market for American cigarettes. Each 1 percent of the market would generate some US$15 million in U.S. direct exports and improve the U.S. balance of trade. Once the barriers are removed, U.S. exports could capture a significant share of the market.

However: These barriers operate individually and together to prevent meaningful access for U.S. cigarettes in Korea. The dismantling of only one or even a few of these barriers will not result in improved trade.

All of the barriers must be removed if the U.S. is to achieve meaningful market access.

BENEFIT TO KOREA

Under the current pricing and tax schemes, the government of Korea will earn over US$45 million[2] for each 1 percent market share of imported cigarettes sold in the domestic market.

INTERNATIONAL COMPARISON—KOREA VERSUS JAPAN VERSUS TAIWAN—OF MARKET ACCESS FOR IMPORTS JAN. 1, 1987

	Korea	Taiwan	Japan
Importation method.	Exclusively by KMO.	Commercial importers.	Commercial importers.
Import quantity	1 percent quota	No restrictions	No restrictions.
Imported brand allocation.	Controlled by KMO	No restrictions	No restrictions.
Import duties/ taxes/ Monopoly profit.	75 percent of retail price.	47 percent of retail price.	58 percent of retail price [1] (tariff suspended).
Retail pricing	Set by KMO	No restrictions	No restrictions.
Import/local price ratio.	2.80	1.59	1.14. [1]
Retail margin	2 percent of retail price for imports. 6 percent for local brands.	8 percent for all brands.	10 percent for all brands.

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[1] US$1=won 855.

[2] US$1=won 855.

INTERNATIONAL COMPARISON—KOREA VERSUS JAPAN VERSUS TAIWAN—OF MARKET ACCESS FOR IMPORTS JAN. 1, 1987—Continued

	Korea	Taiwan	Japan
Trade incentives	None allowed	No restrictions	No restrictions.
Retail outlets	1,000 out of 125,000.	No restrictions	No restrictions.
Warehousing	Exclusively by KMO.	No restrictions	No restrictions.
Distribution to retailers.	Exclusively by KMO.	No restrictions	No restrictions.
Advertising/promotions.	Prohibited	Magazine ads only. Point-of-sale promotions and stick sampling. Special promotions.	No restrictions except for 3 yr limit on TV advertising for new brand introductions.

[1] Effective April 1, 1987.

Mr. McCONNELL. Mr. President, in response to a bad situation that is not getting any better, I am introducing legislation which I hope will provide the incentive for the Korean Government to remedy these inequities. This legislation would not only deny benefits under the generalized system of preferences to the product categories listed, but would also impose annually decreasing quotas on the those products. The quotas would remain in effect until the President certifies, through the USTR, that South Korea has given full market access to cigarettes produced in the United States.

Specifically, my purpose is threefold. First, the South Korean Government must remove the double tariff imposed on imported cigarettes, Second U.S. manufactured cigarettes must receive open and full access in the South Korean market. Third, I seek a significant expansion of the current 1-percent market share quota.

The product categories I have chosen represent a truly developed economy which, arguably, should be graduated from GSP status. These categories include automobiles and auto parts, telecommunications equipment, integrated circuits, construction equipment, medical equipment, integrated circuits, construction equipment, medical equipment, and computers and peripherals. The legislation will allow for a 60-day period after enactment for negotiation with the South Korean Government. Without agreement, the quotas will begin at 50 percent of the 1986 volume and decrease 10 percent each year until we achieve our goal. The fifth year quota will allow no imports of these products from South Korea.

Invite and encourage my colleagues to take advantage of the opportunity afforded by this legislation to resolve this market access problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1)(A) The term "applicable product" means any article produced or manufactured (in whole or in part) in the Republic of Korea which the United States International Trade Commission classifies into any of the following product categories:

(i) Automobiles and parts of automobiles.

(ii) Telecommunications equipment.

(iii) Integrated circuits.

(iv) Construction equipment.

(v) Medical equipment.

(vi) Computers and peripherals.

(B) The United States International Trade Commission shall determine what articles are applicable products by no later than the date that is 30 days after the date of enactment of this Act and shall publish a list of such products in the Federal Register by no later than such date.

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption into the customs territory of the United States.

(3) The term "customs territory of the United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 2. IMPOSITION OF QUOTAS.

(a) IN GENERAL.—

(1) The total quantity of any applicable product that may be entered shall not exceed an amount equal to—

(A) in calendar year 1987, 50 percent of the total quantity of such applicable product that was entered during calendar year 1986,

(B) in calendar year 1988, 40 percent of the total quantity of such applicable product that was entered during calendar year 1986,

(C) in calendar year 1989, 30 percent of the total quantity of such applicable product that was entered during calendar year 1986,

(D) in calendar year 1990, 20 percent of the total quantity of such applicable product that was entered during calendar year 1986, and

(E) in calendar year 1991, 10 percent of the total quantity of such applicable product that was entered during calendar year 1986,

(2) No applicable product may be entered after calendar year 1991.

(b) DETERMINATION OF LIMITATIONS.—The United States International Trade Commission shall determine, and publish in the Federal Register, the amount of the limitations imposed under subsection (a)(1) with respect to each applicable product for each calendar year by no later than the date that is 60 days after the date of enactment of this Act.

(c) ENFORCEMENT.—

(1) The Secretary of the Treasury shall take such actions as may be necessary or appropriate to enforce the provisions of this section, including, without limitation, the issuance of orders to customs officers to bar entry to any product if the entry of such product would cause the quantitative limitations imposed under this section to be exceeded.

(2) The Secretary of the Treasury is authorized to issue such implementing regulations, including the issuance of import licenses, as may be necessary or appropriate to effect the purposes of this section and to enforce the provisions of this section.

(3) Before prescribing any regulations under paragraph (2), the Secretary of the Treasury shall—

(A) consult with interested domestic parties,

(B) afford an opportunity for such parties to comment on the proposed regulations, and

(C) consider all such comments before prescribing final regulations.

SEC. 3. DENIAL OF GENERALIZED SYSTEM OF PREFERENCES.

Notwithstanding any other provision of law—

(1) no applicable product may be designated as an eligible article under title V of the Trade Act of 1974 after the date of enactment of this Act, and

(2) any applicable product which is an eligible article under such title on the date of enactment of this Act shall cease to be treated as an eligible article under such title on the date that is 15 days after the date of enactment of this Act.

SEC. 4. NEGOTIATIONS TO OPEN MARKETS FOR CIGARETTES.

Upon the enactment of this Act, the President, acting through the United States Trade Representative, shall take action to initiate negotiations with the Republic of Korea for the purpose of fully opening the markets of the Republic of Korea to cigarettes produced in the United States.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—

(1) The provisions of this Act (other than section 4) shall apply with respect to articles entered—

(A) after the date that is 60 days after the date of enactment of this Act, and

(B) before the date that is 15 days after the date on which the President makes the certification to Congress described in subsection (b).

(2) The provisions of section 4 shall take effect on the date of enactment of this Act.

(b) CERTIFICATION OF OPEN MARKET FOR CIGARETTES.—If the President determines that the Republic of Korea has fully opened the markets of the Republic of Korea to cigarettes produced in the United States, the President shall submit to the Congress a written statement certifying such determination.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. LUGAR, and Mr. GLENN):

S. 970. A bill to authorize a research program for the modification of plants focusing on the development and production of new marketable industrial and commercial products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ALTERNATIVE AGRICULTURAL PRODUCTS RESEARCH ACT

Mr. HARKIN. Mr. President, I am pleased to introduce today along with Senators LEAHY, LUGAR, and GLENN a bill that authorizes a major research program for the modification of plants and plant materials to develop new marketable industrial and commercial products.

This bill, the Alternative Agricultural Products Research Act of 1987, will authorize research necessary to bring agriculture toward fuller production without surpluses, thereby increasing farm profits, reducing Federal crop subsidies and other Government agricultural assistance program costs.

It is intended to be an aggressive, positive mechanism for dealing with the current overproduction of traditional commodities and the shutdown of a major portion of the agricultural production capacity of our country.

Our Nation has some of the most richest, most productive land in the world, yet our farmers are going bankrupt and rural America is mired in depression.

Between 1982 and 1985, the U.S. Department of Agriculture (USDA) estimates that farm land values fell by $146 billion.

That is an unbelievable reduction in personal wealth—$146 billion is greater than the total current value of all the farmland in Iowa, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, and Nebraska.

I need not tell the Senate about the tremendous cost increases in our farm programs.

Farmland is in some ways like a factory. Usually, it is dedicated to the production of one or a few products. When there is an excess of capacity over demand, there are essentially three choices: maintain full-capacity production and allow the price of commodities to fall * * * or cut production * * * or produce something else.

Unfortunately, there are a limited number of things that a farmer can produce and for most of our farmland in the Grain Belt, all of the present significant crop options are in overproduction. So most farmers have only the first two choices—keep producing for lower and lower returns or cut back their production.

We can and will debate the best way to solve these problems in the short term, over the next 10 years. But, for the long term, I believe that we may be able to find a solution for part of the problem that will have very broad support. We can create a new series of products that farmers can grow that will not be in overproduction, crops that will not compete with other crops.

We can mobilize the incredible advances that have occurred in biotechnology, chemistry and in other fields to create a whole new range of genetically altered plants and byproducts from existing row crops that farmers will produce for use in industry and general commerce. I am talking about industrial oils, biodegradable plastics and a host of other materials that can come directly from plants or be manufactured from plant products.

The U.S. Government has financed through the National Science Foundation, USDA, the Department of Energy, and other agencies basic research in molecular biology.

Already, we have learned much about the way plant characteristics are inherited and the procedures that can be used to modify plants to produce new products.

Now it is time to fully utilize and apply this knowledge to revive rural America.

There is a serious lack of funds to bridge the gap between basic molecular biology and its application to specific agricultural opportunities.

A scientist working on molecular biology might choose to work on a weed species or other plant that is very effective for gaining insight into the way plants develop and reproduce, but there is no funding mechanism to assure that this basic information is applied toward the modification of existing plant species or development of new plant species for product development.

Too often, we only have half of the R&D equation—we have research without the development. This bill would close that gap.

There is also a perception by some that Government should not be involved in applied research, that applied research should be the province of industry. The reality is that U.S. companies are not taking the results of basic research off the shelf and developing it into marketable products at a sufficient rate. This is not because of some conspiracy or callousness on the part of our companies. They have different goals. Their principal goal is to make a profit. And few companies are willing to place substantial capital in relatively high risk and relatively long-term research efforts when many shorter term and safer investments are available. On the other hand, Japan is willing to fund research to bridge this gap—and we can see the results.

If competitiveness is to be more than a slogan, our Government should also fund a substantial number of long-term projects whose success, though not guaranteed, would greatly benefit our Nation.

The importance of developing new types of plants is obvious when one considers the extensive acreage in the United States that is being placed in the set-aside program or the agricultural conservation reserve.

In 1987, up to 35 percent of the corn base of the United States could be in a set-aside program and similar high percentages of set-aside are associated with other traditional crops. This means that a major portion of our agricultural production capacity is being shut down. Although it is possible that some calamity might require that this acreage be brought into the production of food and feedstuffs, we are foolish to count on it.

Our only hope in the long term is to create new products and byproducts that can be grown on this land.

One of the obvious questions that arises with this approach is whether or not it is scientifically possible to modify plant species or create new species of economic importance. Recent advances indicate that science is ready to undertake this mission. Let me cite just one example:

In Iowa, soybean scientists have been working for a number of years to genetically modify the composition of soybean seed oil to make it more acceptable for certain types of products.

Specifically, the goal was to reduce the linoleic acid composition of the oil. A survey was made of the soybean germ plasm from throughout the world and nothing was found that had the desired composition. Using techniques referred to as artificial mutagenesis, the scientists were able to create a genetic change that provided the desired oil composition.

When the genes controlling this new composition were transferred into high yielding varieties, there was no detriment to the productivity of the crop. The modified soybean represents a new commercial product. I want to point out that this soybean research was conducted using traditional methodologies.

Through molecular biology, the genes controlling oil composition in soybeans can be identified, cloned, modified in the laboratory, and reintroduced into the soybean plant to produce a new product that would be of value for industrial and commercial applications.

The development of entirely new plant species is also possible with new techniques in molecular and cellular biology. In the past, plant breeders and geneticists have only been able to transfer genes between plant species that could be hybridized and from which fertile offspring could be obtained. One of the more notable new plant species developed by traditional technologies was triticale, a cross between wheat and rye.

After many years of research, this new plant species is an economically important crop. However, similar success in moving desirable characteristics from wheat to corn or from some wild species to cultivated plant has not been possible

With the new techniques of biotechnology, useful products that can be obtained only in species unacceptable for agricultural production can be identified, cloned and moved into more economically viable plants.

For example, the plant jojoba produces an oil that is useful in the cosmetics industry.

The oil can be hydrogenated to form a soft cream that is useful in polishes or a hard wax useful in candle production. If a larger supply could be obtained of this oil at a more competitive price, it could provide an ingredient of superior lubricating oils for automobile transmissions.

At present, the jojoba plant is a desert shrub native to Arizona, California, and northwestern Mexico. Through the techniques of molecular biology, the genes that are responsible for development of an oil with the unique composition of jojoba could be transferred into other plants that are more agronomically adaptable throughout the country.

It may be entirely possible, therefore, to produce the jojoba quality of oil in soybeans, sunflowers or other crops.

One of the obvious applications of the new plant species would be for the production of petroleum based substitutes. A plant oil could be developed for use in the manufacture of plastics, lubricating oils, and as a source of energy. The production of energy from plants such as ethanol has been criticized because the current cost of the product is higher than that of petroleum itself.

By the year 2000, there's going to be another energy crisis—not like the one we've got now, too little, not too much—and most projections are that oil will shoot up to $30 or even $50 a barrel.

We can develop alternatives to some petroleum-based products—and if the alternatives can be made from row crops, then a lot of farmland in Iowa and elsewhere that isn't worth much now is suddenly going to be worth a lot—and our whole rural economy is going to be better off.

This research effort could provide the equivalent of a new major crop for the Corn Belt such as we saw with the introduction of soybeans. Other parts of the country would also have an opportunity to benefit in the same way.

WHAT DOES THE BILL PROVIDE FOR?

The bill establishes a board with representatives from USDA, the National Science Foundation, the Department of Energy, the Department of Commerce and the Office of Technology Assessment.

The purpose of this board is to establish likely successful targets for research. It will examine proposals for the research, make recommendations for funding and follow the progress of the research.

The research is to cover the development of the product from directed basic research to applied research including research into the development of the plant, new techniques for the cultivation of the plant if any are needed, the methods necessary for the commercial separation of the materials from the plant and research on the uses of the product. All too often basic research is done and it simply sits on the scientist's shelf. Research under this program is designed to produce results that can be taken into the field and utilized.

Projects are to be selected on the basis of seven criteria:

First, what is the prospect of developing the technologies that will allow us to provide an economically separable quantity of the new product? Clearly, the goal is not to create curiosities for future research. The goal is to create new marketable products.

Second, what is the need for the new product?

Third, what is the potential market size of the new product?

Fourth, what is the likely time needed to bring the product into use? We must recognize that this kind of research is a long-term proposition—5 to 10 years in most cases—but realizing these constraints, we want results as soon as possible.

Fifth, what is the likely impact of reducing crop subsidies and other governmental assistance to agriculture? I believe that this bill could, in the long term, more than pay for itself by decreasing the need for direct Government payments to farmers.

Sixth, what are the prospects for growing the plant at a decent profit? Clearly, we need to target research into products that are likely to use plant types that farmers can grow using existing equipment if possible.

Lastly, what is the availability of the scientific expertise that is necessary for the research?

The bill provides for the expenditure of $75 million per year. It is expected that this will fund 15 to 20 separate projects. Each project will be undertaken by a consortia of organizations that can conduct the necessary research and development.

Consortia members can include colleges and universities, private companies, Federal research labs and State agricultural experiment stations. A project could be undertaken by a single research entity if it had all the necessary resources and expertise.

Cooperation with industry is also essential.

This bill, through such a comprehensive approach, can truly change the face of rural America. It can make farming profitable again without Government assistance. And it can help to reduce our Nation's dependence on foreign oil.

I urge my colleagues to support the Alternative Agricultural Products Research Branch Act.

● Mr. LUGAR. Mr. President, I am pleased to join my colleague from Iowa, my colleague from Vermont, the distinguished chairman of the Agriculture Committee and my colleague from Ohio in sponsoring the Alternative Agricultural Products Research Act of 1987.

As Members of the Senate are well aware, the American farmer each year proves his ability to produce food and fiber on a scale unmatched around the world. All America should marvel at the hard work and productivity of our farmers.

This enormous productivity, however, has created significant problems for the American farmer and the U.S. taxpayer. The United States presently is stockpiling enormous quantities of most major crops. It is alarming to note that the United States has carryover stocks that in some cases exceed an entire year's consumption.

A report prepared in the 99th Congress by the Office of Technology Assessment suggests that our capacity to produce will not level off in the next decade. To the contrary, new technologies such as the hybrid wheat and growth hormones in dairy cattle will likely add even greater pressure to our surplus problems. The OTA study estimates that average per acre wheat yields will increase another 20 to 25 percent in the next decade. In the next 15 years, milk output per cow is estimated to increase by 50 percent. Similar outcomes are expected for virtually all major crops and livestock products.

Mr. President, some have suggested that the only solution to the problem is to export our surpluses. Indeed, we must be competitive in international markets and continue to strive for an increased market share.

A more careful analysis of the international market, however, suggests that it will be very diffcult to dramatically increase our export volume. Most nations who were net food importers in the 1970's have implemented major policy reforms to shore up domestic production and promote greater self-sufficiency. Other countries continue to have significant demand for our products, but no longer have the hard currency to buy due to falling oil prices and other economic factors.

The bottom line, Mr. President, is simply that while we must continue to promote our products in the international market, it is not the entire solution to our present ability to overproduce.

I believe we must begin to more aggressively develop alternative markets for U.S. farm products. In order to increase demand for farm products both at home and abroad, American agriculture should begin research and development on end-use products that would diversify our market beyond the traditional food and fiber situations. This bill helps in that process by authorizing long-term research in the modification of plants or plant products in order to produce marketable industrial or commercial goods other than traditional food or fiber.

This legislation establishes an independent New Products Research Board to advise the Assistant Secretary of Agriculture for Science and Education. The Board would consist of six members who are Government employees and who would serve without additional compensation. The Board would recommend specific targets of opportunity for research and identify experts needed for technical review of proposals. Finally, the Board would recommend funding of specific proposals and report on the progress of such projects.

The bill would allow funding for research projects aimed at the development of marketable industrial products. Criteria for selecting research projects would focus on the probability of success, the need and demand for the new product, the time needed to develop the product, the likelihood that the product would lead to reduced Federal outlays for agricultural programs, and the producers' ability to grow the crop profitably.

Funding for individual projects could be awarded to single entities or to consortia of public and private institutions. In addition, funding of a project must cover at least 5 years, or until a marketable product is developed or determined to be unnecessary or unattainable. Funding could be extended for additional 3-year periods.

The bill contains an annual authorization of $75 million. I am hopeful that the House and Senate Appropriations Committees will use this new authority to restructure some of our present priorities in agricultural research that are simply adding to our surplus dilemma. While we cannot be shortsighted by assuming that this period of surpluses will continue indefinitely, I believe our funding priorities in the short term should focus upon development of alternative markets.

By using modern technology to develop products other than traditional food and fiber, American agriculture can better adjust to the changing world market. I urge my colleagues to support this bill.●

By Mr. JOHNSTON (for himself and Mr. BENTSEN):

S. 971. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil or refined petroleum products and to repeal the windfall profit tax on domestic crude oil; to the Committee on Finance.

(The statements of Mr. JOHNSTON and Mr. BUMPERS and the text of the legislation appear earlier in today's RECORD.)

By Mr. CHILES:

S. 972. A bill to amend the Immigration and Nationality Act to require, pending deportation proceedings, the detention of aliens who have been convicted of aggravated felonies; to the Committee on the Judiciary.

S. 973. A bill to provide for additional criminal penalties for deported aliens who reenter the United States, and for other purposes; to the Committee on the Judiciary

S. 974. A bill to impose criminal penalties upon persons who neglect or refuse to appear before certain proceedings under the Immigration and Nationality Act; to the Committee on the Judiciary.

S. 975. A bill to impose criminal penalties against persons aiding aliens violating certain laws to enter the United States; to the Committee on the Judiciary.

S. 976. A bill to amend the Immigration and Nationality Act to establish a connection between certain computerized indexes containing information on deportable aliens; to the Committee on the Judiciary.

ILLEGAL ALIEN FELONS

Mr. CHILES. Mr. President, the fact that a good number of persons committing crimes in the United States are illegal aliens is complicating and frustrating an already overburdened legal and penal system.

Last year, over 100,000 illegal aliens were arrested for criminal offenses. Yet, only 12,000 were deported. I think those two figures—100,000 versus 12,000—clearly describes the immense problems such felons have presented to our law enforcement system.

These felons are involved in an array of illegal enterprises including drug trafficking, money laundering, fraudulent credit cards rings, racketeering, weapon sales, and prostitution.

Their presence is acutely recognized nationwide.

According to the General Accounting Office (GAO), in New York City 1 out of every 10 persons arrested is an alien, 21 percent of all homicide suspects are aliens, and 12,300 aliens were arrested for felonies over a recent 15-month period.

In southern California, the GAO reports that 12-16 percent of persons arrested were aliens, 25 percent of all thefts were alien suspects, and 50-80 percent of persons arrested selling crack cocaine were illegal aliens.

An officer from the Orlando Police Department recently appeared at a hearing I held on the subject of illegal alien felons, and testified that the number of illegal aliens who deal in crack in the Orlando area has increased 300 percent in the last year. Yet, he states that less than 5 percent of those arrested have been successfully prosecuted. Unfortunately, these numbers are being duplicated throughout Florida.

In Florida, and other regions of the country this banding together of two of the Nation's most difficult domestic problems has created an even more difficult and dangerous problem—expansive drug syndicates established and managed by illegal aliens.

These drug syndicates have flourished over the past few years and today can be traced throughout Central America, the Caribbean Islands, the Bahamas and Haiti and into the United States. These syndicates operate many of the drug networks—crack, cocaine, and heroin—in Florida and throughout the United States. Their presence in the United States is so widespread and lucrative that they are attracting other aliens into the United States to join in the illegal enterprises.

We know of clandestine drug labs in the United States that are run by illegal Colombians.

Nigerians are known to be involved with a heroin drug smuggling operation.

And, one of the largest and most widespread crack operations in this country is run by illegal Haitians.

It is common knowledge that the U.S. immigration law allows for the deportation of aliens who are in the United States illegally as well as for aliens who commit certain felonies while in this country.

However, identifying and prosecuting such illegal alien felons is a long and complex process. It is a lengthy and often inefficient procedure which is frustrating our law enforcement officers. It is not uncommon for an alien who has committed a certain felony to pay his bond and walk, only to be apprehended for a similar crime in the next county but with a new name and identification. Often police have no idea of the real identification of this criminal. Many roam throughout Florida and the country with numerous bond slips on their person. They have no fear of or respect for our legal system—and for good reason.

For example, Bradenton police officers in Florida are familiar—very familiar—with an illegal Haitian who has 18 active warrants against him for drug offenses. Police have seized 3 passports issued to him in 3 different names, 11 drivers licenses, immigration cards and numerous firearms and stolen property.

The Sheriff of Seminole County in Florida testified at the hearing that it is not uncommon to arrest the same illegal alien three times a week for drug charges. Such aliens merely pay bond, walk and continue to deal drugs.

In the Tampa area, an investigation of a major Colombian drug ring has been frustrated by the ability of the suspects to pay substantial bonds and walk. According to Tampa police, the amount of the bonds produced by the defendants gives a clear indication of the magnitude of their drug operation.

Recently, Customs and Immigration officials in southern California apprehended a Colombian attempting to enter the United States illegally in the hidden compartment of a car. This Colombian has been deported previously from the United States and according to the Drug Enforcement Administration (DEA) is linked with 50 drug related murders and is currently the subject of 6 drug killings in the New Orleans area and a series of drug killings in California. Immigration officials claim they have 5 alien files on this individual with 13 aliases, different birth dates and different social security cards.

Unfortunately, these aliens are not exceptions but rather common amongst the 100,000 illegal alien felons in the United States.

Mr. President, I feel strongly that immigration enforcement is a Federal responsibility and illegal alien felons are included in this arena. Their presence in this country is due to inadequacies in immigration policy and implementation. Local and State officials cannot—and should not—bear the sole burden for prosecuting and incarcerating these criminals.

The Federal Government must take the leading role in reacting to the increasing numbers of illegal alien felons in this country.

In this regard, I am introducing several bills which are intended to strengthen U.S. immigration law against illegal alien felons.

The first bill would require mandatory detention of aliens convicted of aggravated felonies in the United States. Aggravated felonies would be defined as murder, rape, kidnaping or attempts at such and any trafficking of illegal drugs as listed under the Controlled Substances Act. Such mandatory detention would thus deny voluntary departure and conditional parole in the immigration process to such felons. The bill would also require the Attorney General to take custody of such felons and for immigration officials to give priority to cases involving felons in the overall immigration system.

The second proposal would impose stricter criminal penalties upon aliens who reenter the United States after having been deported. The bill would provide for a three-tier penalty system for aliens who reenter with mandatory sentences for aggravated felons. The three-tiered system would be: first tier: any deported alien who reenters: up to 2 years and up to $1,000 (or both); second tier: any deported alien (non-aggravated felon) who reenters: up to 5 years and up to $10,000 (or both); and third tier: any deported alien (aggravated felon) who reenters: mandatory 15 years and up to $20,000.

This provision is intended to strengthen immigration law by creating a greater deterrent to alien drug traffickers who are considering illegal entry into the United States. In addition, this criminal offense will give law enforcement authorities a broader arena for prosecuting the drug offender as current tax fraud and mail fraud violations provide.

The third bill would make it a criminal offense for refusal to appear at immigration proceedings including deportation and exclusion hearings with penalties up to 5 years and up to $5,000, or both.

I would hope that by making it a criminal offense to fail to appear at such proceedings, the number of aliens who refuse to appear will decrease. But if they choose to abscond, the alien will be subject to criminal prosecution.

The fourth proposal would impose criminal penalties against those persons who knowingly aid or conspire to assist illegal alien felons in obtaining entry into the United States. Such offenses would be subject to penalties of up to 5 years and fines up to $5,000, or both. This is directed at those persons in the United States—citizens or noncitizens—who actually recruit aliens in foreign countries for the purpose of dealing drugs in the United States and/or to assist such aliens in gaining illegal entry into this country. A Haitian informant for the Orlando Police Department testified at the hearing and stated that "many Haitians are brought into the United States illegally for the sole purpose of dealing drugs and to recruit other Haitians for the drug business. These dealers are mixed with political refugees to hide their identity."

The final bill is intended to give statutory authority and clarity to a process which is being developed between INS and law enforcement agencies. This bill would require linkage of INS computers and the National Crime Information Center and other computerized criminal indexes. Such linkage is crucial to the overall apprehension and prosecution of aliens who commit immigration violations as well as other criminal offenses. Time after time, law enforcement officials claim that requests for information on certain aliens go unanswered. There should be an efficient two-way channel of information between the INS and law enforcement agencies to allow for an expeditious exchange of data.

Mr. President, these are but a few of the areas where the Federal Government must make decisions and assist State and local officials in developing an effective policy with regard to illegal alien felons.

This legislation will not resolve every deficiency in the system. States are going to have to evaluate their judicial systems to determine how to prevent such felons from repeatedly bonding out when apprehended. Our criminal systems must respect the rights of all individuals but also must acknowledge the threat illegal alien felons are to our communities. I would hope that the passage of the changes to Federal law which I am introducing today will prompt action by the States. The problem of illegal alien felons is so complex and threatening it will take the cooperation of all levels of government to meet the demands.

I am hopeful that my colleagues will join me in insuring that the Congress will do its part to rid our streets of these felons.

Mr. President, I ask that the five bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 242(a) of the Immigration and Nationality Act is amended—

(1) in the second sentence, by striking out "Any" and inserting in lieu thereof "Except as provided in paragraph (2), any";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) by inserting "(1)" immediately after "(a)"; and

(4) by adding at the end thereof the following new paragraph:

"(2)(A) Any alien arrested under paragraph (1) pending a determination of whether such alien is deportable on grounds of having been convicted of an aggravated felony shall not be released from custody and shall not be entitled to conditional parole. An alien held in custody under this paragraph by State or local authorities shall promptly be transferred to the custody of the Attorney General.

"(B) Each special inquiry officer conducting deportation proceedings under subsection (b) shall give priority to proceedings involving aliens held in custody under subparagraph (A).

"(C) For purposes of this paragraph, the term 'aggravated felony' means murder, kidnapping, rape, or any attempt thereof, or any illicit trafficking in any controlled substance as defined in section 102 of the Controlled Substances Act."

(b) Section 244(e) of such Act is amended—

(1) by striking out "(e) The" and inserting in lieu thereof "(e)(1) Subject to paragraph (2), the";

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The authority contained in paragraph (1) shall not apply to any alien who is deportable for having been convicted of an aggravated felony.

"(B) For purposes of this paragraph, the term 'aggravated felony' means murder, kidnapping, rape, or any attempt thereof, or any illicit trafficking in any controlled substance as defined in section 102 of the Controlled Substances Act.".

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 276 of the Immigration and Nationality Act is amended—

(1) by striking out "Any alien" and inserting in lieu thereof "(a) Subject to subsection (b), any alien";

(2) by adding at the end thereof the following:

"(b)(1) Notwithstanding subsection (a), in the case of any alien described in subsection (a)—

"(A) whose deportation was subsequent to a conviction for commission of a felony (other than an aggravated felony), such alien shall be punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000, or both; or

"(B) whose deportation was subsequent to a conviction for commission of an aggravated felony, such alien shall be punishable by imprisonment for at least 15 years and by a fine of not more than $20,000.

"(2) For purposes of this subsection the term 'aggravated felony' means murder, kidnapping, rape, or any attempt thereof, or any illicit trafficking in any controlled substance as defined in section 102 of the Controlled Substances Act.

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 8 of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"CRIMINAL PENALTIES FOR REFUSAL TO APPEAR

"SEC. 280A. Whoever—

"(1) having been subpoenaed under the provision of the Immigration and Nationality Act or any other law or regulation relating to the admission or expulsion of aliens or to citizenship or nationality, neglects or refuses to so appear and testify, if in the power of such person to do so, or

"(2) having been served notification to appear and respond in answer to any proceeding against such person conducted under any provision of the Immigration and Nationality Act or of any other law or regulation relating to the admission or expulsion of aliens or to citizenship or nationality, neglects or refuses to so appear and respond, if in the power of such person to do so,

shall be fined not more than $5,000 or imprisoned not more than five years, or both.".

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 277 of the Immigration and Nationality Act is amended by insering "(9), (10), and (23)," immediately after "212(a)".

(b) The section heading for section 277 of such Act is amended by striking out "SUBVERSIVE ALIEN" and inserting in lieu thereof "CERTAIN ALIENS".

(c) The table of contents of such Act is amended by amending the item relating to section 277 to read as follows:

"Sec. 277. Aiding or assisting certain aliens to enter the United States.".

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 290 of the Immigration and Nationality Act is amended by adding at the end thereof the following new subsection:

"(e)(1) The Attorney General shall prescribe regulations to enable the Service by computer—

"(A) to obtain access to information compiled by the National Crime Information Center and to other information compiled in appropriate computerized indexes maintained by law enforcement agencies, and

"(B) to transmit information to such data storage facilities, with respect to the identities of aliens who have been convicted of criminal offenses and other information relating to deportable aliens, including information on warrants (criminal and administrative) with respect to such aliens.

"(2) For purposes of this subsection, the term 'aggravated felony' means murder, kidnapping, rape, or any attempt thereof, or any illicit trafficking in any controlled substance as defined in section 102 of the Controlled Substances Act.".

By Mr. NICKLES:

S. 977. A bill to provide routine confidential testing of individuals convicted for drug and sex offenses for exposure to the human immunodeficiency virus; to the Committee on the Judiciary.

AIDS AWARENESS ACT

Mr. NICKLES. Mr. President, I rise today with deep concern about our Nation's foremost public health issue and what may be this century's most deadly disease, acquired immune deficiency syndrome. It seems we are being manipulated by the stigma surrounding AIDS, and, as a result, we have compromised the health of our Nation. Therefore, today I am introducing legislation to help address this most serious of public health problems.

Right now we have a haphazard, hit-or-miss policy. And, unfortunately, we are missing more than hitting. It seems that what little action has been taken today is having little or no effect in curbing the spread of AIDS.

No one, no agency, no organization really knows how many people are carrying the virus and passing it on to others. No one knows what proportion of those infected will ultimately develop frank AIDS, the fatal stage of the disease. We are suffering from a severe lack of credible, usable information about the deadliest contagious virus in America. It is unconscionable to think that the most technically sophisticated nation on Earth cannot, or will not, take the necessary steps to begin gathering useful information which could help save millions of lives.

One thing of which we are certain—our Nation is being crippled by the worst epidemic in history. Surgeon General C. Everett Koop has called it a plague of medieval proportions. To put this in perspective, here are some figures the World Health Organization gives for past plagues: The bubonic plague killed 25 to 50 million between 1347 and 1350; influenza killed 22 million between 1917 and 1918; and, smallpox killed 400,000 at the height of the 19th century.

AIDS has the potential of surpassing these figures. More than 33,000 AIDS cases have already been reported in the United States. This number represents those at the frank stage, that is, they will shortly die from the virus. Further, an estimated 1½ million to 3 million Americans carry the AIDS virus—some even estimate the figure as high as 4 million—and most carriers don't even know they have the virus. The CDC estimates this number will climb to 5 million by 1991. Of those persons who are currently AIDS carriers, 20 to 30 percent of them will reach the deadly state of the disease within the next 5 years. It appears that even though the virus may remain dormant inside the body for many years, it will eventually develop to the deadly stage. And the disease continues to spread. Although we know it continues spreading through our population, we don't really know how fast.

AIDS is no longer just a disease of the homosexual and the drug addict communities. It has spread into the heterosexual population. Doctor Koop estimated by 1991, it will increase twentyfold in the heterosexual population. Currently, 4 percent of AIDS victims are heterosexual. And hopes for a quick cure for this deadly disease do not look promising. The Surgeon General said we should not expect a vaccine in this century.

The monetary cost of AIDS to the American people is already growing at an astronomical rate—1986 Medicare and Medicaid costs for AIDS treatment are estimated at between $1.2 billion to $2.4 billion. That amounts to between $50,000 and $150,000 per patient during an average survival time of 18 months. About 40 percent of AIDS patients currently qualify for Medicaid, which covers about 57 percent of AIDS costs. However, by 1991 it is estimated that these Government costs will range between $8 billion and $16 billion.

We should be shocked by the medieval proportions with which the disease is growing, we should be shocked by the monetary costs that will be involved to treat it, but we should be most shocked by our failure to act decisively on this issue, thereby insuring the proliferation of AIDS far into the future.

I propose that we treat AIDS like we treat other communicable diseases—with routine testing, counseling, and confidentiality. In every instance a communicable disease is involved, people across the Nation have agreed to routine but mandatory testing. For example, in about two dozen States we require premarital blood testing for veneral disease, a disease for which there is a cure. But when it comes to the deadly AIDS virus, we protect people not from the disease, but from a test. Routine testing for AIDS could be a life-saving requirement. As a matter of public policy, AIDS testing should be regarded as a measure of protection.

Many shy away from mandatory testing, saying we should encourage high-risk individuals to seek testing. There is probably not a Senator in this body who would disagree with encouraging high-risk individuals to seek testing. Unfortunately, too many high-risk persons refuse. In fact, a recent survey conducted in San Francisco shows 55 percent of the homosexuals surveyed did not want to know if they carried the virus. It appears the people who probably have the least to fear are the ones now seeking AIDS testing.

Education is important, counseling is vital, but education and counseling alone are not going to contain this disease. We need action that will give us accurate data, and that is why I propose starting a mandatory testing program for certain high-risk groups. Many States, including my own, are beginning to take decisive action. The Oklahoma House of Representatives has unanimously passed a bill to require testing all prison inmates for AIDS and all convicted prostitutes. It also requires segregation of those in prison who test positive for the AIDS virus. Oklahomans, like most Americans, are alarmed at the rapid growth in the number of AIDS cases. Since 1983, the number of reported cases in my State has more than doubled every year.

According to recent polling, the American people are supportive of some mandatory testing. A Gallop poll showed 87 percent of the public believe that we should test high-risk individuals—male homosexuals, intravenous drug users, prostitutes, and the partners of these people. Seventy-one percent are for testing health care officials, and 85 percent support premarital testing.

The bill I am introducing would require the testing of persons convicted for drug-related crimes, prostitution, and rape. Further, it calls for testing of all prison inmates convicted of the aforementioned crimes since 1978. My staff has been in contact with the Centers for Disease Control, the American Medical Association, the Surgeon General, and the National Institutes of Health, and there is a consensus that most of the individuals in these groups are at high risk and more information is needed. For example, in some States, over 50 percent of the prostitutes test positive for the AIDS virus. Other studies show 75 percent of prostitutes are intravenous drug users.

Testing persons convicted of drug-related crimes, prostitution, and rape will give us cost-effective, useful data. While certain mandatory testing may be popular, like premarital testing, it would not be cost-effective at this point. According to officials at the Center for Disease Control, testing should be targeted to high-risk groups to yield the most useful data at the lowest cost. Our public health experts need usable information about the spread of this disease and the public at large also needs reliable information. This bill would give us data currently unavailable.

My bill also directs the Justice Department to study the viability of requiring mandatory prison sentences for prostitutes or rapists, testing positive for the AIDS virus after the first conviction, convicted a second time for the same offense. Any person who knowingly spreads the AIDS virus is no less a threat to society than the disease itself.

This bill will not provide all the information public health officials need, but it is a start. The purpose of this bill is clear: we need to know more about this virus and the testing of certain high-risk groups will help provide that information.

If we are violating civil liberty by letting people know they have a deadly, contagious disease, I suggest the most basic right, the right to live, is greater.

By Mr. HEFLIN (for himself, Mr. Shelby, Mr. Byrd, Mr. Dole, and Mr. Thurmond):

S. 978. A bill for the relief of Jens-Peter Berndt; to the Committee on the Judiciary.

RELIEF OF JENS-PETER BERNDT

Mr. HEFLIN. Mr. President, I rise today to introduce legislation that would expedite the naturalization of Jens-Peter Berndt as a citizen of the United States.

Peter Berndt is 23 years old and a native of East Germany. On January 7, 1985, while competing in a swimming meet in Oklahoma City as a member of the East German swim team, Peter requested and was granted political asylum in this country.

Subsequently, Peter was adopted by Mr. and Mrs. Thomas Patterson of Birmingham, AL. Peter is currently enrolled as a sophomore at the University of Alabama in Tuscaloosa. He is a member of the school's swim team and is an amateur swimmer of Olympic caliber.

It is Peter's goal to swim in the 1988 Olympic Games as a U.S. citizen. Without private relief, however, Peter would not meet the residency requirements until 1990. The legislation I propose today would waive the residency requirement so that Peter may be naturalized right away.

I am pleased to sponsor this legislation. Peter is a fine young man. He had a dream—to become an American—and he had the courage to act on that dream. I am proud to assist Peter in making this dream a reality. I urge my colleagues to support this bill and move it expeditiously to final passage.

By Mr. EVANS (for himself, Mr. Inouye, and Mrs. Kassebaum):

S. 979. A bill to provide that political candidates meet certain requirements in advertising; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM "USE" LEGISLATION

● Mr. EVANS. Mr. President, I rise to introduce campaign finance reform legislation that modifies the Federal Communication Commission's [FCC] definition of "use" for political candidates. I am pleased to have Senators Inouye and Kassebaum join me in offering this proposal.

Under the current FCC interpretation of "use", a candidate is entitled to the lowest unit charge and no-censorship protection by appearing or speaking for only a fleeting moment at the end of a media spot.

This legislation directs the FCC to redefine "use" requirements. It mandates that the FCC define "substantial appearance" such that a candidate would be required to be identified, or identifiable, for 100 percent of the media spot.

This proposal, which follows an original concept developed by the National Association of Broadcasters, would help in several ways. First, the candidate would be forced to sell his or her candidacy directly to the voters; a more straightforward approach than is necessary under current law.

Second, this would require candidates to think twice before engaging in negative advertising. How many candidates would continue to pound away at their opponents if they had to do it personally?

A likely third benefit, Mr. President, would be reduced overall spending for television, which absorbs a large share of funds in most campaigns. According to Dr. Herb Alexander, USC professor of political science and director of the Citizens' Research Foundation, U.S. Senate candidates devote as much as 40 percent to 60 percent of their total campaign budget to television advertising.

I commend Senators Inouye and Rudman on their legislation, "Fairness in Political Advertising Act" or commonly referred to as the "talking heads" legislation, that seeks a similar goal by amending the Federal Election Campaign Act. Taken together, their effort to amend the election laws and mine to revise FCC interpretation should provide us with a necessary first step toward successful reform.

By refining the definition of "use" in campaign advertising, we can do more to solve the current problems found within our election laws than by any other single initiative we can undertake. Rather than focusing on the myriad of other solutions as the subjects of our debate—limiting the contributions of political action committees [PAC's], establishing public financing, amending the constitution to impose spending limits, and others—we should look to the candidates themselves for the solution.●

By Mr. SYMMS:

S. 980. A bill to prohibit the importation of certain products of Australia and New Zealand; to the Committee on Finance.

PROHIBITION ON IMPORTATION OF CERTAIN PRODUCTS OF AUSTRALIA AND NEW ZEALAND

Mr. SYMMS. Mr. President, as a Senator who has fought long and hard against the folly of protectionism, I encourage my colleagues to support the legislation I am introducing today, not as a protectionist measure, but as a safeguard for the very security of our Nation. This legislation restricts the import of certain products from Australia and New Zealand.

The ability of the United States to produce wool fiber is recognized by Congress as an essential element of overall strategic readiness. The loss of our domestic wool industry would relegate us to complete dependence on foreign sources, sources that may not necessarily share the U.S. interests. In order to avoid that threat, we, as a Congress, enacted a National Wool Incentive Program to assure the economic viability of a domestic industry.

Unfortunately, the last vestige of what was once a great American industry is not surviving on mere economic viability. The American wool industry has been declining in the face of rebounding prices. While the price of lamb has reached a 3-year high, domestic sheep and lamb production has dropped more than 20,000 tons. For some reason, passing prosperity has not been enough to entice Americans into the sheep business. After some consideration, I think I know what that reason is.

American industry is driven by people who have a fiercely competitive spirit, an arduous work ethic, and an eagerness to achieve. A nongrowth industry that cannot offer any promise for the future will not survive in the American marketplace. For one thing, it will not attract the young entrepreneurs that are needed to carry it on in future generations. That is precisely the problem facing the American sheep industry.

Sheepmen today are faced with an intolerable situation. If they do nothing, their domestic lamb market will continue to deteriorate. If they actively seek to promote their product, there is little hope for any return on the investment. Their efforts simply translate into increased imports of subsidized New Zealand and Australian lamb. As long as these countries have unlimited access to the American marketplace, our own domestic sheep industry will not hold much promise for future generations.

In spite of this conclusion, I could not justify placing obstacles to free trade in the way of allied countries that have committed themselves to defending the freedom of the American marketplace. However, in the case of New Zealand, and to a much lesser extent Australia, that commitment has not been clear.

A reasonable argument can be made that free access to our domestic lamb market we granted to these countries because of their participation in critical defensive treaties. Whether those countries have fulfilled their treaty responsibilities is now in doubt. The main security treaty between Australia, New Zealand, and the United States of America is knows as the ANZUS pact. That pact requires the member nations to "maintain and develop their individual and collective capacity to resist armed attack."

In spite of this provision, New Zealand today prohibits port calls by United States naval ships carrying nuclear weaponry or powered by nuclear engines. The Government of Australia refuses to allow the use of its bases by United States aircraft in monitoring strategic missile tests. These are irresponsible denials of obligations taken on by the two countries when they signed the ANZUS pact in 1951.

The United States has footed the lion's share of the bill for maintaining the free world's strategic counterbalance to the Soviet Union's nuclear missile force. Whether our ANZUS allies find it unpleasant or not, the fact is that nuclear weapons are, and will remain for at least the next decade and probably beyond, the major component of strategic forces.

To deny access to U.S. ships carrying nuclear weapons while enjoying the freedom that these weapons bring them is not only grossly unfair, but is indicative of the Alice in Wonderland attitude of these countries. That attitude jeopardizes the safety of Australians and New Zealanders as well as Americans.

Up until now, the United States has allowed New Zealand and Australian products to compete in our own markets, even though it causes real hardship to our own domestic lamb and wool industries. We did so in the name of friendship.

It is now apparent that those countries are only profiting from the freedom of American commerce, without being willing to defend that freedom. This double standard of morality is intolerable, and must be addressed by the Congress at the soonest possible opportunity. I urge my colleagues to join in cosponsorship and immediate passage of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entry, or withdrawal from warehouse, for consumption in the custom territory of the United States after the date of enactment of this Act of any uranium ore (provided for in item 601.57 of the Tariff Schedules of the United States) that is a product of Australia, or of any of the following articles that are products of Australia or New Zealand, is prohibited:

(1) beef or veal, fresh, chilled or frozen, or otherwise prepared or preserved (provided for in item 106.10 and items 107.40 through 107.63, inclusive, of such Schedules),

(2) lamb, live, fresh, chilled or frozen, or otherwise prepared or preserved (provided for in items 100.81, 106.30, 107.70, and 107.76 of such Schedules),

(3) skins bearing wool (provided for in item 123.00 of such Schedules), and

(4) wool (however provided for in subpart C of part 1 of schedule 3 of such Schedules).

By Mr. STAFFORD (for himself, Mr. Baucus, Mr. Durenberger, Mr. Mitchell, and Mr. Chafee):

S. 981. A bill to amend the Toxic Substances Control Act so as to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in Federal and other buildings, and for other purposes; to the Committee on Environment and Public Works.

TOXIC SUBSTANCES CONTROL ACT AMENDMENTS

Mr. STAFFORD. Mr. President, last year I introduced two bills to deal with the hazards of exposure to asbestos fibers in buildings. One of the bills, the Asbestos Hazards Emergency Response Act [AHERA], which addressed asbestos in schools, was signed into law on October 22, 1986. Action on the second bill, which covered asbestos in Federal and other nonschool buildings, was not completed before adjournment. It is a measure similar to the second bill that I am introducing today on behalf of myself, Mr. Baucus, Mr. Durenburger, and Mr. Mitchell.

The circumstances justifying enactment of AHERA pertain to asbestos in nonschool buildings, as well. The deadly effects of asbestos fibers are well known. The fibers, when inhaled, penetrate deep into the lung and can cause lung cancer, mesothelioma, and other serious lung diseases 20 to 40 years after exposure.

In the past the absence of standards and guidelines prescribing acceptable means to identify and to protect against exposure to hazardous asbestos—that is, the kind that is easily crumbled, thus releasing fibers—has meant that hazardous conditions in too many cases, have either been left unaddressed or dealt with in an irresponsible fashion.

Trained contractors who know how to carry out inspections and to design and implement appropriate corrective action programs, have been in short supply. Unscrupulous operators have, in some cases, persuaded school authorities and building owners to undertake costly and unnecessary removal programs that exposed workers and others to the deadly fibers.

In other cases, with the best intentions, work has been poorly done because trained personnel were not available.

AHERA, the law passed last year, addresses these problems in school buildings by requiring the Environmental Protection Agency to publish regulations prescribing procedures for inspecting for and identifying hazardous asbestos and, once found, requiring appropriate response actions to eliminate the hazards.

The new law also directs EPA to set up a model accreditation program for those undertaking inspections or response programs, requires the States to adopt accredited programs, and prohibits anyone from doing response actions in schools unless they have successfully completed an accredited training progam.

The bill I am introducing builds on the requirements in AHERA. It requires EPA to develop regulations applicable to nonschool buildings that cover the same activities covered by AHERA. EPA is also required to establish a model contractor accreditation program for nonschool buildings.

All federally owned buildings must be inspected, and response actions that comply with the regulations must be implemented wherever hazardous asbestos is found. EPA is also directed to identify classes and categories of non-Federal buildings that will be put on a schedule to comply with the regulations.

So that there is no doubt about the potential for exposure to asbestos in nonschool buildings, let me observe that a survey done by EPA in 1984 estimated that 20 percent of all commercial and public buildings—about 733,000—contain easily crumbled asbestos. About one-quarter of these, or 192,000 buildings, had sprayed or troweled asbestos, which is generally considered the most hazardous form.

Also, according to the National Academy of Sciences, "Much of the more than 30 million metric tons of asbestos used in the United States since 1900 is still present in its original application and provides a potential for exposure."

Of course, not all asbestos in buildings constitutes an imminent hazard. Asbestos that is intact can safely be left in place, so long as a program exists to keep it from becoming damaged or assures appropriate response actions once it is damaged.

The purpose of this bill is to provide the users of Federal buildings and, over time, other publicly accessible buildings, with the same protection from exposure to asbestos that we have judged it wise to provide to schoolchildren and schoolworkers.

Mr. President, in passing AHERA the Congress recognized the terrible hazards to people exposed to asbestos fibers. We have completed only part of the job of providing protection against such exposure. I believe we should launch the effort to finish that job.

I ask unanimous consent that a very informative article on asbestos hazards that appeared in the Wall Street Journal last year and another article be printed in the RECORD at this point, with the bill and a brief section-by-section description.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Substances Control Act Amendments Act of 1987".

SEC. 2. AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

The Toxic Substances Control Act is amended by adding at the end thereof the following:

"TITLE III—FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT

"SEC. 301. SHORT TITLE.

"This title may be cited as the "Federal Building Asbestos Hazard Abatement Act of 1987".

"SEC. 302. CONGRESSIONAL FINDINGS AND PURPOSES.

"(a) FINDINGS.—

"(1) The Congress finds that—

"(A) hazardous asbestos is present in many Federal buildings and other buildings that are accessible to the public;

"(B) asbestos, if unrecognized or poorly managed, can cause serious adverse health effects, including lung cancer and other deadly and debilitating diseases;

"(C) though the Federal Government requires that school buildings be inspected for hazardous asbestos and that appropriate response actions be implemented, there is no such requirement affecting buildings that are owned or leased by the Federal Government, or other publicly accessible buildings;

"(D) many buildings have not been inspected for hazardous asbestos, while others have been subjected to expensive abatement projects with no regulatory guidance from the Environmental Protection Agency on whether the actions are necessary, adequate, or safe; and

"(E) serious asbestos hazards continue to exist in certain buildings and some hazards actually may have been made worse due to the lack of national standards for asbestos hazards and abatement.

"(b) PURPOSES.—The purposes of this title are to—

"(1) provide for the establishment of Federal standards for the identification of and response to hazardous asbestos in Federal and other buildings; and

"(2) mandate safe and complete inspection and response in accordance with those standards.

"SEC. 303. DEFINITIONS.

"For purposes of this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'Federal building' means any building which is owned by the Federal Government;

"(3) 'non-Federal building' means any building other than a Federal building, except that such term does not include any school building otherwise subject to an asbestos inspection and abatement program under Federal law, any private residential dwelling, or any commercial residential building having fewer than 10 residential units;

"(4) 'covered non-Federal building' means any non-Federal building which is included on the schedule established by the Administrator pursuant to section 307(b) of this title;

"(5) 'covered building' means a Federal building or a covered non-Federal building;

"(6) 'accredited asbestos contractor' means an individual who has successfully completed an Environmental Protection Agency approved training program, or a training program relating to asbestos inspections and abatement adopted pursuant to section 306 of this title, or section 206 of this Act;

"(7) 'owner', when used in connection with a Federal building under this title, means the head of the department, agency, office, or other instrumentality of the United States having jurisdiction or control over such building;

"(8) 'asbestos' means asbestiform varieties of—

"(A) chrysotile (serpentine),

"(B) crocidolite (riebeckite),

"(C) amosite (cummingtonite-grunerite),

"(D) anthophyllite,

"(E) tremolite, or

"(F) actinolite.

"(9) 'asbestos-containing material' means any material which contains more than 1 percent asbestos by weight;

"(10) 'Guidance for Controlling Asbestos-Containing Material in Buildings', means the Environmental Protection Agency document with such title as in effect on March 31, 1986.

"(11) 'friable asbestos-containing material' means any asbestos-containing material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable asbestos-containing material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"(12) 'most current guidance document' means the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Material in Buildings' as modified by the Environmental Protection Agency after March 31, 1986;

"(13) 'response action' means methods that protect human health and the environment from asbestos-containing material. Such methods include methods described in chapters 3 and 5 of the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Materials in Buildings';

"(14) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"SEC. 304. EPA REGULATIONS.

"(a) IN GENERAL.—Within 360 days after the date of the enactment of this title, the Administrator shall promulgate regulations as described in subsections (b) through (i). With respect to regulations described in such subsections, the Administrator shall issue an advanced notice of proposed rulemaking within 60 days after the date of the enactment of this title, and shall propose regulations within 180 days after such date.

Any regulation promulgated under this section must protect human health and the environment.

"(b) INSPECTION.—The Administrator shall promulgate regulations which prescribe procedures, including the use of personnel accredited under section 306 of this title or section 206(b) or 206(c) of this Act, and laboratories accredited under section 206(d) of this Act, for determining whether asbestos-containing material is present in a covered building under this title. The regulations shall provide for the exclusion of any covered building, or portion of such a building, if (1) an inspection of such building (or portion) was completed before the effective date of the regulations, and (2) the inspection meets the procedures and other requirements of the regulations under this title or of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' (unless the Administrator determines that an inspection in accordance with the guidance document is inadequate). The regulations shall require inspection of any such building (or portion of a building) that is not excluded by the preceding sentence.

"(c) CIRCUMSTANCES REQUIRING RESPONSE ACTIONS.—(1) The Administrator shall promulgate regulations which define the appropriate response action in a covered building under this title in at least the following circumstances:

"(A) DAMAGE.—Circumstances in which friable asbestos-containing material or its covering is damaged, deteriorated, or delaminated.

"(B) SIGNIFICANT DAMAGE.—Circumstances in which friable asbestos-containing material or its covering is significantly damaged, deteriorated, or delaminated.

"(C) POTENTIAL DAMAGE.—Circumstances in which—

"(i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

"(ii) there is a reasonable likelihood that the material or its covering will become damaged, deteriorated, or delaminated.

"(D) POTENTIAL SIGNIFICANT DAMAGE.—Circumstances in which—

"(i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

"(ii) there is a reasonable likelihood that the material or its covering will become significantly damaged, deteriorated, or delaminated.

"(2) In promulgating such regulations, the Administrator shall consider and assess the value of various technologies intended to improve the decisionmaking process regarding response actions and the quality of any work that is deemed necessary, including air monitoring and chemical encapsulants.

"(d) RESPONSE ACTIONS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations describing response actions in buildings under this title.

"(2) RESPONSE ACTION FOR DAMAGED ASBESTOS.—In the case of a response action for the circumstances described in subsection (c)(1)(A), methods for responding shall include methods identified in chapters 3 and 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings'.

"(3) RESPONSE ACTION FOR SIGNIFICANTLY DAMAGED ASBESTOS.—In the case of a response action for the circumstances described in subsection (c)(1)(B), methods for responding shall include methods identified in chapter 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings'.

"(4) RESPONSE ACTION FOR POTENTIALLY DAMAGED ASBESTOS.—In the case of a response action for the circumstances described in subsection (c)(1)(C), methods for responding shall include methods identified in chapters 3 and 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings', unless other methods will eliminate the reasonable likelihood that the asbestos-containing material will become damaged, deteriorated, or delaminated.

"(5) RESPONSE ACTION FOR POTENTIALLY SIGNIFICANTLY DAMAGED ASBESTOS.—In the case of a response action for the circumstances described in subsection (c)(1)(D), methods for responding shall include methods identified in chapter 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings', unless other methods will eliminate the reasonable likelihood that the asbestos-containing material will become significantly damaged, deteriorated, or delaminated.

"(e) IMPLEMENTATION.—The Administrator shall promulgate regulations requiring the implementation of response actions in covered buildings under this title and, where appropriate, for the determination of when a response action is completed. Such regulations shall include standards for the education and protection of both workers and building occupants for the following phases of activity:

"(1) Inspection.

"(2) Response action.

"(3) Post-response action, including any periodic reinspection of asbestos-containing material and long-term surveillance activity.

"(f) OPERATIONS AND MAINTENANCE.—The Administrator shall promulgate regulations to require implementation of an operations and maintenance and repair program as described in chapter 3 of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' for all friable asbestos-containing material in a covered building under this title.

"(g) PERIODIC SURVEILLANCE.—The Administrator shall promulgate regulations to require the following:

"(1) An identification of the location of friable and nonfriable asbestos in a covered building under this title.

"(2) Provisions for surveillance and periodic reinspection of such friable and nonfriable asbestos.

"(3) Provisions for education of employees, including service and maintenance personnel, about the location of and safety procedures with respect to such friable and nonfriable asbestos.

"(h) TRANSPORTATION AND DISPOSAL.—The Administrator shall promulgate regulations which prescribe standards for transportation and disposal of asbestos-containing waste material to protect human health and the environment. Such regulations shall include such provisions related to the manner in which transportation vehicles are loaded and unloaded as will assure the physical integrity of containers of asbestos-containing waste material.

"(i) MANAGEMENT PLANS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations which require each owner of a covered building to develop an asbestos management plan for covered buildings under this title, to begin implementation of such plan within 360 days after the date such building is required by section 307 to be inspected in accordance with section 304(b), and to complete implementation of such plan in a timely fashion. The regulations shall require that each plan include the following elements, wherever relevant to the building:

"(A) An inspection statement describing inspection and response action activities carried out before the date of the enactment of this title.

"(B) A description of the results of the inspection conducted pursuant to regulations under subsection (b), including a description of the specific areas inspected.

"(C) A detailed description of measures to be taken to respond to any friable asbestos-containing material pursuant to the regulations promulgated under subsections (c), (d), and (e), including the location or locations at which a response action will be taken, the method or methods of response action to be used, and a schedule for beginning and completing response actions.

"(D) A detailed description of any asbestos-containing material which remains in the covered building once response actions are undertaken pursuant to the regulations promulgated under subsections (c), (d), and (e).

"(E) A plan for periodic reinspection and long-term surveillance activities developed pursuant to regulations promulgated under subsection (g), and a plan for operations and maintenance activities developed pursuant to regulations promulgated under subsection (f).

"(F) With respect to the person or persons who inspected for asbestos-containing material and who will design or carry out response actions with respect to the friable asbestos-containing material, one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 306 of this title or section 206 of this Act, a statement that the person (or persons) is accredited under such plan.

"(ii) A statement that the owner used (or will use) persons who have been accredited by another State which has adopted a contractor accreditation plan under section 306 of this title or section 206 of this Act, or is accredited pursuant to an Administrator-approved course under section 306(c) of this title or section 206(c) of this Act.

"(G) A list of the laboratories that analyzed any bulk samples of asbestos-containing material found in the building or air samples taken to detect asbestos in the covered building and a statement that each laboratory has been accredited pursuant to the accreditation program under section 206(d) of this Act.

"(H) With respect to each consultant who contributed to the management plan, the name of the consultant and one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 306 of this title or section 206(b) of this Act, a statement that the consultant is accredited under such plan.

"(ii) A statement that the consultant is accredited by another State which has adopted a contractor accreditation plan under section 306(b) of this title or section 206(b) of this Act, or is accredited pursuant to an Administrator-approved course under section 306(c) of this title or section 206(c) of this Act.

"(I) An evaluation of resources needed to successfully complete response actions and carry out reinspection, surveillance, and operation and maintenance activities.

"(2) STATEMENT BY CONTRACTOR.—An owner may require each management plan to contain a statement signed by an accredited asbestos contractor that such contractor has prepared or assisted in the preparation of such plan, or has reviewed such plan, and that such plan is in compliance with the applicable regulations and standards promulgated or adopted pursuant to this section and other applicable provisions of law. Such a statement may not be signed by a contractor who, in addition to preparing or assisting in preparing the management plan, also implements (or will implement) the management plan.

"(3) WARNING LABELS.—(A) The regulations shall require that each owner who has inspected for and discovered any asbestos-containing material with respect to a building shall attach a warning label to any asbestos-containing material still in routine maintenance areas (such as boiler rooms) of the building, including—

"(i) friable asbestos-containing material which was responded to by a means other than removal, and

"(ii) asbestos-containing material for which no response action was carried out.

"(B) The warning label shall read, in print which is readily visible because of large size or bright color, as follows: 'CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT.'.

"(4) PLAN MAY BE SUBMITTED IN STAGES.—An owner may submit a management plan in stages, with each submission covering only a portion of the covered buildings under this title, if the owner determines that such action would expedite the identification and abatement of hazardous asbestos-containing material in the covered buildings of the owner.

"(5) PUBLIC AVAILABILITY.—A copy of the management plan developed under the regulations shall be available in the administrative offices of the building for inspection by the public.

"(6) SUBMISSION TO ADMINISTRATOR.—Each plan developed under this subsection shall be submitted to the Administrator within 60 days following its preparation.

"(j) CHANGES IN REGULATIONS.—Changes may be made in the regulations promulgated under this section only by rule in accordance with section 553 of title 5, United States Code. Any such change must protect human health and the environment.

"(k) CHANGES IN GUIDANCE DOCUMENT.—Any change made in the 'Guidance for Controlling Asbestos-Containing Material in Buildings' shall be made only by rule in accordance with section 553 of title 5, United States Code, unless a regulation described in this section or section 203 of this Act dealing with the same subject matter is in effect. Any such change must protect human health and the environment.

"SEC. 305. REQUIREMENTS IF EPA FAILS TO PROMULGATE REGULATIONS.

"(a) IN GENERAL.—

"(1) FAILURE TO PROMULGATE.—If the Administrator fails to promulgate within the prescribed period—

"(A) regulations described in section 304(b) (relating to inspection);

"(B) regulations described in section 304(c), (d), (e), (f), (g), and (i) (relating to responding to asbestos); or

"(C) regulations described in section 304(h) (relating to transportation and disposal);

each owner of a covered building under this title shall carry out the requirements described in this section in subsection (b); subsections (c), (d), and (e); or subsection (f); respectively, in accordance with the Environmental Protection Agency's most current guidance document.

"(2) STAY BY COURT.—If the Administrator has promulgated regulations described in paragraph (1) (A), (B), or (C) within the prescribed period, but the effective date of such regulations has been stayed by a court for a period of more than 30 days, an owner of a covered building shall carry out the pertinent requirements described in this subsection in accordance with the Environmental Protection Agency's most current guidance document.

"(3) EFFECTIVE PERIOD.—The requirements of this section shall be in effect until such time as the Administrator promulgates the pertinent regulations or until the stay is lifted (as the case may be).

"(b) INSPECTION.—(1) Except as provided in paragraph (2), the owner of a building required by section 307 to conduct an inspection in accordance with section 304(b) of this title, within 540 days after the date of the enactment of this title, shall conduct an inspection for asbestos-containing material, using personnel accredited under section 206(b) or 206(c) of this Act or section 306 of this title and laboratories accredited under section 206(d) of this Act in each covered building owned by such owner.

"(2) The owner may exclude from the inspection requirement in paragraph (1) any such building, or portion of a building, if (A) an inspection of such building (or portion) was completed before the date on which this section goes into effect, and (B) the inspection meets the inspection requirements of this section.

"(c) OPERATION AND MAINTENANCE.—Any such owner referred to in subsection (b)(1) shall, within 720 days after the date of the enactment of this title, develop and begin implementation of an operation and maintenance plan with respect to friable asbestos-containing material in a building designated on such schedule. Such plan shall provide for the education of service and maintenance personnel about safety procedures with respect to asbestos-containing material, including friable asbestos-containing material.

"(d) MANAGEMENT PLAN.—

"(1) IN GENERAL.—Each owner referred to in subsection (b)(1) shall—

"(A) develop a management plan for responding to asbestos-containing material in each such building,

"(B) begin implementation of such plan within 990 days after the date of the enactment of this title, and

"(C) complete implementation of such plan in a timely fashion.

"(2) PLAN REQUIREMENTS.—The management plan shall—

"(A) include the elements listed in section 304(i)(1), including an inspection statement as described in paragraph (3) of this section,

"(B) provide for the attachment of warning labels as described in section 304(i)(3),

"(C) be prepared in accordance with the most current guidance document, and

"(D) meet the standard described in paragraph (4) for actions described in that paragraph.

"(3) INSPECTION STATEMENT.—Each owner referred to in section (b)(1) shall complete an inspection statement, covering activities carried out before the date of the enactment of this title, which meets the following requirements:

"(A) The statement shall include the following information:

"(i) The dates of inspection.

"(ii) The name, address, and qualifications of each inspector.

"(iii) A description of the specific areas inspected.

"(iv) A list of the laboratories that analyzed any bulk samples of asbestos-containing material or air samples of asbestos found in any building and a statement describing the qualifications of each laboratory.

"(v) The results of the inspection.

"(B) The statement shall state whether any actions were taken with respect to any asbestos-containing material found to be present, including a specific reference to whether any actions were taken in the boiler room of the building. If any such action was taken, the following items of information shall be included in the statement:

"(i) The location or locations at which the action was taken.

"(ii) A description of the method of action.

"(iii) The qualifications of the persons who conducted the action.

"(4) STANDARD.—The ambient interior concentration of asbestos after the completion of actions described in the most current guidance document, other than the type of action described in section 304(f) and subsection (c) of this section, shall not exceed the ambient exterior concentration, discounting any contribution from any local stationary source. Either a scanning electron microscope or a transmission electron microscope shall be used to determine the ambient interior concentration. In the absence of reliable measurements, the ambient exterior concentration shall be deemed to be—

"(A) less than 0.003 fibers per cubic centimeter if a scanning electron microscope is used, and

"(B) less than 0.005 fibers per cubic centimeter if a transmission electron microscope is used.

"(5) PUBLIC AVAILABILITY.—A copy of the management plan shall be available in the administrative offices of such building or otherwise prominently displayed in such building for inspection by the public.

"(6) SUBMISSION TO THE ADMINISTRATOR.—Each plan developed under this subsection shall be submitted to the Administrator within 60 days following its preparation.

"(e) BUILDING OCCUPANT PROTECTION.—Such owner shall provide for the protection of covered building occupants during each phase of activity described in this section.

"(f) TRANSPORTATION AND DISPOSAL.—Such owner shall provide for the transportation and disposal of asbestos in accordance with the most recent version of the Environmental Protection Agency's 'Asbestos Waste Management Guidance' (or any successor to such document).

"SEC. 306. CONTRACTOR ACCREDITATION.

"(a) CONTRACTOR ACCREDITATION.—A person may not—

"(1) inspect for asbestos-containing material in a building under this title,

"(2) prepare a management plan for such a building, or

"(3) design or conduct response actions, other than the type of action described in sections 304(f) and 305(c), with respect to friable asbestos-containing material in such a building,

unless such person is accredited by a State under subsection (b) or subsection 206(b) of this Act or is accredited pursuant to an Administrator-approved course under subsection (c), or under section 206(c) of this Act.

"(b) ACCREDITATION BY STATE.—

"(1) MODEL PLAN.—

"(A) PERSONS TO BE ACCREDITED.—Within 180 days after the date of the enactment of this title, the Administrator, in consultation with affected organizations, shall develop a model contractor accreditation plan for States to give accreditation to persons in the following categories:

"(i) Persons who inspect for asbestos-containing material in buildings under this title.

"(ii) Persons who prepare management plans for such buildings.

"(iii) Persons who design or carry out response actions, other than the type of action described in sections 304(f) and 305(c), with respect to friable asbestos-containing material in such buildings.

"(B) PLAN REQUIREMENTS.—The plan shall include a requirement that any person in a category listed in paragraph (1) achieve a passing grade on an examination and participate in continuing education to stay informed about current asbestos inspection and response action technology. The examination shall demonstrate the knowledge of the person in areas that the Administrator prescribes as necessary and appropriate in each of the categories. Such examinations may include requirements for knowledge in the following areas:

"(i) Recognition of asbestos-containing material and its physical characteristics.

"(ii) Health hazards of asbestos and the relationship between asbestos exposure and disease.

"(iii) Assessing the risk of asbestos exposure through a knowledge of percentage weight of asbestos-containing material, friability, age, deterioration, location and accessibility of materials, and advantages and disadvantages of dry and wet response action methods.

"(iv) Respirators and their use, care, selection, degree of protection afforded, fitting, testing, and maintenance and cleaning procedures.

"(v) Appropriate work practices and control methods, including the use of high efficiency particle absolute vacuums, the use of amended water, and principles of negative air pressure equipment use and procedures.

"(vi) Preparing a work area for response action work, including isolating work areas to prevent bystander or public exposure to asbestos, decontamination procedures, and procedures for dismantling work areas after completion of work.

"(vii) Establishing emergency procedures to respond to sudden releases.

"(viii) Air monitoring requirements and procedures.

"(ix) Medical surveillance program requirements.

"(x) Proper asbestos waste transportation and disposal procedures.

"(xi) Housekeeping and personal hygiene practices, including the necessity of showers, and procedures to prevent asbestos exposure to an employee's family.

"(2) STATE ADOPTION OF PLAN.—Each State shall adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administrator under paragraph (1), within 180 days after the commencement of the first regular session of the legislature of such State which is convened following the date on which the Administrator completes development of the model plan.

"(c) ACCREDITATION BY ADMINISTRATOR-APPROVED COURSE.—

"(1) COURSE APPROVAL.—Within 180 days after the date of the enactment of this title, the Administrator shall ensure that any Environmental Protection Agency-approved asbestos training course is consistent with the model plan (including testing requirements) developed under subsection (b). A contractor may be accredited by taking and passing such a course.

"(2) TREATMENT OF PERSONS WITH PREVIOUS ENVIRONMENTAL PROTECTION AGENCY ASBESTOS TRAINING.—A person who—

"(A) completed an Environmental Protection Agency-approved asbestos training course before the date of the enactment of this title, and

"(B) passed (or passes) an asbestos test either before or after the date of the enactment of this title,

may be accredited under paragraph (1) if the Administrator determines that the course and test are equivalent to the requirements of the model plan developed under subsection (b). If the Administrator so determines, the person shall be considered accredited for the purposes of this title until a date that is one year after the date on which the State in which such person is employed establishes an accreditation program pursuant to subsection (b).

"(3) LISTS OF COURSES.—The Administrator, in consultation with affected organizations, shall publish (and revise as necessary)—

"(A) a list of asbestos courses and tests in effect before the date of the enactment of this title which qualify for equivalency treatment under paragraph (2), and

"(B) a list of asbestos courses and tests which the Administrator determines under paragraph (1) are consistent with the model plan and which will qualify a contractor for accreditation under such paragraph.

"SEC. 307. CERTAIN BUILDINGS SUBJECT TO TITLE.

"(a) FEDERAL BUILDINGS.—Within 180 days after the promulgation of regulations under section 304(b), all Federal buildings shall be inspected in accordance with such regulations.

"(b) SCHEDULE FOR NON-FEDERAL BUILDINGS.—

"(1) PUBLICATION OF SCHEDULE.—Within the 360 days after the date of the enactment of this title, the Administrator shall publish in the Federal Register a schedule identifying and designating, by category, type, or class, non-Federal buildings that shall be inspected in accordance with regulations promulgated under section 304(b) by dates established in such schedule. Except to the extent otherwise specifically provided herein, the development and publication of such schedule, including revisions and additions under paragraph (2) of this subsection, shall be within the discretion of the Administrator.

"(2) REVISIONS; ADDITIONS.—The Administrator shall, from time to time (but not less than biannually), review the schedule established pursuant to paragraph (1) of this subsection with a view to expediting, to the extent consistent with the availability of technical experts and personnel, and analytical resources, the inclusion on such schedule of additional categories, types, or classes of non-Federal buildings. Any such additions shall be published in the Federal Register.

"(3) MATTERS TO BE CONSIDERED IN DEVELOPING SCHEDULE.—In making the determination of any such category, type, or class of building for inclusion on such schedule, or revisions and additions thereto, the Administrator shall consider, among other items or matters—

"(A) the size of a building;

"(B) date of construction or renovation;

"(C) likelihood that building contains asbestos material;

"(D) availability of technical experts and personnel and analytical resources;

"(E) whether the determination is likely to adversely affect or impede the inspection for, or response to hazardous asbestos in school buildings;

"(F) number of occupants and visitors utilizing such building; and

"(G) likelihood of use by children.

"SEC. 308. EMERGENCY AUTHORITY.

"(a) EMERGENCY ACTION.—

"(1) AUTHORITY.—Whenever—

"(A) the presence of airborne asbestos or the condition of friable asbestos-containing material in a Federal building or covered non-Federal building poses an imminent and substantial endangerment to human health or the environment, and

"(B) the owner of such building is not taking sufficient action (as determined by the Administrator) to respond to the airborne asbestos or friable asbestos-containing material,

the Administrator is authorized to act to protect human health or the environment.

"(2) NOTIFICATION.—Before an emergency action is taken under this subsection, the Administrator shall notify the building owner.

"(3) COST RECOVERY.—The Administrator may seek reimbursement for all costs of an emergency action taken under this subsection in the United States District Court for the District of Columbia or for the district in which the emergency action occurred. In any action seeking reimbursement from an owner, the action shall be brought in the United States District Court for the district in which the building is located.

"(b) INJUNCTIVE RELIEF.—Upon receipt of evidence that the presence of airborne asbestos or the condition of friable asbestos-containing material in any such covered building poses an imminent and substantial endangerment to human health or the environment, the Administrator may request the attorney general to bring suit to secure such relief as may be necessary to respond to the hazard. The district court of the United States in the district in which the response will be carried out shall have jurisdiction to grant such relief, including injunctive relief.

"SEC. 309. FEDERAL LEASING POLICIES.

"On and after the expiration of the thirty-six-month period following the date of the enactment of this title, no department, agency, or other entity or instrumentality of the United States shall enter into any purchase agreement or lease for the acquisition of real property for use by any department, agency, or other entity or instrumentality of the United States, unless such property has been inspected in accordance with the provisions of this title and found to be free of any asbestos material, or such property has been inspected and is, at the time of any such purchase or lease, subject to a valid and current asbestos management plan that is in compliance with the provisions of this title and regulations and standards promulgated pursuant thereto.

"SEC. 310. STATE AND FEDERAL LAW.

"NO PREEMPTION.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common.

"SEC. 311. PUBLIC PROTECTION.

"(a) PUBLIC PROTECTION.—No State or the Federal Government may discriminate against a person in any way, including firing a person who is an employee, because the person provided information relating to a potential violation of this title to any other person, including a State or the Federal Government.

"(b) LABOR DEPARTMENT REVIEW.—Any public or private employee or representative of employees who believes he or she has been fired or otherwise discriminated against in violation of subsection (a) may within 90 days after the alleged violation occurs apply to the Secretary of Labor for a review of the firing or alleged discrimination. The review shall be conducted in accordance with section 11(c) of the Occupational Safety and Health Act.

"SEC. 312. ASBESTOS OMBUDSMAN.

"(a) APPOINTMENT.—In addition to the duties prescribed under section 212 of this Act for an Asbestos Ombudsman, the Asbestos Ombudsman appointed pursuant to such section shall also carry out the duties described in subsection (b).

"(b) DUTIES.—The duties of the Asbestos Ombudsman are—

"(1) to receive complaints, grievances, and requests for information submitted by any person with respect to any aspect of this title.

"(2) to render assistance with respect to the complaints, grievances, and requests received, and

"(3) to make such recommendations to the Administrator as the Ombudsman considers appropriate.

"SEC. 313. TRANSITION RULES.

"Any regulation of the Environmental Protection Agency under title I which is inconsistent with this title shall not be in effect after the date of the enactment of this title. Any advanced notice of proposed rulemaking, any proposed rule, and any regulation of the Environmental Protection Agency in effect before the date of the enactment of this title which is consistent with the regulations required under section 304 shall remain in effect and may be used to meet the requirements of section 304.".

SEC. 3. CONFORMING AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

(a) CONFORMING AMENDMENT.—Section 15 of the Toxic Substances Control Act is amended in paragraph (1)—

(1) by striking out "or" before "(C)";

(2) by striking out the semicolon and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following: "or (D) any rule promulgated or order issued under title III;".

(b) TECHNICAL AMENDMENTS.—The Toxic Substances Control Act is amended by adding at the end of the table of contents in section 1 the following:

"TITLE III—FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT

"Sec. 301. Short title.
"Sec. 302. Congressional findings and purposes.
"Sec. 303. Definitions.
"Sec. 304. EPA regulations.
"Sec. 305. Requirements if EPA fails to promulgate regulations.
"Sec. 306. Contractor and laboratory accreditation.
"Sec. 307. Certain buildings subject to title.
"Sec. 308. Emergency authority.
"Sec. 309. Federal leasing policies.
"Sec. 310. State and Federal law.
"Sec. 311. Public protection.
"Sec. 312. Asbestos ombudsman.
"Sec. 313. Transition rules.".

"FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT ACT OF 1987"—SECTION-BY-SECTION ANALYSIS

The Act would amend the Toxic Substances Control Act by adding a new Title III: "Federal Building Asbestos Hazard Abatement."

SEC. 301. SHORT TITLE.

"Federal Building Asbestos Hazard Abatement Act of 1987."

SEC. 302. CONGRESSIONAL FINDINGS AND PURPOSES.
SEC. 303. DEFINITIONS.
SEC. 304. EPA REGULATIONS.

EPA is given 360 days to promulgate rulemaking with respect to: 1. Procedures for the inspection of buildings for asbestos, including the use of accredited personnel and laboratories; 2. Regulations defining the appropriate response in buildings found to contain asbestos; 3. Regulations requiring implementation of response actions, including standards for the education and protections of both workers and building occupants; 4. Regulations requiring surveillance and periodic reinspection in some buildings, and provision for education of employees; 5. Regulations for transportation and disposal of asbestos-containing waste material; and 6. Regulations requiring development of asbestos management plans.

SEC. 305. REQUIREMENTS IF EPA FAILS TO PROMULGATE REGULATIONS.

If EPA fails to promulgate regulations or if the effective date of such regulations is stayed by a court for more than 30 days, a building owner shall carry out inspection and an operation and maintenance plan with respect to friable asbestos-containing materials in accordance with the most current EPA guidance document. Standards for cleanup are the same as contained in the Asbestos School Hazard Abatement Act.

SEC. 306. CONTRACTOR ACCREDITATION.

Within 180 days, EPA shall develop a model plan for accreditation of contractors. Within 180 days thereafter, the Administrator shall ensure that any EPA-approved asbestos training course is consistent with that model plan. States shall adopt a contractor accreditation plan at least as stringent as the EPA model plan. Asbestos contractors then may be accredited either by the States or pursuant to an EPA-approved course.

SEC. 307. CERTAIN BUILDINGS SUBJECT TO TITLE.

Within 180 days after promulgation of regulations under section 304(b), all Federally-owned buildings shall be inspected, except for those building that EPA determines were previously inspected in a manner that meets the procedures and other requirements of the regulations.

Witin 360 days, the Administrator shall publish in the Federal Register a schedule identifying by category, type or class, non-Federal buildings that shall be inspected in accordance with regulations promulgated under section 304(b).

From time to time (at least biannually) EPA shall review this schedule with a view to adding new types or categories of non-Federal buildings. The bill lists a number of specific factors that may be considered in developing and revising the schedule of covered buildings.

SEC. 308. EMERGENCY AUTHORITY.

The Administrator may take emergency action to protect human health and the environment whenever the presence of asbestos poses an imminent and substantial danger and the owner is not taking sufficent action. Suit may be brought against such owner, and the Administrator may seek reimbursement for all costs of an emergency action taken.

SEC. 309. FEDERAL LEASING POLICIES.

Beginning three years from enactment, the Federal Government shall not purchase or lease any building unless it has been inspected in accordance with this act and either found to be free of asbestos material or is subjet to a valid and current abatement plan.

SEC. 310. STATE AND FEDERAL LAW.

Nothing in this act shall preempt any other State or Federal law, whether statutory or common.

SEC. 311. PUBLIC PROTECTION.

No person shall be discriminated against, including firing of an employee, because the person provided information relating to a potential violation of this act. Precedure by the Department of Labor is provided for review of alleged discrimination.

SEC. 312. ASBESTOS OMBUDSMAN.

The Asbestos Ombudsman established pursuant to the Asbestos School Hazard Abatement Act would be made available also to receive complaints, grievances, and requests for information and to render appropriate assistance with respect to aspects of this act.

SEC. 313. TRANSITION RULES.

[From the Wall Street Journal, Mar. 5, 1986]

BAD RIDDANCE: RIPPING OUT ASBESTOS ENDANGERS MORE LIVES AS LAWS ARE IGNORED

(By Jonathan Dahl)

The Environmental Protection Agency doesn't have to look far to find people getting exposed to cancer-causing asbestos. Right across the street from its Philadelphia office, the agency caught construction workers ripping out asbestos insulation and heaving it into outdoor dumpsters.

"We could see all this asbestos dust blow by us," says an EPA spokesman. "It made us wonder how the stuff was being removed elsewhere."

The EPA isn't wondering anymore. Since that incident in 1984, shoddy asbestos removals have been alarmingly common in buildings across the country. As a result, one of the nation's greatest occupational tragedies is being repeated. More than 100,000 workers have died because they inhaled asbestos particles while installing insulation years ago. Now, despite publicity about those deaths, the deadly cycle is starting over again. This time, the eventual victims are the workers ripping out asbestos.

"It was bad enough when this happened and we didn't know the risks," says Dr. Irving Selikoff, an occupational-health expert at the Mount Sinai Medical Center in New York. "But now that we know, my God, we shouldn't let this be happening again."

A NATIONAL PROBLEM

Federal and state agencies cited more than 1,300 asbestos violations last year, and a government survey shows that at least 25% of removals are fouled up. Violations have occurred in schools, in apartments and even on Ellis Island in New York and on the grounds of the vice president's residence in Washington. They happen when asbestos cleanup is the main job and when it isn't. Most buildings constructed before 1970 have asbestos, and a health threat exists—even to passers-by—every time one is renovated or demolished. "It is a national problem," says

Terrell Hunt, the EPA's highest-ranking criminal lawyer.

Some contractors don't know that they are tearing out asbestos. Others intentionally skip precautions or use slipshod methods. One contractor was sued for hiring dozens of homeless people off the street to remove asbestos from a San Antonio, Texas, hotel. And while the EPA recently beefed up its efforts to deter hazardous removals, experts say the laws pertaining to asbestos still are weak and poorly enforced. Because of the laws' inadequacies, even workers who follow guidelines might still die from asbestos poisoning.

"There are just no standards in the business. Some people do it right, but I've seen some abuses that would make your hair stand on end," says David Kimbrell, a former president of the National Association of Asbestos Abatement Contractors, a trade group based in Washington.

Ironically, some of the removal jobs aren't even necessary. Asbestos is lethal: it ranks only behind cigarettes as the leading cause of cancer. And while most of its uses are banned today, it is everywhere. Some 30 million tons of the fibrous mineral was mixed into plaster to insulate walls, pipes and ceilings during the past hundred years. But asbestos needs to come out only when it is old and crumbling. That is when the mineral's tiny particles, which cause lung cancer and other respiratory diseases, are released into the air.

Removing insulation without disturbing particles is tricky. The federal government doesn't require that asbestos come out, but it has issued reams of complicated cleanup rules. Insulation is supposed to be sprayed with water and stashed in airtight containers. Special air-circulating machines are recommended. And workers must don face masks and gear that looks like space suits. "There's almost a science to doing it correctly," says Edward Swoszowski, an indoor-air-quality consultant in Norwalk, Conn.

But many removals have been less than scientific. In the building across from the EPA's Philadelphia office, workers were gathering up asbestos debris with brooms and doing the job "the way you'd clean up your garage," says Ben Mykijewycz, an agency inspector. Eventually, the Justice Department sued the building's owner, Liberty Square Associates Ltd., for allegedly violating air-pollution laws. The owner paid a $50,000 fine last March to settle the suit, but made no admission of wrongdoing. A Justice Department suit is pending against the contractor.

COVERED WITH DUST

In another case, the EPA says it found eight teen-agers early last year yanking out asbestos with their bare hands in an abandoned school that was being converted into a condominium in Salem, Mass. The Justice Department has filed a suit against the developer, Granite Development Co. Company officials say they didn't realize that asbestos was in the school. Neither did the youths employed to remove it. "They were covered with white dust," recalls EPA inspector Bridget McGuiness. "They started asking me, 'Is this bad?' "

Nobody knows how many bad jobs are occurring, but the Occupational Safety and Health Administration found violations in * * * of 806 removal jobs that it inspected last year. The EPA estimates that it learns of only half of the asbestos removals; the agency is supposed to be notified of every instance. "If they're not notifying the EPA, they're probably not doing" the job right, says Patrick R. Tyson, the acting assistant secretary of OSHA. "I'm afraid a lot of people aren't handling it properly."

Most of those people won't feel any ill effects from asbestos exposure for a long time. As deadly as they are, asbestos diseases take five to 40 years to develop. And it isn't known how much exposure is harmful. OSHA estimates that 1.4 million construction workers risk becoming asbestos victims of the future, as do thousands of carpenters, electricians and others who work with insulation. Even passers-by may face a health threat. "Try to walk by [a construction site] without breathing the dust," says Charles Elkins, an acting assistant administrator of the EPA. "If it's asbestos, you're in trouble."

Some victims of asbestos removals are already getting sick. For 15 years, Dennis Burke wondered whether the insulation he was ripping out at construction jobs contained asbestos, "but if you complained, you'd get fired," he says. Now, Mr. Burke, 38 years old, has asbestosis, an incurable lung disease that causes shortness of breath. And he is still a construction worker; he can't find any other job.

Other victims could well be members of families already stricken by asbestos disease. Daniel O'Toole thought it was bad enough to have asbestosis; the 63-year-old former iron worker from Fort Howard, Md., was forced to retire early, and he can't take long walks. But last April, his son Patrick discovered he had swept up asbestos at a steel mill—the same mill in which Daniel O'Toole worked 18 years ago. "It's incredible, but my son was probably exposed to the same pipes I put in," Mr. O'Toole says.

Contractors complain that unless a building's owner hires them specifically to remove asbestos, they often don't realize that they are working with it. Asbestos insulation, which sometimes looks like plaster of Paris, isn't always recognizable.

But some people have a hard time claiming ignorance. In late 1984, the EPA says, inspectors went out three times to warn Maurice Fabiani, a developer, about shoddy asbestos removals at a powerhouse in Oakville, Conn. All they got was a lecture: "He told us we were being nitpicky," says Andrew Lauterback, a special assistant U.S. attorney. Mr. Fabiani, for his part, apparently wasn't too picky about where he left his abestos. The EPA says it found a pile of it in an open dump behind some houses. Inspectors had to shoo away children playing in it.

The matter was serious enough to draw the first prison sentence ever in an asbestos case. Through his attorney, Mr. Fabiani contends he shouldn't be blamed for a contractor's work. But he nevertheless pleaded guilty to violating air-pollution laws, paid a $25,000 fine and, in January, served 30 days in prison. the contractor, Peter J. Vileisis, pleaded guilty, was fined $25,000 and received a one-year suspended sentence.

Some contractors ignore precautions because they don't think asbestos is harmful, particularly since inhaling the fibers doesn't cause immediate injury. Other contractors cut corners to increase profits. Certainly, the work is lucrative: Three contractors may get more than $1 million to take out asbestos from a three-story school building in Atlanta. "There's a whole bunch of hustlers out there trying to make a quick buck who will end up killing themselves and others," says U.S. Rep. James Florio, a New Jersey Democrat interested in the safe handling of asbestos.

A fast buck is what 166 workers allege motivated the contractor that renovated the St. Anthony Hotel in San Antonio in 1983. In a lawsuit, the workers assert that the contractor hired them off the street without telling them that asbestos was being removed. Most say they wore bandannas over their mouths, or nothing at all, to protect themselves from the dust. "Now, every time I get a cold in my chest, I think uh-oh, this is it," says Daniel Cady, 29, who was one of the workers. He had been recruited for the job while hitching through Texas.

The contractor, Planned Management International Inc., denies exposing the workers to asbestos. But OSHA fined the company $1,500 for not posting warnings or giving workers respirators. And this month the company, the construction manager and the hotel's owner settled the lawsuit. They won't discuss the terms, but the worker's attorney says his clients are receiving a total of $1.66 million.

EPA officials say that bad practices persist because neither the federal government nor 39 states require asbestos removers to be trained or licensed. New York, one of the few states with training provisions, requires contractors only to watch a 40-minute filmstrip that regulators concede is inadequate. "A barber has to go to school, but someone can remove a hazardous substance and have no experience and no training," says Wolfgang Brandner, the EPA's regional asbestos coordinator in Kansas City, Kan.

What's more, asbestos regulations are flawed. OSHA figures that even if its standards were followed to the letter, 64 of every 1,000 workers who remove asbestos would still eventually die from overexposure. That is because the current exposure standard is two asbestos fibers per cubic centimeter of air—about four times the exposure the agency currently thinks is safe. OSHA is trying to change the standard, but "people think they're protected by these laws when they're not," say James Fite, the president of the White Lung Association, a nonprofit group in Baltimore that represents asbestos victims.

But the most frequently cited problem with asbestos laws is the way they are enforced. The EPA and OSHA inspect just a fraction of asbestos-removal jobs; many contractors have never had a job inspected. And both federal agencies routinely let violators off with small fines or none at all. OSHA's Dallas-area office, for example, hasn't levied a fine in any of its 12 asbestos cases in the past three years.

But officials in Dallas office say they are shorthanded—the office doesn't have anyone assigned just to asbestos cases. They also say some contractors conceal violations by working at night or on weekends. But the result is that repeat violators are common. And legitimate contractors say unscrupulous competitors have a free rein. "It's basically a voluntary-compliance system," concludes Neil Wilson, the president of National Environmental Engineering Inc., an asbestos-removal company in Michigan City, Ind.

In response to such criticism, the EPA recently vowed to vigorously enforce asbestos laws. The Justice Department, as part of that effort, last month filed 11 publicized lawsuits alleging serious asbestos violations against the state of Florida, Conrail and the school system of Ankeny, Iowa, among others. And at least 10 states are considering bills that would regulate asbestos removers.

But such steps come far too late for thousands of workers who recently may have been exposed to asbestos—a known carcinogen for at least a decade. As Patrick O'Toole, the construction worker in Maryland, puts it, "My father was done wrong, and now I'm done wrong. When will it stop?"

By Mr. DODD (for himself and Mr. CRANSTON):

S. 982. A bill to authorize payments to States to be used for grants to provide support for family day care providers; to the Committee on Labor and Human Resources.

FAMILY DAY CARE PROVIDER ASSISTANCE ACT

● Mr. DODD. Mr. President, today I am introducing legislation to assist the vast majority of those who care for the children of working parents in this country, namely family child care providers. I am pleaded to have my distinguished colleague from California, Senator CRANSTON, join me as a sponsor of the Family Day Care Provider Assistance Act of 1987.

Mr. President, as the new chair of the Subcommittee on Children, Families, Drugs and Alcoholism and as founder and cochairman of the Senate Children's Caucus, I can attest to the skyrocketing demand for quality, affordable child care in this country. At the first children's caucus policy forum in June 1983, we learned that somewhere between 5 to 15 million children between the ages of 5 and 12 lack any adult supervision after school because their parents must work. That estimate does not include the millions of preschool age children with parents in the labor force who need child care services.

One sure way to improve the quality of child care in this country is to improve the skills and performance of child care workers. The legislation I am introducing today would provide much needed training and technical assistance for family day care providers.

A family day care provider is one who cares for the children of other working parents in her own home. At present, it is estimated that family day care providers care for 80 percent of all the children of working parents using substitute caregivers.

The overwhelming majority of child care workers are women who work exceedingly long hours for very little pay. Those who provide family day care tend to earn less than those who work in centers. Close to 90 percent of all family day care providers, for example, earn less than the minimum wage. Yet such work provides an income for many women who would otherwise be dependent on the Aid For Dependent Children [AFDC] Program. Just as importantly, these child care workers make it possible for other mothers to enter the work force and gain self-sufficiency.

Given their very limited salaries, most family day care providers would have a difficult time indeed either paying for training courses or traveling to conferences offering technical assistance. My legislation would therefore provide grants to States to support community based organizations helping to furnish training, technical assistance, equipment, and other supports for family day care workers. In addition to encouraging States to support community resource centers in close proximity to those providing family day care, the legislation I am introducing today would establish a national resource center on family day care. This national center, to be operated on a regional basis, would serve as a clearinghouse on such issues of paramount importance to family day care providers across the country as zoning, tax, and liability matters. To support such State and Federal assistance, $10 million would be authorized for this program.

Last session, Mr. President, I introduced the Child Development Associate [CDA] Scholarship Assistance Act. I am happy to report that it was enacted into law and funded and will provide desperately needed financial assistance this year for low-income child care workers seeking to earn the CDA credential. Nevertheless, there are many child care workers, especially those in family day care settings, who may not have the tme to participate in a long-term training and credentialing process. Yet these workers also need access to the best information on ways to improve their homes to provide safe, danger free environments for children promoting healthy, physical development.

Family day care workers need to hear about new ways to create good learning environments for children to encourage the development of cognitive and communications skills. They need to know about activities which can stimulate children to express themselves creatively and assist them to gain self-esteem. And last but not least, they need to hear about ways to help children get along with each other and adults, and to encourage parents to be involved in that important process. The legislation I am introducing today would help provide all such valuable information to a wide range of family day care providers from Connecticut to California.

Mr. President, this bill was contained in a comprehensive measure I introduced last session on behalf of the Children's Defense Fund. In addition, it was introduced as a separate measure by my former distinguished colleague from Colorado, Senator HART. I am pleased to reintroduce it today and look forward to working with my colleagues on this child care initiative and others so critical to working families and the children who live in them.

Mr. President, the time to encourage quality child care is now. I urge my colleagues to join me in sponsoring the Family Day Care Providers Assistance Act of 1987. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Day Care Provider Assistance Act of 1987".

GRANTS TO STATES

SEC. 2. (a) The Secretary of Health and Human Services (hereinafter referred to in this Act as the "Secretary") shall make payments to States to be used by the State for making grants to community-based nonprofit organizations in such State to—

(1) provide training to family day care providers;

(2) operate resource centers for making available to family day care providers developmentally appropriate cirriculum materials;

(3) operate a system of substitute caregivers for providers;

(4) furnish technical assistance to providers in understanding local regulations and relevant tax and other policies pertaining to family day care;

(5) provide subgrants to family day care providers for the purchase of small equipment; and

(6) provide such other support to family day care providers in their communities as the State determines to be appropriate.

(b) The State shall make grants pursuant to subsection (a) to—

(1) nonprofit organizations within the community to be served with experience in working with family day care (including child care food program unbrella sponsors, resource and referral programs, and family day care associations); and

(2) furnishing or proposing to furnish support primarily to providers serving low-income families.

(c) The Secretary shall establish such application procedures and reporting requirements for States as may be necessary to assure that payments made under this section are used only for the purposes specified in this section.

NATIONAL RESOURCE CENTER ON FAMILY DAY CARE

SEC. 3. (a) The Secretary shall establish a National Resource Center on Family Day Care, to be administered by the Administration for Children, Youth and Families. The center shall be operated on a regional basis, either directly or through grant or contract.

(b) The center shall—

(1) offer training to individuals involved in training family day care providers;

(2) serve as a clearinghouse for resource materials on family day care; and

(3) provide technical assistance to family day care sponsors, family day care providers, and individuals involved in training family day care providers, with respect to laws and regulations applicable to the provi-

sion of family day care services, including but not limited to zoning, tax, liability, and other issues of particular concern to family day care.

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT

SEC. 4. (a)(1) There are authorized to be appropriated $10,000,000 for each fiscal year for purposes of making payments to States under section 2.

(2) Each State's payment under section 2 for a fiscal year shall be an amount which bears the same ratio to the amount appropriated under paragraph (1), as such State's payment under title XX of the Social Security Act for the same fiscal year bears to the total amount of payments to all States under title XX of the Social Security Act for such fiscal year.

(b) For purposes of operating the National Resource Center on Family Day Care under section 3, there are authorized to be appropriated $250,000 for each fiscal year.

EFFECTIVE DATE

SEC. 5. This Act shall be effective for fiscal year 1988 and each fiscal year thereafter.●

By Mr. DANFORTH (for himself, Mr. PRYOR, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BOND, and Mr. DASCHLE):

S. 983. A bill to provide for the establishment of rural enterprise zones, and for other purposes; to the Committee on Finance.

RURAL ENTERPRISE ZONE ACT

● Mr. DANFORTH. Mr. President, on behalf of myself and Senators PRYOR, BOSCHWITZ, COCHRAN, DURENBERGER, GRASSLEY, BOND, and DASCHLE, I am today introducing the Rural Enterprise Zone Act of 1987. Our bill would authorize establishment of Federal enterprise zones in America's neediest rural communities, giving a much-needed boost to State and local development efforts.

Rural America is today experiencing an upheaval as severe as any since the Great Depression. Families are losing farms they have worked for generations. An international oil glut has put hundreds of thousands of Americans out of work. Low mineral prices have shut down mines and smelters. Throughout our Nation, the gap between urban and rural America is widening.

Many small towns can no longer hold out for better times. As tax revenues diminish, schools, libraries, and roads suffer, making economic decline even more difficult to reverse. Rural America's brightest young people are leaving their homes because they see no hope for the future. With businesses closing, there are fewer jobs available, yet more and more rural families need to find work which will allow them to keep their farms and homes. Unless Congress acts to help rural communities help themselves, it may soon be too late to reverse this depression.

Too often, congressional efforts to aid rural America have been limited to the health of a particular industry, ignoring the fact that no single occupation drives the rural economy. In my State, for example, agriculture is the dominant rural industry. Still, five of six rural Missourians live off of the farm, and these five need more help than Federal agricultural programs can give. As important as they may be, farm policies alone cannot revive rural Missouri or rural America. It is time for us to take action on many fronts, including new job creation, capital investment, improved local services, and transportation. The Rural Enterprise Zone Act addressed this need.

Drawing on legislation which I introduced in the 98th and 99th Congresses, and on the Enterprise Zone Program that has twice been approved by the Senate, our bill would authorize the Secretary of Housing and Urban Development to designate up to 45 depressed rural areas as Federal enterprise zones. Only severely distressed areas—as measured by urban development action grant criteria, as well as unemployment and poverty—would qualify for Federal incentives under this program.

Rural enterprise zones would receive priority for Federal assistance, while businesses that locate or expand within the designated zones would be eligible for Federal tax and regulatory benefits, in addition to substantial commitments made by State and local governments. Taken as a whole, this assistance would give community leaders a powerful tool in their efforts to attract and keep jobs. Our bill is not a panacea, but it would help rural towns take a first step toward recovery, while testing enterprize zones on the national level.

Thirty-two States have initiated Enterprise Zone Programs, and the concept is already an integral part of economic development in many areas. Missouri's Enterprise Zone Progam has assisted in attracting 6,200 new jobs and $131 million in new investment to 33 zones since 1983. Nationally, State enterprise zone initiatives are credited with attracting over $8 billion in new investment to depressed areas.

The Rural Enterprise Zone Act of 1987 would build on this success to addess rural America's increasingly desperate plight. The act would stress State and local initiative and enhanced Federal assistance, allowing each community to pursue its own goals and development program. The enterprise zone concept is founded on the belief that local leaders and entrepreneurs—not Washington's bureaucrats—hold the key to economic recovery. The success of State enterprise zone programs supports this belief. Our bill would foster a true partnership, strengthening grassroots economic development efforts without stifling them with pages of new regulations.

Mr. President, University of Missouri sociologist Daryl Hobbs defines rural as "Where a dedicated person can make a great difference in a short time." I know from my own experience that rural America is home to many dedicated people, and I believe that our bill will give them the tools that they need to make a great difference.

Mr. President, I ask that the text of the bill and a summary of its provisions be printed in the RECORD. I also ask that two articles from the National Journal appear in the RECORD. Printed in December 1985 and February 1987, these articles trace the recovery of Cuba, MO, a small town that has used enterprise zone designation as a keystone of its economy recovery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Rural Enterprise Zone Act of 1987".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PURPOSES.

The purpose of this Act is to provide for the establishment of Rural Enterprise Zones (REZs) to stimulate the creation of new jobs, to promote revitalization of economically distressed rural areas, and to provide increased economic opportunity for residents thereof, primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels,

(2) increased Federal and State assistance,

(3) regulatory relief at the Federal, State, and local levels, and

(4) improved local services, particularly through the increased involvement of private, local, and community organizations.

TITLE I—DESIGNATION OF RURAL ENTERPRISE ZONES

SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Rural Enterprise Zones

"Sec. 7891. Designation.

"SEC. 7891. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITIONS.—For purposes of this title, the term 'rural enterprise zone' means any area—

"(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a rural enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as a rural enterprise zone.

"(2) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as a rural enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a rural enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (f).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as rural enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) January 1, 1988.

"(C) NUMBER OF DESIGNATIONS.—The Secretary of Housing and Urban Development may not designate—

"(i) more than 45 nominated areas as rural enterprise zones under this section, and

"(ii) more than 18 nominated areas as rural enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B) and each subsequent 12-month period.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of an area as a rural enterprise zone under paragraph (1) unless—

"(i) the local government and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a rural enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of such area is already included in a rural enterprise zone or in an area otherwise nominated to be a rural enterprise zone.

"(3) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as a rural enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 12th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided in the nomination submitted under subsection (a)(2)(D)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments under subsection (d).

"(3) DESIGNATION SHALL NOT TAKE EFFECT UNLESS INVENTORY OF HISTORIC PROPERTIES.—Notwithstanding paragraph (1)—

"(A) within 60 days after the date of the designation of an area as a rural enterprise zone (determined without regard to this paragraph), the State or local government of such area shall submit to the Secretary of Housing and Urban Development an inventory of historic properties within such area, and

"(B) the date of such designation shall not be earlier than the date on which such inventory is submitted.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is—

"(i) within a local government jurisdiction or jurisdictions which are not central cities of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) and which have a population of less than 50,000 (as determined by the most recent census data available),

"(ii) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be a rural area,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least 1,000, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, or distress, having met 1 of the following criteria:

"(i) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period,

"(ii) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the entire rural enterprise zone) within the area was at least 20 percent for the period to which such data relates, or

"(iii) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), and

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section.

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as a rural enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is a rural enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the rural enterprise zone,

"(B) an increase in the level or efficiency of local services within the rural enterprise zone,

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the rural enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area, and

"(E) mechanisms to increase the equity ownership of residents and employees within the rural enterprise zone.

"(3) SUBSEQUENT MODIFICATION OF COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures for modifying a course of action within a rural enterprise zone under paragraph (1) following designation of such zone.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the rural enterprise zone designation,

"(2) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as a rural enterprise zone,

"(3) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(4) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(5) the nominated areas which best exhibit such other factors determined by the Secretary of Housing and Urban Development as are—

"(A) consistent with the intent of the rural enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) Definitions.—For the purposes of this title—

"(1) Governments.—If more than 1 government seeks to nominate an area as a rural enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) State.—The term 'State' shall also include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau; and any other possession of the United States.

"(3) Local government.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.".

(b) Conforming Amendment.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D. Designation of rural enterprise zones.".

SEC. 102. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the third calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as rural enterprise zones under section 7891 of the Internal Revenue Code of 1986, and at the close of each third calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 103. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Tax Reductions.—Any reduction of taxes under any required program of State and local commitment under section 7891(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) Coordination With Relocation Assistance.—The designation of a rural enterprise zone under section 7891 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) Coordination With Environmental Policy.—Designation of a rural enterprise zone under section 7891 of the Internal Revenue Code of 1986 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other provisions of Federal law relating to the protection of the environment.

TITLE II—FEDERAL INCOME TAX INCENTIVES

Subtitle A—Credits for Employers

SEC. 201. CREDIT FOR RURAL ENTERPRISE ZONE EMPLOYERS.

(a) Credit for Increased Rural Enterprise Zone Employment.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. CREDIT FOR RURAL ENTERPRISE ZONE EMPLOYMENT.

"(a) In General.—For purposes of section 38, the amount of the rural enterprise zone credit determined under this section for any taxable year shall be an amount equal to 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year.

"(b) Qualified Increased Employment Expenditures Defined.—For purposes of this section—

"(1) In general.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all rural enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) Dollar amount limitation as to qualified wages taken into account.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed an amount which is equal to the lower living standard for a family of 4 as determined by the Bureau of Labor Statistics for the calendar year with or within which such taxable year ends.

"(3) Base period wages.—

"(A) In general.—The term 'base period wages' means, with respect to any rural enterprise zone, the amount of wages paid to employees during the 12-month period preceding the earlier of—

"(i) the date on which the rural enterprise zone was designated as such under section 7891, or

"(ii) the date on which the rural enterprise zone was designated as such under any State law enacted after January 1, 1981,

which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) Rules of special application.—For purposes of subparagraph (A)—

"(i) subsection (d)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for the calendar year with or within which the taxable year for which the amount of the credit under subsection (a) is being computed ends.

"(C) Adjustments for inflation.—

"(i) In general.—In the case of any 12-month period beginning on the date which is 12 months (or any multiple of 12 months) after a period described in subparagraph (A) with respect to a rural enterprise zone, the base period wages for such zone shall be increased by an amount equal to—

"(I) such base period wages, multiplied by

"(II) the living standard adjustment for the calendar year in which such 12-month period begins.

"(ii) Living standard adjustment.—For purposes of clause (i), the living standard adjustment for any calendar year is the percentage (if any) by which—

"(I) the living standard for the preceding calendar year, exceeds

"(II) the living standard for the calendar year in which the period described in subparagraph (A) begins.

"(iii) Living standard for any calendar year.—For purposes of clause (ii), the living standard for any calendar year is the lower living standard for a family of 4 as determined by the Bureau of Labor Statistics for such calendar year.

"(c) Qualified Wages Defined.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) Reduction for certain federally funded payments.—For purposes of this section, the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) Special rules for agricultural and railway labor.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(d) Qualified Employee Defined.—

"(1) In general.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in a rural enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in a rural enterprise zone.

"(2) Exception for individuals previously employed by the taxpayer or related taxpayers.—The term 'qualified employee' shall not include an employee of the taxpayer in a rural enterprise zone who has previously been employed by the taxpayer (or by a related taxpayer as defined in section 267(b)) after the beginning of the 12-month period described in subsection (b)(3) at a location other than a rural enterprise zone unless the Secretary determines that the taxpayer's primary purpose for employing such an employee in the rural enterprise zone is not the evasion or avoidance of Federal income tax.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (f) and (i) of section 51, section 52, and section 41(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as a rural enterprise zone under section 7891 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a taxable year of less than 12 months—

"(A) the limitation specified in subsection (b)(2), and the base period wages determined under subsection (b)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (c)(2) and the 90 percent and 50 percent tests set forth in subsection (d)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as a rural enterprise zone is in effect.".

(b) RURAL ENTERPRISE ZONE EMPLOYMENT CREDIT TREATED AS OTHER BUSINESS CREDITS.—

(1) Section 38(b) (defining current year business credit) is amended by striking out "plus" at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof ", plus", and by adding at the end thereof the following new paragraph:

"(6) the rural enterprise zone credit determined under section 43(a).".

(2) Section 38(d) (relating to special rules for certain regulated companies) is amended by inserting "43(a)," before "46(a)".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting at the end thereof the following new item:

"Sec. 43. Credit for rural enterprise zone employment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

Subtitle B—Deferrals of Gain or Loss With Respect to Investment in Tangible Property in Rural Enterprise Zones

SEC. 202. NONRECOGNITION OF GAIN ON THE SALE OF RURAL ENTERPRISE ZONE PROPERTY WHERE REINVESTMENT IN SUCH PROPERTY OCCURS WITHIN 1 YEAR.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. NONRECOGNITION OF GAIN ON THE SALE OF RURAL ENTERPRISE ZONE PROPERTY WHERE REINVESTMENT IN SUCH PROPERTY OCCURS WITHIN 1 YEAR.

"(a) IN GENERAL.—No gain shall be recognized on the sale or exchange of rural enterprise zone property of the taxpayer if the proceeds realized from such sale or exchange are used by the taxpayer to acquire rural enterprise zone property within the qualified period.

"(b) RURAL ENTERPRISE ZONE PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'rural enterprise zone property' means—

"(A) any tangible personal property which is acquired and placed in service by the taxpayer in a rural enterprise zone during the period the designation as a zone is in effect under section 7891 and which is used predominantly by the taxpayer in the active conduct of a trade or business within such zone, and

"(B) any real property located in a rural enterprise zone which is acquired by the taxpayer during the period the designation as a zone is in effect under section 7891 and which is used predominantly by the taxpayer in the active conduct of a trade or business.

"(2) RURAL ENTERPRISE ZONE BUSINESS.—The term 'rural enterprise zone business' means any person—

"(A) which is actively engaged in the conduct of a trade or business during the taxable year,

"(B) with respect to which at least 80 percent of such person's gross receipts for such taxable year are attributable to the active conduct of a trade or business which produces goods or provides services within a rural enterprise zone, and

"(C) with respect to which substantially all the tangible assets of such person are located within a rural enterprise zone.

"(3) PROPERTY REMAINS QUALIFIED AFTER RURAL ENTERPRISE ZONE DESIGNATION CEASES TO APPLY.—

"(A) IN GENERAL.—The treatment of property as rural enterprise zone property under paragraph (1) shall not terminate when the designation of the rural enterprise zone in which the property is located or used expires or is revoked.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked.

"(c) QUALIFIED PERIOD.—For purposes of this section, the term 'qualified period' means the period which ends 12 months after the date of the sale or exchange of rural enterprise zone property.

"(d) BASIS OF ACQUIRED RURAL ENTERPRISE ZONE PROPERTY.—If the acquisition of rural enterprise zone property by a taxpayer results in nonrecognition of any gain or loss on the sale or exchange of other rural enterprise zone property of such taxpayer under subsection (a), the basis of such taxpayer in the acquired rural enterprise zone property shall be the cost of such property—

"(1) decreased by the amount of gain which was not so recognized, or

"(2) increased by the amount of loss which was not so recognized.

If such acquired rural enterprise zone property consists of more than 1 item of property, the basis determined under the preceding sentence shall be allocated among such items in proportion to their respective costs.

"(e) STATUTE OF LIMITATIONS.—If the taxpayer during a taxable year sells or exchanges rural enterprise zone property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's intention not to acquire any rural enterprise zone property within the qualified period, or

"(B) a failure to make such purchase within the qualified period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 381 (relating to carryovers in certain corporate acquisitions) is amended by inserting at the end thereof the following new paragraph:

"(27) RURAL ENTERPRISE ZONE PROPERTY.—The acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of applying section 1043.".

(2) Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 1043(d) in the case of the property the acquisition of which resulted in nonrecognition of gain or loss in other property under section 1043(a).".

(3) Section 1223 (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property, the acquisition of which resulted under section 1043 in nonrecognition of the gain or loss on the sale or exchange of any other property, there shall be included the period during which such other property was held by such taxpayer prior to such sale or exchange.".

(4) Paragraph (4) of section 1245(b) (relating to limitations on gain from disposition of certain depreciable assets) is amended by striking out "or 1033" and inserting in lieu thereof ", 1033, or 1043".

(5) Paragraph (4) of section 1250(d) (relating to limitations on gain from disposition of certain depreciable realty) is amended—

(A) by striking out "or 1033" in subparagraphs (A) and (E) and inserting in lieu thereof ", 1033, or 1043", and

(B) by inserting "or 1043(a)" after "section 1033(a)(2)" in subparagraph (C)(ii).

(6) Paragraph (2) of section 6212(c) (relating to further deficiency letters restricted) is amended by inserting after subparagraph (E) the following new subparagraph:

"(F) Deficiency attributable to gain on sale of property, see section 1043(e).".

(7) Section 6504 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(13) Gain on the sale or exchange of property, see section 1043(e).".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter C of chapter 1 is amended by inserting after the item relating to section 1042 the following new item:

"Sec. 1043. Nonrecognition of gain or loss on the sale of rural enterprise zone property where reinvestment in such property occurs within 1 year.".

Subtitle C—Rules Relating to Private Activity Bonds

SEC. 203. PRIVATE ACTIVITY BOND RULES.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO RURAL ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(g)(5) (defining tax-exempt bond financed property) is amended—

(1) by inserting "or any rural enterprise zone property (within the meaning of section 1043(b))" after "section 142(a)(7)", and

(2) by striking out "Qualified residential rental projects" in the heading and inserting in lieu thereof "Certain projects".

(b) Termination of Small Issue Exemption Not To Apply.—Paragraph (12) of section 144(a) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new subparagraph:

"(D) Rural enterprise zone facilities.—This paragraph shall not apply to any bond which is part of an issue 95 percent or more of the proceeds of which are used to finance facilities within a rural enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7891 (without regard to the subsequent revocation of such designation under section 7891(b)(2)).".

(c) Certain Small Issue Volume Caps Modified.—

(1) In general.—Section 144(a) (relating to qualified small issues) is amended by adding at the end thereof the following new paragraph:

"(13) Dollar limitations not to apply for rural enterprise zone facilities.—The dollar limitations described in paragraphs (1) and (4) shall not apply to any bond which is part of an issue 95 percent or more of the proceeds of which are used to finance facilities within a rural enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7891 (without regard to the subsequent revocation of such designation under section 7891(b)(2)).".

(2) Aggregate limit per taxpayer with respect to rural enterprise zone facilities.—Paragraph (10) of section 144(a) (relating to aggregate limit per taxpayer for qualified small issue bonds) is amended by adding at the end thereof the following new subparagraph:

"(F) Rural enterprise zone facilities.—For purposes of this paragraph, with respect to any issue used to finance facilities within a rural enterprise zone, subparagraph (B) shall be applied by inserting 'used for facilities within a rural enterprise zone' after 'tax-exempt bonds referred to in clause (ii)'.".

(d) Portion of State Ceiling Set Aside for Rural Enterprise Zone Facilities.—Subsection (d) of section 144 (relating to State ceiling) is amended by adding at the end thereof the following new paragraph:

"(5) State ceiling set-aside for rural enterprise zone facilities.—For any calendar year, 5 percent of the State ceiling applicable to any State with 1 or more rural enterprise zones shall be set aside for use only in such rural enterprise zones in such State.".

(e) Effective Date.—The amendments made by this section shall apply to obligations issued after December 31, 1986, in taxable years ending after such date.

Subtitle D—Sense of the Congress With Respect to Tax Simplification

SEC. 204. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury and his delegates should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1986 added to, or amended by, this Act.

TITLE III—REGULATORY FLEXIBILITY

SEC. 301. DEFINITION OF SMALL ENTITIES IN RURAL ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified rural enterprise zone business; any governments which designated and approved an area which has been designated as a rural enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1986) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified rural enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within a rural enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 43(d) of such Code).".

SEC. 302. WAIVER OR MODIFICATION OF AGENCY RULES IN RURAL ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in rural enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as a rural enterprise zone under section 7891 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the rural enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the rural enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the rural enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The table of sections for such chapter is amended by redesignating the items relating to sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new item immediately after the item relating to section 610:

"611. Waiver or modification of agency rules in rural enterprise zones.".

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means.".

(d) Section 613 of such title, as redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 303. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act (42 U.S.C. 3532) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within a rural enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.".

TITLE IV—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN RURAL ENTERPRISE ZONES

SEC. 401. FOREIGN-TRADE ZONE PREFERENCES.

(a) Preference in Establishment of Foreign-Trade Zones in Revitalization Areas.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within a rural enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1986.

(b) Application Procedure.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within a rural enterprise zone (as so designated).

(c) Application Evaluation.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with rural enterprise zones (as so designated), the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

TITLE V—RESPONSIBILITIES OF FEDERAL AGENCIES IN RURAL ENTERPRISE ZONES

SEC. 501. RESPONSIBILITIES OF FEDERAL AGENCIES IN RURAL ENTERPRISE ZONES.

(a) In General.—To the extent permitted by law and consistent with its primary mission, each Federal agency (as defined in section 551(1) of title 5, United States Code) shall seek to provide special assistance to rural enterprise zones designated pursuant to section 7891 of the Internal Revenue Code of 1986. Such assistance may include, but is not limited to—

(1) expedited processing,

(2) priority funding,

(3) program set-asides, and

(4) provision of technical assistance in furtherance of the purposes set forth in section 2 of this Act.

(b) Regulations.—The head of each Federal agency, after consultation with the Secretary of Housing and Urban Development, shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

Rural Enterprise Zone Act of 1987

Number of Zones: Maximum of 45 zones, no more than 18 may be designated in any one year. Zone designations lasts for 12 years. Zones are designated by Secretary of HUD.

Eligibility Requirements: REZ must be within a government jurisdiction of less than 50,000 population (other than central cities), outside of a metropolitan statistical area, or determined to be rural by the Secretary of HUD.

Population of the REZ must be at least 1,000.

Zone must be eligible for UDAG assistance, and must demonstrate high unemployment or poverty.

Local Commitment: Local and state governments must make commitments (reduce taxes for zone businesses, increase services, reduce regulations, etc.) if area is to be considered for designation as a federal enterprise zone.

Priority Status for Federal Assistance: Federal agencies shall provide special assistance to REZs, including priority funding, program set-asides, expedited processing, and technical assistance.

Tax Incentives: Employers qualify for a 10% credit on increased enterprise zone employment expenditures.

Gain on the sale or exchange of qualified zone property is deferred as long as proceeds of sale are reinvested in REZ within one year.

Permit the use of small-issues IDBs to finance commercial activities within REZs. Depreciation benefits would not be lost. State must set aside 5% of its IDM volume cap for REZ issues.

Regulatory Flexibility: Regulations other than those affecting health, safety, civil rights, or environment may be waived or modified in REZs.

Foreign-Trade Zones: REZs receive priority in designation of foreign-trade zones.

Determination Helped Snatch This Town From the Jaws of Economic Death

(By Bruce Stokes)

Cuba, MO.—The metallic brown Ford van came barreling down the gravel road, kicking clouds of dust toward the overcast sky, its horn beating out a rhythmic warning sound.

"Oh, my gracious," said Dennis Roedemeier, president of the Industrial Development Board of this little Missouri town, "something's gone wrong."

As the van skidded to a halt, grim-faced Mayor Ray Mortimeyer leaned out of the window and said, "We've lost the grant."

"What went wrong?" Roedemeier asked. Even as he asked, he knew that nothing had gone wrong, because the mayor could not contain himself any longer and broke into a broad grin, extending his beefy hand in heartfelt congratulations.

Minutes before, the state community development block grant office had notified the mayor that the city had been awarded $900,000 in state grants to enable the Bailey Corp. to open a facility in Cuba's new industrial park. Bailey is the fifth new company to locate in Cuba this year. In addition, two local companies have expanded their operations, and a shoe plant that had closed down has reopened. These moves have created 450 jobs.

Cuba, unlike so many other small towns in rural America that have been victimized by cheap imports and regional recession, did not roll over and die. It has bounced back from the dark days of the autumn of 1984 when this town of 2,100 people lost 125 jobs and saw its unemployment rate soar to 13 per cent.

At a time when Congress is considering how to aid communities devastated by the workings of the international marketplace—by expanding the trade adjustment assistance program or by scrapping it in favor of new initiatives—Cuba's story demonstrates that local economic resuscitation is possible in the face of import competition through the use of traditional economic development programs.

It took a year of dreaming and scheming, naive faith and dogged persistence for Cuba to turn its fortunes around. State and federal economic development assistance were a prerequisite to a successful effort, but the outcome was ultimately the product of innovative leadership and local cooperation. The unique circumstances of Cuba's success highlight why so many other cities fail.

Cuba lies alongside Interstate 44 in south central Missouri, about a third of the way between St. Louis and Springfield. The city advertises itself as "the gateway to the Ozarks"—a testament to the region's beauty, but also it is poverty.

Two out of three people in Cuba live below the state poverty level, and, until recently, things were getting worse as the area's principal industries—lead and iron mining and shoes— declined in the face of an onslaught of foreign imports.

"We're surrounded by small towns that built their future on one little factory," Mortimeyer said. "As that plant closed its doors, so did hope."

Cuba seemed destined for the same fate. In 1982-83, the Durbin-Durco Corp., a steel fabricator, and the Convy Shoe Co. had shut down, causing the loss of 185 jobs. "We were in the process of becoming a retirement community," Mortimeyer said. "All our young people were moving out." As industry fled, the county's second-largest employer became the local office of the state welfare agency. It was a classic pattern of rural decline.

But there were some people in Cuba who refused to let their town die. Mortimeyer, who had operated a local home heating fuel business since 1969, was elected mayor in April 1984 on a platform promising an activist government that would run Cuba more efficiently.

"There was no way we could continue to have a four-hour-a-month city council," Mortimeyer said. "Cuba was like a business that was slowly dying. You needed new management. The aldermen were competent people. They just needed some leadership, some enthusiasm."

DOGGED DETERMINATION

One of the first things the new major did was convene the local Industrial Development Board, which had been in existence since September 1983 but never met. He asked Roedemeier, a local entrepreneur who had recently sold his paint manufacturing business, to become the volunteer president of the board. Roedemeier initially demurred but finally relented after assurances that business executives would run the show and politicians would not interfere.

"The mayor [then] called me and said, 'What do you need?' " Roedemeier recalled. "I said, 'We need an industrial park.' " (Everyone now agrees the park is the cornerstone of Cuba's economic redevelopment, but, at the time, it was a controversial suggestion because southern Missouri is littered with empty industrial parks.)

"In two weeks, [the mayor] called and said, 'You've got your park,' " Roedemeier said. "He said: 'Here's what you wanted. Now what are you going to do?' "

Roedemeier knew that Cuba had to act quickly. "We had been slowly bleeding to death, and then we began to hemorrhage," he said. In September 1984, 55 more jobs were lost when the Prismo Paint Co. and the Echo Shoe Co. closed their doors. In November, the Mid-America Shoe Co. announced that it would close by the end of the year, taking with it 70 jobs.

Roedemeier visited neighboring communities and talked to their business leaders and elected officials to see what they had done right and where they had gone wrong. He prowled the corridors of the state capitol in Jefferson City, learning all he could about the myriad state assistance programs for business development. "Dennis knew more about the programs than we did." said Cecil Cliburn, manager of the state's community development block grant program.

Fortunately, Roedemeier had once worked as a plant site locator for the Olin Corp. "I know what industries want because I know what attracted me when I did that job," he said.

It rapidly became apparent that Cuba needed to become a state enterprise zone, which would permit it to grant tax breaks to new industries. But there were only 28 zones permitted under state law, and Cuba initially failed to qualify.

"The first letter of rejection said don't even bother trying," Roedemeier said, but he persevered, feeding constantly revised data into a computer and finally devising boundaries for the zone that would meet state criteria for poverty and unemployment levels. After being on and off the short list of prospective enterprise zones four or five times. Cuba finally became the state's smallest enterprise zone last May 1.

"I don't think the people in the state capital had seen a little town with this persistence," said Percy Pascoe, editor of The Cuba Free Press. "They were used to towns bowing and scrapping."

That dogged determination paid off. From January-November 1985, Cuba received $1.6 million in state grants to attract new industry, to help existing companies refurbish and to provide necessary improvements in public services. In addition, under state authority, the Industrial Development Board issued $1.2 million in industrial revenue bonds to make low-interest loans to companies willing to create more jobs locally.

Such financial incentives coupled with a new spirit of entrepreneurial creativity rapidly began to show results. In February, the Mid-America Shoe Co., which had shut down in December, reopened as Whistles Inc., planning to overcome mounting foreign competition with local commitment and innovation. The plan's former manager and salesman mortgaged their homes, borrowed some money and bought out Mid-America's owners. The workers voted to extend their contract and forgo a wage increase. The city received a state development action grant of $119,000 and lent it to Whistles at a 7 per cent interest rate to enable the company to purchase new equipment. A group of concerned local business executives bought the company's building and agreed to lease it back for a nominal sum. And the new management, with the agreement of the union, began importing 30 per cent of its components from Brazil, trying to beat importers at their own game.

"I was convinced if you remove some of the impediments businessmen face, they can compete, Roedemeier said. "Now all over, the shoe industry is closing, but every morning at 7 A.M., these people are going to work."

Roedemeier's biggest coup, however, came in November, with the landing of the Bailey Corp., maker of rubber window channel and weather stripping for automobiles, which decided to open a factory in Cuba. Bailey's home plant is in Seabrook, N.H. Facing labor troubles, a tripling of its $120,000 monthly energy bill and a need to expand operations in closer proximity to the major auto assembly plants, the company had already located a factory in Berger, Mo., when it heard about the vacant Durbin-Durco facility in Cuba.

The building was ideal, the prevailing wage rate was far below that in New Hampshire and Cuba was likely to be a relatively union-free environment, which was the company's No. 1 priority.

Moreover, the city offered an attractive package of financial incentives. The development board issued a $675,000 industrial revenue bond to enable Bailey to buy the Durbin-Durco building. The city offered the company low-cost electricity, which will save Bailey about $100,000 over the next five years.

With money from a state urban development grant, the city lent the company $400,000 to buy new machinery and recondition the plant, and the city also obtained a $500,000 block grant from the state to improve sewer, water and electrical lines to the Bailey plant site. The city and county will rebate $40,000-$50,000 in local taxes to the company over the next decade. And for each employee hired, Bailey will receive up to a $1,200 tax credit for training. "The net effect is that we will not pay any taxes ever," said E. Gordon Young, Bailey's executive vice president.

Cuba's citizens bent over backwards to make the firm feel wanted. "This building is nice, but I could have put this plant anywhere," said Young. "It's the people that made the difference. They are so excited, its like a barn raising."

IS CUBA UNIQUE?

That enthusiasm and Cuba's new-found industrial economic vitality is now acting as a magnet for other businesses. Since the beginning of November, the local McGinnis Wood Products Co., has announced plans to open a 20-employee barrel factory, and St. Louis-based Echo Valley Ranch has said it will open a thoroughbred training facility employing 20 people in Cuba. Wal-Mart Stores Inc. will be opening a discount department store next March, creating at least 50 jobs. Land has been purchased next door to the Wal-Mart site for a possible McDonald's restaurant that would employ 100 people.

"We know the honeymoon will be over soon," Mortimeyer said. "We're trying to get as much done as possible. . . . So right now we're keeping the fire stoked up."

Cuba's success in attracting new industries prompted Richard Cavender, executive director of the Meremec Regional Planning Commission, the state's regional economic development agency, to recently cite Cuba as "a role model for small communities in rural Missouri." Cuba is certainly an inspiration, but other towns may find it difficult to duplicate the unqiue circumstances that led to Cuba's success.

As a site for new business, Cuba has some very marketable assets. It's on an interstate highway, has daily rail service, has a small airport and is only two hours from St. Louis. The University of Missouri's science and engineering campus is only a 30-minute drive away if new industries need consultants. And most of the city's revenue comes from its ownership of the local electric company, and so it can afford to provide new industries all sorts of tax breaks without threatening municipal solvency.

The community's leadership is particularly innovative. "You don't have many third-generation businesses here," said W. James Barnett Jr., president of the local Peoples Bank. "Eighty per cent of the businesses are run by transplants. We are here because we want to be here, so we are receptive to change."

Many of those leaders have families—the mayor has seven children, Roedemeier, six—and they want to provide a future for them in Cuba. Time and again, those involved in Cuba's redevelopment cite jobs for their children as a driving force in their work.

And, of greatest importance, Cuba has Dennis Roedemeier. "If it had not been for [him], nobody else would have done it because nobody else had the time, expertise or tenacity," Mortimeyer said.

Nearly everyone in town agrees that it was Roedemeier's visionary zeal ("The Lord does not accept our tolerance of poverty or unemployment. He demands of us that this must be changed.") that infused Cuba's efforts with the broader sense of purpose that was needed to succeed.

As a political outsider, he was able to bring together diverse elements of the community, sparking cooperation and commitment on an unprecedented scale. The county government, for example, often at odds with the city, has volunteered to provide the gravel for Bailey's road and parking lot. Roedemeier is trying to forge alliances with neighboring communities to attract industries that might be too large for one town but would be beneficial to the region.

Of course, Cuba's efforts might have all come to naught without the state financial support that made the reopening of Whistles economically feasible and ensured that Bailey came to Cuba.

But other states have even more lucrative economic development programs than Missouri, and other cities in Missouri have access to the same state resources. Cuba's experience is a testament to the fundamental importance of motivated, innovative community leaders in turning around local economic crises.

As the American economy goes through the painful transition of accommodating itself to a global marketplace—with the attendant dislocations of local economies—Cuba offers proof that small-town America is not necessarily doomed to economic decline.

"As we view hardships [in Cuba and elsewhere] on the evening news, we feel we in rural America are victims." Roedemeier said in a recent speech. "Distressed communities are shown throughout our nation to accept the posture of resignation and adopt the philosophy of 'there is nothing we can do, for we are so small and unimportant.' The path to change is difficult. . . . We are small. . . . we cannot do everything, but we can do something."

A MISSOURI TOWN THAT'S BOUNCING BACK

(By Bruce Stokes)

It was a Monday night in January, and a big crowd had turned out for the Cuba Area Chamber of Commerce's annual dinner. A highlight of the evening came when Donald J. Fuchs, a dentist who is a former president of the chamber and an amateur photographer, showed a few slides of the new businesses that have flocked to Cuba, Mo., in recent months. His pictures were a graphic chronology of the economic revival of a small town.

The slide show "put it all together," said Darrell W. Layman, managing partner of a local accounting firm, Kolb & Layman. "It made us realize how much had been accomplished over the last year. You could see the progress." In 1985, Cuba—population 2,100—was dying, its once-thriving shoe factories the victim of foreign competition. But community leaders refused to let their town become another casualty competitiveness in the world marketplace. Through ardent courting of industry and dogged pursuit of government grants and loans, they had the patient on the road to recovery.

For a while, the long-term prognosis was unclear. But these days, it's clear that Cuba has bounced back. The south-central Missouri town is one of two communities recently singled out by the National Governors' Association as rural economic development success stories.

The Bailey Corp., which fabricates automobile accessories, has opened a plant as scheduled, but instead of the 250 employees planned, 315 are on the payroll. A thoroughbred training facility and equine research center has been built, creating 46 jobs. And Wal-Mart Stores Inc. has opened a discount outlet, providing 60 jobs.

"We can see the multiplier really starting to work now," said W. James Barnett Jr., president of Peoples Bank. In 1986, his bank made $2.3 million in loan commitments, double its business in 1984; last year, the bank's assets grew by a healthy 10 per cent. The local newspaper reported that its advertising earnings were up 10 per cent. Real estate agents and homebuilders say their business is booming. "Over all, we see a better business climate," noted accountant Layman, "better profitability, increased sales, increased revenues, no matter whether in industry or commerce."

To date, the success has not undermined the spirit of cooperation among community leaders and accommodation toward business that helped launch Cuba's revivial. Existing businesses have not complained about the preferential tax and utility rates paid by newcomers. And city leaders actively helped blunt an effort to form a union at Bailey, fearing it would make Cuba (so named, it seems, because its turn-of-the-century settlers thought "Cuba" sounded exotic) less attractive to other prospective industries.

Most important, Cuba, in cooperation with the University of Missouri (Rolla), has begun a training program that will enable high school dropouts to eventually earn college degrees. This semester, 25 workers from Bailey have signed up for courses in accounting, economics and English, with the company picking up most of the tab. "This summer, we hope to have fifth-generation wood cutters sitting down in front of IBM personal computers," said Dennis Roedemeier, president of the local Industrial Development Board.

Cuba is still hustling for new business. Mid-West Detention Supply Co. will open soon, with 18 new jobs. Associated Design Industries, which makes hospital and nursing home furniture, opens in the spring with 15 jobs. A McDonald's restaurant is planned, which could employ 100 people, full and part-time. And Canadian Metallic Brake Inc., a manufacturer of brake shoes for trucks and heavy-duty equipment, will open in the summer.

Cuba's successful wooing of Canadian Brake says a lot about Roedemeier's determination. Missouri state economic development officials given up on the company, convinced it had been lured to Arkansas by more attractive investment incentives. Roedemeier redoubled his efforts, and Cuba will now have 56 more jobs.

"To a lot of people in this region, we are the only good thing going, the only thing that gives people hope," Roedemeier said. "It's going to be tougher in the future, through, with the cutback of industrial revenue bonds." Cuba had used these bonds extensively, he said, but these bonds extensively, he said, but presumably won't in the future because of restrictions included in the new tax law Congress approved last year.

As Congress and the Reagan Administration began weighing conflicting proposals to either reinvigorate American industry or protect it from foreign competition, Cuba's experience suggests that, with a little help from government, communities can battle back on their own if their leaders use a little imagination.●

● Mr. DURENBERGER. Mr. President, I am pleased to join the distinguished Senator from Missouri, Senator DANFORTH and the distinguished Senator from Arkansas, Senator PRYOR in introducing the Rural Enterprise Zone Act of 1987. Enactment of this legislation should be a top priority this year and I look forward to working with my colleagues in the Senate Finance Committee in making this legislation a reality.

Mr. President, while America's coastal States have been enjoying vigorous economic prosperity in the 1980's, the heartland of rural America has endured a prolonged and devastating economic depression. Last year, the Subcommittee on Intergovernmental Relations, which I chaired, prepared a report cataloguing the devastating economic plight of rural America.

The report found that net farm incomes have declined by 64 percent between 1979 and 1983 and farm land values had fallen by more than 30 percent since 1981. And as we all know, when farm incomes decline, main street spending falls, jobs in the local commercial sector disappear, and incomes in that sector decline as well. That is the reality of rural America in 1987. And that is why the Rural Enterprise Zone Act of 1987 is so important.

This legislation would establish 45 rural enterprise zones over a period of 3 years. These zones would cover areas of less than 50,000 people and would have to be areas with high unemployment. To attract businesses to locate in rural enterprise zones, the Federal Government would provide employers with a 10-percent tax credit for increased enterprise zone employment expenditures. In addition, gain on the sale or exchange of qualified zone property would be deferred as long as the proceeds are reinvested in a rural enterprise zone.

Commercial activities could be underwritten with small issue industrial development bonds, and current law accelerated depreciated benefits would be allowed for activities financed by such bonds. Moreover, States would have to set aside 5 percent of their industrial development bond volume cap for rural enterprise zone issues.

Mr. President, the States will have to share some of the responsibility for making Federal rural enterprise zones a reality. This legislation requires that State and local governments make increased commitments, in the form of reduced taxes for zone businesses, increased services, and reduced regulations in these areas, in order for an area to qualify for designation as a Federal enterprise zone.

I am convinced that the States will do their part. Indeed, the States have led the way in developing the concept of enterprise zones. Already, there are 32 States that have initiated State enterprise zone programs. Now it is up to the Congress to do its part to help rebuild a vital and vibrant rural America.●

By Mr. BENTSEN:

S. 984. A bill to extend the filing period for reliquidation of certain imports; to the Committee on Finance.

EXTENSION OF FILING PERIOD FOR RELIQUIDATION OF CERTAIN IMPORTS

Mr. BENTSEN. Mr. President, I am introducing legislation today to extend the application deadline for the reliquidation of certain entries of semiconductors.

In 1983, the United States and Japan agreed on a series of recommendations by the United States-Japan Working Group on High Technology Industries, including the mutual elimination of import tariffs on certain semiconductors. Congress gave the President authority to proclaim the duty elimination as part of the Trade and Tariff Act of 1984. However, one tariff item number that should have been covered by the authority was omitted.

In the Tax Reform Act of 1986, Congress corrected the omission, making the correction retroactive to March 1, 1985, which was the date when other semiconductors became duty-free under the original legislation. Importers were given 90 days to apply for the reliquidation of earlier entries and thereby receive a refund for duties paid.

One of my constituents, Collmer Semiconductor, Inc. of Dallas, TX, has brought to my attention the fact that many importers did not learn about the provision in the Tax Reform Act until after the filing deadline. Apparently, the correction went largely unnoticed, perhaps because it was included in a tax bill rather than a trade bill. It, therefore, appears that the intent of Congress has been frustrated, through a sequence of technical errors and oversights.

The legislation I am introducing today gives importers an additional 90 days to file a proper request with the U.S. Customs Service for the reliquidation of entries that were the subject of the technical correction.

By Mr. BOREN (for himself and Mr. NICKLES):

S. 985. A bill to expand coverage of bilateral steel arrangements to include welded steel wire fence panels, wire fabric, and welded steel wire mesh; to the Committee on Finance.

COVERAGE OF BILATERAL STEEL ARRANGEMENTS

● Mr. BOREN. Mr. President, I am today introducing legislation, together with my colleague from Oklahoma, to expand bilateral steel arrangements to include certain additional steel products not presently covered by the arrangements. The steel products we seek to add to the steel arrangements include welded steel wire fence panels, wire fabric, and welded steel wire mesh.

The U.S. Government negotiated the steel voluntary restraint arrangement program as an alternative to granting relief to the domestic steel industry under section 201 of the Trade Act. Most steel products, including most of the carbon steel wire products, were covered by these arrangements. Some products, however, were omitted from the arrangements. Among these omitted products were welded steel wire fence panel, wire fabric, and welded steel wire mesh.

As a practical result of the steel VRA's, many foreign steel manufacturers have diverted their production into such products as fence panels and wire mesh, to which no restraint agreements apply. Consequently, foreign exports to the United States of these products have sky rocketed in the few years since the VRA Program went into effect. Venezuelan wire rod exports to the United States, for example, have decreased some 1,500 percent since coming under the VRA Program. At the same time, Venezuelan wire mesh exports to the United States, which are not covered by the VRA, have increased some 1,200 percent during the same period.

The effect of this flood of diverted, noncovered steel products into the United States has been devastating. Our legislation seeks to correct this inequity by modifying the steel arrangements to include certain steel products that have been especially hard hit.

It is important to note that the administration never intended to exclude wire mesh products from the arrangements at the time they were negotiated. Ambassador Robert Lighthizer, of U.S. Trade Representatives, testified before the Senate Committee on Energy and Commerce in 1985 that the arrangements "cover all steel products except those already under quota as a result of the 1983 Specialty Steel 201 Action." Our legislation, therefore, simply seeks to plug a loophole that was never intended.

Mr. President, I call upon the Senate to act quickly in approving this legislation. If we are going to have an effective, balanced, and fair voluntary restraint arrangement program, then it is imperative that Congress take the necessary action to insure no product categories are unintentionally excluded.●

● Mr. NICKLES. Mr. President, when the administration negotiated voluntary steel export restraint arrangements a few products were inadvertently excluded. This has compounded the problems of domestic steel producers in Oklahoma and many other States.

Products listed under the import belief petition filed by the domestic steel industry were included. Unfortunately, provisions for addressing import problems that might arise due to the exclusion of a few products are not provided for in the arrangements. As a result, we have witnessed the diversion of productive capacity from foreign mills into products such as welded wire products which are not covered under the steel arrangements.

In congressional testimony in March, 1985, officials from the office of the U.S. Trade Representative stated that the negotiated steel arrangements "cover all steel products except those already covered under quota as a result of the 1983 Specialty Steel 201 Action." As this statement indicates, the exclusion of products such as welded wire products was, in fact, unintentional.

It is my hope my colleagues will join in support of this legislation to correct an inequity that has existed far too long.●

By Mr. BAUCUS:

S. 986. A bill to provide Federal financial assistance to facilitate the establishment of partnerships between local educational agencies, private businesses, and the community to improve the quality of elementary and secondary education instruction, and for other purposes; to the Committee on Labor and Human Resources.

PARTNERSHIP FOR EXCELLENCE IN EDUCATION ACT

● Mr. BAUCUS. Mr. President, today I am introducing a bill to help stem the decline of our Nation's competitiveness by attacking one source of the problem: the quality of our education system. The Partnerships for Excellence in Education Act is designed to increase cooperation between business, communities, and schools through the development of creative academic and vocational partnerships.

For America to regain its competitive edge, our schools cannot remain isolated institutions. Competitiveness and education are mutually dependent. If the business community demands a better education and trained work force, then business must join hands with community and education leaders in a cooperative effort to ensure quality education.

The partnership concept has been endorsed by the Young Commission, the two major teacher unions, NEA and AFT, the president of the Carnegie Foundation for Teaching, Ernest Boyer, and the Secretary of Education, William Bennett.

Partnerships between schools and business can provide the "missing link" that currently exists in our education system today. Partnerships are, simply, cooperative exchange of equipment, facilities, and talent between the business community and education. Partners can provide donations of computers and lab equipment, tutors and internship opportunities.

Partnerships can be cost-effective. Schools can provide the teachers, facilities, and educational equipment for business to train and retrain workers, an advantage for U.S. business which currently spends $30 billion a year on industry-based education.

Where partnerships programs have developed, the results have been swift and encouraging.

For example, in Dallas, TX, hundreds of employers allow their workers to spend time tutoring young students in school. In Seattle, a science co-op program at a local hospital provides a training ground and intern experience for high school biology students. IBM is lending 100 employees to high schools and colleges to 28 States as temporary faculty in schools serving minority and disadvantaged youth.

In a Massachusett's partnership program, the Cooperative Federation for Educational Experiences, 100 out of

135 high school dropouts received diplomas or found full-time jobs. All the members of a control group remained out of school.

Business can provide on-the-job experience, and help design math and science curricula to meet workplace needs. In California's Silicon Valley, Hewlett-Packard helped form "Peninsula Academies" to target at-risk minority students. Of the students involved in this partnership, 83 percent were placed in summer jobs and they improved their academic performance significantly.

In my home State, Montana, the Great Falls Environmental Education Program has just been selected as 1 of the top 10 in the Nation. This is directly attributed to the school district's Partnership Program with State and Federal Government agencies with environmental jurisdiction.

My bill is designed to spread these success stories. It will provide $75 million in seed money to local community councils through their State economic development agencies. The councils, in turn, will hire partnership managers to initiate partnership programs, recruit volunteers and organizations, and coordinate partner activities.

Our economy is rapidly changing. In our information based economy factory workers increasingly will need to do more than perform routine mechanical tasks. Today's work environment has little room for dropouts and illiterate adults. Currently, 13 percent of our adult population is illiterate and 29 percent of our high school students drop out.

A recent study by the National Assessment of Educational Progress examined 11th graders writing and determined that "fewer than one-fourth of tested students performed adequately on writing tasks involving skills required for success in academic studies, business, or the professions."

Partnerships have proven themselves effective in raising achievement levels, lowering dropout rates, and in providing career incentives. They are a creative means of encouraging cooperation and support between business and communities for public education. It is in the self-interest of business to "educate the educators" about the skills necessary for success in the workplace.

Partnerships can confront the "rising tide of mediocrity" in our Nation's education system. They can bridge the gap between school and workplace needs.●

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 987. A bill to improve the pay and management of employees of the Federal Government; to the Committee on Governmental Affairs.

SPECIAL PAY AND CIVIL SERVICE IMPROVEMENTS ACT

Mr. TRIBLE. Mr. President, today I am introducing the Special Pay and Civil Service Improvements Act of 1987. This legislation improves the Government's ability to attract and retain employees and also calls for significant improvements in Federal programs and benefits for workers and retirees. I am pleased that Representative FRANK WOLF is introducing similar legislation in the House of Representatives.

We face serious recruitment and retention problems in critical positions. These shortages jeopardize agency missions and impair the Government's ability to provide essential services and meet national security needs. This has had adverse consequences for employee morale; the Federal work force is beleaguered.

We must act promptly to improve working conditions for Federal employees. We must take steps to improve the Government's ability to face the critical staffing needs which have reached frightening proportions.

The legislation I offer today will meet these concerns. Title I of this measure reforms the Federal Government's special pay rate program. Title II provides of improvements in other Federal employment programs. Finally, title III meets the important health care needs of Federal retirees.

The Federal Government now recruits individuals for many hard-to-fill positions through the special pay rate program. This program allows the President to increase pay for positions when pay rates in the private sector are identified as the cause of recruitment and retention problems. Despite the good intentions of this program, it falls far short of meeting the needs of the agencies.

Title I of my legislation enables agencies to correct the staffing problems quickly and effectively. Special rate authority is expedited, expanded, and—once approved—may be established above the current statutory maximum. Employees may also qualify for bonuses tied to service agreements.

Second, this title directs the Office of Personnel Management to examine the statutory pay systems for Federal police and formulate an equitable system of compensation.

In addition, the Office of Personnel Management is directed to address the current pay disparity between medical personnel at the Veterans' Administration and those employed in other areas of Federal service.

Title II includes several commonsense provisions. Necessary corrections are made in Senior Executive Service laws. In addition, this title permits reasonable allowances for employees stationed at remote worksites, increases in the uniform allowance, and allows employees the option of taking compensatory time off instead of overtime.

Title III improves Federal health benefits. This title ensures that retirees will have adequate information on health care benefits, the opportunity to revise their health insurance election, and requires better coordination between the Medicare Program and the Federal Employees Health Benefits Program. Additionally, OPM is required to assess the feasibility of establishing a new "self and spouse" enrollment option for health program subscribers. GAO would also be required to study ways to improve the survivor benefits program.

Mr. President, agencies must have the necessary tools to meet staffing needs. Otherwise, Government activities suffer. Moreover, the long-term effects on our current personnel woes could be even worse. The willingness of skilled individuals to join the Federal Government depends in large part in our treatment of the existing work force and retirees. We must ensure that the employment "package" enables the Federal Government to meet its personnel needs.

Mr. President, I ask unanimous consent that the bill and its accompanying section-by-section analysis be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Pay and Civil Service Improvements Act of 1987".

TITLE I—SPECIAL PAY AUTHORITY

SEC. 1101. AUTHORITY RELATING TO HIGHER RATES OF PAY

(a) IN GENERAL.—Title 5, United States Code, is amended by striking out section 5303 and inserting in lieu thereof the following:

"§ 5303. Higher minimum rates

"(a)(1) Subject to paragraph (2) of this subsection, when the Director of the Office of Personnel Management finds that recruitment or retention of well-qualified individuals for agency positions described in paragraph (3) of this subsection is or is likely to become significantly handicapped because of any condition described in paragraph (4) of this subsection, the Director may establish, for one or more areas or locations where the condition exists, higher minimum rates of basic pay. The Director may establish such higher minimum rates for one or more grades or levels, occupational groups, series, or classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each grade or level for which the higher minimum rates are so established.

"(2) A minimum rate established for any grade or level under paragraph (1) of this subsection may not exceed the rate of pay for a position under level V of the Executive

Schedule described pursuant to section 5316.

"(3) The positions referred to in paragraph (1) of this subsection are positions paid under—

"(A) section 5332 of this title;

"(B) the pay scales for employees in the Department of Medicine and Surgery, Veterans' Administration, under chapter 73 of title 38; or

"(C) section 403 of the Foreign Service Act of 1980.

"(4) The conditions referred to in paragraph (1) of this subsection are as follows:

"(A) The rates of pay paid Federal Government employees of an agency in positions referred to in such paragraph are lower than the rates of pay paid Federal Government employees in similar positions in the same agency or other agencies.

"(B) The rates of pay paid Federal Government employees in positions referred to in such paragraph are lower than the rates of pay paid employees of employers other than the Federal Government in similar positions.

"(C) The working conditions for employees in positions referred to in such paragraph are undesirable.

"(D) The positions referred to in such paragraph are in a remote geographic location.

"(5) In making findings under paragraph (1) of this subsection, the Director of the Office of Personnel Management shall consider the number of employees who have applied for retirement in an agency or will soon be eligible to apply for retirement, at the time the Director is making findings under paragraph (1), the rate of turnover in positions, vacancies in positions, the length of time necessary to recruit individuals to fill vacancies, the undesirable nature or environment of the work, any marked decline in the quality of employee applicants, and any other information the Director determines appropriate.

"(b)(1) The head of an agency may request the Director of the Office of Personnel Management to establish higher rates of basic pay under subsection (a) of this section for any positions in such agency. The Director shall transmit to the head of the agency a response to such request within 45 days after the date on which the head of an agency transmits the request to the Director.

"(2) Any request under paragraph (1) of this subsection shall specify the period, not to exceed 2 years, for which the head of an agency anticipates that the exercise of the authority under subsection (a) of this section is necessary to mitigate the problem specified in the request.

"(c) Any exercise of authority under subsection (a) of this section may—

"(1) be reviewed by the Director of the Office of Personnel Management once each year; and

"(2) terminate on the earlier of—

"(A) the last day of the period specified in the request for such exercise of authority made under subsection (b) of this section; or

"(B) the date on which the Director of the Office of Personnel Management makes a written determination that the exercise of such authority is no longer necessary to mitigate the problem specified in such notification.

"(d) A rate of pay established with respect to a position pursuant to the authority under subsection (a) of this section shall remain in effect after the termination of the exercise of such authority under subsection (c) of this section, unless such position is vacant on the date on which the exercise of such authority terminates or, if the position is then filled by any individual, until the beginning of any break in the service of such individual.

"(e) After the termination of the application of a higher minimum rate of basic pay established under subsection (a) of this section with respect to any position, the rate of basic pay payable to an employee, while serving in such position without a break in service in such position (except for a period of leave without pay) on and after the day before the date of such termination, may not be reduced by reason of such termination.

"(f)(1) Subject to paragraph (2) of this subsection, the rates of basic pay established under subsection (a) of this section may be revised, within the limits of that subsection, by the Director of the Office of Personnel Management. Revisions under this paragraph shall have the force and effect of law.

"(2) If the rates of pay under the General Schedule are increased pursuant to section 5305 of this title in any fiscal year, then, not later than the effective date of the increase in such rates, each rate of pay in effect for a position under subsection (a) of this section on September 30 of the preceding fiscal year shall be increased by any percentage that is not less than the overall percentage of such increase in the General Schedule rates of pay. Nothing in this paragraph prohibits more than one increase in such rate of pay during any fiscal year.

"(g) The Director of the Office of Personnel Management shall prescribe procedures for converting positions covered by the pay rate system administered under this section to the General Schedule, the performance management and recognition system under chapter 54 of this title, the Senior Executive Service, or another appropriate pay rate system.

"§ 5303a. Periodic increases

"(a) Except as provided in subsection (b) of this section, each individual who is paid a rate established under section 5303 of this title and who has not reached the maximum rate of pay for the grade or level of such individual's position shall be advanced in pay in the same manner as is provided in section 5335 of this title.

"(b) An individual referred to in subsection (a) who is serving in pay rate 1, 2, or 3 shall be advanced in pay successively to the next higher rate within the pay range involved at the beginning of the next pay period following the completion of such period of service, not to exceed 52 calendar weeks.

"(c) The head of an agency may waive the application of this section in the case of—

"(1) any group of employees of the agency who are participating in a demonstration project under chapter 47 of this title; or

"(2) any other group of employees of the agency, as determined appropriate by the head of such agency.

"§ 5303b. Bonus payments

"(a)(1) Under regulations prescribed by the Director of the Office of Personnel Management, the head of an agency may provide for recruitment and retention bonus payments under this section—

"(A) to employees serving in positions for which the minimum rate of basic pay has been established under section 5303 of this title;

"(B) to employees whose responsibilities include the regular supervision of any employee paid at a rate established under section 5303 of this title; or

"(C) subject to the approval of the Director of the Office of Personnel Management, to any other employees of such agency.

"(2) A bonus payment under this section shall be equal to an amount, not to exceed $10,000, determined by the head of the agency making such payment.

"(b)(1) A payment may not be made to an individual under this section unless such individual has entered into an agreement with the head of the agency employing such individual which provides that—

"(A) such individual will continue in the service of the agency for a period of time determined under paragraph (2) of this subsection; and

"(B) if separated (except by reason of a reduction in force) from the agency before the end of the period agreed to, such individual will repay to the Government any amounts paid to such individual under this section.

"(2) The period of service applicable under paragraph (1) of this subsection may not—

"(A) be less than 6 months; and

"(B) exceed 3 years.

"(3) If an individual fails to repay any amount required under paragraph (1)(B) of this subsection, such amount is recoverable by the Government from the individual or the estate of such individual by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the individual from the Government; and

"(B) any other method provided by law for the recovery of amounts owed to the Government.

Notwithstanding the preceding sentence, the head of the agency concerned may, under the regulations issued under subsection (a) of this section, waive in whole or in part a right of recovery under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(c) The full amount of a bonus under this section shall be paid, whether in a lump sum or in the form of periodic payments, before the end of the period of service agreed to under subsection (b) of this section.

"(d) A payment under this section is not part of the basic pay of an individual.

"§ 5303c. Advances of pay

"(a) Under regulations prescribed by the Director of the Office of Personnel Management, an agency head may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position if the rate of pay for such position is established under section 5303 of this title.

"(b) In the case of a failure to repay any amount advanced under this section, such amount may be recovered, and the recovery of such amount may be waived, in the same manner as is provided in section 5303b(b)(3) of this title.

"§ 5303d. Travel and transportation expenses for new appointees

"The head of an agency may provide travel and transportation expenses under section 5723 of this title to a new appointee to a position for which the rates of basic pay are established under section 5303 of this title.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by striking out the item relating to section 5303 and inserting in lieu thereof the following:

"5303. Higher minimum rates.
"5303a. Periodic increases.
"5303b. Bonus payments.
"5303c. Advances of pay.
"5303d. Travel and transportation expenses for new appointees.".

SEC. 1102. SPECIAL APPOINTMENT AUTHORITY.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329. Appointment procedures in areas with recruitment or retention problems

"(a) Under regulations prescribed by the Director of the Office of Personnel Management, the head of an agency may make selections and appointments on an expedited basis to fill any vacant position for which the minimum rate of basic pay is established under section 5303 of this title.

"(b) The regulations prescribed under this section may include procedures under which individuals may apply to an agency directly and an individual may be selected for appointment to a position from among those so applying.".

(b) Technical Amendment.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointment procedures in areas with recruitment or retention problems.".

SEC. 1103. SERVICE FOLLOWING TRAINING.

(a) In General.—Section 4108 of title 5, United States Code, is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following:

"(b)(1) An employee selected for—

"(A) appointment to a position for which the minimum rate of basic pay is established under section 5303 of this title; and

"(B) training by, in, or through a Government facility under this chapter,

shall enter into a written agreement (described in paragraph (2) of this subsection) with the Government before the appointment and assignment for training are made. Notwithstanding the preceding sentence, the head of the agency making the appointment may waive the requirement for a written agreement in any case if an agreement in such case would not be in the interest of such agency or any other public interest.

"(2) A written agreement entered into by an employee under paragraph (1) of this subsection shall include provisions which require such employee—

"(A) to continue in the service of the employee's agency after the end of the employee's training period for at least 3 times the length of such training period or 12 months, whichever is greater, unless the employee is involuntarily separated from the service of such agency; and

"(B) to pay to the Government the amount of the additional expenses incurred by the Government in connection with training such employee if the employee is separated from the service of the employee's agency before the end of the period for which the employee has agreed to continue in the service of such agency.

Notwithstanding the preceding sentence, the head of such agency may waive in whole or in part a right of recovery under this paragraph if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(3) This subsection applies with respect to a period of training only if such training is for a period of four weeks or longer.".

(b) Conforming Amendments.—(1) Subsection (c) of section 4108 of title 5, United States Code, as redesignated by subsection (a), is amended by inserting "or (b)(1)" after "subsection (a)(2)".

(2) The first sentence of subsection (d) of such section, as redesignated by subsection (a), is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

SEC. 1104. ELIMINATION OF GS-11 THRESHOLD FOR CERTAIN PAY AUTHORITY.

Section 5333(a) of title 5, United States Code, is amended by striking out "in GS-11 or above" in the second sentence.

SEC. 1105. SIMILAR RATES OF PAY AMONG LAW ENFORCEMENT PERSONNEL.

(a) Rates of Pay.—The Director of the Office of Personnel Management should, to the greatest degree practicable, prescribe rates of pay for law enforcement officers that—

(1) establish similar rates of pay for all law enforcement officers employed in similar positions; and

(2) considers the degree of difficulty, danger, and any other factor the Director determines appropriate.

(b) Definition.—For purposes of this section, the term "law enforcement officer" shall have the same meaning as such term is defined pursuant to section 8401(17) of title 5, United States Code.

(c) Limitation.—Nothing in the provisions of this section may be construed to reduce the rate of pay of any law enforcement officer.

SEC. 1106. SIMILAR RATES OF PAY AMONG HEALTH CARE PERSONNEL.

(a) Rates of Pay.—The Director of the Office of Personnel Management should, to the greatest degree practicable, prescribe rates of pay for employees of the Federal Government serving in health care positions similar to rates of pay for health care positions to which chapter 73 of title 38, United States Code, applies.

(b) Limitation.—Nothing in the provisions of this section may be construed to reduce the rate of pay of any person described in subsection (a).

SEC. 1107. APPROPRIATIONS LIMITATION.

The administration of the provisions of this title and the amendments made by this title shall be to such extent or in such amounts as are provided in appropriations Acts.

SEC. 1108. EFFECTIVE DATE.

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act.

SEC. 1109. REPORTING REQUIREMENT.

The Comptroller General—

(1) shall monitor the implementation of the amendments made by this title to determine their effectiveness in dealing with recruitment and retention problems and to identify any abuses of authority; and

(2) shall submit an annual report to Congress in writing with respect to any findings under paragraph (1).

TITLE II—MISCELLANEOUS CIVIL SERVICE AMENDMENTS

SEC. 1201. RETIREMENT CREDIT FOR LEAVE WITHOUT PAY.

(a) Civil Service Retirement and Disability System.—Section 8332(f) of title 5, United States Code, is amended by inserting "an employee participating in the Executive Exchange Program established by Executive Order 12394, dated December 5, 1986," after "service," in the last sentence.

(b) Federal Employees' Retirement System.—The last sentence of section 8411(d) of title 5, United States Code (as added by section 101(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 523)), is amended by striking "Credit" and inserting in lieu thereof "Except for an employee participating in the Executive Exchange Program established by Executive Order 12394, dated December 5, 1986, credit".

SEC. 1202. THE SENIOR EXECUTIVE SERVICE.

(a) Removal.—Section 3592(b) of title 5, United States Code, is amended—

(1) in paragraph (2) by inserting "or (3)" after "paragraph (2)"; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) For the purpose of applying paragraph (1) of this subsection to any career appointee, the number of days that such career appointee is detailed to a position other than the position to which the career appointee is assigned shall not be counted in determining the number of days that have elapsed since an appointment referred to in subparagraph (A) or (B) of such paragraph.".

(b) Setting Individual Senior Executive Pay.—Section 5383(a) of title 5, United States Code, is amended by adding at the end the following: "Such criteria may not include a formal or informal classification of the position at a particular Senior Executive Service pay level.".

(c) Performance Awards.—Section 5384(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) Except as provided in section 5383(b) of this title, payment of a performance award under this section and an award under section 4507 of this title may not be restricted on the basis that both such awards relate to the same performance period.".

(d) Travel and Transportation Expenses.—Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside), if such individual—

"(i) has previously been transferred in the interest of the Government from one official station or agency to another for permanent duty during the term of Government employment of such individual; and

"(ii) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or of chapter 84 of this title.".

SEC. 1203. EMPLOYEE ALLOWANCES.

(a) REMOTE WORKSITE ALLOWANCE.—Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"(a) Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a remote worksite is entitled to receive an allowance under this section. The allowance payable to an employee under this section is in addition to pay otherwise payable to such employee.

"(b) The Director of the Office of Personnel Management shall prescribe in regulations the amount or amounts authorized to be paid as an allowance under this section and the sites, areas, and groups of positions to which each such amount applies.

"(c) For the purposes of this section, the term 'remote worksite' means a worksite that is so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, exceeding that which is normally encountered in metropolitan commuting, for an employee who is commuting to and from his residence and such worksite.".

(b) UNIFORM ALLOWANCE.—(1)(A) Section 5901(a) of title 5, United States Code, is amended by striking out "$125" each place it appears and inserting in lieu thereof "$400".

(B) Section 5902 of title 5, United States Code, is amended to read as follows:

"§ 5902. Increase in maximum uniform allowance

"(a) Notwithstanding the provisions of section 5901, each of the respective maximum uniform allowances for the respective categories of employees to whom uniform allowances are paid under section 5901 of this title shall be increased by the percentage increase in the consumer price index for July of the year in which the determination is made above the consumer price index for July of the preceding year.

"(b) For the purposes of this section, the term 'consumer price index' means 'price index' as defined pursuant to section 8331(15) of this title.".

(2) The first increase in pay rates made under section 5902 of title 5, United States Code, (as amended by paragraph (1)(B) of this subsection) shall take effect on October 1, 1987.

SEC. 1204. USE OF COMPENSATORY TIME OFF.

Section 5544 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "or (if granted under subsection (c) of this section) compensatory time" after "overtime pay" each place it appears; and

(2) by adding at the end the following new subsection:

"(c) The head of an agency may, on the request of an employee of such agency, grant such employee compensatory time off from his scheduled tour of duty instead of overtime pay for an equal amount of time spent in irregular or occasional overtime work.".

SEC. 1205. JOB PERFORMANCE: APPRAISALS; CONSIDERATION FOR WITHIN-GRADE INCREASES.

(a) PREPARATION OF PERFORMANCE APPRAISALS.—Section 4302(b) of title 5, United States Code, is amended by inserting ", in a written performance appraisal," after "evaluating" in paragraph (3).

(b) WITHIN-GRADE INCREASES.—(1) Section 5335(a) of title 5, United States Code, is amended by striking out "as determined by the head of the agency." at the end of subparagraph (B) and inserting in lieu thereof "determined on the basis of a current performance appraisal.".

SEC. 1206. APPROPRIATIONS LIMITATION.

The administration of the provisions of this title and the amendments made by this title shall be to such extent or in such amounts as are provided in appropriations Acts.

TITLE III—FEDERAL EMPLOYEES HEALTH BENEFITS

SEC. 1301. ENTITLEMENT OF UNIFORM PLAN ENROLLEES TO ENROLL IN OTHER HEALTH BENEFITS PLANS.

(a) REPEAL.—The Retired Federal Employees Health Benefits Act (Public Law 86-724; 74 Stat. 849) is repealed effective 12 months after the date of enactment of this Act.

(b) ENTITLEMENT TO ENROLL.—(1) Any person enrolled in a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act on the date of enactment of this Act, is entitled to enroll in any health benefits plan administered pursuant to chapter 89 of title 5, United States Code.

(2) The Director of the Office of Personnel Management shall—

(A) notify each person affected by the provisions of paragraph (1) of the entitlement provided pursuant to such paragraph; and

(B) provide a period of open enrollment for such person for a period of 6 months beginning on the date of enactment of this Act.

(c) AUTOMATIC ENROLLMENT OF CERTAIN PERSONS.—The Director of the Office of Personnel Management shall enroll any person who—

(1) is enrolled in a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act on the date of enactment of this Act; and

(2) does not enroll in a health benefits plan pursuant to the provisions of subsection (b),

in the indemnity benefits plan described under section 8904(2) of title 5, United States Code.

(d) DEPOSITS IN THE EMPLOYEES HEALTH BENEFITS FUND.—Any money remaining in the Retired Employees Health Benefits Fund established pursuant to section 8 of the Retired Federal Employees Health Benefits Act, after paying all obligations of such Fund, shall be deposited in the Employees Health Benefits Fund established pursuant to section 8909 of title 5, United States Code.

(e) ADMINISTRATION BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.—(1) The Director of the Office of Personnel Management shall administer the provisions of this section to provide that—

(A) each person affected by this section shall receive continuous coverage under a health benefits plan;

(B) each person who was entitled to a benefit under a health benefits plan administered pursuant to the Retired Federal Employees Health Benefits Act shall be entitled at a minimum to the same benefit, if such person is enrolled in the indemnity benefit plan described under section 8904(2) of title 5, United States Code; and

(C) the administration of all the provisions of this section are completed within 12 months after the date of enactment of this Act.

(2) The Director of the Office of Personnel Management may enter into such agreements with health benefits carriers under chapter 89 of title 5, United States Code, as are necessary to carry out the provisions of this section.

SEC. 1302. RE-ENROLLMENT BY CERTAIN ANNUITANTS IN HEALTH BENEFITS PLANS.

(a) IN GENERAL.—Any annuitant, as defined under section 8901(3) of title 5, United States Code, who on the effective date of retirement of such annuitant was eligible to continue enrollment in a health benefits plan under section 8905(b) of such title, and who, on the date of enactment of this Act, is not enrolled in a health benefits plan administered pursuant to chapter 89 of such title may re-enroll in any such plan during the period of open enrollment provided pursuant to subsection (b)(2).

(2) The provisions of paragraph (1) shall apply to any annuitant whose effective date of retirement occurred before the date of enactment of this Act.

(b) NOTIFICATION AND OPEN ENROLLMENT PERIOD.—The Director of the Office of Personnel Management shall—

(1) notify all persons eligible to re-enroll pursuant to the provisions of this section, of such eligibility; and

(2) provide for a period of open enrollment for such persons for a period of 6 months beginning on the date of enactment of this Act.

(c) RE-ENROLLMENT FEE.—(1) Any annuitant who re-enrolls in a health benefits plan pursuant to the provisions of subsection (a)(1) shall pay a re-enrollment fee as determined by the Director of the Office of Personnel Management pursuant to paragraph (2).

(2) The Director of the Office of Personnel Management shall determine for each annuitant who re-enrolls in a health benefits plan pursuant to the provisions of subsection (a)(1)—

(A) the class of individuals who would be affected by an increase in premium payments to provide for coverage to such annuitant through re-enrollment; and

(B) a re-enrollment fee to be paid by such annuitant at the time of re-enrollment to offset such anticipated increase determined under subparagraph (A).

(3) The Director of the Office of Personnel Management shall deposit all re-enrollment fees paid pursuant to paragraph (2)(B) in the Employees Health Benefits Fund established under section 8909 of title 5, United States Code.

(d) ADMINISTRATION.—The Director of the Office of Personnel Management may enter into such agreements with health benefits carriers under chapter 89 of title 5, United States Code, as are necessary to carry out the provisions of this section.

SEC. 1303. DEFERRED ANNUITANTS ENROLLMENT FOR SELF ONLY COVERAGE FROM SELF AND FAMILY COVERAGE IN CERTAIN CASES.

Section 8905 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this chapter, a person who is entitled to a deferred annuity under chapter 83 or 84 of this title or any other retirement system for Federal Government employees, and is covered under this chapter by a self and family enrollment of another employee or annuitant, may enroll for self only in a health benefits plan under this chapter, if such other employee or annuitant changes such coverage to self only. The annuitant entitled to a deferred annuity may not enroll for self and family coverage.".

SEC. 1304. INFORMATION FOR EMPLOYEES AND ANNUITANTS TO MAKE CHOICES.

Section 8907(b) of title 5, United States Code, is amended—

(1) in paragraph (2) by striking out "and" at the end thereof;

(2) in paragraph (3) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) other information that employees and annuitants need in order to make an informed enrollment choice including claim processing time of plans offered under section 8903 (1), (2), and (3), and any other information that the Director of the Office of Personnel Management determines may help to better inform employees and annuitants for the purpose of making such choice.".

SEC. 1305. REQUIREMENT OF CARRIERS TO SUPPLY CERTAIN INFORMATION.

Section 8910(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof ", including the time required to process claims and issue claim payments;";

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the justification for the manner that the carriers determine medical charge levels to be usual, customary, or reasonable.".

SEC. 1306. STUDY AND REPORT BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

Within 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall conduct a study and report to Congress on the feasibility of providing an enrollment category for an individual and the spouse of such individual only (to be designated as "self and spouse only") for the health benefits plans administered pursuant to chapter 89 of title 5, United States Code.

SEC. 1307. SEQUENTIAL PAYMENTS OF HEALTH BENEFITS FOR ANNUITANTS.

(a) Sequential Payments.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8909 the following new section:

"§ 8909a. Sequential payments of health benefits for annuitants

"If an annuitant is covered by a health benefits plan offered by a carrier under this chapter and by any other health benefits plan provided in an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, any claim for the payment of health benefits submitted to that carrier by or on behalf of that annuitant shall be paid as follows:

"(1) The carrier shall—

"(A) make any payment required under the plan offered by that carrier; and

"(B) if any portion of the claim is not paid by that carrier, forward the claim to the administrator of the other health benefits plan together with a statement of the amount paid by the carrier and a detailed description of the items covered by the payment.

"(2) The administrator of the other health benefits plan shall—

"(A) pay any portion of the unpaid amount of the claim required under that plan; and

"(B) notify the annuitant of the amount of the claim paid by that plan, a detailed description of the items covered by the payment, and any unpaid amount of the claim for which the annuitant is required to arrange payment or other settlement.".

(b) Technical Amendment.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

"8909a. Sequential payments of health benefits for annuitants.".

SEC. 1308. SURVIVOR ANNUITY BENEFITS.

(a) Reduction of Annuity for Survivor Benefits not Retroactive.—(1) Chapter 83 of title 5, United States Code, is amended—

(A) in subparagraph (C) of paragraph (5) of section 8339(j) by—

(i) striking out the comma and all that follows after "9 months after the date of the remarriage" in the first sentence of clause (ii) and inserting in lieu thereof a period;

(ii) striking out the second sentence of clause (ii);

(iii) striking out clause (iii); and

(iv) redesignating clause (iv) as clause (iii); and

(B) in paragraph (2) of section 8339(k) by—

(i) striking out "(i)" in subparagraph (B);

(ii) striking out clause (ii) of subparagraph (B); and

(iii) striking out subparagraph (C).

(2) Chapter 84 of title 5, United States Code, is amended by—

(A) striking out section 8418; and

(B) striking out the item relating to section 8418 in the table of sections at the beginning of such chapter.

(b) Study and Report by the Comptroller General.—Within 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress, including recommendations, on ways to maintain the long-term value of survivor annuities administered pursuant to subchapter III of chapter 83 of title 5, United States Code.

Bill Analysis

TITLE I—SPECIAL PAY AUTHORITY

Sec. 1101—Authority Relating to Higher Rates of Pay

AMEND SECTION 5303 OF TITLE V

(a) Expands the pay range beyond the current General Schedule grade limitations so that higher salaries can be established for individuals in positions which are or are likely to become significantly handicapped in recruiting or retaining qualified individuals to perform those jobs.

The range may be expanded to accommodate the needs of the problem positions. The minimum rate, however, may not be less than the minimum rate paid by the General Schedule for this grade nor can the maximum rate exceed the Executive Level V pay cap.

This section also expands the factors which cause hiring and retention difficulties beyond the current statutory proviso. Currently, a loss of personnel to private industry is the only basis on which a special pay rate can be authorized. This limitation poses a particular problem because many of federal public service jobs have no private sector counterpart or equivalent (such as police officers and firefighters).

To correct this limitation, the statute is amended to include other factors which may be causing recruitment and retention difficulties such as: pay of federal and/or non-federal employers, undesirable working conditions, remote geographic location, and other factors which may be determined in accordance with regulations prescribed by the President taking into consideration the turnover rate of positions, number of vacancies, hirelag, nature of the work, environment, number of pending retirement-eligible employees, significant decline in the quality of recruits or other factors.

(b) Expedites the OPM approval process for granting special rate requests. In recent years, agencies have lost prospective job candidates while waiting for OPM to approve a special rate request. Agencies will submit pay rate requests in accordance with prescribed regulations and OPM must respond to the application in writing within 45 days. Approved authority will be in effect for two years. This two year authority may be amended, though, particularly if after one year, the recruiting or retention problems intensify. Nothing in this statute precludes an agency from seeking a new rate request even prior to the expiration of a previously approved two-year rate authority.

(c) Provides that OPM may review annually an agency's special pay rate program. The authorization of higher rates expires at the end of two years or upon OPM's making a written determination that such special rates are no longer needed to deal with the recruitment and retention problem.

(d) Allows pay-in-person provision. If an individual covered under a special pay rate leaves, the pay associated with that position does not remain in effect if the agency's special rate authority has expired. The position will revert to General Schedule grade status.

(e) Provides that special rates termination does not result in reduction. Should the special rate authority expire, an individual's pay is not reduced but will continue in accordance with the General Schedule levels as long as that person is in that special rate position.

(f) Provides an annual pay increase to be available and to amount to at least as much as the general pay raise approved for General Schedule employees.

Example: If, on October 1, special rate employees receive a 2 percent raise, but on the following January 1, General Schedule employees receive a 3 percent raise, then the special rate employees will receive an additional 1 percent so as not to fall behind GS employees.

(g) Makes provisions for OPM to prescribe transition rules for employees to move out of the special pay rate program since the periodic step increases will be different from the normal GS, PMRS, SES or other pay system step increases.

ADDS NEW SECTION—SECTION 5303A PERIODIC INCREASES

(a) Provides that Special Pay Employees will receive periodic step increases in similar manner to General Schedule employees.

(b) Relaxes initial waiting periods to allow for rapid advancement through the grade during the first three steps of the grade. Authority is granted to waive the minimum requirement of one year in grade. This opportunity for quick advancement will serve as an attractive recruiting tool in persuading top quality job candidates to choose government service. Administration of this authority must provide mechanisms to protect against favoritism.

(c) Allows waiver of this within grade system by the agency head in cases were an alternative personnel system or other within grade system is in place.

ESTABLISHES NEW SECTION—SECTION 5303B—BONUS PAYMENTS

(a) Establishes recruitment and retention bonuses (not to exceed $10,000) to provide incentives for individuals to choose federal service, incentives for senior personnel to stay with the federal government, and incentives for individuals to take supervisory positions.

(b) Provides time in-service agreements designed as recruitment and retention bonuses to attract and keep valuable employees. Receipt of a bonus represents a commitment on the part of the individual to remain in government service for a certain specified period to be determined between the individual and the agency. Such service agreements can not require more than 3 years and should outline what will happen should the individual depart before completing the service agreement. Any bonus requires at least a 6 month commitment to continued service.

If an individual receives a bonus, commits to a time agreement and then separates from government service, the remaining time and corresponding amount of the bonus relative to that period should be repaid to the government unless waived by the agency head. Individuals who are involuntarily separated from government service by reason of a reduction-in-force will not be required to return any bonus amounts for time unserved.

(c) Provides that bonuses shall be paid before the end of the service agreement whether distributed in a lump sum fashion or over the course of the service agreement. Although service agreements may vary, it is not the intend of the legislation to hold such bonuses until the end of a service agreement. Portions should be paid at appropriate intervals prior to completion of the service agreement.

(d) Provides that bonuses are not considered as a part of an individual's basic pay.

ESTABLISHES NEW SECTION—SECTION 5303C—ADVANCES OF PAY

(a) Provides for the advancement of basic pay up to two pay periods for individuals who are just starting out in civil service and are hired under the Special Pay Rate authority. Recent college graduates comprise a significant portion of special rate-type occupation recruits. These individuals frequently do not have the funds for making a security deposit on housing or for securing a means of transportation. This pay advancement authority allows more financial flexibility for employees who are just getting established.

(b) Requires repayment.

ESTABLISHES NEW SECTION—SECTION 5303—TRAVEL AND TRANSPORTATION EXPENSES FOR NEW APPOINTEES

(a) Authorizes the agency head to pay travel and transportation expenses, as deemed appropriate, for newly hired employees appointed to special pay rate positions. This is a common private sector option and will assist agencies in attracting job candidates when recruiting at colleges and institutions a great distance from the federal installation.

SEC. 1102. SPECIAL APPOINTMENT AUTHORITY

(a) Amends Section 3329 of Title V to provide direct-hire authority to agencies for the hiring of recruited candidates (rather than the current practice of recruiting talent and then listing persons on an OPM register which may take up to six months to clear).

Agencies must adhere to the same merit system principles, EEO standards and other regulations which govern hiring procedures in the federal government. Additionally, by definition, special rates are applied when positions cannot be filled. This direct hire authority may not be used to hire individuals over qualified employees already in-house.

(b) Directs OPM to prescribe regulations by which individuals may apply directly to an agency for appointment to a position for which this Act applies.

SEC. 1103. SERVICE FOLLOWING TRAINING

(a) Recognizing that, in recent years, the government has become a "training ground" for the private sector—a place where individuals can get "hand-on" training early in their careers which is highly marketable in the private sector. It is necessary to tie some sort of service agreement for training provided at the government's expense. One of the reasons that positions under special rate authority are classified as such and are hard to keep filled is because of the desirable training associated with those jobs.

(b) Links training of four weeks or longer to a service agreement of at least three times the length of the training or one year, whichever is longer. This should help reduce turnover in these positions. This applies to recruits to federal service under the special pay rate authority and does not apply to training which is required annually for an individual to remain proficient in performing the job.

These service agreements are more stringent than those required of other federal employees for several reasons: 1) the pay associated with these positions is higher; 2) the nature of the training makes these pay slots a particular target of private sector employers thus directly contributing to the classification of these positions as special pay rate essential; and 3) the combination of costs associated with the salaries, training and recruiting make turnover within the same fiscal year a financial hardship on the employing agency.

SEC. 1104. ELIMINATION OF GS-11 THRESHOLD FOR CERTAIN PAY AUTHORITY.

(a) Eliminates the current prohibition against granting an initial entry salary above step one of the grade—a permission only granted at grades GS-11 and higher.

SEC. 1105. ESTABLISH PARITY AMONG LAW ENFORCEMENT PERSONNEL.

(a) Directs OPM, through this Act, to bring parity or some sense of equity between law enforcement personnel within a certain geographic region. Existing statutory police pay systems makes parity difficult; however, this section gives OPM the authority to set law enforcement officers' pay at comparable levels based on difficulty, danger, or other appropriate criteria without reducing existing salary levels.

In the Washington, DC area there are at least ten distinct police forces—the corresponding salaries of which are set without regard to each other. This section directs OPM to deal with these inequities between police pay systems by using the special rate authority to make needed adjustments. This should cut down on adverse selection and turnover of law enforcement personnel between agencies.

SEC. 1106. ESTABLISH PARITY AMONG HEALTH CARE PERSONNEL.

(a) Directs OPM to deal with the pay problems created by separate statutory pay systems granted medical personnel at the Veterans' Administration, which is not available to all other federal medical personnel. Statutory pay systems throughout the government contribute to adverse selection between federal agencies where a lucrative pay system may exist at one agency, but is not in effect at the agency across the street.

In recent years, medical personnel in the federal government (particularly civilian health care personnel stationed in military medical facilities) have been turning over at record rates. In 1986, the National Institutes of Health was forced to shut down 60 beds in the cancer research ward because of a severe shortage of nurses. One contributing factor to this turnover rate is attributed to the disparities in salary rates of these individuals as compared to their counterparts within the Veterans Administration. This provision gives OPM the authority to establish health care personnel pay rates at competitive levels with the VA so as to minimize the costs associated with high turnover.

SEC. 1107. APPROPRIATIONS LIMITATION.

(a) Provides that the provisions of this Act shall be funded from existing appropriations.

SEC. 1108. EFFECTIVE DATE.

(a) Provides that Special Pay Rate authority will take effect 120 days after enactment.

SEC. 1109. REPORTING REQUIREMENT.

Directs GAO to monitor the special pay rate program to determine whether it is addressing recruitment and retention problems, to identify any abuses of this authority, and to make an annual report of its findings to Congress.

TITLE II—MISCELLANEOUS CIVIL SERVICE AMENDMENTS

SEC. 1201. RETIREMENT CREDIT FOR LEAVE WITHOUT PAY.

(a) Authorizes those federal employees who participate in the President's Executive Exchange Program to earn retirement credit during the entire one year period they are in the exchange program. Under the exchange program, individuals go on "leave without pay" status beginning with the fiscal year; however, current law prohibits the earning of retirement credit for any period on leave without pay in excess of six months in any calendar year. Employees lose three months retirement credit while participating in this program. This provision will correct discrepancies between fiscal year and calendar year requirements.

SEC. 1202. THE SENIOR EXECUTIVE SERVICE.

(a) Prevents circumvention of the "120-Day Get-Acquainted Period." Current law prohibits a reassignment of Senior Executives during their first 120 days under a new politically appointed supervisor. Some agencies have gotten around this restriction by detailing executives to other positions and then reassigning them at the end of the 120 days without giving the career executive the opportunity to "get acquainted" with his or her new supervisor. This correction will eliminate this "end run" around this "get acquainted" period and require that the 120 days be spent under the supervision of the new political supervisor.

(b) Sets individual SES pay. This correction will protect the "rank-in-person" provisions established as an integral part of the Senior Executive corps and would prohibit agencies from establishing SES pay levels based on the position rather than performance as required under the Civil Service Reform Act of 1978.

(c) Corrects performance awards system. Currently, Senior Executives are prohibited from receiving a Rank Award and a Performance Bonus in the same fiscal year. Because agencies vary in making such awards during the year and because Presidential Rank Awards are frequently given late in the year, this system has defeated the original intent of recognizing high-performing executives. This provision will correct this conflict of awards.

(d) Allows travel and transportation reimbursement for the last move home of Senior Executives who have been required to relocate during their government service. Currently military and Foreign Service personnel who are relocated by the government during their government service are reimbursed, upon retirement, for the costs of their last move home.

One stipulation in being hired into the elite senior executives corps is the understanding that such executives will move when directed by the government or face possible removal if they do not accept the reassignment. Many agencies have also cited this lack of "last move home" reimbursability as a reason for being unable to recruit high level, near-retirement age SESers to take a top assignment at an out of town location. This provision allows Senior Executives who have been directed to relocate their civil service careers, and who are eligible for a federal annuity, to have the "last move home" reimbursed.

SEC. 1203. EMPLOYEE ALLOWANCES.

(a) Removes the current statutory limitation of $10/day allowance for employees stationed at remote worksites. This $10/day allowance was passed in 1966 and has not been changed since. Clearly it is inadequate and contributes to the high turnover rate among individuals who are already inconvenienced by remoteness of their employment.

A specific example in California illustrates this problem. Employees on the Navy's San Nicholas Island in the Pacific must take a plane on Monday morning from Pt. Magu, California, to the island and are not able to return until Friday afternoon. For this they receive $10/day above their salary. This section seeks to eliminate the inequitable allowance rate and provide more flexibility in the statute to reflect economic changes.

(b) Removes the 20-year old statutory allowance limit of $125 allowance for uniforms required as part of federal employment in certain positions. Because uniforms run far in excess of this amount, an agency should fully reimburse an employee for the cost of uniforms. It is recognized, however, that making such cost coverage a mandatory government expense would cause vendors to significantly increase their charges for such uniforms. To allow agencies to more successfully negotiate competitive prices, the statute is changed to reflect that the government will pay $400 of the total cost of the uniform.

SEC. 1205. USE OF COMPENSATORY TIME OFF.

(a) Allows employees the option of taking compensatory time off instead of overtime if they prefer.

SEC. 1206. JOB PERFORMANCE: APPRAISALS; CONSIDERATION FOR WITH-IN GRADE INCREASES.

(a) Revises current law to show that performance appraisals must be recorded in writing, and that an acceptable level of competence is decided by such written performance appraisal rather than by the head of the agency.

TITLE III—RETIREE BENEFITS

SEC. 1301. ENTITLEMENT OF UNIFORM PLAN ENROLLEES TO ENROLL IN OTHER HEALTH BENEFITS PLANS.

(a) Repeals the Retired Federal Employees Health Benefits Act enacted in 1959. Civil servants who retired before 1960 are covered by the Uniform Health Plan carried by Aetna. This plan is not as comprehensive as the Federal Employee Health Benefit Program (FEHBP) which covers federal employees and retirees since 1960. This legislation would bring those annuitants under the FEHBP.

(b) Entitles pre-1960 annuitants to enroll in the FEHBP in the plan of their choosing, and directs OPM to notify each retiree covered under the old Uniform Health Plan of this choice.

(c) Enrolls automatically those annuitants who did not make a FEHBP decision in a plan similar to the Uniform Health Plan in which they were previously enrolled prior to passage of this Act.

(d)(e) Outlines the necessary administrative procedures and regulations required of OPM.

SEC. 1302. RE-ENROLLMENT BY CERTAIN ANNUITANTS IN HEALTH BENEFITS PLANS.

(a) Allows a second chance for current retirees to elect coverage under the Federal Employee Health Benefits Program. Retirees must have been covered by the FEHBP for at least five years during their active government service.

(b) Directs OPM to notify such annuitants of this opportunity to re-elect coverage and provides that OPM shall hold an open season of six months to give ample time for annuitants to elect coverage.

(c) Provides the Director of OPM with authority to enter into agreements with health benefits carriers for the purpose of covering these annuitants. With less than five percent of all annuitants having failed to elect coverage at retirement, the number of individuals eligible to revisit this decision will be quite small. To prevent any sort of premium increase for other health benefits subscribers, OPM is authorized to charge a penalty fee, or additional premium for this benefit.

SEC. 1303. DEFERRED ANNUITANTS ENROLLMENT FOR SELF ONLY COVERAGE FROM SELF AND FAMILY COVERAGE IN CERTAIN CASES.

Allow retirees who are eligible for a deferred annuity and are married to an annuitant who is currently covered under a FEHBP "Self and Family enrollment" to be covered by the FEHBP on a Self Only plan as long as the spouse also opts for a Self Only plan. Two "self only" plans are less expensive to the annuitant and to the government than one "Self and Family" enrollment.

SEC. 1304. INFORMATION FOR EMPLOYEES AND ANNUITANTS TO MAKE CHOICES.

Directs OPM to provide more information to subcribers on the performance records of each carrier including the average amount of time it takes a carrier to process a subscriber's claim. This provision is included so that subscribers can make informed enrollment choices.

SEC. 1305. REQUIREMENT OF CARRIERS TO SUPPLY CERTAIN INFORMATION.

Directs health benefits carriers to include information in their benefits brochures on the amount of time it takes to process a subscriber's claim and information on what justifications are used to determine "usual, customary, or reasonable" expenses.

SEC. 1306. STUDY AND REPORT BY THE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

Directs OPM to conduct a study within six months after passage of this Act on the feasibility and cost effectiveness or desirability of offering a third enrollment status for FEHBP subscribers. Currently, federal employees and retirees can choose between two categories: "Self only" or "Self and family".

Traditionally, it was believed that a self and spouse option would cause adverse selection and subsequent higher premiums since older employees and retirees were more likely to choose this option. As the workforce has changed and more young couples are delaying the start of a family, this category may be a realistic option with cost benefits for the government as well.

SEC. 1307. SEQUENTIAL PAYMENTS OF HEALTH BENEFITS FOR ANNUITANTS.

Provides for coordination of Medicare and FEHBP which are both administered by the federal government. The primary carrier should be able to forward a benefits claim balance directly to the secondary carrier before it returns to the annuitant or employee. This will cut down on unnecessary paperwork and accounting on the part of both the government and the older civil servant. OPM should serve as coordinator for this process.

SEC. 1308. SURVIVOR ANNUITY BENEFITS.

(a) Makes a technical correction regarding calculating a reduced annuity. Under P.L. 98-615, Congress accidentally eliminated a benefit previously allowed for annuitants who marry after their annuity begins. Previous law allowed an annuitant to take a reduction in his or her annuity at the time of marriage to provide for a survivor benefit. Because of an oversight, though, the law now requires that an annuitant must make a contribution toward the survivor benefit for periods when he or she received a full annuity but was not married. This provision corrects the problem and makes clear that an annuitant should pay for a survivor benefit at the time of marriage.

(b) Directs GAO to study the survivor benefit program. The federal survivor benefit annuity system seems to diminish in value much more quickly than does the standard annuity. Because a survivor is not in a position to supplement his or her income, it is essential that the survivor annuity be made more resilient and durable to outlast the ravages of inflation.

GAO is directed to conduct a study and make recommendations on cost effective ways to provide a stronger survivor annuity program. Such options as a supplemental contribution to the retirement system for a more substantial survivor annuity, provision of other choices for larger annuity reductions at retirement, provision of additional benefits for older survivors or survivors who have been widowed for many years, and changes in the survivor annuity contribution formula should be investigated among GAO's considerations.

Mr. WARNER. Mr. President, I am pleased to join my Virginia colleague, Senator TRIBLE, as an original cosponsor of the Special Pay and Civil Service Improvements Act of 1987.

Some of our colleagues may recall a similar effort on our part during the 99th Congress. That measure was the subject of five hearings before the Senate Civil Service Subcommittee, three in Washington and two in the field. Based on last year's findings, the legislation we are introducing today reflects what we believe to be an improved version of our original bill. In addition, we have broadened the legislation to include several new initiatives enhancing other aspects of Federal service and retirement.

The Federal Government is still experiencing difficulty in the recruitment and retention of qualified personnel. Due to lengthy hiring procedures, we are in many instances losing potential employees to better offers before we can get them on board. In the area of retention, at the expense of years of training, we are all too often losing our most experienced personnel to the private sector.

The Special Pay Rate Program in Federal Government service was designed to assist in these problems, but it is not living up to its expectations. In the legislation we are introducing today, we propose new criteria on which higher pay may be based, the granting of direct hire authority to assist in recruiting, incentive bonuses for entering service, and retention agreements in return for training.

We are also proposing expedited consideration of special pay requests by the Office of Personnel Management [OPM], broader and higher ranges of compensation, and greater coverage of travel and transportation expenses. If the Government is to effectively compete with the private sector in staffing hard-to-fill positions, all this and more must be closely considered.

The second title of our bill proposes a number of improvements to Federal service in general. Included are a series of reforms for the senior executive service, the lifting of decades-old employee allowances for remote worksites and uniforms, and a much-needed requirement for written performance appraisals. These and other enhancements will add to the quality of life in civilian Government service and should greatly assist with our recruitment and retention goals.

Title III of the bill is for Federal retirees, and it seeks to assist them where they are the most vulnerable, in the critical areas of health care and income security. To begin with, a diminishing population of our older annuitants are confined to a pre-1960 health insurance program, much narrower in scope than the current Federal Employee Health Benefit Plan [FEHBA]. Those older annuitants would be brought into the broader coverage available to their fellow retirees.

The Nation's elderly have suffered enormous increases in health care costs in recent years, and Federal retirees are certainly no exception. Adding to the problem has been the enormous frustration of red tape and paperwork. Primary payor and secondary payor; usual, customary and/or reasonable charges; supplemental coverage which is no supplement; these are just some of the things retirees must face when dealing with a medical problem. It is no surprise that Members of Congress receive countless requests for assistance in resolving and interpreting retiree health care claims.

We propose that if a Federal retiree has both primary and secondary health insurance coverage with Government health plans, the primary payor will be given the responsibility of making supplemental claims to the second Government health plan. An intra-Governmemt transaction of this nature could greatly expedite the claims process, add to Government efficiency, and provide a much-needed measure of relief for retirees.

The last provisions of title III are meant to assist with the Federal retirement Survivor Annuitant Program. Under current law, if a single annuitant marries, a deposit is required retroactively to the date of retirement to fund a survivor benefit. We are informed that this annuitant "marriage penalty" is an unintended effect of legislation approved during the 98th Congress, and we are simply seeking corrective action. Our proposal would provide that survivor benefit deposits be required as of the date of the marriage.

Also in this section, we are asking the General Accounting Office [GAO] to undertake a study on ways and means of providing increased survivor annuities. Contrary to public opinion, surviving spouses of Federal retirees are often some of our neediest citizens. Imagine the hardship of living in 1987 on only a portion of your late spouse's annuity. My colleagues should remember that Federal employees have not had Social Security coverage until only recently. If the spouse had no work record, there were then no additional benefits to supplement the survivor benefit. If the GAO can propose some workable solutions to this problem, the Congress should do its part to provide better support for civil service survivors.

Mr. President, I commend my Virginia colleague for his outstanding work on this bill. In his new capacity in the 100th Congress as a member of the Civil Service Subcommittee, Senator Trible is already displaying his leadership in Civil Service advocacy. We are joined in this effort by Congressman FRANK WOLF (VA-10) who today is introducing an identical version in the House of Representatives. It is a privilege to serve as a working partner on this legislation, and I encourage all of our colleagues to give it their support.

By Mr. ROTH:

S. 988. A bill to amend section 2314 of title 18, United States Code, relating to transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting; to the Committee on the Judiciary.

S. 989. A bill to regulate recruitment and treatment of certain door-to-door sales agents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXPLOITATION OF DOOR-TO-DOOR SALES AGENTS

● Mr. ROTH. Mr. President, today I introduce two bills designed to protect young adults working as traveling door-to-door sales agents from exploitation in their employment.

On April 6, 1987, the Permanent Subcommittee on Investigations held a hearing about this exploitation after a lengthy investigation. The testimony and evidence presented at the hearing were most disturbing: reports of physical and sexual assault and inadequate compensation for even the basic necessities of life.

Time after time these young sales agents told of answering alluring ads in local newspapers promising exciting travel and good earnings. At interviews, they received only the most perfunctory of information about the job. Some did not even know at the conclusion of the interview that they would be engaged in door-to-door sales. Once hired, they were required to leave immediately, usually within hours of the interview. This requirement left these young people—often naive and hungry for employment—little time to consider their decisions, to seek advice, or to check out the recruiting sales organizations before being wisked away from their homes, often to other States. Clearly, this is a set up for abuse.

Once retained and working as door-to-door sales agents, many of the people contacted complained that they were subjected to threats and acts of verbal and physical abuse and that they did not receive earnings they were owed. In these sales organizations, the sales agents do not receive regular paychecks. Instead, the managers keep the accounts, and deduct certain expenses. Often, the only money the sales agent actually receives is a nighly dole of approximately $8 to $15; this money must cover all meals and personal items. Even when sales agents are allowed to see their own accounts, many report they do not understand the various deductions, and most find themselves in debt to the organization. This, too, is a set up for abuse. Yet, the Federal laws are not sufficient to protect the young people who answer these ads in search of the American dream. Nor can the States adequately protect these people since the groups move rapidly from jurisdiction to jurisdiction.

My bills would fill these gaps in the law in two different ways. My first bill would clarify the authority of the Federal Trade Commission to act in this area. It would ensure that sales agents recruited and retained by sales organizations to sell magazine subscriptions and cleaning products all over the United States receive full disclosure at the time of their recruitment of all material terms and conditions of their employment including a 3-day waiting period in order to accept or reject the offer of employment. Further, once employed, the sales agents must receive an accounting of all earnings they are owed. The bill places authority in the Federal Trade Commission to enforce its provisions, and requires sales organizations to maintain adequate records to aid in that enforcement. The bill also creates a private right of action for sales agents to sue for violations of the act. Lastly, the bill prohibits threats and acts of reprisal, intimidation and violence.

My second bill would apply criminal sanctions to those who actually defraud these young people in a systematic way. The law should punish those who lure the agents into interstate travel with false representations about payment only later to cheat the agents out of money due them. Yet, under current Federal law, 18 United States Code 2314, the Government may only prosecute in cases where a person is swindled out of $5,000. Since most agents who have been defrauded realize the situation before they have been conned out of $5,000, this statute is simply not used to prosecute those who defraud in this way. While that threshold amount is designed to assure that the Federal Government only get involved in significant cases, I maintain that where large numbers of our young people are being cheated out of their hard earned money, this is a significant case. Accordingly, my bill would allow the Government to prosecute in cases where more than one person was swindled and the total fruad involves $5,000.

In submitting these bills, I want to make clear that there are many legitimate and law-abiding sales organizations that offer real opportunities for young people to earn money and to enjoy travel throughout the country. These organizations should have no trouble complying with the bill, and indeed may welcome uniform standards that will ensure that their unscrupulous counterparts tow the line. The reputation of the entire industry can thereby be enhanced. For those organizations that thrive on the abuse and exploitation of their sales agents, this bill will effectively tell them that this conduct will no longer be tolerated. Accordingly, I hope my colleagues will join me and enthusiastically support this bill.●

By Mr. DOLE (for himself and Mr. ROTH):

S. 993. A bill to require the Department of State offices involved in overseas construction projects; to the Committee on Foreign Relations.

S. 994. A bill to improve security at facilities of the U.S. Government located in foreign countries; to the Committee on Foreign Relations.

S. 995. A bill to assure the availability of funds for additional construction activity in certain Communist countries; to the Committee on Foreign Relations.

S. 996. A bill to increase penalties for espionage, to enhance security at U.S. missions abroad, and for other purposes; to the Committee on Foreign Relations.

ESPIONAGE LEGISLATION

● Mr. ROTH. Mr. President, I would like to say a few words in support of the measures which the Republican leader introduced today. The leader and I wish the Senate to consider these bills along with the four I introduced yesterday as an overall package designed to tackle this country's horrendous espionage problem.

We are proposing to halt construction of all new U.S. diplomatic facilities in Communist bloc nations. Yesterday, I drew the attention of the Senate to the close working relationship between the KGB/GRU and the various eastern bloc intelligence agencies. Under these circumstances, we are obliged to scrutinize the security of all of our Communist bloc diplomatic facilities, as well as our Embassy in Moscow.

Also, yesterday I mentioned the State Department's repeated refusals to take the espionage question seriously. To remedy this situation, Senator DOLE and I are proposing the creation of a single powerful authority in the State Department to oversee the security aspects of all overseas construction projects. Given the State Department's traditional attitude, the Congress will still have to maintain a watchful eye over our building projects, but at least this legislation will give us one single authority whom we can hold accountable.

Finally, we are proposing routine security checking of all U.S. personnel posted in our various diplomatic facilities overseas. Mandatory spot polygraph testing would probably have prevented the terrible experience which we have just undergone in Moscow. We cannot afford another such incident and, consequently, such tests must become standard procedure.

Mr. President, we do not assert that this package is definitive, but we do believe that it takes several valuable steps toward enhancing our security. Other members may wish to add to this package—we may choose to add to it ourselves. We ask only that, whatever final shape this package may take, the Senate proceed to its prompt consideration. We simply cannot afford to have this sorry state of affairs continue.●

By Mr. PELL:

S. 997. A bill to require the Director of the National Institute on Aging to provide for the conduct of clinical trials on the efficacy of the use of tetrahydroaminoacridine in the treatment of Alzheimer's disease; to the Committee on Labor and Human Resources.

ALZHEIMER'S DISEASE RESEARCH ACT

● Mr. PELL. Mr. President, I rise to introduce a bill that I hope will become a further weapon against perhaps the most feared and painful disease facing our Nation's senior citizens—Alzheimer's disease and related dementias. That bill is the Alzheimer's Disease Research Act of 1987.

Never before, Mr. President, have we been so close to unlocking the mysteries of Alzheimer's disease. Encouraging news from the scientific research community raises possibilities that we may come to understand the biological causes of this disease within the near future. Progress is being made every day, but this news is of little avail to the 1½ million people who suffer from severe dementia today, as I speak. Severe dementia, Mr. President, means that one is so totally incapacitated that constant and continual care is needed every hour of every day. Another 1 to 5 million souls suffer from mild or moderate dementia. The strain placed on these senior citizens must be unbearable. The strain on their families and the persons who care for them is even worse.

The real picture of Alzheimer's disease cannot be found in statistics, however. The tragedy of this disease can only be seen at close range as both patient and family sit helplessly by while mental deterioration turns healthy, successful men and women into dependent strangers. The process begins slowly. Forgetting a lunch date, forgetting phone numbers that have been committed to memory for 40 years, names of lifelong friends, names of husbands, wives, children, and grandchildren. The disease progresses cruelly and relentlessly until the victim is unable to dress, or find the way home, or even chew food without the assistance of loved ones. This, Mr. President, is the real portrait of Alzheimer's disease.

This portrait is becoming alarmingly more prevalent in America. Ten times more people are affected now as there were at the beginning of the 1900's. Largely because of the graying of America, the prognosis for future years is bleak. The number of people afflicted with Alzheimer's and related dementia is expected to increase by 60 percent before the year 2000, only 13 years from now. Only a little further into the future, the year 2040, five times as many persons will have to live with this horrible disease. The human suffering that accompanies these bleak numbers is incalculable.

At this moment in time, however, we have a unique opportunity to help our seniors afflicted with Alzheimer's. When passed, the bill I am introducing today will establish a congressional mandate, and provide the necessary funds, for a fast-track clinical study of a drug called tetrahydroaminoacridine (tetra-hydro-amino-acridine), or THA. THA is the most promising new drug for the treatment of dementia. In a recent study, THA showed a remarkable success rate of 92 percent. As a result of this private study, and subsequent publication of it in the New England Journal of Medicine, the National Institutes of Health commendably sprung into action. The National Institute on Aging quickly began to assemble the expertise, equipment, funds, and patient population to conduct a comprehensive study of the efficacy of THA. The goal of this study will be to determine whether THA is as effective as the previous study indicated and, if it is, to secure approval of the Food and Drug Administration for its public distribution. I commend both the NIA and the FDA, Mr. President, for their professionalism and effectiveness in recognizing the potential of THA and the need for a determinative study. We do not have a day to lose, Mr. President, because every day that victims of dementia are denied effective treatment is a tragedy.

The NIA and FDA need our support, Mr. President, in their efforts. This bill would provide such congressional support. In this time of need for fiscal restraint, moreover, this bill is unique. It is unique because it has the potential to alleviate the suffering of millions of Alzheimer's victims for the price of a 3-year study at $2 million per year. This is a trivial sum when weighed against the suffering. This bill is also unique in that the Federal Government is not paying the entire cost of the project. In fact, even if the study runs its entire 3-year course, and it will not if a definitive answer on THA is obtained before then, the Government will only be paying half its cost. The shorter the length of the study—and we all hope that it will be short and successful so that this drug can begin to help people—the less money the Government will spend. This is the result of extraordinary cooperation between public and private sectors. I commend Warner-Lambert Co., the Alzheimer's Disease and Related Disorders Association, and once again, the NIA and FDA for their hard work toward organizing a fast-track clinical trials program.

We must now do our part, Mr. President. By providing a statutory structure for this clinical study, and by guaranteeing its financing for 3 years, Congress will demonstrate its commitment to minimizing the suffering associated with this horrible disease. I want to emphasize that THA is not a cure. The struggle for a full understanding of the nature of Alzheimer's and related dementias will continue. But until a cure is found, we must do what we can to alleviate the daily suffering. THA has the potential to do this. Let us demonstrate our commitment to finding an answer.

I urge quick and positive consideration of this measure and invite my colleagues to join me as cosponsors.

Mr. President, I ask unanimous consent that the text of the Alzheimer's Disease Research Act of 1987 be printed in the RECORD and that the bill be appropriately referred.

I also ask, Mr. President, that the text of an editorial published in a recent issue of the New England Journal of Medicine titled "Cholinergic Drugs in Alzheimer's Disease" be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alzheimer's Disease Research Act of 1987".

REQUIREMENT FOR CLINICAL TRIALS

SEC. 2. (a) The Director of the National Institute on Aging shall provide for the conduct of clinical trials on the efficacy of the use of tetrahydroaminoacridine to retard the progression of Alzheimer's disease and to improve the functioning of individuals with such disease. The clinical trials required by this subsection shall be conducted through each of the centers supported under section 445 of the Public Health Service Act and through such other public and nonprofit private entities as the Director considers appropriate.

(b) The clinical trials required by subsection (a) shall be conducted for a period beginning on such date as the Director of the National Institute on Aging considers appropriate and ending on—

(1) September 30, 1990; or

(2) such date as such Director determines that such trials have provided sufficient data to determine the efficacy of the use of tetrahydroaminoacridine to retard the progression of Alzheimer's disease and to improve the functioning of individuals with such disease,

whichever is earlier.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. To carry out this Act, there are authorized to be appropriated $2,000,000 for each of the fiscal years 1988, 1989, and 1990.

[From The New England Journal of Medicine, Nov. 13, 1986]

CHOLINERGIC DRUGS IN ALZHEIMER'S DISEASE

Less than a decade ago, vasodilators and metabolic enhancers were the agents used to "treat" Alzheimer's disease, although it is primarily a disease neither of cerebral blood flow nor of altered metabolic activity. Once the importance of a cholinergic deficit in Alzheimer's disease had been elaborated,[1] it became possible to conceive of a rational approach to treatment.

[Footnote references at end of article.]

There are three basic pharmacologic strategies for augmenting cholinergic neurotransmission: drugs can increase the synthesis or release of acetylcholine, protect acetylcholine from being degraded, or act directly at the cholinergic receptor. With a few exceptions, cholinomimetic compounds that unequivocably increase central cholinergic activity have, when administered to patients with Alzheimer's disease, produced some degree of improvement, ranging from minimal to moderate.[2] The most widely studied class of drugs by far are the cholinesterase inhibitors, and specifically physostigmine. But until the study by Summers et al. reported in this issue of the *Journal*,[3] the results obtained with cholinesterase inhibitors, though encouraging, have never suggested an efficacy equivalent to that of levodopa in patients with Parkinson's disease.

There are many reasons why studies with cholinomimetic agents in Alzheimer's disease would have been expected to produce the more moderate effects reported before the study by Summers et al.[3] Because it is so difficult to make a conclusive diagnosis of Alzheimer's disease, any pharmacologic study may include patients who do not have the disorder and who are therefore unresponsive to cholinomimetic therapy. Summers et al.[3] suggest that the addition of nuclear magnetic resonance scanning to the diagnostic battery resulted in greater diagnostic accuracy than was previously possible, identifying a population more likely to be responsive to tetrahydroaminoacridine (THA). Subsequent studies can be expected to validate the relation between multi-infarct dementia as diagnosed by nuclear magnetic resonance and the actual presence of infarcts at autopsy. An additional problem has been the erratic absorption of cholinesterase inhibitors.[4] The absorption of physostigmine is quite variable, as is evidently that of THA. A key contributor to the success of the investigation by Summers et al.[3] was the measurement of plasma levels of THA to guide the administration of the drug. Subsequent studies with related compounds would be deficient if they did not include the assessment of plasma concentrations of drug. Still another troublesome feature of pharmacologic studies with cholinergic agents in Alzheimer's disease is the inverted U-shaped dose-response curve, which is superimposed on the variability of cholinergic function among Alzheimer's patients. These problems have been noted previously,[5] and a strategy of finding an optimal dose for each patient to precede the placebo-controlled replication phase of any study has been followed to overcome these difficulties.[2] Summers et al.[3] titrated an optimal dose for each patient in an open-labeled phase of the study before Phase II, which incorporated a placebo-controlled crossover. The best way to conduct clinical trials with cholinergic agents in patients with Alzheimer's disease and to determine the optimal dosage may be to titrate the dosage slowly while keeping in mind that too much drug can cause worsening of performance.[5]

Problems of diagnosis and pharmacokinetics can be overcome with the use of appropriate methods. However, some serious obstacles hinder any treatment strategy that is based solely on cholinergic enhancement and particularly on cholinesterase inhibition. Any therapeutic strategy that relies on the integrity of the cholinergic neuron for its efficacy in a degenerative brain condition like Alzheimer's disease is ultimately flawed. There must come a time, as the disease continues to progress, when cholinesterase thereapy will not be effective. Indeed, the more severely affected patients in the investigation by Summers et al.[3] were the least responsive to the drug. Furthermore, Alzheimer's disease is not simply a cholinergic deficit; it may involve deficiencies of a number of other neuropeptides and neurotransmitters, including somatostatin and norepinephrine.[6,7] A deficiency of norepinephrine seems to occur with greater frequency in younger patients; and perhaps the success of Summers et al.[3] can be attributed in part to the mean age of their patients (approximately 72). What effects the deficiency of these other neurotransmitters and neuropeptides have on the symptoms of Alzheimer's disease and the ultimate efficacy of cholinomimetic treatment are yet to be determined, but data are accumulating that may bear on this question. The administration of cysteamine, a somatostatin-depleting agent, in doses that do not affect the cholinergic, dopaminergic, or noradrenergic system, produces a defict in the retention of one-trial passive-avoidance learning in rats.[8] Furthermore, the robustness with which cholinomimetic agents can reverse memory deficits in animals made hypocholingic by a lesion in the nucleus basalis is in marked contrast to the more moderate effects these drugs have in patients with Alzheimer's disease.[9] This disparity suggests that the other neurotransmitter and neuropeptide deficits in patients with Alzheimer's disease may contribute to the symptoms of the disease and affect the efficacy of cholinomimetic therapy.

Despite these reservations, a substantial body of evidence is mounting that suggests a role for cholinergic enhancement in the modification of some symptoms of Alzheimer's disease. Numerous studies now document that physostigmine can improve some aspects of the cognitive functioning of patients with Alzheimer's disease,[2] and the degree to which it does so seems related to its ability to augment central cholinergic activity,[10,11] Not all studies have been positive, however. Indeed, the enthusiasm for THA that will be appropriately aroused by the study of Summers et al.[3] must be tempered by consideration of the earlier results of Kaye and colleagues.[12] Subsequent studies with THA and similar compounds will need to define the limits of its efficacy, the profile of patients most likely to respond to this form of treatment, and the extent of the improvement that can be expected. It is to be hoped that the work of Summers et al.[3] will provide the impetus to the pharmaceutical industry to develop even safer and more specific cholinesterase inhibitors, as well as cholinomemetic compounds that may be capable of mitigating some of the other deficiencies in the brain of patients with Alzheimer's disease.

Only rarely has the development of psychopharmacologic agents used in the treatment of disease followed a rational path. From this perspective, the findings of Summers et al.[3] represent a triumph for the scientific method. Beginning with preclinical investigations that repeatedly demonstrated the importance of cholinergic neurotransmission in learning and memory [13] and progressing through the extension of these findings to humans,[14] the elucidation of the cholinergic deficit in Alzheimer's disease,[1] and finally a series of attempts to reverse that deficit with cholinomimetic agents,[2, 10, 11, 15] the logical process that led to the administration of THA to patients with Alzheimer's disease was a positive reflection of our nation's investment in science.

Kenneth L. Davis, M.D.
Richard C. Mohs, Ph.D.

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By Mr. DeCONCINI (for himself, Mr. Leahy, Mr. Simon, Mr. Domenici, Mr. McCain, Mr. Harkin, and Ms. Mikulski):

S. 998. A bill entitled the "Micro-Enterprise Loans for the Poor Act"; to the Committee on Foreign Relations.

MICRO-ENTERPRISE LOANS FOR THE POOR ACT

Mr. DeCONCINI. Mr. President, today I am introducing a bill which will address the plight of the worlds' poorest people without bureaucratic red tape and without costing U.S. taxpayers any additional money. This bill instructs the U.S. Agency for International Development to direct at least $50 million in fiscal year 1988 and at least $75 million in fiscal year 1989 to fund microenterprise credit projects to give small loans to the poorest people to help them start small businesses and increase food production. The funding will come from local currencies made available under existing accounts in development assistance, economic support funds, and Public Law 480. Again, let me remind my colleagues that this bill does not involve new money; through direct assistance under these accounts, or by turning U.S. grant assistance to developing countries into loans, the Administrator of AID has the discretion to choose which sources he would use. This is a bill which encourages entrepreneurship and enterprise.

This bill is expected to reduce malnutrition, disease, and illiteracy and improve local economies. Worldwide, an estimated 13 to 18 million human beings die every year from starvation and hunger related diseases. Most of these individuals are children. This is a tragedy that is preventable. Let me give an example of some successful programs based upon this village banking concept for small loans.

The Grameen Bank in Bangladesh gave loans averaging $60 each to 200,000 people. Close to 99 percent of the loans have been repaid. In addition, the Agency for International Development has many very successful credit programs in its portfolio, including a project in Indonesia which has made loans averaging $50 to 200,000 people, with a 94 percent repayment rate. The Inter-American Development Bank, the International Fund for Agricultural Development, Accion International and the Foundation for International Community Assistance, who I will talk about later, have all developed effective microenterprise credit programs in Latin America.

The key to preventing tragic starvation and poverty seems to be close contacts between these volunteer agencies handling the money and the needy villagers and farmers who use it. The people borrowing the money feel as if this is their own money. A family that does not pay back the loan is exposed to extreme peer pressure. But its what the money accomplished that counts. Massive aid programs build power stations and dams. This program enables the truly poor peasant or small business person to buy seed, livestock, or feed or even pool with other borrowers to purchase modern equipment. This loan allows the people to decide whatever will help them the most to improve their lives.

Congressman FEIGHAN originally introduced a bill in the House of Representatives entitled "The Self-Sufficiency for the Poor Act." Congressman GILMAN also introduced legislation addressing this same concern and audience stressing micro and small business enterprises. The bill I am introducing today incorporates the idealism, realism, and legislative intent of both these bills. My staff has also worked closely with a number of PVO's with AID and with other Senate offices to include their concerns and expertise. I am hopeful we will continue to work together to see that this legislation can be effectively implemented to the benefit of the poor.

Mr. President, I am enthused about the possibilities and potential of this bill. Let me list five reasons why I have introduced this legislation and briefly explain each one. First of all, this bill directly addresses the poor and hungry in the world. Hunger is a product of severe poverty. This problem cannot be solved by food grants, hand-outs, or volunteerism alone. It can be permanently solved by creating the conditions that allow the very poor to become more self-sufficient. Self-sufficiency means raising their productivity—either growing more food or producing more goods and services—thereby generating improvements in their standard of living. This by itself is a goal worthy of this distinguished body and a reason to support this bill.

I have also introduced this particular bill because the United States will not have to provide any additional money to fund the program. As a member of the Senate Foreign Operation's Subcommittee I can tell you that there is no extra money in this account, nor would I support additional money traveling overseas. However, this bill is a bargain for U.S. taxpayers. There is no new money required for this legislation. The money, depending upon the discretion of the director of USAID, will be available through the existing ESF, DA, and Public Law 480 accounts.

The third reason I have decided to introduce this bill is that it is a perfect followup for the recent Child Health Programs the Congress passed last year. This loan program to the poor compliments the oral rehydration and immunization efforts now in progress around the world. Because more children will live, they must be fed and supported through increases in family subsistence capabilities, productivity, and income. In essence, this bill reaching the poorest individuals with self-help investment will combine with last year's child health measures to enhance self-sufficiency. Child health efforts without this type of loan program might simply keep many children temporarily alive.

Mr. President, a fourth reason for introducing this bill is the positive influence of this loan program on illegal immigration from Mexico and Central America. This flow of immigrants into the United States is a serious concern not just to border State citizens, but to all Americans. Many of these immigrants are actually fleeing political violence or stagnant economies. these people are not necessarily coming because they want to live and work in the United States, but because living and working conditions have deteriorated in their homeland to the point of a life-threatening situation.

This bill provides a far less expensive and much more effective way of reducing illegal immigration as well as dealing with the direct causes of poverty and hunger. Providing working capital—these small village banking loans—creates a tremendous multiplier effect. This credit permits borrowers to utilize new employment and income opportunities in their homelands.

Another reason for supporting this legislation is that the small bank loans act as a counter measure to the narcotics trade. For example, in Bolivia the cocaine lords depend on a cheap supply of migrant laborers during the off-season to harvest the coca leaves. Out of economic necessity, thousands of Bolivians migrate to the tropical lowlands to earn income from this harvest. However, FINCA, an organization that currently does this type of village lending in Bolivia, has found that a $50 loan provides enough working capital to encourage other alternatives. Making cloths or marketing vegetables is a much better alternative to the coca harvest.

Mr. President, $50 does not seem to be a great deal of money to the average American seeking a loan. What can you do with $50, you might ask? Over 93 percent of FINCA's loan portfolio has financed individual family loans of $50 or less. The Grameen Bank lending in Bangladesh, based on this village banking, is less than $60. Both have pay-back rates over 97 percent. And, miniscule as $50 seems, it constitutes about 15 to 20 percent of the annual cash income of the borrowers served. The higher the first loan, the more seriously we jeopardize repayment capacity. Also, the higher the loan, fewer borrowers will be reached.

Mr. President, let me give you a few examples of what these loans have already accomplished in FINCA's program in Latin America, which has made $50 loans to 32,000 poor people in this region.

With $60 Mario Hernandez bought two large pigs for $15 apiece. He then spent another $30 for corn to feed them over a period of 6 months. From his own resources he also spent $2 for vaccinations. The animals were sold for $60 apiece, leaving a net profit—after interest charged—of $47.90 equal to 29 days of paid employment at the prevailing rural wage of $1.60 per day.

With $40 in credit from her village bank, Maria Milagro bought vegetables for resale in the local market. Selling two times a week, she obtained a net return of $20 to $30 per day. In four months she had earned $153.60. Upon repaying her loan, with interest, her net return on investment was $106.40, equivalent to 66 days of employment.

With a loan of $60, Rosa Beltran spent $5.40 on a piglet—which later died—and the balance on purchasing fruit for resale in the city market. Selling fruit five times a week, her daily profit averaged $9 to $12 per day. After subtracting the interest charge per month on her loan, Rosa was able to earn $137 per month, equal to 86 days of employment.

With $40 in credit, Angelito Flores buys pigs for butchering and resale. Each pig costs him $30. He spends another $3.60 for water, firewood, and a young boy to assist him—total cost $33.60 per pig. He sells the pork for $38 per animal to earn a profit of $4.40 per pig. Slaughtering two pigs each week, Angelito earns $35.20 per month, or $140.80 for the 4-month period of his loan. After paying interest charges of $8, his net income from his loan was $132.80, equal to 83 days of employment.

According to a 1983 Worldwatch Institute report, the labor force in the developing world will increase by 782 million people by the end of the century. Micro enterprises are the most viable source of new jobs for these people. Micro enterprise lending has proven to be successful when targeted on the very poorest people. I have mentioned the recent success stories in Bangladesh and in Latin America. The founder of the Grameen Bank, Mohammed Yunus says:

> The popular belief that poor people are not bankable, that they cannot find a way to make a living outside of agriculture, that they cannot save, that they run out of ideas, that rural power structure will ensure that banks fail, and that women in particular will not be able to borrow, have all proven to be myths.

Mr. President, this is not a hand-out but a hand-up. America should not turn its back on the needs of the poor. In the long run, this program makes famine and starvation less likely, raises the standard of living, and saves lives. This idea is beautiful in its simplicity, yet powerful in its impact. I sincerely hope that we can all work together to see this implemented. I am hopeful, for the reasons I have articulated, that this bill will serve as a guideline for addressing the plight of the world's poor.

MICROENTERPRISE LEGISLATION

Mr. LEAHY. Mr. President, the Foreign Assistance Act mandates that

U.S. development policy emphasize four principal goals. The very first of those goals is, appropriately, "the alleviation of the worst physical manifestations of poverty among the world's poor majority." That is the goal of this innovative and important legislation, and I am very pleased to be an original consponsor. I am especially pleased that Senator DECONCINI has taken this initiative, because I know he shares my strong feeling that more of our scarce foreign aid dollars should be made available directly to the poorest people in the world.

In my 12 years in the Senate, I have often felt that our foreign aid was not accomplishing what it was meant to accomplish. Too often we have heard stories of our tax dollars going into the pockets of corrupt foreign officials. We have seen military aid programs in some regions increase by as much as 20 times in the past 6 years, while aid for economic development has only doubled. In a recent poll of Americans' attitudes towards foreign aid, the majority said they support foreign aid but they also said they are skeptical about where it ends up.

This legislation attempts to respond to that skepticism. It is totally consistent with the statement of policy in the Foreign Assistance Act, that "development is primarily the responsibility of the people of the developing countries themselves," and that U.S. assistance shall be used "in support of, rather than as a substitute for, self-help efforts" in those countries. We should pay more attention to those words, rather than continue to give away hundreds of millions of dollars to governments whose policies are often contrary to our own and neglectful of the basic needs of their own people.

One of the things I, like Senator DECONCINI, have been concerned about is the failure of the United States and the international banks to focus on micro, as opposed to macro eoncomic policies, particularly within the private sector. World Bank President Barber Conable seems to agree. He recently said: "Our assumptions have been imperfect, our results uneven. Macroeconomic planners have slighted the growth that comes from the bottom up. In developing nations too many women are at the bottom. Their arms hold the family together. Their hands build the foundation of stable, growing communities. But development efforts have not lent enough strength to those arms, have not entrusted enough resources to those hands. And along with women, development itself has suffered."

This legislation is a step toward reorienting our foreign aid so it accomplishes what it is supposed to accomplish—helping the poorest people lift themselves out of poverty. There is ample evidence that they are capable of doing so, if given the chance.

According to the World Bank, 50 percent of the world's people live on a per-capita income of less than $400 per year. The great majority spend every waking minute of the day trying to meet their basic needs of food, clothing, and shelter. Yet these same people are the world's greatest untapped resource. In most underdeveloped countries, large numbers of people living in poverty have all the resources they need to feed themselves or start a business, except for the small amount of cash to buy seed and a plow, or an ox, or a few items or machinery to start their own business.

Microenterprise credit development has emerged as one of the most effective ways to help the rural and urban poor escape from the cycle of insecurity, illiteracy, malnutrition, and disease. This legislation makes available $50 million in fiscal year 1988 and $75 million in fiscal year 1989, for small loans for microenterprise among the poorest 20 percent of the people in the least developed countries. It is the result of countless hours of hard work by my and Senator DECONCINI's staffs, and the staffs of Congressmen FEIGHAN and GILMAN who first introduced microenterprise legislation in the House earlier this year.

During the past 2 months, my staff consulted with representatives of AID and the private voluntary organizations, to draft a bill which reflects the combined experience of all parties involved in overseas development. Everyone agrees more funds should be made available for microenterprise among the poor. While differences of opinion remain concerning some of the details, we have come a long way from where we started. I am confident that those differences can be resolved if we all keep our sights on our shared goal—giving the poor the resources they need to help themselves.

I am very pleased that at a time when I have my hands full as chairman of the Agriculture Committee, Senator DECONCINI offered to take the lead by sponsoring this legislation. If given the attention it deserves, I believe it can serve as the beginning of an exciting new chapter in the history of foreign assistance.

Mr. DOMENICI. Mr. President, the Self-Sufficiency for the Poor Act which we are introducing today, is an exciting idea for improving the effectiveness of our economic assistance for some of the poorest people in the developing world.

A similar bill has been introduced in the House of Representatives, H.R. 910.

We believe we have made some important improvements in the initial concept before introducing this bill in the Senate. The basic bill is essentially a conversion of some of our loan funds to foreign countries. A portion of loan repayments will be converted into a revolving loan fund in local currency. The revolving fund will be lent out in small amounts—less than $150—to start micro and small enterprises.

A microenterprise may be a roadside food stand, a hair ribbon business, or the purchase of livestock, tools, or seed.

The Senate version of this concept would direct the Agency for International Development [AID] to direct at least $50 million in fiscal year 1988 and at least $75 million in fiscal year 1989 to fund microenterprise projects. We call for special attention "to women, tribal peoples, and other minorities."

Pilot projects in Bangladesh and Latin America have had amazing returns of 99 and 97 percent.

When the poorest people have an opportunity to improve their own economic condition, a small loan can make the difference between absolute poverty and self-sufficiency.

My colleagues have explained this bill in more detail. I simply want to express my support for a new and exciting concept that is basic to our American way of life and can work in the developing countries as well.

Rather than having all of our AID loans repaid in full, we simply convert some of the repayment into a pool of local resources for the poorest of the poor who may have no collateral and may even be illiterate.

I urge my colleagues to review and support this legislation.

By Mr. CRANSTON (for himself, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 999. A bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs; to the Committee on Veterans' Affairs.

VETERANS' EMPLOYMENT AND TRAINING AMENDMENTS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing S. 999, the proposed Veterans' Employment, Training, and Counseling Amendments of 1987. Joining with me in introducing this measure are my fellow members of the Veterans' Affairs Committee, the distinguished Senators from Hawaii [Mr. MATSUNAGA] and Arizona [Mr. DECONCINI]. The purpose of this measure is to improve veterans' employment, job training, and counseling services and programs by amending chapter 41—job counseling, training, and placement services for veterans—of title 38, United States Code, and by amending the Veterans' Job Training Act.

BACKGROUND

Mr. President, the first purpose of our bill is to improve the delivery of veterans' employment and training services by revising, chapter 41—job counseling, training, and placement service for veterans. Basically, chapter 41 of title 38 provides for veterans' job and job training counseling service programs, employment service programs, and job-training placement services for eligible veterans; and requires that the Assistant Secretary of Labor for Veterans' Employment and Training provide these services through the Veterans Employment Service [VES]—now called the Veterans' Employment and Training Service [VETS]—within the Department of Labor. To this end, the VETS is required to provide a maximum of employment and training opportunities to veterans, with priority given to the needs of disabled veterans and veterans of the Vietnam era. The Department of Labor and the VETS must work in close cooperation with individual State employment service agencies in order to provide these services. A further component of the Federal-State relationships in this regard is the Federal funding for Disabled Veterans Outreach Program Specialists [DVOP's] and Local Veterans' Employment Representatives [LVER's] who provide job counseling, training, and placement services to veterans.

For example, in fiscal year 1987, the Department of Labor is funding 1,894 DVOP's at a cost of $69,450,000 and 1,379 LVER's in the amount of $56,983,000. While the DVOP's and LVER's are federally-funded, the persons serving in these positions are employed by the individual State employment service agencies and for the most part are located in Job Service offices throughout each State.

In addition, State Directors of Veterans' Employment and Training [SDVET's] and Assistant State Directors of Veterans' Employment and Training [ASDVET's] in each State report to, are responsible to, and are under the administrative direction of the Assistant Secretary of Labor for Veterans' Employment and Training [ASVET] in the U.S. Department of Labor. A primary role of the ASVET is to oversee activities of State employment service agencies to ensure that services are provided to veterans in compliance with chapter 41 of title 38, United States Code. To this end, the State Directors of Veterans' Employment Training and Assistant State Directors serve as the representatives of the ASVET in each State to ensure that State employment service agencies, through their LVER's and DVOP's, are providing services to veterans in compliance with chapter 41. It is this relationship—between individual State employment service agencies and the ASVET—which our bill addresses and seeks to make more efficient and effective in order to enhance employment and training services for veterans.

Mr. President, the second purpose of this measure is to improve the Veterans' Job Training Act [VJTA]. As the original Senate coauthor of the legislation establishing the VJTA, Public Law 98-77, as well as subsequent measures to extend and amend VJTA, I am intensely interested in this job training program. Indeed, earlier this year I joined with my good friend and fellow Veterans' Affairs Committee member from West Virginia [Mr. ROCKEFELLER] and others in introducing S. 553, the proposed Veterans' Job Training Act Extension of 1987 to extend through fiscal years 1987 and 1988 the as yet unutilized portion, $30 million, of the fiscal year 1986 authorization of appropriations for VJTA, to postpone by 6 months the deadlines for veterans to apply for VJTA participation and enter into training, and to delete for certain unemployed Korean-conflict and Vietnam-era veterans who are homeless the length-of-unemployment requirement under this program. Following consideration of this measure by the Senate Veterans' Affairs Committee, this legislation was incorporated, along with a provision to delete the length-of-unemployment criterion for certain veterans with service-connected disabled veterans in section 106 of S. 477, the proposed Homeless Veterans Assistance Act of 1987, as reported by the Veterans' Affairs Committee on March 18, 1987, and passed by the Senate on March 31.

Mr. President, VJTA is designed to promote training and employment opportunities for long-term jobless Vietnam-era and Korean-conflict veterans through a program of cash incentives to employers to help them defray the costs of employing and providing training to such veterans. The VJTA program was originally established in 1983 with the enactment of the Emergency Veterans' Job Training Act of 1983, Public Law 98-77. Those originally made eligible for VJTA job-training positions were unemployed veterans who had served during the Korean conflict or Vietnam era and were unemployed for 15 out of the 20 weeks preceding their application and who either had more than 180 days of active service or were discharged or released from service for a disability or who are entitled to VA service-connected disability compensation.

The 1983 law authorized appropriations of a total of $300 million for fiscal years 1984 and 1985 and $150 million of that was appropriated for fiscal year 1984. In the Veterans' Benefits Improvements Act of 1984, Public Law 98-543, the original deadlines for applications and for entry into training were extended by 5 months and the date by which the program's existing funds could be expended was extended by 1 year, until the end of fiscal year 1987. As a result of provisions in section 4 of Public Law 99-108, the dates by which a veteran could enter into training were further extended an additional 11 months.

On January 13, 1986, with the enactment of legislation in the Veterans' Compensation Rate Increase and Job Training Amendments of 1985, Public Law 99-238, the program was amended to extend further the participation deadlines regarding application and entry into a training program to July 2, 1987, and January 2, 1988, respectively; to authorize a fiscal year 1986 appropriation of $65 million; to delete "Emergency" from the title of the act; to reduce, from 15-of-20 weeks to 10-of-15 weeks the preapplication unemployment requirement; and to require that contact be made with participating veterans on at least a monthly basis and that counseling and information be made available to them and their employers.

Since its establishment, VJTA has provided over 47,000 veterans with the opportunity to gain the skills and on-the-job experience needed to help them break away from sustained unemployment and build more productive lives for themselves and their families. A 1985 evaluation, carried out by Centaur Associates, Inc., entitled "Final Report: Evaluation of the Emergency Veterans' Job Training Program," found that veterans, while participating in VJTA, earn $50 more per week than veterans eligible for but who do not participate in the program and, in the year following training, about $2,200 more.

However, the Centaur report also found that only about 40 percent of the veterans who enter job training under VJTA actually complete their programs. Although a significant portion of those drop out move to other jobs where they earn on the average more than similar veterans who have not had the benefit of VJTA, I am concerned about this program's high rate of noncompletion, and, section 9 of the bill thus proposes legislation to improve this situation.

PROVISIONS OF THE BILL

Mr. President, section 2 of the bill would require that Disabled Veterans' Outreach Program specialists be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training.

Section 3, would make a series of amendments to provide for more effective utilization of Local Veterans' Employment Representatives [LVER's], as follows:

First, in order to make available an appropriate number of LVER's in cities and communities to provide employment and training services to veterans, section 3 would require that the Assistant Secretary of Veterans' Employment and Training provide one LVER for each local employment service office at which 1,000 veterans registered during the 12-month period ending on the most recent June 30, or has a service area in which 5,000 veterans reside. On additional LVER would also be assigned to such local State employment office for each additional 1,500 veterans who registered at this office during such period or 5,000 veterans who reside in such area, whichever results in the assignment of the greater number of such LVER's.

In addition, in the case of local employment service offices which has less than 1,000 veterans registered and a service area in which less than 5,000 veterans reside, in the LVER for that office will serve on a part-time basis that bears the same proportion to full-time employment as the number of veterans who registered during the period bears to 1,000 or the number of veterans who reside in the service areas bears to 5,000, whichever result in a higher fraction of full-time service.

I would like to note, Mr. President, that the formula for LVER's and part-time LVER's we have proposed above does not in any fashion reduce the number of LVER's as based on the Labor Department's current formula in 20 CFR section 652.123. In fact, we believe that it assigns LVER's more equitably and realistically because it is based on the population of veterans and demands for employment and training services.

Second, it would, as the law presently does with respect to DVOP's, require each LVER hired 30 or more days after enactment to be a veteran, with preference in hiring given to disabled veterans.

Third, it would require in section 2004 that LVER's be functionally responsible to State and assistant State directors for veterans' employment and training.

Fourth, except for part-time LVER's, this section would require that LVER's discharge their duties so that they exclusively provide services to veterans.

Fifth, in order to improve counseling services available to veterans certified for eligibility under the Veterans' Job Training Act, it would require that LVER's provide or facilitate the provision of counseling services to these veterans. This requirement is the first of several requirements in this legislation aimed at improving the counseling services available to veterans before they are actually placed in a job training program with an employer.

Sixth, in order to project annual funding requirements for LVER's most accurately, it would require that the Secretary of Labor approve the estimate of funds for LVER's only if it complies with the funding formula which would be required in section 2004 above. This requirement essentially would ensure compliance with the proposed funding formula for local veterans' employment representatives, thus enhancing the continuity of employment and training services. Further, it would require that each budget submission by the Secretary of Labor for local veterans' employment representatives include a listing of the proposed number of such veterans by State, thus again helping ensure compliance with the proposed funding formula for LVER's.

Section 4, Mr. President, is designed to enhance the success of the local veterans' employment representatives and the disabled veterans outreach program specialists by doing as follows:

First, it would require, for the first time, that the Secretary of Labor statutorily establish and implement uniform performance standards for the 1,894 DVOP's and 1,379 LVER's in all 50 States. This approach will not only provide uniformity in the standards by which DVOP's and LVER's perform their duties, but it also will provide for SDVETS and ASDVETS regularly to monitor the performance of DVOP's and LVER's through the application of those standards.

Second, it would require that an assistant State director of veterans' employment and training formally participate in the formulation of each annual performance rating of LVER's within his or her jurisdiction by submitting recommendations and comments on the LVER's performance, in accordance with the Secretary's uniform performance standards, to the local officer supervisor of the LVER.

The purpose of each of these requirements is simply one of fixing accountability. During a period of severe fiscal restraint and exceptionally keen competition for limited Federal resources, it is imperative that the Federal dollars expended for veterans' employment and training services stretch as far as possible. I believe this is a goal not only of the ASVET, but also of the directors of State employment services agencies across the country.

Section 5, in order primarily to provide information on employers with potential job-training opportunities under the Veterans' Job Training Act, would require that the Secretary of Defense provide to the Secretary of Labor and the Administrator of Veterans' Affairs: First, the current list of employers participating in the National Committee for Employer Support of the Guard and Reserve [NCESGR], and second, an updated NCESGR list on a monthly basis. The NCESGR now has a listing of 350,000 employers who have demonstrated an interest in and commitment to assisting citizen soldiers, many of whom have veteran status. These employers also have demonstrated a willingness to make Federal employment programs work and, therefore, potentially may have an interest in the Veterans' Job Training Act.

Section 6, Mr. President, contains provisions that would clarify the responsibilities of employment service personnel in each of the 50 States as follows:

First, section 2003(c)(1) of title 38 would be amended by including the program conducted under the Veterans' Job Training Act as a program for which the SDVET and ASDVET would be functionally responsible for the supervision of the registration and placement of veterans. Section 2003(c)(2) also would be amended by including the promotion of employment of eligible veterans and other eligible persons as a requirement of ASDVET's and SDVET's. This amended clause would include a requirement that these employment service personnel coordinate with the Veterans' Administration's Committee for Employer Support of Veterans Employment [CESVE].

Second, section 2003A(c)(4) would be amended to include community-based organizations and grantees under part C of title IV of the Job Training Partnership Act as a federally funded employment and training program under which DVOP's are required to provide assistance in furnishing services to veterans. In addition, section 2003A(c)(6) would be amended to include the program conducted under the Veterans' Job Training Act as one with which the DVOP's should consult and coordinate in order to provide employment opportunities for, and provide maximum employment assistance to, veterans. Finally, section 2003(A)(c) would be amended to require Disabled Veterans' Outreach Specialists to provide counseling services to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment. Each of these proposed requirements will help improve the counseling services to veterans participating in or certified for VJTA. To this end, it is our view that the percentage of veterans who successfully complete their training objective under VJTA would increase.

Section 7, in order for the Department of Labor to provide high quality training to DVOP's and LVER's and other personnel involved in the provision of employment, job training, placement, counseling or related services in the Veterans' Employment and Training Service [VETS] would establish a National Veterans' Employment and Training Service Institute. This provision would codify and enhance an existing facility, called the National Veterans' Training Institute, located in Denver, CO, initiated by the ASVET, which has been set up on a pilot basis to provide centralized training for all VETS personnel. I have received many favorable reports on the quality of training at the current facility, and I believe this high-quality program should be made permanent to ensure that the Department of Labor continues to do its part to prepare personnel in the 50 States to provide and maintain quality employment and training services to veterans. Subject areas for the National Veterans' Employment and Training Service Institute could include case management, counseling, and resource networking all of which address the employability needs of eligible veterans.

Section 8, in order to enhance the sharing of information regarding employers, would require the Administrator of Veterans' Affairs to require each VA regional office to provide to appropriate public employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the names and addresses of employers who offer an approved program of job training under the VJTA. The names and addresses of these employers are to be broken down by the geographic area served by each VA regional office.

This proposed requirement should aid the ASVET and, most importantly, individual public employment service offices throughout the United States in referring veterans to employers with a demonstrated interest and commitment in providing job training opportunities to veterans.

Under section 9, Mr. President, the reimbursement formula relating to payments made to VJTA employers to help offset the costs of providing training programs to veterans would be modified. Thus, an employer would receive 30 percent of the amount of the veteran's wages in each of the first 4 months of the training period, 50 percent of the amount of the veteran's wages each month following that period, and an amount equal to 20 percent of the veteran's wages during the first 4 months of his or her training upon the successful completion of that program by the veteran.

In the case of a job training program that is less than 4 months, the employer would receive 30 percent of the amount of the veteran's wages prior to the last month of the training period, 50 percent of the amount of the veteran's wages during the last month of that training period, and an amount equal to 20 percent of the veteran's wages during the first 3 months of his or her training upon the successful completion of that program by the veteran.

Under current law, the reimbursement formula upon which monthly payments to VJTA employers are based is 50 percent of the veteran's wages throughout the training period. According to the Centaur report, however, a significant portion of veterans who drop out of training do so because they are unsatisfied with their programs. Redistributing the payments to employers so that there would be a lump-sum bonus upon completion of the training period—without increasing the total amount paid—would provide a greater finanical incentive for the employer to ensure that its training programs are responsive to the employment needs of the veteran and that the employer takes appropriate steps to help the veteran resolve any problems that arise during training.

Second, this section would require that a case manager be assigned to each veteran entering a VJTA training program. We would envision a DVOP or LVER as having primary responsibility as case manager with strong supportive help from VA's Vet Center counselors. The case manager would be required to make contact with the veteran on at least a monthly basis and would be responsible for helping the veteran to resolve any problems encountered in training, referring him or her to counseling services, when appropriate.

Third, the Administrator of Veterans' Affairs and the ASVET would be required to provide a program of counseling services for veterans participating in VJTA and to ensure that both veterans and employers are informed of such services and resources, including those available through the VA, such as the readjustment counseling services at Vet Centers, veterans' benefits counselors at VA regional offices, and the counselors at the VA's Career Development Centers.

Fourth, in the case of a veteran who voluntarily drops out of a VJTA training program, he or she would be required first to receive vocational counseling through the VA before becoming eligible for recertification under VJTA.

Mr. President, many of the veterans who enter training programs under VJTA lack the skills and experience needed to succeed in the workplace. Indeed, participation in these programs is limited to veterans who have been out of the economic mainstream for a prolonged period. Access to counseling services can provide the critical measure of support to these veterans to help them resolve successfully problems in their training programs and thus help them gain the on-the-job experience needed to achieve financial independence.

Finally, Mr. President, in order to ensure that requirements under this section are met, the Secretary of Labor would be required to collect data regarding the number of veterans who have received counseling services under this section; have been referred to employers for job training programs; have participated in such programs; and, have completed such programs.

CONCLUSION

Mr. President, we believe the legislation we are introducing has the potential to improve the delivery of veterans' employment and training services through long overdue revisions to chapter 41—Job Counseling, Training, and Placement Service for Veterans in title 38, United States Code. The end product of these revisions, we believe, will be a more effective, supportive, and accountable relationship between the Department of Labor's Assistant Secretary for Veterans' Employment and Training and the disabled veterans' outreach program specialists and local veterans' employment representatives in the State employment agencies. Most importantly, our legislation will help enhance the quality and timeliness of employment and training services to veterans through a more linear, cooperative State-Federal relationship in delivering these services.

Mr. President, our legislation also has a very strong potential for improving the participation and retention of veterans in VJTA programs. We believe the proposals we have recommended to improve the counseling services available to VJTA participants as well as our proposed changes in the reimbursement formula for participating employers, and the formation and implementation of the case manager approach, all will improve the performance of the program for unemployed veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Veterans' Employment and Training Amendments of 1987".

(b) References to Title 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.

Section 2003A(c) is amended in the matter preceding clause (1) by inserting "be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training and "shall" after "shall".

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) In General.—(1) Section 2004 is amended to read as follows:

"§ 2004. Local veterans' employment representatives

"(a)(1) The Secretary, acting through the Assistant Secretary for Veterans' Employment and Training, shall make available for use in each State, directly or by grant or contract, such funds as may be necessary to support the assignment of local veterans' employment representatives under this section.

"(2) Funds provided for use in a State under this subsection shall be sufficient to support the assignment of—

"(A) at least one full-time local veterans' employment representative in each local employment service office (i) at which 1,000 veterans registered during the 12-month period ending on the most recent June 30, or (ii) which has a service area in which 5,000 veterans reside. One additional such representative shall be assigned to such office for each additional 1,500 veterans who registered at such office during such period or 5,000 veterans who reside in such service area, whichever results in the assignment of the greater number of such representatives; and

"(B) in the case of each local employment service office at which less than 1,000 veterans registered during such period and which has a service area in which less than 5,000 veterans reside, an individual serving as a local veterans' employment representative on a part-time basis that bears the same proportion to full-time employment (rounded to the nearest one-eighth) as the number of veterans who registered during such period bears to 1,000 or the number of veterans who reside in a service area bears to 5,000, whichever results in the higher fraction of full-time service.

"(3) Each local veterans employment representative shall be a veteran. Preference shall be given in the assignment of such representatives to disabled veterans. If the Secretary finds that no disabled veteran is available for any such assignment, such assignment may be given to a veteran who is not a disabled veteran. The Secretary shall monitor the assignment of such representatives to ensure compliance with the provisions of this paragraph.

"(b) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State and shall be functionally responsible to State directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training.

"(c)(1) Except as provided in paragraph (2) of this subsection, the services of local employment representatives shall be fully devoted to discharging the duties and functions prescribed for State Directors for Veterans' Employment and Training and Assistant Directors for Veterans' Employment and Training in section 2003 of this title.

(2) The duties of local veterans' employment representatives shall include providing, or facilitating the provision of, counseling services to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note), are certified as eligible for participation under such Act.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"SEC. 2004. Local veterans' employment representatives.".

(b) EFFECTIVE DATE.—(a) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2)(A) Paragraphs (1) and (2) of subsection (a) of section 2004 of title 38, United States Code (as added by the amendment made by subsection (a)(1)) shall take effect on October 1, 1987.

(B) Paragraph (3) of such subsection (as so added) shall take effect with respect to assignments made after the thirtieth day following the date of enactment of this Act.

1(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by inserting "and the assignment of local veterans' employment representatives under section 2004 of this title" after "title"; and

(B) by striking out "section" and inserting in lieu thereof "sections"; and

(2) by amending the sixth sentence to read as follows: "Each budget submission with respect to such funds shall include separate listings of the proposed number, by State, of disabled veterans outreach program specialists appointed under section 2003A of this title and local veterans employment representatives assigned under section 2004 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

SEC. 4. PERFORMANCE OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES AND DISABLED VETERANS' OUTREACH SPECIALISTS.

(a) Chapter 41 is amended by inserting after section 2004 the following new section:

"§ 2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.

(a)(1) The Secretary shall develop, and provide for the implementation and application of, standards for the performance of disabled veterans' outreach specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title and shall monitor the activities of such specialists and representatives.

"(2) Such standards shall be designed to provide for—

"(A) in the case of such specialists, the effective performance at the local level of the duties and functions of such specialists under section 2003A (b) and (c) of this title,

"(B) in the case of such representatives, the effective implementation at the local level of the duties and functions of such representatives under section 2004(c) of this title, and

"(C) the monitoring and rating activities prescribed by subsection (b) of this section.

"(b)(1) State Directors of Veterans' Employment and Training and Assistant State Directors of Veterans' Employment and Training shall regularly monitor the performance of such specialists and representatives through the application of such standards.

"(2) An Assistant State Director of Veterans' Employment and Training shall formally participate (by submitting recommendations and comments) in each annual performance rating of a local veterans' employment representative.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following:

"2004A. Performance of disabled veterans' outreach specialists and local veterans' employment representatives.".

SEC. 5. INFORMATION REGARDING POTENTIAL EMPLOYERS.

Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide to the Secretary of Labor and to the Administrator (1) not more than 30 days after the date of the enactment of this subsection, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve, and (2) thereafter, on the fifteenth day of each month, updated information regarding the list.".

SEC. 6. CLARIFICATION OF RESPONSIBILITIES OF EMPLOYMENT SERVICE PERSONNEL.

(a) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1), by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) " after "programs"; and

(2) in clause (2) by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4) by inserting "(including part C of title IV of the Job Partnership Act (29 U.S.C. 1501 et. seq.))" after "programs";

(2) in clause (6), by inserting "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clause:

"(9) Provision of counseling services to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment.".

SEC. 7. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2011B. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE

"In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job training, placement, and related services to veterans, the Secretary shall establish and operate a National Veterans' Employment and Training Service Institute for the training of disabled veterans' outreach program specialists, local veterans employment representatives, and State and Assistant State Directors for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job training, placement, or related services as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is further amended by adding at the end the following new item:

"2011B. National Veterans' Employment and Training Service Institute.".

SEC. 8. SHARING OF INFORMATION REGARDING EMPLOYERS.

Section 2008 is amended—

(1) by inserting "(a)" before "In"; and

(2) by adding at the end the following new subsection:

"(b) The Administrator shall require each regional office of the Veterans' Administration to provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis the names and addresses of employers located in the area served by such regional office that offer a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (Public Law 98-77: 29 U.S.C. 1721 note).".

SEC. 9. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a)(1) PAYMENTS TO EMPLOYERS.—The second sentence of section 8(a)(1) is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran shall be—

"(A) in the case of a program of job training of 4 or more months duration—

"(i) for the first 4 months of such program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime of premium pay), and (II) the number of hours worked by the veteran during such months;

"(ii) for any period after the first 4 months, 50 percent of the product of (I) the actual hourly rate of wages paid to the veterans by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that period; and

"(iii) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for such first 4 months pursuant to subclause (i) if the percentage specified in subclause (i) of this clause were 50 percent rather than 30 percent; and

"(B) in the case of a program of job training of less than 4 months duration—

"(i) for the months prior to the final scheduled month of the program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during the months prior to such final scheduled month;

"(ii) for the final scheduled month of the program, 50 percent of the product of (I) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that month; and

"(iii) upon the veterans' successful completion of the program, the amount that would have been paid, above the amount that was paid, for the months prior to the final scheduled month of the program pursuant to subclause (i) of this subclause if the percentage specified in subclause (i) were 50 percent rather than 30 percent.

(b) COUNSELING.—Section 14 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Administrator and the Secretary shall jointly provide for—

"(1) a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of (A) avoiding unnecessary termination of employment, (B) referring the veteran to appropriate counseling, if necessary, and (C) facilitating the veteran's successful completion of such program;

"(2) a program of counseling services (to be provided pursuant to subchapter IV of chapter 3 of this title and sections 612A, 2003A, and 2004 of this title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(3) a program of information services under which (A) each veteran who enters a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (i) through Veterans' Administration counseling and career development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of title 38, United States Code) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et sq.) and (ii) through other appropriate agencies in the community, and (B) veterans and employers are encouraged to request such services whenever appropriate.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Administrator with appropriate vocational counseling in light of the veteran's termination.".

(c) CONFORMING AMENDMENT.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(d) DATA ON PARTICIPATION.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on not less frequently than a quarterly basis, collect from the heads of State employment security agencies and State Directors for Veterans' Employment and Training information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, are referred to employers participating under this Act, participate in programs of job training under this Act, and complete such programs.

SEC. 10. REVISIONS OF NOMENCLATURE

(a) SECRETARY OF LABOR.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(7) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003(a), 2003A(a)(1) and (d), 2005(a) (as redesignated by the amendment made by section 5(1)), 2006(a), 2007, 2008(a) (as redesignated by the amendment made by section 8(1)), 2009 and 2010(b) are amended by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary".

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000, 2002, 2003A(a)(1), (3), and (5) and (d), 2006(a) and (d), 2009(a)(1), and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Employment" each place it appears.

(2)(A) The heading of section 2002A is amended to read as follows:

"§ 2002A. Assistant Secretary of Labor for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of Chapter 41 is amended to read as folows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training.".

(c)(1) STATE AND ASSISTANT STATE DIRECTOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Sections 2003 and 2003A(b)(2) are amended by inserting "and Training" after "State Director for Veterans' Employment" and "Assistant State Director for Veterans' Employment", respectively, each place those terms appear.

(2)(A) The heading of section 2003 is amended to read as follows:

"§ 2003. State and Assistant State Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training.".

By Mr. HELMS (by request):

S. 1000. A bill to improve the operation of the sugar price support program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUGAR PROGRAMS IMPROVEMENT ACT

● Mr. HELMS. Mr. President, at the request of the administration I am introducing the Sugar Program Improvements Act of 1987. In addition, I ask unanimous consent that the following letter from Deputy Secretary of Agriculture Peter Myers be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, DC, March 19, 1987.

Hon. GEORGE H.W. BUSH,
President of the Senate
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of Congress is a proposed bill "To improve the operation of the sugar price support program, and for other purposes."

The Department of agriculture recommends that the proposed bill be enacted.

The proposed "Sugar Program Improvements Act of 1987" amends provisions of the Food Security Act of 1985 and the Agricultural Act of 1949.

The provisions proposed to be amended adversely impact on jobs in the domestic food and cane sugar refining industries, consumer costs and foreign trade. The artificially high level of price support under the domestic sugar program has encouraged increased domestic sweetener production and enabled domestic producers of corn sweeteners to undercut their competition. This has led to increased market inroads for corn sweeteners at the expense of domestic cane and beet sugars. The decline in sugar consumption has been at the expense of sugar imports and resulted in a progressive contraction in the import quota. Since sugar imports consist principally of raw cane sugar, this has led to a dramatic reduction in cane sugar refining capacity requirements and increased unemplyoment in that industry.

The artificially high level of domestic sugar prices relative to the world price gives overseas manufacturers of sugar-containing products a competitive advantage. This has resulted in an increase in imports of sugar-containing products, and to a limited, but growing, contraction of domestic food processing as processing facilities move overseas to take advantage of cheaper world price sugar. The result has been a permanent loss of employment and infrastructure in the domestic sugar-using/food processing industry.

As a result of the current sugar price support program, the domestic price of sugar is at a level far above the world price. Consequently, the current program imposes a heavy cost on U.S. consumers and industrial users of sugar. In FY 1987, it is estimated consumers are paying nearly $2 billion in additional costs of sugar as a result of the artificially high sugar support prices.

The Administration proposes to reduce the minimum price support loan level from 18 cents per pound to 12 cents beginning with the 1987 crop. To assist producers in the transition to a lower loan level, producers will receive payments, over a four-year period, of approximately $1.1 billion. Enactment of this bill will reduce the price gap between sweeteners and help to correct or stabilize the many adverse impacts and trends which the sugar industry is currently facing. It would also enable domestic producers of products containing sugar to become more competitive in world markets.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accordance with the President's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

PETER C. MYERS,
Acting Secretary.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

By Mr. BRADLEY [for himself, Mr. MOYNIHAN, and Mr. DURENBERGER]:

S. 1001. A bill to amend title IV of the Social Security Act to improve the performance of States in establishing the paternity of children, assuring the adequacy of child support award amounts, and enforcing child support awards; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENT

Mr. BRADLEY. Mr. President, I rise today to introduce legislation to address the continuing problem which results when parents fail to make court-ordered child support payments. Joining me in introducing this legislation are the Senator from New York [Mr. MOYNIHAN] and the Senator from Minnesota [Mr. DURENBERGER].

Mr. President, in 1984, Congress enacted major legislative changes to significantly improve the collection of child support. I was pleased to sponsor those changes in an attempt to break the shocking spiral of poverty for women and children who were not receiving the support payments to which they were legally entitled. The 1984 child support amendments mandated several steps, including wage withholding if a parent is 1 month in arrears and the establishment of Federal and State income tax refunds offsets to collect overdue child support. In addition, last year Congress adopted a bill I introduced that prohibited the courts from wiping out child support arrearages.

There has been considerable progress since the passage of the child support enforcement amendments of 1984 and 1986. Since 1978, total child support collections have tripled and twice as many children have their fathers legally established and their child support obligations entered into. That is good news.

But there is still a lot of room for improvement. Despite improved child support efforts, most noncustodial parents fall far behind in their obligations to their children. The statistics, Mr. President, are shocking.

Currently, only 7 percent of AFDC payments are ever recovered by child support.

The average amount of child support actually received by families—less than $200 a month—is very low and has not increased in real terms.

Only one-third of children born out of wedlock have paternities established.

Currently, almost 15 million children under the age of 18 live in a household where only 1 parent is present—almost double the 1970 level—and half live below the poverty level.

And currently, of the 9 million single parent mothers, over 40 percent receive no child support awards; of the mothers who are legally entitled to child support, 24 percent never get the money and 26 percent consistently received less than the amount awarded by the court. These horrible statistics have not significantly improved over time.

Mr. President, my home State of New Jersey has been a leader in child support enforcement. The State's efforts to use guidelines in determining awards and to review child support cases have improved the financial status of thousands of children. But even in New Jersey, only about 11 percent of welfare payments are recouped through child support payments from noncustodial parents. And there are thousands of New Jersey families not on welfare who do not receive the support to which they are entitled. There is clearly room for improvement, even among the States with the best performance.

Mr. President, there is one similarity between our tax collections system and our child support system—both are built primarily on the premise of voluntary compliance. It is essential to the proper workings of our tax system and our child support system that the majority of Americans accept their responsibilities voluntarily.

While we do have some problems with tax compliance, by and large most people pay their taxes and accept their responsibilities. Sadly, this is not the case with child support. If the tax compliance system worked like the child support system, then 4 out 10 taxpayers would not even file their tax returns. And of the remaining 6 filers, half would cheat. Our Federal income tax system would not work if this were the case. Sad to say, our child support system, while improving, is not working.

Mr. President, during Senate consideration of the 1984 child support amendments, I indicated that the 1984 legislative changes might not be enough to correct the abuse and neglect in the system. If the 1984 reforms did not prove to be a sufficient enforcement tool, I indicated that we may well have to incorporate further steps, including automatic withholding of the child support payments from the wages of those obligated to pay. Mr. President, I truly believe that the time has come to take further steps. That is what this bill is all about. The key provisions included in the legislation I am introducing today are as follows:

Expansion of paternity enforcement activities to insure that fathers are identified.

The establishment and use of uniform guidelines to determine the amount of child support to be awarded.

Automatic review of the size of the child support awards to determine if increases or decreases are warranted.

Expanded efforts to find noncustodial parents who fail to live up to their obligations.

Immediate wage withholding of new child support awards unless good cause can be shown for an alternative arrangement.

The establishment of a commission to propose improvements in interstate child support cases.

Mr. President, the changes in 1984 did not revolutionize the child support enforcement system, and I am not going to promise that the changes in this bill will revolutionize the system. But I fully expect that the incremental changes included in this bill will make the child support system work better. More legislative changes will most likely be needed in future years as our child support system becomes more sophisticated, efficient, and responsive to human needs.

I am pleased that the Congress is finally turning its attention to finding better ways to help move families out of poverty. Welfare reform is back on the domestic agenda, thanks in large part to the exemplary efforts of the senior Senator from New York [Mr. Moynihan]. Clearly, expended training and support services, including child care, will help these families—last year I introduced the Work Opportunities Retraining Compact Act with Senator Moynihan and Congressman Levin to do just that. In addition to work and training, we need to improve the income situation of poor families—last year's expansion of the earned income tax credit, as part of our tax reform efforts, was one good step in that direction.

The Federal Government clearly has a major role to play here. But first and foremost, families have responsibilities for themselves. Parents have a responsibility to care for their children. And sadly, too often, noncustodial parents do not fulfill their responsibility. We as a nation have a moral obligation to provide assistance to poor families and their children—but only after parents shoulder their own responsibilities. To further this end, our child support system must be improved. And these improvements should be part and parcel—indeed central—to any welfare reform initiative enacted by the Congress. It is my anticipation that the thrust of our child support bill being introduced today will be incorporated into the welfare reform legislation developed this year by the Senate Finance Committee.

I ask unanimous consent that the summary of the provisions of the bill be printed in the Record.

Summary of the Child Support Enforcement Improvement Act of 1987

PATERNITY ESTABLISHMENT

Paternity costs shall not be used in determining State eligibility and award size for the child support incentive grant.

Each State may establish a separate unit on paternity establishment, financed 90% with child support federal funds, to provide technical assistance to localities and at state option, to monitor the processing of paternity cases. At state option, counties may establish county offices on paternity for the sole purpose of paternity establishment, financed 75% with federal child support funds.

Paternity performance standards shall be established for all states below the national average in establishing paternity. The performance standards shall include state specific goals for the improvement of performance which shall take into account the number of paternities established as a percentage of children born out of wedlock who are receiving AFDC. Performance standards shall be weighted to encourage prompt determination of paternity at the time of birth.

LOCATION OF ABSENT PARENTS

The federal parent locator service and the state child support enforcement agencies should have access to the INTERNET system which tracks interstate unemployment insurance claims of the State Employment Security agencies and the U.S. Department of Labor.

ESTABLISHMENT OF GUIDELINES FOR SUPPORT AWARDS

All States shall, within 2 years of enactment, use State guidelines as a rebuttable presumption for setting new child support awards. Once adopted, each State must review its guidelines at least every 3 years to assess its adequacy in establishing appropriate child support awards.

REVIEW OF CHILD SUPPORT AWARDS

Each State must establish within 2 years of enactment a mechanism for reviewing individual child support awards.

After the establishment of such a mechanism, child support award levels for all families receiving AFDC shall be reviewed at least every three years. In addition, all non-AFDC custodial and noncustodial parents may request a review of the award at least every three years. The State guidelines shall be used for the basis and the grounds for the review of the award.

States may establish their own standards for more frequent review, and may establish a simplified mechanism to determine whether the award should be reviewed because of changes in circumstance.

MODEL PROJECTS ON STATE PROCEDURES FOR REVIEWING AWARDS

Four State demonstration projects shall be established to test model procedures for the review of child support awards. At least one project shall be awarded to the state child support enforcement agency and one to the judicial system. The two-year demonstrations shall be awarded in FY 1988 and financed 90% with federal child support funds.

IMMEDIATE WAGE WITHHOLDING

Each state must establish within 2 years of enactment a system of immediate wage withholding. All initial court orders must provide for immediate wage withholding without waiting for an arrearage to occur, unless both parents agree to an alternative arrangement or good cause is established by the courts or the administrative office for an alternative arrangement. The state procedures for wage withholding must meet all due process procedures in state law.

TREATMENT OF ARREARAGES FOR PASS THROUGH

Under current law, the first $50 per month that is collected from a non-custodial parent for a family receiving public assistance is provided to the custodial parent. A provision is included to clarify that $50 per month shall also be provided to the custodial parent when arrearages are paid in whole or in part by the non-custodial parent.

AUTOMATION SYSTEMS

All states shall have in place within five years automated child support enforcement systems. State specific performance standards shall be established for the achievement of this provision.

COMMISSION ON INTERSTATE CHILD SUPPORT

$2 million is authorized for FY 1988 for the establishment of a Commission on Interstate Child Support. The Commission shall be composed of 16 members, 4 selected by the Senate Majority and Minority leaders, and 4 by the Speaker of the House and Minority leader, made in consultation with the Chairman and Ranking Members of the tax committees, and 8 by the Secretary.

The Commission shall hold at least one national conference on interstate reform and shall report to the Congress by October 1989 on recommendations to improve the interstate system, including recommendations for changes in the Uniform Reciprocal Enforcement of Support Act.

Mr. MOYNIHAN. Mr. President, I am very pleased to join my friend and colleague from New Jersey, Senator Bradley, as a cosponsor of the Child Support Enforcement Improvement Act of 1987.

Senator Bradley's interest in the plight of children is evidenced by the fact that he has regularly attended the five hearings on this subject that the Subcommittee on Social Security and Family Policy has held to date. His attendance at these hearings is all the more remarkable because the Senator is not a member of the subcommittee.

I am grateful that the learned Senator from New Jersey has decided to devote his formidable energies and talents to improving the manner in which we look after our children. I welcome his interest and commend him for proposing the bill we introduce today.

The Child Support Enforcement Improvement Act of 1987 closely reflects my own thinking on the subject of child support. This bill would take a number of steps to strengthen our current Child Support Enforcement Program. It would, among other things: make child support awards more equitable and adequate, collect the awards owed by absent parents more efficiently, improve the efforts of local governments to establish paternity, and make both the intra- and inter-state administration of the program more effective and efficient.

Child support provisions, similar to those we introduce today, will be prominently featured in title I of my own broader reform initiative. I will be introducing this new bill shortly and I look forward to having the support of the Senator from New Jersey.

Mr. President, our children need our help. We are not now adequately providing for them. Some background information may help to illustrate why we find ourselves in our current predicament.

BACKGROUND

In 1935, when the Aid to Families With Dependent Children [AFDC] Program was enacted into law as title IV of the Social Security Act, the public perception of the typical recipient was the West Virginia coal miner's widow and her children. AFDC was intended to pay such widowed mothers to stay home and raise their children. In those days, mothers did not work.

In the last 52 years, things have changed. Today, divorce accounts for 68 percent of single-parent families, illegitimacy another 20 percent, long-term separation 8 percent, and death of a spouse only 3 percent.

That is why AFDC did not "wither away" as survivors insurance, added to the Social Security Act in 1939, matured. The original Aid to Dependent Children Program, meant to be a temporary bridge—just as old age assistance was a temporary source of support until old age insurance matured—has instead grown into the major means of public support for children. In 1986, survivors insurance successfully paid benefits to 3.3 million children whose parents had died or become disabled. AFDC serves 7 million children of the 12.5 million children who are poor in the United States today.

Such facts are slow to sink in. In 1950, for the first time, Congress responded to the fact that fathers may be absent from single-mother families for reasons other than their death or disability in an industrial accident. Congress amended the Social Security Act to require State welfare agencies to notify law enforcement officials when AFDC was being furnished to children who had been deserted by a parent.

This so-called NOLEO amendment was succeeded by a number of subsequent legislative proposals, all aimed at bringing increasing pressure on parents to support their offspring. None seemed to make the slightest bit of difference. Children continued to go unsupported by their fathers.

THE CHILD SUPPORT ENFORCEMENT PROGRAM

In 1975, Congress passed legislation creating the program we now know as the Child Support Enforcement Program, a program designed to assist all single mothers, regardless of their incomes, in establishing and obtaining court-ordered child support payments from absent fathers.

The 1975 law established the Federal Parent Locator Service, the primary objective of which is to locate absent parents owing child support by searching pertinent Federal records for employment and address information that will lead State officials to the parent. The Parent Locator Service can obtain Social Security numbers from the Social Security Administration, as well as employment information from the IRS.

Since 1975, the law has allowed state agencies to track fathers who are not supporting their children. We hav these fathers' Social Security numbers and we should use them to make sure that parents support their children. After all, having children is not a private affair when their material support is delegated to the community.

THE CHILD SUPPORT TRACK RECORD

In its first 10 years of operation, the Child Support Enforcement Program has collected nearly $16 billion for children, $6.8 billion for children receiving AFDC and $9.1 billion for children in nonwelfare families. In fiscal year 86, alone, $3.2 billion was collected, $1.2 billion on behalf of 767,000 AFDC cases and $2 billion on behalf of 764,000 nonwelfare cases.

In 1986, total AFDC assistance payments for the single-parent caseload came to $14.2 billion. The child support collections made on behalf of the AFDC caseload ($1.2 billion) amounted to 8.6 percent of AFDC payments. The 767,000 AFDC cases that received child support payments last year represent only 21 percent of the 3.75 million cases receiving AFDC payments.

Despite legislative efforts to date, including the most recent child support amendments in 1984, there is still much work to do. The statistics are widely known, but bear repeating: According to the Federal Office of Child Support Enforcement's most recent Report to Congress, in 1983, 8.7 million women were raising children—under the age of 21—without fathers in the home. Of these, 58 percent—5 million—had court orders or agreements establishing a right to child support. Only half of these mothers—2.5 million—received the full amount owed. Another quarter—1.3 million—received only partial payments, while the remainder—1.2 million—received nothing at all.

Then there are the 42 percent of single-mothers—3.7 million—who have not even established court orders for child support awards. We do now know whether these mothers receive any support at all. Some may receive support on an informal basis. Officially, they get nothing. Thus, of the 8.7 million mothers raising children alone, 29 percent had their court orders paid in full, 14 percent got partial payments, and 57 percent got nothing.

The data are clear: Too many single mothers are still not getting the help they need from the Child Support Program. Too many absent fathers are still behaving irresponsibly. As a result, too many children are still living impoverished lives. It is a disgrace, and we must do better.

THE MAJORITY OF CHILDREN

It is especially important that we act now because children living in single-parent families are no longer the exceptions to the rule. In 1985, 22 percent of children under age 18 were living with only one parent. But 60 percent of all children born in 1985 can expect to live in single-parent families before reaching their 18th birthdays. The normal child will spend part of his or her childhood with only one parent.

In 1985, nearly two-thirds—64 percent—of all single female-headed households received AFDC. At the rate we are going, recent estimates suggest that one-fourth to one-third or more of all children born in 1985 will end up receiving AFDC for some part of their childhoods, unless we act now to move beyond welfare to a new system of child support.

The real purchasing power of AFDC benefits in the median State has declined by one-third between 1970 and 1986. In some States, the constant dollar value of these benefits has declined by more than half. Is this the future we hold out to our children? Is this the future we want for ourselves?

After all, the children of the 1980's are the workforce of the next century. And since the birthrate fell below the level necessary to maintain the population 15 years ago, we will have a declining labor force. This does not bode well for the baby-boomers who will be retiring early in the 21st century. At best, you future retirees will have two workers to support each of you. They had best be very productive workers. We had better start supporting our children as if our own lives depended upon it.

Mr. DURENBERGER. Mr. President, today I am joining my colleague from New Jersey in sponsoring the Child Support Enforcement Improvement Act of 1987. You will recall that in 1984, Senator BRADLEY and I introduced the child support enforcement amendments which were passed with near unanimous approval by the Senate.

We passed the bill because we strongly believed that absent parents have a responsibility to their children, regardless of their financial situation. We passed the bill because failure to pay child support in this country has reached epidemic proportions: Between a quarter and a third of fathers never made a single court-ordered payment. We passed the bill because it is a child's right to be supported by his or her parents.

When we enacted the amendments, we cemented our commitment to assisting State and local governments lessen the economic burden of a single-parent and improve the welfare of their children. Since that time, child support collections have continued to grow but the success of the program has varied tremendously among States.

In many ways, the 1984 amendments were tentative. We mandated wage withholding but only after 1 month's delinquency had occurred. We suggested that States adopt child support award guidelines but we did not require it. We recognized the importance of establishing paternity but provided only modest incentives.

Data from the most recent Census Bureau study found that 42 percent of women living with children under the age of 21 had never even been awarded child support. Almost half of these were women who had never been married, 23 percent were women who were separated and 21 percent were women who were divorced. The implications of this are astonishing if you consider two more factors. First, 70 percent of white children and 94 percent of black children born in 1980 will have spent a significant portion of their childhood before reaching age 18 with only one parent. And second, the risk of poverty is greatest for families headed by women and the younger the woman the greater the risk. With the growing trend of single parenting, especially among young teenage women, it is imperative that we make certain that paternity is established and support awards are issued.

And once issued, the child support awards must be enforced. We must improve upon the past record when only half of those due child support received the full amount, with a quarter receiving partial payment and a quarter receiving nothing.

We have learned a lot since the enactment of the 1984 amendments. It's now time to build on these lessons and once again strengthen our commitment and the commitment of the States to ensuring the economic security of our children. Improved child support enforcement efforts can be a key component of our welfare reform initiative.

Our proposal requires immediate wage withholding for all new child support awards unless both parents agree to an alternative arrangement or good cause is established by the courts or administrative office for an alternative arrangement. We have found that waiting for one month arrearages to occur before initiating wage withholding generally results in a delay of several months before the family receives child support again. This delay can result in substantial financial hardship on the family.

The importance of establishing paternity can not be overestimated. Less than one-quarter of all women who had out of wedlock births had paternity adjudicated. As the Children's Defense Fund noted in their testimony before the Finance Committee, it is no surprise then that only 4 percent of never-married women with children receive child support payments.

The bill will encourage greater State effort in paternity establishment by removing paternity costs from the formula used for determining the incentive grant. It will provide an enhanced Federal match to State and county agencies that establish separate paternity units. It will set State specific performance standards for States for establishing paternity for families who are receiving AFDC.

The bill also requires States to establish guidelines as a rebuttable presumption for setting new child support awards and it will require States to review award levels for all families receiving AFDC at least every 3 years. It will ensure that support awards are fair and increase as the earnings of the noncustodial parent increases.

Other changes will strengthen interstate enforcement efforts and assist States in automating their tracking and collecting systems.

Of course, in many cases, child support payments will not lift a family out of poverty. Too many times, the absent parent is unemployed or in a low paying job, struggling for his own financial stability. An improved child support collection system must be part of our larger efforts to assist poor families in need and to provide these families with the opportunity to achieve economic dependence through education, job training and employment.

Mr. DOLE. Mr. President, I thank the distinguished Senator from New Jersey, Senator BRADLEY, and the Senator from New York, Senator MOYNIHAN, and, I believe, also Senator DURENBERGER from Minnesota has been helpful in this area. I think it is a step in the right direction.

I would not stand to thank anyone for child support legislation without recalling it was our distinguished former chairman and colleague, Senator LONG, who started this down this trail and I think for the right reasons, and it has been demonstrated he was on the right track.

I think the legislation introduced this evening along with other ideas that other Members have expressed in both the House and Senate will be very helpful.

By Mr. CRANSTON (for himself, Mr. SIMON, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, and Mr. PELL):

S. 1002. A bill to amend title 38, United States Code, to provide disability and death benefits to veterans (and survivors of such veterans) exposed to ionizing radiation during the detonation of a nuclear device in connection with the U.S. nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' RADIATION EXPOSURE DISABILITY AND DEATH BENEFITS ACT

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am pleased to introduce today S. 1002, the proposed "Veterans' Radiation Exposure Disability and Death Benefits Act of 1987." Joining with me as original cosponsors of this measure are my good friend, the Senator from Illinois [Mr. SIMON], as well as my fellow committee members from Hawaii, Arizona, Maine and West Virginia, Senators MATSUNAGA, DECONCINI, MITCHELL, ROCKEFELLER, and GRAHAM, and the Senator from Rhode Island [Mr. PELL]. This bill provides for disability and death benefits to veterans and their survivors in connection with the veteran's exposure to ionizing radiation through participation in the United States Government's nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan.

At the outset, I want to recognize the contribution of the ranking minority member and immediate past chairman of the committee, the Senator from Alaska [Mr. MURKOWSKI], in introducing a radiation compensation bill this session—S. 453—which has played a major role in focusing the debate on and bringing about increased attention to this area. His efforts have started a momentum which I believe can and will result in the passage of radiation exposure benefits legislation this year. I also want to extend similar recognition to the activity in the House Committee on Veterans' Affairs, where five members, including the chairman [Mr. MONTGOMERY], recently joined with Representative ROWLAND of Georgia to introduce a radiation compensation measure, H.R. 1811.

Finally, and foremost, I wish to note the leadership of the principal cosponsor of this bill, my good friend, the Senator from Illinois [Mr. SIMON], on the issue of compensation for veterans exposed to ionizing radiation. Dating back to his service in the House, Senator SIMON has been at the forefront of efforts to secure compensation for these veterans. We are all deeply indebted to him for his compassion and foresight, and I am truly delighted and honored to have his active support for this measure. We have benefited enormously in developing our legislation from the work of these pioneers in the area of compensation for radiation-exposed veterans and their survivors.

Mr. President, in my view, the introduction of these three bills represents a major step forward for radiation-exposed veterans. The measure we are introducing today is the latest in our continuing efforts to address the concerns and resolve the problems facing veterans who were exposed to ionizing radiation while in the service of our country. I see those concerns as falling into three general categories: Compensation for disabilities possibly related to exposure, answers to questions about the actual effects of exposure to low-level ionizing radiation, and, finally, access to health care for current problems that might be related to the exposure. Although Congress has addressed the latter two issues in what I believe are significant and appropriate ways, the compensation issue has not gone forward, pending the continuing search for scientific understanding of the precise effects of low-level radiation exposure on human health.

Previously, Mr. President, I considered it premature to provide presumptive compensation—that is, for the Congress to make decisions regarding the relationship between relatively low levels of ionizing radiation exposure and the diseases of the various body organs and tissues when the scientists could not. That is one of the reasons why I introduced the legislation, ultimately enacted as Public Law 98-160, which mandated epidemiological study of the long-term health effects of exposure to ionizing radiation on those veterans who participated in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, and why I also joined with Senator SIMPSON in authoring the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, enacted as Public Law 98-542. However, after more than 3 years of evaluation, the scientists now have indicated that it is not scientifically feasible to design a morbidity study of those radiation-exposed veterans and that the only mortality study that can proceed at this point would be one involving only one series of detonations.

Additionally, information set forth in a 1985 General Accounting Office (GAO) study I requested on Operation Crossroads—the 1946 two-detonation series in the Pacific—about the safety precautions during that operation and about the degree to which the uniformed personnel may have been exposed to ionizing radiation there, as well as information about a subsequent test series, Operation Redwing in 1953—and apparent decisions during that series to place pilots and aircrews in highly contaminated environments—raised very serious questions for me about the degree to which credit could or should be given to bland and blithe assurances from the Department of Defense that the Defense Nuclear Agency's (DNA) exposure estimates were accurate and that there was generally no significant exposure to radiation among the veterans who participated in the nuclear weapons test program.

Mr. President, I have thought a great deal about the issue of compensation for these veterans and their survivors and possible resolutions of it, and I believe that this bill provides a compassionate and fair approach. Our veterans have waited long enough. It would be unjust and unfair, in my judgment, to withhold all compensation for lack of scientific confirmation any longer.

I will make a more detailed statement on this bill when the Senate reconvenes later this month. However, I wanted to introduce the bill today, to make it available for consideration by my colleagues and the public as soon as possible.

SUMMARY OF FINDINGS

The measure we are introducing today addresses the two key problems which have resulted in the denial of over 99 percent of all claims for Veterans' Administration [VA] benefits filed by radiation-exposed veterans or their survivors: First, the impossibility of determining, with respect to a given veteran, whether his disability was caused by radiation exposure rather than by something else, and, second, the likely underestimates by the DNA of radiation-exposure levels, on which the VA relies in adjudicating such claims.

Mr. President, in order to demonstrate the basis for the proposed benefit schemes, the bill incorporates a number of congressional findings, as follows:

First, it describes the results of the 2-year study conducted by the GAO, which I mentioned a moment ago, which was released in November 1985, of radiation exposure and radiation safety measures during "Operation Crossroads", the 1946 nuclear weapons test series in the Pacific in which over 42,000 members of the Armed Services participated—by far the largest number of participants in any series. The GAO's findings note that estimates of radiation exposure prepared by the DNA for that operation may have significantly understated the actual ionizing radiation exposure received by the participants in Operation Crossroads. The GAO's findings further note that:

The DNA radiation exposure estimates were derived primarily from readings taken from film badges which were designed to detect radiation and to be worn by participants in Operation Crossroads. However, only 15 percent of the participants actually were issued film badges, and the badges were not worn throughout the entire course of Operation Crossroads.

The DNA radiation exposure estimates failed to take into account problems with film badges which could have resulted in readings which were inaccurate by as much as 100 percent as a result of defects in the film or in its processing.

The DNA radiation exposure estimates further failed to take into account the extent to which Operation Crossroads participants received additional radiation exposure as a result of a lack or violation of comprehensive decontamination procedures.

The DNA radiation exposure estimates did not adequately measure internal radiation exposure which could have resulted from ingestion or inhalation, thereby likely further underestimating total radiation exposure.

The next finding in the measure states that, on the basis of the GAO report, the Congress concluded that the DNA's radiation exposure estimates provide an incomplete measure of the radiation exposure received by participants in Operation Crossroads, and that the Congress further finds that the DNA radiation exposure estimates have been relied on by the Veterans' Administration in evaluating, and generally denying, claims made by veterans or veterans' survivors for compensation in connection with ionizing radiation exposure received during Operation Crossroads.

The next finding pertains to the radiation exposure of the veterans who participated in nuclear weapons test series other than Operation Crossroads. Including the more than 42,000 veterans who participated in Operation Crossroads, approximately 200,000 veterans participated in 235 detonations of nuclear devices in connection with the nuclear weapons testing program. In this connection, the finding then restates the findings set forth in paragraphs (8) and (9) of section 2 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542), enacted on October 24, 1984, that:

The film badges which were originally issued to members of the Armed Forces in connection with the nuclear weapons testing program have previously constituted a primary source of dose information for veterans and survivors of veterans filing claims for VA disability compensation or dependency and indemnity compensation in connection with exposure to radiation.

These film badges often provide an incomplete measure of radiation exposure since they were not capable of recording inhaled, ingested, or neutron doses, were not issued to most of the participants in the tests often provided questionable readings because they were shielded during the detonation, and were worn for only limited periods during and after each nuclear detonation.

The next findings note that studying the radiation exposure and long-term health effects of the tests other than Operation Crossroads would entail many years, and that further delay in providing relief to veterans suffering radiation-related diseases would be unacceptable, would entail many years, and that further delay in providing relief to veterans suffering radiation-related diseases would be unacceptable.

The next finding states that, because of the relatively small size of the population of ionizing radiation-exposed veterans, the high incidence of cancer in the general population, and the great difficulty in locating individuals 25 to 40 years after their exposure to radiation, it has been determined not to be scientifically feasible to design a morbidity study of the veterans who participated in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan. A mortality study is only now in its early stages. An earlier mortality study of five test series was severely criticized because of its failure to utilize a scientifically appropriate control group.

The next finding notes that scientific research over many years has proven conclusively the dangers to human health from exposure to certain higher levels of ionizing radiation.

On the basis of the foregoing findings, the measure next states that the Congress concludes that a significant portion, if not all, of the veterans present at the nuclear detonations were exposed to some quantity of low-level ionizing radiation from inhalation, ingestion, or external exposure and that no fully acceptable or reliable method has been developed to estimate those levels of exposure.

The measure next presents findings regarding the history of the VA in adjudicating veterans' claims based on exposure to ionizing radiation, and regarding the difficulties involved in resolving such claims. Specifically, it is noted that, since it has become clear that the present process for adjudicating the claims of these radiation-exposed veterans has been based on such radiation exposure estimating methods as are described above, the process has not resulted in the fair adjudication of those claims. Such claims, specifically those involving health effects with long latency periods, present adjudicatory issues which differ significantly from the issues presented in claims based upon the more usual types of injuries incurred in military service. This finding notes that, although substantially more than 6,000 claims for compensation or dependency and indemnity compensation have been filed by veterans and their survivors with the VA since 1978 for disabilities resulting from exposure to low-level ionizing radiation, the VA has awarded benefits in only 25 of those cases. The circumstances of these cases and of many where the claim was rejected reveal no consistent analytical process.

The next finding notes that there is some evidence that officials of the U.S. Government were aware as early as 1945 of the risks of long-term, adverse health effects from exposure to ionizing radiation. Nevertheless, military personnel continued to be exposed to ionizing radiation in connection with the nuclear weapons testing program. The finding indicates that these military personnel were not informed of the risks associated with their participation in the program, nor was their health status systematically monitored thereafter.

Accordingly, the measure sets forth the finding that exposing these military personnel to such risks in experiments relating to the development and potential use of nuclear weapons, and making no systematic effort to monitor their health thereafter, places an even greater than usual responsibility on the Government to ensure that these veterans receive appropriate compensation as well as necessary health care through the VA for any disabilities resulting from such exposure.

The bill further states that the precise correlation between specific doses of ionizing radiation and the probability of cancer induction in a particular body organ or tissue in a given individual is not known at this time. In this regard, it is found that what is known is that certain body organs and tissues have been shown to have a high susceptibility to induction of cancer by ionizing radiation and not to be as susceptible to any other risk factors, and that the resultant diseases are cancer of the thyroid and leukemia.

Next, it is found that other body organs and tissues have been shown to be moderately susceptible to induction of cancer by radiation, and not to be as susceptible to any other risk factors. The resultant diseases are cancer of the colon, cancer of the small intestine, cancer of the stomach, cancer of the liver—except where cirrhosis or hepatitis B is indicated—cancer of the bile ducts, cancer of the gallbladder, cancer of the pancreas, lymphomas—excluding Hodgkin's Disease—and multiple myeloma. The link between such diseases and radiation exposure, and therefore the likelihood that the disease was incurred during service, it is found, is much less well established than it is between the diseases referred to in the preceding finding, but much more well established than for those diseases described in the following finding.

Next, with reference to health effects, it is found that certain other body organs and tissues have been shown to be somewhat susceptible to induction of cancer by radiation but much less susceptible than those described above, or to be equally or even more susceptible to induction of cancer by other risk factors than they are to radiation. The resultant diseases are cancer of the lung, cancer of the esophagus, cancer of the rectum, cancer of the pharynx, cancer of the liver when cirrhosis or hepatitis B is indicated, cancer of the kidney, cancer of the urinary tract, cancer of the bladder, cancer of the brain and nervous system, cancer of the salivary glands, cancer of the bones and joints, and cutaneous melanoma.

Finally, the bill reiterates the finding stated in section 2(13) of Public Law 98-542 that it has always been the policy of the VA, and it is the policy of the United States, that when, with respect to individual claims for service connection of diseases and disabilities, after consideration of all evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant.

After the findings, the purpose of the bill is to set forth as being to establish a process within the VA for carrying out the findings and conclusions of the Congress set forth in the bill's findings in order to:

First, provide a monthly disability or death benefit equal to that provided in chapter 11 or 13 of title 38, United States Code, for a veteran or survivor of a veteran who was exposed to ionizing radiation during participation in the Nuclear Weapons Testing Program or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, when such veteran develops a disease which has been shown to be strongly associated with radiation and which has not been shown to be strongly associated with any other risk factors.

Second, provide a monthly disability or death benefit payable at the rate of 50 percent of such compensation as is provided in chapter 11 or 13 of title 38, United States Code, for a veteran or survivor of a veteran who was exposed to ionizing radiation during participation in the Nuclear Weapons Testing Program or in the American occupation of Hiroshima or Nagasaki, Japan, when such veteran develops a disease which has been shown to be moderately associated with radiation and which has not been shown to be associated with other significant risk factors.

Third, provide special consideration of claims for compensation or dependency and indemnity compensation under chapter 11 or 13 of title 38, United States Code, for a veteran or survivor of a veteran who was exposed to ionizing radiation during participation in the Nuclear Weapons Testing Program or in the American occupation of Hiroshima or Nagasaki, Japan, when such veteran develops a disease which has been shown to be somewhat associated with radiation, but much less so than the diseases mentioned earlier, or is equally or more strongly associated with other risk factors than with radiation. In this regard, the measure states that the Congress has concluded that the responsibility to compensate the veteran for a service-connected disability must be balanced against the difficulty of ascertaining whether the veteran's disability was caused by radiation exposure rather than by some other risk factor.

SUMMARY OF PROVISIONS

Mr. President, in addition to these findings, the measure we are introducing contains substantive provisions that would:

First, provide disability and death payments to certain ionizing radiation-exposed veterans and their survivors. These payments will not be regular title 38 compensation and dependency and indemnity compensation payments, but would be treated as such for all purposes.

Second, provide that payments would be made at two rates. For those diseases which have been shown to be strongly associated with radiation exposure and which are not strongly associated with any other risk factor—thyroid cancer and leukemia—payments would be made at the full title 38 rates. For those diseases which have been shown to be moderately associated with radiation and which are not strongly associated with any other risk factor—colon cancer, small intestine cancer, stomach cancer, liver cancer—except when cirrhosis or hepatitis B is indicated—bile duct cancer, gallbladder cancer, pancreatic cancer, lymphomas—excluding Hodgkin's Disease—and multiple myeloma—the payments would be made at 50 percent of the title 38 rates.

Third, require the VA to give special consideration to the adjudication of claims for benefits based on diseases which have only a weak association with radiation or which have a strong association with other risk factors or have both such associations. These diseases are lung cancer, esophageal cancer, rectal cancer, pharynx cancer, liver cancer—when cirrhosis or hepatitis B is indicated—kidney cancer, urinary tract cancer, bladder cancer, brain and nervous system cancer, salivary glands cancer, bone and joint cancer, and cutaneous melanoma. This special consideration would include the VA giving conclusive weight to the findings provided in the bill relating to the relationship between the disease for which benefits are claimed and ionizing radiation exposure in the process of evaluating the claim in the context of the veteran's exposure.

Fourth, provide that a radiation-exposed veteran or survivor of such veteran who, pursuant to the provisions of the bill, would be eligible for benefits at the rate of 50 percent of regular compensation or for special consideration, would retain the alternative of proving his entitlement to full compensation under title 38.

Fifth, specify that the award of benefits and the granting of special consideration may be withheld in individual cases in which there is specific evidence showing the disease did not result from radiation exposure during service.

Sixth, require that the DNA radiation exposure estimates be adjusted upwards according to a specified methodology when a radiation-exposed veteran or a survivor thereof, applies to the VA for benefits. The methodology would be as follows:

For those veterans who were exposed to ionizing radiation through their participation in the nuclear weapons testing program, the recalculation would be based on the estimated amount of ionizing radiation exposure received by members of the radiation-exposed veteran's branch of service in the nuclear weapons testing operation in which he participated, or the estimated exposure received by participants in all branches of service in that operation, whichever is more favorable for the claimant.

More specifically, if the DNA radiation exposure estimates indicate that 25 percent or more of the participants—in the veteran's branch of service in the operation or in all branches of service in the operation—were exposed to more than 3 rems of ionizing radiation, then 5 rems would be added to the veteran's DNA-estimated radiation exposure.

Next, if the DNA radiation exposure estimates indicate that 25 percent or more of the participants—in the veteran's branch of service in the operation or in all branches of service in the operation—were exposed to more than 1 rem of ionizing radiation, then 3 rems would be added to the veteran's DNA-estimated radiation exposure.

Finally, if the DNA radiation exposure estimates indicate that 20 percent or more of the participants—in the veteran's branch of service in the operation or in all branches of service in the operation—were exposed to more than 0.5 rem of ionizing radiation, then 1 rem would be added to the veteran's DNA-estimated radiation exposure.

It should be noted that only one of the specific methods of adding to the DNA exposure level could be applied in the case of an individual veteran at a particular detonation. The effect of the application of the three-part methodology on the approximately 200,000 nuclear weapons tests participants is set forth in a chart which I will insert in the RECORD at the conclusion of my remarks.

For the approximately 25,000 veterans who were exposed to ionizing radiation through their participation in the American occupation of Hiroshima and Nagasaki, Japan, 1 rem would be added to the veteran's DNA-estimated radiation exposure.

Seventh, requires that the reports of the Veterans' Advisory Committee on Environmental Hazards, which are required under section 6(d)(3) of Public Law 98-542 to be sent to the Administrator of Veterans' Affairs, concurrently be sent to the Senate and House Veterans' Affairs Committees.

Eighth, the provisions of the bill relating to ionizing radiation exposure will terminate on September 30, 1990, approximately 1 year after the estimated completion date of a radiation mortality study being conducted under the mandate of Public Law 98-160, but only with respect to claims filed after that date. Hence, all claims filed before October 1, 1990, would continue to be paid or adjudicated under the bill's provisions.

Ninth, extends the entitlement to VA health care for ionizing radiation-exposed veterans provided in section 610(a)(1)(G) of title 38, United States Code, until September 30, 1990, the termination date of the provisions in the bill relating to the handling of radiation claims.

CONCLUSION

Mr. President, as I stated at the outset, I believe that this measure is both an equitable and compassionate response to the serious and continuing needs and concerns of radiation-exposed veterans and their survivors. We have a responsibility to ensure that the burden of answering what may prove to be unanswerable questions regarding the health effects of exposure to ionizing radiation ceases to fall upon the veterans who served the Nation or their survivors, and will no longer be used to deny benefits to those who deserve them.

Mr. President, as I said earlier, I plan to provide, when the Congress reconvenes, a more complete and documented statement regarding the background for and analysis of this legislation. In the meantime, I hope my colleagues will study this measure and join with us in cosponsorship.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following the table I described a moment ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Quantification of Radiation Dose Estimate Increases

Operation/branch of service	*Number of military participants affected by increases*
I. 25 percent or more of military participants with dose estimates exceeding 3 rems:	
Greenhouse—all branches	6,970
Ranger—Navy	6
Redwing—Army, Air Force	4,263
Upshot-Knothole—Marine Corps	2,275
Total	[1] 13,514

[1] Have 5 rem added to estimated radiation exposure=6.8 percent.

Operation/branch of service	*Number of military participants affected by increases*
II. 25 percent or more of military participants with dose estimates exceeding 1 rem:	
Castle—all branches	12,652
Hardtack I—all branches	15,820
Trinity—all branches	164
Buster-Jangle—Navy	319
Dominic II—Marine Corps	62
Hardtack II—Army	330
Plumbob—Navy	574
Redwing—Navy, Marine Corps	6,907
Teapot—Army, Navy	5,199
Upshot-Knothole—Air Force, Army, Navy	14,983
Total	[1] 57,010

[1] Have 3 rem added to estimated radiation exposure=28.8 percent.

Operation/branch of service	*Number of military participants affected by increases*
III. 20 percent or more of military participants with dose estimates exceeding 0.5 rem:	
Crossroads—Navy	36,258
Dominic II—Navy	113
Hardtack II—Air Force, Marine Corps, Navy	292
Plumbob—Air Force, Army, Marine Corps	11,676
Ranger—Army, Marine Corps	15
Teapot—Air Force, Marine Corps	2,998
Trinity—Army	160
Tumbler-Snapper—Navy	556
Total	[1] 52,068

[1] Have 1 rem added to estimated radiation exposure=26.3 percent.

Total—Categories I, II, and III: 122,592=62 percent.

Total—Military participants—all operations: 197,625.

Total—Military participants excluded from categories I, II, and III: 75,033.

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) This Act may be cited as the "Veterans' Radiation Exposure Disability and Death Benefits Act of 1987".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. FINDINGS AND CONCLUSIONS; STATEMENT OF PURPOSE.

(a)(1) The Congress makes the following findings:

(A) In November 1985, the General Accounting Office (hereinafter in this section referred to as the "GAO") released the results of a 2-year study of radiation exposure and radiation safety measures during "Operation Crossroads", the 1946 nuclear weapons test series in the Pacific in which over 42,000 members of the Armed Forces participated, the largest number of participants of any such test series. The GAO concluded that estimates of radiation exposure prepared by the Defense Nuclear Agency (hereinafter in this section referred to as the "DNA") for that operation may have significantly understated the actual ionizing radiation exposure received by participants in Operation Crossroads. Specifically, the GAO found:

(i) The DNA radiation exposure estimates were derived primarily from readings taken from film badges designed to detect radiation, which were worn by participants in Operation Crossroads. However, only 15 percent of the participants actually were issued film badges, and the badges were not worn throughout the entire course of Operation Crossroads.

(ii) The DNA radiation exposure estimates failed to take into account problems related to the film badges which could have resulted in readings that were inaccurate by as much as 100 percent as a result of defects in the film or in its processing.

(iii) The DNA radiation exposure estimates failed to take into account the extent to which Operation Crossroads participants received additional radiation exposure as a result of a lack or violation of comprehensive decontamination procedures.

(iv) The DNA radiation exposure estimates did not adequately measure internal radiation exposure which could have resulted from ingestion or inhalation, thereby likely further underestimating total radiation exposure.

(B) On the basis of the GAO report, the Congress has concluded that the DNA's radiation exposure estimates provide an incomplete measure of the radiation exposure received by participants in Operation Crossroads.

(C) The DNA radiation exposure estimates have been relied on by the Veterans' Administration (hereinafter in this section referred to as the "VA") in evaluating, and generally denying, claims made by veterans or veterans' survivors for compensation in connection with radiation exposure received during Operation Crossroads.

(D) Including more than 42,000 veterans who participated in Operation Crossroads, approximately 200,000 veterans participated in 235 detonations of nuclear devices in connection with the nuclear weapons testing program. As outlined in paragraphs (8) and (9) of section 2 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542), enacted on October 24, 1984, Congress found:

(i) The film badges which were originally issued to members of the Armed Forces in connection with the nuclear weapons testing program have previously constituted a primary source of dose information for veterans and survivors of veterans filing claims under chapter 11 or 13 of title 38, United States Code, for VA disability compensation or dependency and indemnity compensation in connection with exposure to radiation.

(ii) These film badges often provide an incomplete measure of radiation exposure, since they were not capable of recording inhaled, ingested, or neutron doses, were not issued to most of the participants in the tests, often provided questionable readings because they were shielded during the detonation, and were worn for only limited periods during and after each nuclear detonation.

(E) Studying the radiation exposure and long-term health effects of the tests other than Operation Crossroads would entail many years, and the delay in providing relief to veterans suffering radiation-related diseases would be unacceptable.

(F) Because of the relatively small size of the population of ionizing radiation-exposed veterans, the high incidence of cancer in the general population, and the great difficulty in locating individuals 25 to 40 years after their radiation exposure, no scientifically feasible morbidity study has yet been designed of the veterans who participated in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan. A mortality study of a group of veterans from one series of detonations is only now in its early stages. An earlier mortality study of the veterans from five test series was severely criticized because of the failure to utilize a scientifically appropriate control group.

(G) Scientific research over many years has proven conclusively the dangers to human health from exposure to ionizing radiation.

(2) On the basis of the foregoing findings, the Congress concludes that a significant portion, if not all, of the veterans present at the nuclear detonations were exposed to some quantity of ionizing radiation from inhalation, ingestion, or external exposure and that no fully acceptable or reliable method has been developed to estimate those levels of exposure.

(3) The Congress makes the following further findings:

(A) It has become clear that the present process for adjudicating radiation-exposure claims that has been based on such radiation exposure estimating methods as are described above, has not resulted in the fair adjudication of those claims. As the Congress found in 1984 in section 2(12) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542), such claims—particularly those involving health effects with long latency periods—present adjudicatory issues which differ significantly from the issues presented in claims based upon the more usual types of injuries incurred in military service. Although since 1978 substantially more than 6,000 claims for compensation or dependency and indemnity compensation have been filed by veterans and their survivors with the VA for disabilities claimed to have resulted from radiation exposure received during participation in nuclear weapon testing program or in the occupation of Hiroshima or Nagasaki, Japan, the VA has awarded benefits in only 25 of those cases.

(B) There is some evidence that officials of the United States Government were aware as early as 1945 of the risks of long-term, adverse health effects from exposure to ionizing radiation. Nevertheless, military personnel repeatedly were exposed to ionizing radiation in connection with the nuclear weapons testing program. These military personnel were not informed of the risks associated with their participation in the program; nor was their health status systematically monitored thereafter.

(C) Accordingly, exposing these military personnel to such risks in experiments relating to the development and potential use of nuclear weapons, and making no systematic effort to monitor their health thereafter, places an even greater than usual responsibility on the Government to ensure that these veterans receive appropriate compensation as well as necessary health care through the VA for any disabilities resulting from such exposure.

(D) The precise correlation between specific doses of ionizing radiation and the probability of cancer induction in a particular body organ or tissue in a given individual is not known at this time. What is known, however, is that:

(i) Certain body organs and tissues have been shown to have a high susceptibility to induction of cancers by ionizing radiation, and not to be as susceptible to any other risk factors. The resultant diseases are cancer of the thyroid and leukemia.

(ii) Other body organs and tissues have been shown to be moderately susceptible to induction of cancer by radiation, and to not be as susceptible to any other risk factors. The resultant diseases are cancer of the colon, cancer of the small intestine, cancer of the stomach, cancer of the liver (except where cirrhosis or hepatitis B is indicated), cancer of the bile ducts, cancer of the gallbladder, cancer of the pancreas, lymphomas (excluding Hodgkin's Disease), and multiple myeloma. The link between such diseases and radiation exposure, and therefore the likelihood that the disease was incurred during service, is much less well-established than it is between the diseases referred to in division (i) of this subparagraph.

(iii) Certain other body organs and tissues have been shown to be somewhat susceptible to induction of cancer by radiation, but much less susceptible than those described in divisions (i) and (ii) of this subparagraph, or to be equally or even more susceptible to induction of cancer by other risk factors than they are to radiation. The resultant diseases are cancer of the lung, cancer of the esophagus, cancer of the rectum, cancer of the pharynx, cancer of the liver when cirrhosis or hepatitis B is indicated, cancer of the kidney, cancer of the urinary tract, cancer of the bladder, cancer of the brain and nervous system, cancer of the salivary glands, cancer of the bones and joints, and cutaneous melanoma.

(E) As stated in section 2(13) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542), it has always been the policy of the VA, and it is the policy of the United States, that when, with respect to individual claims for service connection of diseases and disabilities, after consideration of all evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant.

(b) It is therefore the purpose of this Act to establish a process within the VA for carrying out the findings and conclusions of the Congress set forth in subsection (a) in order to:

(1) Provide a monthly disability or death benefit equal to that provided in chapter 11 or 13 of title 38, United States Code, based on the exposure of a veteran to ionizing radiation during participation in the nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, when the veteran develops a disease, described in subparagraph (D)(i) of this paragraph, which has been shown to be strongly associated with radiation and which has not been shown to be strongly associated with any other risk factors.

(2) Provide a monthly disability or death benefit payable at the rate of 50 percent of such compensation as is provided in chapter 11 or 13 of title 38, United States Code, based on the exposure of a veteran to ionizing radiation during participation in the nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, when the veteran develops a disease, described in subparagraph (D)(ii) of this paragraph, which has been shown to be moderately associated with radiation and which has not been shown to be associated with other significant risk factors.

(3) Provide special consideration of claims for compensation or dependency and indemnity compensation under chapter 11 or 13 of title 38, United States Code, based on the exposure of a veteran to ionizing radiation during participation in the nuclear weapon testing program or in the American occupation of Hiroshima or Nagasaki, Japan, when the veteran develops a disease, described in subparagraph (D) (iii) of this paragraph, which has been shown to be somewhat associated with radiation, but much less so than those diseases referred to in paragraphs (1) and (2) of this subsection, or is equally or more strongly associated with other risk factors than with radiation.

SEC. 3. PROVISION OF DISABILITY AND DEATH BENEFITS FOR CERTAIN VETERANS AND THEIR SURVIVORS.

(a) Title 38 is amended by inserting after chapter 13 the following new chapter:

"CHAPTER 14—DISABILITY AND DEATH BENEFITS FOR CERTAIN VETERANS EXPOSED TO IONIZING RADIATION AND THEIR SURVIVORS.

"SEC.
"§ 451. Definitions.
"§ 452. Disability and death benefits for radiation-exposed veterans and their survivors.
"§ 453. Rates of disability and death benefits.
"§ 454. Special consideration in connection with other diseases.
"§ 455. Contrary affirmative evidence.
"§ 456. Other benefits.

"§ 451. Definitions

"For the purpose of this chapter, the term 'radiation-exposed veteran' means a veteran (including a person who died in the active military, naval, or air service) who, in connection with such veteran's participation in the United States Government's test of a nuclear device or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, was exposed to ionizing radiation from the detonation of a nuclear device during such veteran's service.

"§ 452. Disability and death benefits for radiation-exposed veterans and their survivors

"(a) In the case of a radiation-exposed veteran who suffers or has died from a disease specified in subsection (c)(1) of this section, the Administrator shall pay a monthly disability benefit to such veteran or a monthly death benefit to the survivors of such veteran in accordance with section 453 of this title.

"(b) In the case of a radiation-exposed veteran who suffers or has died from a disease specified in subsection (c)(2) of this section and whose estimated service-related radiation exposure, as computed pursuant to section 354(c) of this title, exceeds 1 rem, the Administrator shall pay a monthly disability benefit to such veteran or a monthly death benefit to the survivors of such veteran in accordance with section 453 of this title, except that such benefit shall be paid at a rate that is 50 percent of the rate otherwise payable under such section.

"(c)(1) The disease referred to in subsection (a) of this section are the following:

"(A) Cancer of the thyroid, when manifested 5 or more years after the first date on which the radiation-exposed veteran participated in the ionizing radiation-exposing activity;

"(B) Leukemia, when manifested within 30 years after the last date on which the radiation-exposed veteran participated in the ionizing radiation-exposing activity.

"(2) The diseases referred to in subsection (b) of this section are the following, when manifested 5 or more years after the first date on which the radiation-exposed veteran participated in the ionizing radiation-exposing activity:

"(A) Cancer of the colon;
"(B) Cancer of the small intestine;
"(C) Cancer of the stomach;
"(D) Cancer of the liver, except where cirrhosis or hepatitis B is indicated;
"(E) Cancer of the bile ducts;
"(F) Cancer of the gallbladder;
"(G) Cancer of the pancreas;
"(H) Lymphomas (excluding Hodgkin's disease;
"(I) Multiple myeloma.

"(d) A benefit may not be paid under this section with respect to a disease or the death of a radiation-exposed veteran for any month for which compensation is payable to that veteran for that disease under chapter 11 of title 38 United States Code, or for which dependency and indemnity compensation is payable for that death under chapter 13 of such title.

"§ 453. Rates of disability and death benefits

"Except as provided in subsection (b) of section 452 of this title, a disability benefit payable to a veteran for a disease specified in section 452(c) of this title shall be paid at the rate at which compensation would be payable under chapter 11 of this title for the disability resulting from such disease, and a death benefit payable to the survivors of a radiation-exposed veterans pursuant to section 452 of this title shall be paid based on the eligibility requirements (other than any requirement relating to the service-connection or compensability of a disability) and at the rates that apply to benefits under chapter 13 of this title.

"§ 454. Special consideration in connection with other diseases

"(a) When a claim is filed by a radiation-exposed veteran or a survivor of a radiation-exposed veteran for benefits under chapter 11 or chapter 13 of this title, in connection with any disease specified in subsection (b) of this section, the Administrator shall give special consideration to the adjudication of such claim, including giving conclusive weight to the findings of the Congress set forth in section 2 of the Veterans' Radiation Exposure Disability and Death Benefits Act of 1987 relating to the relationship between the disease for which benefits are claimed and ionizing radiation exposure, in the process of evaluating the claim using the radiation-exposed veteran's estimated service-related radiation exposure as computed pursuant to section 354(c) of this title.

"(b) The diseases referred to in subsection (a) of this section are the following, when manifested 5 or more years after the first date on which the radiation-exposed veteran participated in the ionizing radiation-exposing activity:

"(1) Cancer of the lung;
"(2) Cancer of the esophagus;
"(3) Cancer of the rectum;
"(4) Cancer of the pharynx;
"(5) Cancer of the liver when cirrhosis or hepatitis B is indicated;
"(6) Cancer of the kidney;
"(7) Cancer of the urinary tract;
"(8) Cancer of the bladder;
"(9) Cancer of the brain and nervous system;
"(10) Cancer of the salivary glands;
"(11) Cancer of the bones and joints;
"(12) Cutaneous melanoma.

"§ 455. Contrary affirmative evidence

"The provision of this chapter shall not apply with respect to a disease occurring in a radiation-exposed veteran—

"(1) where there is affirmative evidence that the disease was not incurred as the result of the veteran's participation in the U.S. Government's test of a nuclear device or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946; or

"(2) where there is affirmative evidence to establish that an intercurrent injury or disease which is a recognized cause of the disease was suffered by the veteran between the date of the veteran's most recent participation in such a test or in such occupation and the onset of such described disease.

"§ 456. Other benefits

"(a) Any disease establishing eligibility for a disability or death benefit under this chapter shall be treated for purposes of all other laws of the United States (other than chapters 11 and 13 of this title) as if such disease were service connected.

"(b) Receipt of any disability or death benefit under this chapter shall be treated for purposes of all other laws of the United States as if such benefit were compensation under chapter 11 of this title or dependency and indemnity compensation under chapter 13 of this title, respectively.".

SEC. 4. RADIATION EXPOSURE ESTIMATES.

(a) Section 301 is amended by adding at the end the following new paragraphs:

"(5) The term 'radiation-exposed veteran' means a veteran (including a person who died in the active military, naval, or air service) who, in connection with such veteran's participation in the United States Government's test of a nuclear device or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, was exposed to ionizing radiation from the detonation of a nuclear device during such veteran's service.

"(6) The term 'DNA estimate' means the radiation exposure estimate calculated by the Defense Nuclear Agency of the Department of Defense pursuant to the guidelines, as in effect on April 8, 1987, prescribed by the Secretary of Defense pursuant to section 7(a)(1) of the Veterans' Dioxin and Radiation Compensation Standards Act (Public Law 98-542)."

(b) Section 354 is amended by adding at the end the following new subsection:

"(c) For the purpose of adjudicating a claim for benefits under chapters 11, 13, or 14 of this title, submitted by a radiation-exposed veteran or by the survivor of a radiation-exposed veteran, the veteran's estimated service-related radiation exposure shall be the total of the highest radiation exposure estimate determined by the Director of the Defense Nuclear Agency (or any other appropriate office of the Department of Defense) for that individual, as established by film badge reading, reconstruction, or a combination of film badge reading and reconstruction, plus—

"(1) in the case of a radiation-exposed veteran who was exposed to ionizing radiation through such veteran's participation in an operation in the United States Government's nuclear weapons testing program—

"(A) An additional 5 rems, if the DNA estimates indicate that 25 percent or more of the members of the radiation-exposed veteran's service branch participating in the operation, or 25 percent or more of the total number of participants in the operation, were exposed to more than 3 rems of ionizing radiation;

"(B) An additional 3 rems, if the DNA estimates indicate that 25 percent or more of the members of the radiation-exposed veteran's service branch participating in the operation, or 25 percent or more of the total number of participants in the operation, were exposed to more than 1 rem of ionizing radiation; or

"(C) An additional 1 rem, if the DNA estimates indicate that 20 percent or more of the members of the radiation-exposed veteran's service branch particpating in the operation, or 20 percent or more of the total number of participants in the operation, were exposed to more than 0.5 rem of ionizing radiation;

"(2) in the case of a radiation-exposed veteran who was exposed to ionizing radiation through such veteran's participation in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, an additional 1 rem; or

"(3) in the case of a radiation-exposed veteran (A) who was exposed to ionizing radiation through such veteran's participation in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, and participated in one or more nuclear weapons tests, or (B) who participated in one or more nuclear weapons tests, the total of the highest number of rems determined for the veteran under clause (1) (A), (B), or (C) of this subsection plus the number of rems determined under clause (2) of this subsection.".

SEC. 5. DEFINITIONS.

For the purpose of this Act, the term "radiation-exposed veteran" shall have the same meaning given such term in section 451 of title 38, United States Code (as added by section 3 of this Act).

SEC. 6. PRESERVATION OF EXISTING RIGHTS.

Nothing in this Act shall in any way operate or be construed to prevent the granting of service connection under chapter 11 or 13 of title 38, United States Code, in the case of any disease or disability from which a radiation-exposed veteran suffers, including those diseases or diabilities described in this Act, otherwise determined through the exercise of sound judgment to have been incurred in or aggravated by active military, naval, or air service, including such veteran's participation in the United States Government's nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946.

SEC. 7. EXTENSION OF HEALTH-CARE ELIGIBILITY.

The provisions of section 610(a)(1)(G) of title 38, United States Code, as such provisions relate to eligibility for hospital care on the basis of exposure to radiation, shall, notwithstanding any such provision, terminate no earlier than the date on which, pursuant to section 10 of this Act, the provisions of this Act terminate.

SEC. 8. REQUIREMENTS REGARDING VETERANS' ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE REPORTS.

Section 6(d)(3) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out "the Committee and the Administrator" and inserting in lieu thereof "the Committee, the Administrator, and the Committees on Veterans' Affairs of the Senate and House of Representatives".

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on October 1, 1987. No benefit may be paid for any period before such date by reason of the enactment of this Act.

SEC. 10. TERMINATION OF ACT.

The provisions of the amendments made by sections 3 and 4 of this Act shall not apply with respect to any claim for benefits filed after September 30, 1990.

● Mr. SIMON. Mr. President, today, I am pleased to join my colleague from California, the distinguished chairman of the Senate Veterans' Affairs Committee in the introduction of the Veteran's Radiation Exposure Disability Payments Act of 1987. I commend him and his committee staff for their fine work on this legislation.

I have spoken for many years on this matter and all who have closely followed the controversies surrounding compensation for our veterans exposed to radiation can testify to the difficulties of the battle. It is my deepest hope that we can now join together to enact this legislation.

We should be clear that this bill is not a final answer. I am sure that many atomic veterans and their families will be somewhat disappointed at limitations placed on compensation for their particular disorders. In my own State of Illinois is Bob Farmer, who fortunately would be covered for thyroid cancer under this legislation. But the price that Bob Farmer has paid for serving his country as a 19-year-old seaman at this Bikini, Atoll in the U.S. Marshall Islands at Operation Crossroads has been greater than most can imagine. And I do not believe that this legislation fairly compensates Bob Farmer.

Birth defects were unknown on either side of the Farmer family tree. With that in mind, this is Bob Farmer's family:

Robert, Jr., 36 who was born with a lung deformity. Twice he has narrowly escaped death due to hemorrhaging.

Dianna, 35, who was born with skull deformities.

Victoria, 30, was born with abdominal and heart deformities.

Patricia, now 31, had an 8-pound malignant tumor removed when she was a mere 15 years old.

Steven, 25, was born with one knee joined to his torso. He was born without a hip or a thighbone.

William, 24, was born with small cyst-like bumps all over his body.

Michael, 20, in addition to bumps like William, has an irregular heartbeat.

Jeffrey, 18, has extra bone growing in his right leg.

Janet, 17, suffers from a serious breathing problem.

I challenge anyone to convince me we have done right by Bob Farmer and his family. We clearly have not. Federal denial of responsibility, together with the fact that the Government itself was lax in safeguarding our servicemen, add an unneeded dimension to the tragedies in the lives of our veterans.

I have hoped for sometime that we, as a nation, are ready to do the right thing for these victims. Unfortunately, we still have not arrived at the hour in which we can redress all possible victims. Fortunately, however, this legislation stands a very good chance of enactment. I think it is imperative for all to understand that we must start some place. And we must lay aside some individual interests in order to provide the maximum compensation for the greatest number of people at this time.

I believe this legislation is more than a good beginning. It is doable. I look forward to working toward its enactment.●

By Mr. CHAFEE:

S. 1003. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid capitalized basis; to the Committee on Finance.

MEDICARE COMMUNITY NURSING AND AMBULATORY CARE ACT

Mr. CHAFEE. Mr. President, today I am introducing the Community and Ambulatory Care Act of 1987—legislation designed to improve the delivery of health care services to Medicare beneficiaries outside of institutional settings.

This proposal would allow Medicare to reimburse community nursing centers for Medicare beneficiaries who elect to enroll in their programs. These centers would provide all ambulatory care services now offered under part B of the Medicare Program—except physician services. The services would be provided under the supervision of registered nurses, and safeguards to ensure a high quality of care would be provided through the existing peer review organizations.

In return for providing these services, the community nursing center will receive 95 percent of the total amount we are now paying for these same services per Medicare beneficiary. These centers will work in much the same way as an health maintenance organization [HMO].

As a member of the Senate Finance Committee which has jurisdiction over the Medicare Program, I have become increasingly concerned about whether we are spending our Federal health care dollars effectively and whether the health care services we do provide are those most needed by the elderly and disabled.

In recent years we have made a number of major changes in the Medicare Program. One of the most far-reaching changes was development of the prospective payment system which pays hospitals per episode of illness based on diagnostic related groups [DRG's]. This system, which we are still refining and improving, has removed the inflationary incentives inherent in the old, retrospective cost based reimbursement for hospital care.

However, because of the incentive built into this system to discharge Medicare patients more quickly, prospective payment has also created a critical gap in the services available to Medicare beneficiaries. When elderly beneficiaries are discharged from the hospital, services designed to help them recover and return to their previous life style are sadly lacking.

The legislation I am introducing today will help fill this gap by providing a predetermined payment to community nursing organizations designed to provide the services Medicare beneficiaries need to fully recover. Community nursing organizations will also help more Medicare beneficiaries live independently longer by providing in-home assistance to help prevent institutionalization.

Over the past few years we have begun to explore alternatives to traditional health care systems with the goal of providing choices to those who are supposed to benefit from our Federal health care programs.

An example of this is our action to allow Medicare beneficiaries the option to enroll in an HMO or prepaid health care plan and opt out of the traditional Medicare Program. This option has already been chosen by 500,000 beneficiaries—a tiny portion of the 31 million individuals enrolled in the Medicare Program.

The bill I am introducing today expands on this concept. We must allow the beneficiaries of health care insurance to have greater responsibility and involvement in the delivery of their health care services. We must also continue to allow the Medicare Program to adapt to innovations in health care delivery. And finally, we must encourage the growth of noninstitutional services—such as those outlined in this legislation—so that we can help elderly individuals remain in their own homes and communities rather than force them to move to a nursing home. Flexibility in the use of noninstitutional models of health care is essential for improving the quality of life of the elderly.

The Community Nursing and Ambulatory Care Act makes use of one of the most important assets of our health care system: professional nurses. This legislation recognizes the expanded role nurses can plan in providing primary health care. Nurses will be able to provide regular health assessments and posthospital care in a community-based setting and they will be able to educate their patients, promote health and prevent disease.

I hope my colleagues in the Senate will join me sponsoring this legislation.

I ask unanimous consent tht the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Community Nursing and Ambulatory Care Act of 1987".

SEC. 2. PROVIDING COMMUNITY NURSING AND AMBULATORY CARE ON A PREPAID, CAPITATED BASIS TO MEDICARE BENEFICIARIES.

Title XVIII of the Social Security Act is amended by inserting after section 1876 the following new section:

"PROVISION OF COMMUNITY NURSING AND AMBULATORY CARE ON A PREPAID, CAPITATED BASIS

"SEC. 1876A. (a) ELIGIBILITY OF MEDICARE BENEFICIARIES TO ENROLL WITH ELIGIBLE ORGANIZATIONS.—Subject to the provisions incorporated by subsection (c)(3), every individual entitled to benefits under part A and enrolled under part B (other than an individual medically determined to have end-stage renal disease) shall be eligible to enroll under this section with any eligible organization with which the Secretary has entered into a contract under this section and which serves the geographic area in which the individual resides.

"(b) DEFINITIONS OF COMMUNITY NURSING AND AMBULATORY CARE AND ELIGIBLE ORGANIZATION.—

"(1) COMMUNITY NURSING AND AMBULATORY CARE DEFINED.—In this section, the term 'community nursing and ambulatory care' means the following services:

"(A) Part-time or intermittent nursing care furnished by or under the supervision of registered professional nurses.

"(B) Physical, occupational, or speech therapy.

"(C) Social and related services supportive of a plan of ambulatory care.

"(D) Part-time or intermittent services of a home health aide.

"(E) Medical supplies (other than drugs and biologicals) and durable medical equipment while under a plan of care.

"(F) Medical and other health services described in paragraphs (2)(H)(ii) and (5) through (9) of section 1861(s).

"(G) Rural health clinic services described in section 1861(aa)(1)(C).

"(H) Certain other related services listed in section 1915(c)(4)(B) to the extent the Secretary finds such services are appropriate to prevent the need for institutionalization of a patient.

"(2) ELIGIBLE ORGANIZATION DEFINED.—For purposes of this section, the term 'eligible organization' means a public or private entity, organized under the laws of any State, which meets the following requirements:

"(A) The entity is primarily engaged in the direct provision of community nursing and ambulatory care.

"(B) The entity provides directly, or through arrangements with other qualified personnel, community nursing and ambulatory care.

"(C) The entity provides that all community nursing and ambulatory care is furnished by or under the supervision of a registered nurse and that all such care is furnished by qualified staff.

"(D) The entity has policies governing the furnishing of community nursing and ambulatory care that are developed by registered professional nurses.

"(E) The entity maintains clinical records on all patients.

"(F) The entity has protocols and procedures to assure, when appropriate, timely referral to or consultation with other health care providers or professionals.

"(G) The entity complies with applicable State and local laws governing the provision of community nursing and ambulatory care to patients.

"(H) The requirements of subparagraphs (B), (D), and (E) of section 1876(b)(2).

"(c) CONTRACTS WITH ELIGIBLE ORGANIZATIONS.—

"(1) IN GENERAL.—The Secretary may not enter into a contract under this section with an eligible organization unless it meets the requirements of this subsection and subsection (d) with respect to members enrolled under this section.

"(2) BASIC SERVICE PACKAGE.—The organization must provide to members enrolled under this section, through providers and other persons that meet the applicable requirements of this title and part A of title XI, community nursing and ambulatory care (as defined in subsection (b)(1)) which is generally available to individuals residing in the geographic area served by the organization, except that the organization may provide such members with such additional health care services as the members may elect, at their option, to have covered.

"(3) INCORPORATION OF ENROLLMENT PROVISIONS.—Section 1876(c)(3) shall apply to eligible organizations under this section in the same manner as it applies to eligible organizations under section 1876, and, for such purpose, any reference in that section to subsection (a)(1)(A) is deemed a reference to subsection (d)(1)(A) of this section.

"(4) AVAILABILITY OF SERVICES.—The organization must make community nursing and ambulatory care (and such other health care services as such individuals have contracted for) available and accessible to each such individual, within the area served by the organization, with reasonable promptness and in a manner which assures continuity.

"(5) INCORPORATION OF GRIEVANCE PROCEDURES.—Section 1876(c)(5) shall apply to organizations under this section in the same manner as it applies to organizations under section 1876.

"(6) QUALITY ASSURANCE.—The organization must have arrangements, established in accordance with regulations of the Secretary, for an ongoing quality assurance program for health care services it provides to such individuals, which program (A) stresses health outcomes and (B) provides review by health care professionals of the process followed in the provision of such health care services.

"(d) DETERMINATION OF PER CAPITA PAYMENT RATES.—

"(1) IN GENERAL.—(A) The Secretary shall annually determine, and shall announce (in a manner intended to provide notice to interested parties) not later than September 7 before the calendar year concerned, a per capita rate of payment for each class of individuals who are enrolled under this section with an eligible organization and who are entitled to benefits under part A and enrolled under part B.

"(B) The Secretary shall define appropriate classes of members, based on age, disability status, and such other factors as the Secretary determines to be appropriate, so as to ensure actuarial equivalence. The Secretary may add to, modify, or substitute for such classes, if such changes will improve the determination of actuarial equivalence.

"(C) The annual per capita rate of payment for each such class shall be equal to 95 percent of the adjusted average per capita cost (as defined in paragraph (3)) for that class.

"(D) In the case of an eligible organization with a contract, the Secretary shall make monthly payments in advance and in accordance with the rate determined under subparagraph (C), except as provided in subsection (e)(3)(B), to the organization for each individual enrolled with the organization under this section.

"(E) The amount of payment under this paragraph may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled in the plan under this section and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

"(2) PAYMENTS AS SUBSTITUTE FOR OTHER PAYMENTS.—Payments under a contract to an eligible organization under paragraph (1) shall be instead of the amounts which (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b) and 1833(a), for services furnished by or through the organization to individuals enrolled with the organization under this section.

"(3) ADJUSTED AVERAGE PER CAPITA COST (AAPCC) DEFINED.—For purposes of this section, the term 'adjusted average per capita cost' means the average per capita amount that the Secretary estimates in advance (on the basis of actual experience, or retrospective actuarial equivalent based upon an adequate sample and other information and data, in a geographic area served by an eligible organization or in a similar area, with appropriate adjustments to assure actuarial equivalence) would be payable in any contract year for those services covered under parts A and B and types of expenses otherwise reimbursable under parts A and B which are described in subparagraphs (A) through (G) of subsection (b)(1) (including administrative costs incurred by organizations described in sections 1816 and 1842), if the services were to be furnished by other than an eligible organization.

"(4) PAYMENT FROM MEDICARE TRUST FUNDS.—The payment to an eligible organization under this section for individuals enrolled under this section with the organization and entitled to benefits under part A and enrolled under part B shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportions from each such trust fund as the Secretary deems to be fair and equitable taking into consideration benefits attributable to parts A and B, respectively.

"(5) EXCLUSIVE SOURCE OF PAYMENT.—During any period in which an individual is enrolled under this section with an eligible organization having a contract, only the eligible organization (and no other individual or person) shall be entitled to receive payments from the Secretary under this title for community nursing and ambulatory care (as defined in subsection (b)(1)) furnished to the individual.

"(e) RESTRICTION ON PREMIUMS, DEDUCTIBLES, COPAYMENTS, AND COINSURANCE.—

"(1) IN GENERAL.—In no case may the portion of an eligible organization's premium rate and the actuarial value of its deductibles, coinsurance, and copayments charged (with respect to community nursing and ambulatory care) to individuals who are enrolled under this section with the organization, exceed the actuarial value of the coinsurance and deductibles that would be applicable on the average to individuals enrolled under this section with the organization (or, if the Secretary finds that adequate data are not available to determine that actuarial value, the actuarial value of the coinsurance and deductibles applicable on the average to individuals in the area, in the State, or in the United States, eligible to enroll under this section with the organization, or other appropriate data) and entitled to benefits under part A and enrolled under part B, if they were not members of an eligible organization.

"(2) ADDITIONAL BENEFITS.—If the eligible organization provides to its members enrolled under this section services in addition to community nursing and ambulatory care, election of coverage for such additional services shall be optional for such members and such organization shall furnish such members with information on the portion of its premium rate or other charges applicable to such additional services. In no case may the sum of—

"(A) the portion of such organization's premium rate charged, with respect to such additional services, to members enrolled under this section, and

"(B) the actuarial value of its deductibles, coinsurance, and copayments charged, with respect to such services to such members

exceed the adjusted community rate for such services (as defined in section 1876(e)(3)).

"(3) ADDITIONAL BENEFITS REQUIRED.—(A) Subject to subparagraphs (B) and (C), each such contract shall provide that if—

"(i) the adjusted community rate, referred to in paragraph (2), for community nursing and ambulatory care covered under parts A and B (as reduced for the actuarial value of the coinsurance and deductibles under those parts) for members enrolled under this section with the organization,

is less than

"(ii) the average of the per capita rates of payment to be made under subsection (d)(1) at the beginning of an annual contract period for members enrolled under this section with the organization,

the eligible organization shall provide to such members the additional benefits described in section 1876(g)(3) which are selected by the eligible organization and which the Secretary finds are at least equal in value to the difference between that average per capita payment and the adjusted community rate (as so reduced).

"(B) Subparagraph (A) shall not apply with respect to any organization which elects to receive a lesser payment to the extent that there is no longer a difference between the average per capita payment and adjusted community rate (as so reduced).

"(C) An organization (with the approval of the Secretary) may provide that a part of the value of such additional benefits under subparagraph (A) be withheld and reserved by the Secretary as provided in section 1876(g)(5).

"(D) If the Secretary finds that, for purposes of subparagraph (A), there is insufficient enrollment experience to determine an average of the per capita rates of payment to be made under subsection (d)(1) at the beginning of a contract period, the Secretary may determine such an average based on the enrollment experience of other contracts entered into under this section.

"(4) INCORPORATION OF RELATED PROVISIONS.—The provisions of paragraphs (3), (5), and (6) of section 1876(g) shall apply in the same manner to contracts under this section as they apply to risk-sharing contracts under section 1876, and, for this purpose, any reference in such paragraphs to paragraph (2) is deemed a reference to paragraph (3) of this subsection.

"(5) INCORPORATION OF SECONDARY PAYOR PROVISION.—Section 1876(e)(4) shall apply to eligible organizations under this section in the same manner as it applies to eligible organizations under section 1876.

"(f) INCORPORATION OF PROVISIONS RELATING TO OTHER TERMS OF CONTRACT.—Section

1876(i) shall apply to contracts under this section in the same manner as it applies to contracts under section 1876, and, for such purpose, any reference to subsection (e) is deemed a reference to subsection (d) of this section.".

By Mr. DOLE (for himself, Mr. STAFFORD, Mr. DANFORTH, Mr. THURMOND, and Mr. COCHRAN):

S. 1004. A bill to reauthorize financial assistance to meet the special education needs of disadvantaged children, to reauthorize programs under chapter 2 of the Education Consolidation and Improvement Act and to strengthen provisions of that act, to provide programs for gifted and talented students, to provide for a White House conference on teaching and competitiveness, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION COMPETITIVENESS AND IMPROVEMENT ACT

Mr. DOLE. Mr. President, today, I am introducing the Education Competitiveness and Improvement Act of 1987. I am pleased to be joined in this effort by my distinguished collegues, Senators STAFFORD, DANFORTH, THURMOND, and COCHRAN.

This bill expresses a direction in which we as Republicans believe the education of this country should go. We should begin to emphasize what is right with education programs, and provide incentives for States and local school districts to implement the kinds of things that make education programs work. The quality of education in this country is a key to our competitiveness abroad. It is a sad fact that the United States is now facing a serious problem in this regard with our trading partners.

CHAPTER 1

Mr. President, the changes we would make in the chapter 1 and chapter 2 programs would encourage the kinds of activities that have been determined to be characteristic of successful elementary and secondary education programs. For chapter 1, we would require State education agencies [SEA's] to set aside 2 percent of the basic grants to be used as incentive grants, made to local educational agencies [LEA's] in that State. They are to be made to LEA's with especially successful chapter 1 programs, according to State determined criteria, which would include pupil scores on standardized achievement tests in basic reading and mathematics, or in other subjects; improvements in school attendance or high school completion rates; or application of State-established "effective schools" practices.

Further, we would improve the targeting of chapter 1 funds to make certain that the money is really reaching economically disadvantaged children. The current provision that LEA's may conduct chapter 1 programs in all school attendance areas if there is a "uniformly high concentration" of children from low-income families would be replaced by a more specific authority to serve all school attendance areas if the percentage of children from low-income families in each varies from the LEA average by no more than 5 percent.

Further, we would amend section 555 of chapter 1 to authorize LEA's, with SEA approval to use up to 2 percent of their chapter 1 grants to pay up to 50 percent of the costs of innovative projects. These projects may include continued provisions of chapter 1 services to children no longer among those most disadvantaged or who have been transferred to ineligible schools under a desegration plan, incentive payments to especially successful schools, training of teachers who are not paid from chapter 1 funds, innovative approaches to parental involvement, and increasing community and private sector participation in chapter 1 programs.

PARENTAL INVOLVEMENT

Mr. President, one of the elements that has been proven to be a key to successful school programs is a high level of parental involvement. Under this legislation, LEA's must implement procedures that would have as their goals informing parents about the Chapter 1 Program, training parents to help instruct their children, and consulting with parents on school-parent cooperation activities. LEA's are to have written policies on parental involvement in chapter 1, shall, upon request, provide support for parental involvement activities, and hold parent-teacher conferences at least annually. These activities are to be coordinated, to the extent possible, with programs under the Adult Education Act.

Currently, there is little or no followthrough between Head Start and the Chapter 1 Program. This bill would require that agencies administering each program coordinate their services.

CHAPTER 2

Mr. President, the chapter 2 provisions of this bill are identical to those of a separate bill to be introduced by the distinguished Senator from Vermont, Mr. STAFFORD and myself, along with Senators DOMENICI and HOLLINGS. Essentially, the statement of purpose is described as the support of innovative or expanded activities in the areas of basic skills instruction, educational improvement and support services, plus special projects. Funds are to be used in accordance with the needs and priorities determined by State and local educational agencies. We would provide funds for these projects only for 3 years, but the Secretary of Education may waive this requirement in cases of unusual hardship.

GIFTED AND TALENTED

In any situation involving our national competitiveness, it is essential that the special needs of gifted and talented students be met. This legislation would authorize a "gifted and talented program" to fulfill this objective. At least 50 percent of the funds must be used for programs that include the identification and education of disadvantaged gifted and talented children from low-income families. Up to 10 percent of State grants may be used for SEA administration and technical assistance, with the remaining funds to be allocated among LEA's on a competitive basis.

Another program would authorize joint programs with LEA's and institutions of higher education in order to provide advanced learning opportunities to gifted and talented secondary school students. The Secretary of Education may make grants available for programs in which gifted and talented secondary school students are enrolled in courses of instruction at institutions of higher education located in their community. This concept is modeled after a demonstration program in Hays, KS—a joint program with the local high school and Fort Hays State University. High school students would receive credit for college-level courses.

Mr. President, the Magnet School Program, authorized under title VII of the Education for Economic Security Act, has proven its success, particularly in large urban areas. This program has provided unique learning opportunities for gifted and talented students who may come from economically disadvantaged backgrounds. Our bill would reauthorize this program through fiscal year 1992.

PRIVATE SECTOR INVOLVEMENT IN EDUCATION

Mr. President, educational institutions cannot hope to exist in a void. It is essential that schools interact with the surrounding community in order to develop effective and relevant programs. To enhance private sector involvement in education, we would implement a new program of "educational partnerships," intended to encourage excellence in education and stimulate the creation of partnerships between institutions of elementary, secondary, and higher education and private sector organizations, including business and industry, and community-based organizations. This legislation would authorize discretionary grants to establish model programs of public school-private sector cooperation.

The Federal share of funding would be 90 percent for the first year for which assistance is received, 75 percent the second year, 50 percent the third year, and 33.3 percent the fourth year. The Secretary of Education shall evaluate programs given assistance under this partnership program, and disseminate the results of such evaluations to educational agencies and institutions, and other participants.

STRENGTHENING MATH AND SCIENCE

Mr. President, in any discussion of competitiveness, the quality of instruction available for math, science, and foreign languages is a crucial indicator. We have known for many years that our schools have needed to do something to improve teaching of mathematics, science, and foreign languages. To carry out this purpose, Congress enacted the Education for Economic Security Act and the Math and Science Program under title II.

Although an authorization of $350 million exists, appropriations have lagged behind, due to the current budget deficit situation. This program has only received $80 million. Since these fiscal resources are so limited, we think it would be constructive to target these scarce dollars to secondary programs in advanced mathematics, science, computer training, and foreign language study. The legislation which we are introducing would, therefore, further target these Federal funds.

Strengthening our Nation's match and science programs is of vital importance to our international competitiveness, and, to this end, we have incorporated the administration's reauthorization of the National Science Foundation. It is well known that the NSF programs are outstanding. At this time in our Nation's economic life, it is appropriate to provide significant additional support for NSF research programs. Therefore, this authorization would double funds over a 5-year period. We support the administration and believe that this is a very worthwhile and justifiable investment in our Nation's future. These programs are a key to our economic development and competitiveness, and deserve our support.

WHITE HOUSE CONFERENCE ON COMPETITIVENESS

Mr. President, there have been numerous reports issued in recent years on the quality of American education, beginning with "a Nation at Risk". Thanks to the public attention that has been given to this issue and the leadership of the President and the Department of Education, States and local school districts have come a long way to address the problems cited. It is time to evaluate the progress we have made to improve our public schools and the educational opportunities of all Americans. We believe the importance of our competitiveness and quality of teaching and instruction merit the attention that a White House Conference will attract. Therefore, we have included a provision to call for a White House Conference on Teaching and Competitiveness.

There is substantial evidence that the competitiveness position of the United States as an economic and trading partner, has seriously deteriorated in recent years. Any solution to the competitiveness problem must involve strengthening education instruction and services. Rebuilding our competitive position will involve every segment of our economy, and the Nation's elementary and secondary schools and institutions of higher education have an important role to play in this endeavor. It is essential that all levels of government, as well as representatives of the educational community and private sector work together toward the common goal of bringing the United States of America back into a position of international competitiveness. Progress has been made, but there is still a long road to follow.

The purpose of this Conference will be to develop recommendations for the improvement of education in America at all levels—elementary, secondary, postsecondary, vocational, and adult. Our intent is to bring together representatives of Federal, State, and local governments, professional and lay people, taxpayers, teachers, parents, and students, as well as the general public.

CONCLUDING REMARKS

Mr. President, it is our intent to focus on what works in American education by implementing programs that have proven their effectiveness in improving the quality of American education. All Americans need to be involved in this effort. That is why we encourage partnerships between schools and the private sector—industry, business, and community-based organizations. Parents need to be more actively involved in their children's learning process. Educational opportunities for gifted and talented students, and economically disadvantaged students should be enhanced. Our competitiveness depends upon the strength of teaching and instruction in science, mathematics, computer training, and foreign languages. In introducing this legislation, we hope to provide some constructive changes that will help this country's education system bring us into the 21st century in a position of strength. Investing in our country's education programs is an investment in the future of our children and the Nation as a whole. This is our plan to accomplish these important goals.

I ask unanimous consent that the section-by-section summary of the bill and the text be printed in the Record following my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Education Competitiveness and Improvement Act of 1987".

TITLE I—REAUTHORIZATION AND IMPROVEMENT OF CHAPTER 1 PROGRAMS

REAUTHORIZATION

Sec. 101. Section 553 of the Education Consolidation and Improvement Act of 1981 (hereafter in this title referred to as the "Act") is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1993".

INCENTIVES FOR SUCCESSFUL PROGRAMS

Sec. 102. (a) Section 555 of the Act is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by adding after subsection (c) the following new subsection:

"(d) Incentive Payments.—(1) Each State educational agency shall reserve not to exceed 5 per centum of the amount to which local educational agencies of the State are entitled under title I of the Elementary and Secondary Education Act, as modified by this chapter, in each fiscal year, in order to make incentive payments in accordance with the provisions of this subsection.

"(2) Each State educational agency shall, from the amount reserved pursuant to paragraph (1) of this subsection, make payments to local educational agencies which the State educational agency determines have the most successful programs of meeting the special educational needs of disadvantaged children in the schools of each such agency in the State, in the academic year prior to the year in which the determination is made under this subsection.

"(3)(A) Each State shall prepare and publish criteria for the selection of successful programs under paragraph (2) of this subsection not later than 90 days after the date of enactment of this subsection.

"(B) Criteria under this paragraph may include—

"(i) the scores of participating students on standardized tests of achievement in basic reading and mathematics;

"(ii) changes in secondary school completion rates and improvement in school attendance rates;

"(iii) performance of participating students in the schools of such agency on standardized tests of achievement in subjects other than basic reading and mathematics; and

"(iv) the extent to which school practices are in accord with the effective schools standards established by the State.".

(b) Section 194(a)(1) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "1 per centum" and inserting in lieu thereof "1.5 per centum"; and

(2) by striking out "$225,000," and inserting in lieu thereof "$300,000".

TARGETING NEEDIEST SCHOOLS

Sec. 103. (a) Section 556(b) of the Act is amended—

(1) by striking out "shall be approved if it provides" and inserting in lieu thereof "shall include";

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) are conducted, in rank order, only in the attendance areas of the agency with the highest number or per centum of children from low-income families, and in not more than one-third of all attendance areas of the agency;"; and

(3) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2)(A) are based on an annual assessment of educational needs that identifies educationally deprived children in all eligible attendance areas;

"(B) provide services only to those children with the greatest need for special assistance, as demonstrated by such assessment, in the grade-levels to be served; and

"(C) determine the needs of the children described in subclause (B) with sufficient specificity to ensure concentration on the needs;".

(b) Section 556(d) of the Act is amended—

(1) by inserting in paragraph (1) the subparagraph designation "(A)" immediately after "(1)";

(2) by striking out "designate" in subparagraph (A) (as so redesignated) and inserting in lieu thereof "conduct projects, as long as school attendance areas are served in rank order as described in subsection (b)(1),"; and

(3) by adding after subparagraph (A) (as so redesignated) the following new subparagraph (B):

"(B) A local educational agency may conduct projects in any of its attendance areas if the per centum of children from low income families in each attendance area of the agency is within five per centum of the agency-wide per centum of such children.";

(4) by striking out "subsection (b)(1)(A)" in paragraph (4) each place it appears and inserting in lieu thereof "subsection (b)(1)"; and

(5) by inserting "or numbers" in paragraph (5) immediately after "higher proportions".

(c) Section 556(e) of the Act is amended to read as follows:

"(e) STATE REVIEW OF LOCAL APPLICATIONS.—The State educational agency shall approve the application of a local educational agency for assistance under section 554(a)(1) if the application meets the requirements of this section and any other applicable requirement.".

(d) The heading of section 556 of the Act is amended to read as follows: "LOCAL EDUCATIONAL AGENCY APPLICATIONS AND PROGRAMS".

SMALL STATE MINIMUM

Sec. 104. Section 111(a)(2) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "In" in subparagraph (A) and inserting in lieu thereof "Subject to the provisions of subparagraph (D), in"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) The aggregate amount which local educational agencies in a State are eligible to receive under this subpart in a fiscal year shall not be less than one-half of one per centum of the amounts available for this subpart for such year".

FOSTERING INNOVATION AND EXPERIMENTATION

Sec. 105. Section 555 of the Act (as amended by section 102) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and

(2) by inserting after subsection (d) (as added by section 102) the following new subsection:

"(e) INNOVATION PROJECTS.—Subject to the approval of the State educational agency, a local educational agency may use not more than 2 percent of payments made under this part for not more than 50 percent of the costs of conducting innovative projects developed by the local educational agency including—

"(1) the continuation of services to children eligible for services in any preceding year for a period sufficient to maintain progress made during their eligibility;

"(2) the provision of extended services to eligible children transferred to ineligible areas or schools as part of a desegregation plan;

"(3) incentive payments to schools that have demonstrated significant progress and success in attaining the goals of this chapter;

"(4) training of teachers not paid with funds under this chapter with respect to the special educational needs of eligible children and to integrate activities under this chapter into regular classroom programs;

"(5) programs to encourage innovative approaches to parental involvement; and

"(6) encouraging community and private sector involvement and resources in meeting the needs of eligible children.".

ENHANCING PARENTAL INVOLVEMENT

Sec. 106. Chapter 1 of the Act is amended by adding after section 556 the following new section:

"PARENTAL INVOLVEMENT

"Sec. 556A. (a) FINDINGS; GENERAL REQUIREMENT.—

"(1) Congress finds that activities by schools to increase parental involvement are a vital part of programs under this chapter.

"(2) A local educational agency may receive funds under this chapter only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this chapter. Such activities and procedures must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals under subsection (b).

"(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into the design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and efforts by parents to improve their children's learning in the home.

"(b) GOALS OF PARENT INVOLVEMENT.—In carrying out the requirements of subsection (a), a local educational agency shall develop programs, activities, and procedures which—

"(1) inform every parent of a participating child of the programs under this chapter, of the reasons for participation by his or her child in such programs, and of the specific instructional objectives and methods for the child;

"(2) train every parent, to the maximum extent practicable, to work with his or her child in the home to attain the instructional objectives of programs under this chapter; and

"(3) consult with parents, on an ongoing basis, concerning the manner in which the school and parents can better work together to achieve the program's objectives and to give parents a feeling of partnership in the education of their children.

"(c) MECHANISMS FOR PARENTAL INVOLVEMENT.—

"(1) Each local educational agency shall develop written policies to ensure that parents have an adequate opportunity to participate in the design and implementation of programs and shall provide such reasonable support for parental involvement activities as parents may request. Local educational agencies shall provide to parents an annual statement of parent responsibilities under this chapter.

"(2) Each local educational agency shall convene an annual meeting to which all parents of participating children shall be invited, to explain to parents the programs and activities provided with funds under this chapter.

"(3) Not less than annually, each local educational agency shall be required, to the extent practical, to hold a parent-teacher conference with every parent of each child served in the program, to discuss that child's progress and placement. Educational personnel under this chapter shall be readily accessible to parents and shall permit parents to observe activities assisted under this chapter.

"(4) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers; parent training programs and expenditures associated with the attendance of parents at training sessions; reporting to parents on the children's progress; training and support of personnel to work with parents, to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

"(5) Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

"(d) COORDINATION WITH ADULT EDUCATION ACT.—Programs of parental involvement shall be coordinated, to the extent possible, with programs assisted under the Adult Education Act.".

EQUITABLE SERVICES FOR PRIVATE SCHOOL CHILDREN

Sec. 107. Section 557 of the Act is amended by adding at the end thereof the following new subsection:

"(d) CAPITAL EXPENSES.—(1) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with the provisions of this subsection. State educational agencies shall distribute funds to local educational agencies based on the degree of need as set forth in the application.

"(2)(A) From the amount appropriated for the purposes of this subsection for any fiscal year, the amount which each State shall be eligible to receive shall be an amount which bears the same ratio to the amount appropriated as the number of children enrolled in private schools who were served under chapter 1 of the Education Consolidation and Improvement Act of 1981 in the State during the period July 1, 1984, through June 30, 1985, bears to the total number of such children served during such period in all States.

"(B) Amounts which are not used by a State for the purpose of this subsection shall be reallocated by the Secretary among other States on the basis of need.

"(3) There is authorized to be appropriated $30,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, 1991, 1992, and 1993 for increases in capital expenses paid from funds under chapter 1 of the Education Consolidation and Improvement Act subsequent to July 1, 1985, of local educational agencies in providing the instructional services required under section 557 of the Education Consolidation and Improvement Act and this section, when without such funds, services to private schoolchildren have been reduced or would be reduced or adversely affected.

"(4) For the purposes of this subsection, the term 'capital expenses' is limited to expenditures for noninstructional goods and services such as the purchase, lease, and renovation of real and personal property (including but not limited to mobile educational units and computer equipment and materials), insurance and maintenance costs, transportation, and other comparable goods and services.".

IMPROVED COORDINATION WITH HEAD START PROGRAMS FOR HEAD START CHILDREN

SEC. 108. (a) CHAPTER 1 AMENDMENT.—Section 556(a) of the Act is amended—

(1) by redesignating clauses (3) and (4) as clauses (4) and (5), respectively; and

(2) by adding after clause (2) the following new clause:

"(3) provide assurances that the local educational agency will develop and carry out plans with the appropriate Head Start agency in the community in which the local educational agency is located in order to follow the success and the needs of students who participated in the Head Start program in the community;".

(b) HEAD START AMENDMENT.—Section 642(c) of the Head Start Act is amended—

(1) is amended by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The head of each Head Start agency shall develop and carry out plans with each local educational agency in the community in which the Head Start agency is located in order to facilitate following the success and the needs of students who participate in the Head Start program and who continue in the schools of such agency.".

TITLE II—REAUTHORIZATION AND REVISION OF THE CONSOLIDATED PROGRAMS UNDER CHAPTER 2

STATEMENT OF PURPOSE

SEC. 201. Section 561 of the Education Consolidation and Improvement Act of 1981 (hereafter referred to in this Act as the "Act") is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 561. (a) It is the purpose of this chapter to provide a single authorization of grants to States for the purpose of supporting innovation and the expansion of services and activities in the general areas of—

"(1) basic skills instruction,

"(2) educational improvement and support services, and

"(3) special projects,

designed to assure that projects so supported and demonstrated to be effective will be continued with State and local resources. Funds made available under this chapter shall be used in accordance with the educational needs and priorities of State and local educational agencies as determined by such agencies. It is the further purpose and intent of Congress to financially assist State and local educational agencies to improve elementary and secondary education (including preschool education) for children attending both public and private schools, and to do so in a manner designed to greatly reduce the enormous administrative and paperwork burden imposed on schools at the expense of their ability to educate children.

"(b) The basic responsibility for the administration of funds made available under this chapter is in the State educational agencies, but it is the intent of Congress that this responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under the chapter shall be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most directly responsible to parents and because they are the most likely to be able to design programs to meet the educational needs of the students in their own districts.".

PROHIBITION OF MAINTENANCE OF PROGRAMS

SEC. 202. (a) POLICY.—(1) Section 561 of the Act is further amended by adding at the end of such section (as amended by section 201) the following new subsection:

"(c) It is the policy of the Congress that financial assistance made under this chapter to State and local educational agencies be made for programs which expand the services and activities under such programs or which are of an innovative nature, and not to provide for the continuing maintenance of services and activities previously financed under this chapter.".

(2) The heading of section 561 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE; POLICY ON USE OF FUNDS".

(b) LIMITATION.—(1) Section 563 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) No allotment to a State under this chapter may be used after September 30, 1990, for the maintenance of services and activities previously assisted under this chapter for a period of three continuous years.

"(2) The Secretary may for any fiscal year after September 30, 1990, waive the requirements of paragraph (1) whenever the Secretary determines, pursuant to a request made by the State educational agency, that the local educational agency within the State desiring a waiver can demonstrate that the program for which the waiver is sought—

"(A) has been changed over the three-year period prior to the fiscal year for which the waiver is sought to meet additional needs for services and educational opportunity; or

"(B) is necessary to meet unusual hardship circumstances.".

(2) The section heading of section 563 of the Act is amended to read as follows:

"ALLOTMENT TO STATES; LIMITATION ON USE OF FUNDS".

REAUTHORIZATION

SEC. 203. (a) Section 562(a) of the Act is amended by striking out "for fiscal year 1982 and each of the five succeeding fiscal years" and inserting in lieu thereof "for fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1993".

(b) Section 552(b) of the Act is amended by striking out "1987" and inserting in lieu thereof "1993".

BASIC SKILLS INSTRUCTION

SEC. 204. Section 571 of the Act is amended to read as follows:

"USE OF FUNDS

"SEC. 571. Funds allocated for use under this subchapter shall be used by State and local educational agencies to develop and implement a comprehensive and coordinated program designed to improve elementary and secondary school instruction in basic skills of reading, mathematics, and written and oral communication, including special mathematics programs.".

EDUCATIONAL IMPROVEMENT AND SUPPORT SERVICES

SEC. 205. Section 576 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 576. It is the purpose of this subchapter to permit State and local educational agencies to use funds (directly and through grants or contracts with educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions) to carry out selected activities from a full range of educational improvement resources and support programs, emergency school aid programs (relating to desegregation of schools), pre-college science training programs, and teacher training and teacher centers programs, in accordance with the planned allocation of funds set forth in applications submitted under sections 564 and 566, and in conformity with the other requirements of this chapter.".

SPECIAL PROJECTS

SEC. 206. Section 581 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 581. It is the purpose of this subchapter to permit State and local educational agencies to use Federal funds (directly and through grants or contracts with educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions) to carry out selected activities from the full range of programs and projects relating to the use of school facilities by the community, programs for gifted and talented children, programs for educational proficiency standards, programs for making elementary and secondary schools safe, programs relating to ethnic heritage, programs relating to career education, and Follow Through programs, in accordance with the planned allocation of funds set forth in the applications under sections 564 and 566, and in conformity with the other requirements of this chapter.".

TECHNICAL AMENDMENT

SEC. 207. The heading of chapter 2 of the Education Consolidation Improvement Act is amended to read as follows:

"CHAPTER 2—FEDERAL PROGRAMS FOR THE IMPROVEMENT OF ELEMENTARY AND SECONDARY EDUCATION".

TITLE III—GIFTED AND TALENTED STUDENT PROGRAMS AND MAGNET SCHOOLS

PART A—GIFTED AND TALENTED ELEMENTARY AND SECONDARY SCHOOL CHILDREN

SHORT TITLE; PURPOSE

SEC. 301. (a) This part may be cited as the "Gifted and Talented Children's Education Act".

(b) The Congress finds and declares that—

(1) the Nation's greatest resource for solving critical national problems in areas of national concern is its gifted and talented children,

(2) unless the special abilities of gifted and talented children are developed during their elementary and secondary school years, their special potentials for assisting the Nation may be lost, and

(3) gifted and talented children from economically disadvantaged families and areas often are not afforded the opportunity to fulfill their special and valuable potentials, due to inadequate or inappropriate educational services.

(c) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist such agencies, institutions and organizations to plan, develop, operate, and improve programs designed to meet the special educational needs of gifted and talented children.

DEFINITIONS

SEC. 302. For the purposes of this part—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "gifted and talented children" means children and, whenever applicable, youth, who are identified at the preschool, elementary, or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing and visual arts, and who by reason thereof, require services or activities not ordinarily provided by the school;

(3) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education;

(6) the term "State" has the same meaning given that term by section 198(a)(16) of the Elementary and Secondary Education Act of 1965; and

(7) the term "State educational agency" has the same meaning given that term by section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

AUTHORIZATION OF APPROPRIATIONS; APPORTIONMENT OF APPROPRIATIONS

SEC. 303. (a) For the purpose of carrying out this part, there are authorized to be appropriated $25,000,000 for the fiscal year 1988 and for each of the 4 succeeding fiscal years.

(b)(1) From the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve $5,000,000 for carrying out the provisions of section 305, relating to discretionary programs.

(2) The remainder of the sums appropriated under subsection (a) for each fiscal year shall be available to carry out the provisions of section 304, relating to State programs.

STATE PROGRAMS

SEC. 304. (a) From the amounts available in any fiscal year under section 303(b)(2), the Secretary shall make grants to State educational agencies for the Federal share of the cost of planning and carrying out programs designed to meet the educational needs of gifted and talented children at the preschool, elementary, and secondary levels. Such programs may include—

(1) demonstration programs designed to develop special techniques for teaching such children, together with assessments of the programs;

(2) inservice training of personnel to teach such children; and

(3) State leadership programs to assist in extending programs for such children throughout the State.

(b) The Secretary shall, in each fiscal year, allot the amounts appropriated pursuant to section 303(a) and available under section 303(b)(2) in accordance with the provisions of section 306.

(c) Each State educational agency desiring to receive a grant under this section shall submit an application at such time, in such manner and containing such information as is necessary for the purposes of this section. Each such application shall contain assurances that—

(1) funds paid to the State educational agency will be expended solely to programs and projects which—

(A) are designed to identify the educational needs of gifted and talented children,

(B) are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting such needs, and

(C) give appropriate consideration to the particular educational needs of disadvantaged gifted and talented children;

(2)(A) the State educational agency will reserve from funds made available under this section in each fiscal year not more than 10 per centum of such funds for the purpose of administration, technical assistance, coordination, and statewide planning related to programs and projects designed to meet the needs of gifted and talented children;

(B) the State educational agency will distribute, on a competitive basis, not less than 90 per centum of the funds made available under this section for payments to local educational agencies within the State which apply to the State educational agency, with due regard for the quality of activities proposed in the application of the local educational agencies;

(3) the State educational agency will use at least 50 per centum of the funds made available under this section for programs and projects which include a component for the identification and education of disadvantaged gifted and talented children from low-income families;

(4) the State educational agency and the local educational agencies within the State may use funds made available under this section to acquire instructional equipment only if such equipment will enhance the program or project for which such funds are furnished;

(5)(A) the requirements of section 557 of the Education Consolidation and Improvement Act of 1981 (relating to participation of pupils and teachers in private elementary and secondary schools) are met unless such requirements cannot legally be met in the State (as determined by the State educational agency);

(B) the State educational agency will not approve the application of a local educational agency within the State for assistance under this section unless the State educational agency determines that in designing the proposal subject to the application the needs of children in nonprofit private elementary and secondary schools have been taken into account through the consultation with private school officials and by other appropriate means; and

(6) the State educational agency will provide to local educational agencies within the State, which are unable to compete due to smaller size or lack of financial resources, technical assistance in preparing proposals and in planning, developing, and operating programs under this section.

(d) The Secretary shall approve any application which meets the requirements of subsection (c) and not disapprove any such application without first affording an opportunity for a hearing.

DISCRETIONARY PROGRAMS

SEC. 305. (a) From the amounts available in any fiscal year under section 303(b)(1) the Secretary may—

(1) make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist them, to provide leadership training of personnel engaged in the education of gifted and talented children; and

(2) conduct, either directly or by grant or contract, a program of research, evaluation, and related activities pertaining to the education of gifted and talented children, to pay the Federal share of the cost of such grants or contracts.

(b)(1) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner, and containing such information, as is necessary for the purposes of this section.

(2) The requirements of section 557 of the Education Consolidation and Improvement Act of 1981 (relating to the participation of pupils and teachers in private, elementary, and secondary schools) shall apply to programs and projects under this section unless such requirements cannot legally be met in the State (as determined by the State educational agency of the State in which the applicant for funds under this section is located).

STATE ALLOTMENTS

SEC. 306. (a)(1) In each fiscal year the Secretary shall allot, from amounts available under section 303(b)(2), not more than 1 per centum among—

(A) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(B) programs for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior,

in accordance with their respective needs.

(2) From the remainder of such sums in any such fiscal year, the Secretary shall allot to each State which has an application meeting the requirements of section 304—

(A) $250,000, plus

(B) an amount which bears the same ratio to such remainder as the number of children in the State aged 5 to 17 years, inclusive, bears to the number of children in all States.

(3) For the purposes of this subsection, the term "State" means the several States, the Commonwealth of Puerto Rico, and the District of Columbia.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reduction shall be similar reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated under section 303 shall be deemed part of its allotment under section (a) for such year.

ADMINISTRATION

Sec. 307. (a) The Secretary shall designate an administrative unit within the Department of Education to administer the programs and projects authorized by this part and to coordinate all programs for gifted and talented children and youth administered by the Department of Education.

(b) Notwithstanding any other provision of law, any Indian tribe which operates schools for its children shall be deemed to be a local educational agency for the purposes of this part.

FEDERAL SHARE

Sec. 308. The Federal share for any fiscal year shall be 90 per centum, except that the Federal share for programs and projects involving the participation of students in nonprofit private elementary and secondary schools shall be 100 per centum.

REPORT

Sec. 309. The Secretary, as part of the annual report of the Department of Education, shall describe the program assisted under this part together with an evaluation of the services of such programs in carrying out the objectives of this part.

Part B—College Studies for the Gifted and Talented Program

STATEMENT OF PURPOSE

Sec. 331. It is the purpose of this part to make demonstration grants to local educational agencies and institutions of higher education, applying jointly, to conduct educational programs for gifted and talented secondary school students.

DEMONSTRATION PROGRAM AUTHORIZED

Sec. 332. (a) The Secretary is authorized to make grants to, and to enter into contracts with, local educational agencies and institutions of higher education located in the same community as the local educational agency, applying jointly, for demonstration projects designed to address the special needs of gifted and talented secondary school students, in accordance with the provisions of this part.

(b) Each demonstration projects assisted under this part shall include—

(1) the identification of gifted and talented secondary school students who will benefit from participation in the project;

(2) the enrollment of such secondary school students in courses of instruction at institutions of higher education located in the same community in which such students reside and are attending secondary school; and

(3) the awarding of academic credit at the secondary school and at the institution of higher education for participation in such courses of instruction.

APPLICATION

Sec. 333. (a) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner, and containing or accompanied by such information as the Secretary determines necessary to carry out the provisions of this part.

(b) Each such application shall be submitted jointly by the local educational agency and the institution of higher education submitting the proposal for the education of gifted and talented secondary school students.

DEFINITIONS

Sec. 334. As used in this part—

(1) the term "gifted and talented secondary school students" means students who are identified at the secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing and visual arts, and who by reason thereof, require services or activities not ordinarily provided by the school;

(2) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(4) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State" has the same meaning given that term by section 198(a)(16) of the Elementary and Secondary Education Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

Sec. 335. There are authorized to be appropriated $5,000,000 for the fiscal year 1988 and for each of the succeeding 4 fiscal years.

Part C—Reauthorization of Magnet Schools Program

PROGRAM REAUTHORIZED

Sec. 351. Section 701 of the Education for Economic Security Act is amended to read as follows:

"Sec. 701. There are authorized to be appropriated $75,000,000 for the fiscal year 1988 and for each of the fiscal years ending prior to October 1, 1992, to carry out the provisions of this title.".

TITLE IV—EDUCATIONAL PARTNERSHIPS

SHORT TITLE

Sec. 401. This title may be cited as the "Educational Partnerships Act of 1987".

STATEMENT OF PURPOSE

Sec. 402. It is the purpose of this title to encourage the creation of educational partnerships between public schools and the private sector in order to apply the resources of the private and nonprofit sectors of the community, particularly business concerns, and community-based organizations, to the needs of educational institutions in that community designed to encourage excellence in education.

DEFINITIONS

Sec. 403. As used in this title—

(1) The term "educational institutions" means a local educational agency or an institution of higher education, or both.

(2) The term "educational partnership" means—

(A) an educational institution, and

(B) business concerns, community-based organizations, nonprofit private organizations, museums, libraries, educational television stations, and if the State agrees to participate, appropriate State agencies.

(3) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

(5) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(6) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(7) The term "Secretary" means the Secretary of Education.

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(9) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

PROGRAM AUTHORIZED

Sec. 404. (a) The Secretary is authorized to make grants to educational partnerships to pay the Federal share of the costs of the model cooperative programs for activities described in section 405.

(b) There are authorized to be appropriated $25,000,000 for the fiscal year 1988 and for each of the 4 succeeding fiscal years to carry out the provisions of this title.

AUTHORIZED ACTIVITIES

Sec. 405. An eligible partnership may use payments received under this title in any fiscal year for model cooperative programs designed to apply the resources of the private and nonprofit sectors of the community to the elementary and secondary schools of the local educational agency or to courses of study at institutions of higher education in that community, or both, designed to improve instruction in elementary and secondary schools or in institutions of higher education, or both.

APPLICATION

Sec. 406. (a) Any educational partnership which desires to receive a grant under this title shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance under this title is sought;

(2) provide assurances that the educational partnership will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources;

(3) provide assurances that the educational partnership will disseminate information on the model program for which assistance is sought; and

(4) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this title.

(b) A consortium of educational partnerships may file a joint application under the provisions of subsection (a) of this section.

APPROVAL OF APPLICATIONS

SEC. 407. The Secretary shall approve applications in accordance with uniform criteria established by the Secretary.

PAYMENTS; FEDERAL SHARE; LIMITATION

SEC. 408. (a)(1) The Secretary shall pay to each eligible partnership having an application approved under section 407 the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for the first year for which an eligible alliance receives assistance under this title shall be 90 percent;

(B) for the second such year shall be 75 percent;

(C) for the third such year shall be 50 percent; and

(D) for the fourth such year 33⅓ percent.

(3) The non-Federal share of payments under this title may be in cash or in kind fairly evaluated, including planned equipment or services.

(b) Not more than 15 percent, or $1,000,000, whichever is greater, of the funds appropriated under this title in any fiscal year may be paid to eligible partnerships in any single State.

EVALUATION AND DISSEMINATION

SEC. 409. (a) The Secretary shall conduct an annual evaluation of grants made under this title to determine the success of model programs in meeting the objectives of this title.

(b) The Secretary shall disseminate to State and local educational agencies, institutions of higher education, and other participants in the educational partnership program information relating to the activities assisted under this title.

TITLE V—MATHEMATICS AND SCIENCE TARGETED ASSISTANCE

TARGETED ASSISTANCE TO SECONDARY EDUCATION PROGRAMS FOR ADVANCED COMPUTER, MATHEMATICS, PHYSICAL SCIENCES, AND FOREIGN LANGUAGE INSTRUCTION

SEC. 501. (a) Section 206(b)(1) of the Education for Economic Security Act (hereafter in this title referred to as "the Act") is amended by striking out clause (B) and inserting in lieu thereof the following:

"(B) if the local educational agency determines that the objectives of this Act would be better met, for—

"(i) advanced computer instruction;

"(ii) advanced mathematics instruction;

"(iii) advanced physical science instruction;

"(iv) foreign language instruction in the foreign languages of the major trading partners of the United States; and

"(v) materials and equipment for such instruction,

for secondary school students.".

(b) Section 206(c)(1) of the Act is amended to read as follows:

"(c) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 30 per centum of the funds available to the local educational agency under subsection (b) may be used for instruction at the secondary school level in foreign languages of the major trading partners of the United States.".

(c) Section 210(c) of the Act is repealed.

TITLE VI—WHITE HOUSE CONFERENCE ON TEACHING AND COMPETITIVENESS

SHORT TITLE

SEC. 601. This title may be cited as the "White House Conference on Teaching and Competitiveness Act".

FINDINGS

SEC. 602. The Congress finds that—

(1) there is substantial evidence that the competitive position of the United States as an economic and trading partner has seriously deteriorated in recent years, and any solution to the competitiveness problem must involve strengthening educational instruction and services;

(2) rebuilding our competitive position will involve every segment of our economy, and the Nation's elementary and secondary schools and institutions of higher education have an important role to play in this endeavor; and

(3) it is essential that the United States bring together members of the educational community, as well as local, State, and Federal officials and representatives of the private sector in order to discuss how all segments of our society can work together to rebuild America's competitiveness.

AUTHORITY OF THE PRESIDENT; FINAL REPORT

SEC. 603. (a) The President of the United States is authorized to call a White House Conference on Teaching and Competitiveness not later than December 1, 1988.

(b)(1) The purpose of the White House Conference on Teaching and Competitiveness shall be to develop recommendations for the improvement of the education of the Nation, including all levels of education, elementary, secondary, postsecondary, vocational, and adult, in accordance with the purposes set forth in section 602 of this title.

(2) The Conference shall be composed of, and bring together representatives of Federal, State, and local governments, professional and lay people, and other interested members of the general public, including taxpayers, teachers, parents, and students.

(c) The Conference shall be an independent advisory body established by the President. The Conference shall be planned, convened and conducted under the direction of the executive director of the Conference.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, as well as proposals for any local, State, or Federal legislative or executive action necessary to implement the recommendations of the Conference, shall be submitted to the President not later than 180 days following the close of the Conference. The final report shall be made public and, within 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e) The authority for the Conference, its administration, staff and appropriation, shall expire 90 days after transmission by the President to the Congress of the final report of the Conference.

ADMINISTRATION

SEC. 604. (a) In administering this title, the executive director shall—

(1) when appropriate, request the cooperation and assistance of other departments and agencies of the Federal Government necessary to facilitate the planning and administration of the Conference;

(2) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference;

(3) make grants to, and enter into contracts with, public agencies, private organizations, and academic institutions as may be necessary to ensure broad representation at the Conference and to assist in their preparation for the Conference; and

(4) prepare and make available background materials for the use of delegates to the Conference and distribute such reports of the Conference and associated State conferences as may be appropriate.

(b)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the head of each Federal department and agency is authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

(3) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to the executive director upon request under paragraph (2).

(4) The executive director is authorized to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the executive director in furtherance of the Conference. Such grants, gifts, or bequests offered the Conference, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the executive director for the purposes of this title.

DEFINITIONS

SEC. 605. For the purpose of this title—

(1) the term "Conference" means the White House Conference on Education authorized under section 602(a);

(2) the term "executive director" means the executive director appointed under section 604(b) of this title; and

(3) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS; LIMITATION

SEC. 606. There are authorized to be appropriated without fiscal year limitation such sums, but not to exceed $5,000,000 as may be necessary to carry out this title. Such sums shall remain available for obligation until expended.

TITLE VII—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SHORT TITLE

SEC. 701. This title may be cited as the "National Science Foundation Authorization Act for Fiscal Years 1988 through 1992".

AUTHORIZATION OF APPROPRIATIONS

SEC. 702. (a) The Congress finds that to strengthen national economic productivity and competitiveness the programs of the National Science Foundation should be doubled in size over the next 5 years.

(b) There is authorized to be appropriated to the National Science Foundation:

(1) For the fiscal year 1988, $1,893,000,000. Such funds will be available for the following categories:

(A) Biological, Behavioral, and Social Sciences, $297,000,000.

(B) Computer and Information Science and Engineering, $143,000,000.

(C) Engineering, $205,000,000.

(D) Geosciences, $330,000,000.

(E) Mathematical and Physical Sciences, $514,000,000.

(F) Scientific, Technological, and International Affairs, $51,000,000.

(G) Program Development and Management, $95,000,000.

(H) Science and Engineering Education, $115,000,000.

(I) United States Antarctic Program, $143,000,000.

(2) For the fiscal year 1989, $2,158,000,000, including $1,877,000,000 for research and related activities, $134,000,000 for science and engineering education, and $147,000,000 for the United States Antarctic Program.

(3) For the fiscal year 1990, $2,474,000,000.

(4) For the fiscal year 1991, $2,831,000,000.

(5) For the fiscal year 1992, $3,245,000,000.

AVAILABILITY OF APPROPRIATIONS

SEC. 703. Appropriations made under authority provided in section 702 shall remain available for obligation for periods specified in the Acts making the appropriations.

CONSULTATION AND REPRESENTATION EXPENSES

SEC. 704. From appropriations made under authorizations provided in this Act, not more than $7,500 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the Foundation. The determination of the Director will be final and conclusive upon the accounting officers of the Government.

TRANSFER OF FUNDS

SEC. 705. (a) Funds may be transferred among the categories listed in section 702, so long as the net funds transferred to or from any category do not exceed 10 per centum of the amount authorized for that category in section 702.

(b) In addition, the Director of the Foundation may propose transfers to or from any category exceeding 10 per centum of the amount authorized for that category in section 702. An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science and Technology of the House, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

ADMINISTRATIVE AMENDMENTS

SEC. 706. (a) Section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) is amended by adding at the end thereof the following:

"(k) Portions of Board meetings in which the Board considers possible Foundation budgets for a particular fiscal year or other legislative proposals that might be submitted to Congress may be closed to the public until the President's budget for that fiscal year or the legislative proposal has been submitted to the Congress.".

(b) Section 5(b) of the National Science Foundation Act of 1950 is amended to read as follows:

"(b) Except as otherwise specifically provided in this Act—

"(1) the Director is the head of the agency and shall exercise all the authority granted to the Foundation by this or any other Act (including any powers and functions which may be delegated to him by the Board), and

"(2) all actions taken by the Director pursuant to the provisions of this or any other Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.".

(c) Section 7 of the National Science Foundation Act of 1950 is amended to read as follows:

"EXECUTIVE COMMITTEE

"SEC. 7. The Executive Committee of the Board shall be composed of the Director ex officio, who shall chair the Committee, and at least four other Board members elected by the Board. The Executive Committee shall exercise such powers and functions as may be delegated to it by the Board.".

(d) Section 14(d) of the National Science Foundation Act of 1950 is amended by inserting before "special" the following: "Board and persons holding other offices in the Federal Government may serve as members of".

(e) Subsection 15(c) of the National Science Foundation Act of 1950 is repealed.

(f)(1) Section 36(b) of the National Science Foundation Authorization and Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 to 1885d) is amended to read as follows:

"(b) Each member of the Committee shall be appointed by the Director of the National Science Foundation. Members shall be appointed to serve for a three-year term, and may be reappointed for an additional term of three years.".

(2) Section 36(f) of such Act is amended to read as follows:

"(f) Every two years, the Committee shall prepare and transmit to the Director a report on its activities during the previous two years and proposed activities for the next two years. The Director shall transmit to Congress the report, unaltered, together with such comments as the Director deems appropriate.".

TITLE VIII—SPECIAL REPORT

REPORT ON THE IMPROVEMENT OF MATHEMATICS AND SCIENCE AND FOREIGN LANGUAGE INSTRUCTION

SEC. 801. (a) The Secretary of Education and the National Science Foundation shall jointly conduct a thorough study of the strategies and methods employed by educational institutions, including local educational agencies, State educational agencies, and institutions of higher education, to improve instruction in mathematics, science, and foreign languages. The study required by this subsection shall include—

(1) an analysis and evaluation of what has been done to improve instruction in mathematics, science, and foreign languages;

(2) what future challenges need to be addressed in such instruction; and

(3) the appropriate roles of the Federal Government, State governments, and local governments, as well as the private sector in providing strategies to improve proficiency in mathematics, science, and foreign language instruction.

(b) The Secretary of Education and the National Science Foundation shall jointly prepare and submit to the Congress, not later than 18 months after the date of enactment of this Act, a report on the study required by subsection (a), including recommendations for legislation, as the Secretary and the Foundation deem appropriate.

S. 1004, THE "EDUCATION COMPETITIVENESS AND IMPROVEMENT ACT OF 1987": A SECTION-BY SECTION SUMMARY

TITLE I—REAUTHORIZATION AND IMPROVEMENT OF CHAPTER 1 PROGRAMS

Sec. 101. The authorization of appropriations for chapter 1, Education Consolidation and Improvement Act, Federal aid for the education of disadvantaged children, is extended through fiscal year (FY) 1993. Chapter 1 is currently authorized through FY 1987, although an automatic extension of that authorization for at least 1 year is provided under sec. 414 of the General Education Provisions Act.

Sec. 102. Sec. 555 of chapter 1, which contains general provisions for authorized programs, is amended to require State education agencies (SEAs) to set aside 2 percent of chapter 1 basic grants to local educational agencies (LEAs) in the State, to be used for incentive grants. These grants are to be made to LEAs with especially successful chapter 1 programs, according to State-determined criteria. These criteria may include pupil scores on standardized tests of achievement in basic reading and mathematics, or in other subjects; improvements in school attendance or high school completion rates; or application of State-established "effective schools" practices.

In addition, the maximum level of grants for State administration of chapter 1 programs is increased from the greater of 1 percent of the State grant or $225,000, to the greater of 1.5 percent of grants or $300,000 ($50,000 for Outlying Areas in each case).

Sec. 103. It is required that, in general, chapter 1 programs may be conducted in no more than one-third of the school attendance areas of an LEA. It is explicitly stated that school attendance areas must generally be selected in rank order on the basis of the number or percentage of resident children from low-income families. The current provision that LEAs may conduct chapter 1 programs in all school attendance areas if there is a "uniformly high concentration" of children from low-income families among such areas. is replaced by a more specific authority to serve all school attendance areas if the percentage of children from low-income families in each varies from the LEA average by no more than 5 percent.

Sec. 104. Sec. 555 of chapter 1 is amended to authorize LEAs (with SEA approval) to use up to 5 percent of their chapter 1 grants to pay up to 50 percent of the costs of innovative projects. Such innovative projects may include continued provision of chapter 1 services to children no longer among those most disadvantaged or who have been transferred to ineligible schools under a desegregation plan, incentive payments to especially successful schools, training of teachers who are not paid from chapter 1 funds, innovative approaches to parental involvement, and increasing community and private sector participation in chapter 1 programs.

Sec. 105. Additional requirements for parental involvement in chapter 1 programs are established. LEAs must implement procedures "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals" of informing parents about the chapter 1 program, training parents to help instruct their children, and consulting with parents on school-parent cooperation activities. LEAs are to have written policies on parental involvement in chapter 1, shall—if requested—provide support for parental involvement activities, and hold parent-teacher conferences at least annually. LEAs may implement a number of other, specified types of parental and involvement activities. These activities are to be coordinated, "to the extent possible," with programs assisted under the Adult Education Act.

Sec. 106. The chapter 1 provisions regarding participation by non-public school pupils are amended to authorize grants to help LEAs meet "capital expenses" associated with serving such pupils. Such "capital expenses" may include the rental of mobile classrooms, purchase of computer equipment, transportation costs, etc. This would provide a separate source of funds to meet costs that are now paid from chapter 1 basic grants. Grants are to be made to States in proportion to the number of non-public school pupils served under chapter 1 during the 1984-85 school year. A total of $30 million is authorized for this purpose for FY 1988, and "such sums as may be necessary" thereafter through FY 1993.

Sec. 107. Both chapter 1 and the Head Start Act are amended to require that agencies conducting each program coordinate their services with each other.

TITLE II—REAUTHORIZATION AND REVISION OF THE CONSOLIDATED PROGRAM UNDER CHAPTER 2

Sec. 201. The Statement of Purpose for chapter 2, Education Consolidation and Improvement Act—Consolidation of Federal Programs for Elementary and Secondary Education—is replaced, removing direct references to previous programs that were consolidated by chapter 2 in 1981. The purpose of the program is now described as the support of innovative or expanded activities in the areas of basic skills instruction, educational improvement and support services, plus special projects. Funds are to be used in accordance with the needs and priorities determined by State and local educational agencies.

Sec. 202. In order to avoid the use of Federal assistance under chapter 2 for the continued maintenance of existing State and local programs, no chapter 2 funds may be used for any activity for more than 3 continuous years, beginning in FY 1991. The Secretary of Education may waive this requirment in cases of unusual hardship, or if the recipient educational agency can demonstrate that the supported activity has been changed over the prior 3-year period.

Sec. 203. The authorization of appropriations for chapter 2 is extended through FY 1993, at the level of "such sums as may be necessary."

Sec. 204-206. The statements regarding purposes or authorized uses of funds for the 3 parts of chapter 2—basic skills development, educational improvement and support services, and special projects—are amended to remove direct references to previous programs that were consolidated into chapter 2 in 1981, while authorizing support for activities substantially similar to those under current law.

Sec. 207. The heading of chapter 2 is amended to read, "Federal Programs For The Improvement Of Elementary And Secondary Education."

TITLE III—GIFTED AND TALENTED STUDENT PROGRAMS AND MAGNET SCHOOLS

Part A—Gifted and talented elementary and secondary school children

Sec. 301. The "Gifted and Talented Children's Education Act" is authorized for the purpose of helping to meet the special educational needs of such children.

Sec. 303. For each FY 1988-1992, $25 million is authorized to be appropriated for this part, with $5 million of this amount to be reserved for discretionary programs of the Secretary of Education.

Sec. 304. All funds for this part, except those to be used at the discretion of the Secretary of Education, shall be used for State programs for gifted and talented children. Up to 10 percent of State grants may be used for SEA administration and technical assistance, with remaining funds to be allocated among LEAs on a competitive basis. At least 50 percent of funds must be used for programs that include the identification and education of disadvantaged gifted and talented children from low/income families. Programs are to provide services, on an equitable basis, to pupils attending non-public schools in LEAs receiving grants under this act.

Sec. 305. Funds for this part which are not used for State grants may be used by the Secretary of Education for discretionary grants for personnel training, research, evaluation, or related activities for the education of gifted and talented children. These programs are also to provide for equitable participation by non-public school pupils and teachers.

Sec. 306. Except for funds to be used at the Secretary of Education's discretion, appropriations for this part will be allocated among the States in the form of a flat grant to each State of $250,000, with remaining funds distributed in proportion to the State share of population aged 5-17 years. One percent of State grant funds will be distributed to the Outlying Areas plus the Bureau of Indian Affairs.

Sec. 307. The Secretary is to designate an administrative unit to coordinate all programs for gifted and talented children and youth in the Department of Education, as well as to administer programs under this part.

Sec. 308. The Federal share of expenditures for programs assisted under this part is to be 90 percent, except that it shall be 100 percent in programs for non-public school pupils.

Part B—College studies for the gifted and talented program

Sec. 331. Grants are authorized for joint programs of LEAs and institutions of higher education, for the education of gifted and talented secondary school students.

Sec. 332-335. The Secretary of Education may make grants for programs in which gifted and talented secondary school students are enrolled in courses of instruction at institutions of higher education located in their community. For each of fiscal years 1988 through 1992, $5 million is authorized to be appropriated for this purpose.

Part C—Reauthorization of magnet schools program

Sec. 351. The Magnet Schools Program, currently authorized through FY 1988, under title VII of the Education for Economic Security Act, is extended through FY 1992.

TITLE IV—EDUCATIONAL PARTNERSHIPS

Sec. 401-403. Under this title, the "Educational Partnerships Act of 1987," grants are authorized to encourage excellence in education and stimulate the creation of partnerships between public schools and private sector organizations.

Sec. 404-407. The appropriation of $25 million for each of fiscal years 1988-1992 is authorized for discretionary grants for model programs of public school-private sector cooperation. Activities may be focused on elementary and secondary or higher education.

Sec. 408. The Federal share of expenditures for projects assisted under this title shall be 90 percent for the first year for which assistance is received, 75 percent the second year, 50 percent the third year, and 33.3 percent the fourth year. No more than 15 percent of total appropriations for this program may be allocated to partnerships in any single State in any fiscal year.

Sec. 409. The Secretary shall evaluate programs assisted under this title, and disseminate the results of such evaluations to educational agencies and institutions, and other participants in educational partnerships.

TITLE V—MATHEMATICS AND SCIENCE TARGETED ASSISTANCE

Title II of the Education for Economic Security Act is amended to target the existing science and mathematics education programs to secondary school programs which teach advanced mathematics, advanced science, advanced computer instruction, and foreign languages, particularly of our trading partners. Due to the fact that appropriations have never reached the authorization ceiling, it seemed constructive to place the emphasis on secondary school programs, rather than elementary school programs.

TITLE VI—WHITE HOUSE CONFERENCE ON TEACHING AND COMPETITIVENESS

Sec. 603. This title, the "White House Conference on Teaching and Competitiveness Act," requires the President to convene such a conference by no later than December 1, 1988. The Conference is to include representatives of all levels of government plus the private sector, and is to develop recommendations for the improvement of education at all levels, to enhance American competitiveness in international trade. The Conferees are to submit a report, including recommendations for Federal, State, or local legislative or executive action, within 180 days after completion of the Conference. The President is to appoint an executive and other directors for the Conference, while all Federal agencies are to provide staff (on detail) and other forms of assistance. The appropriation of $5 million, without fiscal year limitation, is authorized to conduct the Confernce.

TITLE VII—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Sec. 701. Permits the citation of the Act as the "National Science Foundation Authorization Act for Fiscal Years 1988, 1989, 1990, 1991, and 1992."

Sec. 702. Authorizes appropriations of $1,893,000,000 in nine categories for FY 1988; $2,158,000,000 in three areas for FY 1989; $2,474,000,000 for FY 1990; $2,831,000,000 for FY 1991; and $3,245,000,000 for FY 1992.

Sec. 703. Provides that appropriations made under section 702 will remain available for periods specified in appropriations acts.

Sec. 704. Authorizes annual expenditures of up to $7,500 for FY 1988 through FY 1992 for official consultation, representation, and other extraordinary expenses at the discretion of the Director.

Sec. 705. Provides that funds may be transferred among categories but precludes transfers to or from any category exceeding 10 percent of the amount listed for that category until thirty calendar days have passed after the Director has notified the Speaker, the Vice President, and the Senate and

House authorization committees of the nature of the transfer and the reason for it.

Sec. 706. Contains five amendments to the National Science Foundation Act and one to a related law. The proposed changes together with changes made in other years serve a long-term purpose. They represent a continued collaboration between the Foundation and the congressional committees charged with oversight of its activities to simplify and streamline its organic legislation.

TITLE VIII—SPECIAL REPORTS

Sec. 801. The Secretary of Education and the National Science Foundation are to conduct a study of methods to improve instruction at all levels of education in the subjects of mathematics, science, and foreign languages. Among other matters, the study is to consider the appropriate roles for Federal, State, and local governments, plus the private sector, in improving such instruction. The study is to be completed within 18 months.

Mr. STAFFORD. Mr. President, today I am pleased to introduce with the distinguished minority leader, legislation to improve education at our elementary, secondary, and postsecondary schools, which in turn will enhance the competitive posture of the United States. At the basis of our proposal are the twin concerns of improved opportunity and improved quality. For our Nation to maintain its position as the world leader in so many areas we will need to assure that all American children have access to an education and that all education programs be subject to new and higher standards of quality. The Dole-Stafford bill first reaffirms and reauthorizes existing elementary and secondary education programs while at the same time highlighting some additional areas of Federal concern. Most important of all Federal education programs in this Senator's mind is the Chapter 1 Program which provides supplemental academic services for poor children.

Mr. President, this is important because it is children from disadvantaged backgrounds who will be providing a good deal of the brain power for our Nation over the next 50 years. So many times when the issue of competitiveness gets discussed by Members of Congress, these children do not get mentioned. We need them to become the scientists, the inventors, the philosophers of the next generation. The Senate will address the reauthorization of the Chapter 1 Program when it considers legislation on the larger parent program, the Education Consolidation and Improvement Act over the next few months. I am hopeful that major protions of the legislation Senator DOLE and I introduce today will be included in that reauthorization. I am also hopeful that any legislation designed to enhance our Nation's competitive abilities, include a major Chapter 1 initiative.

Our purpose in amending chapter 1 as part of this competitiveness package is to make sure economically disadvantaged children are able to benefit from such vital new initiatives. Our future success as a Nation will depend on the individual achievements of young people from all walks of life. Chapter 1 funds have assisted local education agencies over the past 20 years in supplementing the educational training afforded one of our largest at-risk populations, the economically disadvantaged. For any new training initiative to have a substantial impact on our competitive strength our efforts at improvement must begin during the elementary and middle school years.

Included in this package is an important initiative authorizing discretionary grants between local schools and public and private organizations within surrounding communities. The partnership arrangements funded under this part would make new ideas and expanded resources available to our public schools. Federal dollars would be used to leverage local funds. Cooperative arrangements between local schools and the private sector and institutions of higher education would enable grassroots efforts to sharpen our competitive edge and set up model and demonstration programs to tackle tough problems such as soaring dropout rates or the special educational problems of our gifted children.

Finally, included in this package is the administration's reauthorization of the National Science Foundation. We are all aware that improving our international economic competitiveness means keeping pace with rapidly changing technology and upgrading the skills of our labor force. The National Science Foundation provides critical dollars for math/science training and basic research in science and engineering at institutions around the Nation. In order to address this perceived challenge to our ability to compete in the international marketplace, we must significantly increase funding for training and research. In this legislation we propose doubling the authorization level for NSF over the next 5 years, and putting the agency of a 5-year reauthorization cycle, to facilitate vital long range planning.

Mr. President, the legislation we introduce today represents an important first step in making America more competitive with our international neighbors. We cannot stop with new authorizations. The fiscal year 1988 budget must also reflect our intent to concentrate resources where we believe they can have the greatest impact. In the mind of this Senator, the place to start is in elementary and secondary schools eligible for chapter 1 funding. We must make real education and training opportunities available to the youth of our Nation. Children from all economic and racial backgrounds must be prepared to face the future with both the knowledge and the technological skills necessary to keep the American dream alive.

Mr. DANFORTH. Mr. President, education is one of the most effective ways of improving our Nation's competitiveness. As ranking member of the International Trade Subcommittee, I am particularly sensitive to the need to improve our competitiveness in world markets. The best way to enhance our Nation's competitiveness is through improved productivity. To improve productivity, we must improve the education and training of our young people who are the workers of tomorrow. Our young people must be the best educated and trained in the world. From elementary school to college, we must ensure that they have verbal and quantitative skills necessary to master the technology that will enhance our Nation's productivity which will in turn improve our competitiveness.

The bill that we are introducing today makes needed improvements in the nation's elementary and secondary education programs. The thrust of the bill is to give local school districts and States greater flexibility with respect to the design and administration of education programs that will best suit the needs of their students. The bill encourages innovative programs to address the special educational needs of the educationally disadvantaged student, as well as the gifted and talented student. Finally, the measure ensures that Federal support is targeted to the most economically disadvantaged students.

The best education programs are not much good unless we appropriate adequate funds to support them. For this reason, I will join Senator HOLLINGS in offering an amendment to the budget resolution when it reaches the floor to increase Federal support for elementary and secondary education. I also plan to offer legislation, along with my colleague Senator STAFFORD, to provide financial assistance for secondary school programs for basic skills improvement under the Chapter 1 Program. While chapter 1 has been successful in improving the reading and computational skills of disadvantaged elementary students, the program has largely neglected educationally disadvantaged high school students. Chapter 1 funds can currently be used for junior high and high school students, but the funding is currently inadequate to extend the program to these students. As a result, many high school students who lack the basic skills needed to secure employment are falling through the cracks. We cannot ignore the needs of these students. We must devote more Federal resources to help them achieve proficiency in basic skills.

The changes that we are proposing in this education package will improve

American education by building on programs supported by the Federal Government. I would urge my colleagues to support the bill.

Mr. THURMOND. Mr. President, I am pleased to join with the distinguished Republican Leader, Robert Dole, in introducing the Education Competitiveness and Improvement Act of 1987.

There is no question that we are greatly challenged by increased economic competition from abroad. The emergence of a global economy is forcing America to make many adjustments to remain competitive.

This is a challenge that we must face, and I am confident that it is a challenge that we can meet. The fate of this Nation in such a competition rests squarely on the groundwork we lay in this Congress to prepare to do battle. In that regard, education will be on the frontline of our defense.

Thomas Jefferson wrote in 1786 that "By far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other surer foundation can be devised for the preservation of freedom and happiness."

Providing for the education of Americans contributes to the enlightenment of our citizens, and the improvement of our Nation's commercial capacities. Strong schools secure a strong economy.

Mr. President, the major provisions of this act include reauthorizations of several programs which have served this Nation well, and make further needed improvements.

This bill reauthorizes chapter 1 of the Education Consolidation and Improvement Act of 1981, which is the principal Federal program for providing assistance to school districts in educating students from disadvantaged backgrounds. Improvements sought the chapter 1 under this initiative involve: better targeting of funds to districts serving a high percentage of low-income students; encouragement of more parental involvement; and authorizing State agencies to use some chapter 1 moneys to reward school districts operating successful chapter 1 programs.

Chapter 2 is also reauthorized. Chapter 2 is the State block grant programs supporting activities in the areas of basic skills instruction and educational improvement.

Mr. President, this legislation also authorizes a Gifted and Talented Student Program to assist local school districts in developing programs to fully challenge our youngsters who have demonstrated high academic aptitudes.

This bill also reauthorizes the National Science Foundation [NSF] originally established in 1950. Success in the effort to improve this Nation's productivity and overall competitiveness will, in part, be dependent on a sound and vibrant science and technological enterprise. The NSF provides support for research, education, and related activities in sciences, mathematics, and engineering. NSF plays a vital role in improving our Nation's competitiveness.

Mr. President, this legislation provides a strong foundation for strengthening our competitive position through a sound investment in education.

I urge my colleagues to support this measure.

Mr. COCHRAN. Mr. President, our Nation's productivity and overall competitiveness with other countries is dependent, in part, on a sound educational system. The passage of the Elementary and Secondary Education Act of 1965 brought needed Federal assistance to the States to support the effort to improve our schools. Through the establishment of programs such as chapter 1, chapter 2, gifted and talented, and magnet schools, many more children now have access to a quality education.

It is for this reason that I join my colleagues, Senators Dole and Stafford today in introducing the Education Competitiveness and Improvement Act of 1987. This legislative initiative calls for the reauthorization as well as the enhancement of these vital programs.

In my home State of Mississippi, 138,000 students benefit from chapter 1 dollars each year—85 percent of this money is used to provide quality instruction for these disadvantaged children. The chapter 2 block grants have allowed Mississippi to expand library/media resources, provide computer instruction to students, equip science labs, enhance math and reading programs, and establish special programs for gifted students. We must continue to allow school districts the flexibility in using these chapter 2 funds.

The bill we are introducing today would not only reauthorize these programs, it would also call for incentive grants to be given to local education agencies who have exemplary chapter 1 programs. In addition, educational partnerships between schools and private sector organizations would be encouraged.

We must remain committed to providing a quality education for every child in this country. The continued improvement of our schools will enhance our ability as a nation to compete in the international arena. I urge my colleagues to join with us in supporting this legislation.

By Mr. STAFFORD (for himself, Mr. Dole, Mr. Hollings, Mr. Domenici, Mr. Thurmond, Mr. Leahy, Mr. Grassley, Mr. Inouye, Mr. Cochran, Mr. Danforth, and Mr. Melcher):

S. 1005. A bill to reauthorize and improve chapter 2 of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

ELEMENTARY AND SECONDARY EDUCATION IMPROVEMENT ACT

Mr. STAFFORD. Mr. President, in this 100th Congress we will reauthorize the Federal Government's major investment in elementary and secondary education, the Education Consolidation and Improvement Act. The bill which I am introducing today reauthorizes one part of the ECIA, the Chapter 2 Program, more commonly referred to as the education block grant. This legislation, entitled the "Elementary and Secondary Education Improvement Act of 1987," will enable local education agencies to fund projects designed to meet their own special needs.

I join Senator Dole, along with Senator Hollings, Senator Domenici, Senator Thurmond, Senator Leahy, Senator Grassley, Senator Inouye, Senator Cochran, Senator Danforth and Senator Melcher in the introduction of this bill and welcome further cosponsors. I urge all Senators to join with us in our effort to reauthorize chapter 2 with the original congressional intent in mind.

The aim of chapter 2 of the Education Consolidation and Improvement Act is to financially assist State and local educational agencies to improve elementary and secondary schools and to do so in such a way as to reduce the burden of administration and paperwork. While the basic responsibility for administering chapter 2 remains with the State education agencies, responsibility for the design and administration of chapter 2 programs passes to local education agencies because they have the most contact with students and are directly responsible to parents—80 percent of chapter 2 funds are passed directly to local school districts, while 20 percent are used at the discretion of State education agencies for statewide services, competitive grants, and some State administrative expenses. Chapter 2 was designed to allow States and school districts to determine their own needs and priorities. We believe that the program should continue with this emphasis.

Our proposal requires that districts use chapter 2 funds to implement projects of educational improvement with the objective that successful programs will be continued with State and local resources. In the future, after 3 years of chapter 2 funding, a project must seek alternative funding unless it has changed significantly over the 3-year period to address additional needs for services and educational opportunity. Also, if some unusual financial hardship were faced, the local education agency could seek a waiver from the State for continued funding of a specific project.

All elementary and secondary school students from both public and private schools benefit from chapter 2. In many cases, chapter 2 funds are the only funds available to States or school districts to finance important aspects of school improvement and reform. States and local school districts spend nearly all of their education dollars on salaries, heat and light and transportation. For many, chapter 2 has provided the funds needed to try out new ideas. Both districts and States are able to use chapter 2 funds for the most pressing needs they may have. In Vermont, many small grants have enabled classroom teachers to carry out exciting, innovative projects. Nationally, districts spend chapter 2 funds in six general activity categories:

One-third of total funds to computer applications; one-third to libraries and media centers, and one-third evenly shared between curriculum development, staff development, instructional services and student support services.

Chapter 2 has fully or partially supported the introduction of computer technology into three-quarters of the Nation's school districts. These computers are viewed as a new means of instruction, are actively used, and are generating considerable excitement among students and staff.

The Chapter 2 Program has helped many school districts accomplish high priority goals with limited but necessary Federal support. We envision this legislation allowing even more schools to experiment with new programs, methods, and techniques to improve educational quality, and allowing superintendents, principals, and classroom teachers to design and implement a variety of educational programs. Those projects which work can then be included as part of the regular school program.

Our chapter 2 proposal has received a great deal of support at the local and State levels. It is clear that the original intent of this legislation needs to be retained, and I am hopeful that this legislation can eventually be incorporated in the overall reauthorization of the Education Consolidation and Improvement Act.

Mr. President, I ask unanimous consent that our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Elementary and Secondary Education Improvement Act of 1987".

STATEMENT OF PURPOSE

SEC. 2. Section 561 of the Education Consolidation and Improvement Act of 1981 (hereafter referred to in this Act as the "Act") is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 561. (a) It is the purpose of this chapter to provide a single authorization of grants to States for the purpose of supporting innovation and the expansion of services and activities in the general areas of—

"(1) basic skills instruction,

"(2) educational improvement and support services, and

"(3) special projects,

designed to assure that projects so supported and demonstrated to be effective will be continued with State and local resources. Funds made available under this chapter shall be used in accordance with the educational needs and priorities of State and local educational agencies as determined by such agencies. It is the further purpose and intent of Congress to financially assist State and local educational agencies to improve elementary and secondary education (including preschool education) for children attending both public and private schools, and to do so in a manner designed to greatly reduce the enormous administrative and paperwork burden imposed on schools at the expense of their ability to educate children.

"(b) The basic responsibility for the administration of funds made available under this chapter is in the State educational agencies, but it is the intent of Congress that this responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under the chapter shall be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most directly responsible to parents and because they are the most likely to be able to design programs to meet the educational needs of the students in their own districts.".

PROHIBITION OF MAINTENANCE OF PROGRAMS

SEC. 3. (a) POLICY.—(1) Section 561 of the Act is further amended by adding at the end of such section (as amended by section 2) the following new subsection:

"(c) It is the policy of the Congress that financial assistance made under this chapter to State and local educational agencies be made for programs which expand the services and activities under such programs or which are of an innovative nature, and not to provide for the continuing maintenance of services and activities previously financed under this chapter.".

(2) The heading of section 561 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE; POLICY ON USE OF FUNDS".

(b) LIMITATION.—(1) Section 563 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) No allotment to a State under this chapter may be used after September 30, 1990, for the maintenance of services and activities previously assisted under this chapter for a period of three continuous years.

"(2) The Secretary may for any fiscal year after September 30, 1990, waive the requirements of paragraph (1) whenever the Secretary determines, pursuant to a request made by the State educational agency, that the local educational agency within the State desiring a waiver can demonstrate that the program for which the waiver is sought—

"(A) has been changed over the three-year period prior to the fiscal year for which the waiver is sought to meet additional needs for services and educational opportunity; or

"(B) is necessary to meet unusual hardship circumstances.".

(2) The section heading of section 563 of the Act is amended to read as follows:

"ALLOTMENT TO STATES; LIMITATION ON USE OF FUNDS".

REAUTHORIZATION

SEC. 4. (a) REAUTHORIZATION.—Section 562(a) of the Act is amended by striking out "for fiscal year 1982 and each of the five succeeding fiscal years" and inserting in lieu thereof "for fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1993".

(b) TECHNICAL AMENDMENT.—Section 552(b) of the Act is amended by striking out "1987" and inserting in lieu thereof "1993".

BASIC SKILLS INSTRUCTION

SEC. 5. Section 571 of the Act is amended to read as follows:

"USE OF FUNDS

"SEC. 571. Funds allocated for use under this subchapter shall be used by State and local educational agencies to develop and implement a comprehensive and coordinated program designed to improve elementary and secondary school instruction in basic skills of reading, mathematics, and written and oral communication, including special mathematics programs.".

EDUCATIONAL IMPROVEMENT AND SUPPORT SERVICES

SEC. 6. Section 576 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 576. It is the purpose of this subchapter to permit State and local educational agencies to use funds (directly and through grants or contracts with educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions) to carry out selected activities from a full range of educational improvement resources and support programs, emergency school aid programs (relating to desegregation of schools), pre-college science training programs, and teacher training and teacher centers programs, in accordance with the planned allocation of funds set forth in applications submitted under sections 564 and 566, and in conformity with the other requirements of this chapter.".

SPECIAL PROJECTS

SEC. 7. Section 581 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 581. It is the purpose of this subchapter to permit State and local educational agencies to use Federal funds (directly and through grants or contracts with educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions) to carry out selected activities from the full range of programs and projects relating to the use of school facilities by the community, programs for gifted and talented children, programs for educational proficiency standards, programs for making elementary and secondary schools safe, programs relating to ethnic heritage, programs relating to career education, and Follow Through programs, in accordance with the planned allocation of funds set forth in the applications under sections 564 and 566, and in conformity with the other requirements of this chapter.”.

TECHNICAL AMENDMENT

SEC. 8. The heading of chapter 2 of the Education Consolidation Improvement Act is amended to read as follows:

“CHAPTER 2—FEDERAL PROGRAMS FOR THE IMPROVEMENT OF ELEMENTARY AND SECONDARY EDUCATION”.

Mr. HOLLINGS. Mr. President, I am pleased to be an original sponsor, along with Senator STAFFORD, of the Elementary and Secondary Education Improvement Act of 1987. No one challenges the importance and efficacy of education block grants. In South Carolina they have been a key factor in the resurgence of our public schools in recent years—and I know that other States have had the same positive experience.

There is, however, disagreement as to whether education block grants should be restricted to specific priority areas or—as our bill provides—left unrestricted.

Mr. President, education is preeminently a local matter. It is a truism that local teachers and administrators know best what their needs are, what their priorities should be. It is presumptuous and, I think, counterproductive for the National Legislature to dictate the allocation of these moneys.

Our bill allows schools to experiment with new programs, methods, and techniques to improve educational quality. It preserves maximum discretion and flexibility for local school districts. In this respect, it is true to the original congressional intent as well as to the wishes of local school districts across our Nation.

Mr. President, I urge the Senate's support for this worthy bill.

Mr. DOMENICI. Mr. President, I rise today as an original cosponsor of the Elementary and Secondary Education Improvement Act of 1987. This bill reauthorizes the Education Block Grant Program, chapter 2, for 5 years with only minor changes to the current law.

I commend my distinguished colleagues, and particularly Senators STAFFORD, DOLE, and HOLLINGS for the fine work they have done in preparing this bill.

Mr. President, when the Chapter 2 program was created 5 years ago, it consolidated 28 categorical programs into the State block grant. This consolidation had several purposes. Most of all, it was intended to give State and local education officials both the flexibility and responsibility for implementing educational improvement efforts.

The Congress also intended to establish a program where Federal funding could be responsive to local needs in the least restrictive way. I believe chapter 2 is successful in this way.

The bill before us reinforces the original congressional intent. It maintains decisionmaking at the State and local levels and retains flexibility so that State and local education officials can determine and finance their particular educational priorities.

This bill recognizes clearly that State and local officials are in the best position to know how funds should be allocated in order to advance quality education in their schools.

I reflect with pride on the fine job educators in my State of New Mexico have done with these funds and the flexibility that chapter 2 has provided them. I know that many school districts in New Mexico use these funds for such things as teacher training and the purchase of computer technology.

Mr. President, this bill does include a minor change to current law. That is, it states that chapter 2 funds may be used for the same project for three consecutive years. At the end of 3 years, the State must request a waiver in order to receive additional Federal funding. There are certain exceptions to this requirement.

In this Senator's mind, this 3-year requirement—the “seed” money concept—is sound. It allows States to implement programs of educational improvement and reform and it permits a constant flow of Federal funds for exactly this purpose. In this way, States can trade in older programs for newer ones—ones that can meet their changing needs.

I am concerned that some educational officials will perceive the 3-year limitation as a restriction of State and local flexibility. This is not the intention of the bill.

The intention is to focus Federal assistance on new and creative efforts. The “seed” money restrictions would free funds to allow States more opportunity to test new methods for improving the quality of education.

I believe firmly that any reauthorization of chapter 2 must promote local and State flexibility. I know that there are other bills that would limit chapter 2 funds to specific groups of children. I simply could not support attempts that target chapter 2 or eliminate the flexible nature of this program, as it now stands.

I urge my colleagues to support this bill.

Mr. THURMOND. Mr. President, I am pleased to join Senator DOLE, the Republican leader, Senator STAFFORD, the ranking minority member of the Senate Subcommittee on Education, and others, as an original cosponsor of this legislation.

Mr. President, chapter 2 of the Education Consolidation and Improvement Act of 1981 consolidated 29 previous categorical grant programs into a single block grant program for the purpose of supporting innovation in the general areas of basic skills instruction, educational improvement, and special projects.

One of the major purposes contained in the original chapter 2 legislation was to shift governance from the Federal level to the State level. This purpose is accomplished by allowing State departments of education and local school districts the flexibility and discretion in choosing how they will use funds from among the previous 29 categorical programs.

I am pleased that this reauthorization measure retains the flexibility that State and local educational agencies have in using chapter 2 funds to improve elementary and secondary schools, while at the same time reducing the burden of administration and paperwork.

While the basic responsibility for administering chapter 2 remains with State education agencies, responsibility for the design and administration of chapter 2 programs lies with the local school districts. Eighty percent of chapter 2 funds is passed directly to local school districts, while 20 percent is used at the discretion of State administrative agencies for statewide services, competitive grants, and State administrative expenses.

This measure seeks to continue local control over these funds, and the reasons for this are soundly stated in the bill as follows:

> The basic responsibility for the administration of funds made available under this chapter is the State education agencies, but it is the intent of Congress that this responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under the chapter shall be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most directly responsible to parents and because they are the most likely to be able to design programs to meet the educational needs of the students in their own districts.

I have long felt that education is primarily a local responsibility and I am pleased that this bill emphasizes that approach. As Secretary of Education William Bennett stated when he appeared before the Senate Subcommittee on Education:

> It is the States, not the Federal Government, that have the authority to institute the sorts of education reforms advocated in recent education reports like “A Nation at Risk, What Works, First Lessons,” and the Governor's “Time for Results.” Freeing States to use grants for this purpose is one of the more important ways in which the Federal Government can help speed the movement for education reform.

Mr. President, this bill would require that districts use chapter 2 funds to implement projects of educational improvement with the objective that successful programs will be continued with State and local resources. After 3 years of chapter 2 funding, a project must seek alternative funding, except under narrow circumstances. This legislation is designed to allow schools to experiment with new programs to improve educational quality, but not to support general operating expenses.

Mr. President, I am pleased to support this reauthorization measure and I urge my colleagues to do likewise.

By Mr. HECHT (for himself, Mr. INOUYE, Mr. MCCLURE, Mr. GARN, Mr. MATSUNAGA, Mr. STEVENS, Mr. MURKOWSKI, Mr. NICKLES, Mr. SYMMS, and Mr. HATCH):

S. 1006. A bill entitled "The Geothermal Steam Act Amendments of 1987; to the Committee on Energy and Natural Resources.

GEOTHERMAL STEAM ACT AMENDMENTS

● Mr. HECHT. Mr. President, today, I am introducing a bill to promote the emerging geothermal energy industry in this country. The bill amends the Geothermal Steam Act of 1970 to allow companies that hold geothermal leases to retain those leases where temporary market conditions preclude powerplant construction.

Specifically, the bill would allow the Secretary of the Interior to issue up to three consecutive 5-year lease extensions if the lessee performs according to diligence requirements specified by the Secretary.

Geothermal energy development is characterized by large front-end development costs, risky powerplant technology, and diligence requirements on Federal leases that are more stringent than the equivalent requirements for oil and gas leases. The current temporary glut in the world energy market and the temporary surplus in U.S. electrical power generating capacity, together threaten to undo much of the progress made by the geothermal energy industry over the last 15 years.

Mr. President, it would be very unwise for us to allow this to happen. Geothermal energy is renewable, it is clean, it reduces our need for foreign energy imports, and it protects our electric ratepayers from "rate shock" because by its very nature it tends to be added to the rate base in relatively small increments of about 150 megawatts or less.

The national energy security study which was recently released by the administration points out that geothermal energy now contributes about 2,000 megawatts of electricity in the United States, but that this could double by 1995. We have a real opportunity through this legislation to assist this renewable energy industry in meeting that goal.

Last year's continuing resolution resolved a major side issue that has held up lease extension legislation for a number of years. This was the issue of providing protection for significant geothermal features of our National Park System. The bill I am introducing today conforms that landmark park protection provision to a regulatory system involving the lease extensions provided under this same bill. With this issue essentially resolved, I hope the Senate will be able to act favorably and soon on this legislation that is so important to our renewable energy industry.

Mr. President, I ask unanimous consent that Senators INOUYE, MCCLURE, GARN, MATSUNAGA, STEVENS, MURKOWSKI, NICKLES, SYMMS, and HATCH be listed as original cosponsors of this legislation.

Finally, Mr. President, I ask unanimous consent that the complete text of my bill, the Geothermal Steam Act Amendments of 1987, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be known as the "Geothermal Steam Act Amendments of 1987."

SEC. 2. The following subsection is inserted at the end of Section 2 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1001):

"(f) "substantial investment" means expenditures made on one or more of the following: drilling exploratory, development, or temperature gradient wells; geological, geochemical, or geophysical surveys; environmental studies; architectural and engineering services procured in connection with design of generating facilities; or other expenditures approved by the Secretary.

SEC. 3. Section 6 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(a)) is amended by striking subsection (a), and inserting in lieu thereof, the following:

"(a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities on a lease, or under an approved cooperative or unit plan of development or operation, as governed by Section 18 of this Act, in which a lease is included within this term, or any administrative extension thereof as provided under subsection (c), such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.".

SEC. 4. Subsection 6(c) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(c)) is amended by renumbering the current language as paragraph 6(c)(1), and by inserting the following as a new paragraph 6(c)(2):

"(c)(2) Any geothermal lease issued pursuant to this Act and in effect on or after the date of enactment of the Geothermal Steam Act Amendments of 1987, shall be extended for successive five-year periods, but totaling not more than fifteen years, if—

(i) the lessee has submitted a report to the Secretary detailing bona fide efforts to bring such lease or approved cooperative or unit plan of development into commercial production, given the then current economic conditions; and either

(ii) actual drilling operations, to a depth specified by the Secretary, were commenced prior to the end of its primary term and prior to the end of each successive five-year extension period on such lease or on another lease sharing a common geothermal resource and where at least one party has an interest in both leases; or

(iii) in the opinion of the Secretary, substantial investment has been made during the primary term and during each successive five-year extension period on such lease or on another lease sharing a common geothermal resource and where at least one party has an interest in both leases;

SEC. 5. Section 6 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(d)) is amended by striking subsection 6(d), and inserting in lieu thereof the following:

"(d) For purposes of subsection (a) of this section, the term "produced or utilized in commercial quantities" includes the completion of a well capable of producing geothermal steam in paying quantities."

SEC. 6. Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"Five years after approval of any cooperative or unit plan of development or operation, and every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan: provided that such elimination is based on scientific evidence, and occurs only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated would be eligible for an extension under section 6(c) of this title if it separately meets the requirements for such an extension.".

SEC. 7. Section 115 (2)(d) of Public Law 99-500 is amended by inserting the words ", extended, or renewed" after the word "issued".●

By Mr. HATFIELD:

S. 1007. A bill to enable States located on a river or acquifer affected by the siting of a repository for high-level radioactive waste or spent nuclear fuel to participate effectively in the site selection, review, and approval process for such repository, and for other purposes; to the Committee on Energy and Natural Resources.

NUCLEAR WASTE POLICY ACT AMENDMENT

● Mr. HATFIELD. Mr. President, today I am introducing legislation to amend the Nuclear Waste Policy Act of 1982 [NWPA]. The purpose of this legislation is to allow certain States which have the potential to be affected by the siting of a high-level radioactive waste repository, but in which a repository has not been proposed to be located, to participate in the Department of Energy's [DOE] site selection process.

According to current law, only the host States identified by DOE to contain candidate sites may participate in the site selection, review, and approval process for the waste repository. In effect, NWPA specifies that only the host States are eligible to receive the necessary financial and technical assistance necessary for them to work with DOE in assessing the public health and safety, environmental, and economic impacts of a repository. Furthermore, the act extends the power of disapproval of the final repository selection only to the State in which the repository is to be located. Those provisions have worked together to paralyze the legitimate interests of neighboring States which have a right to be involved in the decisions which will impact them.

I am sure that many of my colleagues will remember that I was a member of the Committee on Energy and Natural Resources when NWPA as drafted and approved in the 97th Congress. At that time, I supported the concept and the mechanics of the act, even though the bill was considered in the pressure pot of preadjournment. However, recent actions by the Department of Energy have distorted Congress' original intent of the act to such a great extent that I have reached the conclusion that renewed effort must be initiated to ensure that the waste repository is placed in the most geologically suitable location.

DOE's recent actions have perverted the intent of NWPA and have raised the consciousness levels of many Members of Congress and the public with regard to the long-term dangers associated with high-level radioactive waste. It now is evident to many individuals that nuclear contamination has no regard for State or national borders. While NWPA as written does provide a framework to select a repository site, it does not include a provision that acknowledges the threat of contamination to rivers, waterways, and underground aquifers that are contiguous to more than one State, or provide a procedure by which a nonhost State that may be affected by the contaimination of such a body of water may participate in the site selection process.

The bill I am introducing today would give nonhost States which are contiguous to rivers, waterways, or underground aquifers, the same rights and opportunities to participate in the site selection process as the State in which the repository is proposed to be located. While this legislation clearly would give my State of Oregon "affected State" status, I want to assure my colleagues that this legislation is not merely parochial in nature. To the contrary, this bill would provide recourse for several other States in the Western United States which potentially could be affected by the placement of a waste repository at any one of the three DOE candidate sites. It also would apply to any number of Eastern States if DOE decides to begin the site selection process for the second repository as mandated by NWPA.

Therefore, this legislation would apply to those several States which are located above the Midwest's great Ogallala Aquifer. The Deaf Smith County, TX, candidate site lies above this huge body of water. If it were to become contaminated, and I am talking in terms of a time span of thousands of years, many other States besides Texas may have to pay the price for such a catastrophe. From information taken from the U.S. Geological Survey's "National Water Survey of 1985" eight States besides Texas lie above portions of the Ogallala. These States are: Colorado, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, and Wyoming. It should be quite clear that these States certainly have a stake in the final location of the repository, and should be allowed to have a voice in the process by which the repository site is selected.

My major interest in amending NWPA stems from DOE's selection of the Hanford Nuclear Reservation in Richland, WA, as one of the three potential sites for the first waste repository. As many of my colleagues know, the Hanford Nuclear Reservation lies in close proximity to the Columbia River, which separates the States of Washington and Oregon. Consequently, the major threat of environmental contamination from the location of a repository at Hanford involves the precious waters of the Columbia River. Although conclusive studies on ground water movement underneath Hanford are not complete, it is theorized by many scientists and geologists that several of the underground aquifers flow in the direction of the Columbia River. While it is believed that the ground water in this area moves very slowly, and perhaps would take many years to travel the distance from the repository to the Columbia, the nuclear waste we will be storing has a half-life of several thousand years. With this in mind, I must ask whether or not it is worth the risk to locate the repository at Hanford.

The Columbia River is Oregon's most important waterway, and the Nation's second largest river system. The waters of the Columbia and its tributaries are used for a myriad of purposes including navigation and commerce, irrigation, farming, drinking, and the generation of electricity. The contamination of this great river would represent a blow from which Oregon, and the Nation, never could recover completely. The potential hazard that the siting of the repository at Hanford represents for Oregon is heightened by the fact that the Columbia River flows past communities that comprise more than half of Oregon's population. It is for these reasons, then, that I am proposing legislation that would give the State of Oregon a voice in the site selection process.

Finally, Mr. President, I want to reaffirm my position that I fully support efforts to select an appropriate repository site which will store our Nation's high-level nuclear waste. Unfortunately, the inherent defects in the act relating to nonhost States, and the way in which the Department of Energy has defiled NWPA's provisions, force me to introduce this legislation which would provide some necessary adjustments to the act. Consequently, it is my hope that other members of this body will take the time to assess the impact that a waste repository may have on their states and identify with the merits of this legislation.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 116 of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), is amended by adding at the end thereof the following:

"(e) Participations of States Located on an Adjacent River or Aquifer.—For any repository for high-level radioactive waste or spent nuclear fuel proposed to be located adjacent to a major river or waterway or above an undergound aquifer, any State which lies contiguous to such river or waterway or contiguous to such underground aquifer shall, effective upon the date of enactment of this subsection, have all the same rights and opportunities to participate in the site selection, review, and approval process established by this Act as the State in which the repository is proposed to be located.".●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 104

At the request of Mr. INOUYE, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. DODD], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. STENNIS], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 249

At the request of Mr. Dodd, the name of the Senator from Illinios [Mr. Simon] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 287

At the request of Mr. Breaux, his name was added as a cosponsor of S. 287, a bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs.

S. 368

At the request of Mr. Matsunaga, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 450

At the request of Mr. Armstrong, the names of the Senator from Arizona [Mr. DeConcini], the Senator from South Dakota [Mr. Daschle], the Senator from Idaho [Mr. McClure], the Senator from Oklahoma [Mr. Boren], the Senator from Minnesota [Mr. Durenberger], the Senator from North Dakota [Mr. Burdick], the Senator from Missouri [Mr. Bond], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 476

At the request of Mr. Dodd, the name of the Senator from Maine [Mr. Mitchell] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 582

At the request of Mr. Exon, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 582, a bill to provide for improved air transportation to small communities, and for other purposes.

S. 652

At the request of Mr. Cranston, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 652, a bill to amend the Export Administration Act of 1979 with respect to the export of goods and technology subject to export controls for national security purposes.

S. 659

At the request of Mr. Melcher, the name of the Senator from Nebraska [Mr. Karnes] was added as a cosponsor of S. 659, a bill to establish agricultural aid and trade missions to assist foreign countries to participate in U.S. agricultural aid and trade programs, and for other purposes.

S. 673

At the request of Mr. Armstrong, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 673, a bill to amend the Rehabilitation Act of 1973 to help ensure healthful schools and workplaces.

S. 701

At the request of Mr. Simon, the names of the Senator from Vermont [Mr. Stafford] the Senator from Connecticut [Mr. Weicker], the Senator from North Carolina [Mr. Sanford], the Senator from Vermont [Mr. Leahy], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 701, a bill to amend the Foreign Assistance Act of 1961 to establish a separate authorization for assistance for famine recovery and long-term development in sub-Saharan Africa, and for other purposes.

S. 708

At the request of Mr. Proxmire, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 747

At the request of Mr. Hollings, the names of the Senator from New York [Mr. D'Amato], the Senator from Nevada [Mr. Reid], the Senator from Alabama [Mr. Shelby], and the Senator from Montana [Mr. Melcher] were added as cosponsors of S. 747, a bill to establish a motor carrier administration in the Department of Transportation, and for other purposes.

S. 764

At the request of Mr. Murkowski, the names of the Senator from California [Mr. Cranston], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 764, a bill to deny funds for projects using products or services of foreign countries that deny fair market opportunities.

S. 780

At the request of Mr. Reid, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 801

At the request of Mr. Johnston, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 801, a bill to facilitate the national distribution and utilization of coal.

S. 809

At the request of Mr. Bingaman, his name was added as a cosponsor of S. 809, a bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless.

S. 818

At the request of Mr. Domenici, the names of the Senator from Missouri [Mr. Bond], and the Senator from Utah [Mr. Hatch] were added as cosponsors of S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 832

At the request of Mr. Simpson, his name was added as a cosponsor of S. 832, a bill to provide for improved Federal fiscal procedures.

S. 839

At the request of Mr. Johnston, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 839, a bill to authorize the Secretary of Energy to enter into incentive agreements with certain States and affected Indian tribes concerning the storage and disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

S. 880

At the request of Mr. Durenberger, the names of the Senator from Hawaii [Mr. Matsunaga], and the Senator from Florida [Mr. Chiles] were added as cosponsors of S. 880, a bill entitled the "Superconductivity Competition Act of 1987."

S. 902

At the request of Mr. McClure, the names of the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Grassley], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of S. 902, a bill to amend the Food Security Act of 1985 and the National School Lunch Act to extend to 1992 the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs and to amend the Agriculture and Food Act of 1981, the Child Nutrition Amendments of 1986, and the School Lunch and Child Nutrition Amendments of 1986 to extend to 1992 the national donated commodity processing program.

S. 912

At the request of Mr. Exon, the names of the Senator from Arkansas [Mr. Pryor], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of S. 912, a bill to amend the Rural Electrification Act of 1936 to permit the prepayment of Federal financing bank loans made to rural electrification and telephone systems, and for other purposes.

S. 961

At the request of Mr. HEINZ, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. PRYOR], the Senator from North Dakota [Mr. BURDICK], the Senator from Maine [Mr. COHEN], the Senator from Montana [Mr. MELCHER], the Senator from Ohio [Mr. GLENN], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of S. 961, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Kansas [Mr. DOLE], the Senator from Wisconsin [Mr. KASTEN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 83

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

SENATE JOINT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 87, a joint resolution to designate November 17, 1987, as "National Community Education Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to designate the week beginning April 11, 1987, as "National Community Development Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE RESOLUTION 185

At the request of Mr. MCCLURE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Resolution 185, a resolution expressing the sense of the Senate regarding the importance of protecting Farm Credit System borrower stock and allocated equities and providing the opportunity for reasonable interest rates.

SENATE CONCURRENT RESOLUTION 46—RELATIVE TO REPRESENTATIVE GOVERNMENT, POLITICAL PARTIES, AND FREEDOM OF EXPRESSION ON TAIWAN

Mr. KENNEDY (for himself, Mr. PELL, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Whereas stability and peace prevail on the island of Taiwan and in the Western Pacific region;

Whereas prosperity and educational progress on the island of Taiwan have created conditions in which a democratic system of government can thrive;

Whereas the people on Taiwan, in both national and local elections, have shown themselves fully capable of participating in a democratic political process;

Whereas, only a small minority of the seats in the central legislature and central electoral college are filled through periodic elections, with the vast majority of seats still being held by individuals who took office in the late 1940's;

Whereas, on October 7, 1986, the President of Taiwan, Chiang Ching-kuo, announced that the Kuomintang regime intended to end the 38 year old state of martial law and to lift the ban on the creation of new political parties;

Whereas, the Kuomintang regime has also indicated a desire over the next few years to make more representative Taiwan's central representative bodies, to broaden decision-making powers within the Kuomintang Party, to enhance the rule of law, and to increase the powers of local-level government;

Whereas, on September 28, 1986, the democratic opposition on Taiwan announced the formation of the Democratic Progressive Party;

Whereas, an acceleration of recent progress toward full democracy in Taiwan, including full respect for human rights will strengthen the ties between the American people and the people of Taiwan;

Whereas, the preservation and enhancement of human rights of all the people on Taiwan are objectives of the United States;

Whereas section 806 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, states the sense of the Congress that "one important element of a peaceful future for Taiwan is greater participation in the political process by all the people on Taiwan" and that "accordingly, the United States should encourage the authorities on Taiwan to work vigorously toward this end": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States Congress commends the authorities on Taiwan, the Democratic Progressive Party, and the people of the island for the recent progress in building a framework for full democracy in Taiwan;

(2) it is the Sense of the Congress that the authorities on Taiwan should continue and accelerate progress toward a fully democratic system of government, in particular by—

(A) moving expeditiously to end the state and restrictions of martial law and to lift the ban on new political parties;

(B) ending censorship and guaranteeing freedom of speech, expression, and assembly; and

(C) moving toward a full representative government, including the free and fair elections of all members of all central representatives bodies.

Mr. KENNEDY. Mr. President, I rise to submit, along with my colleagues from Rhode Island [Mr. PELL] and Michigan [Mr. LEVIN], a concurrent resolution concerning democracy in Taiwan. I urge my colleagues to pass this important resolution quickly and overwhelmingly.

By hard work and ingenuity, the people of Taiwan have created a prosperous society and an able body of leaders. With one of the strongest economies in Asia, Taiwan is the envy of the developing world. But political development on the island has lagged far behind Taiwan's economic success.

For almost four decades, the ruling party on Taiwan, the Kuomintang, has denied the people of Taiwan the basic right to a fully democratic system of government. It has used a continuous state of martial law to deny constitutionally guaranteed civil liberties, to suppress independent organizations and restrain the peaceful expression of dissent.

The aging KMT leadership, which fled the mainland in 1949, continues to deny democracy and to shut out participation by the majority of the population. Only 8 percent of the members of the central government are elected by the people and the vast majority of the leadership is a carryover from mainland China nearly 40 years ago; their average age is 80 and when vacancies occur, their positions remain empty or are filled by appointment.

Last fall, several encouraging developments occurred within both the ruling party and the democratic opposition. On October 7, 1986, the President of Taiwan, Chiang Ching-kuo, announced his intention to lift the state of martial law which has prevailed on Taiwan since the leadership fled mainland China in 1949. That announcement was a welcome signal that the KMT leadership may at last be willing to bring democracy to Taiwan.

Unfortunately, President Chiang has yet to carry through with that stated intention and we hear a number of reports that the government may maintain the restrictions of martial law under a new National Security Act. I urge the authorities in Taiwan to lift martial law—now, in name and in spirit.

Last September, the democratic opposition on Taiwan formed the Democratic Progressive Party—despite a formal government ban against the formation of new political parties. And in its first test before the electorate, the DPP did extremely well, gaining 22 percent of the vote and 12 seats in the Legislative Yuan and 19 percent of the vote and 11 seats in the National Assembly. However, the government still refuses to permit elections of the majority of the representative seats in the government—only 8 percent of the members of the central legislative bodies are elected by the people.

This resolution commends the authorities on Taiwan, the Democratic Progressive Party and the people of Taiwan for these important steps toward democracy and urges a continuation and acceleration of that process. I urge my colleagues to consider its text and I hope the Senate will accept this resolution.

SENATE RESOLUTION 187—TO REFER THE BILL S. 966 TO THE COURT OF CLAIMS

Mr. ADAMS (for himself and Mr. EVANS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 187

Resolved, That the bill S. 966, for the relief of Frederick Paul of Seattle, Washington, now pending in the Senate is hereby referred to the United States Claims Court, and the Chief Judge of the United States Claims Court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code; said court shall file its report within eighteen months from the date of the filing of Mr. Paul's petition in said court giving such findings of fact and conclusions of law therein as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 188—REGARDING RECIPROCAL TRADE IN AGRICULTURAL COMMODITIES

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 188

Whereas Canada prohibits all imports of wheat from the United States through use of a very restrictive import licensing system;

Whereas Canada exports 15,000,000 bushels of wheat per year to the United States;

Whereas such exports of Canada undermine the effectiveness of the United States farm program;

Whereas the Canadian Wheat Board is a noncommercial, market distorting trade monopoly; and

Whereas United States farmers should always be granted reciprocal access to foreign markets: Now, therefore, be it

Resolved, That it is the sense of the Senate that, if any foreign country uses import licenses to restrict, or effectively prohibit, the importation of United States agricultural commodities into the foreign country and such or similar agricultural commodities of the foreign country are imported into the United States free of such restrictions, the President should—

(1) give priority in all trade negotiations with the foreign country to the establishment of reciprocal market access agreements between the United States and the foreign country for such agricultural commodity, or

(2) establish an import licensing system for such or similar agricultural commodities under section 22 of the Agricultural Adjustment Act that mirrors the import licensing system of the foreign country for such agricultural commodity.

● Mr. BAUCUS. Mr. President, I rise to offer a resolution that directs the administration to seek strict reciprocity in our agricultural trading relationships.

Our agricultural trade surplus has shrunk from almost $27 billion to $5.4 billion in the last 6 years.

The U.S. market share in world agricultural export markets has also been shrinking rapidly.

With U.S. farmers dependent on export sales for one-third of their income, it is fair to characterize this trade slump as one of the major causes of the farm crisis.

It would be oversimplifying the situation to blame the agricultural trade problem on any single factor.

But, at a time when we are experiencing such severe trade difficulties, we must aggressively seek market access for our agricultural products.

There is, however, a particularly galling example where the United States is not granted equitable market access.

That example is the wheat trade between the United States and Canada.

Canada blocks all imports of U.S. wheat by using a restrictive import licensing scheme.

At the same time, Canada exports 15 million bushels of wheat to the United States every year.

Clearly, with more than 1 billion bushels of wheat in storage, the United States needs no wheat imports.

Exports of wheat from Canada contribute to the cost of the U.S. farm program by lowering the domestic price of wheat and increasing the amount of wheat forfeited into Government storage.

Imports of Canadian wheat are especially frustrating because Canada dumps wheat on the U.S. market, instead of selling at a fair commercial price.

The Canadian Wheat Board, the state-controlled monopoly that buys all the wheat grown in Canada, sells wheat to Canadian consumers at $7 per bushel.

But the Wheat Board exports wheat to the United States at less than $3 per bushel.

This is a classic example of dumping.

We should seek strict reciprocal access to all foreign markets for U.S. farmers.

U.S. farmers would love to be able to sell wheat in the Canadian market for $7 per bushel.

If the Canadian Government is unwilling to grant such reciprocal access, I believe that the administration should consider setting up mirror image restrictions on Canadian wheat exports to the United States.

I originally planned to introduce legislation that would mandate the establishment of a mirror image licensing system to control Canadian wheat imports.

I decided to pursue this resolution instead in order to give Canada and the administration some flexibility in addressing this matter.

But, if this resolution is not sufficient to make the will of Congress known, stronger steps may be necessary.

U.S. farmers deserve reciprocal access to foreign markets.

I urge all of my colleagues to support efforts aimed at this goal.●

SENATE RESOLUTION 189—COMMENDING THE UNITED STATES COAST GUARD FOR ITS RECENT HEROIC RESCUE OF 37 SOVIET CREW MEMBERS

Mr. KERRY (for himself and Mr. ADAMS) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. RES. 189

Whereas, on March 14 of this year at 8:30 a.m. the Coast Guard station at Cape May, New Jersey received a distress signal from the Soviet freighter Komsomolets;

Whereas, the engines of the 482 foot Soviet ship had ceased and the vessel was 210 miles off the Eastern coast, barely withstanding 20 foot waves, 50 mile an hour winds and listing at 40 degrees;

Whereas, the distress signals were relayed to the Otis Air National Guard Base on Cape Cod in Massachusetts and three H-3F helicopters were immediately dispatched;

Whereas, helicopter pilot, Lieutenant Keith Comber reached the stricken vessel at 9:40 a.m, lowered a basket and began to rescue 15 of the 37 Soviet Crew members, including three women and an infant;

Whereas, the second and third helicopters piloted by Lieutenant Commander Garry Poll and Captain Richard Hardy arrived at the listing freighter soon after, and with the help of Coast Guard survival specialists, transferred the remaining crew from the toppling deck of the ship to their two moving helicopters;

Whereas, under extreme time pressure due to limited fuel capacity and adverse weather conditions, the Guardsmen were successful in ensuring that all of the 37 Soviet crew members were delivered safety to the Atlantic City International Airport, and later the Soviet compound in Washington, DC; and

Whereas, it has been the tradition of the U.S. Coast Guard to respond to those in distress no matter what their nationality, and often at risk to the guardsmen and women themselves: Now, therefore, be it

Resolved, That the United States Coast Guard is commended for its courage and skill in responding to a dangerous and serious threat to the lives of 37 Russian crew members and in doing so not only demonstrated the high level of skill and professionalism of the United States Coast Guard but its heroic action also clearly reflects a deep American tradition, to assist one's neighbor in times of distress.

● Mr. KERRY. Mr. President, many may recall an incident a few weeks ago in which a Soviet freighter traveling from Nova Scotia to Cuba broke down 200 miles off of our eastern coast. The U.S. Coast Guard was called into action, and they executed a heroic rescue mission about which every citizen throughout our country should be very proud.

On March 14 at 8:30 a.m., the Coast Guard received a distress call from the Russian vessel *Komsomolets.* Three H-3F helicopters were immediately dispatched from the Otis National Guard Base on Cape Cod, to aid the listing ship. Battling 50-mile-an-hour winds and waves up to 20 feet high the pilots of the three helicopters and their teams of survival specialists, plucked all 37 members of the crew off of the vessel and carried them to safety.

The Guardsmen displayed extraordinary skill and precision during this dramatic rescue mission. Thirty-seven lives were at stake; and the U.S. team was faced with limited fuel, adverse weather conditions, and a vessel that was soon to be taken hostage by the sea itself. Under intense pressure, Mr. President, the Guardsmen conducted themselves in an admirable and courageous manner which I believe should be applauded by the U.S. Congress.

It is for this reason, Mr. President, that I send the following resolution to the desk and ask my colleagues to join with me in commending the U.S. Coast Guard for their heroic and successful rescue efforts.●

AMENDMENTS SUBMITTED

URGENT RELIEF FOR THE HOMELESS

LEVIN AMENDMENT NO. 102

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children; as follows:

On page 34, line 22 insert the following after "individuals": ", including mobile health vans,"

KENNEDY AMENDMENT NO. 103

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

On page 52 of the pending amendment strike out section 531 and insert in lieu thereof the following:

SEC. 531. PROVISION OF SERVICES FOR HOMELESS INDIVIDUALS UNDER THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS.—Section 1911 of the Public Health Service Act is amended by striking out "$576,000,000" and inserting in lieu thereof "$596,000,000".

(b) USE OF AMOUNTS FOR HOMELESS INDIVIDUALS WHO ARE SUBSTANCE ABUSERS.—Section 1916(c) of such Act is amended—

(1) by inserting after paragraph (15) the following new paragraph:

"(16) The State agrees—

"(A) to use, for the provision of prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers, an amount (from the amount allotted to the State under section 1913 for fiscal year 1987) that is not less than the amount which bears the same ratio to such allotted amount as the amount equal to the difference between the total amount appropriated under section 1911 for such fiscal year minus $509,800,000 bears to such total appropriated amount; and

"(B) that the services described in subparagraph (A) will be provided by alcohol abuse and drug abuse treatment programs."; and

(2) by inserting after the last sentence the following new sentence: "For purposes of paragraph (16), the term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.".

(c) EXCEPTION TO RESTRICTION ON THE PROVISION OF INPATIENT SERVICES.—Section 1915(b) of such Act is amended by adding at the end thereof the following new sentence: "Paragraph (1) does not apply to services provided under section 1916(c)16).".

HUMPHREY AMENDMENTS NOS. 104 THROUGH 111

(Ordered to lie on the table.)

Mr. HUMPHREY submitted eight amendments intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

AMENDMENT No. 104

At the end of the pending question add the following new section:

SEC. . The provisions of this Act shall not take effect until the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 105

In the pending question strike lines 2 through 11 and insert in lieu thereof the following:

SEC. . The provisions of this Act shall not take effect until one day after the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 106

At the end of the pending question add the following new section:

SEC. . The provisions of this Act shall not take effect until the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 107

In the pending question, in subsection (b), strike out "first day" and insert in lieu thereof the following: "second day".

AMENDMENT No. 108

At the end of amendment number 90 add the following new section:

SEC. . The provisions of this Act shall not take effect until the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 109

In the pending amendment strike lines 2 through 11 and insert in lieu thereof the following:

SEC. . The provisions of this Act shall not take effect until one day after the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to

Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 110

At the end of the amendment, add the following new section:

SEC. . The provisions of this Act shall not take effect until the rates of pay for all offices and positions which were increased pursuant to the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to Congress for the fiscal year ending on September 30, 1988, are reduced to the rate of pay for each such office and position which was in effect before such recommendations became effective, with the exception of any judge or justice appointed pursuant to Article III of the Constitution of the United States of America.

AMENDMENT No. 111

In the pending amendment, in subsection (b), strike out "first day" and insert in lieu thereof the following: "second day".

ADAMS AMENDMENT NO. 112

(Ordered to lie on the table.)

Mr. ADAMS submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) to be proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

On page 46, line 7, insert the following: "None of the funds authorized to be appropriated by this Act, may be spent unless the provision of case management under this subsection also includes the provision, in the case of a homeless individual receiving aid under title XVI of the Social Security Act, of representative payee services, in accordance with section 1631(a)(2) of such Act, if the public or private entity carrying out the project under this section is designated by the Secretary to provide such representative payee services.".

DOLE AMENDMENTS NOS. 113 AND 114

(Ordered to lie on the table.)

Mr. DOLE submitted two amendments intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

AMENDMENT No. 113

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Relief for the Homeless Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families with children;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless;

(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs;

(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals;

(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and

(6) the Federal government has a responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish an Interagency Council on the Homeless;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless.

SEC. 3. DEFINITIONS.

(a) HOMELESS INDIVIDUAL.—As used in this Act, the term "homeless individual" shall include—

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is—

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) EXCLUSION.—As used in this Act, the term "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

TITLE I—INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 101. SHORT TITLE.

This title may be cited as the "Interagency Council on the Homeless Act".

SEC. 102. ESTABLISHMENT.

There is established the Interagency Council on the Homeless.

SEC. 103. MEMBERSHIP.

(a) MEMBERS.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Defense;

(4) the Secretary of Education;

(5) the Secretary of Energy;

(6) the Secretary of Health and Human Services;

(7) the Secretary of Housing and Urban Development;

(8) the Secretary of the Interior;

(9) the Secretary of Labor;

(10) the Secretary of Transportation;

(11) the Director of the ACTION Agency;

(12) the Administrator of General Services;

(13) the Director of the Federal Emergency Management Agency;

(14) the Postmaster General of the United States;

(15) the Administrator of Veterans' Affairs; and

(16) the heads of such other Federal agencies as the Council considers appropriate.

(b) CHAIR.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) MEETINGS.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 104. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) review all Federal activities and programs to assist homeless individuals;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies to assist homeless individuals;

(3) monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by Federal agencies, State and local governments, and private voluntary organizations;

(4) provide professional and technical assistance, through personnel employed by the Council in each of the ten standard Federal regions, to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities to assist homeless individuals; and

(B) develop new and innovative programs and activities to assist homeless individuals;

(5) collect and disseminate information relating to homeless individuals;

(6) establish procedures for the review and approval of comprehensive homeless assistance plans submitted to the Council under section 401; and

(7) prepare the annual reports required by subsection (c)(2).

(b) AUTHORITY.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of homeless individuals.

(c) REPORTS.—(1) Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report which describes—

(A) each program to assist homeless individuals administered by such agency and the number of homeless individuals served by such program;

(B) impediments, including any statutory and regulatory restrictions, to the use by homeless individuals of each such program and to obtaining services or benefits under each such program;

(C) efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

(2) The Council shall prepare and transmit to the President and the Congress an annual report which—

(A) assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);

(C) describes the accomplishments and activities of the Council, in working with Federal, State, and local agencies and public and private organizations in order to provide assistance to homeless individuals;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and

(E) specifies any recommendations of the Council for appropriate and necessary actions to resolve such problems and meet such needs.

SEC. 105. DIRECTOR AND STAFF.

(a) Director.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Additional Personnel.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) Details.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(d) Administrative Support.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 106. POWERS.

(a) Meetings.—For the purpose of carrying out this title, the Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate.

(b) Delegation.—Any member or employee of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this title.

(c) Information.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 107. TERMINATION OF THE COUNCIL.

The Council shall terminate three years after the date of enactment of this Act.

SEC. 108. TRANSFER OF FUNCTIONS.

(a) Transfer.—The Council is the successor to the Federal Task Force on the Homeless of the Department of Health and Human Services. All functions of such Task Force are transferred to the Council.

(b) Termination.—The Federal Task Force on the Homeless of the Department of Health and Human Services is terminated.

SEC. 109. DEFINITIONS.

For the purpose of this title—

(1) the term "Council" means the Interagency Council on the Homeless established by section 102; and

(2) the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated $200,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

TITLE II—CLARIFICATION OF USE OF EXCESS PROPERTY UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 201. SHORT TITLE.

This title may be cited as the "Excess Property Identification Act of 1987".

SEC. 202. IDENTIFICATION OF EXCESS PROPERTY.

In carrying out section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), each executive agency shall specifically identify excess property under its control as suitable for use as a shelter for, or for use to provide services to, homeless individuals.

SEC. 203. REPORTING OF AVAILABILITY OF EXCESS PROPERTY.

Within 60 days after the date of enactment of this Act, the Administrator of General Services shall report to the Interagency Council on the Homeless the availability of excess Federal property suitable for use as a shelter for, or for use to provide services to, homeless individuals. Within 150 days after the date of enactment of this Act, and every 90 days thereafter, the Administrator shall revise such report and shall transmit such revised report to the Interagency Council.

SEC. 204. MAKING SURPLUS PERSONAL PROPERTY AVAILABLE TO NONPROFIT AGENCIES.

(a) Eligibility.—Any State or local government agency or any nonprofit organization which is eligible to receive, or which receives, payments or grants under any Federal program for the provision of food or shelter for homeless individuals shall be considered eligible to receive, in order to assist in carrying out such program, donations of personal property which is declared surplus to the needs of the Federal Government in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949 and regulations issued by the Administrator of General Services pursuant to such section.

(b) Requirement for Notification.—Within 90 days after the date of enactment of this Act, the Administrator of General Services shall require each State agency administering a State plan under section 203(j) of the Federal Property and Administrative Services Act of 1949 to make generally available to nonprofit organizations a list of available surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals and families.

(c) Costs.—(1) Surplus personal property identified pursuant to this section shall be made available to nonprofit organizations by a State agency distributing such property at no cost to such organizations.

(2) The Administrator shall enter into agreements with each State providing for the reimbursement of such State for the costs of transporting any surplus personal property donated to a nonprofit organization. The costs of such reimbursement shall be paid by the Federal agency originally holding title to such personal property, except as provided in paragraph (3).

(3) The Administrator shall not provide for the reimbursement of a State under paragraph (2) for the costs of transporting any surplus personal property donated to a nonprofit organization in any case in which such organization, the State, or a local government agrees to pay the costs of transporting such property.

(d) Definitions.—For purposes of this section—

(1) the term "local government" means a unit of general purpose local government;

(2) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; and

(3) the term "nonprofit organization" means an organization which—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986;

(B) has an accounting system and a voluntary board;

(C) practices nondiscrimination in the provision of assistance; and

(D) provides services to homeless individuals and families.

SEC. 205. ELIGIBILITY FOR DONATION OF SURPLUS PROPERTY.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals," after "health centers,".

TITLE III—SHELTER PROGRAM

Part A—General Provisions

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Food and Shelter Act of 1987".

SEC. 302. DEFINITIONS.

For the purpose of this title—

(1) the term "Board" means the Emergency Food and Shelter Program National Board;

(2) the term "Director" means the Director of the Federal Emergency Management Agency;

(3) the term "emergency shelter" means a facility all or a part of which is used or designed to be used to provide temporary housing;

(4) the term "local government" means a unit of general purpose local government;

(5) the term "locality" means the geographical area within the jurisdiction of a local government;

(6) the term "private nonprofit organization" means an organization which is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and which has an accounting system and a voluntary board, and which practices nondiscrimination in the provision of assistance; and

(7) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

SEC. 303. EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD.

(a) Establishment of National Board.—There is established to carry out the provisions of this title the Emergency Food and Shelter Program National Board. The Director of the Federal Emergency Management Agency shall constitute the Board in accordance with subsection (b) in administering the program under this title.

(b) Board of Directors.—The Board shall consist of the Director of the Federal Emergency Management Agency and 6 members who shall be appointed by the Director not later than 30 days after the date of enactment of this Act, one from those individuals nominated by each of the following:

(1) The United Way of America.

(2) The Salvation Army.

(3) The National Council of Churches of Christ in the U.S.A.

(4) Catholic Charities U.S.A.

(5) The Council of Jewish Federations, Inc.

(6) The American Red Cross.

(c) CHAIRMAN.—The Director shall be Chairman of the Board.

(d) OTHER ACTIVITIES OF THE BOARD.—Except as otherwise specifically provided by this title, the Board shall establish its own procedures and policies for the conduct of its affairs.

SEC. 304. LOCAL BOARDS.

(a) ESTABLISHMENT.—Each locality designated by the Board shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board, except that the mayor or other appropriate heads of government will replace the Federal members. The chair of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) RESPONSIBILITIES.—Each local board shall—

(1) determine which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers;

(2) monitor recipient service providers for program compliance;

(3) reallocate funds among service providers;

(4) ensure proper reporting; and

(5) coordinate with other Federal, State, and local government assistance programs available in the locality.

SEC. 305. ROLE OF FEMA.

(a) IN GENERAL.—The Director of the Emergency Management Agency shall provide the Board administrative support and act as Federal liaison to the Board.

(b) SPECIFIC SUPPORT ACTIVITIES.—The Director shall—

(1) make available to the Board, upon request, the services of the Agency's legal counsel and inspector general;

(2) assign clerical personnel to the Board on a temporary basis; and

(3) conduct audits of the Board annually and at such other times as may be appropriate.

SEC. 306. RECORDS AND AUDIT OF BOARD AND RECIPIENTS OF ASSISTANCE.

(a) ANNUAL INDEPENDENT AUDIT OF BOARD.—

(1) The accounts of the Board shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Board are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Board and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required in section 307. Such report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities of the Board, surplus or deficit, with an analysis of the changes during the year, supplemented in reasonable detail by a statement of the income and expenses of the Board during the year, and a statement of the application of funds, together with the opinion of the independent auditor of such statements.

(b) ACCESS TO RECORDS OF RECIPIENTS OF ASSISTANCE.—

(1) Each recipient of assistance under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Board, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title.

(c) AUTHORITY OF COMPTROLLER GENERAL.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the Board and recipients for such purpose.

SEC. 307. ANNUAL REPORT.

The Board shall transmit to the Congress an annual report covering each year in which it conducts activities with funds made available under this title.

PART B—EMERGENCY FOOD AND SHELTER GRANTS

SEC. 311. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and through units of local government in accordance with section 313.

SEC. 312. RETENTION OF INTEREST EARNED.

Interest accrued on the balance of any grant to the Board shall be available to the Board for reallocation, and total administrative costs shall be determined based on total amount of funds available, including interest and any private contributions which are made to the Board.

SEC. 313. PURPOSES OF GRANTS.

(a) ELIGIBLE ACTIVITIES.—Grants to the Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for the homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

(2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b) LIMITATIONS ON ACTIVITIES.—The Board may only provide funding provided under this part for—

(1) programs undertaken by nonprofit organizations and units of local government; and

(2) programs that are consistent with the purposes of this title.

The Board may not carry out programs directly.

SEC. 314. LIMITATION ON CERTAIN COSTS.

Not more than 5 percent of the total appropriation for the emergency food and shelter program each year may be expended for the costs of administration.

SEC. 315. PROGRAM GUIDELINES.

(a) GUIDELINES.—The Board shall establish written guidelines for carrying out the program under this part, including—

(1) methods for identifying localities with the highest need for emergency food and shelter assistance;

(2) methods for determining amount and distribution to these localities;

(3) eligible program costs, including maximum flexibility in meeting currently existing needs; and

(4) guidelines specifying the responsibilities and reporting requirements of the Board, its recipients, and service providers.

(b) PUBLICATION.—Guidelines established under subsection (a) shall be published annually, and whenever modified, in the Federal Register. The Board shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

SEC. 316. PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—To carry out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1987, including any amount provided under Public Law 100-6, and such sums as may be necessary for fiscal year 1988.

(b) CARRYOVER.—Any appropriated funds not obligated in a fiscal year shall remain available until expended.

PART C—CASE MANAGEMENT

SEC. 321. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of grants by the Board to nonprofit private entities and units of local government receiving support under part B for shelters for homeless individuals to enable such entities and governments to provide, or arrange for the provision of, case management services for homeless individuals using such shelters.

SEC. 322. REQUIREMENT FOR THE PROVISION OF CASE MANAGEMENT SERVICES.

(a) SERVICES REQUIRED.—Each unit of local government or nonprofit private entity which receives assistance under part B for a shelter for homeless individuals shall provide, or arrange for provision of, case management services required under subsection

(b) for homeless individuals using such shelter.

(b) Types of Services.—(1) In the case of a shelter in a locality in which an agency (other than the government or entity receiving assistance under part B for such shelter) provides the services described in paragraph (2) for homeless individuals, case management services required under this part include referral of such individuals to such agency and followup services to ensure that the services described in such paragraph are provided to such individuals.

(2) In the case of a shelter in a locality in which there is no agency described in paragraph (1), case management services required under this part for homeless individuals include, to the extent needed by each such individual—

(A) the preparation, and the review at least every 3 months, of a plan specifying the needs of such individual and the services that will be provided to such individual to meet such needs;

(B) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services; and

(C) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits.

(c) Preference.—If any unit of local government or nonprofit private entity operating a shelter to which subsection (b)(2) applies decides to arrange for the provision of case management services for homeless individuals, such government or entity shall, in selecting an entity to provide such services, give preference, if feasible and appropriate, to—

(1) community action agencies supported under the Community Services Block Grant Act; and

(2) any organization to which a State that applied for and received a waiver from the Secretary of Health and Human Services under Public Law 98-139 made a grant under the Community Services Block Grant Act for fiscal year 1984.

SEC. 323. AUTHORIZATION.

To carry out this part, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1987 and 1988.

TITLE IV—HOUSING ASSISTANCE

SEC. 401. REQUIREMENT FOR COMPREHENSIVE HOMELESS ASSISTANCE PLAN.

(a) Plan Required.—Assistance authorized by this title may be provided to, or within the jurisdiction of, a State or a metropolitan city or urban county that is eligible to receive a grant under the emergency shelter grants program in an amount in excess of the minimum allocation requirement applicable under section 522(b) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 only if—

(1) it submits to the Interagency Council on the Homeless a comprehensive homeless assistance plan (hereinafter referred to as the "comprehensive plan"); and

(2) the plan is approved by or in accordance with procedures established by the Council.

(b) Contents.—A comprehensive plan submitted under this section shall contain—

(1) an assessment of the size and characteristics of the homeless population within the jurisdiction of the State, city, or county submitting the plan;

(2) a description of all available services for the homeless population within that jurisdiction;

(3) a strategy (A) to match the needs of the homeless population with available services within that jurisdiction, including services such as job placement and training, education, health, housing, nutrition, and income maintenance, and (B) to meet the specific needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans;

(4) an explanation of how the Federal assistance provided under this Act will complement and enhance the available services; and

(5) such additional information as the Council may require to assure that the plan submitted provides an adequate basis for conducting the performance monitoring and evaluation under subsections (d) and (e).

(c) Review.—(1) Upon receipt of a comprehensive plan, the Interagency Council shall review the plan. Not later than 30 days after receipt, the plan shall be approved unless the Council determines that the plan plainly does not satisfy the requirements of subsection (b), in which case the Council shall, not later than 15 days after its determination, inform the State, county, or city of the reasons for disapproval as well as the steps which need to be taken to make the plan acceptable. If the Council fails to inform the State, county, or city of the reasons for disapproval within such period, the plan shall be deemed to have been approved.

(2) The Council shall establish procedures for the review and approval of comprehensive plans. The procedures shall permit amendments to or the resubmission of any plan that is disapproved.

(d) Performance Monitoring.—(1) Each State and other recipient described in subsection (a) shall monitor annually the progress made by that State or recipient in carrying out its comprehensive plan.

(2) Each State and other recipient referred to in subsection (a) shall report annually to the Interagency Council the results of such monitoring. The Interagency Council shall review the reports submitted under this paragraph and shall make such recommendations as may be appropriate.

(3) Any State or other recipient which fails to monitor and report progress as required by paragraphs (1) and (2) shall not be eligible to receive further assistance under this title.

(e) Performance Evaluations.—Beginning with fiscal year 1989, the Interagency Council shall carry out performance evaluations of the administration of programs under this Act by States and other recipients referred to in subsection (a), including the adequacy of performance monitoring under subsection (d). The Interagency Council shall thereafter report its findings to the Congress.

(f) Applications.—Any application for assistance under this Act shall contain or be accompanied by a certification by the public official responsible for submitting a comprehensive plan for the jurisdiction to be served by the proposed activities that the proposed activities are consistent with the comprehensive plan.

SEC. 402. AUTHORIZATIONS FOR TRANSITIONAL HOUSING AND EMERGENCY SHELTER GRANTS PROGRAMS.

(a) Transitional Housing Demonstration Program.—In addition to other amounts authorized by law, there are authorized to be appropriated for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $60,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

(b) Emergency Shelter Grants Program.—In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $80,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

SEC. 403. EMERGENCY SHELTER GRANTS AMENDMENTS.

(a) Minimum Allocation Amount.—The minimum allocation established for the emergency shelter grants program by section 522(b) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 is increased to 0.3 percent of amounts appropriated under section 402(b).

(b) Reallocation of Certain Amounts.—If a State, city, or county eligible for a grant under the program referred to in subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this Act first become available for allocation during any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(c) Planning Requirement.—The requirement contained in section 524(a) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall not apply to assistance provided under the increased authority provided under section 402(b).

(d) Waiver Authority.—The Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the program referred to in subsection (a) pursuant to section 523(2)(B) of the provisions made effective by section 101(g) of Public Law 99-500 or 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

SEC. 404. SECTION 8 HOUSING ASSISTANCE.

(a) Section 8 Existing Housing.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is authorized to be increased by $50,000,000.

(2) The amounts made available under this subsection shall be used solely to assist homeless families with children.

(3) The amounts made available under this section shall be distributed in accordance with subsections (a) and (b) of section 522 of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591.

(4) If a State, city, or county eligible for assistance under this subsection fails to obtain approval of its comprehensive plan during the 90-day period following the date

funds first become available for allocation under this subsection in any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(5) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection to assist the homeless shall commit the Secretary of Housing and Urban Development to make such authority, and any amendments increasing such authority, available to the public housing agency for an aggregate period of 5 years.

(6) A contract for assistance payments under the authority provided under this subsection may be attached to the structure if the owner is a nonprofit organization that has agreed to furnish decent housing and a level of support services satisfactory to the public housing agency.

(b) Section 8 Assistance for Single Room Occupancy Dwellings.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $35,000,000.

(2) The amounts made available under this subsection shall be used only in connection with the moderate rehabilitation of housing described in section 8(n) of the United States Housing Act of 1937 for occupancy by homeless individuals.

(3) The amounts made available under this subsection shall be allocated by the Secretary on the basis of a national competition to those applicants that best demonstrate a need for the assistance under this subsection and the ability to undertake and carry out a program to be assisted under this subsection. To be considered for assistance under this subsection, an applicant shall submit to the Secretary a written proposal containing—

(A) a description of the size and characteristics of the population within the applicant's jurisdiction that would occupy single room occupancy dwellings;

(B) a listing of additional commitments from public and private sources that the applicant might be able to provide in connection with the program;

(C) an inventory of suitable housing stock to be rehabilitated with such assistance; and

(D) a description of the interest which has been expressed by builders, developers, and others (including profit and nonprofit organizations) in participating in the program.

No single city or urban county shall be eligible to receive more than 10 percent of the assistance made available under this subsection.

(4) Each contract for housing assistance payments entered into with the authority provided under this subsection shall require the installation of a sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as may be required by State or local law.

(5) The total cost of rehabilitation which may be compensated for in a contract for housing assistance payments entered into with the authority provided under this subsection shall not exceed $14,000 per unit, plus the expenditures required by paragraph (4).

(6) The Secretary of Housing and Urban Development shall increase the limitation contained in paragraph (5) by an amount the Secretary determines is reasonable and necessary to accommodate special local conditions, including—

(A) high construction costs; or

(B) stringent fire or building codes.

(7) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection shall—

(A) commit the Secretary of Housing and Urban Development to make such authority available to the public housing agency for an aggregate period of 10 years, and require that any amendments increasing such authority shall be available for the remainder of such 10-year period;

(B) provide the Secretary of Housing and Urban Development with the option to renew the contract for an additional period of 10 years, subject to the availability of appropriations; and

(C) provide that, notwithstanding any other provision of law, first priority for occupancy of housing rehabilitated under this subsection shall be given to homeless individuals and families.

TITLE V—HEALTH SERVICES AND MENTAL HEALTH SERVICES FOR THE HOMELESS

SEC. 501. SHORT TITLE.

This title may be cited as the "Health Services and Mental Health Services for the Homeless Act".

Part A—Health Services

SEC. 511. HEALTH SERVICES FOR THE HOMELESS.

Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"Part K—Health Services for Homeless Individuals

"GRANTS FOR THE PROVISION OF HEALTH SERVICES

"Sec. 395. (a) The Secretary shall make grants to public and nonprofit private entities to support the provision of health services to homeless individuals and the provision of mental health services to homeless individuals who do not have a chronic mental illness.

"(b) Each entity which receives a grant under subsection (a) shall—

"(1) provide outpatient health services in locations accessible to homeless individuals;

"(2) provide, or make arrangements for the provision of, 24-hour-a-day emergency health services to homeless individuals;

"(3) make referrals of homeless individuals to hospitals and other institutions for necessary inpatient services, and have a written arrangement with one or more hospitals or institutions for the acceptance of homeless individuals referred to such hospital or institution by such entity;

"(4)(A) provide assistance to homeless individuals in establishing eligibility for assistance under entitlement programs and in obtaining necessary services under such programs; and

"(B) have written arrangements to carry out subparagraph (A) with State and local social service agencies which provide services relevant to the needs of homeless individuals;

"(5) provide, or arrange for the provision of, counseling and other mental health services for homeless individuals who do not have a chronic mental illness, particularly counseling and mental health services for homeless families and children;

"(6) provide, or arrange for the provision of, alcohol abuse and drug abuse treatment services for homeless individuals; and

"(7) provide, or arrange for the provision of, any other service for homeless individuals that may be prescribed by the Secretary by regulation in order to meet the essential needs of homeless individuals for health services.

"(c) In making grants under this section, the Secretary shall give preference to community health centers supported under section 330 and other public and nonprofit private entities which have experience in providing comprehensive primary health care services to homeless individuals and medically underserved populations.

"TERMS AND CONDITIONS APPLICABLE TO GRANTS

"Sec. 396. (a) Each recipient of a grant under this part shall provide the services required under section 395 within the limits of its capacity to any homeless individual regardless of the individual's ability to pay for the provision of such services. If any recipient of a grant under this part imposes charges for services furnished under the grant, such charges—

"(1) shall be made according to a public schedule of charges;

"(2) may not be imposed with respect to individuals whose income is below the nonfarm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981); and

"(3) shall be adjusted to reflect the income and resources of the individuals to which such services are provided.

"(b) Funds provided under any grant made under section 395 may not be used—

"(1) to provide services other than the services described in such section;

"(2) to make cash payments, without consideration, to any individual;

"(3) to purchase or improve land, to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to purchase major medical equipment, unless the Secretary finds, based on a showing of exceptional circumstance, that a waiver of this subparagraph is necessary in order to carry out the purposes of this part; or

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition of Federal funds.

"(c) No grant may be approved under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain or be accompanied by such information as the Secretary may by regulation specify. The Secretary shall not approve any application under this part unless the application contains assurances that the applicant—

"(1) will use the funds provided under this part only for the purposes specified in the approved application;

"(2) will establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting of Federal funds paid to the applicant under this part;

"(3) will establish an ongoing quality assurance program to monitor services furnished under the grant and will maintain confidentiality of patient records;

"(4) has, in the case of an applicant for a project which will serve a group of individuals a substantial proportion of which are of limited English-speaking ability—

"(A) developed a plan and made arrangements tailored to the needs of such individuals for the provisions of services, to the extent practicable, in the language and cultural context most appropriate to such individuals; and

"(B) identified an individual on its staff—

"(i) who is fluent both in English and in the language most appropriate to such individuals; and

"(ii) whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and the bridging of linguistic and cultural differences; and

"(5) will report to the Secretary annually on the utilization, cost, and outcome of services furnished under this part.

"(d) Notwithstanding any other provision of this part, no entity receiving a grant under this part shall be considered to be in violation of this part if such entity, in the regular course of providing mental health services to homeless individuals who do not have a chronic mental illness, provides mental health services to homeless individuals having a chronic mental illness.

"EVALUATIONS AND REPORTS

"SEC. 397. (a) The Secretary shall conduct, or arrange for the conduct of, evaluations of services provided under grants under section 395.

"(b) Within 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the evaluations conducted under subsection (a) during the preceding year.

"DEFINITIONS

"SEC. 398. For purposes of this part:

"(1) The term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(2) The term 'medically underserved population' means a population designated by the Secretary under section 330(b)(3).

"(3) The term 'shelter' means any supervised public or private facility designed to provide temporary living accommodations.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 399. To carry out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1987 and 1988.".

PART B—MENTAL HEALTH SERVICES

SEC. 521. EMERGENCY MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS HAVING CHRONIC MENTAL ILLNESS.

Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—EMERGENCY ASSISTANCE FOR HOMELESS MENTALLY ILL INDIVIDUALS BLOCK GRANT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1931. (a) To carry out this part, there are authorized to be appropriated $55,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

"(b) Of the total amount appropriated to carry out this part for any fiscal year, not more than 2 percent shall be used by the Secretary to pay the costs of administering this part.

"ALLOTMENTS

"SEC. 1932. (a)(1) Except as provided in subsections (b) and (c), the allotment of a State under this part for a fiscal year is the sum of the amounts determined under paragraphs (2) and (3) for the State and metropolitan cities and urban counties in the State for such fiscal year.

"(2) The Secretary shall determine the amount that would be allotted to each State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such State is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such State.

"(3) The Secretary shall determine the amount that would be allotted to each metropolitan city and urban county in a State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such city or county is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such city or county.

"(4) Notwithstanding paragraph (1), and except as provided in the second sentence of subsection (b), the allotment of the District of Columbia under this part for a fiscal year shall be the amount determined by the Secretary for the District of Columbia under paragraph (3) or the amount determined under subsection (b), whichever is greater.

"(b) Notwithstanding subsection (a), the allotment of a State under this section for any fiscal year shall not be less than one-half of one percent of the amount available for allotments under this section (after the application of section 1931(b)) for such fiscal year. If necessary to carry out the preceding sentence, the Secretary shall ratably reduce the amount determined for each State under paragraph (1) of subsection (a), and the amount determined for each metropolitan city and urban county (including the District of Columbia) under paragraph (2) of such subsection.

"(c)(1) For purposes of subsections (a) and (b), the allotment of each territory under this part for a fiscal year shall be determined in accordance with paragraphs (2) and (3).

"(2) In accordance with subsections (a) and (b), a total allotment under this part for all territories shall be determined for a fiscal year as if all territories were deemed to be one State.

"(3) The allotment of a territory under this part for a fiscal year shall be the amount which bears the same ratio to the amount determined under paragraph (3) for such fiscal year as the population of the territory bears to the population of all territories.

"(4) For purposes of this subsection, the term 'territory' means the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(d) If the total amount of funds appropriated under section 1931 for a fiscal year and available for allotment under this section for such fiscal year is not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some allotments of States are offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1935(d)),

the amount not allotted shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"PAYMENTS UNDER ALLOTMENTS

"SEC. 1933. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1932 from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1934. (a)(1) Except as provided in subsection (b), amounts paid to a State under section 1933 shall be used by such State to assist in the carrying out of emergency projects for homeless individuals who have chronic mental illnesses. Such projects shall include each of the following activities:

"(A) The provision of outreach services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(B) The provision of outpatient mental health services, partial hospitalization, diagnostic services, crisis intervention services, and habilitation and rehabilitation services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(C) The provision of training to individuals who provide services to homeless individuals, including individuals who work in shelters, mental health clinics, and other sites where homeless individuals receive services.

"(D) The provision of case management services to homeless individuals, including, as needed by each such individual—

"(i) the preparation, and the review at least every 3 months, of a plan for the provision of mental health services to such individual;

"(ii) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services;

"(iii) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits; and

"(iv) the referral of such individual to such other services as may be appropriate.

"(E) The provision of supportive and supervisory services for homeless individuals in residential settings not supported under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591.

"(2) Training required under paragraph (1)(C) shall include training to enable individuals providing services to homeless individuals to—

"(A) identify individuals with chronic mental illness;

"(B) refer homeless individuals to available services for such individuals, including job training services, literacy education, community health centers, and community mental health centers; and

"(C) identify, and assist homeless individuals to participate in, Federal and State programs providing benefits for homeless individuals.

"(b) A State may not use amounts paid to it under section 1933 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Not more than 4 percent of the total amount paid to a State under section 1933 for a fiscal year may be used for administering the funds made available under section 1933. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(d) Notwithstanding any other provision of this part, a State shall not be considered to be in violation of this part if, during the regular course of the provision of mental health services to homeless individuals under this part, mental health services are provided to individuals who are homeless and who do not have a chronic mental illness.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1935. (a)(1) In order to receive an allotment for a fiscal year under section 1932, a State shall submit an application to the Secretary. Each such application shall be in such form as the Secretary shall require, and shall be submitted with the application required by section 1916(a) or at such other time as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1932 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

"(b)(1) As part of the annual application required by subsection (a) for an allotment for any fiscal year, the chief executive officer of each State shall—

"(A) certify that the State agrees to use the funds allotted to it under section 1932 in accordance with the requirements of this part;

"(B) certify that, in the case of an allotment for fiscal year 1988, the services to be provided to homeless individuals under this part have been considered in the preparation of, have been included in, and are consistent with, the State comprehensive mental health services plan required under subpart 2 of part B;

"(C) certify that the State will ensure that homeless individuals who are alcoholics, alcohol abusers, or drug abusers will be referred to appropriate alcohol abuse and drug abuse treatment and rehabilitation services, including services available under section 1921;

"(D) certify that the State will ensure that the activities conducted under this part will be coordinated with transitional housing provided under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591;

"(E) except as provided in paragraph (3), certify that the State will expend, in each metropolitan city or urban county for which the Secretary makes a determination under section 1932(a)(3) for a fiscal year, an amount which is equal to the amount determined by the Secretary under such section for such city or county for such fiscal year, in order to assist in carrying out in such city or county of an emergency project which complies with section 1934; and

"(F) certify that the State agrees that Federal funds made available under section 1933 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"(2) An application by a State under this section for an allotment for fiscal year 1988 shall include, for each metropolitan city and urban county in the State for which the Governor of the State desires a determination be made under section 1932(a)(3), a statement from the chief executive officer of such city or county which contains the certifications specified in paragraph (1) with respect to such city or county and the description of activities specified in subsection (c) with respect to such city or county.

"(3)(A) In any case in which the amount determined by the Secretary under section 1932(a)(3) for a fiscal year with respect to a metropolitan city or an urban county is less than $50,000, the State in which such city or county is located is not required to comply with paragraph (1)(E) with respect to such city or county for such fiscal year.

"(B) In any case in which the Governor of a State is unable to certify under paragraph (1)(E) that the amount required to be expended for a fiscal year under such paragraph in a metropolitan city or urban county in the State will be used to assist in the carrying out, in such city or county, of an emergency project which complies with section 1934, the Governor of the State shall include in the application required under paragraph (1) for such fiscal year a certification that such amount will be expended in another area of the State to assist in the carrying out of an emergency project which complies with such section.

"(c) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1933 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(d) Except where inconsistent with the provisions of this part, the provisions of section 1914(b), section 1917(a), paragraphs (1) through (5) of section 1917(b), and sections 1918, 1919, and 1920 shall apply to payments made to a State under this part in the same manner as such provisions apply to payments made to a State under part B of this title.

"DEFINITIONS

"SEC. 1936. For purposes of this part:

"(1) The term 'homeless individual' means a homeless individual (as such term is defined in section 3 of the Urgent Relief for the Homeless Act) who has a chronic mental illness. Such term includes an individual who—

"(A) is receiving services under this part; and

"(B) is placed in permanent housing, during the period beginning on the date on which such placement is made and ending 9 months after such date.

"(2) The term 'metropolitan city' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.

"(3) The term 'urban county' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.".

PART C—ALCOHOL AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS

SEC. 531. SPECIAL ALLOTMENTS FOR ALCOHOL ABUSE AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS.

Part B of title XIX of the Public Health Service Act is amended by adding at the end thereof the following new subpart:

"Subpart 3—Prevention, Treatment, and Rehabilitation Services for Homeless Individuals Who Are Alcoholics, Alcohol Abusers, or Drug Abusers

"SPECIAL ALLOTMENTS

"SEC. 1920F. (a) To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1987.

"(b) The Secretary shall allot to each State for fiscal year 1987 from amounts appropriated under subsection (a) an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the allotment of the State under section 1913 for such fiscal year bears to the total amount allotted to all States under such section for such fiscal year.

"(c) Each State desiring to receive an allotment under this section shall submit a statement to the Secretary at such, time, in such manner, and containing such information as the Secretary may by regulation prescribe. Such statement shall contain a certification by the chief executive officer of the State that the State will use the amounts allotted to the State under this section for the purposes described in subsection (d).

"(d) The amount allotted to a State under this section for fiscal year 1987 shall be used by the State to provide prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers. For purposes of this section, the term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(e)(1) Except as provided in paragraph (2), the provisions of subpart 1 of this part shall apply to this section to the extent that such provisions are not inconsistent with the provisions of this section.

"(2) Section 1915(b)(1) does not apply to services provided under this section.".

TITLE VI—ASSURING THE EDUCATION OF HOMELESS CHILDREN AND PROVIDING LITERACY AND BASIC SKILLS REMEDIATION FOR ADULT HOMELESS INDIVIDUALS

SEC. 601. STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN.

Subpart 3 of part C of the General Education Provisions Act is amended by inserting after section 436 the following new section:

"STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN REQUIRED

"Sec. 436A. (a) In any fiscal year after September 30, 1988, in which a State fails to comply with the provisions of this section, the Secretary shall withhold from the State an amount equal to State set aside under chapter 2 of the Education Consolidation and Improvement Act of 1981 for that year.

"(b)(1) Each State educational agency shall assure that no child of a homeless person, as defined in section 3 of this Act, is denied for that reason access to a free, appropriate public education that would be provided to the children of a resident of the State.

"(2) Each State shall adopt a plan to provide for the education of each homeless child within the State which should contain provisions designed to—

"(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, or the applicable social worker to make the determinations required under this section; and

"(B) provide procedures for selecting the appropriate local educational agency within the State to be responsible for the expenses of providing for the education of the homeless child.

"(c)(1) Each plan adopted under this section shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (2) through (6) of this subsection.

"(2) The local educational agency of each homeless child shall either—

"(A) continue the child's education in the school district of origin for the remainder of the school year; or

"(B) enroll the child in the school district where the child is actually living;

whichever is in the child's best interest.

"(3) The choice required by paragraph (2) shall be available regardless of whether the child is living with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child shall be provided adequate transportation to the school selected according to the provisions of paragraph (2).

"(5) The records of each homeless child shall be maintained—

"(A) so that the records are immediately available when a child enters a new school district; and

"(B) in a manner consistent with section 438 of this Act.

"(6) Each local educational agency shall ensure that each homeless child may participate in all educational programs and services for which the child meets the eligibility criteria, including special programs and compensatory educational programs for handicapped, disadvantaged, and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

"(d)(1) Each local educational agency or any State which is aggrieved by the withholding of State funds under subsection (a) shall be accorded the right of due process of law and shall be entitled to—

"(A) at least 30 days prior written notice of the intent to withhold such funds;

"(B) the opportunity for a hearing on the record before an administrative law judge within 60 days of the actual withholding, unless such period is extended by mutual consent of the Secretary and the appropriate State educational agency; and

"(C) a decision on the merits by the administrative law judge within 90 days of the conclusion of the hearing, unless the administrative law judge determines that such a hearing cannot be concluded or a decision on the merits cannot be made within such period, in which case the administrative law judge may extend the period for a period not to exceed 60 additional days.

"(2) The administrative remedy prescribed by this subsection shall be exclusive.

"(e) The Secretary shall prepare and submit to the Congress a report not later than January 1, 1989, on the effectiveness of the State plans required by this section.".

SEC. 602. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED.

(a) General Authority.—(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to make the special educational needs of homeless elementary and secondary school students.

(b) Applicants.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) Eligibility for Grants.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 436A of the General Educations Provisions Act.

(d) Application.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought;

(3) such additional assurances that the Secretary determines are necessary.

(e) Dissemination of Information Activities.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) Appropriations Authorized.—There are authorized to be appropriated $2,500,000 for the fiscal year 1987 and $5,000,000 for the fiscal year 1988 to carry out the provisions of this section.

SEC. 603. STATEWIDE LITERACY INITIATIVES.

(a) General Authority.—The Secretary of Education shall make grants to State educational agencies to enable each such agency to develop a plan and implement a program of literacy training and basic skills remediation for adult homeless individuals within the State which shall—

(1) include a program of outreach activities, and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) Application.—Each State educational agency desiring to receive its allocation under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) Authorization of Appropriations; Allocation.—(1) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1987 and 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted to the Interagency Council under section 401, except that no State shall receive less than $75,000 under this section.

TITLE VII—JOB TRAINING FOR THE HOMELESS DEMONSTRATION PROJECT

SEC. 701. DEMONSTRATION PROGRAM AUTHORIZED.

(a) General Authority.—The Secretary shall, from funds appropriated pursuant to section 708, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this title.

(b) Contract Authority.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this title.

SEC. 702. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

A State shall describe in the comprehensive plan required under section 401 of this Act how the State will coordinate projects conducted within a State under this title with other services for homeless individuals assisted under this Act.

SEC. 703. APPLICATION.

Each applicant which desires to receive a demonstration grant under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the activities for which assistance is sought;

(2) plans for the coordination and outreach activities, particularly with case managers and care providers, designed to achieve referral of homeless individuals to

the demonstration projects authorized by this title;

(3) plans to offer in-shelter training activities and services, and to perform training services and activities so as to increase the participation of homeless individuals in the demonstration project;

(4) a description of the standards by which performance may be measured under the demonstration project, together with assurances that a preliminary evaluation of the project will be completed not later than the end of the first year for which assistance is sought;

(5) assurances that the recipient of demonstration grants under this title will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources; and

(6) such additional assurances as the Secretary determines are necessary to insure compliance with the requirements of this title.

SEC. 704. AUTHORIZED ACTIVITIES.

Demonstration grants under this title may be used for—

(1) basic skills instruction;

(2) remedial education activities;

(3) basic literacy instruction;

(4) job search activities;

(5) job counseling;

(6) job preparatory training, including resume writing and interviewing skills; and

(7) any other activities described in section 204 of the Job Training Partnership Act which the grant recipient determines will contribute to carrying out the objectives of this title,

for homeless individuals.

SEC. 705. PAYMENTS; FEDERAL SHARE; LIMITATION.

(a) PAYMENTS.—The Secretary shall pay to each applicant having an application approved under section 703 the Federal share of the cost of activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share for each fiscal year shall be 50 percent.

(2) The non-Federal share of payments under this title may be in cash or in kind fairly evaluated, including plant equipment or services.

(c) LIMITATION.—The Secretary may not make grants in any State in an aggregate in excess of 15 percent of the amount appropriated to carry out this title in each fiscal year.

SEC. 706. EVALUATION.

(a) DEMONSTRATION PROJECT RESPONSIBILITY.—The Secretary shall evaluate each project assisted under this title at the end of the first fiscal year for which funds are appropriated under this title. The Secretary shall submit the findings of the evaluations to the Interagency Council. Not later than 6 months before the termination date specified in section 709, the Secretary shall prepare and submit a final report of the evaluations required by this subsection to the President, to the Congress, and to the Interagency Council.

(b) CONTENTS OF EVALUATIONS.—Each evaluation required by this section shall include—

(1) the number of homeless individuals served;

(2) the number of homeless individuals placed in jobs;

(3) the average length of training time under the project;

(4) the average training cost under the project; and

(5) the average retention rate of placements of homeless individuals after training with assistance made under this title.

(c) EVALUATION BY INTERAGENCY COUNCIL.—(1) The Interagency Council shall evaluate each project receiving assistance under this title.

(2) The Interagency Council shall prepare and publish a report of its findings in the annual report of the Council. The evaluation of the demonstration projects authorized by this title shall include a determination of the relative effectiveness of programs assisted under this title together with recommendations, including recommendations for legislation, to the Congress on job training programs for homeless individuals to be established on a national basis.

SEC. 707. DEFINITIONS.

As used in this title—

(1) the term "applicant" means public agencies, private nonprofit organizations, private businesses, and other appropriate entities;

(2) the term "Interagency Council" means the Interagency Council on the Homeless;

(3) the term "local public agency" means any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers;

(4) the term "Secretary" means the Secretary of Labor; and

(5) the term "State" means each of the several States and the District of Columbia.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1988 to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year may be expended by each recipient during that fiscal year and the succeeding fiscal year.

SEC. 709. TERMINATION.

The provisions of this title shall terminate on October 1, 1990.

TITLE VIII—NUTRITION

PART A—FOOD STAMP PROGRAM

SEC. 801. DEFINITION OF HOUSEHOLD.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)";

(2) by inserting before the semicolon the following: "or (3) a parent of minor children and that parent's children (notwithstanding the presence in the home of any other persons, including parents and siblings, who do not customarily purchase food and prepare meals for home consumption together with the parent and children) except that the certification of a household as a separate household under this clause shall be reexamined no less frequently than once every 6 months"; and

(3) by inserting "(other than as provided in clause (3))" after "except that"

SEC. 802. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.".

SEC. 803. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) AUTHORITY TO PROVIDE INFORMATION.—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of such Act (7 U.S.C. 2025(a)) is amended by striking out ", and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 804. EXPEDITED FOOD STAMP SERVICE.

Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to a household in which all members are homeless individuals and which meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent and utilities of the household; and"; and

(3) in subparagraph (D) (as redesigned), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

SEC. 805. IMPLEMENTATION OF EXISTING VENDOR PAYMENT EXCLUSION.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall prescribe regulations to carry out section 5(k)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)(E)).

PART B—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

SEC. 811. VARIETY OF COMMODITIES UNDER TEFAP.

Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

SEC. 812. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER TEFAP.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "$50,000,000 for each of the fiscal years ending September 30, 1986, and September 30, 1987" and inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1986, $60,000,000 for the fiscal year ending September 30, 1987, and $70,000,000 for the fiscal year ending September 30, 1988".

SEC. 813. CONTINUATION OF TEFAP.

(a) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) CONFORMING AMENDMENT.—Section 210(c) of such Act is amended by striking out "beginning October 1, 1983, and ending September 30, 1987" and inserting in lieu thereof "ending on the date specified in section 212".

PART C—EFFECTIVE DATE

SEC. 821. EFFECTIVE DATE.

Except as provided in section 805, the amendments made by this title shall become effective and be implemented as soon as the Secretary determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

TITLE IX—HOMELESS VETERANS

SECTION 901. SHORT TITLE.

This title may be cited as the "Homeless Veterans' Assistance Act of 1987".

SEC. 902. AUTHORITY TO MAKE CERTAIN PROPERTIES AVAILABLE FOR SHELTERS.

(a) IN GENERAL.—The Administrator, within the limits of available appropriations, is authorized under this section to carry out during fiscal years 1987, 1988, and 1989 a program to assist homeless veterans and their families to acquire shelter by entering into agreements, described in subsection (b) with any organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code, or any other governmental, public, or nonprofit private institution, organization, corporation, or other entity, especially any such entity working on behalf of homeless individuals, for the purpose of such entity providing shelter primarily for homeless veterans and their families.

(b) AGREEMENTS TO SELL OR LEASE.—(1) Agreements authorized by subsection (a) are agreements pursuant to which the Administrator would, subject to paragraphs (2) and (3) of this subsection and to subsection (d)—

(A) sell to an entity described in subsection (a), for such consideration as the Administrator determines is in the best interests of the United States Government, the Veterans' Administration loan guaranty program, and the short- and long-term solvency of the Loan Guaranty Revolving Fund, real property acquired by the Administrator as the result of a default on a loan made or guaranteed under chapter 37 of title 38, United States Code; or

(B) lease, for a fixed period of time, or otherwise temporarily make available to such an entity underutilized facilities (other than properties so acquired as the result of such a default) under the jurisdiction of the Administrator that would be suitable for providing emergency shelter.

(2) The Administrator may enter into an agreement under paragraph (1) only if the Administrator determines that such an action will not adversely affect the Veterans' Administration's ability to fulfill its statutory missions or to carry out other functions and administer other programs authorized by law.

(3) The Administrator may enter into an agreement under paragraph (1)(A) only if—

(A) the entity to which the property is to be sold demonstrates, to the satisfaction of the Administrator, an intention to (i) utilize the property solely as a shelter primarily for homeless veterans and their families, (ii) to comply with all zoning laws relating to the property, and (iii) to make no use of the property that is not compatible with the area where the property is located;

(B) the Administrator determines that there is no likelihood of the property being sold for a price sufficient to reduce the liability to the Veterans' Administration of the veteran who had defaulted on the loan guaranteed under chapter 37 of title 38, United States Code; and

(C) the buyer satisfies other terms and conditions established pursuant to subsection (d).

(4) The Administrator, through means selected by the Administrator, shall provide appropriate entities described in subsection (a) which are involved in working on the problems of homelessness and homeless veterans with notice of the potential availability for sale or lease to such entities of appropriate properties under paragraph (1).

(c) PREFERENCE FOR CERTAIN ENTITIES.—In selecting entities with which to enter into agreements under subsection (a), the Administrator shall accord preference to entities which—

(1) have a demonstrated commitment to working with and on behalf of homeless individuals;

(2)(A) have a demonstrated ability to establish, operate, and maintain shelters for homeless individuals, or (B) are named in, or approved by the Administrator under, section 3402 of title 38, United States Code;

(3) have a plan for utilizing the voluntary services of homeless individuals, or others, to rehabilitate and repair such property as necessary in order to improve its habitability; and

(4) have a plan for utilizing the volunteer assistance of Veterans' Administration employees, members of veterans' service organizations, homeless individuals, or others in the establishment, operation, and maintenance of the shelter established pursuant to such an agreement.

(d) TERMS AND CONDITIONS OF INSTRUMENTS.—Any agreement, deed, or other instrument executed by the Administrator under subsection (a) shall be on such terms and conditions as the Administrator determines to be appropriate and necessary to carry out the purpose of such agreement.

(e) INVENTORY OF UNDERUTILIZED FACILITIES.—(1)(A) Not later than thirty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall evaluate all real properties described in subparagraph (B) in order to determine which such properties are appropriate to offer for sale under subsection (b)(1)(A).

(B) Properties referred to in subparagraph (A) are those which (i) are located in geographic areas in which there are significant numbers of homeless veterans, and (ii) are being held by the Administrator after having been acquired by the Administrator at least twelve months previously as the result of defaults on loans made or guaranteed under chapter 37 of title 38, United States Code.

(2) Not later than one hundred and eighty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall complete an inventory of all underutilized facilities which are under the jurisdiction of the Administrator and which are located in geographic areas in which there are significant numbers of homeless veterans in order to determine which such facilities could be suitable to offer for lease under subsection (b)(1)(B).

(f) REPORTS.—(1) Not later than February 1, 1988, the Administrator shall submit to the Committees a report—

(A) on the results of the evaluations and inventory conducted under subsection (e);

(B) on the activities carried out by the Administrator under subsection (b)(4);

(C) on real property sold under subsection (b)(1)(A), including for each such property information as to the price for which the Veterans' Administration acquired the property, the costs incurred by the Veterans' Administration in maintaining the property thereafter, the name of the buyer, and the price paid by the buyer; and

(D) on the leasing of facilities under subsection (b)(1)(B).

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under this section and shall include in the report (A) information updating the information required to be provided in the report under paragraph (1), and (B) such recommendations (and the reasons therefor) as the Administrator considers appropriate as to whether the program carried out under this section should be extended and any recommendation for legislation that the Administrator considers appropriate to include in the report.

SEC. 903. PILOT PROGRAM OF ACTIVITIES TO ASSIST HOMELESS VETERANS.

In order to enhance the Veterans' Administration's ability to assist homeless veterans and their families and to evaluate the effectiveness of various activities in that regard, the Administrator shall, within the limits of available appropriations and as provided for in the section, conduct a pilot program and study for a period of not less than twenty-four months in not less than ten geographic areas in which there are significant numbers of homeless veterans. In the course of such pilot program and study, the Administrator shall undertake and evaluate various activities otherwise authorizd by law as well as activities—

(1) to designate individuals at Veterans' Administration facilities to coordinate official and volunteer efforts designed to assist homeless veterans and their families;

(2) to authorize Veterans' Administration employees to seek out and cooperate with other entities providing counseling, job training, rehabilitation, and assistance in obtaining shelter to homeless individuals; and

(3)(A) to facilitate (by adjusting, consistent with supervisors' determinations regarding employees' assigned responsibilities, duty hours and meal breaks) the efforts of Veterans' Administration employees who wish to assist, on a volunteer basis, (i) homeless veterans and their families in acquiring necessities, such as shelter, food, and health care, and rehabilitation services, training, and employment, or (ii) in any other charitable activity approved by the Office of Personnel Management pursuant to section 2 of Executive Order 12353 of March 23, 1982 (and the implementing regulations in 5 CFR Part 950), or by the Administrator for the purposes of this clause, and (B) to use, for the purpose of assisting homeless veterans and their families in acquiring such necessities, rehabilitation services, training, and employment, Veterans' Administration resources and facilities, not otherwise employed, where the cost to the Federal Government would be nominal.

SEC. 904. OUTREACH SERVICES PROGRAM.

Not later than ninety days after the date of the enactment of this Act, the Administrator, within the limits of available appropriations, shall submit to the Committees a report setting forth—

(1) a description of all efforts undertaken in fiscal year 1987 under subchapter IV of chapter 3 of title 38, United States Code, to provide outreach services to homeless veterans to assist them in applying for and obtaining benefits and services for which they are eligible under laws administered by the Veterans' Administration or under other laws by virtue of their veteran status;

(2) any information available on the increased utilization of such benefits and services by such veterans as a result of the efforts described in clause (1) to assist them in securing necessities, such as shelter, food, and health care, rehabilitation services, training, and employment, together with a description of all follow-through activities related to such outreach services; and

(3) a description of, and a timetable for, any plans to expand such outreach efforts (including necessary training of outreach personnel) and follow-through activities, together with an estimate of the additional resources needed for such expanded efforts.

SEC. 905. SURVEY OF HOMELESS VETERANS.

(a) Conduct of Survey.—Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator, in coordination with any Federal entity established to coordinate programs to assist homeless individuals, and, as appropriate, in conjunction with efforts carried out under sections 902, 903, 904, and 906 and within the limits of available appropriations, shall (1) conduct a survey (through representative samplings in appropriate geographic areas) to determine (A) the extent to which veterans are represented in the population of homeless individuals, and (B) the information described in subsection (b), and (2) submit to the Committees a report on the results of such survey.

(b) Report.—The report required by subsection (a) shall include, to the maximum extent feasible, estimates of—

(1) the number of veterans, both as an absolute number and as a percentage, in the population of homeless individuals and the numbers of family members accompanying such veterans;

(2) a breakdown showing the periods of services of such veterans and subgroupings of such veterans, including those with families, those with chronic mental illness disabilities, and those with substance abuse disabilities;

(3) the numbers of such veterans who, during fiscal years 1987 and 1988, received or will receive benefits and services under laws administered by the Veterans' Administration showing the numbers who received or will receive (A) health-care services under chapter 17 of title 38, United States Code, (B) compensation under chapter 11 of such title, (C) pension under chapter 15 of such title, (D) vocational, educational, and training assistance under such title or the Veterans' Job Training Act (29 U.S.C. 721 note), or (E) job training, counseling, referral, or other vocational assistance under programs carried out or supported by the Department of Labor; and

(4)(A) the number of such veterans who, if they were to apply, would likely be eligible for benefits and services under laws administered by the Veterans' Administration or (by virtue of their veteran status) the Department of Labor but who are not receiving such benefits and services, with a breakdown estimating the numbers who would likely be eligible for each of the benefits and services described in subclauses (A), (B), (C), (D), and (E) of clause (3), and (B) a description of the reasons why such veterans are not receiving such benefits and services.

(c) Not later than thirty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees an implementation plan and timetable for collecting the information needed for the report required by subsection (a).

SEC. 906. CHRONICALLY MENTALLY ILL VETERANS.

(a) Report on Institutional Care Furnished Mentally Ill Veterans.—Section 235 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, is amended—

(1) by redesignating subsection (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting the following new subsection (b):

"(b) The report required under subsection (a) shall also include information on the number of veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator in each of fiscal years 1984, 1985, and 1986, broken down by the type of care furnished, as well as an estimate of the number of such veterans being furnished such care in fiscal year 1987, together with the Administrator's analysis of the basis for any change in the numbers of such veterans being furnished any type of such care during the period beginning with fiscal year 1984 and ending with fiscal year 1987, with particular emphasis on the impact of the implementation by the Veterans' Administration of a resource allocation methodology on the numbers of such veterans being furnished any type of such care and the duration of the care furnished.".

(b) Pilot Program of Contract Community-Based Residential Care.—(1) During the period beginning on the date of the enactment of this Act and ending on September 30, 1989, the Administrator shall conduct a pilot program, utilizing the authority in section 620C of title 38, United States Code (as added by section 2(a) of Public Law 100-6), to provide care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities.

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under the pilot program prior to October 1, 1988, and the recommendation of the Administrator (and reasons therefor) as to whether the pilot program should be continued.

(3) In carrying out the pilot program provided for in this subsection, the Administrator may not expend more than $5,000,000 in fiscal year 1987, nor more than $10,000,000 in each of fiscal years 1988 and 1989.

(c) Continuation of Contract Community-Based Psychiatric Residential Care Authority.—Section 2(c) of Public Law 100-6 is amended by inserting "in fiscal year 1987" after "limited".

(d) Expansion of Contract Community-Based Psychiatric Residential Care Eligibility.—Section 620C of title 38, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by redesignating clauses (A), (B), and (C) as clauses (B), (C), and (D), respectively; and

(B) by inserting a new clause (A) as follows: "(A) has a chronic mental illness disability rated as service-connected;";

(C) amending clause (C) (as redesignated by clause (1)(A) of this subsection) by striking out "homeless" and inserting in lieu thereof "a homeless individual"; and

(2) by adding at the end of subsection (a) the following new paragraph:

"(4) The term 'homeless individual' means an individual who lacks a fixed and adequate nighttime residence and includes an individual whose primary residence is in a publicly- or privately-operated shelter which provides temporary shelter.".

SEC. 907. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) Definitions.—Section 3 of the Veterans' Job Training Act, Public Law 98-77 (29 U.S.C. 1721 note) is amended by adding at the end the following new paragraph:

"(4) The term 'homeless individual' has the meaning given that term in section 620C(a)(4) of title 38, United States Code.".

(b) Expansion of Eligibility.—Section 5(a)(1) of such Act is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking out the period at the end of subclause (i), as redesignated by clause (1) of this subsection, and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new subclause:

"(ii) is (I) a veteran with a service-connected disability rated at 30 per centum or more, or (II) a homeless individual.".

(c) Authorization of Appropriations.—Section 16 of such Act is amended—

(1) by striking out "$65,000,000 for fiscal year 1986" and inserting in lieu thereof "a total of $65,000,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

(d) Extension of Termination Dates.—Section 17(a) of such Act is amended—

(1) in clause (1), by striking out "January 30, 1987" and inserting in lieu thereof "December 30, 1987"; and

(2) in clause (2), by striking out "July 31, 1987" and inserting in lieu thereof "June 30, 1988".

SEC. 908. CONVERSION OF UNDERUTILIZED SPACE TO DOMICILIARY-CARE BEDS.

(a) In General.—(1) Subject to subsection (b) and within the limits of available appropriations, not later than January 1, 1988, the Administrator shall, in urban areas in which there are significant numbers of homeless veterans, convert underutilized space located in facilities under the jurisdiction of the Administrator to five hundred domiciliary-care beds to be used for the care of veterans in need of domiciliary care, primarily homeless veterans.

(2) If the Administrator determines that it is impractical to undertake the conversions required in paragraph (1) to the extent therein required—

(A) because appropriate space for the conversions is not available in sufficient quantity, or

(B) because in areas in which there is sufficient space the numbers of homeless veterans in need of domiciliary care who would likely utilize the beds are not sufficient to warrant the conversions,

the Administrator shall carry out paragraph (1) only to the extent that the Administrator has not determined that it is impractical to do so.

(b) Prohibition Against Diminution of Certain Other Conversions.—Nothing in this section shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

SEC. 909. DEFINITIONS.

As used in this title:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Committees" means the Committees on Veterans' Affairs of the Senate and House of Representatives.

(3) The term "homeless individual" has the meaning given that term in section 620C(a)(4) of title 38, United States Code.

(4) The term "veteran" has the meaning given that term in section 101(2) of title 38, United States Code.

(5) The term "homeless veteran" means a veteran who is a homeless individual.

AMENDMENT No. 114

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Relief for the Homeless Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families with children;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless;

(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs;

(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals;

(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and

(6) the Federal government has a responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish an Interagency Council on the Homeless;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless.

SEC. 3. DEFINITIONS.

(a) HOMELESS INDIVIDUAL.—As used in this Act, the term "homeless individual" shall include—

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is—

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) EXCLUSION.—As used in this Act, the term "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

TITLE I—INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 101. SHORT TITLE.

This title may be cited as the "Interagency Council on the Homeless Act".

SEC. 102. ESTABLISHMENT.

There is established the Interagency Council on the Homeless.

SEC. 103. MEMBERSHIP.

(a) MEMBERS.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Defense;

(4) the Secretary of Education;

(5) the Secretary of Energy;

(6) the Secretary of Health and Human Services;

(7) the Secretary of Housing and Urban Development;

(8) the Secretary of the Interior;

(9) the Secretary of Labor;

(10) the Secretary of Transportation;

(11) the Director of the ACTION Agency;

(12) the Administrator of General Services;

(13) the Director of the Federal Emergency Management Agency;

(14) the Postmaster General of the United States;

(15) the Administrator of Veterans' Affairs; and

(16) the heads of such other Federal agencies as the Council considers appropriate.

(b) CHAIR.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) MEETINGS.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 104. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) review all Federal activities and programs to assist homeless individuals;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies to assist homeless individuals;

(3) monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by Federal agencies, State and local governments, and private voluntary organizations;

(4) provide professional and technical assistance, through personnel employed by the Council in each of the ten standard Federal regions, to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities to assist homeless individuals; and

(B) develop new and innovative programs and activities to assist homeless individuals;

(5) collect and disseminate information relating to homeless individuals;

(6) establish procedures for the review and approval of comprehensive homeless assistance plans submitted to the Council under section 401; and

(7) prepare the annual reports required by subsection (c)(2).

(b) AUTHORITY.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of homeless individuals.

(c) REPORTS.—(1) Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report which describes—

(A) each program to assist homeless individuals administered by such agency and the number of homeless individuals served by such program;

(B) impediments, including any statutory and regulatory restrictions, to the use by homeless individuals of each such program and to obtaining services or benefits under each such program;

(C) efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

(2) The Council shall prepare and transmit to the President and the Congress an annual report which—

(A) assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);

(C) describes the accomplishments and activities of the Council, in working with Federal, State, and local agencies and public and private organizations in order to provide assistance to homeless individuals;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and

(E) specifies any recommendations of the Council for appropriate and necessary actions to resolve such problems and meet such needs.

SEC. 105. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL PERSONNEL.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) DETAILS.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 106. POWERS.

(a) MEETINGS.—For the purpose of carrying out this title, the Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate.

(b) DELEGATION.—Any member or employee of the Council may, if authorized by the

Council, take any action which the Council is authorized to take by this title.

(c) Information.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 107. TERMINATION OF THE COUNCIL.

The Council shall terminate three years after the date of enactment of this Act.

SEC. 108. TRANSFER OF FUNCTIONS.

(a) Transfer.—The Council is the successor to the Federal Task Force on the Homeless of the Department of Health and Human Services. All functions of such Task Force are transferred to the Council.

(b) Termination.—The Federal Task Force on the Homeless of the Department of Health and Human Services is terminated.

SEC. 109. DEFINITIONS.

For the purpose of this title—

(1) the term "Council" means the Interagency Council on the Homeless established by section 102; and

(2) the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated $200,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

TITLE II—CLARIFICATION OF USE OF EXCESS PROPERTY UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 201. SHORT TITLE.

This title may be cited as the "Excess Property Identification Act of 1987".

SEC. 202. IDENTIFICATION OF EXCESS PROPERTY.

In carrying out section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), each executive agency shall specifically identify excess property under its control as suitable for use as a shelter for, or for use to provide services to, homeless individuals.

SEC. 203. REPORTING OF AVAILABILITY OF EXCESS PROPERTY.

Within 60 days after the date of enactment of this Act, the Administrator of General Services shall report to the Interagency Council on the Homeless the availability of excess Federal property suitable for use as a shelter for, or for use to provide services to, homeless individuals. Within 150 days after the date of enactment of this Act, and every 90 days thereafter, the Administrator shall revise such report and shall transmit such revised report to the Interagency Council.

SEC. 204. MAKING SURPLUS PERSONAL PROPERTY AVAILABLE TO NONPROFIT AGENCIES.

(a) Eligibility.—Any State or local government agency or any nonprofit organization which is eligible to receive, or which receives, payments or grants under any Federal program for the provision of food or shelter for homeless individuals shall be considered eligible to receive, in order to assist in carrying out such program, donations of personal property which is declared surplus to the needs of the Federal Government in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949 and regulations issued by the Administrator of General Services pursuant to such section.

(b) Requirement for Notification.—Within 90 days after the date of enactment of this Act, the Administrator of General Services shall require each State agency administering a State plan under section 203(j) of the Federal Property and Administrative Services Act of 1949 to make generally available to nonprofit organizations a list of available surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals and families.

(c) Costs.—(1) Surplus personal property identified pursuant to this section shall be made available to nonprofit organizations by a State agency distributing such property at no cost to such organizations.

(2) The Administrator shall enter into agreements with each State providing for the reimbursement of such State for the costs of transporting any surplus personal property donated to a nonprofit organization. The costs of such reimbursement shall be paid by the Federal agency originally holding title to such personal property, except as provided in paragraph (3).

(3) The Administrator shall not provide for the reimbursement of a State under paragraph (2) for the costs of transporting any surplus personal property donated to a nonprofit organization in any case in which such organization, the State, or a local government agrees to pay the costs of transporting such property.

(d) Definitions.—For purposes of this section—

(1) the term "local government" means a unit of general purpose local government;

(2) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; and

(3) the term "nonprofit organization" means an organization which—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986;

(B) has an accounting system and a voluntary board;

(C) practices nondiscrimination in the provision of assistance; and

(D) provides services to homeless individuals and families.

SEC. 205. ELIGIBILITY FOR DONATION OF SURPLUS PROPERTY.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals," after "health centers,".

TITLE III—SHELTER PROGRAM

Part A—General Provisions

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Food and Shelter Act of 1987".

SEC. 302. DEFINITIONS.

For the purpose of this title—

(1) the term "Board" means the Emergency Food and Shelter Program National Board;

(2) the term "Director" means the Director of the Federal Emergency Management Agency;

(3) the term "emergency shelter" means a facility all or a part of which is used or designed to be used to provide temporary housing;

(4) the term "local government" means a unit of general purpose local government;

(5) the term "locality" means the geographical area within the jurisdiction of a local government;

(6) the term "private nonprofit organization" means an organization which is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and which has an accounting system and a voluntary board, and which practices nondiscrimination in the provision of assistance; and

(7) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

SEC. 303. EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD.

(a) Establishment of National Board.—There is established to carry out the provisions of this title the Emergency Food and Shelter Program National Board. The Director of the Federal Emergency Management Agency shall constitute the Board in accordance with subsection (b) in administering the program under this title.

(b) Board of Directors.—The Board shall consist of the Director of the Federal Emergency Management Agency and 6 members who shall be appointed by the Director not later than 30 days after the date of enactment of this Act, one from those individuals nominated by each of the following:

(1) The United Way of America.

(2) The Salvation Army.

(3) The National Council of Churches of Christ in the U.S.A.

(4) Catholic Charities U.S.A.

(5) The Council of Jewish Federations, Inc.

(6) The American Red Cross.

(c) Chairman.—The Director shall be Chairman of the Board.

(d) Other Activities of the Board.—Except as otherwise specifically provided by this title, the Board shall establish its own procedures and policies for the conduct of its affairs.

SEC. 304. LOCAL BOARDS.

(a) Establishment.—Each locality designated by the Board shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board, except that the mayor or other appropriate heads of government will replace the Federal members. The chair of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) Responsibilities.—Each local board shall—

(1) determine which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers;

(2) monitor recipient service providers for program compliance;

(3) reallocate funds among service providers;

(4) ensure proper reporting; and

(5) coordinate with other Federal, State, and local government assistance programs available in the locality.

SEC. 305. ROLE OF FEMA.

(a) In General.—The Director of the Emergency Management Agency shall provide the Board administrative support and act as Federal liaison to the Board.

(b) Specific Support Activities.—The Director shall—

(1) make available to the Board, upon request, the services of the Agency's legal counsel and inspector general;

(2) assign clerical personnel to the Board on a temporary basis; and

(3) conduct audits of the Board annually and at such other times as may be appropriate.

SEC. 306. RECORDS AND AUDIT OF BOARD AND RECIPIENTS OF ASSISTANCE.

(a) Annual Independent Audit of Board.—

(1) The accounts of the Board shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Board are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Board and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required in section 307. Such report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities of the Board, surplus or deficit, with an analysis of the changes during the year, supplemented in reasonable detail by a statement of the income and expenses of the Board during the year, and a statement of the application of funds, together with the opinion of the independent auditor of such statements.

(b) Access to Records of Recipients of Assistance.—

(1) Each recipient of assistance under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Board, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title.

(c) Authority of Comptroller General.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the Board and recipients for such purpose.

SEC. 307. ANNUAL REPORT.

The Board shall transmit to the Congress an annual report covering each year in which it conducts activities with funds made available under this title.

Part B—Emergency Food and Shelter Grants

SEC. 311. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and through units of local government in accordance with section 313.

SEC. 312. RETENTION OF INTEREST EARNED.

Interest accrued on the balance of any grant to the Board shall be available to the Board for reallocation, and total administrative costs shall be determined based on total amount of funds available, including interest and any private contributions which are made to the Board.

SEC. 313. PURPOSES OF GRANTS.

(a) Eligible Activities.—Grants to the Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for the homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

(2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b) Limitations on Activities.—The Board may only provide funding provided under this part for—

(1) programs undertaken by nonprofit organizations and units of local government; and

(2) programs that are consistent with the purposes of this title.

The Board may not carry out programs directly.

SEC. 314. LIMITATION ON CERTAIN COSTS.

Not more than 5 percent of the total appropriation for the emergency food and shelter program each year may be expended for the costs of administration.

SEC. 315. PROGRAM GUIDELINES.

(a) Guidelines.—The Board shall establish written guidelines for carrying out the program under this part, including—

(1) methods for identifying localities with the highest need for emergency food and shelter assistance;

(2) methods for determining amount and distribution to these localities;

(3) eligible program costs, including maximum flexibility in meeting currently existing needs; and

(4) guidelines specifying the responsibilities and reporting requirements of the Board, its recipients, and service providers.

(b) Publication.—Guidelines established under subsection (a) shall be published annually, and whenever modified, in the Federal Register. The Board shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

SEC. 316. PROGRAM AUTHORIZED.

(a) Authorization.—To carry out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1987, including any amount provided under Public Law 100-6, and such sums as may be necessary for fiscal year 1988.

(b) Carryover.—Any appropriated funds not obligated in a fiscal year shall remain available until expended.

Part C—Case Management

SEC. 321. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of grants by the Board to nonprofit private entities and units of local government receiving support under part B for shelters for homeless individuals to enable such entities and governments to provide, or arrange for the provision of, case management services for homeless individuals using such shelters.

SEC. 322. REQUIREMENT FOR THE PROVISION OF CASE MANAGEMENT SERVICES.

(a) Services Required.—Each unit of local government or nonprofit private entity which receives assistance under part B for a shelter for homeless individuals shall provide, or arrange for provision of, case management services required under subsection (b) for homeless individuals using such shelter.

(b) Types of Services.—(1) In the case of a shelter in a locality in which an agency (other than the government or entity receiving assistance under part B for such shelter) provides the services described in paragraph (2) for homeless individuals, case management services required under this part include referral of such individuals to such agency and followup services to ensure that the services described in such paragraph are provided to such individuals.

(2) In the case of a shelter in a locality in which there is no agency described in paragraph (1), case management services required under this part for homeless individuals include, to the extent needed by each such individual—

(A) the preparation, and the review at least every 3 months, of a plan specifying the needs of such individual and the services that will be provided to such individual to meet such needs;

(B) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services; and

(C) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits.

(c) Preference.—If any unit of local government or nonprofit private entity operating a shelter to which subsection (b)(2) applies decides to arrange for the provision of case management services for homeless individuals, such government or entity shall, in selecting an entity to provide such services, give preference, if feasible and appropriate, to—

(1) community action agencies supported under the Community Services Block Grant Act; and

(2) any organization to which a State that applied for and received a waiver from the Secretary of Health and Human Services under Public Law 98-139 made a grant under the Community Services Block Grant Act for fiscal year 1984.

SEC. 323. AUTHORIZATION.

To carry out this part, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1987 and 1988.

TITLE IV—HOUSING ASSISTANCE

SEC. 401. REQUIREMENT FOR COMPREHENSIVE HOMELESS ASSISTANCE PLAN.

(a) PLAN REQUIRED.—Assistance authorized by this title may be provided to, or within the jurisdiction of, a State or a metropolitan city or urban county that is eligible to receive a grant under the emergency shelter grants program in an amount in excess of the minimum allocation requirement applicable under section 522(b) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 only if—

(1) it submits to the Interagency Council on the Homeless a comprehensive homeless assistance plan (hereinafter referred to as the "comprehensive plan"); and

(2) the plan is approved by or in accordance with procedures established by the Council.

(b) CONTENTS.—A comprehensive plan submitted under this section shall contain—

(1) an assessment of the size and characteristics of the homeless population within the jurisdiction of the State, city, or county submitting the plan;

(2) a description of all available services for the homeless population within that jurisdiction;

(3) a strategy (A) to match the needs of the homeless population with available services within that jurisdiction, including services such as job placement and training, education, health, housing, nutrition, and income maintenance, and (B) to meet the specific needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans;

(4) an explanation of how the Federal assistance provided under this Act will complement and enhance the available services; and

(5) such additional information as the Council may require to assure that the plan submitted provides an adequate basis for conducting the performance monitoring and evaluation under subsections (d) and (e).

(c) REVIEW.—(1) Upon receipt of a comprehensive plan, the Interagency Council shall review the plan. Not later than 30 days after receipt, the plan shall be approved unless the Council determines that the plan plainly does not satisfy the requirements of subsection (b), in which case the Council shall, not later than 15 days after its determination, inform the State, county, or city of the reasons for disapproval as well as the steps which need to be taken to make the plan acceptable. If the Council fails to inform the State, county, or city of the reasons for disapproval within such period, the plan shall be deemed to have been approved.

(2) The Council shall establish procedures for the review and approval of comprehensive plans. The procedures shall permit amendments to or the resubmission of any plan that is disapproved.

(d) PERFORMANCE MONITORING.—(1) Each State and other recipient described in subsection (a) shall monitor annually the progress made by that State or recipient in carrying out its comprehensive plan.

(2) Each State and other recipient referred to in subsection (a) shall report annually to the Interagency Council the results of such monitoring. The Interagency Council shall review the reports submitted under this paragraph and shall make such recommendations as may be appropriate.

(3) Any State or other recipient which fails to monitor and report progress as required by paragraphs (1) and (2) shall not be eligible to receive further assistance under this title.

(e) PERFORMANCE EVALUATIONS.—Beginning with fiscal year 1989, the Interagency Council shall carry out performance evaluations of the administration of programs under this Act by States and other recipients referred to in subsection (a), including the adequacy of performance monitoring under subsection (d). The Interagency Council shall thereafter report its findings to the Congress.

(f) APPLICATIONS.—Any application for assistance under this Act shall contain or be accompanied by a certification by the public official responsible for submitting a comprehensive plan for the jurisdiction to be served by the proposed activities that the proposed activities are consistent with the comprehensive plan.

SEC. 402. AUTHORIZATIONS FOR TRANSITIONAL HOUSING AND EMERGENCY SHELTER GRANTS PROGRAMS.

(a) TRANSITIONAL HOUSING DEMONSTRATION PROGRAM.—In addition to other amounts authorized by law, there are authorized to be appropriated for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $60,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

(b) EMERGENCY SHELTER GRANTS PROGRAM.—In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $80,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

SEC. 403. EMERGENCY SHELTER GRANTS AMENDMENTS.

(a) MINIMUM ALLOCATION AMOUNT.—The minimum allocation established for the emergency shelter grants program by section 522(b) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 is increased to 0.3 percent of amounts appropriated under section 402(b).

(b) REALLOCATION OF CERTAIN AMOUNTS.—If a State, city, or county eligible for a grant under the program referred to in subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this Act first become available for allocation during any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(c) PLANNING REQUIREMENT.—The requirement contained in section 524(a) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall not apply to assistance provided under the increased authority provided under section 402(b).

(d) WAIVER AUTHORITY.—The Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the program referred to in subsection (a) pursuant to section 523(2)(B) of the provisions made effective by section 101(g) of Public Law 99-500 or 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

SEC. 404. SECTION 8 HOUSING ASSISTANCE.

(a) SECTION 8 EXISTING HOUSING.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is authorized to be increased by $50,000,000.

(2) The amounts made available under this subsection shall be used solely to assist homeless families with children.

(3) The amounts made available under this section shall be distributed in accordance with subsections (a) and (b) of section 522 of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591.

(4) If a State, city, or county eligible for assistance under this subsection fails to obtain approval of its comprehensive plan during the 90-day period following the date funds first become available for allocation under this subsection in any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(5) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection to assist the homeless shall commit the Secretary of Housing and Urban Development to make such authority, and any amendments increasing such authority, available to the public housing agency for an aggregate period of 5 years.

(6) A contract for assistance payments under the authority provided under this subsection may be attached to the structure if the owner is a nonprofit organization that has agreed to furnish decent housing and a level of support services satisfactory to the public housing agency.

(b) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $35,000,000.

(2) The amounts made available under this subsection shall be used only in connection with the moderate rehabilitation of housing described in section 8(n) of the United States Housing Act of 1937 for occupancy by homeless individuals.

(3) The amounts made available under this subsection shall be allocated by the Secretary on the basis of a national competition to those applicants that best demonstrate a need for the assistance under this subsection and the ability to undertake and carry out a program to be assisted under this subsection. To be considered for assistance under this subsection, an applicant shall submit to the Secretary a written proposal containing—

(A) a description of the size and characteristics of the population within the applicant's jurisdiction that would occupy single room occupancy dwellings;

(B) a listing of additional commitments from public and private sources that the applicant might be able to provide in connection with the program;

(C) an inventory of suitable housing stock to be rehabilitated with such assistance; and

(D) a description of the interest which has been expressed by builders, developers, and others (including profit and nonprofit organizations) in participating in the program.

No single city or urban county shall be eligible to receive more than 10 percent of the assistance made available under this subsection.

(4) Each contract for housing assistance payments entered into with the authority provided under this subsection shall require the installation of a sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as may be required by State or local law.

(5) The total cost of rehabilitation which may be compensated for in a contract for housing assistance payments entered into with the authority provided under this subsection shall not exceed $14,000 per unit, plus the expenditures required by paragraph (4).

(6) The Secretary of Housing and Urban Development shall increase the limitation contained in paragraph (5) by an amount the Secretary determines is reasonable and necessary to accommodate special local conditions, including—

(A) high construction costs; or

(B) stringent fire or building codes.

(7) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection shall—

(A) commit the Secretary of Housing and Urban Development to make such authority available to the public housing agency for an aggregate period of 10 years, and require that any amendments increasing such authority shall be available for the remainder of such 10-year period;

(B) provide the Secretary of Housing and Urban Development with the option to renew the contract for an additional period of 10 years, subject to the availability of appropriations; and

(C) provide that, notwithstanding any other provision of law, first priority for occupancy of housing rehabilitated under this subsection shall be given to homeless individuals and families.

TITLE V—HEALTH SERVICES AND MENTAL HEALTH SERVICES FOR THE HOMELESS

SEC. 501. SHORT TITLE.

This title may be cited as the "Health Services and Mental Health Services for the Homeless Act".

PART A—HEALTH SERVICES

SEC. 511. HEALTH SERVICES FOR THE HOMELESS.

Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—HEALTH SERVICES FOR HOMELESS INDIVIDUALS

"GRANTS FOR THE PROVISION OF HEALTH SERVICES

"SEC. 395. (a) The Secretary shall make grants to public and nonprofit private entities to support the provision of health services to homeless individuals and the provision of mental health services to homeless individuals who do not have a chronic mental illness.

"(b) Each entity which receives a grant under subsection (a) shall—

"(1) provide outpatient health services in locations accessible to homeless individuals;

"(2) provide, or make arrangements for the provision of, 24-hour-a-day emergency health services to homeless individuals;

"(3) make referrals of homeless individuals to hospitals and other institutions for necessary inpatient services, and have a written arrangement with one or more hospitals or institutions for the acceptance of homeless individuals referred to such hospital or institution by such entity;

"(4)(A) provide assistance to homeless individuals in establishing eligibility for assistance under entitlement programs and in obtaining necessary services under such programs; and

"(B) have written arrangements to carry out subparagraph (A) with State and local social service agencies which provide services relevant to the needs of homeless individuals;

"(5) provide, or arrange for the provision of, counseling and other mental health services for homeless individuals who do not have a chronic mental illness, particularly counseling and mental health services for homeless families and children;

"(6) provide, or arrange for the provision of, alcohol abuse and drug abuse treatment services for homeless individuals; and

"(7) provide, or arrange for the provision of, any other service for homeless individuals that may be prescribed by the Secretary by regulation in order to meet the essential needs of homeless individuals for health services.

"(c) In making grants under this section, the Secretary shall give preference to community health centers supported under section 330 and other public and nonprofit private entities which have experience in providing comprehensive primary health care services to homeless individuals and medically underserved populations.

"TERMS AND CONDITIONS APPLICABLE TO GRANTS

"SEC. 396. (a) Each recipient of a grant under this part shall provide the services required under section 395 within the limits of its capacity to any homeless individual regardless of the individual's ability to pay for the provision of such services. If any recipient of a grant under this part imposes charges for services furnished under the grant, such charges—

"(1) shall be made according to a public schedule of charges;

"(2) may not be imposed with respect to individuals whose income is below the nonfarm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981); and

"(3) shall be adjusted to reflect the income and resources of the individuals to which such services are provided.

"(b) Funds provided under any grant made under section 395 may not be used—

"(1) to provide services other than the services described in such section;

"(2) to make cash payments, without consideration, to any individual;

"(3) to purchase or improve land, to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to purchase major medical equipment, unless the Secretary finds, based on a showing of exceptional circumstance, that a waiver of this subparagraph is necessary in order to carry out the purposes of this part; or

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition of Federal funds.

"(c) No grant may be approved under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain or be accompanied by such information as the Secretary may by regulation specify. The Secretary shall not approve any application under this part unless the application contains assurances that the applicant—

"(1) will use the funds provided under this part only for the purposes specified in the approved application;

"(2) will establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting of Federal funds paid to the applicant under this part;

"(3) will establish an ongoing quality assurance program to monitor services furnished under the grant and will maintain confidentiality of patient records;

"(4) has, in the case of an applicant for a project which will serve a group of individuals a substantial proportion of which are of limited English-speaking ability—

"(A) developed a plan and made arrangements tailored to the needs of such individuals for the provisions of services, to the extent practicable, in the language and cultural context most appropriate to such individuals; and

"(B) identified an individual on its staff—

"(i) who is fluent both in English and in the language most appropriate to such individuals; and

"(ii) whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and the bridging of linguistic and cultural differences; and

"(5) will report to the Secretary annually on the utilization, cost, and outcome of services furnished under this part.

"(d) Notwithstanding any other provision of this part, no entity receiving a grant under this part shall be considered to be in violation of this part if such entity, in the regular course of providing mental health services to homeless individuals who do not have a chronic mental illness, provides mental health services to homeless individuals having a chronic mental illness.

"EVALUATIONS AND REPORTS

"SEC. 397. (a) The Secretary shall conduct, or arrange for the conduct of, evaluations of services provided under grants under section 395.

"(b) Within 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the evaluations conducted under subsection (a) during the preceding year.

"DEFINITIONS

"SEC. 398. For purposes of this part:

"(1) The term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(2) The term 'medically underserved population' means a population designated by the Secretary under section 330(b)(3).

"(3) The term 'shelter' means any supervised public or private facility designed to provide temporary living accommodations.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 399. To carry out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1987 and 1988.".

PART B—MENTAL HEALTH SERVICES

SEC. 521. EMERGENCY MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS HAVING CHRONIC MENTAL ILLNESS.

Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—EMERGENCY ASSISTANCE FOR HOMELESS MENTALLY ILL INDIVIDUALS BLOCK GRANT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1931. (a) To carry out this part, there are authorized to be appropriated $55,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

"(b) Of the total amount appropriated to carry out this part for any fiscal year, not more than 2 percent shall be used by the Secretary to pay the costs of administering this part.

"ALLOTMENTS

"SEC. 1932. (a)(1) Except as provided in subsections (b) and (c), the allotment of a State under this part for a fiscal year is the sum of the amounts determined under paragraphs (2) and (3) for the State and metropolitan cities and urban counties in the State for such fiscal year.

"(2) The Secretary shall determine the amount that would be allotted to each State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such State is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such State.

"(3) The Secretary shall determine the amount that would be allotted to each metropolitan city and urban county in a State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such city or county is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such city or county.

"(4) Notwithstanding paragraph (1), and except as provided in the second sentence of subsection (b), the allotment of the District of Columbia under this part for a fiscal year shall be the amount determined by the Secretary for the District of Columbia under paragraph (3) or the amount determined under subsection (b), whichever is greater.

"(b) Notwithstanding subsection (a), the allotment of a State under this section for any fiscal year shall not be less than one-half of one percent of the amount available for allotments under this section (after the application of section 1931(b)) for such fiscal year. If necessary to carry out the preceding sentence, the Secretary shall ratably reduce the amount determined for each State under paragraph (1) of subsection (a), and the amount determined for each metropolitan city and urban county (including the District of Columbia) under paragraph (2) of such subsection.

"(c)(1) For purposes of subsections (a) and (b), the allotment of each territory under this part for a fiscal year shall be determined in accordance with paragraphs (2) and (3).

"(2) In accordance with subsections (a) and (b), a total allotment under this part for all territories shall be determined for a fiscal year as if all territories were deemed to be one State.

"(3) The allotment of a territory under this part for a fiscal year shall be the amount which bears the same ratio to the amount determined under paragraph (3) for such fiscal year as the population of the territory bears to the population of all territories.

"(4) For purposes of this subsection, the term 'territory' means the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(d) If the total amount of funds appropriated under section 1931 for a fiscal year and available for allotment under this section for such fiscal year is not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some allotments of States are offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1935(d)),

the amount not allotted shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"PAYMENTS UNDER ALLOTMENTS

"SEC. 1933. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1932 from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1934. (a)(1) Except as provided in subsection (b), amounts paid to a State under section 1933 shall be used by such State to assist in the carrying out of emergency projects for homeless individuals who have chronic mental illnesses. Such projects shall include each of the following activities:

"(A) The provision of outreach services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(B) The provision of outpatient mental health services, partial hospitalization, diagnostic services, crisis intervention services, and habilitation and rehabilitation services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(C) The provision of training to individuals who provide services to homeless individuals, including individuals who work in shelters, mental health clinics, and other sites where homeless individuals receive services.

"(D) The provision of case management services to homeless individuals, including, as needed by each such individual—

"(i) the preparation, and the review at least every 3 months, of a plan for the provision of mental health services to such individual;

"(ii) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services;

"(iii) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits; and

"(iv) the referral of such individual to such other services as may be appropriate.

"(E) The provision of supportive and supervisory services for homeless individuals in residential settings not supported under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591.

"(2) Training required under paragraph (1)(C) shall include training to enable individuals providing services to homeless individuals to—

"(A) identify individuals with chronic mental illness;

"(B) refer homeless individuals to available services for such individuals, including job training services, literacy education, community health centers, and community mental health centers; and

"(C) identify, and assist homeless individuals to participate in, Federal and State programs providing benefits for homeless individuals.

"(b) A State may not use amounts paid to it under section 1933 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Not more than 4 percent of the total amount paid to a State under section 1933 for a fiscal year may be used for administering the funds made available under section 1933. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(d) Notwithstanding any other provision of this part, a State shall not be considered to be in violation of this part if, during the regular course of the provision of mental health services to homeless individuals under this part, mental health services are provided to individuals who are homeless and who do not have a chronic mental illness.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1935. (a)(1) In order to receive an allotment for a fiscal year under section 1932, a State shall submit an application to the Secretary. Each such application shall be in such form as the Secretary shall require, and shall be submitted with the application required by section 1916(a) or at such other time as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1932 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

"(b)(1) As part of the annual application required by subsection (a) for an allotment for any fiscal year, the chief executive officer of each State shall—

"(A) certify that the State agrees to use the funds allotted to it under section 1932 in accordance with the requirements of this part;

"(B) certify that, in the case of an allotment for fiscal year 1988, the services to be provided to homeless individuals under this part have been considered in the preparation of, have been included in, and are consistent with, the State comprehensive mental health services plan required under subpart 2 of part B;

"(C) certify that the State will ensure that homeless individuals who are alcoholics, alcohol abusers, or drug abusers will be referred to appropriate alcohol abuse and drug abuse treatment and rehabilitation services, including services available under section 1921;

"(D) certify that the State will ensure that the activities conducted under this part will be coordinated with transitional housing provided under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591;

"(E) except as provided in paragraph (3), certify that the State will expend, in each metropolitan city or urban county for which the Secretary makes a determination under section 1932(a)(3) for a fiscal year, an amount which is equal to the amount determined by the Secretary under such section for such city or county for such fiscal year, in order to assist in carrying out in such city or county of an emergency project which complies with section 1934; and

"(F) certify that the State agrees that Federal funds made available under section 1933 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"(2) An application by a State under this section for an allotment for fiscal year 1988 shall include, for each metropolitan city and urban county in the State for which the Governor of the State desires a determination be made under section 1932(a)(3), a statement from the chief executive officer of such city or county which contains the certifications specified in paragraph (1) with respect to such city or county and the description of activities specified in subsection (c) with respect to such city or county.

"(3)(A) In any case in which the amount determined by the Secretary under section 1932(a)(3) for a fiscal year with respect to a metropolitan city or an urban county is less than $50,000, the State in which such city or county is located is not required to comply with paragraph (1)(E) with respect to such city or county for such fiscal year.

"(B) In any case in which the Governor of a State is unable to certify under paragraph (1)(E) that the amount required to be expended for a fiscal year under such paragraph in a metropolitan city or urban county in the State will be used to assist in the carrying out, in such city or county, of an emergency project which complies with section 1934, the Governor of the State shall include in the application required under paragraph (1) for such fiscal year a certification that such amount will be expended in another area of the State to assist in the carrying out of an emergency project which complies with such section.

"(c) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1933 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(d) Except where inconsistent with the provisions of this part, the provisions of section 1914(b), section 1917(a), paragraphs (1) through (5) of section 1917(b), and sections 1918, 1919, and 1920 shall apply to payments made to a State under this part in the same manner as such provisions apply to payments made to a State under part B of this title.

"DEFINITIONS

"SEC. 1936. For purposes of this part:

"(1) The term 'homeless individual' means a homeless individual (as such term is defined in section 3 of the Urgent Relief for the Homeless Act) who has a chronic mental illness. Such term includes an individual who—

"(A) is receiving services under this part; and

"(B) is placed in permanent housing,

during the period beginning on the date on which such placement is made and ending 9 months after such date.

"(2) The term 'metropolitan city' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.

"(3) The term 'urban county' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.".

PART C—ALCOHOL AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS

SEC. 531. SPECIAL ALLOTMENTS FOR ALCOHOL ABUSE AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS.

Part B of title XIX of the Public Health Service Act is amended by adding at the end thereof the following new subpart:

"Subpart 3—Prevention, Treatment, and Rehabilitation Services for Homeless Individuals Who Are Alcoholics, Alcohol Abusers, or Drug Abusers

"SPECIAL ALLOTMENTS

"SEC. 1920F. (a) To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1987.

"(b) The Secretary shall allot to each State for fiscal year 1987 from amounts appropriated under subsection (a) an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the allotment of the State under section 1913 for such fiscal year bears to the total amount allotted to all States under such section for such fiscal year.

"(c) Each State desiring to receive an allotment under this section shall submit a statement to the Secretary at such, time, in such manner, and containing such information as the Secretary may by regulation prescribe. Such statement shall contain a certification by the chief executive officer of the State that the State will use the amounts allotted to the State under this section for the purposes described in subsection (d).

"(d) The amount allotted to a State under this section for fiscal year 1987 shall be used by the State to provide prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers. For purposes of this section, the term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(e)(1) Except as provided in paragraph (2), the provisions of subpart 1 of this part shall apply to this section to the extent that such provisions are not inconsistent with the provisions of this section.

"(2) Section 1915(b)(1) does not apply to services provided under this section.".

TITLE VI—ASSURING THE EDUCATION OF HOMELESS CHILDREN AND PROVIDING LITERACY AND BASIC SKILLS REMEDIATION FOR ADULT HOMELESS INDIVIDUALS

SEC. 601. STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN.

Subpart 3 of part C of the General Education Provisions Act is amended by inserting after section 436 the following new section:

"STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN REQUIRED

"SEC. 436A. (a) In any fiscal year after September 30, 1988, in which a State fails to comply with the provisions of this section, the Secretary shall withhold from the State an amount equal to State set aside under chapter 2 of the Education Consolidation and Improvement Act of 1981 for that year.

"(b)(1) Each State educational agency shall assure that no child of a homeless person, as defined in section 3 of this Act, is denied for that reason access to a free, appropriate public education that would be provided to the children of a resident of the State.

"(2) Each State shall adopt a plan to provide for the education of each homeless child within the State which should contain provisions designed to—

"(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, or the applicable social worker to make the determinations required under this section; and

"(B) provide procedures for selecting the appropriate local educational agency within the State to be responsible for the expenses of providing for the education of the homeless child.

"(c)(1) Each plan adopted under this section shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (2) through (6) of this subsection.

"(2) The local educational agency of each homeless child shall either—

"(A) continue the child's education in the school district of origin for the remainder of the school year; or

"(B) enroll the child in the school district where the child is actually living;

whichever is in the child's best interest.

"(3) The choice required by paragraph (2) shall be available regardless of whether the child is living with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child shall be provided adequate transportation to the school selected according to the provisions of paragraph (2).

"(5) The records of each homeless child shall be maintained—

"(A) so that the records are immediately available when a child enters a new school district; and

"(B) in a manner consistent with section 438 of this Act.

"(6) Each local educational agency shall ensure that each homeless child may participate in all educational programs and services for which the child meets the eligibility criteria, including special programs and compensatory educational programs for handicapped, disadvantaged, and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

"(d)(1) Each local educational agency or any State which is aggrieved by the withholding of State funds under subsection (a) shall be accorded the right of due process of law and shall be entitled to—

"(A) at least 30 days prior written notice of the intent to withhold such funds;

"(B) the opportunity for a hearing on the record before an administrative law judge within 60 days of the actual withholding, unless such period is extended by mutual consent of the Secretary and the appropriate State educational agency; and

"(C) a decision on the merits by the administrative law judge within 90 days of the conclusion of the hearing, unless the administrative law judge determines that such a hearing cannot be concluded or a decision on the merits cannot be made within such period, in which case the administrative law judge may extend the period for a period not to exceed 60 additional days.

"(2) The administrative remedy prescribed by this subsection shall be exclusive.

"(e) The Secretary shall prepare and submit to the Congress a report not later than January 1, 1989, on the effectiveness of the State plans required by this section.".

SEC. 602. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED.

(a) General Authority.—(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to make the special educational needs of homeless elementary and secondary school students.

(b) Applicants.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) Eligibility for Grants.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 436A of the General Educations Provisions Act.

(d) Application.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought;

(3) such additional assurances that the Secretary determines are necessary.

(e) Dissemination of Information Activities.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) Appropriations Authorized.—There are authorized to be appropriated $2,500,000 for the fiscal year 1987 and $5,000,000 for the fiscal year 1988 to carry out the provisions of this section.

SEC. 603. STATEWIDE LITERACY INITIATIVES.

(a) General Authority.—The Secretary of Education shall make grants to State educational agencies to enable each such agency to develop a plan and implement a program of literacy training and basic skills remediation for adult homeless individuals within the State which shall—

(1) include a program of outreach activities, and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) Application.—Each State educational agency desiring to receive its allocation under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) Authorization of Appropriations; Allocation.—(1) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1987 and 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted to the Interagency Council under section 401, except that no State shall receive less than $75,000 under this section.

TITLE VII—JOB TRAINING FOR THE HOMELESS DEMONSTRATION PROJECT

SEC. 701. DEMONSTRATION PROGRAM AUTHORIZED.

(a) General Authority.—The Secretary shall, from funds appropriated pursuant to section 708, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this title.

(b) Contract Authority.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this title.

SEC. 702. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

A State shall describe in the comprehensive plan required under section 401 of this Act how the State will coordinate projects conducted within a State under this title with other services for homeless individuals assisted under this Act.

SEC. 703. APPLICATION.

Each applicant which desires to receive a demonstration grant under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the activities for which assistance is sought;

(2) plans for the coordination and outreach activities, particularly with case managers and care providers, designed to achieve referral of homeless individuals to the demonstration projects authorized by this title;

(3) plans to offer in-shelter training activities and services, and to perform training services and activities so as to increase the participation of homeless individuals in the demonstration project;

(4) a description of the standards by which performance may be measured under the demonstration project, together with assurances that a preliminary evaluation of the project will be completed not later than the end of the first year for which assistance is sought;

(5) assurances that the recipient of demonstration grants under this title will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources; and

(6) such additional assurances as the Secretary determines are necessary to insure compliance with the requirements of this title.

SEC. 704. AUTHORIZED ACTIVITIES.

Demonstration grants under this title may be used for—

(1) basic skills instruction;

(2) remedial education activities;

(3) basic literacy instruction;

(4) job search activities;

(5) job counseling;

(6) job preparatory training, including resume writing and interviewing skills; and

(7) any other activities described in section 204 of the Job Training Partnership Act which the grant recipient determines will contribute to carrying out the objectives of this title,

for homeless individuals.

SEC. 705. PAYMENTS; FEDERAL SHARE; LIMITATION.

(a) Payments.—The Secretary shall pay to each applicant having an application approved under section 703 the Federal share of the cost of activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share for each fiscal year shall be 50 percent.

(2) The non-Federal share of payments under this title may be in cash or in kind fairly evaluated, including plant equipment or services.

(c) LIMITATION.—The Secretary may not make grants in any State in an aggregate in excess of 15 percent of the amount appropriated to carry out this title in each fiscal year.

SEC. 706. EVALUATION.

(a) DEMONSTRATION PROJECT RESPONSIBILITY.—The Secretary shall evaluate each project assisted under this title at the end of the first fiscal year for which funds are appropriated under this title. The Secretary shall submit the findings of the evaluations to the Interagency Council. Not later than 6 months before the termination date specified in section 709, the Secretary shall prepare and submit a final report of the evaluations required by this subsection to the President, to the Congress, and to the Interagency Council.

(b) CONTENTS OF EVALUATIONS.—Each evaluation required by this section shall include—

(1) the number of homeless individuals served;

(2) the number of homeless individuals placed in jobs;

(3) the average length of training time under the project;

(4) the average training cost under the project; and

(5) the average retention rate of placements of homeless individuals after training with assistance made under this title.

(c) EVALUATION BY INTERAGENCY COUNCIL.—(1) The Interagency Council shall evaluate each project receiving assistance under this title.

(2) The Interagency Council shall prepare and publish a report of its findings in the annual report of the Council. The evaluation of the demonstration projects authorized by this title shall include a determination of the relative effectiveness of programs assisted under this title together with recommendations, including recommendations for legislation, to the Congress on job training programs for homeless individuals to be established on a national basis.

SEC. 707. DEFINITIONS.

As used in this title—

(1) the term "applicant" means public agencies, private nonprofit organizations, private businesses, and other appropriate entities;

(2) the term "Interagency Council" means the Interagency Council on the Homeless;

(3) the term "local public agency" means any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers;

(4) the term "Secretary" means the Secretary of Labor; and

(5) the term "State" means each of the several States and the District of Columbia.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1988 to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year may be expended by each recipient during that fiscal year and the succeeding fiscal year.

SEC. 709. TERMINATION.

The provisions of this title shall terminate on October 1, 1990.

TITLE VIII—NUTRITION

PART A—FOOD STAMP PROGRAM

SEC. 801. DEFINITION OF HOUSEHOLD.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)";

(2) by inserting before the semicolon the following: "or (3) a parent of minor children and that parent's children (notwithstanding the presence in the home of any other persons, including parents and siblings, who do not customarily purchase food and prepare meals for home consumption together with the parent and children) except that the certification of a household as a separate household under this clause shall be reexamined no less frequently than once every 6 months"; and

(3) by inserting "(other than as provided in clause (3))" after "except that"

SEC. 802. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.".

SEC. 803. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) AUTHORITY TO PROVIDE INFORMATION.—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of such Act (7 U.S.C. 2025(a)) is amended by striking out ", and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 804. EXPEDITED FOOD STAMP SERVICE.

Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to a household in which all members are homeless individuals and which meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent and utilities of the household; and"; and

(3) in subparagraph (D) (as redesigned), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

SEC. 805. IMPLEMENTATION OF EXISTING VENDOR PAYMENT EXCLUSION.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall prescribe regulations to carry out section 5(k)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)(E)).

PART B—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

SEC. 811. VARIETY OF COMMODITIES UNDER TEFAP.

Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

SEC. 812. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER TEFAP.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "$50,000,000 for each of the fiscal years ending September 30, 1986, and September 30, 1987" and inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1986, $60,000,000 for the fiscal year ending September 30, 1987, and $70,000,000 for the fiscal year ending September 30, 1988".

SEC. 813. CONTINUATION OF TEFAP.

(a) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) CONFORMING AMENDMENT.—Section 210(c) of such Act is amended by striking out "beginning October 1, 1983, and ending September 30, 1987" and inserting in lieu thereof "ending on the date specified in section 212".

PART C—EFFECTIVE DATE

SEC. 821. EFFECTIVE DATE.

Except as provided in section 805, the amendments made by this title shall become effective and be implemented as soon as the Secretary determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

TITLE IX—HOMELESS VETERANS

SECTION 901. SHORT TITLE.

This title may be cited as the "Homeless Veterans' Assistance Act of 1987".

SEC. 902. AUTHORITY TO MAKE CERTAIN PROPERTIES AVAILABLE FOR SHELTERS.

(a) IN GENERAL.—The Administrator, within the limits of available appropriations, is authorized under this section to carry out during fiscal years 1987, 1988, and 1989 a program to assist homeless veterans and their families to acquire shelter by entering into agreements, described in subsection (b) with any organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code, or any other governmental, public, or nonprofit private institution, organization, corporation, or other entity, especially any such entity working on behalf of homeless individuals, for the purpose of such entity providing shelter primarily for homeless veterans and their families.

(b) AGREEMENTS TO SELL OR LEASE.—(1) Agreements authorized by subsection (a) are agreements pursuant to which the Administrator would, subject to paragraphs (2) and (3) of this subsection and to subsection (d)—

(A) sell to an entity described in subsection (a), for such consideration as the Administrator determines is in the best interests of the United States Government, the Veterans' Administration loan guaranty program, and the short- and long-term solvency of the Loan Guaranty Revolving Fund, real property acquired by the Administrator as the result of a default on a loan made or guaranteed under chapter 37 of title 38, United States Code; or

(B) lease, for a fixed period of time, or otherwise temporarily make available to such an entity underutilized facilities (other than properties so acquired as the result of such a default) under the jurisdiction of the Administrator that would be suitable for providing emergency shelter.

(2) The Administrator may enter into an agreement under paragraph (1) only if the Administrator determines that such an action will not adversely affect the Veterans' Administration's ability to fulfill its statutory missions or to carry out other functions and administer other programs authorized by law.

(3) The Administrator may enter into an agreement under paragraph (1)(A) only if—

(A) the entity to which the property is to be sold demonstrates, to the satisfaction of the Administrator, an intention to (i) utilize the property solely as a shelter primarily for homeless veterans and their families, (ii) to comply with all zoning laws relating to the property, and (iii) to make no use of the property that is not compatible with the area where the property is located;

(B) the Administrator determines that there is no likelihood of the property being sold for a price sufficient to reduce the liability to the Veterans' Administration of the veteran who had defaulted on the loan guaranteed under chapter 37 of title 38, United States Code; and

(C) the buyer satisfies other terms and conditions established pursuant to subsection (d).

(4) The Administrator, through means selected by the Administrator, shall provide appropriate entities described in subsection (a) which are involved in working on the problems of homelessness and homeless veterans with notice of the potential availability for sale or lease to such entities of appropriate properties under paragraph (1).

(c) PREFERENCE FOR CERTAIN ENTITIES.—In selecting entities with which to enter into agreements under subsection (a), the Administrator shall accord preference to entities which—

(1) have a demonstrated commitment to working with and on behalf of homeless individuals;

(2)(A) have a demonstrated ability to establish, operate, and maintain shelters for homeless individuals, or (B) are named in, or approved by the Administrator under, section 3402 of title 38, United States Code;

(3) have a plan for utilizing the voluntary services of homeless individuals, or others, to rehabilitate and repair such property as necessary in order to improve its habitability; and

(4) have a plan for utilizing the volunteer assistance of Veterans' Administration employees, members of veterans' service organizations, homeless individuals, or others in the establishment, operation, and maintenance of the shelter established pursuant to such an agreement.

(d) TERMS AND CONDITIONS OF INSTRUMENTS.—Any agreement, deed, or other instrument executed by the Administrator under subsection (a) shall be on such terms and conditions as the Administrator determines to be appropriate and necessary to carry out the purpose of such agreement.

(e) INVENTORY OF UNDERUTILIZED FACILITIES.—(1)(A) Not later than thirty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall evaluate all real properties described in subparagraph (B) in order to determine which such properties are appropriate to offer for sale under subsection (b)(1)(A).

(B) Properties referred to in subparagraph (A) are those which (i) are located in geographic areas in which there are significant numbers of homeless veterans, and (ii) are being held by the Administrator after having been acquired by the Administrator at least twelve months previously as the result of defaults on loans made or guaranteed under chapter 37 of title 38, United States Code.

(2) Not later than one hundred and eighty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall complete an inventory of all underutilized facilities which are under the jurisdiction of the Administrator and which are located in geographic areas in which there are significant numbers of homeless veterans in order to determine which such facilities could be suitable to offer for lease under subsection (b)(1)(B).

(f) REPORTS.—(1) Not later than February 1, 1988, the Administrator shall submit to the Committees a report—

(A) on the results of the evaluations and inventory conducted under subsection (e);

(B) on the activities carried out by the Administrator under subsection (b)(4);

(C) on real property sold under subsection (b)(1)(A), including for each such property information as to the price for which the Veterans' Administration acquired the property, the costs incurred by the Veterans' Administration in maintaining the property thereafter, the name of the buyer, and the price paid by the buyer; and

(D) on the leasing of facilities under subsection (b)(1)(B).

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under this section and shall include in the report (A) information updating the information required to be provided in the report under paragraph (1), and (B) such recommendations (and the reasons therefor) as the Administrator considers appropriate as to whether the program carried out under this section should be extended and any recommendation for legislation that the Administrator considers appropriate to include in the report.

SEC. 903. PILOT PROGRAM OF ACTIVITIES TO ASSIST HOMELESS VETERANS.

In order to enhance the Veterans' Administration's ability to assist homeless veterans and their families and to evaluate the effectiveness of various activities in that regard, the Administrator shall, within the limits of available appropriations and as provided for in the section, conduct a pilot program and study for a period of not less than twenty-four months in not less than ten geographic areas in which there are significant numbers of homeless veterans. In the course of such pilot program and study, the Administrator shall undertake and evaluate various activities otherwise authorizd by law as well as activities—

(1) to designate individuals at Veterans' Administration facilities to coordinate official and volunteer efforts designed to assist homeless veterans and their families;

(2) to authorize Veterans' Administration employees to seek out and cooperate with other entities providing counseling, job training, rehabilitation, and assistance in obtaining shelter to homeless individuals; and

(3)(A) to facilitate (by adjusting, consistent with supervisors' determinations regarding employees' assigned responsibilities, duty hours and meal breaks) the efforts of Veterans' Administration employees who wish to assist, on a volunteer basis, (i) homeless veterans and their families in acquiring necessities, such as shelter, food, and health care, and rehabilitation services, training, and employment, or (ii) in any other charitable activity approved by the Office of Personnel Management pursuant to section 2 of Executive Order 12353 of March 23, 1982 (and the implementing regulations in 5 CFR Part 950), or by the Administrator for the purposes of this clause, and (B) to use, for the purpose of assisting homeless veterans and their families in acquiring such necessities, rehabilitation services, training, and employment, Veterans' Administration resources and facilities, not otherwise employed, where the cost to the Federal Government would be nominal.

SEC. 904. OUTREACH SERVICES PROGRAM.

Not later than ninety days after the date of the enactment of this Act, the Administrator, within the limits of available appropriations, shall submit to the Committees a report setting forth—

(1) a description of all efforts undertaken in fiscal year 1987 under subchapter IV of chapter 3 of title 38, United States Code, to provide outreach services to homeless veterans to assist them in applying for and obtaining benefits and services for which they are eligible under laws administered by the Veterans' Administration or under other laws by virtue of their veteran status;

(2) any information available on the increased utilization of such benefits and services by such veterans as a result of the efforts described in clause (1) to assist them in securing necessities, such as shelter, food, and health care, rehabilitation services, training, and employment, together with a description of all follow-through activities related to such outreach services; and

(3) a description of, and a timetable for, any plans to expand such outreach efforts (including necessary training of outreach personnel) and follow-through activities, together with an estimate of the additional resources needed for such expanded efforts.

SEC. 905. SURVEY OF HOMELESS VETERANS.

(a) CONDUCT OF SURVEY.—Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator, in coordination with any Federal entity established to coordinate programs to assist homeless individuals, and, as appropriate, in conjunction with efforts carried out under sections 902, 903, 904, and 906 and within the limits of available appropriations, shall (1) conduct a survey (through representative samplings in appropriate geographic areas) to determine (A) the extent to which veterans are represented in the population of homeless individuals, and (B) the information described in subsection (b), and (2) submit to the Committees a report on the results of such survey.

(b) Report.—The report required by subsection (a) shall include, to the maximum extent feasible, estimates of—

(1) the number of veterans, both as an absolute number and as a percentage, in the population of homeless individuals and the numbers of family members accompanying such veterans;

(2) a breakdown showing the periods of services of such veterans and subgroupings of such veterans, including those with families, those with chronic mental illness disabilities, and those with substance abuse disabilities;

(3) the numbers of such veterans who, during fiscal years 1987 and 1988, received or will receive benefits and services under laws administered by the Veterans' Administration showing the numbers who received or will receive (A) health-care services under chapter 17 of title 38, United States Code, (B) compensation under chapter 11 of such title, (C) pension under chapter 15 of such title, (D) vocational, educational, and training assistance under such title or the Veterans' Job Training Act (29 U.S.C. 721 note), or (E) job training, counseling, referral, or other vocational assistance under programs carried out or supported by the Department of Labor; and

(4)(A) the number of such veterans who, if they were to apply, would likely be eligible for benefits and services under laws administered by the Veterans' Administration or (by virtue of their veteran status) the Department of Labor but who are not receiving such benefits and services, with a breakdown estimating the numbers who would likely be eligible for each of the benefits and services described in subclauses (A), (B), (C), (D), and (E) of clause (3), and (B) a description of the reasons why such veterans are not receiving such benefits and services.

(c) Not later than thirty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees an implementation plan and timetable for collecting the information needed for the report required by subsection (a).

SEC. 906. CHRONICALLY MENTALLY ILL VETERANS.

(a) Report on Institutional Care Furnished Mentally Ill Veterans.—Section 235 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, is amended—

(1) by redesignating subsection (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting the following new subsection (b):

"(b) The report required under subsection (a) shall also include information on the number of veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator in each of fiscal years 1984, 1985, and 1986, broken down by the type of care furnished, as well as an estimate of the number of such veterans being furnished such care in fiscal year 1987, together with the Administrator's analysis of the basis for any change in the numbers of such veterans being furnished any type of such care during the period beginning with fiscal year 1984 and ending with fiscal year 1987, with particular emphasis on the impact of the implementation by the Veterans' Administration of a resource allocation methodology on the numbers of such veterans being furnished any type of such care and the duration of the care furnished.".

(b) Pilot Program of Contract Community-Based Residential Care.—(1) During the period beginning on the date of the enactment of this Act and ending on September 30, 1989, the Administrator shall conduct a pilot program, utilizing the authority in section 620C of title 38, United States Code (as added by section 2(a) of Public Law 100-6), to provide care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities.

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under the pilot program prior to October 1, 1988, and the recommendation of the Administrator (and reasons therefor) as to whether the pilot program should be continued.

(3) In carrying out the pilot program provided for in this subsection, the Administrator may not expend more than $5,000,000 in fiscal year 1987, nor more than $10,000,000 in each of fiscal years 1988 and 1989.

(c) Continuation of Contract Community-Based Psychiatric Residential Care Authority.—Section 2(c) of Public Law 100-6 is amended by inserting "in fiscal year 1987" after "limited".

(d) Expansion of Contract Community-Based Psychiatric Residential Care Eligibility.—Section 620C of title 38, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by redesignating clauses (A), (B), and (C) as clauses (B), (C), and (D), respectively; and

(B) by inserting a new clause (A) as follows: "(A) has a chronic mental illness disability rated as service-connected;";

(C) amending clause (C) (as redesignated by clause (1)(A) of this subsection) by striking out "homeless" and inserting in lieu thereof "a homeless individual"; and

(2) by adding at the end of subsection (a) the following new paragraph:

"(4) The term 'homeless individual' means an individual who lacks a fixed and adequate nighttime residence and includes an individual whose primary residence is in a publicly- or privately-operated shelter which provides temporary shelter.".

SEC. 907. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) Definitions.—Section 3 of the Veterans' Job Training Act, Public Law 98-77 (29 U.S.C. 1721 note) is amended by adding at the end the following new paragraph:

"(4) The term 'homeless individual' has the meaning given that term in section 620C(a)(4) of title 38, United States Code.".

(b) Expansion of Eligibility.—Section 5(a)(1) of such Act is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking out the period at the end of subclause (i), as redesignated by clause (1) of this subsection, and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new subclause:

"(ii) is (I) a veteran with a service-connected disability rated at 30 per centum or more, or (II) a homeless individual.".

(c) Authorization of Appropriations.—Section 16 of such Act is amended—

(1) by striking out "$65,000,000 for fiscal year 1986" and inserting in lieu thereof "a total of $65,000,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

(d) Extension of Termination Dates.—Section 17(a) of such Act is amended—

(1) in clause (1), by striking out "January 31, 1987" and inserting in lieu thereof "December 31, 1987"; and

(2) in clause (2), by striking out "July 31, 1987" and inserting in lieu thereof "June 30, 1988".

SEC. 908. CONVERSION OF UNDERUTILIZED SPACE TO DOMICILIARY-CARE BEDS.

(a) In General.—(1) Subject to subsection (b) and within the limits of available appropriations, not later than January 1, 1988, the Administrator shall, in urban areas in which there are significant numbers of homeless veterans, convert underutilized space located in facilities under the jurisdiction of the Administrator to five hundred domiciliary-care beds to be used for the care of veterans in need of domiciliary care, primarily homeless veterans.

(2) If the Administrator determines that it is impractical to undertake the conversions required in paragraph (1) to the extent therein required—

(A) because appropriate space for the conversions is not available in sufficient quantity, or

(B) because in areas in which there is sufficient space the numbers of homeless veterans in need of domiciliary care who would likely utilize the beds are not sufficient to warrant the conversions,

the Administrator shall carry out paragraph (1) only to the extent that the Administrator has not determined that it is impractical to do so.

(b) Prohibition Against Diminution of Certain Other Conversions.—Nothing in this section shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

SEC. 909. DEFINITIONS.

As used in this title:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Committees" means the Committees on Veterans' Affairs of the Senate and House of Representatives.

(3) The term "homeless individual" has the meaning given that term in section 620C(a)(4) of title 38, United States Code.

(4) The term "veteran" has the meaning given that term in section 101(2) of title 38, United States Code.

(5) The term "homeless veteran" means a veteran who is a homeless individual.

MELCHER AMENDMENT NO. 115

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place in the pending question add a new section as follows:

SEC. —. DISTRIBUTION OF SURPLUS COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC COMMODITIES

"Sec. 202A. (a)(1) Notwithstanding any other provision of law, and subject to such amounts as are provided in advance in appropriation Acts, in each of the fiscal years 1988, 1989, and 1990 commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligation (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and Commodity Credit Corporation Charter Act, may be made available under this section by the Secretary.

"(2) The Secretary shall in the case of flour and cornmeal and may in the case of cheese, rice, honey, butter and nonfat dry milk make such excess commodities available in any State, in addition to the normal allotment of commodities (adjusted by any reallocation) under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

"(A)(i) individuals in such State who are eligible to receive commodities under this Act are not receiving commodities distributed under other provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the 90-day period ending on the date the certification is made, and

"(B) the distribution of commodities under this subsection in such State will not substantially displace the commercial sale of commodities in such State.

"(3) Commodities made available under this subsection by the Secretary shall be made available without charge or credit in such fiscal year, in a usable form, for use by eligible recipient agencies in such State."

GRAMM AMENDMENT NO. 116

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place in amendment 90 add the following:

"(d) Access to Books and Records.—For the purpose of assuring accountability with respect to assistance provided under this Act or any amendment made by this Act, the Council and any agency the head of which is a member of the Council shall have access to the books and records of any grantee or recipient, other than a homeless individual, of assistance under this Act or any such amendment and that such books and records shall be available for public inspection and copying."

GRAMM (AND OTHERS) AMENDMENT NO. 117

Mr. GRAMM (for himself, Mr. Nickles, Mr. Hecht, Mr. Dole, Mr. Garn, Mr. Helms, and Mr. Murkowski) submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place in amendment 90, insert the following:

SEC. —. FUNDING OF AUTHORIZATIONS.

Any authorization of appropriations (or other authorization to provide budget authority) in this Act—

(1) shall be funded in a manner that does not increase the deficit of the United States Government for fiscal year 1987, and

(2) is suspended to the extent that funding provided under such authorization increases the deficit for such fiscal year.

GRAMM AMENDMENTS NOS. 118 THROUGH 121

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

Amendment No. 118

At the end of Amendment 90, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF THE DAVIS-BACON ACT.

Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, shall not apply to any shelter or other projcet assisted under the provisions of this Act or any amendment made by this Act.

Amendment No. 119

At the appropriate place in Amendment 90, add the following:

"A homeless individual is entitled for assistance, except for those who are physically or mentally disabled, under Title III-Shelter Program, Title IV-Housing Assistance or Title VIII-Nutrition only if such individual is participating in a job training program or is employed. Such sums available under the social services set-aside for transitional housing may be used for such activities."

Amendment No. 120

At the end of Amendment 90, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. INCOME ELIGIBILITY.

"Nothing in this Act or any amendment made by this Act may be construed to authorize the provision of assistance under any Federal program to any homeless individual unless that homeless individual meets any applicable income eligibility standards under such program. If such program does not have income eligibility standards, the income of any homeless individual must be below the non-farm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with Section 673(2) of the Omnibus Reconciliation Act of 1981) in order to be eligible to receive any assistance authorized in this Act, with the exception of education programs for the homeless which includes the literacy programs.".

Amendment No. 121

At the end of Amendment 90, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF FAIR LABOR STANDARDS ACT.

Any homeless individual who is employed by a shelter for homeless individuals which is assisted under this Act may be paid in connection with such employment at less than the rate prescribed under section 6(a) of the Fair Labor Standards Act of 1938.

HARKIN AMENDMENT NO. 122

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ADJUSTMENT OF FOOD STAMP DEDUCTIONS.

(a) Standard Deduction.—Effective October 1, 1987, the second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (3) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: "and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30".

(b) Excess Shelter Expense Deduction.—

(1) In general.—Effective October 1, 1987, the proviso of clause (2) of the fourth sentence of section 5(e) of such Act is amended by striking out "on October 1, 1986" and all that follows through the end of the sentence and inserting in lieu thereof the following: "(A) on October 1, 1987, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the 24 months ending the preceding June 30, and (C) on October 1, 1988, and each October 1 thereafter, to the nearest lower dollar increment to reflect such changes for the 12 months ending the preceding June 30.".

(2) Application.—The amendment made by paragraph (1) shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to a household for a certification period beginning before October 1, 1987.

In the section relating to authorization of appropriations for food storage and distribution costs under TEFAP—

(1) strike out "$60,000,000" and insert in lieu thereof "$53,000,000"; and

(2) strike out "$70,000,000" and insert in lieu thereof $65,000,000".

GRAMM AMENDMENTS NOS. 123 THROUGH 127

(Ordered to lie on the table.)

Mr. GRAMM submitted five amendments intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

AMENDMENT No. 123

At the end of the pending question, add the following: "A homeless individual is entitled for assistance, except for those who are physically or mentally disabled, under Title III-Shelter Program, Title IV-Housing Assistance or Title VIII-Nutrition only if such individual is participating in a job training program or is employed. Such sums available under the social services set-aside for transitional housing may be used for such activities."

AMENDMENT No. 124

At the end of the pending question add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. INCOME ELIGIBILITY

"Nothing in this act or any amendment made by this Act may be construed to authorize the provision of assistance under any Federal program to any homeless individual unless that homeless individual meets any applicable income eligibility standards under such program. If such program does not have income eligibility standards, the income of any homeless individual must be below the non-farm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with Section 673(2) of the Omnibus Reconciliation Act of 1981) in order to be eligible to receive any assistance authorized in this Act, with the exception of education programs for the homeless which includes the literacy programs."

AMENDMENT No. 125

At the end of the pending question, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF FAIR LABOR STANDARDS ACT.

Any homeless individual who is employed by a shelter for homeless individuals which is assisted under this Act may be paid in connection with such employment at less than the rate prescribed under section 6(a) of the Fair Labor Standards Act of 1938.

AMENDMENT No. 126

At the end of the pending question, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF THE DAVIS-BACON ACT.

Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, shall not apply to any shelter or other project assisted under the provisions of this Act or any amendment made by this Act.

AMENDMENT No. 127

At the end of the pending question, add the following:

"(d) ACCESS TO BOOKS AND RECORDS.—For the purpose of assuring accountability with respect to assistance provided under this Act or any amendment made by this Act, the Council and any agency the head of which is a member of the Council shall have access to the books and records of any grantee or recipient, other than a homeless individual, of assistance under this Act or any such amendment and that such books and records shall be available for public inspection and copying."

GRAMM (AND OTHERS) AMENDMENT NO. 128

Mr. GRAMM (for himself Mr. NICKLES, Mr. HECHT, Mr. DOLE, Mr. GARN, Mr. HELMS, and Mr. MURKOWSKI) proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

At the appropriate place, in amendment No. 90 insert the following:

SEC . FUNDING OF AUTHORIZATIONS.

Any authorization of appropriations (or other authorization to provide budget authority) in this Act—

(1) shall be funded in a manner that does not increase the deficit of the United States Government for fiscal year 1987, and

(2) is suspended to the extent that funding provided under such authorization increases the deficit for such fiscal year.

BYRD (AND OTHERS) AMENDMENT NO. 129

Mr. BYRD (for himself, Mr. DOLE, Mr. GRAMM, Mr. NICKLES, Mr. HECHT, Mr. GARN, Mr. HELMS, and Mr. MURKOWSKI) proposed an amendment, which was subsequently modified, to amendment No. 128 proposed by Mr. GRAMM (and others) to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"Sec. . Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) such that it shall not increase the deficit of the United States Government for fiscal year 1987."

NICKLES AMENDMENT NO. 130

(Ordered to lie on the table)

Mr. NICKLES submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill H.R. 558, supra; as follows:

At the end, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF THE DAVIS-BACON ACT.

Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, and any other similar provision of Federal law shall not apply to any project constructed, improved, or otherwise assisted under the provisions of this Act or any amendment made by this Act.

BYRD AMENDMENT NO. 131

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. BYRD (and Mr. DOLE) to the bill (H.R. 558), supra; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Relief for the Homeless Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families with children;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless;

(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs;

(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals;

(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and

(6) the Federal government has a responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish an Interagency Council on the Homeless;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless.

SEC. 3. DEFINITIONS.

(a) HOMELESS INDIVIDUAL.—As used in this Act, the term "homeless individual" shall include—

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is—

(A) a supervised publicly or privately operated shelter designed to provide temporary

living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) EXCLUSION.—As used in this Act, the term "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

TITLE I—INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 101. SHORT TITLE.

This title may be cited as the "Interagency Council on the Homeless Act".

SEC. 102. ESTABLISHMENT.

There is established the Interagency Council on the Homeless.

SEC. 103. MEMBERSHIP.

(a) MEMBERS.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Defense;

(4) the Secretary of Education;

(5) the Secretary of Energy;

(6) the Secretary of Health and Human Services;

(7) the Secretary of Housing and Urban Development;

(8) the Secretary of the Interior;

(9) the Secretary of Labor;

(10) the Secretary of Transportation;

(11) the Director of the ACTION Agency;

(12) the Administrator of General Services;

(13) the Director of the Federal Emergency Management Agency;

(14) the Postmaster General of the United States;

(15) the Administrator of Veterans' Affairs; and

(16) the heads of such other Federal agencies as the Council considers appropriate.

(b) CHAIR.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) MEETINGS.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 104. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) review all Federal activities and programs to assist homeless individuals;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies to assist homeless individuals;

(3) monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by Federal agencies, State and local governments, and private voluntary organizations;

(4) provide professional and technical assistance, through personnel employed by the Council in each of the ten standard Federal regions, to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities to assist homeless individuals; and

(B) develop new and innovative programs and activities to assist homeless individuals;

(5) collect and disseminate information relating to homeless individuals;

(6) establish procedures for the review and approval of comprehensive homeless assistance plans submitted to the Council under section 401; and

(7) prepare the annual reports required by subsection (c)(2).

(b) AUTHORITY.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of homeless individuals.

(c) REPORTS.—(1) Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report which describes—

(A) each program to assist homeless individuals administered by such agency and the number of homeless individuals served by such program;

(B) impediments, including any statutory and regulatory restrictions, to the use by homeless individuals of each such program and to obtaining services or benefits under each such program;

(C) efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

(2) The Council shall prepare and transmit to the President and the Congress an annual report which—

(A) assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);

(C) describes the accomplishments and activities of the Council, in working with Federal, State, and local agencies and public and private organizations in order to provide assistance to homeless individuals;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and

(E) specifies any recommendations of the Council for appropriate and necessary actions to resolve such problems and meet such needs.

(d) ACCESS TO BOOKS AND RECORDS.—Each recipient of financial assistance under this Act shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(1) For the purpose of assuring accountability with respect to assistance provided under this Act or any amendment made by this Act, the Council and any agency the head of which is a member of the Council shall have access to the books and records of any grantee or recipient, other than a homeless individual, of assistance under this Act or any such amendment and that such books and records shall be available for public inspection and copying.

(2) AUTHORITY OF THE COMPTROLLER GENERAL.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the recipients for such purposes.

SEC. 105. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL PERSONNEL.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) DETAILS.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 106. POWERS.

(a) MEETINGS.—For the purpose of carrying out this title, the Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate.

(b) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this title.

(c) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 107. TERMINATION OF THE COUNCIL.

The Council shall terminate three years after the date of enactment of this Act.

SEC. 108. TRANSFER OF FUNCTIONS.

(a) TRANSFER.—The Council is the successor to the Federal Task Force on the Homeless of the Department of Health and Human Services. All functions of such Task Force are transferred to the Council.

(b) TERMINATION.—The Federal Task Force on the Homeless of the Department of Health and Human Services is terminated.

SEC. 109. DEFINITIONS.

For the purpose of this title—

(1) the term "Council" means the Interagency Council on the Homeless established by section 102; and

(2) the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated $200,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

TITLE II—CLARIFICATION OF USE OF EXCESS PROPERTY UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 201. SHORT TITLE.

This title may be cited as the "Excess Property Identification Act of 1987".

SEC. 202. IDENTIFICATION OF EXCESS PROPERTY.

In carrying out section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), each executive agency *shall specifically identify excess property under its control as suitable for use as a shelter for, or for use to provide services to, homeless individuals.*

SEC. 203. REPORTING OF AVAILABILITY OF EXCESS PROPERTY.

Within 60 days after the date of enactment of this Act, the Administrator of General Services shall report to the Interagency Council on the Homeless the availability of excess Federal property suitable for use as a shelter for, or for use to provide services to, homeless individuals. Within 150 days after the date of enactment of this Act, and every 90 days thereafter, the Administrator shall revise such report and shall transmit such revised report to the Interagency Council.

SEC. 204. MAKING SURPLUS PERSONAL PROPERTY AVAILABLE TO NONPROFIT AGENCIES.

(a) ELIGIBILITY.—Any State or local government agency or any nonprofit organization which is eligible to receive, or which receives, payments or grants under any Federal program for the provision of food or shelter for homeless individuals shall be considered eligible to receive, in order to assist in carrying out such program, donations of personal property which is declared surplus to the needs of the Federal Government in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949 and regulations issued by the Administrator of General Services pursuant to such section.

(b) REQUIREMENT FOR NOTIFICATION.—Within 90 days after the enactment of this Act, the Administrator of General Services shall require each State agency administering a State plan under section 203(j) of the Federal Property and Administrative Services Act of 1949 to make generally available to nonprofit organizations a list of available surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals and families.

(c) COSTS.—(1) Surplus personal property identified pursuant to this section shall be made available to nonprofit organizations by a State agency distributing such property at no cost to such organizations.

(2) The Administrator shall enter into agreements with each State providing for the reimbursement of such State for the costs of transporting any surplus personal property donated to a nonprofit organization. The costs of such reimbursement shall be paid by the Federal agency originally holding title to such personal property, except as provided in paragraph (3).

(3) The Administrator shall not provide for the reimbursement of a State under paragraph (2) for the costs of transporting any surplus personal property donated to a nonprofit organization in any case in which such organization, the State, or a local government agrees to pay the costs of transporting such property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "local government" means a unit of general purpose local government;

(2) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; and

(3) the term "nonprofit organization" means an organization which—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986;

(B) has an accounting system and a voluntary board;

(C) practices nondiscrimination in the provision of assistance; and

(D) provides services to homeless individuals and families.

SEC. 205. ELIGIBILITY FOR DONATION OF SURPLUS PROPERTY.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals," after "health centers,".

TITLE III—SHELTER PROGRAM

PART A—GENERAL PROVISIONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Food and Shelter Act of 1987".

SEC. 302. DEFINITIONS.

For the purpose of this title—

(1) the term "Board" means the Emergency Food and Shelter Program National Board;

(2) the term "Director" means the Director of the Federal Emergency Management Agency;

(3) the term "emergency shelter" means a facility all or a part of which is used or designed to be used to provide temporary housing;

(4) the term "local government" means a unit of general purpose local government;

(5) the term "locality" means the geographical area within the jurisdiction of a local government;

(6) the term "private nonprofit organization" means an organization which is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and which has an accounting system and a voluntary board, and which practices nondiscrimination in the provision of assistance; and

(7) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

SEC. 303. EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD.

(a) ESTABLISHMENT OF NATIONAL BOARD.—There is established to carry out the provisions of this title the Emergency Food and Shelter Program National Board. The Director of the Federal Emergency Management Agency shall constitute the Board in accordance with subsection (b) in administering the program under this title.

(b) BOARD OF DIRECTORS.—The Board shall consist of the Director of the Federal Emergency Management Agency and 6 members who shall be appointed by the Director not later than 30 days after the date of enactment of this Act, one from those individuals nominated by each of the following:

(1) The United Way of America.

(2) The Salvation Army.

(3) The National Council of Churches of Christ in the U.S.A.

(4) Catholic Charities U.S.A.

(5) The Council of Jewish Federations, Inc.

(6) The American Red Cross.

(c) CHAIRMAN.—The Director shall be Chairman of the Board.

(d) OTHER ACTIVITIES OF THE BOARD.—Except as otherwise specifically provided by this title, the Board shall establish its own procedures and policies for the conduct of its affairs.

SEC. 304. LOCAL BOARDS.

(a) ESTABLISHMENT.—Each locality designated by the Board shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board, except that the mayor or other appropriate heads of government will replace the Federal members. The chair of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) RESPONSIBILITIES.—Each local board shall—

(1) determine which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers;

(2) monitor recipient service providers for program compliance;

(3) reallocate funds among service providers;

(4) ensure proper reporting; and

(5) coordinate with other Federal, State, and local government assistance programs available in the locality.

SEC. 305. ROLE OF FEMA.

(a) IN GENERAL.—The Director of the Emergency Management Agency shall provide the Board administrative support and act as Federal liaison to the Board.

(b) SPECIFIC SUPPORT ACTIVITIES.—The Director shall—

(1) make available to the Board, upon request, the services of the Agency's legal counsel and inspector general;

(2) assign clerical personnel to the Board on a temporary basis; and

(3) conduct audits of the Board annually and at such other times as may be appropriate.

SEC. 306. RECORDS AND AUDIT OF BOARD AND RECIPIENTS OF ASSISTANCE.

(a) ANNUAL INDEPENDENT AUDIT OF BOARD.—(1) The accounts of the Board shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Board are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Board and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required in section 307. Such report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities of the Board, surplus or deficit, with an analysis of the changes during the year, supplemented in reasonable detail by a statement of the income and expenses of the Board during the year, and a statement of the application of funds, together with the opinion of the independent auditor of such statements.

(b) ACCESS TO RECORDS OF RECIPIENTS OF ASSISTANCE.—

(1) Each recipient of assistance under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipi-

ent of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Board, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title.

(c) AUTHORITY OF COMPTROLLER GENERAL.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the Board and recipients for such purpose.

SEC. 307. ANNUAL REPORT.

The Board shall transmit to the Congress an annual report covering each year in which it conducts activities with funds made available under this title.

PART B—EMERGENCY FOOD AND SHELTER GRANTS

SEC. 311. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and through units of local government in accordance with section 313.

SEC. 312. RETENTION OF INTEREST EARNED.

Interest accrued on the balance of any grant to the Board shall be available to the Board for reallocation, and total administrative costs shall be determined based on total amount of funds available, including interest and any private contributions which are made to the Board.

SEC. 313. PURPOSES OF GRANTS.

(a) ELIGIBLE ACTIVITIES.—Grants to the Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for the homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

(2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b) LIMITATIONS ON ACTIVITIES.—The Board may only provide funding provided under this part for—

(1) programs undertaken by nonprofit organizations and units of local government; and

(2) programs that are consistent with the purposes of this title.

The Board may not carry out programs directly.

SEC. 314. LIMITATION ON CERTAIN COSTS.

Not more than 5 percent of the total appropriation for the emergency food and shelter program each year may be expended for the costs of administration.

SEC. 315. PROGRAM GUIDELINES.

(a) GUIDELINES.—The Board shall establish written guidelines for carrying out the program under this part, including—

(1) methods for identifying localities with the highest need for emergency food and shelter assistance;

(2) methods for determining amount and distribution to these localities;

(3) eligible program costs, including maximum flexibility in meeting currently existing needs; and

(4) guidelines specifying the responsibilities and reporting requirements of the Board, its recipients, and service providers.

(b) PUBLICATION.—Guidelines established under subsection (a) shall be published annually, and whenever modified, in the Federal Register. The Board shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

SEC. 316. PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—To carry out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1987, including any amount provided under Public Law 100-6, and such sums as may be necessary for fiscal year 1988.

(b) CARRYOVER.—Any appropriated funds not obligated in a fiscal year shall remain available until expended.

Part C—Case Management

SEC. 321. GRANTS BY THE DIRECTOR.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this part, the Director of the Federal Emergency Management Agency shall award a grant for the full amount that Congress appropriates for the program under this part to the Board for the purpose of grants by the Board to nonprofit private entities and units of local government receiving support under part B for shelters for homeless individuals to enable such entities and governments to provide, or arrange for the provision of, case management services for homeless individuals using such shelters.

SEC. 322. REQUIREMENT FOR THE PROVISION OF CASE MANAGEMENT SERVICES.

(a) SERVICES REQUIRED.—Each unit of local government or nonprofit private entity which receives assistance under part B for a shelter for homeless individuals shall provide, or arrange for provision of, case management services required under subsection (b) for homeless individuals using such shelter.

(b) TYPES OF SERVICES.—(1) In the case of a shelter in a locality in which an agency (other than the government or entity receiving assistance under part B for such shelter) provides the services described in paragraph (2) for homeless individuals, case management services required under this part include referral of such individuals to such agency and followup services to ensure that the services described in such paragraph are provided to such individuals.

In the case of a shelter in a locality in which there is no agency described in paragraph (1), case management services required under this part for homeless individuals include, to the extent needed by each such individual—

(A) the preparation, and the review at least every 3 months, of a plan specifying the needs of such individual and the services that will be provided to such individual to meet such needs;

(B) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services; and

(C) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits.

(c) PREFERENCE.—If any unit of local government or nonprofit private entity operating a shelter to which subsection (b)(2) applies decides to arrange for the provision of case management services for homeless individuals, such government or entity shall, in selecting an entity to provide such services, give preference, if feasible and appropriate, to—

(1) community action agencies supported under the Community Services Block Grant Act; and

(2) any organization to which a State that applied for and received a waiver from the Secretary of Health and Human Services under Public Law 98-139 made a grant under the Community Services Block Grant Act for fiscal year 1984.

SEC. 323. AUTHORIZATION.

To carry out this part, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1987 and 1988.

TITLE IV—HOUSING ASSISTANCE

SEC. 401. REQUIREMENT FOR COMPREHENSIVE HOMELESS ASSISTANCE PLAN.

(a) PLAN REQLAN SUBMITTED UNDER THIS SECTION SHALL CONTAIN—

(1) an assessment of the size and characteristics of the homeless population within the jurisdiction of the State, city, or county submitting the plan;

(2) a description of all available services for the homeless population within that jurisdiction;

(3) a strategy (A) to match the needs of the homeless population with available services within that jurisdiction, including services such as job placement and training, education, health, housing, nutrition, and income maintenance, and (B) to meet the specific needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans;

(4) an explanation of how the Federal assistance provided under this Act will complement and enhance the available services; and

(5) such additional information as the Council may require to assure that the plan submitted provides an adequate basis for conducting the performance monitoring and evaluation under subsections (d) and (e).

(c) REVIEW.—(1) Upon receipt of a comprehensive plan, the Interagency Council shall review the plan. Not later than 30 days after receipt, the plan shall be approved unless the Council determines that the plan plainly does not satisfy the requirements of subsection (b), in which case the Council shall, not later than 15 days after its determination, inform the State, county, or city of the reasons for disapproval as well as the steps which need to be taken to make the plan acceptable. If the Council fails to inform the State, county, or city of the reasons for disapproval within such period, the plan shall be deemed to have been approved.

(2) The Council shall establish procedures for the review and approval of comprehensive plans. The procedures shall permit amendments to or the resubmission of any plan that is disapproved.

(d) PERFORMANCE MONITORING.—(1) Each State and other recipient described in subsection (a) shall monitor annually the progress made by that State or recipient in carrying out its comprehensive plan.

(2) Each State and other recipient referred to in subsection (a) shall report annually to the Interagency Council the results of such monitoring. The Interagency Council shall review the reports submitted under this paragraph and shall make such recommendations as may be appropriate.

(3) Any State or other recipient which fails to monitor and report progress as required by paragraphs (1) and (2) shall not be eligible to receive further assistance under this title.

(e) PERFORMANCE EVALUATIONS.—Beginning with fiscal year 1989, the Interagency Council shall carry out performance evaluations of the administration of programs under this Act by States and other recipients referred to in subsection (a), including the adequacy of performance monitoring under subsection (d). The Interagency Council shall thereafter report its findings to the Congress.

(f) APPLICATIONS.—Any application for assistance under this Act shall contain or be accompanied by a certification by the public official responsible for submitting a comprehensive plan for the jurisdiction to be served by the proposed activities that the proposed activities are consistent with the comprehensive plan.

SEC. 402. AUTHORIZATIONS FOR TRANSITIONAL HOUSING AND EMERGENCY SHELTER GRANTS PROGRAMS.

(a) TRANSITIONAL HOUSING DEMONSTRATION PROGRAM.—In addition to other amounts authorized by law, there are authorized to be appropriated for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $60,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

(b) EMERGENCY SHELTER GRANTS PROGRAM.—In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591, not to exceed $80,000,000 for fiscal year 1987, and such sums as may be necessary for fiscal year 1988.

SEC. 403. EMERGENCY SHELTER GRANTS AMENDMENTS.

(a) MINIMUM ALLOCATION AMOUNT.—The minimum allocation established for the emergency shelter grants program by section 522(b) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 is increased to 0.3 percent of amounts appropriated under section 402(b).

(b) REALLOCATION OF CERTAIN AMOUNTS.—If a State, city, or county eligible for a grant under the program referred to in subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this Act first become available for allocation during any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(c) PLANNING REQUIREMENT.—The requirement contained in section 524(a) of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall not apply to assistance provided under the increased authority provided under section 402(b).

(d) WAIVER AUTHORITY.—The Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the program referred to in subsection (a) pursuant to section 523(2)(B) of the provisions made effective by section 101(g) of Public Law 99-500 or 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

SEC. 404. SECTION 8 HOUSING ASSISTANCE.

(a) SECTION 8 EXISTING HOUSING.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is authorized to be increased by $50,000,000.

(2) The amounts made available under this subsection shall be used solely to assist homeless families with children.

(3) The amounts made available under this section shall be distributed in accordance with subsections (a) and (b) of section 522 of the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591.

(4) If a State, city, or county eligible for assistance under this subsection fails to obtain approval of its comprehensive plan during the 90-day period following the date funds first become available for allocation under this subsection in any fiscal year, the amount which that State, city, or county would have received shall be reallocated to other States, counties, and cities which are identified by the Interagency Council on the Homeless as demonstrating extraordinary need or large numbers of homeless individuals.

(5) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection to assist the homeless shall commit the Secretary of Housing and Urban Development to make such authority, and any amendments increasing such authority, available to the public housing agency for an aggregate period of 5 years.

(6) A contract for assistance payments under the authority provided under this subsection may be attached to the structure if the owner is a nonprofit organization that has agreed to furnish decent housing and a level of support services satisfactory to the public housing agency.

(b) SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $37,000,000.

(2) The amounts made available under this subsection shall be used only in connection with the moderate rehabilitation of housing described in section 8(n) of the United States Housing Act of 1937 for occupancy by homeless individuals.

(3) The amounts made available under this subsection shall be allocated by the Secretary on the basis of a national competition to those applicants that best demonstrate a need for the assistance under this subsection and the ability to undertake and carry out a program to be assisted under this subsection. To be considered for assistance under this subsection, an applicant shall submit to the Secretary a written proposal containing—

(A) a description of the size and characteristics of the population within the applicant's jurisdiction that would occupy single room occupancy dwellings;

(B) a listing of additional commitments from public and private sources that the applicant might be able to provide in connection with the program;

(C) an inventory of suitable housing stock to be rehabilitated with such assistance; and

(D) a description of the interest which has been expressed by builders, developers, and others (including profit and nonprofit organizations) in participating in the program.

No single city or urban county shall be eligible to receive more than 10 percent of the assistance made available under this subsection.

(4) Each contract for housing assistance payments entered into with the authority provided under this subsection shall require the installation of a sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as may be required by State or local law.

(5) The total cost of rehabilitation which may be compensated for in a contract for housing assistance payments entered into with the authority provided under this subsection shall not exceed $14,000 per unit, plus the expenditures required by paragraph (4).

(6) The Secretary of Housing and Urban Development shall increase the limitation contained in paragraph (5) by an amount the Secretary determines is reasonable and necessary to accommodate special local conditions, including—

(A) high construction costs; or

(B) stringent fire or building codes.

(7) Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this subsection shall—

(A) commit the Secretary of Housing and Urban Development to make such authority available to the public housing agency for an aggregate period of 10 years, and require that any amendments increasing such authority shall be available for the remainder of such 10-year period;

(B) provide the Secretary of Housing and Urban Development with the option to renew the contract for an additional period of 10 years, subject to the availability of appropriations; and

(C) provide that, notwithstanding any other provision of law, first priority for occupancy of housing rehabilitated under this subsection shall be given to homeless individuals and families.

TITLE V—HEALTH SERVICES AND MENTAL HEALTH SERVICES FOR THE HOMELESS

SEC. 501. SHORT TITLE.

This title may be cited as the "Health Services and Mental Health Services for the Homeless Act".

PART A—HEALTH SERVICES

SEC. 511. HEALTH SERVICES FOR THE HOMELESS.

Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—HEALTH SERVICES FOR HOMELESS INDIVIDUALS

"GRANTS FOR THE PROVISION OF HEALTH SERVICES

"SEC. 395. (a) The Secretary shall make grants to public and nonprofit private entities to support the provision of health services to homeless individuals and the provision of mental health services to homeless individuals who do not have a chronic mental illness.

"(b) Each entity which receives a grant under subsection (a) shall—

"(1) provide outpatient health services in locations accessible to homeless individuals;

"(2) provide, or make arrangements for the provision of, 24-hour-a-day emergency health services to homeless individuals;

"(3) make referrals of homeless individuals to hospitals and other institutions for necessary inpatient services, and have a written arrangement with one or more hospitals or institutions for the acceptance of homeless individuals referred to such hospital or institution by such entity;

"(4)(A) provide assistance to homeless individuals in establishing eligibility for assistance under entitlement programs and in obtaining necessary services under such programs; and

"(B) have written arrangements to carry out subparagraph (A) with State and local social service agencies which provide services relevant to the needs of homeless individuals;

"(5) provide, or arrange for the provision of, counseling and other mental health services for homeless individuals who do not have a chronic mental illness, particularly counseling and mental health services for homeless families and children;

"(6) provide, or arrange for the provision of, alcohol abuse and drug abuse treatment services for homeless individuals; and

"(7) provide, or arrange for the provision of, any other service for homeless individuals that may be prescribed by the Secretary by regulation in order to meet the essential needs of homeless individuals for health services.

"(c) In making grants under this section, the Secretary shall give preference to community health centers supported under section 330 and other public and nonprofit private entities which have experience in providing comprehensive primary health care services to homeless individuals and medically underserved populations.

"TERMS AND CONDITIONS APPLICABLE TO GRANTS

"SEC. 396. (a) Each recipient of a grant under this part shall provide the services required under section 395 within the limits of its capacity to any homeless individual regardless of the individual's ability to pay for the provision of such services. If any recipient of a grant under this part imposes charges for services furnished under the grant, such charges—

"(1) shall be made according to a public schedule of charges;

"(2) may not be imposed with respect to individuals whose income is below the nonfarm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981); and

"(3) shall be adjusted to reflect the income and resources of the individuals to which such services are provided.

"(b) Funds provided under any grant made under section 395 may not be used—

"(1) to provide services other than the services described in such section;

"(2) to make cash payments, without consideration, to any individual;

"(3) to purchase or improve land, to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to purchase major medical equipment, unless the Secretary finds, based on a showing of exceptional circumstance, that a waiver of this subparagraph is necessary in order to carry out the purposes of this part; or

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition of Federal funds.

"(c) No grant may be approved under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain or be accompanied by such information as the Secretary may by regulation specify. The Secretary shall not approve any application under this part unless the application contains assurances that the applicant—

"(1) will use the funds provided under this part only for the purposes specified in the approved application;

"(2) will establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting of Federal funds paid to the applicant under this part;

"(3) will establish an ongoing quality assurance program to monitor services furnished under the grant and will maintain confidentiality of patient records;

"(4) has, in the case of an applicant for a project which will serve a group of individuals a substantial proportion of which are of limited English-speaking ability—

"(A) developed a plan and made arrangements tailored to the needs of such individuals for the provisions of services, to the extent practicable, in the language and cultural context most appropriate to such individuals; and

"(B) identified an individual on its staff—

"(i) who is fluent both in English and in the language most appropriate to such individuals; and

"(ii) whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and the bridging of linguistic and cultural differences; and

"(5) will report to the Secretary annually on the utilization, cost, and outcome of services furnished under this part.

"(d) Notwithstanding any other provision of this part, no entity receiving a grant under this part shall be considered to be in violation of this part if such entity, in the regular course of providing mental health services to homeless individuals who do not have a chronic mental illness, provides mental health services to homeless individuals having a chronic mental illness.

"EVALUATIONS AND REPORTS

"SEC. 397. (a) The Secretary shall conduct, or arrange for the conduct of, evaluations of services provided under grants under section 395.

"(b) Within 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the evaluations conducted under subsection (a) during the preceding year.

"DEFINITIONS

"SEC. 398. For purposes of this part:

"(1) The term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(2) The term 'medically underserved population' means a population designated by the Secretary under section 330(b)(3).

"(3) The term 'shelter' means any supervised public or private facility designed to provide temporary living accommodations.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 399. To carry out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1987 and 1988.".

PART B—MENTAL HEALTH SERVICES

SEC. 521. EMERGENCY MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS HAVING CHRONIC MENTAL ILLNESS.

Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—EMERGENCY ASSISTANCE FOR HOMELESS MENTALLY ILL INDIVIDUALS BLOCK GRANT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1931. (a) To carry out this part, there are authorized to be appropriated $55,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988.

"(b) Of the total amount appropriated to carry out this part for any fiscal year, not more than 2 percent shall be used by the Secretary to pay the costs of administering this part.

"ALLOTMENTS

"SEC. 1932. (a)(1) Except as provided in subsections (b) and (c), the allotment of a State under this part for a fiscal year is the sum of the amounts determined under paragraphs (2) and (3) for the State and metropolitan cities and urban counties in the State for such fiscal year.

"(2) The Secretary shall determine the amount that would be allotted to each State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such State is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such State.

"(3) The Secretary shall determine the amount that would be allotted to each metropolitan city and urban county in a State from the total amount available for allotments under this section for a fiscal year (after the application of section 1931(b)) if the percentage of such total available amount that would be allotted to such city or county is equal to the percentage of the total amount available for grants under section 106 of the Housing and Community Development Act of 1974 for the fiscal year prior to such fiscal year that is allocated to such city or county.

"(4) Notwithstanding paragraph (1), and except as provided in the second sentence of subsection (b), the allotment of the District of Columbia under this part for a fiscal year shall be the amount determined by the Secretary for the District of Columbia under paragraph (3) or the amount determined under subsection (b), whichever is greater.

"(b) Notwithstanding subsection (a), the allotment of a State under this section for any fiscal year shall not be less than one-half of one percent of the amount available for allotments under this section (after the *application of section 1931(b)) for such fiscal year. If necessary to carry out the preceding sentence, the Secretary shall ratably reduce the amount determined for each State under paragraph (1) of subsection (a), and the amount determined for each metropolitan city and urban county (including the District of Columbia) under paragraph (2) of such subsection.*

"(c)(1) For purposes of subsections (a) and (b), the allotment of each territory under this part for a fiscal year shall be determined in accordance with paragraphs (2) and (3).

"(2) In accordance with subsections (a) and (b), a total allotment under this part for all territories shall be determined for a fiscal year as if all territories were deemed to be one State.

"(3) The allotment of a territory under this part for a fiscal year shall be the amount which bears the same ratio to the amount determined under paragraph (3) for such fiscal year as the population of the territory bears to the population of all territories.

"(4) For purposes of this subsection, the term 'territory' means the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(d) If the total amount of funds appropriated under section 1931 for a fiscal year and available for allotment under this section for such fiscal year is not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some allotments of States are offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1935(d)),

the amount not allotted shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"PAYMENTS UNDER ALLOTMENTS

"SEC. 1933. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 1932 from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1934. (a)(1) Except as provided in subsection (b), amounts paid to a State under section 1933 shall be used by such State to assist in the carrying out of emergency projects for homeless individuals who have chronic mental illnesses. Such projects shall include each of the following activities:

"(A) The provision of outreach services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(B) The provision of outpatient mental health services, partial hospitalization, diagnostic services, crisis intervention services, and habilitation and rehabilitation services to—

"(i) homeless individuals; and

"(ii) individuals who have chronic mental illnesses and who are at risk of becoming homeless individuals.

"(C) The provision of training to individuals who provide services to homeless individuals, including individuals who work in shelters, mental health clinics, and other sites where homeless individuals receive services.

"(D) The provision of case management services to homeless individuals, including, as needed by each such individual—

"(i) the preparation, and the review at least every 3 months, of a plan for the provision of mental health services to such individual;

"(ii) the provision of assistance in obtaining, and the coordination of, social and maintenance services for such individual, such as services relating to daily living activities, transportation services, habilitation and rehabilitation services, prevocational and vocational services, and housing services;

"(iii) the provision of assistance to such individual in obtaining income support services, such as housing assistance, food stamps, and supplemental security income benefits; and

"(iv) the referral of such individual to such other services as may be appropriate.

"(E) The provision of supportive and supervisory services for homeless individuals in residential settings not supported under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591.

"(2) Training required under paragraph (1)(C) shall include training to enable individuals providing services to homeless individuals to—

"(A) identify individuals with chronic mental illness;

"(B) refer homeless individuals to available services for such individuals, including job training services, literacy education, community health centers, and community mental health centers; and

"(C) identify, and assist homeless individuals to participate in, Federal and State programs providing benefits for homeless individuals.

"(b) A State may not use amounts paid to it under section 1933 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Not more than 4 percent of the total amount paid to a State under section 1933 for a fiscal year may be used for administering the funds made available under section 1933. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(d) Notwithstanding any other provision of this part, a State shall not be considered to be in violation of this part if, during the regular course of the provision of mental health services to homeless individuals under this part, mental health services are provided to individuals who are homeless and who do not have a chronic mental illness.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1935. (a)(1) In order to receive an allotment for a fiscal year under section 1932, a State shall submit an application to the Secretary. Each such application shall be in such form as the Secretary shall require, and shall be submitted with the application required by section 1916(a) or at such other time as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1932 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

"(b)(1) As part of the annual application required by subsection (a) for an allotment for any fiscal year, the chief executive officer of each State shall—

"(A) certify that the State agrees to use the funds allotted to it under section 1932 in accordance with the requirements of this part;

"(B) certify that, in the case of an allotment for fiscal year 1988, the services to be provided to homeless individuals under this part have been considered in the preparation of, have been included in, and are consistent with, the State comprehensive mental health services plan required under subpart 2 of part B;

"(C) certify that the State will ensure that homeless individuals who are alcoholics, alcohol abusers, or drug abusers will be referred to appropriate alcohol abuse and drug abuse treatment and rehabilitation services, including services available under section 1921;

"(D) certify that the State will ensure that the activities conducted under this part will be coordinated with transitional housing provided under the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591;

"(E) except as provided in paragraph (3), certify that the State will expend, in each metropolitan city or urban county for which the Secretary makes a determination under section 1932(a)(3) for a fiscal year, an amount which is equal to the amount determined by the Secretary under such section for such city or county for such fiscal year, in order to assist in carrying out in such city or county of an emergency project which complies with section 1934; and

"(F) certify that the State agrees that Federal funds made available under section 1933 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"(2) An application by a State under this section for an allotment for fiscal year 1988 shall include, for each metropolitan city and urban county in the State for which the Governor of the State desires a determination be made under section 1932(a)(3), a statement from the chief executive officer of such city or county which contains the certifications specified in paragraph (1) with respect to such city or county and the descrip-

tion of activities specified in subsection (c) with respect to such city or county.

"(3)(A) In any case in which the amount determined by the Secretary under section 1932(a)(3) for a fiscal year with respect to a metropolitan city or an urban county is less than $50,000, the State in which such city or county is located is not required to comply with paragraph (1)(E) with respect to such city or county for such fiscal year.

"(B) In any case in which the Governor of a State is unable to certify under paragraph (1)(E) that the amount required to be expended for a fiscal year under such paragraph in a metropolitan city or urban county in the State will be used to assist in the carrying out, in such city or county, of an emergency project which complies with section 1934, the Governor of the State shall include in the application required under paragraph (1) for such fiscal year a certification that such amount will be expended in another area of the State to assist in the carrying out of an emergency project which complies with such section.

"(c) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1933 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(d) Except where inconsistent with the provisions of this part, the provisions of section 1914(b), section 1917(a), paragraphs (1) through (5) of section 1917(b), and sections 1918, 1919, and 1920 shall apply to payments made to a State under this part in the same manner as such provisions apply to payments made to a State under part B of this title.

"DEFINITIONS

"SEC. 1936. For purposes of this part:

"(1) The term 'homeless individual' means a homeless individual (as such term is defined in section 3 of the Urgent Relief for the Homeless Act) who has a chronic mental illness. Such term includes an individual who—

"(A) is receiving services under this part; and

"(B) is placed in permanent housing,

during the period beginning on the date on which such placement is made and ending 9 months after such date.

"(2) The term 'metropolitan city' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.

"(3) The term 'urban county' has the same meaning as in section 102 of the Housing and Community Development Act of 1974.".

PART C—ALCOHOL AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS

SEC. 531. SPECIAL ALLOTMENTS FOR ALCOHOL ABUSE AND DRUG ABUSE SERVICES FOR HOMELESS INDIVIDUALS.

Part B of title XIX of the Public Health Service Act is amended by adding at the end thereof the following new subpart:

"Subpart 3—Prevention, Treatment, and Rehabilitation Services for Homeless Individuals Who Are Alcoholics, Alcohol Abusers, or Drug Abusers

"SPECIAL ALLOTMENTS

"SEC. 1920F. (a) To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1987.

"(b) The Secretary shall allot to each State for fiscal year 1987 from amounts appropriated under subsection (a) an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the allotment of the State under section 1913 for such fiscal year bears to the total amount allotted to all States under such section for such fiscal year.

"(c) Each State desiring to receive an allotment under this section shall submit a statement to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation prescribe. Such statement shall contain a certification by the chief executive officer of the State that the State will use the amounts allotted to the State under this section for the purposes described in subsection (d).

"(d) The amount allotted to a State under this section for fiscal year 1987 shall be used by the State to provide prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers. For purposes of this section, the term 'homeless individual' has the same meaning as in section 3 of the Urgent Relief for the Homeless Act.

"(e)(1) Except as provided in paragraph (2), the provisions of subpart 1 of this part shall apply to this section to the extent that such provisions are not inconsistent with the provisions of this section.

"(2) Section 1915(b)(1) does not apply to services provided under this section.".

TITLE VI—ASSURING THE EDUCATION OF HOMELESS CHILDREN AND PROVIDING LITERACY AND BASIC SKILLS REMEDIATION FOR ADULT HOMELESS INDIVIDUALS

SEC. 601. STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN.

Subpart 3 of part C of the General Education Provisions Act is amended by inserting after section 436 the following new section:

"STATE PLANS FOR THE EDUCATION OF HOMELESS CHILDREN REQUIRED

"SEC. 436A. (a) In any fiscal year after September 30, 1988, in which a State fails to comply with the provisions of this section, the Secretary shall withhold from the State an amount equal to State set aside under chapter 2 of the Education Consolidation and Improvement Act of 1981 for that year.

"(b)(1) Each State educational agency shall assure that no child of a homeless person, as defined in section 3 of this Act, is denied for that reason access to a free, appropriate public education that would be provided to the children of a resident of the State.

"(2) Each State shall adopt a plan to provide for the education of each homeless child within the State which should contain provisions designed to—

"(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, or the applicable social worker to make the determinations required under this section; and

"(B) provide procedures for selecting the appropriate local educational agency within the State to be responsible for the expenses of providing for the education of the homeless child.

"(c)(1) Each plan adopted under this section shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (2) through (6) of this subsection.

"(2) The local educational agency of each homeless child shall either—

"(A) continue the child's education in the school district of origin for the remainder of the school year; or

"(B) enroll the child in the school district where the child is actually living;

whichever is in the child's best interest.

"(3) The choice required by paragraph (2) shall be available regardless of whether the child is living with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child shall be provided adequate transportation to the school selected according to the provisions of paragraph (2).

"(5) The records of each homeless child shall be maintained—

"(A) so that the records are immediately available when a child enters a new school district; and

"(B) in a manner consistent with section 438 of this Act.

"(6) Each local educational agency shall ensure that each homeless child may participate in all educational programs and services for which the child meets the eligibility criteria, including special programs and compensatory educational programs for handicapped, disadvantaged, and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

"(d)(1) Each local educational agency or any State which is aggrieved by the withholding of State funds under subsection (a) shall be accorded the right of due process of law and shall be entitled to—

"(A) at least 30 days prior written notice of the intent to withhold such funds;

"(B) the opportunity for a hearing on the record before an administrative law judge within 60 days of the actual withholding, unless such period is extended by mutual consent of the Secretary and the appropriate State educational agency; and

"(C) a decision on the merits by the administrative law judge within 90 days of the conclusion of the hearing, unless the administrative law judge determines that such a hearing cannot be concluded or a decision on the merits cannot be made within such period, in which case the administrative law judge may extend the period for a period not to exceed 60 additional days.

"(2) The administrative remedy prescribed by this subsection shall be exclusive.

"(e) The Secretary shall prepare and submit to the Congress a report not later than January 1, 1989, on the effectiveness of the State plans required by this section.".

SEC. 602. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED.

(a) GENERAL AUTHORITY.—(1) The Secretary shall, from funds appropriated pursuant to

subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to make the special educational needs of homeless elementary and secondary school students.

(b) APPLICANTS.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) ELIGIBILITY FOR GRANTS.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 436A of the General Educations Provisions Act.

(d) APPLICATION.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought;

(3) such additional assurances that the Secretary determines are necessary.

(e) DISSEMINATION OF INFORMATION ACTIVITIES.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated $2,500,000 for the fiscal year 1987 and $5,000,000 for the fiscal year 1988 to carry out the provisions of this section.

SEC. 603. STATEWIDE LITERACY INITIATIVES.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to State educational agencies to enable each such agency to develop a plan and implement a program of literacy training and basic skills remediation for adult homeless individuals within the State which shall—

(1) include a program of outreach activities, and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) APPLICATION.—Each State educational agency desiring to receive its allocation under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—(1) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1987 and 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted to the Interagency Council under section 401, except that no State shall receive less than $75,000 under this section.

TITLE VII—JOB TRAINING FOR THE HOMELESS DEMONSTRATION PROJECT

SEC. 701. DEMONSTRATION PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—The Secretary shall, from funds appropriated pursuant to section 708, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this title.

(b) CONTRACT AUTHORITY.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this title.

SEC. 702. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

A State shall describe in the comprehensive plan required under section 401 of this Act how the State will coordinate projects conducted within a State under this title with other services for homeless individuals assisted under this Act.

SEC. 703. APPLICATION.

Each applicant which desires to receive a demonstration grant under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the activities for which assistance is sought;

(2) plans for the coordination and outreach activities, particularly with case managers and care providers, designed to achieve referral of homeless individuals to the demonstration projects authorized by this title;

(3) plans to offer in-shelter training activities and services, and to perform training services and activities so as to increase the participation of homeless individuals in the demonstration project;

(4) a description of the standards by which performance may be measured under the demonstration project, together with assurances that a preliminary evaluation of the project will be completed not later than the end of the first year for which assistance is sought;

(5) assurances that the recipient of demonstration grants under this title will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources; and

(6) such additional assurances as the Secretary determines are necessary to insure compliance with the requirements of this title.

SEC. 704. AUTHORIZED ACTIVITIES.

Demonstration grants under this title may be used for—

(1) basic skills instruction;
(2) remedial education activities;
(3) basic literacy instruction;
(4) job search activities;
(5) job counseling;
(6) job preparatory training, including résumé writing and interviewing skills; and
(7) any other activities described in section 204 of the Job Training Partnership Act which the grant recipient determines will contribute to carrying out the objectives of this title,

for homeless individuals.

SEC. 705. PAYMENTS; FEDERAL SHARE; LIMITATION.

(a) PAYMENTS.—The Secretary shall pay to each applicant having an application approved under section 703 the Federal share of the cost of activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share for each fiscal year shall be 50 percent.

(2) The non-Federal share of payments under this title may be in cash or in kind fairly evaluated, including plant equipment or services.

(c) LIMITATION.—The Secretary may not make grants in any State in an aggregate in excess of 15 percent of the amount appropriated to carry out this title in each fiscal year.

SEC. 706. EVALUATION.

(a) DEMONSTRATION PROJECT RESPONSIBILITY.—The Secretary shall evaluate each project assisted under this title at the end of the first fiscal year for which funds are appropriated under this title. The Secretary shall submit the findings of the evaluations to the Interagency Council. Not later than 6 months before the termination date specified in section 709, the Secretary shall prepare and submit a final report of the evaluations required by this subsection to the President, to the Congress, and to the Interagency Council.

(b) CONTENTS OF EVALUATIONS.—Each evaluation required by this section shall include—

(1) the number of homeless individuals served;

(2) the number of homeless individuals placed in jobs;

(3) the average length of training time under the project;

(4) the average training cost under the project; and

(5) the average retention rate of placements of homeless individuals after training with assistance made under this title.

(c) EVALUATION BY INTERAGENCY COUNCIL.—(1) The Interagency Council shall evaluate each project receiving assistance under this title.

(2) The Interagency Council shall prepare and publish a report of its findings in the annual report of the Council. The evaluation of the demonstration projects authorized by this title shall include a determination of the relative effectiveness of programs assisted under this title together with recommendations, including recommendations for legislation, to the Congress on job training programs for homeless individuals to be established on a national basis.

SEC. 707. DEFINITIONS.

As used in this title—

(1) the term "applicant" means public agencies, private nonprofit organizations, private businesses, and other appropriate entities;

(2) the term "Interagency Council" means the Interagency Council on the Homeless;

(3) the term "local public agency" means any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers;

(4) the term "Secretary" means the Secretary of Labor; and

(5) the term "State" means each of the several States and the District of Columbia.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1988 to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year may be expended by each recipient during that fiscal year and the succeeding fiscal year.

SEC. 709. TERMINATION.

The provisions of this title shall terminate on October 1, 1990.

TITLE VIII—NUTRITION

PART A—FOOD STAMP PROGRAM

SECTION 801. DEFINITION OF HOUSEHOLD.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)";

(2) by inserting before the semicolon the following: "or (3) a parent of minor children and that parent's children (notwithstanding the presence in the home of any other persons, including parents and siblings, who do not customarily purchase food and prepare meals for home consumption together with the parent and children) except that the certification of a household as a separate household under this clause shall be reexamined no less frequently than once every 6 months"; and

(3) by inserting "(other than as provided in clause (3))" after "except that"

SEC 802. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.".

SEC. 803. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) AUTHORITY TO PROVIDE INFORMATION.—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of such Act (7 U.S.C. 2025(a)) is amended by striking out ", and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 804. EXPEDITED FOOD STAMP SERVICE.

Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to a household in which all members are homeless individuals and which meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent and utilities of the household; and"; and

(3) in subparagraph (D) (as redesignated), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

SEC. 805. IMPLEMENTATION OF EXISTING VENDOR PAYMENT EXCLUSION.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall prescribe regulations to carry out section 5(k)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)(E)).

PART B—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

SEC. 811. VARIETY OF COMMODITIES UNDER TEFAP.

Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

SEC. 812. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER TEFAP.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "$50,000,000 for each of the fiscal years ending September 30, 1986, and September 30, 1987" and inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1986, $60,000,000 for the fiscal year ending September 30, 1987, and $70,000,000 for the fiscal year ending September 30, 1988".

SEC. 813. CONTINUATION OF TEFAP.

(a) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) CONFORMING AMENDMENT.—Section 210(c) of such Act is amended by striking out "beginning October 1, 1983, and ending September 30, 1987" and inserting in lieu thereof "ending on the date specified in section 212".

PART C—EFFECTIVE DATE

SEC. 821. EFFECTIVE DATE.

Except as provided in section 805, the amendments made by this title shall become effective and be implemented as soon as the Secretary determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

TITLE IX—HOMELESS VETERANS

SECTION 901. SHORT TITLE.

This title may be cited as the "Homeless Veterans' Assistance Act of 1987".

SEC. 902. AUTHORITY TO MAKE CERTAIN PROPERTIES AVAILABLE FOR SHELTERS.

(a) IN GENERAL.—The Administrator, within the limits of available appropriations, is authorized under this section to carry out during fiscal years 1987, 1988, and 1989 a program to assist homeless veterans and their families to acquire shelter by entering into agreements, described in subsection (b) with any organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code, or any other governmental, public, or nonprofit private institution, organization, corporation, or other entity, especially any such entity working on behalf of homeless individuals, for the purpose of such entity providing shelter primarily for homeless veterans and their families.

(b) AGREEMENTS TO SELL OR LEASE.—(1) Agreements authorized by subsection (a) are agreements pursuant to which the Administrator would, subject to paragraphs (2) and (3) of this subsection and to subsection (d)—

(A) sell to an entity described in subsection (a), for such consideration as the Administrator determines is in the best interests of the United States Government, the Veterans' Administration loan guaranty program, and the short- and long-term solvency of the Loan Guaranty Revolving Fund, real property acquired by the Administrator as the result of a default on a loan made or guaranteed under chapter 37 of title 38, United States Code; or

(B) lease, for a fixed period of time, or otherwise temporarily make available to such an entity underutilized facilities (other than properties so acquired as the result of such a default) under the jurisdiction of the Administrator that would be suitable for providing emergency shelter.

(2) The Administrator may enter into an agreement under paragraph (1) only if the Administrator determines that such an action will not adversely affect the Veterans' Administration's ability to fulfill its statutory missions or to carry out other functions and administer other programs authorized by law.

(3) The Administrator may enter into an agreement under paragraph (1)(A) only if—

(A) the entity to which the property is to be sold demonstrates, to the satisfaction of the Administrator, an intention to (i) utilize the property solely as a shelter primarily for homeless veterans and their families, (ii) to comply with all zoning laws relating to the property, and (iii) to make no use of the property that is not compatible with the area where the property is located;

(B) the Administrator determines that there is no likelihood of the property being sold for a price sufficient to reduce the liability to the Veterans' Administration of the veteran who had defaulted on the loan guaranteed under chapter 37 of title 38, United States Code; and

(C) the buyer satisfies other terms and conditions established pursuant to subsection (d).

(4) The Administrator, through means selected by the Administrator, shall provide appropriate entities described in subsection (a) which are involved in working on the problems of homelessness and homeless veterans with notice of the potential availability for sale or lease to such entities of appropriate properties under paragraph (1).

(c) PREFERENCE FOR CERTAIN ENTITIES.—In selecting entities with which to enter into agreements under subsection (a), the Administrator shall accord preference to entities which—

(1) have a demonstrated commitment to working with and on behalf of homeless individuals;

(2)(A) have a demonstrated ability to establish, operate, and maintain shelters for homeless individuals, or (B) are named in, or approved by the Administrator under, section 3402 of title 38, United States Code;

(3) have a plan for utilizing the voluntary services of homeless individuals, or others, to rehabilitate and repair such property as necessary in order to improve its habitability; and

(4) have a plan for utilizing the volunteer assistance of Veterans' Administration employees, members of veterans' service organizations, homeless individuals, or others in the establishment, operation, and maintenance of the shelter established pursuant to such an agreement.

(d) TERMS AND CONDITIONS OF INSTRUMENTS.—Any agreement, deed, or other instrument executed by the Administrator under subsection (a) shall be on such terms and conditions as the Administrator deter-

mines to be appropriate and necessary to carry out the purpose of such agreement.

(e) Inventory of Underutilized Facilities.—(1)(A) Not later than thirty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall evaluate all real properties described in subparagraph (B) in order to determine which such properties are appropriate to offer for sale under subsection (b)(1)(A).

(B) Properties referred to in subparagraph (A) are those which (i) are located in geographic areas in which there are significant numbers of homeless veterans, and (ii) are being held by the Administrator after having been acquired by the Administrator at least twelve months previously as the result of defaults on loans made or guaranteed under chapter 37 of title 38, United States Code.

(2) Not later than one hundred and eighty days after the date of the enactment of this Act and periodically thereafter, the Administrator shall complete an inventory of all underutilized facilities which are under the jurisdiction of the Administrator and which are located in geographic areas in which there are significant numbers of homeless veterans in order to determine which such facilities could be suitable to offer for lease under subsection (b)(1)(B).

(f) Reports.—(1) Not later than February 1, 1988, the Administrator shall submit to the Committees a report—

(A) on the results of the evaluations and inventory conducted under subsection (e);

(B) on the activities carried out by the Administrator under subsection (b)(4);

(C) on real property sold under subsection (b)(1)(A), including for each such property information as to the price for which the Veterans' Administration acquired the property, the costs incurred by the Veterans' Administration in maintaining the property thereafter, the name of the buyer, and the price paid by the buyer; and

(D) on the leasing of facilities under subsection (b)(1)(B).

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under this section and shall include in the report (A) information updating the information required to be provided in the report under paragraph (1), and (B) such recommendations (and the reasons therefor) as the Administrator considers appropriate as to whether the program carried out under this section should be extended and any recommendation for legislation that the Administrator considers appropriate to include in the report.

SEC. 903. PILOT PROGRAM OF ACTIVITIES TO ASSIST HOMELESS VETERANS.

In order to enhance the Veterans' Administration's ability to assist homeless veterans and their families and to evaluate the effectiveness of various activities in that regard, the Administrator shall, within the limits of available appropriations and as provided for in this section, conduct a pilot program and study for a period of not less than twenty-four months in not less than ten geographic areas in which there are significant numbers of homeless veterans. In the course of such pilot program and study, the Administrator shall undertake and evaluate various activities otherwise authorized by law as well as activities—

(1) to designate individuals at Veterans' Administration facilities to coordinate official and volunteer efforts designed to assist homeless veterans and their families;

(2) to authorize Veterans' Administration employees to seek out and cooperate with other entities providing counseling, job training, rehabilitation, and assistance in obtaining shelter to homeless individuals; and

(3)(A) to facilitate (by adjusting, consistent with supervisors' determinations regarding employees' assigned responsibilities, duty hours and meal breaks) the efforts of Veterans' Administration employees who wish to assist, on a volunteer basis, (i) homeless veterans and their families in acquiring necessities, such as shelter, food, and health care, and rehabilitation services, training, and employment, or (ii) in any other charitable activity approved by the Office of Personnel Management pursuant to section 2 of Executive Order 12353 of March 23, 1982 (and the implementing regulations in 5 CFR Part 950), or by the Administrator for the purposes of this clause, and (B) to use, for the purpose of assisting homeless veterans and their families in acquiring such necessities, rehabilitation services, training, and employment, Veterans' Administration resources and facilities, not otherwise employed, where the cost to the Federal Government would be nominal.

SEC. 904. OUTREACH SERVICES PROGRAM.

Not later than ninety days after the date of the enactment of this Act, the Administrator, within the limits of available appropriations, shall submit to the Committees a report setting forth—

(1) a description of all efforts undertaken in fiscal year 1987 under subchapter IV of chapter 3 of title 38, United States Code, to provide outreach services to homeless veterans to assist them in applying for and obtaining benefits and services for which they are eligible under laws administered by the Veterans' Administration or under other laws by virtue of their veteran status;

(2) any information available on the increased utilization of such benefits and services by such veterans as a result of the efforts described in clause (1) to assist them in securing necessities, such as shelter, food, and health care, rehabilitation services, training, and employment, together with a description of all follow-through activities related to such outreach services; and

(3) a description of, and a timetable for, any plans to expand such outreach efforts (including necessary training of outreach personnel) and follow-through activities, together with an estimate of the additional resources needed for such expanded efforts.

SEC. 905. SURVEY OF HOMELESS VETERANS.

(a) Conduct of Survey.—Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator, in coordination with any Federal entity established to coordinate programs to assist homeless individuals, and, as appropriate, in conjunction with efforts carried out under sections 902, 903, 904, and 906 and within the limits of available appropriations, shall (1) conduct a survey (through representative samplings in appropriate geographic areas) to determine (A) the extent to which veterans are represented in the population of homeless individuals, and (B) the information described in subsection (b), and (2) submit to the Committees a report on the results of such survey.

(b) Report.—The report required by subsection (a) shall include, to the maximum extent feasible, estimates of—

(1) the number of veterans, both as an absolute number and as a percentage, in the population of homeless individuals and the numbers of family members accompanying such veterans;

(2) a breakdown showing the periods of service of such veterans and subgroupings of such veterans, including those with families, those with chronic mental illness disabilities, and those with substance abuse disabilities;

(3) the numbers of such veterans who, during fiscal years 1987 and 1988, received or will receive benefits and services under laws administered by the Veterans' Administration or the Department of Labor, with specific breakdowns showing the numbers who received or will receive (A) health-care services under chapter 17 of title 38, United States Code, (B) compensation under chapter 11 of such title, (C) pension under chapter 15 of such title, (D) vocational, educational, and training assistance under such title or the Veterans' Job Training Act (29 U.S.C. 721 note), or (E) job training, counseling, referral, or other vocational assistance under programs carried out or supported by the Department of Labor; and

(4)(A) the numbers of such veterans who, if they were to apply, would likely be eligible for benefits and services under laws administered by the Veterans' Administration or (by virtue of their veteran status) the Department of Labor but who are not receiving such benefits and services, with a breakdown estimating the numbers who would likely be eligible for each of the benefits and services described in subclauses (A), (B), (C), (D), and (E) of clause (3), and (B) a description of the reasons why such veterans are not receiving such benefits and services.

(c) Not later than thirty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees an implementation plan and timetable for collecting the information needed for the report required by subsection (a).

SEC. 906. CHRONICALLY MENTALLY ILL VETERANS.

(a) Report on Institutional Care Furnished Mentally Ill Veterans.—Section 235 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting the following new subsection (b):

"(b) The report required under subsection (a) shall also include information on the number of veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator in each of fiscal years 1984, 1985, and 1986, broken down by the type of care furnished, as well as an estimate of the number of such veterans being furnished such care in fiscal year 1987, together with the Administrator's analysis of the basis for any change in the numbers of such veterans being furnished any type of such care during the period beginning with fiscal year 1984 and ending with fiscal year 1987, with particular emphasis on the impact of the implementation by the Veterans' Administration of a resource allocation methodology on the numbers of such veterans being furnished any type of such care and the duration of the care furnished.".

(b) Pilot Program of Contract Community-Based Residential Care.—(1) During the period beginning on the date of the enactment of this Act and ending on September 30, 1989, the Administrator shall conduct a pilot program, utilizing the authority in section 620C of title 38, United States Code (as added by section 2(a) of Public Law 100-6), to provide care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities.

(2) Not later than February 1, 1989, the Administrator shall submit to the Committees a report on the experience under the pilot program prior to October 1, 1988, and the recommendation of the Administrator (and reasons therefor) as to whether the pilot program should be continued.

(3) In carrying out the pilot program provided for in this subsection, the Administrator may not expend more than $5,000,000 in fiscal year 1987, nor more than $10,000,000 in each of fiscal years 1988 and 1989.

(c) Continuation of Contract Community-Based Psychiatric Residential Care Authority.—Section 2(c) of Public Law 100-6 is amended by inserting "in fiscal year 1987" after "limited".

(d) Expansion of Contract Community-Based Psychiatric Residential Care Eligibility.—Section 602C of title 38, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by redesignating clauses (A), (B), and (C) as clauses (B), (C), and (D), respectively; and

(B) by inserting a new clause (A) as follows:

"(A) has a chronic mental illness disability rated as service-connected;";

(C) amending clause (C) (as redesignated by clause (1)(A) of this subsection) by striking out "homeless" and inserting in lieu thereof "a homeless individual"; and

(2) by adding at the end of subsection (a) the following new paragraph:

"(4) The term 'homeless individual' means an individual who lacks a fixed and adequate nighttime residence and includes an individual whose primary residence is in a publicly- or privately-operated shelter which provides temporary shelter.".

SEC. 907. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) Definitions.—Section 3 of the Veterans' Job Training Act, Public Law 98-77 (29 U.S.C. 1721 note) is amended by adding at the end the following new paragraph:

"(4) The term 'homeless individual' has the meaning given that term in section 620C(a)(4) of title 38, United States Code.".

(b) Expansion of Eligibility.—Section 5(a)(1) of such Act is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking out the period at the end of subclause (i), as redesignated by clause (1) of this subsection, and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new subclause:

"(ii) is (I) a veteran with a service-connected disability rated at 30 per centum or more, or (II) a homeless individual.".

(c) Authorization of Appropriations.—Section 16 of such Act is amended—

(1) by striking out "$65,000,000 for fiscal year 1986" and inserting in lieu thereof "a total of $65,000,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

(d) Extension of Termination Dates.—Section 17(a) of such Act is amended—

(1) in clause (1), by striking out "January 31, 1987" and inserting in lieu thereof "December 31, 1987"; and

(2) in clause (2), by striking out "July 31, 1987" and inserting in lieu thereof "June 30, 1988".

SEC. 908. CONVERSION OF UNDERUTILIZED SPACE TO DOMICILIARY-CARE BEDS.

(a) In General.—(1) Subject to subsection (b) and within the limits of available appropriations, not later than January 1, 1988, the Administrator shall, in urban areas in which there are significant numbers of homeless veterans, convert underutilized space located in facilities under the jurisdiction of the Administrator to five hundred domiciliary-care beds to be used for the care of veterans in need of domiciliary care, primarily homeless veterans.

(2) If the Administrator determines that it is impractical to undertake the conversions required in paragraph (1) to the extent therein required—

(A) because appropriate space for the conversions is not available in sufficient quantity, or

(B) because in areas in which there is sufficient space the numbers of homeless veterans in need of domiciliary care who would likely utilize the beds are not sufficient to warrant the conversions,

the Administrator shall carry out paragraph (1) only to the extent that the Administrator has not determined that it is impractical to do so.

(b) Prohibition Against Diminution of Certain Other Conversions.—Nothing in this section shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

SEC. 909. DEFINITIONS.

As used in this title:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Committees" means the Committees on Veterans' Affairs of the Senate and House of Representatives.

(3) The term "homeless individual" has the meaning given that term in section 620C(a)(4) of title 38, United States Code.

(4) The term "veteran" has the meaning given that term in section 101(2) of title 38, United States Code.

(5) The term "homeless veteran" means a veteran who is a homeless individual.

SASSER AMENDMENT NO. 132

(Ordered to lie on the table.)

Mr. SASSER submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill (H.R. 558), supra as follows:

On page 13 strike section 205.

SASSER (AND GLENN) AMENDMENT NO. 133

(Ordered to lie on the table.)

Mr. SASSER (for himself and Mr. Glenn) submitted an amendment intended to be proposed by them to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill (H.R. 558), supra as follows:

Strike sections (a), (b), and (c) of section 204 which appears beginning on page 11 of amendment and insert the following in lieu thereof:

(a) Eligibility.—Section 203 (j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals" after "health centers,".

(b) Requirement for Notification.—Within 90 days after the enactment of this act, the Administrator of General Services shall require each state agency administering a state plan under section 203 (j) of the Federal Property and Administrative Services Act of 1949 to make general, information about available surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals and families.

(c) Costs.—Surplus personal property identified pursuant to this section shall be made available to nonprofit organizations by a state agency distributing such property at (i) A nominal cost to such organization or (ii) At no cost when the Administrator agrees to reimburse the state agency for the costs of care and handling of such property.

DASCHLE AMENDMENT NO. 134

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill (H.R. 558), supra, as follows:

At the end of section 3 of the matter proposed to be inserted, add the following:

(c) The determination of whether an individual is a homeless individual shall be made without regard to whether such individual—

(1) is an Indian, or

(2) is located on an Indian reservation.

HATFIELD AMENDMENT NO. 135

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra, as follows:

Section 321, 322, and 323 of part C, title 3 entitled "Case Management" is deleted.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 136

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. Cranston, Mr. Rockefeller, Mr. Simpson, Mr. Specter, and Mr. DeConcini) submitted an amendment intended to be proposed by them to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra, as follows:

Amend the amendment of Mr. Byrd as follows:

Amend section 708(a)—

(1) by striking out $10,000,000" and inserting in lieu thereof "$12,000,000"; and

(2) by inserting ", of which $2,000,000 shall be available only for the purpose of carrying out section 707A" after "title".

Amend title VII by inserting after section 707 the following new section:

"SEC. 707A. HOMELESS VETERANS' REINTEGRATION PROJECTS.

"(a) General Authority.—The Secretary, using funds appropriated and made available for the purpose of carrying out this section, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force. Notwithstanding any other provision of law, the amount so appropriated shall be available for distribution in such manner as the Assistant Secretary of Labor for Veterans' Employment and Training considers appropriate and shall remain available until expended.

"(B) Authority to Monitor the Expenditure of Fund.—The Secretary of Labor is authorized to obtain such information as the Secretary considers appropriate to enable the Secretary to monitor and evaluate the distribution and expenditure of funds appropriated pursuant to the authorization contained in subsection (a). Such information shall be furnished to the Secretary in such form as the Secretary considers appropriate for the purpose of this subsection.

"(C) Administration Through the Assistant Secretary of Labor for Veterans' Employment and Training.—The Secretary of Labor shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(D) Definition.—As used in this section, the term 'homeless veteran' means a homeless individual who is a veteran within the meaning of section 101(2) of title 38, United States Code.".

HARKIN AMENDMENT NO. 137

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra, as follows:

At the appropriate place, insert the following new section:

SEC. —. ADJUSTMENT OF FOOD STAMP DEDUCTIONS.

(a) Standard Deduction.—Effective October 1, 1987, the second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (3) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: "and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30."

(b) Excess Shelter Expense Deduction.—

(1) In general.—Effective October 1, 1987, the proviso of clause (2) of the fourth sentence of section 5(e) of such Act is amended by striking out "on October 1, 1986" and all that follows through the end of the sentence and inserting in lieu thereof the following: "(A) on October 1, 1987, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the 24 months ending the preceding June 30, and (C) on Octobr 1, 1988, and each October 1 thereafter, to the nearest lower dollar increment to reflect such changes for the 12 months ending the preceding June 30.".

(2) Application.—The amendment made by paragraph (1) shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to a household for a certification period beginning before October 1, 1987.

(C) The authorization of appropriations for food storage and distribution costs under TEFAP shall be

(1) $53,000,000 for fiscal year 1987, and

(2) $65,000,000 for fiscal year 1988.

WALLOP (AND OTHERS) AMENDMENT NO. 138

Mr. WALLOP (for himself, Mr. Dole, Mr. Helms, Mr. McClure, Mr. Armstrong, Mr. Wilson, Mr. Symms, Mr. Hecht, Mr. Humphrey and Mr. Thurmond) proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the end of the amendment No. 90 add the following:

Since the Soviet Union has totally compromised the security of our Embassy in Moscow and possibly in other Eastern Bloc nations;

Since the Secretary of State is currently scheduled to travel to Moscow to meet with the Soviet Foreign Minister; and

Since this is not a summit meeting of the heads of State and can be either postponed or have a change of venue to a locale where secure facilities for internal and external communication exist; and

Since a postponement or change of venue could occur without any serious repercussions for U.S.-Soviet relations; and

Since any discussions between the Secretary of State and the Soviet Foreign Minister will necessarily entail classified and sensitive communications between American officials in Moscow and between the Secretary's delegation and Washington; and

Since the meeting will include, among other things, discussions on arms control matters that require the highest level of security to protect U.S. negotiating positions and strategy;

Be it therefore declared, That it is the Sense of the Senate that:

1. The Secretary of State should not meet with the Soviet Foreign Minister in Moscow unless and until a thorough examination of the security situation in Moscow has been made and the facilities there, such as they are, are determined to be secure;

2. Unless such a determination can be made prior to April 13, in the interest of establishing confidence in and facilitating the meeting between the Secretary of State and the Soviet Foreign Minister, the U.S. Department of State should seek a change in venue for the upcoming meeting to a location in which the United States can occupy secure facilities.

HATFIELD AMENDMENT NO. 139

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place insert the following:

SEC. . DEMONSTRATION GRANT.

(a) Authorization.—The Secretary of Health and Human Services is authorized to make demonstration grants to a qualified applicant for a special research project to study the underlying causes of youth homelessness.

(b) Funding.—The Secretary of Health and Human Services shall make available not to exceed $50,000 of the funds appropriated under Section 426 of the Social Security Act for fiscal year 1987 for the purpose of making a grant under this section.

HELMS AMENDMENT NO. 140

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place in the pending substitute amendment, add the following:

"SEC. . REPEAL OF D.C. LAW 6-170.

"Notwithstanding any other provision of law, the Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170)—

"(1) is hereby repealed; and

"(2) shall be null and void effective from June 6, 1986.".

HATFIELD AMENDMENT NO. 141

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

Part C of Title III of amendment No. 90, entitled "Case Management," is deleted and the following new Part C is hereby added:

Part C—Emergency Community Services Homeless Grant Program

Sec. 321. Program Authorized.—There are authorized to be appropriated for the Emergency Community Services Homeless Grant Program, to be carried out by the Office of Community Services of the Department of Health and Human Services, $20,000,000 for fiscal year 1987 and $20,000,000 for fiscal year 1988. These funds shall remain available until fully expended.

Sec. 322. Purposes of Grants.—The purposes for which funds awarded under this part must be used are: the expansion of comprehensive services to the homeless to provide follow-up and long-term services to enable the homeless to make the transition out of poverty, the provision of assistance in obtaining social and maintenance services and income support services for the homeless, and to promote private sector and other assistance to the homeless.

(a) Allocation of Funds.—From funds provided under this part, the Secretary of Health and Human Services shall make grants to State agencies that also administer the Community Services Block Grant ("CSBG") Act, 42 U.S.C. § 9901 et seq. The Secretary shall allocate emergency community services homeless grant program funds to the States in accordance with the formula set forth in section 674(a)(1) of the CSBG Act [42 U.S.C. § 9903(a)(1)]; *Provided* that if a State does not apply for such funds or does not submit an approvable application, the Secretary shall use the funds to make grants directly to agencies and organizations in that State in accordance with the criteria set forth in subparagraph (2)(b) below.

(b) Application and Assurances Required.—In order to receive an emergency community services homeless grant, a State agency must:

(1) submit an application to the Secretary in the form and at such time as the Secretary may require, describing the agencies and organizations as well as the activities that the State agency intends to support with emergency community services homeless grant program funds;

(2) assure that it will award all of the grant funds it receives to (i) community action agencies which are eligible to receive funds under § 675(c)(2)(A) of the CSBG Act [42 U.S.C. § 9904(c)(2)(A)]; (ii) organizations serving migrant and seasonal farmworkers, *Provided* that not less than 90% of the funds received shall be awarded to those agencies and organizations which, as of January 1, 1987, are providing services to meet the critically urgent needs of the homeless; and (iii) any organization to which a State that applied for and received a waiver from the Secretary of Health and Human Services under Public Law 98-139 made a grant under the CSBG Act for fiscal year 1984.

(3) assure that emergency community services homeless grant funds are not used to supplant other programs for the homeless administered by the State;

(4) assure that no emergency community services homeless grant funds will be used to defray State agency administrative costs.

HARKIN (AND BOSCHWITZ) AMENDMENT NO. 142

Mr. HARKIN (for himself and Mr. Boschwitz) proposed an amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. ADJUSTMENT OF FOOD STAMPS DEDUCTIONS.

(a) Standard Deduction.—Effective October 1, 1987, the second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2104(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (3) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: "and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30".

(b) Excess Shelter Expense Deduction.—

(1) In general.—Effective October 1, 1987, the proviso of clause (2) of the fourth sentence of section 5(e) of such Act is amended by striking out "on October 1, 1986" and all that follows through the end of the sentence and inserting in lieu thereof the following: "(A) on October 1, 1987, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the 24 months ending the preceding June 30, and (C) on October 1, 1988, and each October 1 thereafter, to the nearest lower dollar increment to reflect such changes for the 12 months ending the preceding June 30.".

(2) Application.—The amendment made by paragraph (1) shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to a household for a certification period beginning before October 1, 1987.

(c) The authorization of appropriations for food storage and distribution costs under TEFAP shall be

(1) $53,000,000 for fiscal year 1987 and

(2) $65,000,000 for fiscal year 1988.

NICKLES AMENDMENT NO. 143

(Ordered to lie on the table.)

Mr. NICKLES proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill (H.R. 558), supra; as follows:

At the end, add the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. APPLICABILITY OF THE DAVIS-BACON ACT AND ANY OTHER SIMILAR PROVISION OF FEDERAL LAW.

Notwithstanding any other provision of law, the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, and any other similar provision of Federal law shall not be required with respect to any homeless individual employed in connection with a project constructed, improved, or otherwise assisted under the provisions of this Act or any amendment made by this Act.

GRAMM (AND DOLE) AMENDMENT NO. 144

Mr. GRAMM (for himself and Mr. Dole) proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the end of the proposed section 104 in Title I of the pending amendment No. 90, add the following:

"(d) Access to books and records.—Each recipient of financial assistance under this Act shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(A) For the purpose of assuring accountability with respect to assistance provided under this Act or any amendment made by this Act, the Council and any agency the head of which is a member of the Council shall have access to the books and records of any grantee or recipient, other than a homeless individual, of assistance under this Act or any such amendment and that such books and records shall be available for public inspection and copying.

(B) Authority of the Comptroller General.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the recipients for such purposes.

DASCHLE AMENDMENT NO. 145

Mr. DASCHLE proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the end, add the following:

TITLE X—GENERAL PROVISIONS

SEC. 1001. SET-ASIDES FOR NATIVE AMERICANS.

(a) In General.—None of the funds authorized by this law shall be expended unless—

(1) 1.50 percent of all funds provided to each program by reason of titles III, IV, V, and VII of this Act shall be allocated to Indian tribes,

(2) The term "Indian tribe" means any tribe, band, nation, or other organized group of community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians.

HATFIELD AMENDMENT NO. 146

Mr. HATFIELD proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

At the appropriate place in the amendment insert the following:

SEC. . DEMONSTRATION GRANT.

(a) Authorization.—The Secretary of Health and Human Services is authorized to make demonstration grants to a qualified applicant for a special research project to study the underlying cause of youth homelessness.

(b) Funding.—The Secretary of Health and Human Services shall make available not to exceed $50,000 of the funds appropriated under Section 426 of the Social Security Act for fiscal year 1987 for the purpose of making a grant under this section.

KENNEDY (AND HATCH) AMENDMENT NO. 147

Mr. CRANSTON (for Mr. Kennedy, for himself and Mr. Hatch) proposed an amendment to amendment No. 90 (in the nature of a substitute) proposed by Mr. Byrd (and Mr. Dole) to the bill H.R. 558, supra; as follows:

On page 52 of the pending amendment strike out section 531 and insert in lieu thereof the following:

SEC. 531 PROVISION OF SERVICES FOR HOMELESS INDIVIDUALS UNDER THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT.

(a) Increased Authorization of Appropriations.—Section 1911 of the Public Health Service Act is amended by striking out "$576,000,000" and inserting in lieu thereof "$596,000,000".

(b) Use of Amounts for Homeless Individuals Who Are Substance Abusers.—Section 1916(c) of such Act is amended—

(1) by inserting after paragraph (15) the following new paragraph:

"(16) The State agrees—

"(A) to use, for the provision of prevention, treatment, and rehabilitation services for homeless individuals who are alcoholics, alcohol abusers, or drug abusers, an amount (from the amount allotted to the State under section 1913 for fiscal year 1987) that is not less than the amount which bears the same ratio to such allotted amount as the amount equal to the difference between the total amount appropriated under section 1911 for such fiscal year minus $509,800,000 bears to such total appropriated amount; and

"(B) that the service described in subparagraph (A) will be provided by alcohol abuse and drug abuse treatment programs."; and

(2) by inserting after the last sentence the following new sentence: "For purposes of paragraph (16), the term 'homeless individual' has the same meaning as in section 3 of the Urgent Regent Relief for the Homeless Act.".

(c) Exception to Restriction on the Provision of Inpatient Services.—Section 1915(b) of such Act is amended by adding at the end thereof the following new sentence: "Paragraph (1) does not apply to services provided under section 1916(c)(16).".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will continue to hold hearings on the economic problems of rural communities on Thursday, April 23, 1987, at 10 a.m., in room SR-332. For further information, please contact Leslie Dach of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 9, 1987, at 2 p.m. to resume closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 9, 1987, at 2 p.m. to hold a hearing on drug testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 9, 1987, at 9:30 a.m. to hold a hearing on S. 558, Fair Housing Amendment Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 9, 1987, at 2 p.m. to conduct a hearing on "Reauthorization of the National Science Foundation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 9, 1987, at 9 a.m. to hold hearings on S. 908, the Inspector General Act Amendments of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 9, 1987, to hold a business meeting and markup of S. 727, a bill to clarify Indian treaties and Executive orders with respect to fishing rights and S. 795, to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, CA; and for other purposes, and to hold an oversight hearing on Indian economic development conditions in Indian country.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on April 9, beginning at 9:30 a.m., to hold a hearing on potential additional controls on mobile sources under the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on April 9, 1987, at 9:30 a.m. to receive testimony on SDI from expert witnesses outside Government in review of S. 864, the fiscal years 1988 and 1989 Department of Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet during the session of the Senate on April 9, 1987, at 2:30 p.m. to review Department of Defense implementation of recent changes in acquisition policy

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Thursday, April 9, 1987, at 10 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Research and Development of the Committee on Energy and National Resources be authorized to meet during the session of the Senate on Thursday, April 9, 1987, at 9:30 a.m. to resume oversight hearings concerning the Clean Coal Technology Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FREE THE ELBERTS, NOW

● Mr. FOWLER. Mr. President, I rise to say a few words on behalf of Soviet refusenik Lev Elbert, his wife Inna and their son Karmi.

Since March 5, Lev Elbert has been conducting a hunger strike in an effort to obtain permission to emigrate to Israel for himself and his family. Lev and Inna have desired to leave the Soviet Union since they first unsuccessfully applied for exit visas in 1976. Since that time, they have endured many hardships as a result of their efforts to emigrate. They were again unjustly denied permission to emigrate earlier this year.

It is my understanding that one of the reasons that has been given at various times for denying the Elberts permission to emigrate is secrecy. The secrecy premise is based on the allegation that at one time Lev had access to classified information during his army service. In fact, Lev was in a private construction battalion engaged in building a swimming pool. At no time during his service was he privy to classified information, nor had he ever required a security clearance.

In addition, Inna's mother and brother live in Israel. Even the recent Soviet regulations on emigration recognized the right of emigration in cases of first-degree family reunification.

Many Members of Congress, including myself, have let Soviet officials know of their concern about the Elberts' plight. Earlier, this year I sent a telegram to Soviet Minister Ryzhkov urging him to reconsider the rejection of Mr. Elbert's request for an exit visa. On March 26, I wrote to Andrei Gromyko, Chairman of the Presidium of the Supreme Soviet, requesting that he intervene on behalf of Lev Elbert and his family. Tragically, Soviet officials have yet to respond in a positive manner. In light of the previously mentioned hunger strike, it is now particularly urgent that the Soviets immediately grant the Elberts exit visas.

Mr. President, if all the talk we hear about Glasnost is to have any real meaning, then Soviet officials must grant the Elberts permission to emigrate. They must restore to the Elberts their right to emigrate as agreed to by the Soviet Union in various international agreements including the Helsinki accords.

PRESIDENTIAL COMMISSION ON AIDS

● Mr. D'AMATO. Mr. President, last Friday I joined our distinguished Republican Leader, Mr. DOLE, in sponsoring Senate Resolution 184, urging the President to establish a Presidential Commission on Acquired Immune Deficiency Syndrome. I commend the distinguished leader for his commitment to fighting the spread of AIDS, and I encourage my colleagues to join me in supporting this resolution.

President Reagan was correct in declaring AIDS "Public Health Enemy No. 1." First identified in 1981, the occurrence of AIDS has grown geometrically and has affected all segments of our society. It is not the problem of only one segment or another of society, but of us all. It is no overstatement to say that AIDS is an epidemic.

As of March 30, the centers for Disease Control estimate 33,482 total AIDS cases in the United States with the number of cases doubling every year, it is projected that by 1991, the total will have exceeded 270,000.

Approximately one-third of all AIDS patients live in New York. According to the Centers for Disease Control, New York City has 9,370 reported cases of AIDS, the largest concentration of individuals with AIDS in the United States. Over one-third of these cases are related to IV-drug use. It is estimated that 60 percent of all IV drug users in New York City are infected with the AIDS virus.

We need a well-thought-out and all-encompassing approach to the spread of AIDS. I support the concept of an expert AIDS Commission to oversee and coordinate the nationwide effort to combat this disease. Last February I cosponsored legislation to establish a congressional advisory panel on AIDS.

Adoption of the Dole resolution lends further support to this concept by calling upon the President to establish a Presidential Commission on AIDS. Such a Commission would include representatives from all levels of Government, the health care industry, labor, the academic and religious communities, the insurance and pharmaceutical industries, and other concerned groups. The Commission would examine a wide range of issues related to AIDS, and would assist Congress and the President in establishing priorities to more effectively deal with the problem of AIDS.

As this Nation struggles to overcome the devastating problem of AIDS, a Presidential commission will likely prove a valuable source of guidance and coordination for our efforts. Most important, passage of this resolution will signify congressional recognition of the frightening magnitude of the threat—and the determination to act to confront it. I urge my colleagues to join me in supporting this important resolution.

A TRIBUTE TO THE UNLV RUNNING REBELS

● Mr. REID. Freddie Banks, Jarvis Basnight, Stacey Cvijanovich, Armon Gilliam, Gary Graham, Eldridge Hudson, Gerald Paddio, Richard Robinson, Leon Symansky, Mark Wade, Lawrence West, and David Willard.

No words can express the love and solemn pride we feel in the fine young men who came up the 1986-87 Running Rebels basketball team at the University of Nevada, Las Vegas. Their achievements, both individually and as a team have never been equalled.

Tim Grgurich, Mark Warkentien, and Ralph Readout.

How can Nevadans express the deep affection and honor in which we hold these men who brought out the best in that fine young team? The wisdom, coaching skills, and humanity they exhibited in working with youths, and making them grow into men is a shining example of all that is best about coaching.

JERRY TARKANIAN

Jerry Tarkanian is basketball in Nevada. I could say that he has the best winning record in college basketball in the country. I could point out that the Running Rebels this year won more games than any other college team. Those are the facts, and they are greatly to his credit.

I think, though, that Jerry would rather have me say this. He is a man who takes boys without hope and gives them a chance. He is a man whose team is graduating this year including an academic All-American. He is a man who loves his team, and is truly loved by all of them. Jerry Tarkanian is a coach, in sport, in school, and in life.

I started by saying that no words could express the pride we Nevadans feel in our team which went to the final hour. Rather than trying to put that pride in words, let me just say to each of them, the team and the coaches, thanks to each of you from every Nevadan.●

RECENT DEVELOPMENTS INVOLVING SUPERCONDUCTORS

● Mr. DURENBERGER. Mr. President, research laboratories around the

Nation continue to make significant breakthroughs in the rapidly developing technology of superconductivity. Just this week, Bell Laboratories and the Argonne National Laboratory announced separately that they had fabricated the first flexible superconducting current-carrying wires. This is an important step that may ultimately lead to the restructuring of this Nation's entire electric generating grid.

As superconductivity breakthroughs continue to occur in the Nation's laboratories, we will soon reach the point where superconducting materials will become a part of everyday life. The question is whether America will be the world leader in this important technology, or whether we will have to turn to Japan and West Germany for the latest state-of-the-art commercial superconductors.

I believe it is imperative for this Nation's economic and military security that we better coordinate our research efforts on superconductors and give serious consideration to allowing joint research and production of enhanced superconductors. That is why I have introduced legislation—S. 880—which would establish a Presidential Commission on Commercial and National Defense Application of Superconductors.

Mr. President, an article in today's New York Times, entitled "New Superconductors Offer Chance To Do the Impossible," identifies several important markets that will be affected by enhanced superconductors. Today's Time also contains a letter from Francis C. Moon, chairman of the Department of Theoretical and Applied Mechanics at Cornell University, which points out how West Germany and Japan have already taken the lead in developing magnetic-levitation trains which utilize superconducting magnets.

I ask that the Times article and the letter from Francis Moon, published in the Times, be printed in the Record.

The article and letter follow:

[From the New York Times, Apr. 9, 1987]

New Superconductors Offer Chance To Do the Impossible

(By James Gleick)

American industry is embarking on a frantic competition to turn a few gray-black chunks of ceramic into impossibly efficient electric transmission lines, impossibly small computers and impossibly fast levitating trains.

The discovery of a new class of superconductors—materials capable of carrying electric current without the resistance that ordinarily wastes energy in the form of heat—has opened the door to a host of futuristic applications.

The result, according to many Government and industry officials, appears to be a dramatic hastening of the usual process of bringing a new technology from the laboratory to the marketplace. In industries ranging from computers to electric power, companies are acutely aware not only of domestic competition but also of a strong national effort under way in Japan.

PROCESSES SEEN ACCELERATING

"All of the processes are being accelerated," said Paul Fleury of AT&T Bell Laboratories, one of the industrial research centers at the forefront of superconductivity work. "We're considering questions related to technology in a much earlier time than I've ever heard of."

The most optimistic predictions suggest that large-scale applications of the new materials will take years to develop. But even as theoretical physicists struggle to understand the materials and improve their current-carrying qualities, engineers have already begun to make rapid progress on the first essential production problems. They are taking the brittle pieces of ceramic that caused the first excitement and turning them into usable shapes: the wires and thin films on which every practical application will depend.

Bell Laboratories and Argonne National Laboratory in Illinois announced separately this week that they had fabricated the first flexible, current-carrying wires of the material; Bell said it expected its process to be commercially viable. Several other research centers have turned the superconducting material into thin film that could be used to paint electronic circuits on a chip.

The research has a staggering potential for transforming both science and the technology of everyday life. So companies have begun looking for ways to shorten the customary road from a scientific discovery to a commercial technology—from research to development to production.

"The funding agencies are going, to put it mildly, bananas," said Paul Richards, a physicist at the University of California at Berkeley, "and there is a lot of pressure on the materials people to move quickly." Dr. Richards has studied several of the possible applications, including high-speed trains that would float in the grip of superconducting magnets.

Some officials are seeking a coordinated national effort. Legislation has been introduced in Congress to establish a new Commission on Commercial and National Defense Applications of Superconductors. Senator David Durenberger, Republican of Minnesota, cited "the extraordinary challenge to America's economic leadership" posed by the effort announced last month by Japan's Ministry of Trade and Industry.

IT MAY SPAWN A WHOLE INDUSTRY

"Genuine scientific breakthroughs occur only rarely," said Alan Schriesheim, director of Argonne National Laboratory, who recommended such a program in Congressional testimony. "This is a breakthrough of such a magnitude, like the laser or the transistor, that it may spawn a whole industry or series of industries."

For those planning applications, superconductivity has two advantages over semiconductors and lasers, which took decades to fulfill their strong initial promise.

One advantage is that the new materials are ceramics. A fast-growing industry has already solved many of the problems of manufacturing ceramics on a large scale for a variety of special purposes, from extremely hard drill bits to electronic devices.

The other advantage is that superconductivity itself has been familiar to technologists since the 1960's when practical materials were found that became superconducting in extremely cold temperatures, near absolute zero. Superconductors are already a multibillion-dollar business, and engineers are familiar with many of their peculiar qualities.

"We know a lot about superconducting technology, much more than we did in 1960," said John Hulme of Westinghouse, one of the leaders in the industry. "So we don't have to take 15 years."

In the past, the expense of maintaining such low temperatures has confined superconductors to special applications, such as the magnetic resonance imaging machines used for advanced medical diagnosis. But many other applications have been planned in great detail, even to the stage of building prototypes.

The new superconductors require much less cooling, which means that applications that fell just short of economic feasibility may now leap off the drawing boards. 'There's no problem in getting an existing wedge into technology," said Philip Anderson a Princeton University physicist. "There are already billion-dollar industries out there that can use them."

The most far-reaching consequences of superconductors, however, may be some that have not yet been conceived. "You could make all sorts of frictionless mechanical devices with these magnets," said Richard Greene of the International Business Machines Corporation's Watson Research Center in Yorktown Heights, N.Y. "It's always hard to envision these things. Nobody when they first developed transistors could have imagined what would be happening 20 years down the road."

ELECTRICAL TRANSMISSION THAT SAVES ENERGY

A vast amount of the electricity generated each year—estimates range as high as 15 percent—is wasted in overcoming the resistance of the wires that carry it from place to place. Superconducting transmission lines would mean recapturing that wasted energy.

With the announcement from Argonne, the manufacture of wires already appears to be feasible. Even though the materials are brittle by nature, ceramics engineers know how to draw them out into thin filaments that can be clad in a metal such as copper.

Before transmission lines would become feasible on a large scale, however, engineers must overcome many technical problems, including the most important remaining question about the new materials: How great is their capacity for carrying current? So far the capacity has appeared limited; wires of the materials would be like pipes that are frictionless, but still rather narrow. Many scientists believe the limitations will be overcome as research continues.

Replacing a major part of the nation's electrical infrastructure would take many years and enormous capital investment. But officials say some superconducting transmission lines could come sooner. Utilities now find it difficult to obtain rights of way for overhead high-tension power lines, which carry virtually all electricity that must travel long distances.

"Even out in the countryside where there's only cows you can't get new rights of way," said Dr. Hulme of Westinghouse. "I think the power companies will begin to look at situations where you could carry more power on a given right of way."

Superconducting lines can safely be put underground, carrying far more current for much greater distances than conventional underground cables. Also, they do not heat up. In dense urban centers such as New York, utilities encase their transmission lines in elaborate cooling systems, so they are already equipped to cool superconducting lines.

GENERATORS KEPT AT A DISTANCE

Such transmission lines also open up another possibility. Freed from the need to keep their generators close to their users, utilities could locate nuclear power plants or fields of solar cells far from populated areas.

The only large-scale working prototype—the product of 14 years of engineering—was shut down last year at Brookhaven National Laboratory on Long Island because of Reagan Administration budget cutbacks. It was able to carry staggering amounts of current, the equivalent of an eighth of the electricity used by New York City, in cables contained in a pipe 16 inches across.

STORAGE OF CURRENT WITHOUT LOSING POWER

Roughly half the nation's generating capacity is wasted, because electricity must be generated when it is needed. Superconductors open up the possibility of running generators around the clock and storing huge amounts of power at night, without loss, for use during peak periods.

Passing a current through any conductor creates a magnetic field—the fundamental principle that makes possible electric motors, television picture tubes and much of the rest of modern technology. A large enough coil of superconducting material could store a huge current in the form of a magnetic field.

The potential is "unbelievable," said Ching-Wu Chu of the University of Houston and the National Science Foundation, who made some of the key recent discoveries. "You close the loop and the current should last forever," Dr. Chu said. "Then you just open up the loop and you can tap the current out."

One practical difficulty is that engineers have no experience with magnetic fields on such a scale. Structures would have to be carefully designed and anchored to withstand the forces that would be created.

SMALLER COMPUTERS THAT WORK FASTER

Computer designers have run up against a seemingly insuperable barrier to making better hardware: densely packed circuits produce so much waste heat that they threaten to melt themselves. Today's supercomputers rely on elaborate cooling systems.

But if computers cannot be squeezed into smaller boxes, they cannot run much faster, because their speed is limited by the time it takes a signal to travel across a few inches of wire.

The guts of a computer come in two categories. The work is done by semiconductor switching devices—transistors packed together by the million—and these will not be replaced by superconductors in the near future. But much of the circuitry is ordinary metal that connects the switching devices, and these can be replaced by the new resistance-free, heat-free materials.

Several laboratories have quickly announced processes to lay the superconducting materials on chips in the form of thin films—just a few hundred atoms across. They contend that the major engineering hurdle has thus already been crossed.

TRAINS LEVITATED BY MAGNETIC FIELDS

Most of the excitement aroused by the new materials comes from their ability to remain superconducting at relatively high temperatures. But they have turned out to have a second property as well: the ability to handle far more powerful magnetic fields than the present generation of superconductors.

Put superconducting magnets on the bottom of a train, pull it along a track of ordinary metal, and the physics of magnetism produces a strange effect. The train will levitate, rising, into the air and floating on the magnetic fields.

The idea was analyzed in great detail in the United States a decade ago, but the Department of Transportation lost interest, believing that such trains would not be economically feasible. The Japanese National Railway, meanwhile, concentrating on the Tokyo-Osaka route, went so far as to build a prototype, "large enough to carry politicians around," said Dr. Richards of Berkeley, who served as a consultant on the project.

SPEEDS OF 300 MILES AN HOUR

Engineers at the General Motors Corporation's research laboratory in Warren, Mich., studied magnetic levitation in the past, and they have now begun to re-examine the possibilities. Because they are not subject to friction, levitating trains could travel at 300 miles an hour, smoothly and quietly. The vehicles can be made quite stable, and when they slow down, they would simply descend onto conventional wheels.

"The technical feasibility was certainly there, and it's something that immediately comes to mind when you think about these new superconductors," Dr. Richards said. "It would be much easier to cool the magnets. The quality of insulation, the efficiency of the refrigeration—all these things ease very considerably."

NUCLEAR FUSION AND BEYOND

Scientists have spent 30 years and millions of dollars trying to create a working system of generating electricity by nuclear fusion, long heralded as a "clean" version of nuclear power. Using hydrogen as fuel, rather than uranium, fusion could provide an inexhaustible source of energy—in theory.

In practice, though research continues, progress has been slow. The crucial obstacle has been the problem of efficiently creating magnetic fields powerful enough to contain the extremely hot reaction, as hot as the sun itself.

Some experts have suggested that the new superconducting materials could finally make fusion a practical reality.

BEAM WEAPONS RESEARCH

In the meantime, the weapons laboratories use powerful magnets in research on beam weapons. The Navy has actively explored the possibility of using a combination of superconducting generators and motors in ships to replace gigantic mechanical drive shafts.

With all its mystery, superconductivity has intimate links to esoteric phenomena at the forefront of basic physics. Detectors using superconductors have extraordinary sensitivity to different kinds of radiation, raising the possibility of new kinds of applications from astronomy to the analysis of brain waves.

"There's a tremendous amount of work to be done, but there's also a tremendous potential market out there for people who can bring this technology into commercial practice," said Donald K. Stevens, head of basic energy sciences research for the Department of Energy. "It's going to require some of our best minds."

[From the New York Times, Apr. 9, 1987]

THE NEXT TECHNOLOGY TO GET AWAY FROM US?

To the Editor:

Dramatic advances in superconductivity (Science Times, March 10, and news article, March 18) and an editorial on air-traffic delays (March 17) have links that go back to the early 1970's. The new discoveries of materials that exhibit superconductivity above liquid nitrogen temperatures (minus 200 degrees centigrade) have led futurists to speculate in your columns on an age of high-speed levitated trains. What was not mentioned was that the age of high-speed-levitated trains (200 to 300 miles an hour) has come and gone in this country.

In a moment of great wisdom, Congress passed the High Speed Ground Transportation Act in the late 1960's, which was to complement and relieve overused airport facilities with high-speed ground service in our densest population corridors. The program, however, died for lack of funds, and in the early 70's, the Nixon Administration killed magnetic-levitation research altogether. Ideas generated in the United States were quickly taken up in West Germany and in Japan. These governments invested in research and development and actually built people-carrying magnetically levitated vehicles able to speed over 200 miles per hour. In 1978, I was lucky to witness an unmanned test of a superconducting vehicle at speeds of over 300 m.p.h. in Japan.

The new discoveries in superconductivity, as exciting as they are to scientists and engineers, will not bring in a new age of transportation unless there is some commitment from our national leaders. The technology to build superfast land vehicles exists (largely in the hands of the Japanese and Germans). The advances in superconducting materials make magnetic-levitation technology more promising than ever.

The real breakthrough will come when our leaders, Congress and the voters make a commitment to build a multicomponent transportation system instead of one based solely on "high speed" roads (65 m.p.h. does not seem fast compared with 300 m.p.h.), congested air spaces and oil. Had our legislatures and Congress increased the speed limit on stage coaches in the 1820's and ignored the development of the steam-driven railroad, we would not have become the world leaders in this century.

The Japanese have used superconducting magnetic levitation as a symbol of their progress and their future. If we fail to recognize the vision of the 21st century in this century, we will be buying magnetic-levitation train systems in the year 2000 from Japan in addition to chips and cars.

FRANCIS C. MOON,
Ithaca, N.Y., March 19, 1987.●

BROOKLYN COLLEGE OF THE CITY UNIVERSITY OF NEW YORK

● **Mr. MOYNIHAN.** Mr. President, I rise today to bring to the attention of my colleagues the April 6, 1987 New York Times editorial entitled, "Education Tree in Brooklyn."

This editorial praises Brooklyn College of the City University of New York for its excellent undergraduate core curriculum. This institution has been recognized by both the National

Endowment for the Humanities and the Carnegie Foundation for the Advancement of Teaching for its success in promoting the liberal arts in education. In fact, it ranked fifth in the Nation in general education. This may surprise some; but not those of us who are familiar with Brooklyn College.

Robert L. Hess, the president of Brooklyn College, should be praised for a job well done—and his efforts should be replicated across the country. I am proud that this institution of higher learning which is located in my own home State of New York has received just recognition for its many contributions to higher education.

I ask unanimous consent that this full text of this editorial be inserted in the RECORD.

The editorial follows:

EDUCATION TREE IN BROOKLYN

To most people, a quality undergraduate education means big bucks and, probably, a private institution. But Brooklyn College of the City University of New York defies that stereotype. In 1984, it was cited by the National Endowment for the Humanities, in an otherwise dismal report, as one of the few "bright spots" in American higher education. Most recently, it was a top-ranked school in a survey by the Carnegie Foundation for the Advancement of Teaching.

Carnegie asked 968 academic deans to list colleges with successful general education programs. Brooklyn ranked fifth behind Harvard, the University of Chicago, Alverno College in Wisconsin and St. Joseph's College in Indiana. Three of the top-ranked schools may surprise most education consumers. An even bigger surprise is that one is a public university with annual tuition of $1,250 for New York residents ($2,550 for out-of-state students).

The key to Brooklyn College's success is a "core curriculum" that was introduced in 1981. It consists of 10 required courses designed to provide a common understanding of the liberal arts including art, literature, science, mathematical reasoning and computer programming, Western civilization and non-Western cultures.

Robert L. Hess, Brooklyn College's president since 1979, attributes its success as well to the commitment and energy of the administration and faculty. "We're believers," says Dr. Hess. "We have faith that education can make a difference."

KIWANIS CLUB OF NEWARK MARKS 70TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, today I would like to pay tribute to the Kiwanis Club of Newark, NJ, on the occasion of the club's 70th anniversary.

The Newark Kiwanis Club was organized in 1917, 2 years after the founding of the first Kiwanis chapter in Detroit, MI. The Newark club received its charter from Kiwanis International on April 26, 1917. The Newark club was the first New Jersey Kiwanis Club to be organized and it is one of the oldest of the over 8,000 Kiwanis clubs around the world.

The members of the Newark Kiwanis Club are a special group of dedicated individuals who give generously of their time. Since its founding, the club has raised and donated hundreds of thousands of dollars for the benefit of the Newark area community. The club has sponsored events and financed trips for children of the community, built a boathouse and lodge for the Boy Scouts, purchased hospital equipment, sponsored a youth glee club, and financed summer camp vacations.

In recent years, the club has purchased phonographs for a Newark children's nursery and office equipment for a Newark school. Members have volunteered for the American Heart Association and a local public radio station's fundraising drives. The club also sponsors an annual scholarship awards luncheon for local high school students.

Mr. President, the motto of the Kiwanians is "We Build." This is an appropriate theme for the Newark chapter, where volunteers have been building a better Newark community for 70 years.

To celebrate 70 years of service to the Newark community, the Kiwanis Club of Newark will be holding a birthday party at the Sheraton-Newark Airport on April 11, 1987. I am sure my colleagues will join me in congratulating the Kiwanis Club of Newark and its officers: John A. Albrecht, president; Miles Rahill, vice president; Samuel H. Smith, treasurer; and Jules H. Lozowick, secretary.●

THE YOUTH POLICY INSTITUTE'S 50-MILE CHALLENGE WALK

● Mr. LAUTENBERG. Mr. President, I would like to bring to the attention of my colleagues the sixth annual Youth Policy Institute Challenge Walk, a 50-mile trek along the C&O Canal towpath taking place Saturday, May 2, 1987.

As in years past, this spring will bring together a coterie of enthusiastic and dedicated Youth Policy Institute [YPI] staff, former staff, and supporters—of all ages—to make the daylong hike from Georgetown to southern Maryland and back. The annual walk is a re-creation of a similar challenge issued first by President Theodore Roosevelt to his Marines, and again in 1963 by President John F. Kennedy. To demonstrate the energy and commitment of the New Frontier, President Kennedy challenged his administration to walk the 50 miles as well. Of all his aides, only the President's brother, Robert F. Kennedy, finished the walk.

Twenty years later, young people working at YPI were inspired to renew that challenge. And since that time, the institute has sponsored the Challenge Walk as a fundraiser to support its various programs.

Founded 9 years ago under the auspices of the Robert F. Kennedy Memorial, YPI is a Washington, DC-based nonprofit, nonpartisan organization interested in the future of our Nation's young people. The institute monitors all aspects of governmental policy affecting youth, and publishes three magazines designed to provide comprehensive, objective information to youth- and family-serving professionals in Washington and across the Nation.

The institute provides a dual education: It not only provides hands-on training in magazine publishing, but also fosters literacy in the governmental decision and policymaking processes affecting youth. Since its inception, under the supervision of executive director David Hackett, over 600 young people have taken responsibility for the institute's daily operations and have benefited from the institute's training.

Mr. President, much of the energy and spirit of the Youth Policy Institute is embodied in the Challenge Walk, in which participants take a personal challenge together, and often surprise themselves by going further, doing more, than they believed they could. In a letter to YPI supporters this year, Ward Wilson—an energetic and idealistic New Jerseyan who was instrumental in initiating the walk as an annual fundraiser—refers to doing the "crazy things that matter." The message applies equally well to young people as it does to us in the Congress: Our reach should always exceed what we perceive our grasp to be. By challenging ourselves, we realize how much we truly are capable of accomplishing.

I would urge those interested in taking this year's challenge to contact the Youth Policy Institute.●

MORE SOVIET CHEATING ON THE ABM TREATY

● Mr. QUAYLE. Mr. President, in the last 3 weeks we've debated forward and backward what the ABM Treaty does and does not allow us to do. We've examined what the restrictive interpretation of the treaty allows us versus the new, legal interpretation. We've argued over the meaning of the Senate's ratification hearings and over what should and shouldn't be classified. We've even grappled with arcane technical questions such as what American systems can and cannot be considered a substitute for ABM radars.

What we haven't grappled with, though, is what the Soviets have been up to—specifically how they've been violating the treaty.

Mr. President, new analysis just published in the April edition of Defense Electronics in an article by Jim Bussert, "Whose Phased-Array Radars Violate the ABM Treaty," makes it clear that we need to return to this subject.

In his article, Mr. Bussert makes three major points:

First. The Krasnoyarsk radar violation is probably much worse than we thought since the radar not only is located away from the Soviet border looking inland, but may comprise part of a second, prohibited ABM defensive net for Soviet SS-11 and SS-18 strategic missiles located only 200 kilometers away.

Second. Even the phased array ABM radars near Moscow now exceed the permitted number and lie outside of the allowable locations specified in the treaty.

Third. The power of the Soviets' nine large phased array radars now exceed the dimension and power potential levels mandated by the ABM Treaty.

Mr. President, I urge my colleagues to examine this analysis for themselves. Certainly, before we get into any more debate about how we should interpret and comply with the ABM Treaty we must first ask if the treaty is any real restraint on the Soviets' behavior and whether in light of these new violations it's time we ask if the treaty is worth our complying with at all.

I ask that the text of Mr. Bussert's article be placed in the RECORD.

The article follows:

WHOSE PHASED-ARRAY RADARS VIOLATE THE ABM TREATY?

(By Jim Bussert)

Violations of arms control treaties are often hard to prove. How much encyption of missile test-flight telemetry is too much? Does a ballistic missile's length or throw weight exceed that of its predecessor by more than 5 percent—making it an illegal "new" missile rather than a "modified" old one? How many warheads are carried in a missile, modified or new? Does a roof over a construction site constitute concealment, and could a surface-to-air missile be used to destroy incoming warheads as well as aircraft? Because of such difficulties in verification, some strategists argue that arms control treaties cannot be enforced and are thus ineffective in achieving their goals.

Yet a major argument in the United States and Soviet arms control debate is being waged over objects that are visible, fixed, and measurable: large phrased-array radars (LPARs). Because they can potentially perform battle management functions in a strategic defense system, these huge structures are central to the whole issue of antiballistic missile (ABM) defense, and the 15-year-old treaty that limits ABM systems.

THE TREATY

On May 26, 1972, the "Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems" was signed in Moscow. Although the treaty consists of 16 articles, the third and sixth articles and initiated statements B and D are of primary relevance to the LPAR controversy.

Article VI(b) is the most quoted and states that each party undertakes "not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward." Both sides have made charges regarding alleged violations of this article.

Article III (a) states that an ABM system "centered on the national capital" shall have" deployment area having a radius of one hundred and fifty kilometers. . . . " The treaty allows "no more than six ABM radar complexes, the area of each complex . . . having a diameter of no more than three kilometers. . . . "

Article III (b) allows "two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction" in May 1972. Other ABM radars would have a potential "less than the potential of the smaller of the above-mentioned two large phased-array ABM radars."

The critical word "potential" is described in Agreed Interpretation (B). "The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two . . ." LPARs in Article III is "to be three million."

Agreed Interpretation (D) states that the parties agree not to deploy LPARs "having a potential . . . exceeding three million, except . . . for the purpose of tracking objects in outer space or for . . . technical means of verification."

Do Soviet or United States large phased-array radars breach the ABM treaty? A review of open source data on the radars of both sides can help us sift the facts from emotional and political charges and countercharges and reach an objective conclusion.

SOVIET STRATEGIC LR RADARS

The first long-range (LR) Soviet air defense radars facing out from the Soviet borders were the P-14 Tall King radars in 1955. The Tall King's 100-foot antenna has mechanical beam rotation and operates in the 150 MHz to 180 MHz frequency range. Tall King has an estimated 350-mile detection range and an altitude limit of up to 150,000 feet. The Tall King is usually colocated with the Side Net height-finder radar and the Scoreboard IFF 32-dipole array.

The first Soviet LPAR was the Hen House, built in the late 1950s. The Hen House array is 1,000 feet long and 65 feet high, with a face inclined at 45 degrees. It transmits 25 to 100 pulses per second at 150 MHz. Detection range is around 3,200 miles with 10 MW output power. There were five Hen House radars by 1960, probably located at Irkutsk, Lyaki, Skrunda, Pechora and Kamchatka. There are now six sites with a total of 11 Hen House arrays.

The first probable Soviet ABM radar net was the so-called Tallinn line, on which first construction was noted in 1961. It included SA-5 missiles that are associated with the large and powerful Square Pair target track and guidance radars. Photographs of this radar are not openly available, although SA-5 batteries have appeared in Syria and the Warsaw Pact. SA-5 systems outside of the USSR are controlled by Back Net or Barlack surveillance and Side Net Height finder radars, all of which are of the mechanically steered beam type, not phased arrays. Assuming that the NATO designation of Square Pair correlates to the visual shape of the radars, there is a possibility that this could be a dual box-shaped phased-array radar. In the late 1970s, there were 1,200 SA-5 launchers inside the USSR. According to 1986 references, there are now an estimated 2,000 SA-5 launchers at 100 sites inside the USSR.

The original Moscow ABM network of 64 above-ground Galosh launchers at four complexes was built between 1964 and 1968. It included a medium-range Dog House LPAR south of Moscow, which received initial contact data from the Hen House. The Dog House operates in the VHF band at 100 MHz, and transmits at a 50 pps frequency. Its 1,500-mile detection range is achieved with 20 MW of transmitted power. Several references mention a Cat House LPAR used with Dog House, but no details are provided, and they seem to perform similar battle management functions in the ABM net. These are still part of Moscow's much-improved radar network.

Late 1970s references list two groups of three radars for each complex of 16 Galosh ABMs. In addition to the Hen House and Dog House, a Chekhov radar is mentioned, but no details are available on this radar. It is an ABM lock-on radar located at Chekhov, just south of Moscow. There are six Try Add radars at each of the four launcher complexes in the Moscow ABM net. One report claims it is a mechanical scan, close-in interception launch control radar. Try Add is a name for three radars networked together, and is a pun on the word "triad."

It is important to note which LPARs were operational before or after 1972, as that is a factor in determining what is allowed by the treaty. The USSR was conducting tests with the SA-5 and a mobile ABM phased-array radar at the Sary Shagan Soviet ABM test range in Kazakhstan in 1962, but this mobile ABM radar has been made illegal by the 1972 agreements.

Late in the 1970s, the USSR was developing over-the-horizon back scatter (OTH-B) radars for long-range early warning. The first Soviet OTH-B was operational in the early 1980s. The estimated detection range is from 500 to 1,800 miles. Pulses from the Soviet OTH-B are at 10.5 pps, and this rate of pulsing earned it the nickname "the Russian woodpecker." Four Soviet OTH-B systems, at Minsk, Nikolayev, Komsomolsk-na-Amur and Nakhodka, were in place by 1984.

In 1982, a major upgrade to the Moscow ABM net included the construction of a massive LPAR at Pushkino, near Moscow. This structure, with four faces and 360-degree coverage, is 250 feet high and 500 feet wide at its base, which is about four times larger than the American Pave Paws large phased-array radar. A major upgrade in ABM Missile capability was apparent as 32 of the 64 surface-mounted Galosh sites were dismantled. The new complexes will include 100 silo launchers for improved SH-04 Galosh and new SH-08 Gazelle close-in ABM missiles, to replace the original 64 surface ABM launchers.

About the same period, a new network of large phased-array radars was detected in various parts of the Soviet Union. It would seem that construction must have started on several of these in the late 1970s. Pechora was the first, and by 1982 there were five of these radars. The array was reportedly fanshaped, and 110 feet tall by 300 feet in length. The first five sites in this new generation included Pechora, Komsomolsk, Kiev, and possibly Skrunda in Lativa. Drawings of Pechora and Krasnoyarsk released by the U.S. Department of Defense do not resemble the earlier description. It is possible that the large fan-shaped LPAR is another array type not yet publicly identified in the West.

The sixth radar, at Krasnoyarsk, has been the center of the ABM violation debates. The Krasnoyarsk radar was first detected by satellite in July 1983. External construction was completed in November 1986 and internal electronic installation is continuing, with first transmission power tests expected in the late 1987-1988 timeframe.

Improvements and upgrades to the Moscow ABM net continue. References to a modernized ABM-X3 defensive system for Moscow mention new Flat Twin tracking and Pawn Shop missile guidance radars for the SH-04/08 ABMs, but there are no open photographs or details. It is probable that one of the two is a large phased-array radar.

Three new LPARs were detected in Western Russia late in 1986 and it is reasonable that they could be considered a part of the Moscow screen. These last three LPARs are located at Skrunda in Latvia, Mukachevo near Czechoslovakia, and Baranovichi between Minsk and Poland. They would bring the total of Pechora-type LPARs to nine around the Soviet Union.

Soviet Hen Roost LPARs are mentioned in various sources, but no illustrations have appeared. The author has noted a pattern of new Hen Roost sites correlating to Pechora-type construction, specifically at Pechora, Lyaki, Krasnoyarsk, and Komsomolsk-na-Amur. In the author's opinion, there is a good probability that the Pechora and Hen Roost LPARs may be the same radar. The author also believes that there is one Cat House and one Dog House LPAR south of Moscow, one of which was initially called Chekhov.

U.S. RADARS

Since 1962, the outermost defensive LPARs have been the three ballistic missile early warning system (BMEWS) FPS-85 sites at Clear, Alaska; Thule, Greenland; and Fylingdales Moor in England. Other FPS-85 LPARs are also located in California and Florida.

Two dual-face 30-meter-tall Pave Paws LPARs stand guard against submarine-launched missiles from sites at Cape Cod, Mass., and Beale AFB, Calif. The UHF band FPS-115 Pave Paws LPARs have solid-state electronics and a 5,500-kilometer range. Two more Pave Paws in Georgia and Texas will replace older FPS-85 and FSS-7 radars in Florida.

The Perimeter Acquisition Radar Characterization System (PARCS) array in Grand Forks, N.D. is intended to provide final details on incoming warheads. It has a 2,800-kilometer range and a 130-degree arc of coverage. By 1987, the four Pave Paws and the PARCS will totally replace the Florida FPS-85 and FSS-7 radars.

Cobra Dane, an LPAR on Shemya Island in the Aleutian chain was started in 1973 and became operational in 1977. It operates in the 1-GHz to 2-GHz band. Cobra Dane has a total of 34,768 active or passive elements in its 95-foot-diameter face.

A miniature version of Cobra Dane, called Cobra Judy and designated SPQ-11, was mounted on the ship *Observation Island* in 1981. The 35-foot phased-array radar cube is mounted in a four-story-high turret weighing 250 tons. Cobra Judy operates in the 2-GHz to 4-GHz band and has 12,288 active elements. It is said to have no warning function, but only tracks final near-earth trajectories of ballistic missile test shots.

The old Distant Early Warning (DEW) line radars across Canada will be replaced by 13 new solid-state, mechanical-antenna Seek Igloo FPS-117 radars and 39 unmanned short-range radar sites.

The United States's first OTH-B installation in Maine will be followed by systems on the West Coast and in the upper Midwest. The eastern OTH-B installation is so large that the transmitter is at Moscow, Maine with the receiver 110 miles away at Columbus Falls and the control center in Bangor. Although it was earlier hoped that the OTH-B systems could replace the north-looking DEW line radars, Arctic trials conducted in 1975 showed that the radar's performance was unsatisfactory due to auroral fluctuations. The Navy will, however, begin construction of a relocatable OTH radar (ROTHR) on Amchitka Island, Alaska in 1987, and the following year the Air Force will begin building another OTH-B at two sites in Alaska.

CHARGES VS. FACTS

Soviet charges that American LPAR sites at Thule, Greenland and Flyingdales Moor in England are not along the periphery of United States "national territory" seem to be reasonable. Fortunately, these LPARs were built prior to the agreement and therefore do not fall into the Article VI(b) "future" realm of compliance. The USSR also charged that the LPAR at Robins AFB, being located 260 miles inland, was also not on "the periphery" of the United States. This is not very significant in comparison with the Krasnoyarsk LPAR, which is aimed northeast at the coast 2,600 miles away, and is 470 miles north of the Soviet-Mongolian border. In 1973, the Soviets charged that the construction of the Cobra Dane radar on Shemya Island in the Aleutians was illegal.

The physical location of the Krasnoyarsk LPAR is plainly evident, but the argument rages as to the intent or purpose of this array. The Soviets claim that it is not a missile warning radar, but is to be used for "space research." A fact that challenges Soviet credibility in the matter is that the Krasnoyarsk radar's physical appearance is identical to that of a half-dozen other LPARs that the Soviets admit are ABM radars.

A 1984 CIA report on the Krasnoyarsk LPAR said that it could not be used for ABM battle management because it operates at the wrong frequency, its face is not aimed at incoming American ICBMs, the sensor is not at the optimal angle for battle management, it is not defended by interceptor missiles and it is not hardened. The CIA report seems rather biased, however, since defenses are not mandatory for ABM use, and in fact are illegal. The LPAR had not been activated in 1984 so its frequency was not apparent. The radar does face in the direction of incoming submarine-launched ballistic missiles.

The Krasnoyarsk LPAR is located near the Soviet SS-11 fields at Itatka and Gladkaya, and the SS-18 ICBM field at Uzhur, with the latter two within 200 kilometers of the LPAR. If it is part of an ABM defensive net to protect ICBM fields, the Krasnoyarsk radar would be again be in violation of the treaty, because such a system is illegal.

Other theories on the purpose of the Krasnoyarsk LPAR include its use in antisatellite (ASAT) research and development work, or possibly downrange missile tracking for the test facility at Plesetsk and the space launch center at Baikonur. Both of the latter space and test facilities are located nearby, and the single LPAR sensor reportedly covers their downrange areas.

CONCLUSIONS

The Soviet claims that the Krasnoyarsk LPAR can only be used for "tracking objects in outer space" and that it is not an ABM radar are hard to characterize as believable. Besides being the same as eight other ABM LPARs forming an integrated ABM warning ring, colocated many times with ABM Hen House LPARs, the Krasnoyarsk site is near several ICBM silo fields. This may well be a dual violation of the ABM treaty. In addition to being an LPAR not "on the perimeter" and not "oriented outward," it also may constitute a second ABM site for ICBM field protection, which under terms of the treaty is only allowed if the Moscow net is dismantled and the United States is notified before hand.

Although not noted in the popular media reports about arms control violations, it would seem that the location of the Hen House, Dog House, and Pechora-type LPARs in western Russia violate the maximum 3-kilometer diameter allowed for six LPAR sites at each ABM complex. If the Try Add radars are not dismantled when the Flat Twin and Pawn Shop come online, the six ABM radar site limit would be exceeded. It also appears that the locations of several LPARs integrated into the Moscow ABM network lie outside the 150-km diameter allowed by Article III(a).

Although the output "potential" of the numerous new LPARs that the USSR has constructed has not been made an issue, here again it would seem to be in violation. The treaty stated that other ABM LPARs built after 1972 would have a potential less than the potential of the smaller of the two existing 1972 LPARs. It would seem that the string of nine Pechora-type LPARs, including the controversial Krasnoyarsk radar, would have dimension and power potential exceeding that of 1972 Soviet ABM radars. If the details of antenna area and emitted power cannot be verified by national means, then that portion of the treaty is unenforceable, and thus meaningless.

The American LPARs in England and Greenland are legal even though they are not along the periphery of United States national territory because they were built before the treaty, which restricts "future" LPAR construction. On the other hand, it would appear that the Cobra Dane LPAR in the Aleutians is perfectly legal since it is on our territorial perimeter and it does face outward.

Although not raised as an issue by the Soviets, it would seem that the Cobra Judy LPAR comes dangerously close to breaking the Article V agreement "not to . . . deploy ABM systems or components which are sea-based. . . ."

A review of American and Soviet LPAR efforts reveals definite signs that the Soviets are installing a large, redundant and ominous series of ABM detection and tracking arrays across their nation. Combined with their other ABM missile developments, huge air defense forces and hardening efforts, they could break out from the ABM agreement in a very short time. This would result in a violation of both the spirit and the intent of the treaty.●

EXCELLENCE ON THE COURT AND IN THE CLASSROOM

● Mr. LUGAR. Mr. President, Vince Lombardi once said, "winning isn't everything, its the only thing." I suspect that Indiana University basketball coach, Bob Knight, would paraphrase Coach Lombardi's famous comment by saying that winning is not as important as excelling. For Coach Knight, winning is tarnished by poor execution of basketball fundamentals. A mental mistake made when leading an opponent by 20 points is as egregious as a failure to block out an opponent in a tie game. Bob Knight seeks excellence from his players not only on the court, but also in the classroom.

While much has been written about the Hoosier's excellent Big 10 season and NCAA tournament, and Bob Knight's third national championship in 12 years, less has been written about Indiana's commitment to academics. On Friday, March 27, 1987, the day before Indiana's semifinal showdown with the University of Nevada at Las Vegas, the Hoosiers were still in Bloomington so players could attend their Friday classes. The other three semifinalists had been in New Orleans for days.

Indiana recruits come to Bloomington to play basketball and attend classes. Both Coach Knight and football coach, Bill Mallory, have made class attendance a high priority. Indiana is unique in its coaching staff's support of academics. A school can have an excellent program for athletes, but unless that program is supported by the head coaches it is doomed for failure. Indiana's academic advisors are supported by the coaches who require athletes to go to class and meet regularly with their tutors.

A few members of Indiana's basketball team deserve special mention. Steven Alford, a business major and excellent student, is graduating on time this May, as are Indiana's two other seniors, Daryl Thomas and business major Todd Meier. Two other members of the team, Joe Hillman and Magnus Pelkowski, are also enrolled in Indiana's well-known business school. Magnus is working toward a double major with fine arts as his other areas of concentration. The work of these student-athletes in the school of business helps to dispell the view that all athletes are physical education majors.

While most of Indiana's players graduate in 4 years, some carry work over until the fifth year. Indiana University pays for the fifth year of coursework for players who have maintained a 2.0 grade point average on a 4.0 scale and compiled 105 of the 122 hours necessary for graduation. Some of Indiana's athletes graduate after 4 years, but they have a year of eligibility remaining after graduation if they have been redshirted. In the case of a redshirt graduate, Indiana pays for a year of graduate tuition. Randy Wittman and Ted Kitchel are the best known recipients of this policy. Randy and Ted were members of the 1981 national championship team while doing graduate work in the school of public and environmental affairs. Both players had been redshirted following injuries earlier in their careers at I.U.

Indiana's emphasis on academics is part of a larger emphasis by the Big 10 conference. In 1974, the Big 10 adopted a normal progress rule which requires every course taken by an athlete to go toward degree work if it is to count toward eligibility. No Big 10 school will have an athlete enrolled in developmental reading for 2 years because those courses will not count toward graduation. Indiana sends its records to academic deans to ensure that courses taken by athletes will go toward a degree. The normal progress rule also requires the maintenance of an adequate GPA each year: 1.7 the first year, 1.85 the second and 2.0 the third and fourth years. The Big 10 has increased these standards for next year and is head and shoulders above other conferences and the NCAA in these requirements. The NCAA only requires a passing grade or 1.0 for each semester an athlete is enrolled in school.

Indiana's commitment to educational excellence goes far beyond the practices of Indiana University. Since January, the Indiana General Assembly has been grappling with the acutely difficult questions involved with comprehensive public school reform. The issues are sensitive but the need is great. Increasingly, there is an understanding that for our country to compete globaly, we must offer dynamic educational opportunities to produce a well-trained labor force.

The Indiana Legislature has a historic opportunity to move Indiana's public schools into a position of national leadership. I commend Gov. Bob Orr, Superintendent of Public Instruction Dean Evans and each member of the State legislature for their vision and dedication in tackling this extraordinary challenge.●

CONGRATULATING LYNN ANDERSON AND THE GOODYEAR TIRE PLANT

● Mr. NICKLES. Mr. President, today I celebrate the spirit of the Oklahoma worker described by Mr. Lynn Anderson of Lawton, OK, as possessing these qualities: courage, intelligence, respect, goal orientation, and spirit.

Mr. Anderson is an employee of the Goodyear Tire & Rubber Co.'s plant in Lawton. This year that plant was honored as the first recipient of Goodyear's corporate flag of global competitiveness, recognizing its ability to manufacture products that are highly competitive in U.S. and foreign markets. This is especially notable because this is Goodyear's newest radial tire plant.

This plant is the city's largest civilian employer with 1,800 employees who produce 1 million radial passenger tires each month.

Mr. Anderson, who won an essay contest by explaining what makes his plant a world competitor, writes that Goodyear-Lawston's success includes open communication between employer and employee and the willingness of both parties to adapt to improve.

It is this type of solid work ethic which makes Oklahoma an ideal place for industry. Mr. Anderson and his coworkers deserve this honor given by Goodyear.●

CENSORSHIP OF CIGARETTE ADVERTISING

● Mr. McCONNELL. Mr. President, seldom do I agree with my hometown newspaper, the Louisville Courier-Journal on editorial issues. However, Michael G. Gartner, editor of the Courier-Journal and the president of the American Society of Newpaper Editors, has presented an outstanding case in opposition to censorhip of cigarette advertising. I commend it to my colleagues and ask that it appear in the RECORD.

The editorial follows:

EDITORS SHOULD WORRY ABOUT CENSORSHIP OF CIGARETTE ADS

(By Michael G. Gartner)

(Michael Gartner, who doesn't smoke even though he lives in Kentucky, is president of ANSE and editor of the Courier-Journal in Louisville.)

The folks down the hall in the ad department are in trouble. The American Medical Association wants Congress to ban all ads for cigarettes. A senator and a congressman have proposed what is, in effect, a tax on cigarette advertising. The Federal Trade Commission tried to ban an issue-oriented ad about smoking because it wasn't forceful enough in stating the risks of smoking. And the Supreme Court of the United States has held that Puerto Rico can restrict advertising by local casinos in local newspaper even though the casinos themselves are legal operations.

Censorship, long fought by editors fearing the sanctity of the news columns, has sneaked into our ad columns. We should be plenty worried.

Most publishers and ad directors have long assumed that it was up to them to determine what could be advertised in their papers, just as it is up to editors and publishers to detemine what can be printed in the news columns. At most papers, there are standards for ads just as there are standards for news: standards of truth and of taste.

But the courts have never really said the ad columns have the same protections that the news columns have. While courts have recognized that there is under the First Amendment something called commercial speech, they have never granted that speech quite the same freedoms as regular speech. Now, increasingly, what freedoms that do exist for commercial speech are being narrowed. There are lot of folks lining up to join the attack, and lawyers say the law may well be on the side of these people who are proposing, in effect, prior restraints on advertising.

As I said, we should be plenty worried. If, for instance, the Congress votes to ban cigarette advertising because cigarettes are harmful and therefore the banning of the ads is in the "substantial interest" of society, where will the line be drawn? Will liquor ads be banned because drunken drivers kill people? Will credit card ads be banned because a lot of folks already are too deeply in debt? Will fast-food chains be told they can't advertise because junk food is bad for people? What about ads for abortion clinics or condoms? For guns? For movies that are volent? For books that urge revolution?

And then will America be a better place to live?

"I seriously doubt whether suppression of information concerning the availability and price of a legally offered product is ever a permissible way for the State to 'dampen' demand for use of the product . . . No differences between commercial speech and other protected speech justify suppression of commercial speech in order to influence public conduct through manipulation of the availability of information," Justice Harry Blackmun wrote in 1980. But Justice Blackmun might not be in the majority the next time a case comes before the Supreme Court.

So then what? Well, if it's wrong to advertise certain products—legal products—how soon will someone say it's wrong to portray their use in a move? Or on TV? Or mention them in a news story?

Think about it.●

PLATOON: ONE VETERAN'S PERSPECTIVE

● Mr. CRANSTON. Mr. President, it has been more than a decade since the Vietnam war ended. Yet, for many veterans of that war, departure from Vietnam marked the beginning of another and, in some cases, more enduring struggle. For these veterans the challenge they faced at home—of coming to terms with their war-time experience—was complicated by the very deep divisions in this country over the Vietnam conflict. Even today the Nation continues to revisit that subject in an effort to better understand what our Nation's Vietnam veterans experienced and the lessons of that war.

Most recently, the film "Platoon," written and directed by Vietnam veteran Oliver Stone, has once again brought into national focus the subject of the Vietnam conflict. In stark terms, this film has attempted—and most believe successfully—to create a highly realistic portrayal of the American involvement in that war. As one measure of the film's success, on March 30, the National Academy of Motion Pictures, Arts, and Sciences awarded "Platoon" an Oscar for the best film of 1986.

Mr. President, since its premier some months ago, "Platoon" has generated in the media and among viewers themselves a great deal of discussion about the film and the Vietnam war. Of all the commentary I have seen, one of the most reflective and valuable is an essay written by my good friend and colleague, the Senator from Massachusetts [Mr. KERRY], himself a decorated Vietnam veteran. Senator KERRY's reaction to this film, which appeared in the Boston Globe on February 22, provides an especially informed and insightful perspective.

Mr. President, in order to ensure that all of my colleagues have the benefit of reviewing Senator KERRY's essay, I ask that the February 22 Boston Globe article be printed in the RECORD.

The article follows:

[The Boston Globe Feb. 22, 1987]

"PLATOON": IS THAT HOW IT WAS?

(By John F. Kerry)

I went to see "Platoon" with enormous reservation. The cover of Time magazine heralded the movie with the banner headline: "Vietnam As It Really Was," and a lot of me simply didn't want to sit in a theater with unknown and uninitiated companion on-lookers while once again feeling "Vietnam as it really was."

But then everyone said "Platoon" was "the" movie about the war in Vietnam—not about America or what happened to Americans who went, but really about what it was like to fight. It was an important social statement—a landmark movie—part of the process of America's coming home, part of the healing.

So I went with a mixture of obligation and dread, wondering if I would really feel transported back 19 years and whether I would touch feelings, some of which are frequently enough revisited as is and others of which have been painfully and carefully cataloged and filed.

The movie began quietly and softly—I thought even slow to drag me in. Probably I was resisting participation, but I did feel immediate connection as the arriving platoon passed a file of departing soldiers.

In the few seconds that it took for the veterans with hollow, sunken eyes to glide past the new recruits, only a few feet from each other on the tarmac but actually a world apart, you knew this movie was going to tell a different story, and I began to feel a little uncomfortable.

We went to Vietnam loaded with fantasies about World War II. One of them was that departing and arriving soldiers would more likely have joyfully yelled at each other and maybe kidded each other and, at least, have wished each other well. But here in Vietnam, where there were few large unit arrivals and only individuals departing, there was no such feeling. You came in lonely and with little sense of what to expect. You left even lonelier and with little understanding of what you had been through.

And so it was that Oliver Stone opened his movie with departing American soldiers quietly but clearly deriding and scoffing at arriving American soldiers. From the first moment, Stone underscored the principal theme of war in Vietnam—individual survival—and the vehicle he used to convey that struggle, American soldiers fighting each other on a number of different levels.

I really do remember that feeling at an airport. It happened to me in Japan and at Cam Ranh Bay. A planeload of ribbonchested vets was departing. The looks they gave us and our inability to communicate about what lay ahead of us and behind them created an enormous gulf. Even as we arrived, there were those who told us we were jerks for being there.

There was some caring about a cause. But mostly there was caring about surviving, first getting "short" enough to believe you might really get back and then, just getting home.

Later in the movie, I chuckled when I heard the talk of being "short" in the daily count—"only 292 days left." We woke up and went to sleep counting days. And everyone looked for creative ways to count to make a long time seem shorter. We were made to believe that the political and military goals were never as important as getting through 365 days. That became the principal goal.

I felt those things as I watched the movie, but it wasn't until the village scene on the second patrol that I really got back to Vietnam. It was the single most powerful and real moment of the entire film—a film I might add that is filled with hyperbole and metaphor.

The village scene brought it all back—the absurdity of any of us in our frustration shouting questions in English at Vietnamese and somehow believing they could understand—or even expecting that it would matter whether they could understand or not; the pent-up frustration over buddies wounded or killed by an enemy you could rarely identify and frequently not find; the ridiculous juxtaposition of state-of-the-art weaponry vs. thatched huts; gernades blowing up sacks of rice; women and children who became victims because they were in the way and no one could tell the difference between enemy and innocent, and some didn't care; the utter insanity of burning a thatched hut and believing that by doing so you had deprived the enemy of a valuable asset; the confusion on the faces of young kids fresh out of the States, most of whom had never been away from home and who were being called on to defend morality in a world where traditional values and measurements of morality had been turned topsy-turvy. And, of course, the stomach-turning allusions to My Lai itself. The village scene was galvanizing.

And the reminders of the war were everywhere. It was a war of boody traps and snakes: frightened bunkers where death might spring out at you from the shadows, a jungle that swallowed you up just as did the war itself—and more snakes. We saw lots of snakes in the rivers—huge, fat poisonous snakes, and I remember being worried that if they bit, you had about 12 seconds of consciousness. In fact, I think that much of the time I was more scared of snakes than of the Viet Cong.

A MISSING INGREDIENT

So "Platoon" brought it back in real, sweaty terms. I don't know how other vets felt, but the fighting and dying, the blood-and-guts scenes somehow felt more distant and less real. Apart from the fact that they were not thrown at us, they seemed almost incidental to the movie. The real reminders and real story of Vietnam came from the texture of the jungle and the patrols themselves, from the dialogue which, except for Charlie Sheen's (Chris') letter home, was realistic and especially from the emotional confusion which one felt in every character and every confrontation.

But where "Platoon" succeeded in being real about many parts of the war—and I am glad that many Americans will see and feel what it was like—I worry that Stone's literary reach might also mislead. I am sorry that the film did not take time (or could not) to show other parts of the war. Somehow, I feel the depth of our relationship as men thrown together from different backgrounds, forced to depend on each other in life-and-death situations, was not explored enough. I did not feel the dependency and the bond created between us.

Moreover, in most units, I believe there was so much more than just going on patrol, "partying" and going on patrol. Part of the difficulty I always found was the incredible juxtaposition of life and death. There was a huge amount of interaction with Vietnamese people, in villages, on sampans, in the paddies. One moment you were in circumstances filled with color, beauty and life, and the next you were fighting for your life. Even where there was no natural supply of such contradiction, we did a pretty good job of crating it. None of that was evident in "Platoon." Nor was the constant Catch-22, black humor that invaded so much of what went on.

And there were wonderful, positive acts of heroism and charity that also seemed absent, although I can understand why Stone did what he did.

For many young people, this movie will be their only image of war in Vietnam, their only link to a father's experience, their only image of what it meant to put on a uniform the last time Americans were called on to serve their country. Most of us went to Vietnam filled with movie images from John Wayne, from the "Sands of Iwo Jima" and "The Longest Day." As good a movie as "Platoon" is—and it is good—I don't want to believe that those who follow us will remember Vietnam as the war in which Americans shot each other because of the fratricide theme—the tug of war between good and evil—that Stone utilizes so effectively.

Was there fragging? Yes. Was it prevasive? No. And for those very real examples of the enormity of the conflict within the conflict in Vietnam, there are thousands of examples of that conflict carried out in other ways, some tragic, some heroic, all less controversial and damning.

But this, after all, is a movie. And part of its success is the controversy it sparks. It is precisely because it is so talked about that it is a good movie. And it is precisely because it does reach so far that it has enlarged its impact on America.

"Platoon" is part of America's ongoing confrontation with Vietnam. I hope it will help in the healing.●

POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

● Mr. BINGAMAN. Mr. President, I strongly support the enactment of S. 85, legislation to amend the Powerplant and Industrial Fuel Use Act of 1978, and the incremental pricing system. I am pleased to have sponsored this important legislation with Senator JOHNSTON. This action is long overdue. The act currently prohibits the burning of oil and gas in new powerplants and bars the building of plants without alternate fuel capacity. These restrictions seem to make little sense in light of today's gas surplus and low oil prices. The incremental pricing system also needs to be replaced. Under incremental pricing, low priority users, such as fuel switchable industries, must pay the highest share of a pipeline's gas purchase costs. This system is no longer necessary.

The Fuel Use Act of 1978, by imposing restrictions on the use of oil and natural gas to fuel industrial or utility boilers, reduced the demand for natural gas, which was then a vastly underpriced commodity. Years of regulation had kept the price of natural gas low in relation to other fuels, which artificially stimulated the demand for natural gas, especially among residential users. This situation did nothing, however, to encourage exploration, drilling, and production of natural gas.

As a result of the passage of the Fuel Use Act, large volume consumers of natural gas shifted to alternative energy sources such as coal. This action improved supplies of natural gas so much that in 1981 the provisions in the act prohibiting the use of natural gas in existing powerplants and utilities was repealed. New plants, however, are still prevented from using oil or natural gas. Now, at a time of soaring surpluses of oil and gas—which historically, because of its competitive market price, has been the target of the Fuel Use Act—is the time to repeal the end use restraints on the use of natural gas. This restoration has inhibited market forces by dictating fuel choices for utilities and industrial users. We should now return the choice to marketplace forces.

The bill would amend the Powerplant and Industrial Fuel Use Act of 1978 [FUA] in several respects. First, it would repeal FUA's prohibition on the use of natural gas or petroleum in new electric powerplants or in new large industrial boiler facilities. Second, it would amend the FUA requirement that all new electric powerplants be capable of using coal or another alternate fuel; it would substitute a requirement that new baseload powerplants have the design capability to be converted after they are constructed from natural gas or oil to coal, or another alternate fuel, as market conditions warrant. In addition, there are numerous other provisions repealing restrictions on the use of natural gas or petroleum. I am pleased we were able to accommodate all interests in this legislation.

This legislation is part of a long-term effort that will help relieve the strain imposed on the energy-producing States by the current oil price decline and the resultant oversupply. There will be other legislation to provide more direct and immediate relief to the energy industry and protection for our national security interests, but this is an important first step to ensure that our domestic producers stay in the business of finding and producing oil and natural gas.

I congratulate the distinguished chairman of the Energy and Natural Resources Committee, Senator JOHNSTON, for his skillful leadership in bringing this legislation before the Senate so early in this session and my colleagues for supporting this bill.●

SUPPORT FOR THE BROAD INTERPRETATION OF THE ABM TREATY

● Mr. McCLURE. Mr. President, the broad interpretation of the ABM Treaty is the legally correct interpretation, and it is vitally necessary for the near-term development, testing and deployment of President Reagan's strategic defense initiative. I support the earliest possible deployment of SDI, in order to deter the dangerous Soviet nationwide ABM defense. The broad interpretation of the ABM Treaty is vital to American national security, and its adoption is the least we should do in the face of the Soviet Krasnoyarsk ABM radar, which is a clear cut violation of the ABM Treaty. There are many Soviet ABM Treaty violations, which altogether amount to Soviet break out from the ABM Treaty.

Mr. President, I call the attention of my colleagues to the fact that the Soviets have actually privately admitted that their Krasnoyarsk radar violates the ABM Treaty, and they have boasted about this violation to themselves. The CIA has just declassified this chilling information. Moreover, I also call my colleagues' attention to the fact that the Reagan administration believes that the Soviets are working on a integrated plan for a prohibited nationwide ABM defense. The CIA has just declassified this judgment as well. A map of the highly redundant, heavily overlapping, and internetted ABM coverage of the U.S.S.R. clearly illustrates this integrated Soviet plan. The President's sixth Report to Congress on Soviet SALT violations states ominously that:

> It is the totality of these Soviet ABM-related activities in 1986 and earlier years that gives to our continuing concerns that the U.S.S.R. may be preparing an ABM defense of its national territory . . . . This would have profound implications for the vital East-West balance.

Mr. President, I ask that the following documents supporting the broad interpretation of the ABM Treaty be printed in the RECORD, so that they can be available to the Congress, the press, and to the American people:

First, statement of Mr. William R. Harris on the ABM Treaty, testimony to the House Committee on Foreign Affairs, February 26, 1987.

Second, letter on the ABM Treaty, with enclosures, from Mr. William R. Harris, to Mr. T.K. Jones, dated February 7, 1985.

Third, additional statement and prepared statement of Assistant Secretary of Defense Richard Perle, to the joint hearing of the Senate Committee on Foreign Relations and the Judiciary Committee, March 26, 1987.

Fourth, letter to the President on the ABM Treaty, dated March 17, 1987, from my distinguished colleague Senator **Ernest F. Hollings**.

Fifth, letter to my distinguished colleague Senator **Helms** from our distinguished colleague Senator **Quayle**, on the ABM Treaty, dated March 27, 1987.

Sixth, summary of all Presidentially confirmed Soviet arms control violations.

The documents follow:

The ABM Treaty as a Framework for Strategic Defense Programs and Arms Control Negotiations

(By William R. Harris)[1]

Mr. Chairman and Members of the Subcommittee: my name is William R. Harris. I am a senior member of the research staff at the Rand Corporation in Santa Monica, California. I appear in my personal capacity, at the request of the Subcommittee.

As requested, I am providing a brief summary of my views as an international lawyer on the legal framework for strategic defense programs, with particular attention to rights and duties under the Anti Ballistic Missile (ABM) Treaty of 1972.

THE ABM TREATY AND THE UNITED NATIONS CHARTER

The ABM Treaty of 1972, and its 1974 Protocol, establish a duty "not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty."

The ABM Treaty creates a set of restraints upon the general principle of customary international law, reflected in Article 51 of the United Nations Charter, that every nation has the right to individual and collective self defense. The ABM Treaty does not negate the presumption that every state is entitled to provide for its self defense except insofar as rights of self-defense are proscribed by treaty obligations. Limits on deployment do not imply limits on development. Limits on development do not imply limits on research. Limits on "current" type ABM systems and components do not imply limits on "future" type ABM systems and components unless provided for by the treaty obligations.

The ABM Treaty limits deployment of ABM systems to two regions of the U.S. and U.S.S.R., and the 1974 Protocol limits deployment to but a single region in each nation. Were an international treaty to require indefinite forebearance from exploring the potentiality for self-defense, it would be the law and not defense technology that would become obsolete. This is particularly so in connection with a treaty of indefinite duration. The United Nations Charter, with its recognition of the right of individual and collective self defense, provides the general context in which to interpret the ABM Treaty in accordance with the Vienna Convention on the Law of Treaties:

"A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." [Vienna Conv. Ar. 31(1)].

THE PERMISSIVE REGIME FOR DEVELOPMENT OF ABM SYSTEMS AND COMPONENTS BASED ON "OTHER PHYSICAL PRINCIPLES"

The concept that the ABM treaty prohibits development of mobile ABM systems and components based on "other physical principles" appears to be based upon a failure to distinguish the procedures for municipal law-making and the procedures for international treaty-making. Every state possesses the capacity to conclude treaties, but every individual does not.

A member of a diplomatic delegation, other than the head of a diplomatic mission, head of state, head of government, or foreign minister is not presumed to have the authority to bind that state to a treaty obligation without ratification by an authorized representative of the state. [Vienna Conv. Art. 7].

An authorized representative of a state may bind that state even by unilateral commitment, when it is the intent of the state that it be bound. In the *Eastern Greenland* case, PCIJ Ser. A.B. no. 53 (1933), and the *French Nuclear Tests* case, *Australia* v. *France*, [1974] ICJ Rep. 253, Foreign Ministers bound their governments by oral commitments that courts determined to be legally binding.

But exchanges between working level members of delegations, particularly when these exchanges are ad referendum to the heads of delegation, do not by themselves create a binding commitment.

The legal adviser to the SALT I delegation, Mr. Rhinelander, conceded in his prepared statement before this Committee on October 22, 1985:

"* * * Before the conclusion of the fifth negotiating session in September 1971, the Graybeal-Karpov working group agreed, ad referendum to the two delegations, that current Article V(1) covered "current" as well as "exotic" technologies.

An ad hoc set of oral exchanges, referred to higher authorities in conjunction with various unresolved issues, and thereafter excluded by the Soviet side when the integration of treaty rights and duties took place, does not constitute a state intent to be bound.

The ABM Treaty instruments, read together in accordance with Article 31 of the Vienna Convention on the Law of Treaties, indicates that the ABM treaty obligations that took effect, denied the force of law to the Graybeal-Karpov exchanges of September 1971.

The recurring Soviet rejection of initiatives by U.S. delegates to insert working level-proposed restrictions in the actual treaty instruments is indicative of a lack of Soviet intent to be bound at an authoritative diplomatic level. Moreover, when the treaty instruments as ultimately signed and ratified express a lesser set of restrictions, the oral exchanges at the working level are but part of a negotiating record indicating a lack of state intent to be bound to ban the development of "future" type ABM systems or components that are not fixed and land-based.

The treaty instruments, taken together, as well as the negotiating history leading to them, indicate:

1. The agreement that Article II should define only current-type systems and components affected Article III through IX duties; these articles utilize the current-type system definitions in Article II, except for the inclusion of future-type systems and components in the deployment limits of Article III.

2. An alternative (broader) and special definition for current Article V was rejected on the Soviet side at every pertinent treaty integration session following the September 1971 Graybeal-Karpov exchanges, ad referendum to heads of delegation.

3. The rejection of the special definition for Article V to include future-type systems is illustrated by:

(i) the failure to mention them in Article V;

(ii) the failure to refer to Article V in Agreed Statement D;

(iii) the failure to restrict Agreed Statement D to fixed, land-based systems; and

(iv) the limited ban, in Article V(2) of systems for "rapid reload of ABM launchers" without any express limit on continuous fire or refire systems.

4. The inclusion of the phrase "currently consisting of" in Article II makes the scope of the ABM Treaty consistent with the restrictions agreed upon in Agreed Statement D, requiring pre-deployment discussions regarding ABM systems or components based on "other physical principles."

5. An ABM system or component whose defense against strategic ballistic missiles depends upon a "physical principle" other than those incorporated in current-type systems as of May 1972, may be developed and tested for any mode of basing.

WOULD RELIANCE UPON A MORE RESTRICTIVE VIEW OF THE ABM TREATY DURING THE RATIFICATION PROCESS AFFECT THE SCOPE OF DUTIES?

The U.S. Senate voted affirmatively to give advice and consent to ABM Treaty ratification by a vote of 88-2. The key documents upon which senators customarily rely include:

1. The President's treaty message to the Congress;

2. A section-by-section analysis of the treaty by the Department of State;

3. The Report by the Senate Committee on Foreign Relations; and

4. Reports by other committees of the Senate, if issued.

A review of these materials and all other documents published in "Documents on Disarmament, 1972" indicates that the key documents upon which the Senate may be presumed to have relied indicated that research was permitted and that deployment of "other physical principle" ABM systems and components was prohibited. All of the statements by officials presumptively authorized to bind the United States are consistent with the above statement. These statements made no claim that development of future-type systems would be restricted to fixed, land-based development. Read in conjunction with the continuing right under the U.N. Charter to provide for individual and collective self defense, the right to develop future-type ABM systems and components was preserved in the authoritative statements and documents upon which the Senate relied.

Officials, who had not been members of the SALT I delegation and who lacked authority to bind the United States, Dr. John S. Foster and the JCS Chairman, Admiral Moorer, made inconsistent statements as to whether future type ABM systems could be tested and developed. These are of no legal effect and appear to have had negligible effect on ratification.

Moreover, in the pre-ratification floor debate, there appear to have been only three Senators who addressed "future" type ABM system development rights. Two Senators voted for ratification, one (Senator Fong) asserting that development of "future" type systems was permitted, one (Senator Thurmond) asserting that development of "future" type systems was prohibited. The fact that one of the two votes against ratification (Senator Buckley) relied upon a restrictive view of Article V does not demonstrate reliance on this interpretation by any significant number of the 88 Senators who voted affirmatively.

What if the Senate could be shown to have relied upon a scope for Article V of the ABM Treaty beyond the scope derived from the treaty instruments or the negotiating record? A mistake of law, however widely shared, would not expand the duties under the ABM Treaty, unless the Senate expressed those restrictions in a reservation to the treaty, and the Soviet Union acquiesced in those additional restrictions. This the Senate did not do.

On the distinction between interpretative declarations and a treaty reservation, see D. M. McRae, "The Legal Effect of Interpretative Declarations," 49 British Yearbook of International Law 155-173 (1978).

It took 13 years for the Soviet Union to propose a more restrictive interpretation. It was not until the U.S. government had commenced its reviews of the ABM Treaty duties in January 1985 that there have been press reports of Soviet assertions of a willingness to be bound by a more restrictive view of development rights for future-type ABM systems and components. Neither the U.S. Senate nor the Soviet Union in its ratification proceedings expanded the scope of duties beyond those negotiated in Salt I.

HARRIS LEGAL OPINION OF FEBRUARY 6, 1985

I have included as an attachment to this prepared statement a copy of my legal analysis of the ABM Treaty dated February 6, 1985, together with a letter to Mr. T. K. Jones on the scope of ABM Treaty duties, with and without the exercise of legal rights after material breach by another party. It should be noted that material breach of the ABM Treaty by the Soviet Union, reported in several presidential reports to the Congress, provides the U.S. side the right to terminate the ABM Treaty or to suspend it in whole or in part. In February 1985 the President reported to the Congress on Soviet violations of the ABM Treaty. My legal opinion of February 1985 followed an apparent Soviet refusal to halt construction of the large, illegal radar near Krasnoyarsk, and at least one public admission by a Soviet official that certain strategic surface-to-air missiles (SAMs) were capable of defending against U.S. ICBMs.

CONTINUING VIABILITY OF THE ABM TREATY

It was my conclusion in 1985, as it remains today, that there was no present requirement to suspend or terminate the ABM Treaty as a consequence of Soviet breach. The treaty allows the development and testing of ABM systems and components based on "other physical principles" in a mobile land-based, sea-based, air-based, or space-based mode. The Treaty allows deployment of up to 100 fixed land-based launchers and interceptors. The Treaty allows transfers or co-development of tactical ABM systems that might strengthen NATO defenses against SS-21, SS-23, and other non-strategic ballistic missile systems. Hence, there appears to be no short term necessity, and no discernible benefit from the suspension of ABM Treaty duties, even though the Soviet Union has selectively violated ABM and SALT II treaty duties.

It is not suspension of legal duties but a more systematic exercise of legal development rights that may be essential. Without exercise of ABM system development rights on the U.S. side, the continuation of legal and illegal Soviet strategic defense programs may assure the extinction of the ABM Treaty altogether. Congressional commitment to fund a practical development program for strategic defenses may be essential if the ABM Treaty is to survive. Without development of strategic defense options, how can the U.S. strengthen Soviet incentives for ABM Treaty compliance? Without development of strategic defense options, how can the U.S. bargain to reduce strategic offensive forces?

Existing development and deployment rights under the ABM Treaty provide both the opportunity to develop strategic defenses and the opportunity to negotiate with the Soviet Union to achieve reductions in strategic offensive weapons.

LESSONS FOR FUTURE ARMS CONTROL NEGOTIATIONS

The United States may derive various useful lessons from its experience with the ABM Treaty. I respectfully suggest there are at least four pertinent points for future negotiations:

1. Place all essential duties in treaty instruments.

2. Read all of the treaty instruments together, to make sure that what they accomplish faithfully incorporates the objectives derived from policy guidance.

3. If an oral exchange is to be relied upon as the basis for an essential element of the agreement, incorporate it in a treaty instrument; if this is infeasible, obtain unequivocal ratification of the undertaking by a transcribed exchange between officials presumptively authorized to bind their governments, i.e. the heads of delegation, Secretary of State and Foreign Minister, or President and General Secretary.

4. If, preparatory to signing, a foreign Head of Government advises that only obligations contained in the treaty instruments are binding, review these instruments before the signing to ascertain their effect, assuming an express or implied disavowal of all other commitments.

RAND CORP.,
February 7, 1985.

Mr. T.K. JONES,
Deputy Under Secretary of Defense (Strategic and Theater Nuclear Forces), The Pentagon, Washington, DC.

DEAR MR. JONES: On January 23, 1985 you requested my assistance as an international lawyer in explicating alternative interpretations of the rights and duties relating to ABM system development under the ABM Treaty of 1972.

Preceding the initial five year review of the ABM Treaty in 1977, my Rand colleague, Dr. Abraham S. Becker, addressed the issue of whether the final text of the ABM Treaty and annexes, taken together, provided freedom to develop and test ABM systems based on "other physical principles." Subsequent to my advice on this matter, Dr. Becker concluded that the Treaty did not necessarily ban such development despite the purposes of certain negotiators to do just that. The texts of the published and unpublished exchanges of 1977 between Drs. Becker of and Garthoff are reproduced for background information [See Enclosure 1].

Since the exchanges of 1977, public documents of both the Carter and Reagan administrations acknowledge the permissibility of developing and testing ABM components based on "other physical principles" for fixed, land-based ABM systems. So long as these systems are not deployed, their development and testing is consistent with the more limited ban (in Article V) on sea-based, air-based, space-based, or mobile land-based ABM systems.

The residual issue is whether it is in accord with international law for the United States to develop and test ABM systems and components which apply "other physical principles" and which are designed for mobile land-based, air-based, sea-based, or space-based platforms. My review of the ABM treaty instruments and the uniform interpretation of them on this point, between signing and ratification, indicate the permissibility of developing and testing "other physical principles" ABM systems irrespective of the designed basing mode.

Certain negotiators sought to obtain agreement at the working level of the SALT I delegation for the purpose of banning development of ABM systems or components based on "other physical principles" (with the exception of fixed land-based systems).

The first question is whether these negotiators executed a mutually binding commitment in 1971-72, for the purpose of banning future ABM system development for other than fixed, land based systems, through oral exchanges among SALT delegates with authority to bind the parties (per Vienna Convention Article 7). I am not aware of any binding commitment on this issue, one that meets the Article 7 standard for a commitment intended to bind a Party, rather than an informal understanding at the working level.

If there was not a binding commitment preceding the May 26, 1972 signing of the Treaty, the text of the ABM Treaty together with all annexes—including the critically important Agreed Interpretation E [reprinted by ACDA in 1982 as Agreed Statement D] will be controlling.

The second question is whether any mutually binding commitment to ban "other physical principles" ABM system development—assuming there was one—was superseded by the later integration of Treaty text and annexes, referring to "other physical principle" ABM systems in connection with and only in connection with the "obligation not to *deploy* ABM systems and their components except as provided in Article III of the Treaty. . . ." [emphasis to Agreed Interpretation E.] The negotiation of Agreed Interpretation E and its initialing by the Heads of Delegations—a proper mode of binding a Party pursuant to Article 7 of the Vienna Convention—resulted in the *only* explicit treatment of "other physical principle" ABM systems in all of the treaty instruments. This supplementary agreement appears to supersede any previously negotiated understanding at the working level, even assuming that there had been a binding exchange on "other physical principles" ABM systems that was binding on the treaty Parties.

Under the Vienna Convention on the Law of Treaties, Article 31(3)(a)—"There shall be taken into account, together with the context: (a) "any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;"

Subsequent to any oral exchanges pertaining to Article V limits, the mutual acceptance of Agreed Interpretation E on May 26, 1972 authoritatively establishes a duty of mutual discussion before deployment, and not before development and testing of "other physical principles" ABM systems.

This agreed interpretation is to be accorded great weight in the interpretation of treaty obligations. It is a treaty instrument under Article 31 of the Vienna Convention. There is no explicit distinction between fixed land-based ABM systems and mobile, sea-based, air-based, or space-based ABM systems in Agreed Interpretation E. Consequently, the integration (and possible superseding) of obligations in the final ABM Treaty as signed on May 26 and effective on October 3, 1972 results in the permissible development and testing of ABM systems and components utilizing "other physical principles," irrespective of the planned basing of such systems in the sea, space, or on mobile platforms.

This interpretation of the scope of ABM Treaty obligations is consistent with every presentation by an Administration official of the scope of the Treaty obligations between the signing of the Treaty on May 26, 1972 and ratification of the Treaty on September 30, 1972. In this key period, there is no assertion of a prohibition on development of future ABM systems and recurring emphasis upon a deployment ban.

In particular, at the initial news conference on May 26, 1972, Ambassador Smith stated, "This treaty has a most significant aspect that it not only limits the present situation, but has a choking off effect on future systems which, under the terms of the treaty as we have reached understandings, futures will not be deployable unless this treaty is amended." [Documents on Disarmament, 1972, at p. 211.] In his June 10th Report to the President, Secretary of State Rogers specifically summarizes impacts on "Future ABM Systems" and states "The Treaty would not permit the deployment of such a system or of components thereof. . . ." [Documents on Disarmament, 1972, p. 272.] In his presentation to the Senate Foreign Relations Committee on June 19th, Secretary Rogers stated: "Perhaps of even greater importance as a qualitative limitation is that the parties have agreed that future exotic types of ABM systems, i.e., systems depending on such devices as lasers, may not be deployed, even in permitted areas." [Documents on Disarmament, 1972, p. 314.] Before the Senate Armed Services Committee on June 28th, ACDA Director Smith reiterated, "the parties have agreed that no future types of ABM systems based on different physical principles from present technology can be deployed unless the treaty is amended." [Documents on Disarmament, 1972, p. 424.] And before the House Foreign Affairs Committee on July 20th, Secretary Rogers said that "both sides have agreed that future types of ABM systems based on different physical principles, for example, systems depending on such devices as lasers, that do not consist of ABM interceptor missiles, launchers, and radars, cannot be deployed even in permitted areas . . . it prohibits the deployment of new esoteric systems in these areas." [Documents on Disarmament, 1972, p. 492.]

If at the time of the treaty signing in May 1972 there were an unequivocal mutual acceptance by the signatories of some prior working level commitment to ban future system development, the preparatory works (papers within the negotiating forum) could be consulted if the textual meaning were ambiguous or obscure, or "manifestly absurd or unreasonable," pursuant to Article 32 of the Vienna Convention on the Law of Treaties. The uniform interpretation of the scope of obligations between the signing and the ratification of the ABM Treaty is strong evidence that the only explicit demarcation pertaining to "other physical principle" ABM systems fairly and unambiguously reflects the final intent of the Parties at the time of signing and ratifying the ABM Treaty. Hence, Agreed Interpretation E is sufficiently precise as to eliminate whatever ambiguity previously remained when reading Article II and V, and the result is not "manifestly absurd or unreasonable" because the result is entirely consistent with contemporaneous explanations of the scope of regulation pertaining to "other physical principles" ABM systems. Assuming, however, that there is unequivocal evidence that the final definition of Article II ABM systems was intended by both parties to encompass ABM systems based on "other physical principles" for purposes of a development ban under Article V, despite the silence of both Articles II and V on this point, and assuming that there is unambiguous evidence that the initialing of Agreed Interpretation E was not intended to supersede this prior understanding, the ABM Treaty might be interpreted as banning development of "other physical principles" ABM systems designed for other than fixed, land-based deployment. I am not aware of materials from the negotiating records that would conclusively rebut the presumption that the final treaty instruments integrate the rights and duties of the Parties. Even if the preparatory works were to establish a mutual (not unilateral) intent to ban development and testing of "other physical principles" ABM systems, the resulting duty under Article V(1) would be subject to the right of suspension as a proportional response in event of material breach by another treaty party.

Material breach of a treaty obligation gives rise to rights of the aggrieved party under Article 60 of the Vienna Convention on the Law of Treaties. Hence, a full consideration of rights and duties relating to ABM system development requires review of Article 60 impacts.

Those who assert that the ABM Treaty deprives the United States of a legal right to develop ABM systems based on "other physical principles" must demonstrate an authoritative and binding commitment to this effect, must demonstrate why the final treaty text did not supersede this commitment and why every pre-ratification explanation set the regulatory boundary at deployment, and must consider whether material breaches of the ABM Treaty by the Soviet Union give rise to a U.S. right to suspend any appropriate provision(s) of the Treaty under Article 60 of the Vienna Convention on the Law of Treaties.

Enclosure 2 provides a summary legal opinion on this topic, prepared with the assistance of my colleague, Eleanor C. River, Development Rights and Duties related to ABM Systems based on "Other Physical Principles."

The opinion expressed in Enclosure 2 is provided in our individual capacity as attorneys, in response to your request. It should not be construed as representing the position of The Rand Corporation. Nor should it be construed as representing opinions of federal agencies where I have served as a consultant, including the Arms Control and Disarmament Agency and the General Advisory Committee on Arms Control and Disarmament.

Enclosure 3 provides the text of the treatment of Soviet noncompliance with the ABM Treaty as released by the White House in the unclassified report of February 1, 1985. This is pertinent only in the event that documentation from the SALT I forum or from the Moscow summit establishes Article V duties beyond those established by review of all of the treaty instruments.

Sincerely,

WILLIAM R. HARRIS.

Enclosures:

(1) Exchange between Dr. Raymond L. Garthoff and Dr. Abraham S. Becker, with introduction by Dr. Becker (1977) (U).

(2) William R. Harris and Eleanor C. River, Memorandum, *Development Rights and Duties related to ABM Systems based on "Other Physical Principles."* February 6, 1985 (U).

(2/Attachment) Excerpts from *Message from the President of the United States Transmitting the [ABM] Treaty* * * * 92d Congress, 2d Session, Exec L, Letter of Submittal by Secretary of State William P. Rogers, section on "Future ABM Systems."

(3) Report of the President, *Soviet Noncompliance with Arms Control Agreements,* The White House, February 1, 1985, Section on "ABM Treaty," pp. 7-9.

FEBRUARY 6, 1985.

Memorandum for: Mr. T. K. Jones, Deputy Undersecretary of Defense (Strategic and Theater Nuclear Forces)

Subject: Development rights and duties relating to ABM systems based on "other physical principles":

(I) In event of compliance by both parties to the ABM Treaty of 1972; and

(II) In event of material breach by the Government of the U.S.S.R.

PART 1—DEVELOPMENT RIGHTS AND DUTIES RELATING TO ABM SYSTEMS IN EVENT OF COMPLIANCE BY BOTH PARTIES

The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems [hereafter "The ABM Treaty"] was signed at Moscow on May 26, 1972 and entered into force on October 3, 1972. It is of unlimited duration, subject to withdrawal upon six months' notice of jeopardy to supreme interests of either Party.

The question posed is whether Article V prohibits development, testing, or deployment of ABM systems or components based on other physical principles than the systems and components specified in Article II of the Treaty.

Article V provides:

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article V(1) excludes from the scope of its coverage the development and testing of ABM systems that are fixed, land-based ABM systems. This exclusion is implied from the specific language of Article V(1), regulating other modes of ABM basing.

What is at issue is the scope of coverage of the term ABM systems or components when applied in Article V. Is it merely permissible to develop and test "other physical principles" ABM systems or components designed for fixed land-based deployment, or is it permissible to develop and test any "other physical principles" ABM systems or components?

The draft of the Article II text provided an original scope of coverage that implicitly excluded ABM systems or components based on "other physical principles" than those supporting systems comprising interceptor missiles, ABM launchers, and ABM radars. The final text of Article II contained a key addition, the word "currently".

Article II provides:

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are: (a) operational; (b) under construction; (c) undergoing testing; (d) undergoing overhaul, repair or conversion; or (e) mothballed.

The terms of a treaty should be given their ordinary meaning in their context and in the light of the treaty object and purpose. (See the Vienna Convention on the Law of Treaties, Article 31). Two alternative inferences might be derived from addition of the word "currently" in Article II(1) of the treaty:

Weak inference: An ABM system within the scope of the treaty is a system consisting of ABM interceptor, launcher, and radar components that are currently operational, under construction, under testing, under overhaul, under repair, under conversion, or mothballed, or a modification of a current system based on established physical principles.

Strong inference: An ABM system within the scope of the treaty is any system to counter strategic ballistic missiles or their elements in flight, including any future ABM system based on other physicial principles.

This apparent ambiguity regarding the scope of treaty coverage might have been averted at the outset by an Article II definition of an ABM system as any system to counter strategic ballistic missiles, including systems based on other physical principles (strong inference definition), or by specifically excluding from Article V coverage ABM systems based on other physical principles (weak inference definition). This was not done. Interpretation of the scope of regulation does not, however, require resort to the preparatory work (travaux preparatoires) and the circumstances of the conclusion of the treaty. Article 32 of the Vienna Convention on the Law of Treaties allows such review when interpretation of the treaty terms, preamble, annexes, and related instruments accepted by the parties—(a) leaves the meaning ambiguous or obscure; or (b) leads to a result which is manifestly absurd or unreasonable.

Consulting the preparatory works (within the negotiations, not the intragovernmental preparation of the negotiating parties) is improper when the ordinary meaning of the terms of all of the treaty instruments in their context establishes the rights and duties of the parties. To avoid misunderstanding of the scope of treaty coverage, the Heads of the Delegations agreed upon and initialed a set of Agreed Interpretations on the date of signing the ABM Treaty, May 26, 1972. The Agreed Interpretations comprise a text to be considered within the scope of Article 31 (textual) review, before resorting to the preparatory works.

The Agreed Interpretations of both Parties at the time of signing a treaty should be accorded great weight in interpretation. An Agreed Statement E (later republished as Agreed Statement D by ACDA) provides:

"In order to insure fulfillment of the obligations not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

The only specific limit on ABM systems based on "other physical principles" than those pertaining to current systems is linked specifically to Article III (limiting deployment) and not to Article V (limiting development, testing, and deployment). If ABM systems based on other physical principles were within the scope of Article II ABM systems as applied to Article V limits on ABM development and testing, there would be two sets of "other physical principles ABM systems and components subject to the Article III ban on deployment: ABM systems based on other physical principals could be developed and tested if designed for fixed, land-based deployments, and ABM components based upon "other physical principles" could be neither developed nor tested if designed for mobile, sea, air, or space basing. Had there been an unequivocal intent to allow only development of components for fixed, land-based ABM systems utilizing "other physical principles," the Agreed Interpretation might have referred to "fixed, land-based" components or systems. It did not. Nor did it establish a duty of discussion before development of "other physical principles" ABM components for mobile, sea, air, or space based systems.

The fact that notice and discussion must precede only deployment creates a strong inference that activities preceding deployment of future ABM systems are exempt from ABM Treaty regulation.

To exclude "other physical principles" systems from the final Article II definitions, to exclude the Agreed Statement E [later D] linkage to Article V, and to require discussion only before deployment effectively and conclusively limited the scope of the ABM Treaty as it pertains to ABM systems based on "other physical principles."

The specific Article III obligation agreed upon is to engage in pre-deployment discussions. There is not a specific ban upon deployment of ABM systems based upon other physical principles. Because the conditional discussions of ABM systems based on "other physical principles" is to be interpreted in conjunction with the Article III commitment not to "deploy ABM systems or their components" except as specified, the duty not to deploy an "other physical principles" ABM system is implied from the set of treaty instruments.

Therefore, it would be a breach of the duty of good faith, incumbent on all nations to assert a right to deploy "other physical principles" ABM systems after pro forma discussions, without amending or terminating the ABM Treaty. A state may not evade its contractual obligations by resorting to measures which have the same effects as acts specifically prohibited by an agreement. [Free Zones of Upper Savoy, 1932 P.C.I.J., Series A/B, No. 46, at 167].

This finding of an exclusion from Article V development limits for "other physical principles" ABM systesm, derived from the ordinary meaning and context of the treaty instruments, is consistent with every official explanation of the scope of ABM Treaty limits publicly presented between the signing and the ratification of the ABM Treaty in 1972. A review of every document in the official U.S. publication, Documents on Disarmanent, 1972, indicates that there were at least five attempts by administration officials to explain the scope of ABM Treaty regulations pertaining to systems or components based on "other physical principles.

There is *no* official assertion of a prohibition on development of future ABM systems. There is recurring emphasis upon a deployment ban. There is no stated distinction between fixed, land-based and other ABM systems utilizing "other physical principles."

In particular, at the initial news conference on May 26, 1972, Ambassador Smith stated, "This treaty has a most significant aspect that it not only limits the present situation, but has a choking off effect on future systems which, under the terms of the treaty as we have reached understandings, futures will not be deployable unless this treaty is amended." [Documents on Disarmanent, 1972, at p. 211.] In his June 10th Report to the President, Secretary of State Rogers specifically summarizes impacts on "Future ABM Systems" and states: "The Treaty would not permit the deployment of such a system or of components thereof. . . ." [Documents on Disarmanent, 1972, at p. 272.] In his presentation to the Senate Foreign Relations Committee on June 19th, Secretary Rogers stated: "Perhaps of even greater importance as a qualitative limitation is that the parties have agreed that future exotic types of ABM systems, i.e., systems depending on such devices as lasers, may not be deployed, even in permitted areas." [Documents on Disarmanent, 1972, at p. 314.] Before the Senate Armed Services Committee on June 28th, ACDA Director Smith reiterated, "the parties have agreed that no future types of ABM systems based on different physical principles from present technology can be deployed unless the treaty is amended." [Documents on Disarmanent, 1972, at p. 424.] And before the House Foreign Affairs Committee on July 20th, Secretary Rogers said that "both sides have agreed that future types of ABM systems based on different physical principles, for example, systems depending on such devices as lasers, that do not consist of ABM interceptor missiles, launchers, and radars, cannot be deployed even in permitted areas . . . it prohibits the deployment of new esoteric systems in these areas." [Documents on Disarmament, 1972, at p. 492.]

The ordinary meaning of the treaty instruments and the explanation of them between the May 26th signing and the September 30th ratification are consistent: development and testing of ABM systems based on "other physical principles" are allowed. Such prototype systems may not, however, be deployed.

When President Nixon transmitted the ABM Treaty to the President of the Senate, the accompanying Letter of Transmittal from Secretary of State Rogers indicated acceptance by the United States of a prohibition of deployment, and not merely a duty of pre-deployment discussion. The pre-deployment duty to discuss is referenced back to Article III. This article prohibits all deployments other than those specifically allowed. The same Agreed Interpretation E that casts future ABM system development outside the scope of regulation casts deployment within the scope of regulation.

What if some negotiators sought a different result? The Vienna Convention on the Law of Treaties sets some standards for the interpretation of treaties. It is important to state the obligations that are sought, for the obligations that are stated are those that will determine the rights and duties unless the result is "manifestly absurd or unreasonable," the Vienna Convention Article 32 standard.

If at the time of the treaty signing in May 1972 there were an unequivocal mutual acceptance by the signatories of some prior working level commitment to ban future system development, the preparatory works (papers within the negotiating forum) could be consulted if the textual meaning were "manifestly absurd or unreasonable," pursuant to Article 32 of the Vienna Convention on the Law of Treaties.

On the contrary, the uniform interpretation of the scope of obligations between the signing and the ratification of the ABM Treaty is strong evidence that the final textual emphasis upon discussion or amendment preceding deployment is both authoritative and not "manifestly absurd or unreasonable." Hence, development and testing of "other physical principles" systems of any kind are permitted under the Treaty.

Would it be a circumvention defeating the object and purpose of the ABM Treaty to develop and test ABM systems based on other physical principles? It appears that there was no manifest intent deriving from the treaty commitments of both parties to ban, at that time, development of ballistic missile defense based on other physical principles. Whatever purposes are evidenced in the exchanges at the Working Group level in 1971 and early 1972, the fact remains that those officials presumed to have authority to represent their governments (Foreign Ministers, Secretaries of State, and Heads of Government) under Article 7 of the Vienna Convention agreed on an expanded set of treaty instruments that establish a regulatory boundary between development and deployment of "other physical principles" ABM systems. Without a more restrictive treaty object or purpose, the development of such ABM systems is neither a breach of express commitments nor a circumvention of a treaty object or purpose. It is important to distinguish the intent of certain of the negotiating officials (some seeking to ban future ABM systems and others seeking the opposite) from the treaty objects and purposes established by the final terms, and the Agreed Interpretations that should be accorded special weight in interpretation.

The ABM Treaty as a legal instrument should also be considered within the broader context of the rights and duties of nation states under the United Nations Charter. The ABM Treaty carves a legally binding set of exceptions to the customary right of nation states to engage in their own defense. Such exceptions should be strictly construed, when the restraints conflict with generally recognized rights under international law. In particular, Article 51 of the United Nations Charter provides—

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense, if an armed attack occurs against a Member of the United Nations. . . ."

In an era when some state practices too often disregard binding arms control commitments, it is prudent to construe strictly the limited arms control commitments of nation states. To expect nation states to forego the right of self-defense against armed attack and the development of defensive technologies beyond understanding at the time of the ABM Treaty commitment would be to seek more of international law than it can reliably deliver. The ABM Treaty parties recognized explicitly in the ratification process, and implicitly in the treaty instruments a restraint upon attempts to regulate unforeseen technologies.

The ABM Treaty of 1972, by omitting from Article II definitions of ABM systems those based on "other physical principles," by expressly linking such systems to the Article III limits on deployment but not Article V development, and by committing both parties at the time of signing to agree predeployment discussions, permits both the development and testing of ABM systems and components based on "other physical principles."

PART II—DEVELOPMENT RIGHTS AND DUTIES RELATING TO ABM SYSTEMS IN EVENT OF MATERIAL BREACH BY THE GOVERNMENT OF THE U.S.S.R.

Article 60 of the Vienna Convention on the Law of Treaties incorporates rights of aggrieved parties to terminate or suspend, in whole or in part, the operation of a treaty as a consequence of its breach. The U.S. has signed but not ratified the Vienna Convention. The Soviet Union participated in negotiations but neither signed nor ratified. Article 60 sets forth rights under customary international law that pertain to parties and non-parties alike:

"Article 60 Termination of suspension of the operation of a treaty as a consequence of its breach:

"1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operations in whole or in part.

"2. [multilateral treaties—deleted]

"3. A material breach of a treaty, for the purposes of this article, consists in: (a) a repudiation of the treaty not sanctioned by the present Convention; or (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

"4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.

"5. [inapplicability to humanitarian provisions—deleted.]"

Article XV of the ABM Treaty provides for the right of withdrawal if a Party—". . . decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests."

Specific provisions for withdrawal from the ABM Treaty under Article XV do not conflict with, nor impair rights of an aggrieved party to exercise rights of proportionate response recognized by Article 60 of the Vienna Convention. If the Government of the U.S.S.R. has tested ABM and air defense equipment concurrently so extensively as to preclude assurances of treaty compliance, or if that Government has developed or deployed ABM radars contrary to the treaty instruments, or commenced deployments for a broad territorial defense, the Government of the United States has the rights set forth in Article 60. If the Soviet practices constitute a material breach of treaty obligations, that is, violation of a provision essential to the accomplishment of the object or purpose of the treaty, the United States has the rights conferred by Article 60 to suspend in whole or in part the performance of its duties under the Treaty. An aggrieved party has no duty to suspend the specific provision that another Party has violated. A restriction of remedies of this nature would encourage "violation shopping" within the provisions of treaties.

Taking into account the Inter-Agency Report of May 1981, the Report of the General Advisory Committee Arms Control and Disarmament of November 1983, the Inter-Agency Report of January 1984, and the more recent Inter-Agency Report of February 1, 1985, with regard to the ABM Treaty of 1972, the United States has the rights of an aggrieved party under Article 60 of the Vienna Convention.

A suspension of the obligation not to develop or test ABM system components (of the current type or modifications of them) would appear to be a proportional response. If deployment of at least one ABM radar is underway at an impermissible location, it would appear to be a proportional response if, following notice and failure to cure the material breach, the aggrieved party suspended its duties under Article V(1) of the ABM Treaty until a complete suspension of unpermitted deployments by the other party. Development and testing would improve the potential of an aggrieved Party to offset unpermitted deployments by another Party. Such a suspension of Article V(1) duties could strengthen incentives for compliance with the Article III limits on ABM deployments. As Ambassador Smith observed when explaining the Treaty on May 26, 1972, "Article III is the heart of the Treaty. . . ." The United States could determine that an accelerated development program would strengthen incentives for compliance with Article III deployment limits.

In view of Part I of this opinion, to pursue development and testing of ABM systems based on "other physical principles" would not require the suspension of Article V(1) obligations.

It is, however, our understanding that other legal advisors have assumed that a strong inference should be derived from the addition of the word currently in Article II of the treaty, and that the intent of certain negotiators to effectuate a ban on development of future ABM systems (except for those that are of fixed, land-based design) should be accorded some weight. We consider that the treaty instruments themselves, interpreted in accordance with Article 31 of the Vienna Convention, establish that what was accomplished was a less restrictive set of limits. If, however, there are preparatory works within the negotiating forum—unknown to us—that show the limits derived from the treaty instruments to be "manifestly absurd or unreasonable," then those who assert that Article V(1) prohibits development and testing of ABM systems based on "other physical principles" must include in their analysis the rights of an aggrieved party in event of material breach before concluding that the United States presently lacks the right to proceed with development and testing of such ABM systems.

In conclusion, the United States has either the right to proceed with development and testing of such future ABM systems in any event (our view), or derives that right from the past and ongoing "material breach" of the ABM Treaty. The duty not to deploy ABM systems based on "other physical principles" remains a part of the Treaty obligations.

WILLIAM R. HARRIS.

ADDITIONAL STATEMENT OF HON. RICHARD N. PERLE, ASSISTANT SECRETARY OF DEFENSE, INTERNATIONAL SECURITY POLICY, ON THE ANTIBALLISTIC MISSILE TREATY, MARCH 26, 1987

Mr. Chairman, I appreciate the opportunity to appear before the Committees on Foreign Relations and the Judiciary together with my friend and colleague Judge Sofaer. In nearly twenty years of government service I have always regarded deliberations of this nature with the utmost seriousness, attaching to them the high purpose of that essential collaboration between the Congress and the Executive that has enriched our public policy and our democratic institutions.

There is a certain irony in my appearance here today as a representative of the Department of Defense. For it was my privilege fifteen years ago to participate in hearings on the very subject now before us as a member of the professional staff of the United States Senate. On that occasion I had the honor to assist Senator Henry Jackson in his effort to comprehend the meaning of the ABM Treaty, and to do so with the conscientious thoroughness for which he was so rightly admired by his Senate colleagues.

Scoop's judgment that the Soviet Union would relentlessly exploit all of the latitude the treaty and the associated interim agreement allowed has been confirmed countless times since, often with consequences that have damaged our security and added greatly to the burden of defending our nation and our freedom.

More than any of his colleagues, he realized that imprecision, ambiguity, and uncertainty as to the meaning of the rights and obligations undertaken through the treaty process would reward the Soviets with opportunities that would inevitably be denied to the United States. That is why much of the record of the ratification process was created by his probing and questioning of executive branch witnesses who sat in 1972 where Judge Sofaer and I sit today.

As the President's strategic defense initiative got underway after 1983, following more than a decade of neglect in the development of defensive technologies, the issue of precisely what activities the ABM Treaty prohibited became essential to the conduct of our program of research, development and testing. To this nation of laws it became urgent to understand the nature of the legal obligations that we and the Soviets assumed when, on May 26, 1972, President Nixon and General Secretary Brezhnev entered into a contract we called the Treaty on the Limitation of Anti-ballistic Missile Systems.

We undertook a systematic, deliberate and thorough review of the Treaty. Where the Treaty was unclear or ambiguous or apparently contradictory we examined the record of the negotiations in order to understand precisely where agreement had been reached between the parties, where the parties differed, and how the compromises reached between us had been achieved and how they were to be understood. This review was conducted in good faith and with the integrity and conscientiousness that we who have taken solemn oaths of office are pledged to uphold.

We came to the conclusion that despite the desire on the part of our negotiators to conclude a treaty prohibiting the development and testing of certain new defensive technologies, the Soviets had failed to accept the proposals that would have obligated them as we wished. And the President decided accordingly that the ABM Treaty did not prohibit either of the parties from the conduct of development and testing of space-based systems and components based on what the Treaty refers to as "other physical principles".

We thus arrived at an interpretation of the Treaty that differed from the interpretation of most of the officials involved in the negotiations that culminated in the ABM Treaty.

Indeed, we concluded that statements made by officials of this administration that were based on the repetition of earlier statements made by officials of previous administrations, were seriously in error. And we sought to set the record straight.

Looking back one can only wish that we had been more rigorous, more probing, more effective in unearthing, in 1972, the understanding that we achieved only after the review to which I have referred, which was undertaken thirteen years later.

I hope that these Committees will study the Treaty and the negotiating record carefully. You will find contradictory statements. You will find ambiguity and imprecision. You will find conflicting testimony. You will find differences of opinion. You will find here as so often in matters of this sort that there is room for men of honor and integrity to differ over where the preponderance of the evidence lies. And you will find that rancor is no substitute for reason as you contemplate the arguments on both sides.

As you reflect on this crucial issue I urge you to apply a simple test in your deliberations. Ask yourselves this question: If the Soviets were to have tested a system or a component based on other physical principles in space, and if we were able to observe them doing so, how would they have responded if challenged under the treaty interpretation that was presented to the Senate by many officials in 1972?

There is no doubt in my mind that they would have invoked Agreed Statement D from the Treaty. They would have insisted that they never agreed to prohibit such a test, that the Treaty itself and the negotiating record support the conclusion that the creation of systems and components based on other physical principles is permitted by the Treaty. And I have no doubt that we would have acquiesced just as we have done in other like cases.

What is really at issue is whether we will restrict ourselves in a manner that the Soviets would refuse to be restricted if they were in our position and we were in their's.

In a deeper sense the question before us is whether we will, by tying our hands in a manner that is neither necessary or wise, dash the hope that we might continue the SDI program in an efficient and effective manner. For adoption by the Congress of a restrictive statute prohibiting the development and testing upon which the success of the SDI program ultimately depends, will damage at once, and in time destroy, this vital program to defend against ballistic missiles.

We are, Mr. Chairman, at a critical stage in our negotiations with the Soviet Union. For more than six years we have sought to negotiate deep reductions in intermediate and strategic offensive weapons. We are closer now than we have ever been to achieving results that, until recently, seemed to many to be remote or even utopian. We have, within sight, an agreement virtually eliminating intermediate missiles from the arsenals of the Soviet Union and the United States. We are hard at work on an agreement that would reduce strategic weapons by one-half. We are in the final months, the home stretch, after six years of determined bargaining across the negotiating table in Washington and Moscow and Iceland and Geneva. If you now act to shackle the SDI, the most effective program we have, if you diminish the funding that keeps it going or encumber it with restrictions the Soviets never accepted and that we could not hope to verify, we will almost certainly fail.

I hope, Mr. Chairman, and I believe, that the Congress will give the President the strength he needs, the support he must have, the partnership or constitution has placed within reach, to finish the tasks before us.

PREPARED STATEMENT OF HON. RICHARD N. PERLE, ASSISTANT SECRETARY OF DEFENSE, INTERNATIONAL SECURITY POLICY, ON THE ANTI-BALLISTIC MISSILE TREATY, MARCH 26, 1987

Thank you, Mr. Chairman, for the opportunity to appear before your Committees today to discuss the ABM Treaty. Current public and political attention on that Treaty is focused almost exclusively on its proper interpretation as it relates to defenses against ballistic missiles based on "other physical principles." That will almost certainly be the case in this session today as well. Before discussing the important issue of ABM Treaty interpretation, however, I would like to concentrate on the more fundamental questions of why the United States pursued the Treaty and what conditions the United States believed had to be fulfilled if the ABM Treaty was to be in our national security interest.

Moreover, we must be constantly mindful of the indisputable fact that the ABM Treaty has been violated by the Soviet Union. Despite this fact, the United States has continued to comply with the ABM Treaty unilaterally. The debate over the legally correct interpretation must be understood as a debate over what standards we are setting unilaterally for ourselves. Those standards will have little or no influence on Soviet behavior.

Throughout most of history, states have maintained their security with a mix of offensive and defensive forces; the advent of the nuclear age did not change that situation. Thus, through the 1950s and the 1960s, the Soviet Union and the United States shared the belief that strategic defenses contributed importantly to strategic stability and deterrence. Indeed, during that period, both sides committed roughly half of their total strategic investment to the maintenance of strategic defensive systems:

air defense, leadership protection, civil defense, and passive defense of offensive systems through hardening and other measures.

U.S. thinking about the role of defenses in deterrence then changed, as the ballistic missile became paramount in offensive arsenals. The technology of the time would not permit effective, stabilizing defenses against those weapons; notwithstanding the very high cost of the Safeguard ABM system, it was subject to being overwhelmed by a large Soviet offensive strike.

As a result we adopted the revolutionary concept of "mutual vulnerability", which was ostensibly enshrined in the ABM Treaty. In contrast to the previous shared strategic deterrent concept of relying on a mix of offensive and defensive systems to prevent aggression, this new notion suggested a radically different approach: it held that both sides could find greater security and the strategic balance would be more stable if the United States and the USSR were effectively to abandon defenses against ballistic missiles. With severe limits on defenses, so the reasoning went, each side could pursue balance rather than superiority in offensive forces and negotiate deep mutual deep reductions in those weapons.

It is essential to remember that the concept of mutual vulnerability was a multifaceted one. Contrary to the impression now conveyed by many, the ABM Treaty was not an end in itself. Instead, strict limits on defenses were viewed by the United States as stabilizing only if they led to offensive arms reductions. As Ambassador Gerard Smith stressed in a unilateral U.S. statement during the negotiations: "If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty." Offensive arms reductions, of course, were not achieved within five years, nor within ten, and have still not been achieved almost 15 years after the signature of the ABM Treaty. Instead, as we all know, Soviet offensive capabilities have increased manyfold.

The ABM Treaty has not even succeeded in inducing the USSR to restrict significantly its strategic defense activities. the Soviets have continued to spend as much on strategic defensive forces as on offensive. Over the past decade, they have spent the equivalent of $200 billion on strategic defense. Soviet strategic air defense and passive defense programs dwarf those of the United States. Their continued work on defenses against ballistic missiles show how seriously they have always taken then-Defense Minister Grechko's assurance to the Presidium in 1972 that the ABM Treaty "places no limitations whatsoever on the conducting of research and experimental work directed towards solving the problem of defending the country from nuclear missile strikes."

The USSR maintains the world's only operational ABM system, which it is currently upgrading and expanding to the limit allowed by the ABM Treaty. Several other Soviet activities violate or potentially violate the Treaty.

The Soviet Union is deploying a new series of ballistic missile detection and tracking radars, nine of which are either optional or under construction. One of those under construction, near Krasnoyarsk in Siberia, will close the final gap in Soviet ballistic missile early warning radar coverage. It is a flagrant violation of the Treaty by virtue of its location and orientation. The growing Soviet network of large phase-array radars, of which the Krasnoyarsk radar is a part, is of particular concern when linked with other Soviet ABM efforts. These radars take years to construct and their existence could allow the Soviet Union to move quickly to deploy a nationwide ABM defense. The degree of redundancy being built into the Soviet large phased-array radar network is not necessary for early warning, but it is highly desirable for defense against ballistic missiles.

During the 1970s, the Soviets developed components that could be integrated into an ABM system that would allow them to construct individual ABM sites in months rather than the years required for more traditional ABM systems. The development and testing of these components represent a potential violation of the ABM Treaty's prohibition against the development of a mobile land-based ABM system or components.

In addition, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and surface-to-air missile (SAM) components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the Treaty's prohibition on testing SAM components in an ABM mode. Moreover, the SA-10 and SA-X-12B SAM systems, which we expect to be widely deployed, may have the potential to intercept some types of strategic ballistic missiles.

Taken together, Soviet ABM and ABM-related activities suggest that the USSR may be preparing a national ABM defense—precisely what the Treaty was designed to prevent. As I mentioned previously, the United States rejected a nationwide ABM system based on traditional technology in large part because it would be ineffective against a massive first strike. However, such a system, particularly in combination with Soviet Air and passive defenses, could be very effective against a necessarily more limited, ragged retaliatory strike. Thus the combination of Soviet offensive force growth and developments in ABM systems based on traditional technologies give rise to very serious concern about the long-run ability of the United States to maintain deterrence based on a credible threat of effective retaliation.

The situation would be all the more severe if the Soviet Union were able to add a monopoly on advanced defenses against ballistic missiles to its existing offensive and defensive forces. The Soviet desire for such a monopoly and accompanying strategic advantage is, of course, the reason for its all-out propaganda and diplomatic effort against the SDI. The USSR initiated a substantial research program into advanced technologies for defense against ballistic missiles in the 1960s. That effort covers many of the same technologies being explored under the SDI, but involves a much greater investment of plant space, capital and manpower. The Soviet laser program alone, for example, involves over 10,000 scientists and engineers as well as more than a half-dozen major research and development facilities and test ranges. The Soviet laser weapons program would cost roughly $1 billion a year, over several years, in the United States.

Thus the expectations of the ABM Treaty and the broader SALT process have been utterly disappointing. Instead of sharing our concept of mutual vulnerability, the Soviets saw it as an opportunity to acquire military superiority and establish unilateral vulnerability for the West. The strategic trends of the past two decades make essential the search under the SDI for a more stable, secure long-term strategic order. At the same time, the scientific and technical progress made since 1972 gives us reason to believe that the SDI program will be able to develop advanced technologies that can provide effective defenses against ballistic missiles.

Notwithstanding the failure of the SALT process to result in offensive arms reductions, and notwithstanding Soviet violation of the ABM Treaty, President Reagan made the commitment from the inception of the SDI that it would be conducted in full compliance with all our legal treaty obligations. The SDI program was initially structured to conform to a restrictive interpretation, which holds that the Treaty prohibits development and testing of ABM systems and substitute ABM components based on other physical principles, except those in a fixed land-based mode.

In 1985, the United States undertook a review of the ABM Treaty and its negotiating history in order to gain a more precise understanding of what the Treaty permitted with respect to the development and testing of ABM systems involving other physical principles. That review was undertaken in part because the Treaty is not clear in its treatment of ABM systems based on other physical principles, and the restrictive interpretation would increasingly become a significant constraint on SDI experiments as the program progressed.

The 1985 review led President Reagan to conclude that a broader interpretation of our authority under the Treaty—permitting development and testing of all ABM systems involving other physical principles, regardless of basing mode—was fully justified. The President also decided, however, that it was not necessary at that time to restructure the SDI program toward the boundaries of the broader interpretation which we were entitled to observe. The President made that decision as a matter of policy, not as a matter of legal requirement, and clearly reserved the right to restructure the SDI program in the future to conform with the broader interpretation.

With further progress under the SDI, the conditions which the President found in 1985 have changed significantly. Our technical understanding of the feasibility of advanced defensive options is growing rapidly. The costs—in terms of additional resources and time—of continuing to follow the more restrictive interpretation of the ABM Treaty are growing correspondingly. As a result, the balance is shifting between the price that the United States and its Allies continue to pay for keeping our SDI program within the bounds of the more restrictive interpretation and our overall security requirements. For that reason, the President is not considering the restructuring of the SDI program to take advantage of our rights under the ABM Treaty.

Judge Sofaer's scholarly analysis of the Treaty text and negotiating record is thorough and exacting. It is a solid piece of work, which if anything, understates the strength of the case. The only provision of the Treaty which deals with future technologies is Agreed Statement D, which allows "creation" (i.e., development and testing) of ABM system based on other physical principles and provides for consultations and agreement only on deployment.

The narrow interpretation renders Agreed Statement D meaningless. The broad interpretation results in a coherent reading of the Treaty. It prohibits development and testing of space-based and other mobile-based components known in 1972—ABM launchers, ABM interceptor missiles and ABM radars—but allows development and testing of all ABM systems based on other physical principles.

The negotiating record clearly demonstrates that the United States tried, but failed, to secure Soviet agreement to a Treaty text that would have prohibited development of space-based and other mobile-based ABM systems based on future technologies. The Soviets strongly rejected all such U.S. efforts, arguing that restrictions could not be devised for systems and components not yet created. The U.S. side was able only to obtain Soviet agreement to Agreed Statement D which, as I noted previously, places no restrictions on development and testing of future ABM systems.

The recent arguments by Senator Nunn in support of the restrictive interpretation are built primarily on the contention that the Senate's consent to the ABM Treaty was predicated on that interpretation, and that the Senate's supposed perception of the agreement betweeen the United States and the Soviet Union is more authoritative than what the parties actually agreed. That argument is fundamentally flawed. As I remember very well, the Senate did not focus on the question during the ratification process. Moreover, even if some Senators believed that the United States and the Soviet Union had agreed to the restrictive interpretation, those beliefs could not create binding bilateral obligations under the Treaty.

Some statements by Executive Branch officials during the ratification process tended to support the restrictive interpretation of the Treaty, but those were entirely unilateral and contrary to the negotiating record. In any event, other statements were made by Excecutive Branch officials that were consistent with the broader interpretation. The Senate made no effort to resolve this issue. The Foreign Relations Committee report included only a brief statement concerning future ABM systems, which repeated the thrust of Secretary Rogers' official report; Secretary Rogers' report was consistent with the broader interpretation. Moreover, the Senate's resolution of advice and consent did not condition its consent in any way on the restrictive interpretation.

I believe that the best evidence of what the United States and the Soviet Union agreed to is in the Treaty text and the negotiating record. Both clearly support the broad interpretation of the Treaty. The United States cannot be bound to the restrictive interpretation when the Soviets refused to be so bound.

U.S. Senate,
Washington, DC, March 17, 1987.

The President,
The White House, Washington, DC.

Dear Mr. President: When you determined that the ABM Treaty did not prohibit the research and development of the Strategic Defense Initiative program, I was encouraged to see good common sense being used in the formulation of our defense policy. It was clear when the Treaty was ratified in 1972 that it did not mean the end of ABM technological improvements. Your decision is consistent with the terms of the Treaty and recognizes that recent and promising ABM advancements hold the key to our national security in the future.

However, I am troubled by recent press reports suggesting that you will moderate this position in order to accommodate critics and forego for some period of time adoption of action in accordance with your interpretation of the Treaty. I understand that along with this delay, some consideration may be given to negotiating with the Soviets an even more restrictive view of permitted activities than those allowed under the so-called "narrow interpretation."

Such a reversal of your interpretation of the Treaty would prove disastrous to our national defense for two important reasons. First, it would result in unilateral U.S. compliance with a restrictive view of the Treaty not substantiated by either the negotiation record or the Treaty itself. Second, by accepting the idea that Soviet agreement is necessary to determine or clarify what is permitted under the Treaty, the Soviets will become the arbiters of our rights and obligations. In effect, we would be letting them dictate our defense programs and policies.

I have spent considerable time reviewing the history of the ABM Treaty, the intent of the negotiators on both sides and the treaty itself. I have also reviewed the ratification in the light of one who voted for that ratification. There are points of confusion:

1. The manifest intent and determination by U.S. negotiators that future ABM technologies be prohibited and the manifest intent of the Soviet negotiators that future technologies not be prohibited or restricted. The Soviets won. Research and development of futuristic technologies were not restricted nor was deployment except for the requirement that prior thereto there be consultation between the Soviets and the U.S. Obviously, the one party determined to deploy would learn the cost from the other party opposing deployment at the time of consultation. But even deployment itself was not prohibited;

2. Some of the witnesses at the ratification proceedings made statements that research, development or deployment of futuristic technologies were prohibited by the Treaty. These statements were made without authority and in the context of "selling" or "puffing their wares." They did not want to appear to be losers in the negotiations. Very little attention was given to futuristic technologies in the debate. I voted against SALT I. I have always maintained that SALT is a Soviet strategy to Stop America's Lead in Technology. I do not believe that you can stop someone from thinking, and the research and testing of thought is unverifiable. We cannot tell at the moment what the Soviets are testing from their space stations;

3. The negotiation record on futuristic technology is unambiguous. It is only in the case of an inconsistency or ambiguity that we look at the ratification statements of witnesses and Senators to clarify the ambiguity and determine the intent. Individual Senators habitually give individual reasons for a vote in the Senate but certain it is that the individual rationale cannot change, in this case, the treaty itself. Nor can different statements of different witnesses. Herein, opposition to SDI creates an ambiguity from a faiilure to have the Soviets agree to restrict futuristic technologies. To adopt the opposition's restricted view of ABM is to disregard the treaty itself and the negotiation record;

4. Your interpretation of the ABM Treaty is not "tricky" or "new." Your Administration is the first to give serious study to the Treaty and the negotiation record. The three Presidents that are being quoted have had no reason to study in depth the treaty nor the negotiation record. They had no reason to distinguish between a broad or narrow interpretation. Unfortunately, once serious study was given for the first time—former National Security adviser McFarlane announced it on a Sunday news show without conferring or communicating—Secretary Shultz was appalled. Your first attention to the interpretation was with McFarlane and his authority and Secretary Shultz and his dilemma. In a tactful way, you satisfied both by holding to the interpretation but saying it wasn't necessary to implement it until you conferred with our allies and others. This confusion has given impetus to the anti-SDI forces;

5. The Senate opponents of SDI believe that if you are convinced that there is trouble in the Senate, to save SDI you may compromise by adhering to the strict interpretation in exchange for budget support. They also know that to amend the treaty, you would have to go to the Soviets which puts you in an impossible position. For a strict interpretation, the Soviets would have to dismantle the Krasnoyarsk radar. This they have refused to do. But, there is no "Constitutional crisis." Rather the thrust here is to stop testing which in turn stops research which in turn stops SDI.

It is clear to me that the Treaty allows the development of the SDI program, and prior to deployment consultation is provided for in Article D of the Agreed Statements of the Treaty. Now, fifteen years later, you are asked by some in Congress to unilaterally implement a policy our negotiators failed to achieve.

Such a course of action would seriously undermine our national defense. Our ability to pursue a robust and effective program exploring the feasibility of strategic defense is critical in the face of the massive Soviet strategic offensive build-up. We should not make hasty decisions about the obligations we and the Soviets have under the ABM Treaty nor embark upon a course of action which effectively gives the Soviet Union veto power over the strategic defense of our nation. Your decision to proceed with research and testing of SDI is in compliance with the Treaty, and I urge you to continue. Make no mistake, a compromise on the Treaty is to compromise and end SDI.

With kindest regards, I am

Sincerely,

Ernest F. Hollings.

U.S. Senate,
Washington, DC, March 27, 1987.

Hon. Jesse Helms,
Ranking Member, Senate Foreign Relations Committee.

Dear Jesse: Because of a morning meeting I have been asked to attend at the White House, I regret I will be unable to appear before the joint hearing today on the ABM Treaty as I originally planned.

Although I can't be present, I do want to share an important document with the participants of the hearing—a letter I received last year from Ambassador Henry Cooper, Deputy Negotiator at Geneva for the Defense and Space Group. I believe that this letter contains new, hard evidence that more than suggests that the Soviets themselves assumed the broad interpretation of the ABM Treaty until we publicized our own review of this matter.

In this letter, three major points are made:

1. The Soviets were so worried that the ABM Treaty did not limit the development of space-based exotics that in March 1985 they sought a separate accord to ban such activities.

2. When the Soviets first approached us with this proposal, our negotiators were genuinely perplexed since they assumed that space-based ABM systems were covered under the ABM Treaty.

3. It was this proposal, and not any effort to torpedo the treaty, that sparked an intensive internal review of the AMB Treaty negotiating record by the Reagan Administration.

The full text of this letter along with my own statement is attached for distribution to the hearing participants. I again apologize for not being able to deliver this material myself, but I hope that this material may be of some use in the hearings' deliberations.

Sincerely,

Dan Quayle,
U.S. Senator.

U.S. Department of State,
Washington, DC, August 29, 1986.

Hon. Dan Quayle,
U.S. Senate, Washington, DC.

Dear Senator Quayle: As you requested, I am writing to provide the substance of our conversation last week regarding my perception, based on our negotiations since March 1985, of the Soviet views on the restraints on development and testing of "future technologies" under the ABM Treaty. I trust these thoughts will be useful to you in your discussion with your colleagues in the Senate.

The March 1985 Soviet proposal (which is still on the table) included a ban on the development, testing and deployment of so-called "space-strike arms." The Soviets have defined "space-strike arms" to include all space-based ABM systems and components, all space-based weapons capable of attacking targets in the atmosphere and on Earth's surface, and anti-satellite (ASAT) systems of all basing modes. (Notably they left out ground-based ABM systems, which have been the focus of most of their ABM research, development and deployment activities.)

Their proposed ban on the latter two categories (i.e., space-to-earth weapons and ASATs) clearly went beyond existing international commitments. But their proposed ban of space-based ABM systems at first puzzled us because it seemed redundant with existing U.S.-Soviet obligations under Article V of the ABM Treaty. (They did propose to ban all "scientific research" as a part of development, which went beyond the ABM Treaty, but we never took that as a serious proposal.)

Light was shed on this puzzle last year by an intensive internal review of the ABM Treaty negotiating record. During our second round, we began to draw upon that record to refute Soviet charges regarding the legitimacy of the SDI program under the ABM Treaty. Following these initial discussions with the Soviets in the second round, a very comprehensive review was undertaken in Washington between the second and third rounds, and during the third round. That review led to the conclusion that the Soviets never agreed to include ABM systems based upon "other physical principles" in the Article V prohibition. The only limitation on such ABM systems and components agreed to by the Soviets was included under Agreed Statement D which prohibits deployment without negotiation and amendment to the Treaty, but not development and testing of such systems and components.

As Ambassador Gerard Smith makes clear in his book, Double Talk, the Soviets opposed all limitations on future ABM systems. (See attached excerpts.) Indeed, the earliest versions of the draft Treaty tabled by both sides were understood by both sides to apply to only then-current technologies. After the U.S. Government decided (following substantial internal debate as described by Ambassador Smith) to seek limitations of "future" ABM systems as well, the U.S. Delegation pursued that objective with diligence. Just as diligently, the Soviets opposed the U.S. objective. Careful study of the record shows that neither side was totally successful, and both sides were partially successful, in achieving their objectives. The U.S. objective of a limitation on ABM systems based on "other physical principles" was achieved, and that limitation was embodied in Agreed Statement D. Ambassador Smith points to this achievement with legitimate pride in his book. (See p. 344 in the attached excerpts.) But he did not get everything he wanted; the records shows that the Soviets did not accept Article V to apply for substitute "devices" for ABM components (i.e., ABM interceptors, ABM launchers, and ABM radars) in spite of the U.S. negotiators' best efforts to get them to do so.

In this light, we now understand that the inclusion of all space-based ABM systems and components in the March 1985 Soviet proposal to ban "space-strike arms" was not redundant with prohibitions under the ABM Treaty—as we first thought in March 1985. Furthermore, I believe the Soviets probably had believed, since 1972, that the ABM Treaty permitted development and testing of other than fixed land-based ABM systems composed of ABM interceptors, ABM launchers and ABM radars. This was their "half-a-loaf" in 1972. Some of my conversations with my Soviet counterparts, prior to the U.S. public announcement of the results of our comprehensive review tends to confirm this view. Since then, the Soviets have adopted a uniformly contrary view. This is understandable, because our decision to constrain the SDI program to be consistent with our previously held view of the terms of the Treaty puts them in the best of all worlds. The U.S. has legitimized the "broader interpretation" for them, if there was any doubt, while continuing the narrow restraints on activities under the U.S. SDI program. Their public position is no doubt intended to provide pressure to help perpetuate this situation.

I want to emphasize again that I believe our Negotiating Group, because of our dialogue with the Soviets in Geneva, stimulated the study by Defense, State and ACDA last summer and fall. The study was not undertaken out of the blue to "torpedo the Treaty" as some have suggested. It was a logical consequence of our negotiations. Indeed, the absence of negotiations on strategic defenses since 1972 was probably the reason why this was the first time such a comprehensive study of the negotiating record was undertaken. This is itself a rather startling fact.

From my personal study of the 1972 negotiating record and the 1972 ratification hearings, I believe what happened was simply that many on the U.S. side believed they achieved their negotiating objective of including ABM systems based on "other physical principles" under the Article V prohibitions. I believe the Soviet negotiators probably returned to Moscow believing they had agreed to limit deployment of such systems, but that they had a partial victory in not prohibiting their development and testing. I have no doubt but that if we had observed the Soviets conducting such development and testing of Article V systems based on "other physical principles," they could have explained the legitimacy of their activities with a clear rationale, based upon the Treaty and negotiating record. And our lawyers would have argued they had a case difficult to refute. I trust the current study of the record by the Senators will arrive at the same conclusion.

Best regards,

Henry F. Cooper,
Deputy Negotiator,
Defense and Space Group.

Text of Senator Dan Quayle's Floor Statement on the ABM Treaty

Mr. President, two days ago, I said I had some new evidence indicating that the Soviets have laways known the ABM Treaty was broad enough to let us research, test and develop space-based strategic defenses.

Before presenting that evidence, however, I would like to make a point which, unfortunately, has not been a part of our debate over this treaty—a treaty, by the way, which has reduced our strategic defenses to a shambles in the past decade.

While we are considering limits we believe the treaty imposes on research, testing and development of anti-ballistic missile systems, we must also look very carefully at the ABM Treaty constraints the Soviets have acted under.

Because the Soviet Union is our partner in this nuclear deterrence pact. Their actions in the nuclear arena have a profound effect on our national security efforts.

To consider limiting our own strategic defenses under the ABM Treaty without considering how the Soviets have interpreted that very same treaty is not only foolish, it is dangerous to the welfare of this nation.

When the United States signed the ABM and SALT I Treaties in 1972, we did so with the understanding and the hope that the Soviets would adhere to the concept of Mutual Assured Destruction.

Well, even a brief review of history shows that not only have the Soviets rejected MAD, a strong case can be made that they used both treaties to catch up to us in strategic defense technologies and to overtake us in the strategic offensive field.

The Soviets have liberally interpreted the ABM Treaty for years because, as even their public statements indicate, they place a high premium on strategic defenses.

It is for this reason that the Soviets have developed and deployed extensive strategic air defenses, two generations of ABM systems around Moscow and anti-tactical missile systems, even as we were abandoning out own strategic defense efforts.

Now, 15 years later, the Soviets have decided that the ABM Treaty, in fact, places very strict limits on certain types of strategic defenses. Why?

The answer to that question is contained in a letter to me that I believe contains evidence demonstrating just how blind our current debate is about the ABM Treaty.

Late last year, I met with our Deputy Defense and Space Group negotiator, Ambassador Henry Cooper, to talk about the Soviets posture on the President's Strategic Defense Initiative.

What Ambassador Cooper had to say about the Geneva talks and the Soviets' interpretation of the ABM Treaty were astounding, so I asked him to put his observations in writing.

Three of the most significant points Ambassador Cooper made during our discussion were:

One, that the Soviets were so convinced that the ABM Treaty did not limit the testing and development of futuristic, space-based defensive systems that they sought a separate accord to ban such activities.

Two, that when the Soviets approached us two years ago with this proposal for a separate ban on space-based ABM systems, our negotiators in Geneva were genuinely perplexed because they assumed that such systems were already covered under the ABM Treaty.

And three, that it was this Soviet proposal—and our own confusion about it—that sparked an intensive internal review of the ABM Treaty negotiating record by the Reagan administration.

As Ambassador Cooper noted: "Their proposed ban of space-based ABM systems . . . puzzled us because it seemed redundant with existing U.S.-Soviet obligations under Article V of the ABM Treaty."

As a result, our internal review of the negotiating treaty was not, Ambassador Cooper noted, "undertaken out of the blue to 'torpedo the treaty,' as some have suggested."

It was only after a comprehensive review of the negotiating record that some light was shed on the puzzle.

"That review led to the conclusion that the Soviets never agreed to include ABM systems based on 'other physical principles' in the Article V prohibition," Mr. Cooper wrote to me.

In fact, the Soviets apparently agreed in 1972 to only one limit on such futuristic ABM systems: that neither side would deploy such a system without first negotiating an amendment to the treaty.

When the United States suggested in late 1985 that perhaps we would interpret the treaty broadly, the Soviets did an about face and demanded a quite restrictive interpretation of the treaty.

This Soviet move was understandable, Mr. Cooper noted, because "our decision to constrain the SDI program to be consistent with our previously held view of the terms of the treaty puts them in the best of all worlds.

"The U.S. has legitimized the 'broader interpretation' for them . . . while continuing the narrow restraints on activities under the SDI program."

Finally, Mr. Cooper made one other point: that private conversations with Soviet negotiators have confirmed his belief that the Soviets have broadly interpreted the ABM Treaty for years.

This last point is one I think we need to keep firmly in mind as we continue our debate over the ABM Treaty and the limits it places on our SDI program.

Mr. President, I ask you: if the Soviets have aggressively developed ABM systems as a result of their own broad interpretation of the ABM Treaty, how can it possibly be in our own best interests to continue to interpret that same treaty narrowly?

PRESIDENTIALLY CONFIRMED SOVIET SALT BREAK OUT VIOLATIONS

A. Presidentially Confirmed Expanding Pattern of Soviet SALT II Break Out Violations—Total of 22

I. SS-25 mobile ICBM—prohibited second new type ICBM:

1. Development since about 1975;

2. Flight-testing (irreversible) since February, 1983;

3. Deployment since 1985—over one hundred launchers, "direct violation";

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight ratio (and doubling of throw-weight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation";

6. Encryption of telemetry, "direct violation."

II. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the 2,504 number only they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II.

III. SS-N-23 SLBM:

8. Heavy throw-weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Encryption of telemetry.

IV. Backfire intercontinental bomber:

13. Arctic basing, increasing intercontinental operating capability;

14. Probable refueling probe, increasing intercontinental operating capability;

15. Production of more than thirty Backfires per year for an estimated five years, making more than an estimated twelve extra Backfire bombers;

V. CCD:

16. Expanding pattern of camouflage, concealment, and deception (Maskirovka), deliberately impeding verification.

VI. Encryption:

17. Almost total encryption of ICM and SLBM telemetry.

VII. Launcher-ICBM Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. SS-16:

19. Confirmed concealed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at Plesetsk test range, now reportedly probably being replaced by similar number of banned SS-25 mobile ICBM launchers.

IX. Falsification of SALT II data exchange:

20. Operationally deployed, concealed SS-16 launchers not declared;

21. AS-3 Kangaroo long range air launched cruise missile range falsely declared to be less than 600 kilometers and not counted.

X. Excess MIRV fractionation:

22. SS-18 super heavy ICBM: NIE reportedly says SS-18 deployed with 14 war heads each, adding 1,232 warheads.

Additionally, deployment of more than five SS-24 rail-mobile MIRVed ICBM launchers in violation of SALT II sublimit of 820 MIRVed ICBM launchers, reportedly confirmed to President Reagan at Iceland Summit on October 11, 1986, by Soviet leader Gorbachev. Moreover, the Soviets are reportedly flight-testing the even heavier throw-weight follow-on to the super heavy SS-18 ICMB, in violation of the SALT II absolute ceiling on SS-18 throw-weight. This will certainly result in further excess MIRVing of the SS-18. The Soviets reportedly told the U.S. arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in the process of doing.

B. Presidentially Confirmed Expanding Pattern of Soviet SALT I Interim Agreement Break Out Violations (5 Violations)

1. Soviet deployment of the Heavy SS-19 ICBM and the Medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purposes of the SALT I interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of six.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet camouflage, concealment, and deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long range cruise missiles on converted Y Class SLBM submarines, which "is a threat to U.S. and Allied security similar to that of the original SSBN."

5. The United States judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement.

As Defense Secretary Weinberger stated on December 11, 1986, "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

B. Presidentially Confirmed Expanding Pattern of Soviet SALT I ABM Treaty Break Out Violations—Nine Violations

1. The siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" three provisions of the SALT I ABM treaty. The Soviets have privately admitted this violation to themselves.

2. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 Surface-to-Air Missiles and radars are "highly probable" violations of the SALT I ABM Treaty. Two high Soviet officials have even admitted that their SAMs have been tested and deployed with a prohibited ABM capability. The Joint Chiefs of Staff have stated that the SAM-5, SAM-10, and SAM-12 all have a prohibited ABM capability.

3. The Soviets may be developing and deploying a territorial, nationwide ABM defense, which violates the SALT I ban on developing even a base for a nationwide defense. President Reagan has stated that "this is a serious cause for concern." The Secretary of Defense has testified that the "Soviets have some nationwide ABM capability" already.

4. The mobility of the ABM-3 system is a violation of the SALT I ABM treaty.

5. Soviet rapid relocation without prior notification of an ABM radar, creating the Kamchatka ABM test range, and mobility of the ABM-3 radar, were violations of the ABM treaty.

6. Continuing development of mobile "Flat Twin" ABM radars, from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The

Soviets are now mass producing the ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a serious cause for concern. The State and Defense Departments state that the Soviets may have a prohibited reloadable ABM system.

8. Soviet deliberate camouflage, concealment, and deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range launchers is a violation of the ABM treaty dismantling procedures.

As Defense Secretary Weinberger stated on December 11, 1986, there has been "The recent discovery of three new Soviet large phased-array radars of this type [that is the Pechora-Krasnoyarsk class]—a 50 percent increase in the number of such radars. These radars are essential components of any large ABM deployment . . . The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

D. Presidentially Confirmed Expanding Pattern of Soviet Violations of Nuclear Test Bans—Over Seventy Violations

1. About twenty atmospheric nuclear weapons tests, August through September 1961, in violation of the 1959 Mutual Test Ban Moratorium, including a fifty-eight megaton shot.

2. Over thirty conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (or Atmospheric) Test Ban Treaty.

3. Twenty four cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in probable violation of the 1974 Threshold Test Ban Treaty.

E. Presidentially Confirmed Expanding Pattern of Soviet Violations of Biological and Chemical Weapons Bans

1. The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapon Convention. The United States has no defenses against this capability. The Sverdlovsk Anthrax Explosion of April 1979, killing several thousand Soviets, is direct evidence of this capability.

2. Soviet involvement in the production, transfer, and use of chemical and toxin substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol. Tens of thousands of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

F. Soviet Violation of the Kennedy-Khrushchev Agreement

The Soviets are violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba because of the reported presence of 4 to 12 or more TU-95 Bear intercontinental bombers, more than 43 nuclear delivery capable Mig-27 Flogger fighter-bombers, several types of strategic submarines, over 200 nuclear delivery capable Mig-21 fighter-bombers, and the Soviet Combat Brigade. President Reagan, the CIA director, the JCS chairman, and the under secretary of defense for policy have all charged that the Soviets are violating the agreement.●

WORLD POPULATION AWARENESS WEEK IN THE STATE OF RHODE ISLAND

● Mr. CHAFEE. Mr. President, the Governor of Rhode Island, Edward D. DiPrete recently proclaimed the week of April 19 through April 25 as "World Population Awareness Week in Rhode Island." I commend Governor DiPrete for this gesture of humanity.

The world in which we live is fast approachng the limit on its resources due to the tremendous increase in human population. Today's leaders can no longer stand still and watch our most precious resources, such as water, arable soil, and energy reserves, be wasted away and used improperly.

Mr. President, the citizens of the United States have to start living their daily lives more carefully before it is too late. One day, we shall wake up and have no water to satisfy our thirst or no food for those who are hungry. We have taken for granted, for too long, the resources of which people in other parts of the world have been deprived.

Mr. President, I ask that Governor DiPrete's proclamation designating World Population Awareness Week in Rhode Island be printed in the Congressional Record. Thank you.

The material follows:

Proclamation

Whereas during the week of April 9–April 25, 1987, the citizens of the State of Rhode Island will observe World Population Awareness Week; and

Whereas Rhode Islanders are sensitive to the recent great increase in human numbers and recognize that the growing population has caused a need for development of extensive new resources; and

Whereas the people of the Ocean State have a great concern for all those who have endured deprivation of nourishment, relief or adequate facilities; and

Whereas the prosperity of America has enabled the citizens of this nation to be among the most capable of assisting, providing and devising ways and means to sufficiently deal with the growing world population;

Now, therefore, I, Edward D. DiPrete, Governor of the State of Rhode Island and Providence Plantations, do hereby proclaim April 19–April 25, 1987, as World Population Awareness Week in the State of Rhode Island and call on all citizens to join with me in taking cognizance of the burdens of those who suffer due to overpopulation.●

WALTER H. "BARNEY" REYNOLDS

● Mr. PELL. Mr. President, the city of Providence and indeed the State of Rhode Island was saddened this week at the death of Walter H. "Barney" Reynolds, who served for 14 years with great distinction as mayor of Rhode Island's capital city.

Barney Reynolds held a nearly unique place among elected officials in Rhode Island during his years of service. From his first election as mayor in 1950 until his retirement in 1965, Barney Reynolds was mayor not simply by majority vote or plurality, but nearly by consensus. His administrative ability, his unquestioned integrity and his affability won for him both the respect and the affection of nearly all Rhode Islanders.

In years when our older cities confronted the adjustments and changes required by rapid growths in traffic, the mushrooming of suburbs, and the tensions of demographic changes, Mayor Reynolds provided leadership in traffic improvements, in establishing the first minimum housing code, and in physical rebuilding of the city of Providence.

Mr. President, I am saddened at the death of Barney Reynolds and I ask that an editorial tribute to him in the Providence Journal be printed in the Record.

Walter Reynolds: The City is His Monument

One word will serve to sum up the 14-year administration of Providence Mayor Walter H. "Barney" Reynolds: Accomplishment.

This quiet, unassuming man, who died Tuesday at the age of 86, presided with honor and ability over a city that had barely emerged from the streetcar era when he won overwhelming election to office in 1950. With more than two-thirds of the vote, he carried 11 of the city's 13 wards—and remained in office for seven terms until 1965.

That he had never held prior elective office was a tribute to Walter Reynolds' administrative skills—working his way up from appointment as the city's first budget officer, to finance director, to administrative assistant to Mayor Dennis J. Roberts.

Under the Reynolds administration, it was not long before the face of Providence began to change. Gone was the maze of narrow streets that earned the city a reputation as the worst bottleneck along the East Coast. Students from those days can remember leaving the city as the 1950s began, and returning a few years later to find a marked improvement in traffic flow, enhanced by one-way restrictions, new paving, wider avenues including the Olneyville Expressway, and buses in place of trolley cars and their network of tracks.

After Hurricane Carol struck in 1954, causing the worst flooding since 1938, the Army Corps of Engineers erected the Fox Point hurricane barrier across the Providence River. In 1977, the City Council named it for Mayor Reynolds.

The first minimum housing code was adopted on his initiative in 1956. Redevelopment flourished, resulting in the Willard Center, a new elementary school and playground in South Providence, the Point Street project, West River Industrial Park, and the Lippitt Hill integrated apartment complex and shopping mall.

Mayor Reynolds created the position of public safety commissioner, launched the Providence Human Relations Commission, introduced a state audit system for parking tickets to prevent "fixing," built new fire stations and a new addition to the central library.

His affability and intelligence earned him wide respect, and fostered a smooth working relationship with the City Council that expedited many improvements in municipal government, and resulted in the physical rebirth of Rhode Island's capital city.

A decade after leaving office, Mayor Reynolds was honored by the state senate for his "major contributions to good government." This, and other citations, including honorary degrees from Brown University and Bryant College, indicate the depth of affection that was generated by this seven-term mayor.

Truly, his good works throughout the city stand as his lasting monument. Mayor Reynolds was a distinguished mayor, and a dedicated public servant.●

AFGHANISTAN: LETTERS FROM THE STATE OF MICHIGAN

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "a situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various states in the Nation. Today, I submit two letters from the State of Michigan and ask that they be printed in the RECORD.

The letters follow:

DEAR SENATOR HUMPHREY: We are very concerned about the killing that is going on in Afghanistan. If this is known to even one person why is it allowed to continue, why is there nothing being done? Every day that we sit in our silence, innocent people are being butchered. We must not let this continue. We must not delay in putting a stop to this.

DALE W. FORSYTH,
Demand, MI.

DEAR SIR: I am writing to express total revulsion to what is happening to the people of Afghanistan. Please do all you can to get aid and support to these victimized people. Let us impress on the news media the need to keep the atrocities being committed by Soviet Russia before the people of the world. This terror must cease and not be hidden in hopes it will stop.

Sincerely,

RICHARD P. PURVIS,
Traverse City, MI.●

JAPANESE CONSTRUCTION MARKET

● Mr. D'AMATO. Mr. President, I rise today to join with my distinguished colleague from Alaska to cosponsor legislation, S. 764, which would open the Japanese Construction Market to United States firms. This bill would amend the Airport and Airways Improvement Act of 1982 to provide that foreign participation in federally funded projects be contingent upon reciprocal opportunities for U.S. companies abroad.

Japanese firms continue to take advantage of the freedom which our market offers while excluding United States companies from participating in their market. The Japanese have recently entered the world's largest and most lucrative construction market—the United States. In 1981, the total Japanese share of our construction market was less than $50 million. In 1985, it swelled to $2 billion; estimates for 1986 increase this figure to almost $3 billion.

Yet, during the past 20 years not one United States construction firm has won a contract in Japan. Not one.

What is the reason for this lack of market penetration? I assure my colleagues that it is not a lack of effort, nor a lack of skill. United States construction, architectural and engineering firms are economically and technologically equal, or superior, to their Japanese counterparts. However, United States companies have been victimized by the predatory and unfair trade practices for which the Japanese, unfortunately, are becoming well-known. Leading officials of the Japanese contruction industry even have had the arrogance and audacity to voice publicly the opinion: "foreigners need not apply."

A recent United States Commerce Department report concluded that if Japan opened its engineering and construction market to international competition, significant new business should result for United States firms. During the next 10 years the Japanese will embark on a number of Japanese major public works projects, including the Kansai International Airport totaling more than $62 billion. This construction project, worth approximately $8 billion, is already in the initial stages and has generated much interest among United States companies; 40 United States companies have approached the Japanese for the opportunity to participate. However, despite extensive negotiations between the United States and Japanese Governments only three contracts have been awarded to United States firms totaling a mere $1.4 million.

The proposed legislation seeks nothing more than fairness for United States companies—the same fair treatment accorded to Japanese companies in the United States market. It calls upon Japan to stop its monopolistic activities in their home market.

Mr. President, this is an opportunity for the Japanese to improve trade relations with the United States. I urge them to do so. I strongly recommend to my colleagues that we act expeditiously in passing this legislation.●

VOLCKER COMMENTS ON BUDGET DEFICIT, TRADE DEFICIT, AND THIRD WORLD DEBT

● Mr. GRAMM. Mr. President, Federal Reserve Board Chairman Paul Volcker testified on Tuesday, April 7, before the Senate Banking Committee. I asked him what one thing could Congress do to lower the trade deficit, bring down interest rates, create jobs, and stimulate increases in prosperity and real wages. Chairman Volcker's reply was, "Reduce the budget deficit."

In his written testimony and repeatedly in response to questions from the members of the committee, he emphasized that reducing the budget deficit is essential to resolving our trade deficit. Exchange rate policies will not do it. New protectionism, in whatever guise, will not do it. Tight monetary policy, which comes with higher interest rates and economic recession, might do it, but only by lowering the standard of living of all Americans.

Mr. President, if the choice in solving the trade deficit is between reducing the Federal budget or reducing the budget of private Americans, I know which choice our constituents expect us to make. As Chairman Volcker stated,

> It seems to me that the constructive way to proceed is by reducing the budget deficit and releasing the resources which are now used up in the budget deficit. You basically have the choice—do you want to squeeze the budget or squeeze investment? And faced with that choice, I think the answer seems to be unambiguous. The better thing to do is squeeze the budget deficit.

In the discussion of various trade proposals Chairman Volcker was asked whether the time of Congress would be better spent trying to lower the Federal budget deficit rather than trying to protect American manufacturers from competition. He replied, "I don't think there is any doubt about that. My fear is that if you don't deal with the budget deficit, everything else you do is going to be counterproductive."

In the area of Third World debt, Chairman Volcker was asked to comment on S. 898, the International Lending Institution Safety Act, which I introduced, together with Senator PROXMIRE, to enhance the safety and soundness of U.S. banks with regard to their foreign loans. S. 898 would require banks to increase the general loan loss reserves set aside against the event of default or other loan service failure. In response to a request for his views on this proposal Chairman Volcker stated,

> You could find quotations from me speaking of relevance on increased reserves and capital of banks, partly in reflection of this problem, partly in reflection of other strains on their balance sheets. So I don't have any dispute about the desirability of moving as rapidly as practical toward more capital or more reserves.

Mr. President, since it will be several weeks before the record of this hearing is published and Mr. Volcker's remarks become generally available, I ask that excerpts from the colloquies between Federal Reserve Chairman Volcker and members of the Banking Committee be printed in the RECORD at this point.

The excerpts follow:

EXCERPTS FROM THE ORAL TESTIMONY OF FEDERAL RESERVE BOARD CHAIRMAN PAUL VOLCKER

Mr. GRAMM. Chairman Volcker, if Congress has the objective of lowering the trade deficit, bringing down interest rates, creating jobs, and stimulating increases in prosperity and real wages in this country, what do you think would be the most efficient and effective one thing that we in Congress could do to promote all those goals?

Mr. VOLCKER. Reduce the budget deficit.

Mr. GRAMM. Say it again.

Mr. VOLCKER. Reduce the budget deficit.

Mr. GRAMM. Got it. Now we have basically two "trade proposals" before the Congress. There have been many bills introduced, but two that are getting the most attention. One of them sort of has the approach that we're going to impose tariffs on everything and lower these imports and protect American jobs.

The other is a sort of throwback to the infant industry argument where we are going to protect American industry for 13 years and let it rebuild its vitality.

Do you see any way that either one of these approaches can crease jobs, generate growth, or raise the well-being of the average American?

Mr. VOLCKER. I think the obvious risk, Senator, is that they will do precisely the opposite, particularly when you put this in a context of not only the possibilities of retaliation which are very real, but the possibility that those kinds of measures will be considered a substitute for more fundamental measures and, in the process, I think upset exchange markets and financial markets in a way that would be counterproductive in terms of growth.

Mr. GRAMM. Can you envision any realistic scenario where an across-the-board tariff on imports or a targeted tariff on specific imports, given the reaction of our trading partners, given the makeup of our economy—can you envision any way that that could raise real wages and increase jobs in the American economy?

Mr. VOLCKER. Not over any period of time, and I find it difficult to conceive of the circumstances where that would truly be productive even as an emergency measure.

I think you have to deal too with the fundamental point that the United States has been living beyond its means. We imported last year net about 3.5 percent of the GNP. When you are talking about reducing or eliminating the trade deficit, which I think we have to do over a period of time, you are talking about reducing in relative terms the goods available to consume in the United States by 3.5 percent. We have been living beyond our means.

That means that unless we get an increase in productivity, the standard of living of the average American is going to be going up less rapidly or actually going to have to decline to make up for that 3.5 percent.

So the emphasis has to be on improving productivity and efficiency or inevitably you're not going to increase the average wages of American workers.

Senator GRAMM. Can you envision how a 13-year protection of American industry to allow it to retool and become competitive again could be productive?

Mr. VOLCKER. No. I find that—I hadn't heard of that proposal. I wonder how they seized upon 13 years, but I think it gives the wrong signal.

My own conviction is the exchange rates are at levels so that American industry, by and large—or large segments of it ought to be very competitive internationally. And they should not be encouraged to think that there's always another bit of protectionism that's going to help them. They've got to get out there and compete.

When one looks at relative wages now and looks at relative prices at these exchange rates, it seems to me they ought to be able to compete.

Senator GRAMM. So one could correctly summarize your view as being that the time of Congress would be better spent trying to lower the deficit in the federal budget rather than trying to protect American manufacturers from competition?

Mr. VOLCKER. I don't think there is any doubt about that. My fear is that if you don't deal with the budget deficit, everything else you do is going to be counterproductive because we don't have the savings in the United States to finance that budget deficit and to finance investment at the same time. If you don't deal with the budget deficit, you are forcing us to rely upon foreign savings and that is another fancy way of saying you're forcing a trade deficit because the only way you can draw on foreign savings is by running a trade deficit.

Mr. GRAMM. Finally, let me move to a discussion of third world debt. I can read you a lot of quotes that have been made about the need for reserving against troubled third world debt, including a recent one from testimony by a representative of the GAO that in essence says, "a prudent first step before adopting any new initiatives would be for the regulators to mandate required reserves for a larger number of countries than is now the case. They have this authority. However, because of the limited use of this authority to date, further legislation may be required."

It comes as no news to you that there are members of this committee that are looking at ways of trying to address the third world debt problem. One proposal is to set up some corporation to engage in some kind of buydown—though I've never figured out how they would pay for it. Another approach is to set up a general reserving over a period of a decade, to combine that with removal of barriers to debt-for-equity swaps, and to coordinate that with our lending through the federal government to try to open up private investment, basically viewing the third world debt problem as analogous to a corporation that's trying to grow with excessive debt rather than equity.

Would you sort of give me a general response to that approach—to both approaches?

Mr. VOLCKER. Well, I can give you a general response. You could find quotations from me speaking of relevance of increased reserves and capital of banks, partly in reflection of this problem, partly in reflection of other strains on their balance sheets. So I don't have any dispute about the desirability of moving as rapidly as practical toward more capital or reserves.

I also don't question in any way and obviously support the idea of more private investment in these countries, both their own private investment and private investment from abroad, and that that can make a very important contribution to their growth and to a solution of this problem.

We may have some differences about how to go about it. You quote GAO. I wasn't familiar with that report. It said we, the regulators, have the authority to force more reserving if we wanted to, not using therefore legislation. I suppose the answer is, I think we do have some authority and if we haven't used it in that way we don't think it's a good idea to use it in that way. We would encourage more reserving in general, but we have not wanted to identify it with particular countries or even with particular groups of countries and have felt that that is counterproductive.

Debt-equity swaps are proceeding. I don't think that in itself is likely to be of sufficient magnitude to solve the problem in any sense, but I think it can make a helpful contribution and, even more important would be to get some new equity capital in there bringing fresh funds with it from abroad. And we have been encouraging and working with those countries as much as possible. So has the World Bank. So has the IMF to encourage that kind of approach. I don't think there's any lack of will or pressure, so to speak, on that particular point.

Senator PROXMIRE. Now you say on page 5 of your testimony that "the constructive way to work in the needed direction would be to reduce our budget deficit year by year paving the way for improvements in our trade account."

I take it that even though the value of the dollar has declined, you still believe that dealing with our budget deficit must be an important part of solving our trade problem. You have reiterated that several times this morning.

Tell us exactly why. Why does it relate to the trade problem although the dollar has declined?

Mr. VOLCKER. Because we have to release both real and financial resources to improve our trade position. To come back to that simple fact that we're spending 3.5 percent more than we are producing in this country, now how do we—that 3.5 percent of resources actually switched? That's what we're talking about.

Now changing the exchange rate changes the price incentives so long as it doesn't encourage an offsetting inflation at home or deflation abroad, but it moves in the direction of changing the price incentives. But people actually have to move. You've got to be exporting goods that would otherwise be consumed in the United States. So you have to get relatively less demand in the United States and relatively more demand abroad.

How do we get relatively less demand in the United States? Well, there are various ways you could do it. You could do it through presumably a restrictive monetary policy, but that would hit investment and you don't want to do that. You don't want to put interest rates up unless you have to. That's not the constructive way to proceed.

It seems to me the constructive way to proceed is by reducing the budget deficit and releasing the resources which are now used up in the budget deficit. That's the real resources.

Looking at it in financial terms, we do not have the savings in this country to finance both our budget deficit and our investment without borrowing from abroad. Now when you say reduce the trade deficit, you are saying reduce the borrowing from abroad.

How are we going to reduce borrowing from abroad so long as we're running that budget deficit? What we'd have to do, again, is squeeze investment. That's the last thing we want to do. So you basically have the choice—do you want to squeeze the budget or squeeze investment? And faced with that choice, I think the answer seems to be unambiguous. The better thing to do is squeeze the budget deficit.●

THE DESIGNATION OF APRIL 1987 AS "FAIR HOUSING MONTH"

● Mr. D'AMATO. Mr. President, April 1987 commemorates the 19th anniversary of Congress' historic passage of title VIII of the Civil Rights Act of 1968, also know as the Fair Housing Act. I am pleased today to join with my Senate colleagues in cosponsoring legislation, Senate Joint Resolution 107, which designates this month as "Fair Housing Month."

The Civil Rights Act of 1968 contained the first national open housing law of the 1900's. This act embodies the belief that people may live wherever they choose and can afford to live. The Fair Housing Act specifically prohibits discrimination in the sale and rental of housing on the basis of race, color, religion, sex, or national origin.

The act originally applied to all housing except owner-occupied dwellings of four or fewer units, and single-family houses sold or rented without the aid of a real estate broker or agent. However, in June 1968, the Supreme Court of the United States went beyond the Fair Housing Act. It ruled that a Federal law passed in 1866 prohibits discrimination in the sale and rental of all property.

Mr. President, title VIII of the Civil Rights Act of 1968 protects the right of every American to choose freely in the housing market and to receive fair and equal treatment from persons who sell or rent housing. The principle of fairness reflects the best of our traditional American values. It is the foundation of our way of life. The promise of decent and affordable housing is an enduring dream for all Americans. For many, however, housing discrimination is a reality. Housing discriminatory practices undermine the strength and vitality of America and the American people. We must not, and will not, tolerate this. We must reaffirm our commitment to the right embodied in title VIII.

Our commitment to the principle of fairness and the right of free choice in housing demands that we recognize the 19th anniversary of the enactment of the Fair Housing Act during the month of April. Furthermore, our commitment to the elimination of housing discrimination must continue throughout the year. I urge my colleagues to support his resolution.●

PLIGHT OF NAUM MEIMAN

● Mr. SIMON. Mr. President, I would like to draw my colleagues attention to the plight of Naum Meiman. Naum is a Soviet refusenik who has suffered tremendously in the past 10 years.

Naum has fought tirelessly against the inhumane treatment accorded Jews in the Soviet Union. His struggle intensified when his wife, Inna, was diagnosed to have cancer. Inna was in desperate need for medical attention in the West, but the Soviet Government refused to issue her an exit visa. After much delay, Inna was released to the United States.

Unfortunately, it was too late. Inna passed away here in Washington in February. Naum was not allowed to come to the United States to spend the final days with his wife. He was also denied permission to attend Inna's funeral.

Naum is trying to adjust to life without Inna. He still dreams of living life in the West. I urge the Soviet Government to let Naum live this dream.

I implore the Soviets to release Naum Meiman.●

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that when morning business is closed and Senators no longer have morning business, the Chair recess the Senate over, under the earlier order, until 10 o'clock tomorrow.

I thank all Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF MORNING BUSINESS

Mr. BYRD. I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business not to exceed 2 hours and that Senators may speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROLLCALL VOTES

Mr. BYRD. Mr. President, there will be no rollcall votes tomorrow. There may be some matters to be transacted by unanimous consent. When the Senate completes its business tomorrow, it will go over until Tuesday, April 21, 1987, at 10 a.m.

There will be business on that day and there will be rollcall votes. On Tuesday, following the recess, because it is a recess, there will be no rollcall votes until 2 o'clock in the afternoon so as to accommodate the two-party conferences.

I thank all Senators.

I have indicated earlier, and I shall indicate again, that the business on that Tuesday will have to do with the acreage allowance on wheat and/or the fairness doctrine, both of which will require rollcall votes. Of course, there are the budgets—I understand that four have been reported out. They are privileged matters and can be called up so there will be rollcall votes on that Tuesday. But as I have indicated, inasmuch as it is a Tuesday following a recess, I would not expect rollcall votes to occur prior to 2 o'clock. This will give the parties their 2 hours for normal conference and any votes that are ordered during the morning prior to 12 noon will not occur before 2 o'clock.

RECESS BETWEEN 12 NOON AND 2 P.M. ON TUESDAY, APRIL 21, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, April 21, the Senate stand in recess between the hour of 12 noon and the hour of 2 p.m.

The PRESIDING OFFICER. Without objection it is so ordered.

Does the Republican leader have any other business?

Mr. DOLE. No, I say to the majority leader, I have no other business.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate will stand in recess until 10 o'clock tomorrow morning.

At 7:58 p.m., the Senate recessed until tomorrow, Friday, April 10, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 1987:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Carl D. Covitz, of California, to be Under Secretary of Housing and Urban Development, vice Lee L. Verstandig.

ASIAN DEVELOPMENT BANK

Victor H. Frank, Jr., of New Jersey, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador, vice Joe O'Neal Rogers.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Jack R. Lousma, of Michigan, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice William Robert Graham.

CORPORATION FOR PUBLIC BROADCASTING

Archie C. Purvis, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991, vice Sonia Landau, term expired.

NATIONAL SCIENCE FOUNDATION

Kenneth Leon Nordtvedt, Jr., of Montana, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1990, vice Simon Ramo, resigned.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles W. Bagnal, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert H. Forman, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Theodore G. Jenes, Jr., [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Benjamin F. Register, Jr., [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Andrew P. Chambers, [redacted] U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Ronald L. Watts, [redacted], U.S. Army.

IN THE NAVY

The following rear admirals (lower half) of the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Robert Heber Ailes
Denny Bruce Cargill
David Fessenden Chandler
Michael Christian Colley
James Donald Cossey
Thomas Rogers Merrill Emery
Thomas Robert Fox
Salvatore Frank Gallo
Richard Corbett Gentz
Anthony Albert Less
Theodore Edwin Lewin
Stephen Francis Loftus
Charles Reynolds McGrail, Jr.
Paul David Miller
Leonard Gordon Perry
Richard Fay Pittenger
Grant Alexander Sharp
Jeremy Dolph Taylor
Raynor Andrew Kent Taylor
Richard Harrison Truly

RESTRICTED LINE—ENGINEERING DUTY OFFICER

Lowell John Holloway
Roger Bigelow Horne, Jr.

AERONAUTICAL ENGINEERING DUTY OFFICER

Richard Del Friichtenicht

SPECIAL DUTY OFFICER (INTELLIGENCE)

William Oliver Studeman

The following-named rear admirals (lower half) of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Lewis Mantel
Russell Larry Marlor

SUPPLY CORPS

Rodney Kaye Squibb
James Benjamin Whittaker

The following-named rear admiral (lower half) of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

CIVIL ENGINEER CORPS

Benjamin Franklin Montoya

The following-named Naval Reserve officers to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Gregory A. Barber
John M. Bosworth
John D. Boyer
James D. Bridges
Karen L. Burmeister
Steven L. Case
Jonathan E. Cayle
Robert J. Chastenet
Edward W. Cheeseman
Gregory H. Cross
Theodore J. Cunningham
Frederick C. Fehl, III
Thomas A. Grieger
Tamara M. Grigsby
Todd J. Harker
Richard P. Hedlund
Robert C. Heim, Jr.
James J. Jancuska
Ralph C. Jones
John J. Lang
Richard W. Leader
John E. Lindsey, Jr.
Charles R. Long
Kevin G. Mahaffey
Brian L. McFadden
Alan E. McLuckie
Douglas S. Mitchell
Gretchen C. Montague
Christopher L. Olch
Robert M. Olivieri
Tremont V. Parrino
Karen T. Pitman
Kyle B. Potts
Raymond M. Pumarejo
Peter M. Rhee
Robert H. Rice
Paul D. Rockswold
Monte D. Slater
Mark L. Sobczak
Jennifer L. Stanley
Kelly J. Tucker
Christopher J. Turner
Timothy L. Workman

IN THE MARINE CORPS

The following-named officers of the Marine Corps and Marine Corps Reserve for permanent appointment to the grade of colonel, under title 10, United States Code, section 624:

Albertson, Eileen M., [redacted]
Allen, James P., Jr., [redacted]
Ayres, Raymond P., Jr., [redacted]
Barriteau, Bradley E., [redacted]
Barton, Richard L. Jr., [redacted]
Berger, Richard W., [redacted]
Berns, Robert A., [redacted]
Blair, Marvin S., Jr., [redacted]
Brennan, John L., [redacted]
Campbell, Marguerite J., [redacted]
Canario, James M., [redacted]
Cathcart, James A., [redacted]
Cheatham, Clarence B. Jr., [redacted]
Clark, Henry J., [redacted]
Coop, Robert W., [redacted]
Crangle, Chandler C., [redacted]
Crowley, Fred R., [redacted]
Curtis, Terry M., [redacted]
Dake, Terrence R., [redacted]
Davis, William J., [redacted]
Delmauro, Dennis G., [redacted]
Dishman, Wilbur C., [redacted]
Dockendorff, Gary D., [redacted]
Elsten, Gary L., [redacted]
Evasick, Robert S., [redacted]
Finlayson, Andrew R., [redacted]
Fleming, Ronald D., [redacted]
Fletcher, Morris O., [redacted]
French, James E., [redacted]
Fulford, Carlton W., Jr., [redacted]
Garrett, Larry T., [redacted]
Garrett, Patrick A., [redacted]
Gavlick, Michael H., [redacted]
Gesell, Perry H. [redacted]
Glasgow, John P., Jr., [redacted]
Gracida, Joaquin C., [redacted]
Graf, Michael J., [redacted]
Hatch, Charles E., [redacted]
Heaivilin, Gale E., [redacted]
Herr, David F., [redacted]
Hickerson, Robert, [redacted]
Hill, Robert G., [redacted]
Hodory, Richard W., [redacted]
Hofmann, George R., Jr., [redacted]
Hoskot, Nathaniel R., Jr., [redacted]
Houle, George A., Jr., [redacted]
Johnson, William F., [redacted]
Johnson, Melford M., [redacted]
Kaugher, Thomas W., Jr., [redacted]
Kuhn, Coleman D., Jr., [redacted]
Laplaunt, Timothy L., [redacted]
Larue, Jacob L., [redacted]
Lewis, Robert C., [redacted]
Libutti, Frank [redacted]
Lucey, James W., [redacted]
McClung, Jimmy W., [redacted]
McIntire, James L., Jr., [redacted]
McPherson, Warren R., [redacted]
Murray, John R., [redacted]
Mutter, Carol A., [redacted]
Oppenhuizen, John P., [redacted]
Pederson, William T., Jr., [redacted]
Phipps, Daniel R., [redacted]
Quebodeaux, Adelaide A., [redacted]
Redlin, Robert K., [redacted]
Reed, Albert A., [redacted]
Reifsnider, Lawrence C., [redacted]
Richardson, Charles E., [redacted]
Rietsch, Manfred A., [redacted]
Sadler, Woodson A., [redacted]
Sadler, Loraine M., [redacted]
Sandstrom, Kenneth R., [redacted]
Scheffler, William W., [redacted]
Schreiber, Klaus D., [redacted]
Schwartzlow, Gene D., [redacted]
Seder, T. D., [redacted]
Singleton, Thomas J., [redacted]
Suhy, John M., [redacted]
Sullivan, John J., [redacted]
Swanger, Terry P., [redacted]
Sweeney, Bronson W., [redacted]
Symolon, William P., [redacted]
Tace, Stephen A., [redacted]
Tennes, Monty J., [redacted]
Thompson, William F., [redacted]
Trainor, Edward L., [redacted]
Turse, Ellsworth, J., Jr., [redacted]
Visser, Eric P., [redacted]

Walters, Jon M., [redacted]
Watson, David J., [redacted]
Wholley, Michael C., [redacted]
Williams, Roger L., [redacted]
Wilmes, Richard G., [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 1987:

DEPARTMENT OF DEFENSE

James H. Webb, Jr., of Virginia, to be Secretary of the Navy,

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

WHO'LL STOP THE RAIN?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. VENTO. Mr. Speaker, an excellent series on acid rain pollution in Canada by editorial writer Tom Majeski appeared recently in the St. Paul Pioneer Press-Dispatch.

The articles focus on a problem that emerged 2 years ago during hearings on park pollution before the National Parks Subcommittee which I chair. Those hearings demonstrated that our Park System is being damaged by pollution emitted hundreds or even thousands of miles away.

Just as acid rain pollution does not respect park boundaries, it does not stop at international borders either. Every year tons of sulfur dioxide and nitrogen oxide from United States powerplants drift over Canadian lakes and forests.

Under legislation I authored, the Interagency Task Force on Acid Rain was created in 1980 to gather data on acid rain, including international acid rain problems such as these. The task force was given 10 years to complete its work. Unfortunately, the Reagan administration has used such acid rain studies as an excuse for inaction. Because the task force has not formulated its final recommendations is no reason that the United States cannot start emission reductions.

More than a year ago, a joint United States-Canadian Commission recommended that the United States clean up its coal-burning plants. The Canadians want the United States to act now. President Reagan has repeatedly refused to cooperate or accept responsibility. The administration's grudging promise to commit $2.5 billion for acid rain research over the next 5 years isn't a downpayment on an environmental problem of monumental proportion; rather it perpetuates study and delays decisions which will provide real progress, a diversion from facing reality and the deterioration of the fragile ecosystem from the damage of acid deposition.

ABOUT THE WRITER

Editorial writer Tom Majeski, 44, was born and reared in Hastings, Minn. He was graduated in 1966 with a degree in journalism from Iowa State University, then worked for the Hastings Gazette until 1970, when he left to join the Pioneer Press copy desk. In 1975, he moved to the editorial page, where he has concentrated on a variety of issues, from acid rain to workers' compensation reform. He and his wife, Marlene, and their three daughters live on a hobby farm in Vermillion Township, a few miles southwest of Hastings.

ACID RAIN SERIES

"Acid Rain Over Canada" will continue through Thursday on the oped pages of the Pioneer Press Dispatch. Here is the schedule:

Monday: In Sudbury, Inco Limited's copper/nickel smelter stands as North America's most notorious air polluter.

Tuesday: At Bracebridge, in the heart of Ontario's cottage country, residents tell of dying lakes, dead trout and a well poisoned by acid rain, most of which comes from the Ohio Valley.

Wednesday: Frustrated maple syrup producers around Quebec City tell how their trees are being attacked and killed by a mysterious force many scientists believe is a combination of ozone and acid rain, half of which comes from south of the border.

Thursday: Canadian officials and politicians in Ottawa plot strategies they hope will help convince the United States to cut the flow of sulfur dioxide emissions across the border by 50 percent.

CANADIANS WANT U.S. TO ACT NOW

(By Tom Majeski)

SUDBURY, ONTARIO.—It struck me suddenly, like a blinding left jab fired by Muhammad Ali when he was in his prime.

I nudged New York Times reporter John Burns and said, "John, look. There are no old trees around here."

Burns glanced out the bus window. "You're right," he said, somewhat surprised. "Do you suppose our Canadian hosts did that just to impress us?"

The idea probably crossed their minds. Just as someone wanted to understand the attraction of boxing would have to study the former heavyweight champion, someone wanting to understand the destructive power of sulfur dioxide emissions would have to study Sudbury.

In the arena of emissions, Sudbury's copper/nickel smelter is the reigning North American champion. Over the years, pollution from the giant plant killed all the vegetation for miles around, turning the Sudbury basin's rocky landscape into a wasteland resembling the moon's surface.

An exaggeration? Not really. Consider this. In the late 1960s and early '70s, NASA sent moonbound Apollo astronauts to Sudbury to train for their lunar missions. And the lunar vehicle made tracks around Sudbury before it was rocketed permanently to the moon.

Today, the plant's destructive power has been curtailed but not eliminated. A huge smokestack, built in 1972, sends sulfur dioxide gases high into the air. As a result, Sudbury is slowly recovering. But the smelter's exported pollution—the emission it pumps into the upper atmosphere—is helping to kill thousands of sensitive lakes and countless trees from Ontario to Newfoundland.

In 1980, an alarmed Canadian government adopted an acid rain control bill designed to cut Canada's sulfur dioxide emissions 50 percent by 1994, from the present 4.6 million tons to 2.3 million tons. But the United States produces about half of the acid rain that falls in Canada. Without cooperation from Washington, the Canadians cannot save their lakes and trees—even if they cut their own emissions to zero.

And that explains why, on a snowy March morning, Burns and I and eight other American journalists were riding a bus from the Sudbury airport to the infamous smelter owned by Inco Limited (formerly International Nickel Co.).

A few hours earlier, we had been in a Toronto hotel meeting room, discussing the acid rain threat with concerned Canadian officials. Their motives were on the table from the start: To stop the insidious damage occurring in their country, the Canadians must persuade the United States to cut the amount of sulfur dioxide it sends north across the border from the present 4 million tons or so to 2 million tons by 1994. We were invited to Canada to check out their story.

Acid precipitation occurs when sulfur dioxide and nitrogen oxides from smokestacks and auto exhausts mix with water droplets in the air to form sulfuric acid and nitric acid. It falls to Earth in dry form, or as either rain or snow.

Because of carbon dioxide in the atmosphere most rainfall is mildly acidic. But the rain that now falls in the eastern half of North America is about 10 times more acidic than normal.

Until last week, the Reagan administration had teased but not pleased the Canadians.

During the 1985 "Shamrock Summit" in Quebec City, President Reagan and Prime Minister Brian Mulroney agreed to appoint a personal special envoy to study the acid rain issue. Reagan appointed Drew Lewis; Mulroney named William Davis.

Their joint report was released in January 1986. A key provision called for the United States to spend $5 billion over five years on demonstration projects to reduce sulfur dioxide emissions from the industrialized Midwest. Reagan endorsed the report's principles.

Many, but by no means all, Canadians welcomed Reagan's commitment. Most of the roughly 4 million tons of U.S. smokestack emissions that cross the border come from Midwest power plants and factories, so any emission reductions from that area would directly benefit the sensitive areas in eastern Canada.

But the euphoria turned to anger earlier this year when Reagan virtually ignored acid rain controls in his 1987 budget message. Last week, he again shifted directions. This time, he pledged to ask Congress for $2.5 billion over five years to spend on clean coal demonstration projects.

Reagan's latest step was in the right direction, but he didn't go far enough to please the Canadians, who are watching their lakes and forests die.

In frustration over the U.S. president's earlier budget disappointment, Canadian government officials last month invited the group of American journalists to tour southern Ontario and Quebec provinces, the regions experiencing the greatest acid rain stress. They presented Canada's position and answered our stream of questions in the belief that an informed American public would pressure the Reagan administration to make meaningful reductions in smokestack emissions.

Reporters and editors from Time, Newsweek, the New York Times, the Washington Post, the Chicago Tribune, Business Week, Sierra Club Magazine, Inside EPA, the Georgia Wildlife Magazine and the St. Paul

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pioneer Press Dispatch gathered in Toronto on Sunday, March 1. We later were joined by reporters from the Detroit Free Press and Associated Press.

After the briefing, we flew to Sudbury, about 200 miles northwest of Toronto. After questioning Inco officials and touring the smelter, we flew about 125 miles southeast to Muskoka/Bracebridge and visited Canadians living in the heart of the lake-cottage country. Area residents, some of them visibly angry, told about dying lakes, trout kills and well water that has become too acidic to drink.

On Tuesday, March 3, we flew to Quebec City and talked with maple sugar producers. As producers told of helplessly watching their maple trees get sick and die, their obvious frustrations were touching reminders of Minnesota's first emotional brush with Dutch elm disease.

The tour's last stop was Ottawa, home of Canada's federal government. Discussions there turned to politics and the April 5-6 summit between Reagan and Mulroney. Both leaders have been bruised and battered by scandals within their respective administrations. Both could benefit from a solid acid rain control agreement, even a relatively small program similar to that laid out in the Lewis-Davis report.

Most knowledgeable Canadians openly admit that their nation got off to a slow start in the acid rain battle. In fact, those familiar with the history of the issue agree that Minnesota fired the first shot. It came in the early 1970s, after the Ontario government announced that it was to build a 800-megawatt coal-fired generating plant in Atikokan, 35 miles north of the Minnesota border. The government-owned power company, Ontario Hydro, didn't need the electricity, but Atikokan needed the jobs the plant would produce.

Minnesotans pointed out, with clenched fists, that prevailing winds would carry the onerous smoke plume across the Boundary Waters Canoe Area. The Canadians were mostly unconcerned. However, after considerable arm-twisting, Ontario finally agreed in 1979 to cut in half the plant's size and to construct its smokestacks so that scrubbers could be added later, if needed.

Within a year of the agreement Canadian officials discovered alarming evidence of acid rain damage in their back yard. They quickly passed the nation's first emission control law. Four years later, in 1984, the federal government toughened the measure and sold the proposal—a 50 percent emission reduction by 1994—to all but two maritime provinces, New Brunswick and Nova Scotia. Minority parties in Ottawa—the Liberals and New Democratic Party—now are vigorously pressuring the federal government to bring those two provinces into the fold.

There have been some stumbles along the way. The biggest involves nitrogen oxide emission standards for cars and light trucks. For some unexplained reason, the Canadian government delayed implementation of the rule for a year. So, rather than have catalytic converters installed on 1987 model cars and light trucks, the first converters will not hit the streets until the 1988 models roll off the showroom floors. Some Canadian officials we talked to admit that the delay was inexcusable.

However, other experts told us that nitrogen oxide emissions are far less of a problem in Canada than they are in crowded metropolitan areas of the United States. The main concern in Canada, they say, is sulfur dioxide.

But no matter how successful the Canadians are at cutting their emissions, they know they cannot win the acid rain war without sufficient help from their reluctant neighbor to the south.

Canada's goal is to limit sulfur dioxide deposition in sensitive areas to 20 kilograms per hectare. When compared to Minnesota's limit of 11 kilograms per hectare in super-sensitive areas, the Canadian target is modest. Pointing to the significant gap in the numbers, Robert Slater, assistant deputy minister of planning for Environment Canada, explained that his government has virtually written off trying to save the nation's super-sensitive areas.

For a country whose heritage is deeply rooted in fruitful waters and bountiful forests, that's a remarkable concession. No wonder the April summit has become so critical.

SUDBURY'S CURE BEGETS NEIGHBORS' MALADY

Canadians are worried about acid rain damage to their lakes and forests. They also are upset with America's unwillingness to reduce by 50 percent the transboundary flow of sulfur dioxide, the main ingredient in acid rain. With President Reagan scheduled to meet with Prime Minister Brian Mulroney in Ottawa in early April, Canadian officials last month invited a group of American journalists to tour parts of Ontario and Quebec provinces, where acid rain from the United States is having its greatest impact. Today's column by editorial writer Tom Majeski is one in a series of five from his four-day tour of southeastern Canada.

SUDBURY, ONT.

To understand this area, turn back the clock some 2 million years.

Imagine a giant meteor smacking into the Earth, creating a huge crater 40 miles long and 18 miles wide. The violent impact cracks the Earth's crust, allowing molten rock from the Earth's fiery core to ooze toward the surface.

Now jump ahead to 1883. Crews building the trans-Canada railroad discover that the rock they are blasting in the Sudbury basin contains rich deposits of copper, nickel and assorted precious metals. Unfortunately, the ore also contains high concentrations of sulfur.

Mining began in earnest in the early 1900s. To extract the metal, workers would toss thousands of pine trees into giant roasting pits, pile tons of raw ore on top and set the trees afire. The heat would free the metal and send up heavy clouds of sulfur dioxide. Back then, no one thought much about air pollution.

The International Nickel Co. (now Inco Limited) built the first smelter here in 1930. Much of the original equipment is still in use today. And while hoods and duct systems currently capture 72 percent of the sulfur dioxide (up from 55 percent in 1980 and only about 10 percent in the 1960s), visitors taste sulfur the moment they step into the plant.

(Company officials offered each visiting journalist a breathing mask, but then said that the masks were really not necessary. Within minutes after entering the smelter, though, my nose became plugged with dust. Surprisingly, none of the workers I saw wore breathing masks.)

Back in the 1950s, when the smelter was at its dirtiest, it pumped 5,500 *tons* of sulfur dioxide a day into the local atmosphere. Even weeds refused to grow around Sudbury. On the bus ride to the smelter, one of the Canadian-based reporters traveling with our group paraphrased a well-known poem:

Only God can grow a tree,
but surely not in Sudbury.

In 1972, acting on the advice of scientists, Inco built a 1,250-foot-tall smokestack to disburse the pollutants. It worked. The city's air began to clear. After living for generations in a stark setting that resembled the moon's surface, joyful residents discovered that they could grow grass, shrubs and trees.

But scientists quickly realized that their local pollution cure was causing a serious downwind problem: acid rain. The emissions from Inco's tall smokestack mix with sulfur dioxide from hundreds of other sources and fall as sulfuric acid precipitation over a broad area of southeastern Canada, killing lakes and trees.

If Canada has acid rain doubters, we didn't meet any on our whirlwind visit. Even Inco officials, who have a heavy financial stake in the debate, admit that acid rain is a serious threat and that they are a large contributor to Canada's problem. L.M. Banbury, Inco's environment control superintendent, explained that, while not everything is known about the issue, enough is known to attack the problem.

During 1965, Inco's smelter belched out 2,250 kilotons of sulfur dioxide. Twenty years later, emissions had dropped to 634 kilotons annually. Under Ontario's new regulations, Inco's emissions must be cut to 265 kilotons annually by 1994.

Meeting those limits won't be easy. Vigorous Third World competition has severely depressed world copper and nickel prices. In addition, markets are soft for two byproducts of the sulfur recovery process, liquid sulfur and sulfuric acid.

Inco lost about $1 billion during 13 consecutive quarters from 1981 through 1985. To survive, Inco slashed production, streamlined its smelter operation, installed more productive mining technology and cut its work force from more than 23,000 during the 1970s to 8,500 today.

During that same period, the company spent about $50 million on research and development to meet tougher emission standards. The investment does not include capital costs, or the cost of operating the company's sulfuric acid plant. And while Inco made a slim $200,000 profit last year, it will spend between $7 million and $10 million this year on pollution controls.

With the 1994 limits hanging over their heads, company researchers are trying desperately to develop a technological breakthrough that is both economically practical and far more clean. Inco is eligible to receive financial help from a $500 million pool created by the federal government, the provincial government and industry. But company officials told us that they are committed to meet the stricter standards without outside financial help. They have until the end of next year to submit their plan to the Ontario government.

If companies like Inco are willing to take such financial risks to battle acid rain, Canadians wonder aloud, why won't the United States take rather modest steps to help out their neighbors? It's a question President Reagan will hear when he visits Ottawa next month.

NORTHERN NEIGHBORS WANT SAME SWEET DEAL SOUTHERN ONES GOT

Acid rain will top the agenda when President Reagan meets with Prime Minister

Brian Mulroney in Ottawa in early April. To help convince the United States to cut in half its transboundary emissions, Canadian officials last month invited a group of American journalists to tour parts of Ontario and Quebec provinces, where acid rain is having its greatest impact. Today's column by editorial writer Tom Majeski is fourth in a series from his tour.

QUEBEC CITY

This is maple syrup country.

Each spring, some 10,000 producers in the province gather sap from 14 million holes tapped into the trunks of sugar maple trees. Quebec producers provide 95 percent of Canada's and 65 percent of the world's supply of maple syrup. The industry pumps $29 million annually into the local economy.

Pure maple syrup is to a pancake-and-waffle lover what a fine wine is to a French chef.

But a sour enemy is attacking Quebec's beautiful and productive maple trees.

Damage shows up first as a yellowing of leaves on top of the tree, then it spreads to the outside foliage. Within a year or two, the infected tree can support only clusters of leaves that cling close to its trunk. Eventually, the bark begins peeling from branches, the last few leaves wither and fall and the tree dies. Forestry experts call the process "dieback."

First signs of dieback in maple stands were spotted in 1978. It now is spreading here much like Dutch elm disease leaped through Minnesota in the late 1970s. The feelings of helplessness are much of the same here as they were back then in Minnesota.

An aerial survey in 1985 showed that 85 percent of the trees in a large portion of the province were affected. Even more alarming, researchers found that 10 percent or more of the trees were dead in 51 percent of the forests they checked.

In the last several years, Quebec producers lost 2 million maple taps. Some producers have gone out of business; others are struggling to survive on dwindling profit margins. They are frustrated and angry.

Murray Powell, 44, sat at the table in a Quebec government office. He appeared uncomfortable in a suit, facing a group of visiting American journalists. But he came to tell of frightening things that were happening to the maple trees on his farm, located a few miles away.

Six years ago, Powell had 2,700 maple taps on 1,100 trees. Today, he has 1,700 taps on only 600 trees. The other 500 have died. Another 30 percent of his trees are sick. "The experts tell me they will die, too," he said. If that happens, he'll be out of business.

Clifford Lincoln, Quebec's environment minister, told us that if the dieback problem is not solved within five years, the damage to Quebec's forests will be irreversible.

What's killing the trees?

Scientists have not yet pieced together the complex puzzle. But the overwhelming evidence points to two culprits: acid rain and ozone.

Ozone gas forms when the nitrogen oxides produced by the high-temperature burning of petroleum products (mostly in automobiles) react with the ultraviolet rays in sunlight. A highly oxidizing substance, ozone blocks photosynthesis, the process that enables leaves to convert water and carbon dioxide into the sugars that feed plants. This decrease in sugar production weakens the tree.

Scientists also believe that acid rain leaches vital nutrients from the forest's soil. It also dissolves aluminum that occurs naturally in the soil. Once freed, the aluminum destroys the tree's tiny water-absorbing rootlets. This further weakens the tree. Eventually, it is attacked by a variety of bugs and diseases.

Owners turn dead maples into long piles of firewood and helplessly watch as leaves on nearby trees turn prematurely yellow. Some researchers have spread lime on the soil around sick trees. While it's too soon to tell whether liming will restore a tree's health, it does stop the disease process. "But you can't lime an entire forest," Powell said.

As part of a national acid rain control agreement, Quebec is supposed to cut its sulfur dioxide emissions 50 percent by 1994. The province will beat the deadline by four years.

But that news does not lift the spirits of Powell and other Quebec maple sugar producers. Half the acid rain and nearly all of the ozone that drifts over the province comes from south of the border. Unless the United States takes quick action, Quebec's forests are doomed.

There is a great irony in this story. While Washington has paid little heed to Canada's repeated calls for help in the war against acid rain, the Reagan administration quickly reached an emissions-reduction agreement with Mexico involving a copper smelter being built just south of the U.S. border. Without the agreement, prevailing winds would have carried large volumes of sulfur dioxide north into the United States.

The new Mexican smelter will be equipped with a plant that will convert sulfur dioxide into sulfuric acid. Financing for the acid plant is being provided by Canadian investors. Who will build the plant? Canadians, of course.

The point the Canadians make is that if the United States can reach an agreement with Mexico over acid rain, it can reach a similar agreement with Canada. That is why some 25 million Canadians will be closely watching the Reagan/Mulroney summit in Ottawa on April 5 and 6.

CANADIAN ANGER AT U.S. GROWS WITH EACH RAIN-POISONED LAKE

Canadians are worried about acid rain damage to their lakes and forests. They also are upset with America's unwillingness to reduce the transboundary flow of sulfur dioxide. With President Reagan scheduled to meet with Prime Minister Brian Mulroney in Ottawa in early April, Canadian officials last month invited a group of American journalists to tour parts of Ontario and Quebec provinces, where acid rain from the United States is having its greatest impact. Today's column by editorial writer Tom Majeski is third in a series of five from his tour.

BRACEBRIDGE, ONT.

Rolf Uhde was angry.

Acid rain periodically kills brook and rainbow trout that he raises in ponds on his 200-acre farm. Scientists at the nearby Dorset Research Centre tell him that 70 percent of the acid rain that falls here comes from the United States. No one seriously disputes that figure. Canadian officials claim, yet President Reagan remains unwilling to take needed steps to eliminate the acid rain threat. This lack of concern for one's neighbor upsets the otherwise gregarious Uhde.

"Let's stop wasting time with studies and more studies," his German-accented voice boomed across the motel meeting room. "That's crazy," he added, shaking his head and waving his thick fists. "We know what the problem is. We know how to solve it. Let's do it."

Uhde's plea was echoed countless times during the evening by other area residents who had come here to meet a group of visiting American journalists invited to Canada to learn about acid rain.

Bracebridge represents the heart of Ontario's cottage country. Thousands of beautiful lakes are surrounded by summer homes. A number are owned by rich Americans who come here during the summer to enjoy Canada's vast outdoors.

Glaciers carved the lakes out of the Canadian granite shield. Granite is insoluble, so it has little ability to provide the natural alkalinity to neutralize acid precipitation. Throughout most of the region, the granite is covered by a thin layer of sandy soil. Because most of the soil contains relatively high concentrations of decaying forest matter, it, too, is usually acidic.

With little buffering capacity, the region is particularly vulnerable to acid precipitation. Eastern Canada has more than 500,000 lakes. At last count, some 14,000 have been classified as acidic—dead to game fish. Residents told us that lakes with the highest acid content resemble swimming pools: deep blue color and absolutely devoid of life. In those with lesser acid content, acid-resistant fish, such as the yellow perch, still survive.

Unless transboundary emissions are quickly reduced, Canadian scientists claim, thousands of other sensitive lakes in this area may die in the next few years. Many Canadians around here depend on the lakes for their livelihoods. And, like Uhde, they are upset over America's refusal to face its responsibilities.

Dr. P.D. McTaggart-Cowan is a retired scientist who farms near here. He told me that every spring he spreads 800 pounds of lime on each acre of his vegetable gardens. By August, he added, the lime is gone and his vegetables stop growing

He retired to his farm in 1975. One of his first chores was to drill a shallow well. When he tested the water, it had a pH reading of 6.8. (The pH scale measures the degree of acidity or alkalinity in a solution. Readings range from 0 to 14. The lower the number, the higher the acidity, the higher the number, the higher the alkalinity. Distilled water has a pH reading of 7.)

Today, McTaggart-Cowan said, the pH of his well water is down to 4.3. That's hundreds of times more acidic than it was just 12 years ago.

McTaggart-Cowan's wife was the first to complain about well water. She noticed iron spots on clothes when she removed them from the washing machine. His first response, he said, was to buy a special filter designed to remove iron deposits.

"I was lazy," he told me, his eyes twinkling. "I should have looked into it more, but I didn't."

The sand in the filter quickly turned as hard as concrete. "I chiseled it out and installed new sand, but in less than a month it was again solid. That's when I started researching the problem."

His studies revealed that water high in acid ruins the sand in the type of filter he had installed. His next move was to do what the advertisements urge: He called his Culligan man. The folks there put him in touch with Culligan's commercial division. Working together, they designed a $3,000 system that neutralizes the acid and removes the heavy metals that are being leached from the soil.

Soil conditions around Uhde's trout farm are different. His two wells—one artesian, the other a conventional shallow well—produce water with a pH of 7.0—as neutral as distilled water

During the winter, he uses the well water to nurture tens of thousands of baby trout in large fiberglass tanks in his barn. In the spring, he releases them into his ponds, then holds his breath. After heavy spring snow melts or strong summer thunderstorms from the southwest, his ponds are littered with dead trout.

With 70 percent of the acid rain falling in this area coming from smokestacks in the Ohio Valley, researchers told us that lakes around here are doomed unless Washington follows Uhde's succinct advice and takes appropriate action.

CANADA WANTS ACTION TO BACK UP REAGAN'S WORDS ON ACID RAIN

President Reagan is scheduled to meet Prime Minister Brian Mulroney in Ottawa in early April. Acid rain will top their agenda. Last month, Canadian officials invited a group of American journalists to tour parts of Ontario and Quebec provinces, where acid rain from the United States is having its greatest impact. Today's column by editorial writer Tom Majeski is last in a series from his four-day tour.

OTTAWA

President Reagan will likely face a cool reception when he explains his latest acid rain control proposal to Prime Minister Brian Mulroney here on April 5 and 6. At risk will be the close relationship between Canada and the United States.

To smooth the way for the summit, Reagan last week announced that he would ask Congress to approve spending $2.5 billion over five years on demonstration projects to test commercial applications of new acid rain control technologies. To most Canadians, Reagan's latest initiative represents a recycled promise he made last year—a promise they claim will do little to reduce the transboundary transmission of the smokestack emissions that cause acid rain.

Canada is a relatively late believer in acid rain control. But the issue has united this diverse and oftentimes quarrelsome nation. A recent poll, for instance, shows that 69 percent of the Canadians responding believe that acid rain is the most serious problem facing the two nations.

So far, Canadian pleas to the United States for cooperation have met with mixed results. Last year, Reagan endorsed the principles of a joint report on acid rain authored by two special envoys, Drew Lewis from the United States and William Davis from Canada. Many Canadians condemn the agreement as worthless. A diminishing number of others say that the five-year, $5 billion commitment to clean-burning coal demonstration projects represented an acceptable beginning at reducing the flow of sulfur dioxide that crosses the border, primarily from the Ohio Valley.

Canadian optimism turned to anger in January when Reagan's budget message contained only enough funding to reduce those emissions 64,000 tons by about 1992. To save Canadian lakes and forests, scientists here calculate, the United States must cut its transboundary emissions roughly 2 million tons by 1994.

In what appeared to be a tuneup for the summit, an angry Mulroney last month gave Vice President George Bush "an earful." The chewing-out prompted Reagan to return to his original commitment.

Will Reagan come here prepared to reach a meaningful agreement? Canadian officials and politicians are not overly optimistic. They agree that Mulroney desperately needs a summit victory, but point out that the beleaguered prime minister could come away a winner in one of two ways: He could get a signed-in-blood commitment from the president, or, if that fails, he could walk out in a snit.

The former is preferred, but the latter would be applauded nevertheless because Canadians are tired of getting stonewalled on the acid rain issue. They are tired of being ignored by the United States, tired of being considered a second-class neighbor, tired of being viewed as a vast nation of lakes, forests and a handful of residents living alone in the woods. They would cheer if Mulroney—who likes to be considered one of Reagan's pals—suddenly stiffened his backbone, showed genuine anger and walked out on the president.

What happens if the summit fails? "Canada will have to continue chipping away at the mountain of indifference, shovelful by shovelful," explained Bill Blakie, an outspoken member of the minority New Democratic Party. He serves on the Special Committee on Acid Rain and represents the Winnipeg/Birdshill area in the House of Commons.

Committee chairman Stan Darling, a Progressive Conservative party member who represents an area north of Toronto, told a group of visiting American journalists earlier this month that some Canadian lawmakers are looking beyond the summit. If it fails, they plan to visit Washington sometime this spring to lobby members of Congress.

Their biggest obstacle, Darling said, will be Rep. John Dingell, the Michigan Democrat who heads the House Energy and Commerce Committee. The auto industry worries about acid rain control for two reasons: higher electricity rates, which would boost production costs, and more stringent pollution controls on autos. Canadian lawmakers admit that it will take a miracle to convince Dingell to move an acid rain bill through his committee.

But despite the dreadful odds, they feel that they have a chance. They don't need a sweeping national bill, just a program to significantly reduce emissions generated in the Ohio Valley.

They have a few things going for them. For instance, they point out, the United States is nearly isolated on the issue. It stands with the United Kingdom and Turkey as the only major nations that have not yet signed the Economic Commission of Europe's commitment to reduce transboundary emissions 30 percent by 1994. Even the Soviet Union and most other Eastern bloc nations, none of which are known for their environmental concerns, are signatories.

Their second ace involves international responsibility.

"We are not dealing with the United States through the cash register," explained Robert W. Slater, assistant deputy minister of planning for Environment Canada, "but rather as a sovereign state with international obligations to live up to a mutually agreeable value system."

That value system holds that nations do not help destroy their neighbor's lakes and forests. By endorsing the Lewis/Davis report, Canadians explain, Reagan endorsed the concept of acid rain. They now are waiting anxiously to see if he'll come here prepared to meet his obligations as a responsible neighbor.

To most Canadians, Reagan's latest pledge to seek funding for demonstration projects represents just another delaying tactic. To help save their dying lakes and forests, they know that the president must sign an enforceable agreement that cuts by 50 percent U.S. smokestack emissions now falling over Canada.

FOREIGN COMPANIES BUYING UP U.S. BANKS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DWYER of New Jersey. Mr. Speaker, today's edition of the Courier-Post of Camden, NJ, carries an interesting Op-Ed authored by our colleague, JIM FLORIO, which notes that "with little fanfare and without the knowledge of most Americans, foreign companies are buying up American banks." So much so, in fact, that foreign banks now control more than 16 percent of all bank assets in the United States.

Mr. Speaker, I find this matter very troubling. In light of the other recent trends which are occurring in our trade relationship with other countries, I thought our colleagues might find the following article informative and I commend it to their attention.

LAWS MUST TREAT U.S. AND FOREIGN-OWNED BANKS EQUALLY

(By James J. Florio)

With little fanfare and without the knowledge of most Americans, foreign companies are buying up American banks. Foreign banks now control more than 16 percent of all bank assets in the United States—four times as much as they did 10 years ago.

Ironically, banks with names like the First American Bank in Washington, D.C.; the First American Bank of Virginia, or the Village Bank of New Jersey are not owned by Americans. The first two are jointly owned by Saudi Arabia and Kuwait. The New Jersey bank is owned by Panama.

In 1986, close to 25 percent of all lending to businesses in this country was done by foreign banks.

The dramatic increases in the number of banks and other financial institutions in this country that are actually owned by foreign investors poses a severe problem for the future of the American economy. We are on the verge of allowing ourselves to depend on foreign countries to a degree that goes far beyond the point of national security and economic safety.

Along with many other trends in our trade relationship, the penetration of our financial services sector by our trading partners is cause for serious concern. I do not want to sound like an alarmist, but the data indicates that our financial services industry may be facing the same future as our manufacturing sector.

Information compiled by the House commerce subcommittee I chair, with assistance from outside experts, shows that the United States has become heavily dependent on foreign banks operating in our market.

In California, for example, foreign banks control 20 percent of all bank assets. In Los Angeles, they account for 34 percent of total bank assets.

In New York state, foreign banks control 28 percent of all bank assets, including 26 percent in New York City and 82 percent in Buffalo.

In other U.S. cities, the data on banking assets controlled by foreign banks cause similar concern: Chicago, 18 percent; Washington, D.C., 19 percent; Baltimore, 20 percent; Portland, Ore., 12 percent, and the Miami area, 26 percent.

These figures are startling. The foreign influence creates the possibility that an unfriendly government could strangle the U.S. economy. The pervasive foreign influence gives countries that are buying up American banks control over much of our capital market. This enables our foreign trading partners to finance their own industries at the expense of their American competitors.

American dollars are not being used to fuel the American economy.

There is additional cause for concern in this trend. Not only have foreign banks increased their financial hold on U.S. capital markets, but they are able to engage in commercial and other non-banking activities in this country that U.S. banks are barred by law from doing here.

For example, in California, 24 foreign banking organizations own or control about 50 companies engaged in non-banking activities—everything from general contractors to dairy products to semi-conductors.

In New Jersey, nine foreign-owned banking organizations own or control 17 companies engaged in non-banking activities, from automotive parts and supplies to industrial organic chemicals to electrical parts and equipment.

It would not be possible under our laws for U.S. banks to own or control any of the 17 companies in New Jersey or 50 California firms.

Obviously, we cannot have a situation in which American banks are unable to do in the United States what foreign-owned banks can do here. Either foreign banking activity in the United States should be restricted or U.S. banks should be allowed to engage in the same non-banking activities now open to foreign-owned institutions.

Clearly, the status quo is unacceptable. The trend that is evolving in our banking industry cannot be allowed to continue without serious consequences for our economic growth, employment and national security.

However, few government officials are addressing this problem. Ironically all of the information assembled by my subcommittee is public. The information is readily available to those who set our economic policies. It is doubtful that they are even fully aware of what is happening.

The first step toward a solution is to make the public aware of the problem. But we must fashion legislation to protect our financial services industry and allow it to compete on a fair footing in the new international marketplace.

THE ABANDONED HISTORIC SHIPWRECK PROTECTION ACT OF 1987

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SHUMWAY. Mr. Speaker, today I am introducing the Abandoned Historic Shipwreck Protection Act of 1987. This legislation balances the overriding concerns of the various interest groups associated with historic shipwrecks—namely the private salvors, recreational sport divers, the coastal States, and the archeological community.

Previous legislative efforts in the House have sought to do this by simply handing title to a specific class of historic abandoned shipwrecks over to the States for their regulation and management. However, this in no way ensures historic protection of valuable ships. Neither does it ensure that recreational sport divers will continue to have access to shipwreck sites or that private salvors can continue their search for and salvage of abandoned shipwrecks.

On the other hand, my legislation would build upon existing Federal admiralty law, which has had jurisdiction over these matters for hundreds of years. The legislation would require Federal admiralty courts to implement and administer specific historical protection requirements during salvage activities on a clearly defined category of shipwrecks. My legislation:

First. Requires salvors, or anyone doing salvage-type activities, to file a salvage claim in Federal district court before beginning any substantial salvage on an abandoned historic shipwreck;

Second. Requires the district court to apply specific requirements—the gudelines for which would be developed by the Interior Department, in consultation with all affected interest groups including sport divers—to assure that the salvor protects the historical and archeological significance of the shipwreck during his salvage activities; and

Third. Requires the district court to consider, when determining a salvage award, the performance of the salvor in carrying out the requirements for protection of the historical and archeological significance during his salvage activities.

My legislation also specifically allows States or Federal agencies to intervene in the salvage litigation as trustees of the public interest to ensure protection of the historical and archeological significance of these shipwrecks. This would allow, for example, States to place an agent or employee onboard a salvage vessel to monitor a salvage operation. States could also request an award of a representative sample of the artifacts or treasures recovered during salvage which otherwise are not represented in their State museums, and which are important to the preservation of the Nation's or the State's cultural, historical, or scientific heritage.

If a particular shipwreck is of such overwhelming national or State historical significance that private salvage should not be allowed, my legislation provides a new legal mechanism for a State to request the district court to stop any private salvage of such a particularly important shipwreck.

With respect to sport divers, my legislation actually goes further than leaving intact the status quo regarding access by sport divers. Section 10 of my legislation says:

> Access to these shipwrecks for the purpose of exploration but not salvage should be encouraged to the maximum extent practicable unless inconsistent with applicable law or inconsistent with salvage activities authorized by a U.S. District Court. Upon cessation of diligent salvage activities, access to the shipwreck for the purpose of exploration but not salvage should again be encouraged consistent with applicable law.

This provision is a clear, direct Federal statement to district courts regarding access for sport divers, whereas previous legislative efforts have contained only "sense of the Congress-type" language regarding sport diving access.

In summary, my legislation balances the concerns of each of the major interest groups involved in this issue:

Private sector salvors' exploration rights are maintained, subject to new historic protection requirements, thus maintaining the incentive for salvors to find these shipwrecks;

States are provided new opportunities they do not now have under general admiralty law: the right to make sure that private sector salvage activities are conducted in a responsible and careful manner; and the opportunity to be awarded a portion of any artifacts or treasures which are recovered during private sector salvage activities; and

Sport divers will enjoy actually even more assurance with regard to diving access, than the status quo.

Finally, we will prevent a situation where, in the name of archeology and historic preservation, States will regulate these shipwreck exploration and development activities so onerously that all incentive to find these wrecks is eliminated and important, historically valuable wrecks—that otherwise would be discovered and from which we would learn the historical story they have to tell—will vanish forever into the depths of the ocean floor.

WHAT DID WE KNOW, AND WHEN DID WE KNOW IT?

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. FOGLIETTA. Mr. Speaker, I would like to submit for the RECORD an article by Kenneth E. Sharpe that examines the numerous violations of U.S. law by the Reagan administration in its not-so-covert war against Nicaragua. This article was brought to my attention by our former colleague, Bob Edgar.

Each day more details are revealed concerning the depth of the Iran-Contra affair. Congress is deeply concerned about what laws may have been violated and what impact it will have on our foreign policy. This article "What Did We Know, And When Did We Know It?" Offers a thoughtful examination of the kind of role Congress must play in order to avoid a repeat of the Iran-Contra affair.

WHAT DID WE KNOW, AND WHEN DID WE KNOW IT?

(By Kenneth E. Sharpe)

American sensibilities were rightly shocked at the news of "Irangate."

Who would have believed that the Reagan administration was trading arms to the Iranians for hostages—and then siphoning off money to the "contras"? Here was the White House involved in breaking the law, circumventing constitutional checks and balances, and secretly conducting an unrealistic and dangerous foreign policy.

But suppose no arms to Iran had been involved. Suppose it had been discovered that Lt. Col. Oliver L. North had illegally funneled money from elsewhere—from secret CIA funds, or another country or private sources—and secretly organized a network to circumvent congressional restrictions on funding the contras? Would this have set off the same kind of hullabaloo?

Probably not.

In fact, for years there has been public evidence that Colonel North was only one of many in the administration who was violating the spirit or the letter of the law and circumventing Congress.

What is the evidence? Why did no one blow the whistle before? And what can we learn from this failure to act sooner?

In 1981, President Reagan could not have won congressional approval for a proxy army to wage war on Nicaragua. However, if other ways could be found to create an exile army and cloak it with a facade of legitimacy, administration officials hoped they might avoid the resistance of those in Congress opposed to overthrowing foreign governments or fearful that U.S. proxies would drag in U.S. troops. Circumventing the constitutional authority of Congress was an essential element of this White House strategy.

First, the administration used secrecy. It went to the closed chambers of the Senate and House Select Committees on intelligence and gained approval for a small, "covert," exile force to intercept arms the president claimed Nicaragua was sending to Salvadoran insurgents.

But the CIA used the aid to create an exile force of thousands whose leaders (National Guardsmen of the former Somoza dictatorship) declared their intent to overthrow the Sandinistas. The House Democratic leadership grew leary. In December 1982, it led Congress in passing the Boland Amendment prohibiting the use of funds "for the purpose of overthrowing the Government of Nicaragua."

The administration, however, continued building the contra army, arguing that it was not violating the law because its purpose in giving the aid was arms interception—even if the contras' purpose was overthrow. Speaker of the House Thomas P. "Tip" O'Neill commented: "The president of the United States broke the law, and then laughed to the American people that he broke the law."

While the House struggled to get Senate agreement for stronger measures to control Nicaragua policy, the administration developed mechanisms to get more money for the contras than a reluctant Congress was willing to allow. Congressional spending limits were circumvented by charging certain expenses (such as the mining of Nicaragua's harbors) to other accounts. An airfield for the contras was built in Aguacate, Honduras, illegally using funds earmarked for Defense Department exercises. The Defense Department donated aircraft to transport supplies to contra bases. The Pentagon transferred ships, planes and guns to the CIA at little or no charge.

The administration also violated the reporting requirements of the 1980 Intelligence Oversight Act when it failed to inform the intelligence committees of the mining. The CIA manual for Nicaraguan contras—with its instruction on the selective use of assassinations—violated the president's own Executive Order 12333 prohibiting the involvement of any U.S. agency in assassinations.

All of these violations were public knowledge. In October 1984, angered by the mining and the manual, the House forced the Senate to cut off all funds to the contras from any agency "involved in intelligence activities."

But again the White House circumvented congressional intent by encouraging private funding of the contras and giving them organizational and moral support—the tasks of Colonel North, an aide to the National Security Council.

Hard evidence of a private effort to finance the contra war emerged in September 1984, when a helicopter flown by two American veterans belonging to an Alabama-based organization was shot down.

Investigative reporters soon detailed how former Maj. Gen. John K. Singlaub and his deputy, Brig. Gen. Harry C. Aderholt, had organized an extensive private network to funnel millions to the contras. Critics charged that this violated U.S. law—the 1974 Neutrality Act forbids American citizens from participating in foreign conflicts in which the United States is not officially involved.

Sen. James Sasser, D-Tenn., angered that private groups were doing "things that would be illegal for the U.S. government to do," urged congressional investigations into the ties these groups had with the U.S. government. President Reagan, however, declared that such private aid was "quite in line with which has been a pretty well established tradition in our country" and that he would "not be inclined to interfere."

Soon, there was evidence that aid to the contras clearly went beyond a purely private network—but attempts to investigate the evidence were thwarted when the White House refused to cooperate.

In January 1985, newspapers claimed that U.S. aid to Israel, Honduras and El Saldavor was being diverted to finance the contras. Representative Joseph P. Addabbo, D-N.Y., said: "I am concerned that countries receiving U.S. foreign assistance aid may be utilizing a portion of such aid to assist the contras and, in so doing, effect a rather devious contravention of the law." But probes by two House panels could not turn up firm evidence.

In August 1985, there were reports that then-National Security Adviser Robert C. McFarlane and Colonel North had helped set up and coordinate the private aid network. "It would be stretching the integrity of the law," said Representative Michael D. Barnes, D-Md.-8th, "to suggest" that Colonel North's activities did not violate the letter or the spirit of the law.

But when Mr. Barnes and others tried to investigate, the White House refused to release requested documents. In a Sept. 5 letter, Mr. McFarlane admitted a White House campaign to help the rebels politically but asserted, "I can state with deep personal conviction that at no time did I or any member of the National Security Council staff violate the letter or spirit of the law."

In October, there were reports that the president himself approved the McFarlane-North plan for a private network to help the contras. But the congressional probe got no further.

In February 1986—six months before the plane carrying Eugene Hasenfus was shot down—newspapers reported that U.S. supply planes were flying out of El Salvador's Illopango air base to deliver guns and ammunition to the contras. By midsummer there were reliable reports that the CIA was involved in paying a number of the American operatives supporting the contras. More information poured out concerning Colonel North's involvement in the "private" network.

Again, there was an attempt at a congressional investigation, but in July 1986, the White House again refused to release requested documents. National Security Adviser John M. Poindexter wrote to Congress saying that "the administration strongly opposes enactment" of a resolution of inquiry seeking the documents.

"This is stonewalling," Mr. Barnes said. "Already committed to waging a war without public support, the administration has now decided to hide the war policy from public view," said Representative David E. Bonior, D-Mich.

In the spring and summer of 1986, evidence emerged of a whole new set of suspicious and illegal activities, contra gun-running, drug smuggling, and corruption. Sen. John Kerry tried with limited success to get the Republican-led Foreign Relations Committee to do a full-scale investigation.

In June, a House probe aided by the General Accounting Office discovered that $13.3 million of $21.1 million of the "humanitarian" aid approved by Congress in 1985 and dispersed by the State Department to the contras had disappeared. Despite evidence that would have seemed scandalous had it involved corruption in a domestic program, the administration said it was not concerned, and no further action was taken by either the administration or Congress.

In August, Congress, by a slim majority approved $100 million in military aid to the contras.

Why is it that such law-breaking and circumvention of Congress did not create an uproar before the current "crisis"? There was some protest—but only by those who disagreed with the contra policy. Sometimes there was a hearing, a rebuke, a slap on the hand. But no official was ever prosecuted or forced to resign; no action was undone; and funds were eventually restored.

Stronger action was opposed by those who shared the president's aims and saw the legal and constitutional questions as only so much interference with doing what needed to be done. The Constitution was read to emphasize the president as commander in chief—forgetting that it was Congress that had the authority to declare war and control the purse. Lawbreaking and White House circumvention of Congress were tolerated with "a wink and a nod."

Why the uproar now? Now the president has alienated the hard-liners on the right with arms to Iran. Now the content of the policy is perceived as irrational and dangerous. So now there is a widespread clamor about how the policy is carried out—about illegality, the abuse of power and the circumvention of congressional checks.

There is an important lesson here. The chickens have come home to roost. The failure of all members of Congress—and the press and the public—to take seriously presidential obedience to the law and Constitution invited the very abuse of power that outrages us today.

But perhaps there is a silver lining in this crisis. Hidden within it is a gift to "we the people" on the eve of the 200th birthday of our Constitution.

Emblazoned on the wrapping paper are a number of immediate questions: Who is responsible? Who should be punished? Should the National Security Council be reformed? Should we change laws to require better presidential reporting of covert activities?

The really important questions, however, are hidden inside.

Were the Founding Fathers right to confer the power to make war on Congress—to ensure, in Lincoln's phrase, that "no one man should hold the power of bringing this oppression upon us"?

Why is Congress, so recently chastened by the abuse of presidential power in the Johnson and Nixon years, so timid about enforcing its constitutional prerogatives—so willing to let the president stand outside the law and the Constitution?

Can a system of checks and balances survive if secrecy and covert action dominate foreign policy?

Does the kind of foreign policy we have with its messianic vision of the United States as a global policeman, necessitate an imperial presidency, and thus make inevitable the abuse of power?

It is questions such as these that we will need to unwrap in the coming year if we are to make our constitution a living constitution, and ensure that there will be a 300th birthday.

A BILL TO ADJUST RETIREMENT BENEFITS FOR PHILIPPINE SCOUTS AND THEIR SURVIVORS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to redress a longstanding inequity in our treatment of a very special group whose vital services to our Nation have passed virtually unacknowledged. This bill would equalize retirement pay for equal risk for former World War II-era Philippine Scouts who fought so bravely as part of the U.S. Army and their survivors.

Before turning to the legislation at hand, I firmly believe it is important to pause and reflect upon the events of over 40 years ago. Prior to the outbreak of war, when the Philippines were an American territory, a crack unit of Filipinos—known as the Philippine Scouts—was organized under the direction of Gen. Douglas MacArthur. The unit, a fully incorporated part of the U.S. Army and never numbering more than 12,000 soldiers, was to serve a pivotal role in the valiant defense of the Bataan Peninsula. General MacArthur was later to describe the Scouts as "excellent troops, completely professional, loyal and devoted." They were an elite organization with a high esprit de corps in which membership was considered an honor by Filipinos and the strictest standards were followed in selection.

In recruiting the Scouts, General MacArthur pledged:

> War is the great equalizer of men. Every member of my command shall receive equal pay and allowances based on the United States Army pay scale, regardless of nationality.

At the onslaught of the war in the Pacific when the enemy attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became the key to the success of our entire South Pacific strategy. It was the continued resistance on Bataan that denied the Japanese an essential base for the projected thrust into the South Pacific. the enemy was forced to retain large army and naval forces in the Philippines, which otherwise could have been employed against allied shipping of men and materials to Australia and New Caledonia from the United States and Middle East. Their protracted defense of these islands against incredible odds allowed the United States to recover from the first blows of the war and regroup for what would ultimately prove to be a successful counterattack.

The defenders of Bataan suffered extremely high casualties and many of those who survived the harsh conditions of battle did so only to be held as prisoners of war by the Japanese. On a tragic note, it is estimated that one out of every two members of the Philippine Scouts captured by the enemy following the collapse of the Allied effort at Bataan did not survive captivity. Other members fortunate enough to escape were organized in guerrilla units to carry on resistance efforts and to support the return of General MacArthur and his liberating forces.

Despite the valiant services of the Philippine Scouts who fought and sacrificed side by side with American soldiers and despite the fact that the Scouts were a fully incorporated unit of the U.S. Army, the Philippine Scouts received only a fraction of the regular pay received by their American counterparts. In fact, while an American private was earning $30 a month during the war, a Philippine Scout with comparable rank and length of service received only $9 for his exposure to the same hardships and dangers.

Mr. Speaker, I believe that the time has come for Congress to redress this longstanding inequity in our Nation's treatment of this very special group of World War II veterans. The legislation I am introducing today authorizes the adjustment of retirement benefits paid to former Scouts or their survivors to reflect equalized pay with their American counterparts of the same grade and length of service. In a recently completed study the Department of the Army estimated the cost of adjusting retirement benefits for the 364 remaining living Philippine Scouts who presently receive benefits would be $724,000 per year. I think you would agree that it is a small price to pay for a commitment ignored for over 40 years.

While the budgetary impact of these pay equalization measures is small their symbolic value is immense. Congressional authorization of adjusted retirement benefits would provide a meaningful demonstration of our gratitude for their faithful and gallant service during World War II. I again urge my colleagues to support this worthwhile measure.

H.R. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may cited as the "Philippine Scout Retirement Pay Equity Act".

SEC. 2. PHILIPPINE SCOUT RETIRED PAY EQUALIZATION.

The Secretary of the Army shall redetermine the retired pay of each person entitled to retired pay from the Department of Defense for service as a Philippine Scout during the period beginning on December 7, 1941, and ending on December 31, 1946, as if the rate of basic pay payable to such person at the time of retirement had been the rate of basic pay payable to any other member of the United States Army in the same grade and with the same length of service as such person. The redetermination of retired pay shall apply only for retired pay payable for months beginning on or after the effective date of this Act.

SEC. 3. PHILIPPINE SCOUT SURVIVOR BENEFIT ADJUSTMENT.

The Secretary of the Army shall adjust the base amount used to calculate survivor benefits under subchapter II of chapter 73 of title 10, United States Code, for each person entitled to survivor benefits as the survivor of a Philippine Scout who served during the period beginning on December 7, 1941, and ending on December 31, 1946, to reflect the redeterminations of retired pay made for such Philippine Scout under section 2. The adjustment of survivor benefits shall apply only for survivor benefits payable for months beginning on or after the effective date of this Act.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

HONORING FRANK CRUZ, VICE PRESIDENT AND GENERAL MANAGER, KVEA TELEVISION STATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TORRES. Mr. Speaker, on Monday, April 20, 1987, the Hispanic and business community of Los Angeles will honor the recent appointment of Frank Cruz to the post of vice president and general manager of KVEA, the Spanish language television station in Los Angeles.

Frank is well known to Los Angeles television viewers. Since 1985 he has served as vice president of KVEA and has been active in creating local programming targeted toward Los Angeles' 3.4 million Hispanic community. Prior to joining KVEA, Frank was a general assignment reporter and anchor for KNBC news.

He has distinguished himself as a pioneer on Hispanic community news coverage and special reports about Los Angeles.

In 1971 and 1972, Frank produced and hosted a documentary series on the Mexican-American in the United States titled "Chicano", which remains as one of the first television works on the Hispanic community. Many educational institutions and other television stations throughout the country have aired this documentary since its production. His journalistic achievements include a five-part KNBC series on Central America in Los Angeles which was named best documentary of 1984 by the Greater Los Angeles Press Club. His documentary, "The Latinization of Los Angeles" in the fall of 1982 earned him an Emmy Award. In 1983, Frank was the coanchor of the KNBC news team that was recognized with a Golden Mike Award for Best Newscast.

Before his broadcast career, Frank was an educator. He was chairman of Mexican-American studies at Sonoma State College and at Cal State University Long Beach. He has taught Mexican-American history at East Los Angeles College and social studies at Lincoln High School in East Los Angeles.

A native of Tucson, AZ, Frank Cruz holds a bachelor of arts degree in history and a master's degree in Latin-American studies from the University of Southern California. In 1972, he coauthored a book "Latin-America: Past and Present".

Frank has served as president of the California Chicano News Media Association. In 1986, he received USC's Alumni Merit Award and received a city hall commendation award for outstanding contributions in the fields of journalism and education and for his participation in the affairs of the Hispanic community.

Mr. Speaker, I am proud of my friend, Frank Cruz. I ask my colleagues to join me in honoring the achievements and contributions of a great American, Frank Cruz, on his new appointment at KVEA, channel 52, in Los Angeles.

NATIONAL WOMEN'S HEALTH AWARENESS WEEK, SEPTEMBER 13-19, 1987

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. VALENTINE. Mr. Speaker, today Representative Marilyn Lloyd and I are introducing a resolution designating the week of September 13-19, 1987, as "National Women's Health Awareness Week." The resolution authorizes the President to issue a proclamation calling upon the people of the United States, and Federal, State and local governments to observe this week with appropriate activities.

Why a resolution on women's health? In recent years, society has changed, and women are assuming new roles and facing new challenges. Women in the United States are involved in a spectrum of activities today that were barely discernible yesterday. But with new opportunity has come new demands and dangers and the need for all of us, especially women, to assess the health risks we face.

Our resolution seeks to identify those women's health issues that are most important in our society today. Some of these issues involve diseases that affect women exclusively, such as premenstrual syndrome or cervical cancer. Others involve disorders affecting women at a higher rate than men, such as diabetes or osteoporosis. We hope to heighten public awareness about these diseases and to promote public education and community outreach programs that will help to conquer them.

To cite just one example of the problem, cancer is the leading cause of death among women aged 35 to 54. Although this is mainly due to breast cancer, which caused an estimated 38,000 deaths in 1985, in many States, lung cancer has surpassed the rate of breast cancer, claiming 38,600 deaths in 1985. Lung cancer is on the increase at an alarming rate.

We have an obligation to address these problems and try to find effective solutions. The maintenance of good health is a societal as well as an individual responsibility. The Federal, State, and local governments; professional and community organizations; and citizens themselves must promote health awareness and support continuing research and acquisition of knowledge on health problems.

Fundamental to the achievement of improved health for all women is the recognition that their lives have changed dramatically in recent years and that future changes are likely to be even greater. Three of the most important social changes affecting women's health are the increasing number of women living in poverty; the unprecedented entry of women into the labor force, including women with small children and infants; and the continuing increase in the longevity of women. We must begin to take these changes into account if programs and policies are to work.

It is absolutely necessary that the Public Health Service should continue to review and monitor its activities in regard to women's health. Women should also increase their efforts to become aware of environmental and behavioral risk factors, as well as factors that promote health and prevent illness. Further, educational and outreach programs should be initiated and expanded by public and private organizations and the media to stress the importance of a healthy lifestyle.

The resolution calls upon all organizations interested in the health of women to study the legislative, policy and service issues that affect the health of women. These groups are encouraged to promote public education on health matters as well as public policy changes needed to improve women's health.

Mr. Speaker, joining us in the introduction of the resolution as original cosponsors are Representatives Solarz, Ritter, Kastenmeier, Wolf, Lipinski, Roe, Leland, Mrazek, Richardson, Daub, Wortley, Boxer, Sunia, Guarini, Lewis of Georgia, Lagomarsino, Jenkins, Slaughter, Owens of New York, Smith of Florida, Hayes, Waxman, Kostmayer, Boner of Tennessee, Horton, Patterson, Bevill, Shumway, Fish, Kaptur, Hughes, Scheuer, Collins, Frost, de Lugo, Weiss, Martinez, Traficant, Bentley, Vento, Lancaster, Gray of Pennsylvania, and Gray of Illinois.

We urge our colleagues to join us to commemorate the week of September 13-19, 1987, as "National Women's Health Awareness Week."

Below is the text of the resolution:

NATIONAL WOMEN'S HEALTH AWARENESS WEEK

Whereas cancer has been the leading cause of death among women and men in the United States between the ages of 35 and 54, and an estimated 119,000 new cases of breast cancer affecting women were reported during 1985, killing approximately 38,400 women;

Whereas the number of deaths resulting from lung cancer in women was approximately 38,600 in 1985, has risen 600 percent in the last 30 years, and may have replaced breast cancer as the leading cause of death among women in the United States;

Whereas an estimated 52,000 new cases of cervical and endometrial cancers were reported during 1985, killing approximately 9800 women;

Whereas between 30 percent and 80 percent of all women experience premenstrual symptoms, and such symptoms are frequently adverse;

Whereas approximately five percent of the cyclical, psychological, and physical symptoms of such women may occur with sufficient consistency and severity to warrant classification as premenstrual syndrome (commonly known as PMS);

Whereas women in the United States are more susceptible to certain illnesses than are men in the United States;

Whereas such illnesses include multiple sclerosis, systemic lupus erythematosus (a disease of the connective tissue), diabetes, and osteoporosis (a disease causing brittle bones, usually in older women), which is diagnosed in more women than men at ratios of 3 to 2; 10 to 1; 2 to 1; and 2 to 1 respectively;

Whereas depression afflicts as many as 14 million Americans annually, and approximately 25 percent of women will suffer from clinically severe depression, compared to 10 percent of men;

Whereas certain eating disorders, such as anorexia nervosa and bulemia, affect one out of every 200 women and will cause both physical and psychological damage;

Whereas the Public Health Service should continue to review and monitor its activities with respect to the health issues of women, and should encourage the expansion of biomedical and behavioral research on health conditions and diseases unique to, or more prevalent in, women of all age groups;

Whereas all Americans, and especially women, should increase their efforts to become more aware of the environmental and behavioral risk factors that affect health, and educational outreach programs should be initiated or expanded by relevant public and private organizations and the media to communicate the importance of a healthy lifestyle; and

Whereas all organizations particularly interested in the health and well-being of women should continue to make deliberate efforts to be informed with respect to legislative, policy and service issues that affect the health of women, should promote the exchange of information on health issues, and should become advocates of organizational and public policy changes needed to improve and promote health conditions for women: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That September 13-19, 1987 is designated as "National Women's Health Awareness Week," and the President of the United States is authorized and requested to issue a proclamation calling upon Federal, state and local government agencies and the people of the United States to observe such week with appropriate ceremonies and activities.

SSA BENEFICIARIES NEED ADVOCATE IN THE AGENCY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TAUKE. Mr. Speaker, today, I am introducing legislation to establish an office of beneficiary ombudsman within the Social Security Administration [SSA]. While it may not be possible to eliminate the redtape in the system, a beneficiary representative within the agency will enhance the quality of service and protect the public's interest.

The primary function of the beneficiary ombudsman will be to represent the public during the development of SSA rules and procedures. The ombudsman will review the Secretary of Health and Human Services and the Commissioner of the Social Security Administration policies to assess the possible adverse effects of policy changes and the beneficiary ombudsman will recommend alternative approaches to resolve policy problems. The ombudsman will also oversee the SSA's evaluation of benefit claims in order to ensure that the agency is adhering to the established rules and procedures. The controversy and problems of the evaluation of mental impairments would have been identified and corrected expeditiously if a beneficiary ombudsman had been involved in the process.

The beneficiary ombudsman will be appointed by the Secretary of Health and Human Services to serve a 5-year term. An ombudsman office will be located in each regional office, program center and central office of SSA to ensure that the public will have access to their representative in the agency.

I believe that the public's confidence in the Social Security System will be enhanced and strengthened by a representative in the agency. A beneficiary ombudsman's oversight of the quality of SSA services and benefit claims decisions will improve the program. I encourage you to join me in this effort that will benefit both SSA and our constituents.

THE TELECOMMUNICATIONS POLICY ACT OF 1987

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SWIFT. Mr. Speaker, the gentleman from Iowa [Mr. TAUKE] and I are today reintroducing our bill to modify the restrictions placed on the Bell Operating Cos., following divestiture 3 years ago. As a result of the breakup of the Bell System, these companies are today barred from offering information services and engaging in manufacturing—even though there may be important advantages in lifting these restrictions. I might note that even some of those working against lifting the restrictions have told us that, as long as it's done right, they may benefit if the RBOC's get into new lines of business—both because it may stimulate new developments and because those companies may be consumers of some new services.

But, for me, the most important reason to lift the restrictions is the potential benefits for local service ratepayers. First, when the basic telephone system is put to greater use, the fixed costs are spread over more users and, with new services sharing costs, it takes pressure off local rate increases. Second, there are many services that are not offered today—or are offered only at prices that many potential users cannot afford—but which could be offered at affordable rates if we allow efficient use of the existing network. Third, because the Bell Operating Cos. make up one-half of the domestic telecommunications industry, we assure the United States remains competitive in world markets by introducing seven significant players in the economy.

Our bill today combines the original H.R. 3800 with the work we did last year to develop ratepayer protection provisions that will prevent any cross-subsidies from regulated phone service to new ventures. These provisions were designed to send a clear message to the court, to the Justice Department, and to the FCC. The message is that new services had better carry their full share of the fixed costs of the existing system, or both ratepayers and competitors will suffer. For new services to pay anything less would be, in effect, to subsidize new ventures. Conversely, when costs are shared, everyone wins. Further, savings due to new efficiencies are shared between regulated customers and those who use the new service.

While I have tended to refer to these provisions as "ratepayer protections," they also protect competitors. After all, the biggest fear most competitors have is not competition, but unfair competition. They do not want to face a competitor who is able to subsidize prices. And that subsidy will be coming out of the pockets of ratepayers. So, protecting ratepayers also protects competition. Specifically, what we propose is that the RBOC's be required to make available comparable interconnection to all providers before they can get into information services. They would have to have in place nondiscriminatory open procurement procedures before they can engage in manufacturing. And the FCC would have to have in place tough new accounting guidelines that will prevent cross-subsidies between new services and regulated telephone service. These provisions give specific guidance to the FCC on how costs should be allocated between services. We require that the Commission assign costs to the line of business that causes the cost to the maximum extent possible. For joint and common costs, the FCC must consider relative use, special characteristics, and investment to make plant available, including peak demand. At a minimum, new services will be required to pick up their proportionate share plus any additional cost they add to the system.

We require that ratepayers be insulated from failed ventures. The FCC must assure that investment made for new lines of business not be reassigned to telephone customers—unless it is clearly in their interest because basic service needs the investment and the price is right. And debt for failed ventures cannot be secured by assets of the telephone company. Any asset transfers between companies will have to be done under rules that clearly protect ratepayers. In short, risks must be borne by shareholders—just as they are in any nonregulated business. And each BOC must provide the FCC with the results of an audit each year that verifies that the company is in compliance with FCC rules and that auditor had access to information he needed to determine compliance.

Relying on cost allocation and accounting systems to protect ratepayers and competitors is not without risks, and it must be done carefully. But doing nothing has risks, too. Being afraid to act because we might make a mistake can, itself, be a mistake if we lose out on technological innovations and the price of local phone service becomes unaffordable. FCC Chairman Fowler says cost allocations can work. While the chairman of my State utilities commission, Sharon Nelson, has grave doubts whether cost allocation will be entirely efective, her view is that proper allocation is so important—and needed so badly for other purposes—that we have no choice but to devise a workable system.

When we first introduced H.R. 3800 some 15 months ago, I made it clear that it was not a finished product. Although today's bill includes significant—vital—improvements over that original version, it is still not finished. For example, there are still questions to be addressed about how employees in the telecommunications industry will be affected by changing the MFJ restrictions. The Bell Operating Cos. suggest that changes will mean new jobs. But what will be the impact on current and future jobs with the Bell companies and in other companies as well? Will creating those jobs displace other workers? Will new jobs be created in this country? While many of these questions are best left to negotiations between employers and employees, Congress should not make its decisions without complete information and may need to suggest parameters.

Concerns that will need to be addressed further have also been raised by newspaper publishers. While the self-interest in raising these concerns is obvious, there are legitimate issues that I think must be addressed in any legislation that is eventually enacted into law. I think we'll also have to look very carefully at the interconnection and open procurement requirements. Again, lifting restrictions is not without risks when we rely on the Commission to assure fair treatment of competitors. The operating companies, even when it is unintentional, can potentially do significant harm to competitors, if they deny fair access to the local system. For example, I met recently with people from the cellular industry who feel they have problems getting appropriate interconnection, both from a technical and financial standpoint, and who feel that recurring charges for NXX numbers is unfair. Because even an imagined inequity gives ammunition to those who oppose lifting the MFJ restrictions on the operating companies, it will be very important that the Commission be able to prevent unfair advantages due to the existence of the local bottleneck.

There have been many suggestions for other changes that I think are worth considering. But, although there are changes we could make to accommodate the many things that have changed since we first introduced H.R. 3800, our decision was to reintroduce the bill in essentially the original form. We anticipate that many things will change even more during the coming months, and those will need to be considered as well as should legislation move later on. So we begin again where we left off last year. We raise the flag and renew our support for the policy changes embodied in this bill. But we also recognize that there are still many things to learn and work still to be done to refine this legislation.

Without question, the most important consumer benefit is letting new services pay their fair share of the fixed costs. By spreading those fixed costs over more users, we lower the share that basic phone service must bear, and that helps keep the cost of local phone service down and helps preserve universal service.

THE STRATEGIC INTERESTS OF THE UNITED STATES IN THE MIDDLE EAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. LANTOS. Mr. Speaker, a few days ago I chaired a very important hearing of the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs. At that hearing, a significant and persuasive discussion of American interests in the Middle East was presented by Mr. Thomas A. Dine of AIPAC. I want to share excerpts of his testimony with my colleagues.

TESTIMONY OF THOMAS A. DINE, EXECUTIVE DIRECTOR OF AIPAC

The U.S. has a particular moral and strategic interest in Israel, the one democracy and our only reliable ally in the Middle East. It is the only country in the region with meaningful free elections, a robust free press, checks and balances to prevent and correct abuses of authority, extensive protections for the rights of individuals and minorities, basic equality for women, and other safeguards and rights that are typical of a free society. It stands in sharp contrast to other countries of the region, which include feudal monarchies like Saudi Arabia, where all power is permanently concentrated in the hands of a few wealthy princes and where average citizens are under constant surveillance by the religious police and internal security forces; dictatorships like Syria, where the government slaughtered 10,000 of its own citizens five years ago; or radical fundamentalist regimes like Iran, which terrorizes its minorities, suppresses its middle class, and ships off its youth to be slaughtered in a meaningless war.

In poll after poll for nearly 40 years, the American people have resoundingly reaffirmed their sympathy for the Jewish state and their conviction that Israel is a democratic ally whose security and well-being are vitally important to the United States. The absolute amount of our aid to Israel is substantial, but it is comparatively one of the most cost-effective investments that the United States makes in support of its common interests. U.S. expenditures in support of our European allies in NATO, for example, are more than 40 times the size of our aid to Israel.

Mr. Chairman, we are meeting at a time when the relationship between the United States and Israel is strong and close: there is a deep, broad-based partnership; a full-fledged political and military alliance is emerging.

Significantly, Mr. Chairman, we are partners for peace. In the search for peace with its neighbors, Israel's National Unity Government continues to build upon the bold initiatives taken last year in close coordination with the United States. This holds true following the smooth transfer of power in October from the Labor Party's Shimon Peres to the Likud's Yitzhak Shamir.

The Government of Israel in 1986 has continued to work closely with Secretary of State Shultz in adopting tangible measures to improve the quality of life for the inhabitants of the West Bank and Gaza.

And, despite the rejection of direct negotiations by each of Israel's Arab neighbors except Egypt, Foreign Minister Peres continues to seek ways to promote a peaceful environment through economic development under a multi-year large-scale "Marshall Plan" for the Middle East. This plan's farsighted purpose is to help those Arab neighbors and Israel (Egypt, Jordan, Lebanon and Syria) who are now suffering seriously from the recession in the Arab world brought on by the collapse of oil prices, and thereby to create a regional environment more conducive to peaceful coexistence.

King Hussein, for his part, has sought to implement an ambitious, $1.4 billion development plan to upgrade the skills, abilities, and incomes of Palestinians in the territories in an effort to promote a moderate influence and leadership there more likely to engage in a peace process. This plan dovetails with the goals of the "Marshall Plan," and, coupled with the Israeli measures already in place, could serve as an essential building block for peace by nurturing a stable Palestinian leadership in the territories with a stake in coexistence with Israel.

But to achieve peace and maintain it requires strength, particularly in the Middle East where the forces of radicalism must be deterred. In this area, too, the United States and Israel are strategic allies.

This was best symbolized during last month's visit by Prime Minister Shamir to Washington with its special emphasis on Israel's status as a major non-NATO ally, along with Japan, South Korea, Australia, and Egypt. This Congressional provision, signed into law by President Reagan in the FY 1987 Defense Authorization bill last year and recently reiterated in a letter to Chairman Fascell by Secretary Shultz and another one from Secretary Weinberger to Chairman Aspin, will better enable the two nations to expand the scope of strategic cooperation. This is not an area of special benefits, grants or loans. Rather, it is a logical extension of the alliance which has blossomed since November 1983 when the United States and Israel enunciated the policy of expanding cooperation, particularly joint military planning and exercises, to meet threats to mutual interests in the Middle East and the eastern Mediterranean. Without the strong support of this Committee, this new area of law would not have been possible. I hope this year will see an expansion of this effort.

But Israel's role as an ally of the United States goes well beyond the confines of military cooperation in the Middle East.

Israel stood foursquare behind the United States in support of U.S. military action against Libya in the spring of 1986, unlike Jordan and Saudi Arabia, who condemned "the American aggression against Libya," or Egypt, who termed it "unacceptable."

At the United Nations, Israel voted with the United States on more than 91 percent of the General Assembly resolutions introduced in the 40th session, the highest rate of cooperation of any country in the world. And on the 10 annual "key" votes determined by the Administration, Israel voted with the United States all 10 times in 1985. This contrasts with 38 percent for Turkey, and 33 percent for Greece—America's NATO allies in the eastern Mediterranean. It also contrasts with 15 percent for Egypt, 14 percent for Jordan, and under 14 percent for Saudi Arabia—and the Soviet Union's 12.2 percent record.

In the information war, Israel has initialed an agreement with the United States to install a Voice of America transmitter in the Negev desert to enhance American broadcasts to Soviet Central Asia, Afghanistan, and Eastern Europe, this despite the inherent risk of worsening the plight of Soviet Jews. By contrast, two of America's NATO allies, Greece and Turkey, refused to host the VOA transmitter because of their unwillingness to endanger their relations with Moscow. Reportedly, Oman also turned down an American request.

Moreover, at a time when American exports are meeting protectionist trade barriers erected by our closest allies and trading partners, Israel signed the historic Free Trade Area agreement, making it the only country in the world to abolish virtually all trade barriers with the United States.

And so, Mr. Chairman, in the peace process, in strategic cooperation, in the diplomatic arena, and on the trade front, Israel is today one of our foremost partners in the world, working with the United States toward regional and global security.

Israel and the United States have also cooperated over the past two years in another bold initiative. Working together, they have successfully undertaken to rescue Israel's economy from the severe distress it was suffering just 18 months ago.

The United States has a vital interest in Israel's economic recovery for several reasons. First, the economic health of our major allies and fellow democracies is inherently a vital interest for the United States, because in a very profound sense, the free nations stand or fall together. Second, the economy of Israel is the bedrock of the nation's ability to sustain its own defense, and for this reason Israel's economic health is essential to the stability of the region. And third, it is a vital interest of the United States to ensure that Israel continue on the path of economic growth and self reliance. This is something we can do, and for our own interest, must do.

The challenge for the United States, and for this Committee, as we look to the year ahead, is to continue a program that is working, and to take the steps that are necessary to reinforce and indeed accelerate the recovery to which the United States has already contributed so much. The foreign assistance program before you is truly an investment in Israel's future.

Beyond the challenge of economic recovery, the program before you is essential for a second reason. This is the fact that our assistance to Israel over the coming year will have a critical impact on the security of the Jewish state.

Last year we painted a bleak picture describing the erosion in Israel's margin of security, that resulted to a great degree from the very financial and budgetary austerity measures that were necessary to rescue Israel's economy. Regrettably, that picture still captures the essence of the situation. Indeed, current economic plans call for the continuance of defense budget cuts into the 1990s.

The austerity measures cut Israel's defense spending by about 20 percent in a two year period—one of the largest reductions ever imposed by a democracy in so brief a timespan. While Israeli military planners have attempted to make the cuts without eroding Israel's narrow margin of safety, reductions of this magnitude have, inevitably, added to the element of risk in many areas.

Despite reductions in oil revenues, Israel's enemies continue to purchase more and newer weapons to add to their already bulging arsenals. They have placed orders for billions of dollars worth of new weapons each year, and have tens of billions of dollars more still in the pipeline from past years. Since 1973, the leading Arab nations still at war with Israel have spent nearly $400 billion on their armed forces, and are continuing to spend at an annual rate of $30 billion. According to the last set of figures released by the United States Arms Control and Disarmament Agency, five of the seven largest arms importing nations in the world are Arab nations at war with Israel: Iraq, Saudi Arabia, Libya, Syria, and Jordan. And, it may be significant that despite its economic problems, Egypt was the fourth largest importer, ordering in 1987 some $1.3 billion worth of American weapons alone.

Mr. Chairman, the Arabs purchase these arms from dozens of different nations around the globe. Our country has been a major supplier to these nations, selling scores of billions of dollars of military goods and services to avowed enemies of Israel. American sales of new weapons systems to hostile Arab nations have had a particularly profound impact on the military balance between Israel and those states because American technology is often superior to that of competing weapons. These sales have significantly raised the cost to Israel of maintaining its own defenses, exacerbating the strain on Israel's economy, and barring any changes in American policy, will continue to do so in the future.

Overall, what we have is a pattern of accelerated Arab buildup while Israel substantially cuts its forces. The effort to maintain the qualitative edge adds to the burden on the Israeli economy, further worsening the quantitative gap in the Arab states' favor.

Let me sum up, Mr. Chairman, the conclusions of my testimony. Our aid to Israel has been a wise investment, because Israel is our one democratic friend and most reliable ally in a critical region of the world. But this year, aid to Israel is particularly important, for two reasons. First, to prevent any further erosion in Israel's narrow margin of security, in a situation where its forces have been cut while those of its adversaries are rapidly growing.

The second reason aid is particularly important this year is to stay the course on the economic recovery and growth program on which Israel has embarked. This is no time to reduce our effort.

HONORING BISHOP-CARROLL HIGH SCHOOL GIRLS' BASKETBALL TEAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to honor the Bishop-Carroll High School Girls' basketball team. The members of this team have accomplished an outstanding goal, and they are an honor to Bishop-Carroll High School, which is located in Ebensburg, PA.

The following girls are members of the basketball team: Trinette Mazur, Mary Zakrzwski, Sue Panek, Julie Byrne, Patrice Rylke, Debbie Lee, Diane Brannigan, Cindy Oyaski, Cindy Cunningham, Viki Hodge, Jennifer Bentley, and Michele Arpino.

Not only were these team members the District 6 class A champions, but they are also the PIAA State champions. I congratulate each and every one of the girls for a job well done. The head coach, Deb Yesenosky, and the assistant coach, Mary Singer, have done a fine job in leading the team to the championship.

Students such as these are a credit to their high school, their families, and the community. Their hard work and determination have shown us what they can accomplish, and this gives me hope for their futures, as well as ours. I would like to wish them the best of luck in their future endeavors.

HONORING COMMUNITY LEADER DANIEL FRIEDBERG

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the outstanding honor awarded to a resident of the 10th Congressional District—community leader Daniel Friedberg.

Daniel Friedberg has recently been named the Grandmaster of the State of New York Independent Order of Oddfellows. The honor will be presented at a testimonial weekend April 24–26 in Swan Lake, NY.

The Independent Order of Oddfellows is a fraternal beneficiary society. Among its other programs, it sponsors an education foundation which awards college scholarships, supports a research program at Johns Hopkins University, and maintains homes for senior citizens.

The Oddfellows are just one of the many community involvements of Daniel Friedberg. In addition to the Oddfellows works on behalf of education, he formerly served as a member of the Solomon-Schecter High School Board of Directors and is a founder of the Junction College Development Corp. He is also a past president of the Flatbush-Nostrand Chamber of Commerce.

Owner of the Fort Hamilton Beverage Distributors, a successful business in Brooklyn, Daniel Friedberg is married and has five children.

Daniel Friedberg's continued community service has been invaluable to the Brooklyn community in which he lives. His outstanding contribution on behalf of education, both through the Oddfellows and through his own involvements has been an example to all of us who are concerned about the future of our communities. Please join me in congratulating him on his latest honor. It is my great pleasure to bring him to the attention of my colleagues today.

STATE LONG-TERM CARE OMBUDSMAN ADVOCACY IMPROVEMENT ACT OF 1987

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BONKER. Mr. Speaker, today I am pleased to introduce legislation to increase the ability of long-term-care ombudsmen to help resolve the problems of older Americans living in nursing homes and board and care facilities. My legislation—the State Long-Term-Care Ombudsman Program Advocacy Improvement Act of 1987—would amend the Older Americans Act to strengthen and expand this crucial service of these vulnerable citizens.

I am also pleased to be joined in introducing this bill by several distinguished colleagues from the Select Committee on Aging, including our chairman, EDWARD ROYBAL, as well as CLAUDE PEPPER, chairman of the Subcommittee on Health and Long-Term Care, and MARIO BIAGGI, one of the OAA's strongest advocates. This measure is similar to the bill introduced yesterday in the Senate by JOHN GLENN and several of his colleagues from the Senate Special Committee on Aging.

This year's reauthorization of the Older Americans Act [OAA] provides an opportunity to make needed improvements in the OAA's Long-Term-Care Ombudsman Program [LTCOP]. This bill reflects recommendations of numerous entities to improve the LTCOP. It also lays the foundation for providing ombudsman services to home care recipients.

In early 1986, the Institute of Medicine [IOM] of the National Academy of Science, issued its congressionally mandated study of the Federal role in improving the quality of nursing home care. The IOM strongly recommended major improvements in the LTCOP, as have both the Senate and House Aging Committees. Several national senior citizens organizations have also called for OAA amendments to the Ombudsman Program, which are incorporated into my bill.

Mr. Speaker, I will briefly describe the OAA Ombudsman Program before outlining key provisions of my legislation. After a successful demonstration period, the OAA was amended in 1978 to require an Ombudsman Program in each State to investigate and resolve complaints on behalf of nursing home residents. The act was later amended to include board and care homes under the purview of ombudsmen. Typically, ombudsman programs are located in State departments or agencies, but are administered in some States by other entities, such as a State bar association.

Ombudsmen have effectively identified and resolved a wide variety of problems faced daily by residents of these facilities—ranging from the hassles of daily life in an institution, problems with obtaining Medicaid coverage, to serious problems with quality of care and outright abuse.

Over the past several years there has been a dramatic increase in the number of local units—or substate programs—that operate under the jurisdiction of the State ombudsman. Many of these programs depend heavily upon volunteers to visit facilities within their communities, making ombudsman services truly acccessible and responsible to frail and disabled residents.

The combination of local programs and use of volunteers has enabled the program to reach thousands of elderly residents and to resolve many of their problems. According to the Administration on Aging, the number of volunteer ombudsmen increased 57 percent between 1982 and 1984 for a total, at that time, of 5,200 volunteers nationwide. During the same time period, the number of complaints handled by State and local ombudsmen grew from 41,000 to 71,000—a 75-percent increase. The Washington State ombudsman recorded 932 complaints in fiscal year 1986—a 14-percent increase over fiscal year 1985.

Despite this impressive growth, far too many residents of nursing homes still do not have access to ombudsman services. Moreover, ombudsmen are not reaching the vast majority of the tens of thousands of elderly residents of board and care homes. Ombudsmen and other advocates of the elderly indicate that horror stories abound in far too many board and care homes. Unlike nursing homes, there is no national, comprehensive system of oversight for board and care. In a number of States, regulation of board and care homes is nonexistent or limited, at best. This lack of ombudsman coverage is due, in very large part, to the minimal funding available in most States. The OAA only requires that States spend on the Ombudsman Program the greater of $20,000 or 1 percent of their OAA title III-B dollars.

In many States, ombudsmen lack the authority and tools to do their job effectively and consistently. Some State ombudsmen, as well as their local staffs, do not have a clear right to enter facilities. Many local ombudsmen have been discouraged from doing an effective job because of fear of potential lawsuits by providers. Further, the Administration on Aging has failed to provide consistent and effective support for the national network of ombudsmen.

Mr. Speaker, the State Long-Term-Care Ombudsman Advocacy Improvement Act will correct these and other shortcomings. I would like to take a few more minutes to highlight key provisions from my bill. I might add that a number of the provisions in this bill are modeled after laws that have been enacted in some States, including my home State of Washington.

A new part D of title III of the OAA would be established specifically for the LTCOP. It would be authorized in fiscal year 1988 at $35 million, in fiscal year 1989 at $40 million, and for "such sums" in fiscal years 1990 and 1991. This new provision will provide the program with a clear identity and would remove it from direct competition for funding with such essential services as transportation and senior centers.

State and local ombudsmen would be granted immunity for good faith performance of their duties, access to facilities and residents, and legal advice and representation when needed. Ombudsmen will be able to speak out more forcefully on behalf of facility residents who are unable to do so for themselves by identifying problems and recommending solutions.

Reprisals against residents and facility employees who voice concerns to ombudsmen would be prohibited, as would willful interference with the official performance of duties by ombudsmen. Training of ombudsmen would be improved, and individual ombudsmen could not investigate complaints until adequately trained. To ensure that those who operate ombudsman programs are not "foxes guarding the henhouse," conflict of interest language would be more explicit.

Ombudsmen would be provided access to patients in hospitals who were transferred from long-term care facilities, as well as to long-term care patients in Veterans' Administration and Indian Health Services facilities.

The AoA, the Federal agency responsible for the OAA, would be required to provide greater support for the LTCOP in several ways, including supporting national training, technical assistance, and clearingouse functions. AoA would also evaluate methods of improving ombudsmen services and test cooperative efforts between ombudsmen and the federally required protection and advocacy systems for the developmentally disabled and mentally ill, who have so many problems in common with the frail elderly.

In addition to the needed amendments to the program that I have described, another major feature of my proposal, Mr. Speaker, is language that would establish for the first time, an Ombudsman Program for the frail elderly who receive home care services. Over the past several years, we have heard many concerns expressed about the poor quality provided by some providers of home care services. The Select Committee on Aging examined this issue in a hearing last summer, and legislation has been introduced in the House to address quality of care and clients' rights with respect to home care services. Additional legislation is expected to be introduced shortly in both the Senate and the House.

I believe we can help to ensure good care and to resolve the problems of home care clients by emulating the effective work of ombudsmen in the nursing home setting—by establishing an ombudsman in each State to handle home care-related complaints. My bill would accomplish this in several steps. First, the AoA would examine the few States that currently require ombudsmen to handle home care complaints. Second, funding would be available to test ways of providing ombudsman services to home care clients. Third, training would be available for ombudsman work in the home care area. Finally, beginning in fiscal year 1991, each State would formally establish an Ombudsman Program for home care clients. We would not require that the LTCOP operate the Home Care Program; rather, the LTCOP would have preference for taking on this responsibility.

This new Ombudsman Program would be established by a new part E of the OAA—$15 million would be authorized for these objectives. Ombudsman services are needed in the home care field but cannot be provided at the expense of services to those in nursing homes and board and care facilities. Creating a separate part of the OAA and providing distinct funding for this purpose would ensure that ombudsman services for home care clients do not diminish the role of ombudsmen in meeting their current duties.

The Ombudsman Program has proven to be an effective and greatly needed voice for older Americans in long-term care facilities. The record is clear, however, that the program needs to be strengthened and expanded. This year's reauthorization of the OAA provides us the opportunity to do this. I urge my colleagues to join us in enacting the State Long-Term Care Ombudsman Advocacy Improvement Act of 1987.

THE STATE LONG-TERM CARE OMBUDSMAN ADVOCACY IMPROVEMENT ACT OF 1987

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. ROYBAL. Mr. Speaker, today I am pleased to join my colleagues from the Select Committee on Aging, the gentleman from Washington [Mr. BONKER], the gentleman from New York [Mr. BIAGGI], and the gentleman from Florida [Mr. PEPPER], in introducing, "the State Long-Term Care Ombudsman Advocacy Improvement Act of 1987," legislation to strengthen the Long-Term Care Ombudsman Program under title III of the Older Americans Act.

Both a recent Institute of Medicine study and testimony before the Select Committee on Aging have documented the great need for a strong Federal commitment to providing adequate resources, standards, protections, and authority for remedying some of the persistent quality assurance problems associated with the Nation's long-term care delivery system. Given recent cost containment policies, it is crucial that adequate protections be provided to assure that older Americans and their families are not subjected to any unintended consequences in the quality or in their access to transitional and long-term care. The Nation's Ombudsman programs have done an admirable job in protecting the interests of residents of long-term care facilities. However, the austere resources and constraints under which the program presently operates have limited their ability to address, in full, their current mandate for board and care as well as nursing home residents, let alone to address the broader needs of consumers of other health and community-based services.

The legislation we are introducing today takes what I believe to be a first, major step in addressing this important national concern by: (1) strengthening the existing nursing home Ombudsman Program for nursing home and board and care; (2) increasing the advocacy capability of the ombudsmen and providing greater legal protections; (3) providing for better consumer protection and awareness of ombudsman services; and (4) expanding protections, over time, to home care consumers.

More specifically, given the singularity and importance of the ombudsman functions, a separate subsection and increased authorization is created under title III of the act. Among the major actions provided in the legislation are the establishment of consumer hotlines, training grants, a national clearinghouse that includes public education, legal protections for ombudsmen, home care ombudsman services, reporting mechanisms to States and funding agencies that include recommendations for corrective action, and Federal right of access for ombudsmen.

I also would like to call attention to the provision which creates a new section to phase in, beginning with demonstration projects and training, ombudsman services for home care consumers. This provision addresses the current lack of protections for the growing numbers of older persons in need of and receiving home health and supportive services in their home, as documented by the House Committee on Aging's study of home care quality issues. This provision is also consistent with a broader home care legislative package, "The Homecare Quality Assurance Act of 1987," (H.R. 1700) which I introduced in the House on March 18 and which will be shortly introduced in the Senate by my distinguished colleague from Maryland, Senator BARBARA MIKULSKI.

Mr. Speaker, one of the overriding goals of the Congress in establishing the Older Americans Act over 20 years ago was to enhance, protect, and promote the dignity of our older population. This legislation goes a long way toward better assuring that that goal is achieved for recipients of our long-term care delivery system. I urge my colleagues to support this important legislation.

THE 95TH ANNIVERSARY OF ST. GEORGE PARISH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the celebration of the 95th anniversary celebration of St. George Parish to be held on April 25, 1987.

The history of St. George cannot be told merely by presenting a chronology of events by which buildings were constructed and dedicated, organizations formed, or programs and functions held. Rather, it is a history of ethnic people who, like those who came to America from its founding days, sought freedom and better living conditions and, like them, contributed to the mosaic of American social life. This narrative details their hopes and dreams, their struggles and sacrifices, and their desire to build a parish and make it a symbol of all they stood for, particularly their great faith in God.

Predominant among the founders of St. George were the Lithuanians who began to arrive in Chicago after 1863, drawn by the city's extraordinarily rapid industrial development and the consequent availability of jobs. In their homeland of Lithuania, they were being subjected to cultural destruction by a radical policy of Russification during this time. The printing of Lithuanian books and newspapers with the Latin alphabet was banned in 1865, while religious oppression, particularly of the Catholic Church, expanded. Chicago, under these circumstances, was a haven to these people who had suffered so much. Because religion played such a prominent role in the cultural and national life of Lithuanians, the newly established immigrants first sought spiritual assistance in the church, and thus begins the history of St. George Parish.

From a small town of about 100 people in 1830, Chicago became, by 1880, a thriving city of over a half a million inhabitants. Among this group were Lithuanians in large enough number to form the St. Casimir Society. These people petitioned Archbishop Freehan for a Lithuanian priest to minister to them, and on March 2, 1892, Rev. George Kolesinskis was appointed as the first pastor of St. George Parish. He and a committee purchased 12 lots of land together with an old, wooden German Catholic Church building which was moved onto the property and named St. George Parish Church. In 1894 with the purchase of two more lots, the first Lithuanian school was built on the property. The parish continued to grow, and the present day church building, a beautiful gothic-style church, was completed in 1902.

Over a number of years, the parish grew at such a rate that more land and buildings became necessary, so that around 1918 the rectory had been expanded, a three-story brick school erected and a residence was added for the Sisters of the parish. The debt incurred by this expansion, and by repairs which became necessary after a fire, amounted to $105,000. This considerable amount was paid off before 1942 when the parish celebrated its golden jubilee. It was about this time that many more Lithuanians were fleeing the horrors of World War II when Lithuania became a captive nation. In order to accommodate these new arrivals, further expansion again became necessary.

During the years following the war, and throughout the 1970's, many repairs were necessary to maintain and upgrade the church buildings, a newly built rectory was ready for occupancy, and a new convent chapel for the school-teaching Sisters of St. Casimir was completed and consecrated; but the parishioners banded together and worked hard to defray the expenses. A complete rejuvenation program was undertaken and was completed in time for the diamond jubilee celebration on October 29, 1967. Once more, the dedication and steadfast efforts of the pastor and his parishioners accomplished the goal of decreasing the debt. These were the same years when the Catholic Church was undergoing a transition period and many changes were taking place both in the liturgy and customs of the faith. This was being done for the benefit of the people, as it provided greater participation in the sacrifice of the Mass and promoted clearer understanding of their Christian doctrine.

During the past decade, the parish and the community experienced many changes. The neighborhood had an influx on new ethnic groups; as a result, the parish was enriched by their contributions. The parish, under the guidance and leadership of several recent pastors—men of faith, dedication, and vitality—experienced greater participation of the lay people in planning the future course of the parish. The parishioners and the pastor, being staunch supporters of quality Catholic education, made the decision in 1985 to consolidate the parish school with seven other parishes, thus forming the Bridgeport Catholic Academy, which offers an excellent academic program, extracurricular activities, and is staffed by competent educators.

Under the leadership of the present pastor, Father Richard Dodaro, the parish continues to minister to the spiritual needs of the community through paraliturgies, devotions, and liturgies. Planned trips, excursions, summerfests, and other social functions help to bring the young and the old together. Various activities and collections provide food, clothing, and financial assistance to the needy.

The pastor and the parishioners look to the future with renewed hope and faith in God and country as they joyfully prepare to celebrate Chicago's 150th anniversary, the bicentennial of the U.S. Constitution, and the 600th anniversary of the Christianization of Lithuania this year.

They will continue the work begun by the first immigrants to America, as evidenced by almost 35 organizations which formed during the parish's 95-year history. For it has been proven in the past that here lies the solid foundation that is necessary for continued success, and here are the people who work in unity for all that is near and dear to them, here is the Parish of St. George, celebrating its 95th anniversary on April 25, 1987—the first Lithuanian parish in the Midwest.

I'm sure my fellow Members of Congress join in wishing the Parish of St. George continued success into the next century.

ROUKEMA INTRODUCES "FIGHT LEUKEMIA WEEK"

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mrs. ROUKEMA. Mr. Speaker, I have introduced a resolution which would designate the week of May 24-30, 1987 as "Fight Leukemia Week."

Those of us who have known the tragedy of this killer must work even harder to press our fellow Americans to find a cure for this dreaded disease. The victims and their families now have hope. We must conquer this disease and find the complete cure.

I realize barely a week goes by but that a request for a commemorative week is introduced in Congress. However, I ask for the attention and assistance of my colleagues in fighting this horrible disease that has visited tragedy to many thousands of families annually. It is a disease of the young as well as the old, but the cruelest tragedy involves the 2,500 children stricken each year. It is a killer disease and one for which there is no known cure.

This disease kills more children between the ages of 2 and 15 than any other disease. Only accidents take more young lives than leukemia. Leukemia kills even more adults than children. People over 40 are most often affected, more men than women. Sixty-nine thousand Americans will contract leukemia or related blood diseases (lymphomas, hodgkin's disease, and multiple myeloma) this year; 39,000 others will die from them.

No one knows what causes leukemia, although a virus is suspected. Environmental factors such as high doses of radiation and the long-term exposure to certain chemicals have been linked to the disease. In addition, the body's immune defense system also plays a role in the development of the disease. What we do know is that this devastating disease is a malignancy that arises in the parts of the body that make blood. People with leukemia have too many abnormal white blood cells, causing infections, anemia, and excessive bleeding. Without treatment, 90 percent of all leukemia patients would die within 1 year.

There is some good news. Just 20 years ago, there was no effective treatment for leukemia. Today, the life expectancy for leukemia patients is greater than ever. Nearly 90 percent of children and between 50 and 85 percent of adults with acute leukemia go into remission. Half remain in remission for more than 5 years—a period many specialists consider an indication of permanent remission. The use of chemotherapy is chiefly responsible for the dramatic improvement in managing leukemia. For the first time, doctors battling this disease are beginning to use the word "cured."

Progress has been encouraging. We can now hold out some measure of hope to those afflicted. But the road of treatment is long and painful. The treatment is costly in both economic and personal pain. That is why we need to help the victims and their families. The American people must understand how much their help is needed. A week to fight leukemia is but one way to express our national anguish, to fight back against this silent, incidious killer and to help those brave families and the victims to cope with their terrible burden. A cure may very well be within our reach, and we must find it.

Much of this improvement is due to the untiring efforts of those involved with the Leukemia Society of America. Since its beginning in 1949, the Leukemia Society has spent more than $38 million on research. This has led to the remarkable breakthroughs in treating the disease that have been developed recently. The Leukemia Society contributes more than $5.4 million a year to the support of nearly 240 researchers in the United States and abroad. Because research is not enough, the society also provides services to victims who are struggling with the disease today by providing direct financial aid to help with the costs of treatment and advice and guidance. The society also educates the public about this disease. The Leukemia Society of America is to be congratulated for its efforts.

While treatment of leukemia has come a long way in a relatively short time, it is far from perfect. Chemotherapy produces serious side effects and bone marrow transplants are expensive, extremely painful and usually require a sibling donor. Only by continuing to wage the battle through research will the causes and cures of leukemia be found. Time is of the essence and research is the key. More must be done so that a cure is finally found.

In conclusion, I want to emphasize the need for public awareness of leukemia as a public killer. We need public support for the victims and families who have been touched by the grim hand of the disease. And we need public support for efforts to improve treatment and to discover a cure.

I urge my colleagues to cosponsor this resolution because we must continue all of our efforts to "fight leukemia."

NATIONAL LIBRARY WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise to honor America's libraries—centers of learning for Americans of all ages. This tribute is especially appropriate as we celebrate this week the 30th annual observance of "National Library Week."

The State of Ohio is home to approximately 4,300 libraries. The Ohio State Library will soon be celebrating its 171st year of operation. Throughout the years libraries have become a central resource not only for books, but for just about any kind of information imaginable. Our Nation's libraries provide us with research and information services as well as a variety of pleasure reading material. Libraries also provide a number of helpful community services. They play a central role in keeping the public aware of governmental activities through document depositories. They also provide bookmobile service to persons unable to travel to local libraries, as well as offering casette, record player, and video player checkout services; special services for the handicapped; and adult education and literacy programs.

I think we all agree that libraries benefit every congressional district in this Nation. That's why I find it unacceptable that in its fiscal year 1988 budget the administration has proposed the elimination of Federal library services, which are provided through the Federal Library Services and Construction Act [LSCA]. Funds provided through the LSCA enable libraries to purchase, build, and improve library buildings; establish and maintain a cooperative network of libraries at local, regional, or interstate levels; and to continue and improve upon existing literacy programs. Library funding made available through the Higher Education Act [HEA] is also targeted for total elimination. These funds currently allow libraries to train persons, especially minorities, in librarianship and to encourage research and development relating to library improvement. Most important to the academic world, funds provided through the HEA assist our Nation's major research libraries in maintaining and strengthening collections and in making their holdings available to other libraries whose users have need for such research materials. To eliminate funding such as this would have a devastating effect on academic research projects.

Both young and old alike have benefited from our Nation's libraries and I find it very appropriate that we recognize this week to honor these worthwhile institutions. However, I feel it would be even more appropriate to remember our Nation's libraries when discussing the fiscal year 1988 budget. With all the worthwhile services that libraries provide we would truly be committing a great disservice to our constituency if such a budget were to pass this Congress. I urge my colleagues to join me in supporting a fair, workable budget for America's libraries.

PRESIDENT REAGAN'S TRADE ACTION AGAINST JAPAN

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. KOLBE. Mr. Speaker, almost 2 weeks ago, President Reagan took action to force the Japanese to live up to the semiconductor agreement they signed with us just last fall. This action is important because it represents a tough, fair and well thought out response to unfair trade practices by the Japanese in the semiconductor field.

With tariffs that will double the price of goods sold in the United States by the Japanese companies violating the agreement, this is indeed a tough response. This action is fair because it penalizes the offenders as much as they have cheated us. And, after giving the Japanese a full and fair chance to change their unfair practices and by closely monitoring compliance, the administration has formulated a rational response sparing the American consumer the brunt of this action by targeting products available elsewhere.

This is a risky and difficult course. The economies of our two nations are inextricably linked, and sanctions against the Japanese cannot help but impact sectors of our economy. But we must be prepared to take such steps to defend American access to markets. We should always be looking for solutions to our trade problems that promote improved and open trade—not less trade. That's what the semiconductor agreement was intended to do. By violating that agreement, the Japanese have invited retaliation.

The President's response was measured, but strong. I support the action, and commend the President for his efforts to restore equity to the world trade environment.

I'm enclosing a copy of an editorial on this subject that appeared in the Arizona Daily Star. I believe it outlines very well the difficult choices we face in trade actions.

CHIPS AT STAKE—JAPAN NEEDS SOME SHAKING UP OVER TRADE

It's time to get tough with the Japanese over trade. As long as Washington officials don't overdo it, their proposed retaliatory measures may be the best way to sort out the worsening trade deficit with this longtime Asian partner.

No one is advocating out-and-out protectionism, and only one market is specifically at issue—semiconductor microchips.

But Japan did enter into a three-part agreement with the United States last year over the chips, and two of its provisions, say U.S. officials, congressional leaders and the American semiconductor industry, have not been kept. That's reason enough to take action.

Under the agreement, Japanese companies were to stop dumping their semiconductor chips at lower than market prices here or elsewhere. Japan was also supposed to open its own markets to U.S.-made chips.

The Japanese have honored the first provision by stopping the dumping on U.S. markets, but they have continued to sell their products in other nations at 80 percent of cost. They have also failed to open Japanese markets adequately.

The Japanese say they're doing the best they can, but that they need more than just a few months to effect the changes.

The trade dispute is actually much deeper than microchips. Japan has closed its markets to foreign products, although there may well be items the Japanese would buy if given the chance.

The closed markets have created such a trade imbalance, said The New York Times, that it has strained relations with every trading nation and caused the first trade retaliation by the United States against Japan in the postwar period.

Japan's trade is so prosperous that its surpluses surpass those run up by the Organization of Petroleum Exporting Countries in its heyday.

U.S. companies have long wanted to bid successfully on big construction projects in Japan, such as the new Kansai Airport. But even though American expertise in the field is unrivaled, American contractors can't get in.

The White House has announced a preliminary list of products on which the United States will double the import prices in retaliation for Japan's failure to keep the agreement. Japan can affect the conduct of Japanese firms, said Clayton K. Yeutter, the U.S. trade representative, and he considers the odds of a trade war remote.

Yeutter is a skilled negotiator and prevented a trade war with Europe earlier this year when he negotiated a settlement of a dispute over U.S. losses in grain sales to the European Economic Community.

A Japanese delegation has arrived for "emergency consultations," preceding the visit in late April of the Japanese prime minister. U.S. officials already predict there will be no reprieve in the retaliatory measures set to take effect on April 17, but they will probably temper the move by limiting them to only a three-month trial, and watch to see if and where the microchips fall.

There has to be room to maneuver and a willingness to negotiate with Japan as it in turn works with its manufacturers to head off a full-scale war.

Japan has been fairly warned, and every effort will be made to work out a market adjustment.

Let the microchips fall where they will.

NATIONAL LIBRARY WEEK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1987

Mr. ACKERMAN. Mr. Speaker, I am pleased to join my colleagues today in recognizing the important contributions to our lives made by public libraries. As our society is becoming increasingly more information oriented and more dependent on the effective use of knowledge, the information services provided by our Nation's libraries have become essential to the growth of our country.

I am outraged that for the sixth year in a row, President Reagan has recommended abolishing federally supported library programs. Educating our citizenry is the guiding imperative of a healthy and effective government based on democratic principles. Libraries obviously play a central role in developing and expanding literacy. Instead of withdrawing Federal support for our library system, we should be developing ways to further improve library and information services.

Although public libraries are primarily the responsibility of State and local governments, many valuable library programs and services would not be available without the minimal Federal investment that is provided. For example, the Library Services and Construction Act [LSCA], which the President has once again recommended be terminated, provides to States funding that enables libraries to expand services to those members of our society, such as the elderly and disadvantaged, who require extra effort of special materials. In addition, the program supports building renovations to make libraries accessible to the physically handicapped, and programs to broaden access to educational opportunities and career and vocational options.

Last year, in my home district, LSCA funding provided the Queens Borough Public Library with $50,000 to operate a Literacy Volunteers Program, which recruits and trains volunteers to tutor functionally illiterate adults. In addition, the library received $139,736 for a major urban resource library project that will provide additional materials on art, business, education, history, literature and technology. I was particularly pleased that $135,000 was awarded for the Langston Hughes Community Library, which provides a unique combination of services designed to meet the special needs of the neighborhood, including information on black heritage, education, information and referral services, and cultural offerings.

Mr. Speaker, I would like to point out that the Queens Borough Public Library is the fifth largest public library system in the country, in terms of number of branches. In 1985-86, Queens Library had the highest circulation of any urban library in the Nation, and has been a leader in developing special services to meet the needs of community residents.

I urge my colleagues to reject the President's proposals that threaten to undermine a tradition of support for public libraries. I pledge my continuing support for programs that allow Americans across the country to enjoy the valuable services provided by our Nation's libraries.

H.R. 1572

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, Congress is rapidly moving forward to enact the first comprehensive reform of the welfare system since the "War on Poverty," and a child care system that finally, truly addresses the needs of low-income families must be a part of that effort.

Child care is essential to the success of any effort to make welfare-dependent families financially independent. However, as the following Business Week editorial points out, "Most low-income women slip through the cracks in existing aid for child care."

The Child Care Act of 1987 (H.R. 1572) is consistent with the work of the 100th Congress to craft a public assistance program that responds to people's real lives. It is budget-neutral, it is realistic, and it is fair. It is time to adopt a new policy to provide the equal access to child care that all working families deserve.

[From Business Week, Apr. 13, 1987]

CLOSING A GAP IN CHILD CARE

As more women work outside the home, the demand for daytime child care grows. For working mothers with low-paying jobs, this is an especially serious problem, and it will get worse as more people on welfare are made to accept jobs or job training. Representative Nancy L. Johnson (R-Conn.) has introduced an innovative bill, sponsored by 35 other Republican and Democratic members, that would help many low-income families, mostly headed by women, who now slip through the cracks in existing federal aid for child care. The good news is that the bill would require no new funds, and it gives the working parent more choice among several kinds of child care.

Johnson's bill is targeted at families that earn too much to qualify for federal assistance and too little to make use of the dependent-care tax credit and so must bear all their own day-care costs. The bill would provide $300 million a year for vouchers to qualified parents who are either working or in job training. They would use the vouchers for day-care fees or for hiring a relative or neighbor to care for their children. They could use only centers or individuals registered with a state agency. The $300 million would be raised by reducing the current dependent-care tax credit for families earning between $60,000 and $69,500 a year, and eliminating it altogether above that level.

Despite its merits, the Johnson bill has met resistance from child-care advocacy groups. One reason is a traditional liberal dislike for vouchers to individuals rather than federal support of institutionalized assistance. Vouchers can create problems, especially in the hands of unsophisticated users, but they give lower-income people some of the same choices the better-off enjoy. A second objection to the Johnson bill is that child-care proponents want to expand assistance, not limit it. So they oppose any cutback of the tax credit, even for higher-income families. What they want is for the government to spend more money. But given budget constraints, Congress is unlikely to vote for that. Taking money already going to well-to-do families and using it to help the working poor is eminently fair. The Johnson approach may not be the last word on the subject, but it is a sensible approach that deserves the bipartisan support it has won.

CONFLICT OF INTEREST

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. WYDEN. Mr. Speaker, recently a spokesman for the American Medical Association, Dr. Harrison L. Rogers, said that the practice of physicians selling drugs they prescribe to their patients would "make doctors pharmacists and create a conflict of interest."

I agree with Dr. Rogers and commend him and the association for their statement. To prevent this conflict of interest, today I am introducing legislation to limit the ability of doctors to sell prescription drugs to their patients for profit.

This legislation is much needed. According to the AMA and Dr. Rogers, drug repackagers are bombarding physicians with drugs to sell to patients in their offices. And, according to the New York Times, as many as 5 percent of the 75,000 physicians in the New York, New Jersey, Connecticut region are selling drugs to their patients. Furthermore, the Times states the attraction offered by the repackagers is substantial—the chance to make $30,000 to $40,000 a year in extra income.

Clearly, there are some instances where its appropriate to permit drug sales by physicians. My bill sets out seven exceptions to the profit ban on physician's sales. The legislation would permit sales of drugs in these situations: When doctors sell injected medications and vaccines, when pharmacies are more than 15 miles away, when doctors practice in community, rural or Indian health clinics, or during medical emergencies.

Moreover, under my bill physicians will still be able to dispense drugs to indigent patients or after pharmacy hours for free.

The central issue in this bill—conflict of interest—is obvious. Doctors selling drugs to patients may succumb to financial temptation and over-prescribe drugs and prescribe those drugs they have in stock whether or not that particular drug is necessary or appropriate. The motive then becomes profit first; patient care second.

These situations put consumers in the position of asking their doctor to justify the price or availability of alternative drugs, or of asking their doctor for a prescription to take to the local pharmacy—a competitor of the physician.

And, there are real examples of the health dangers this practice can create. A pharmacist in Bremerton, WA, recently was asked to fill a prescription for Norgesic Forte—an aspirin muscle relaxant—to a woman also on coumadin, an anticoagulant. Aspirin reactions with coumadin can cause serious internal bleeding and patients are warned not to take both at once. Yet, the patient's orthopedic specialist was unaware that she was on coumadin. Had the individual sold Norgesic Forte directly to the patient, she could have died. This is just one example of the potential health risk posed by physicians' selling drugs.

Mr. Speaker, some may wonder why this matter cannot be addressed at the State level. First, the Federal Trade Commission has warned States not to prevent physicians from selling drugs at a profit. The FTC feels this may be anticompetitive. My concern is the safety of the consumer may be sacrificed.

Moreover, regulation and dispensing of drugs is and always has been a Federal issue. The dangers drugs pose to consumers were recognized in 1938 with the passage of the Food, Drug, and Cosmetic Act. Since then, Congress not only has overseen the approval of drugs fit for the U.S. market, but also drug distribution in that market.

Mr. Speaker, my bill is a logical extension of the Food, Drug, and Cosmetic Act. The Health and Environment Subcommittee has scheduled a hearing on this bill April 22, and I hope my colleagues will join me in supporting this legislation and efforts to get it on the floor quickly.

CSONKA ROAST

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SMITH of Florida. Mr. Speaker, Miami Dolphins great, Larry Csonka is the guest of honor at the second annual NFL Celebrity Roast on April 11, 1987, in Miami.

We all know that Larry Csonka is a recent addition to the NFL Hall of Fame.

We all know that Larry Csonka is one of the greatest players in the history of football—but, not every Member of Congress, for that matter few people in my home State of Florida, know Larry Csonka didn't always have his mind riveted to football strategies and maneuvers.

He and fellow player Manny Fernandez also had very creative "plays" off the field—which Don Shula sometimes had trouble appreciating.

It was hard for coach Shula to appreciate the shower mate secretly provided one day courtesy of Larry Csonka. It was a 4-foot alligator. The resulting shouts from coach Shula when he innocently entered the shower trap are not printable in the CONGRESSIONAL RECORD.

Mr Speaker, Floridians have a love affair with Larry Csonka. We, of course, are in awe of his football prowess, and we are thankful for all he has done for our State, but we also know that Larry is a very good person. The 1987 NFL Roast on April 11, is evidence of that. It is being held to further the goals of the Miami Project, an organization that is leading the fight to find a cure for paralysis. The Miami Project is headed by Nick Buoniconti, another Miami Dolphins star. We salute them both and all the great Dolphins stars for the great careers and their humanitarian concerns.

THE CHALLENGE OF AMERICAN CITIZENSHIP

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. COELHO. Mr. Speaker, it is an honor to share with my colleagues the following text entitled "The Challenge of American Citizenship." Written by my constituent, 17-year-old Elaine Margeret Barnett, it won first place in the Voice of Democracy broadcast scriptwriting contest sponsored by the Veterans of Foreign Wars of the United States. Ms. Barnett is to be commended on her excellent writing abilities and for her insightful expression of what it means to be an American citizen.

THE CHALLENGE OF AMERICAN CITIZENSHIP

You can see it in their eyes—the new refugees who've waited for years to come to the United States, that sparkle of anticipation. As they don our shores, you can sense what has brought them here, what has made their long awaited trip a worthwhile reality. For they seek something greater than mere sanctuary. They long to experience that which they have only heard or dreamed about—that which only this country can offer—The Challenge of American Citizenship.

For the children of this nation, which in reality is still a child itself, that challenge lies between each person's individual fulfillment and the responsibility of promoting the national good. For it is these two concepts of responsibility that made America unique.

As citizens we were granted a gift by our forefathers, who proclaimed over 200 years ago that each of us must always be recognized as a separate and distinct individual.

With our great diversity of backgrounds, we Americans are sincerely reassured that we have the right to be what we so choose to be; man or woman as the artist, the scholar, the athlete, the inventor. For it is only then that people may truly experience the fruits of life: the pain, the laughter, the uncertainty. In other words, it is this simple freedom of individuality that enables each of us to taste both the sweet "peach" of success, and the sour "lemon" of defeat.

This responsibility of personal development is the first element of the challenge of American citizenship, allowing each of us to grow in harmony with our own human needs. As we build from our achievements and learn from our mistakes, we take the first step toward excellence as citizens of a young nation.

Benjamin Franklin once declared to the framers of the Constitution, "Let us all hang together, else we shall all hang separately". Then, as he spoke of his fear of King Charles II's actions towards colonial independence, he also spoke of a unity, not merely among the framers, but moreover among all peoples. Whether during a time of crisis, or a period of peace, American patriotism is alive and well. It reminds us that however many individuals there are within our nations boundaries, that in the end, we are indeed one. Our duty as citizens, in that light, suddenly becomes heightened and increased, extending far beyond the mere satisfaction of our own needs, and more towards the progress of America as a whole. For a great nation is built, not on the decisions of an elite few, but on the productive-ness of the united many. Without the teamwork of Americans, the first ideas for the telephone, the railroads, airplanes and medical vaccines could never have become a reality.

It is this unity that makes up the second element of the challenge of citizenship, a responsibility that asks, each of us to give up a portion of our individuality for the good of the nation. We do so when we defend our nation from evils, improve medicine or technology for the lives of others, or when we simply give birth to a child. Each of these actions requires the unselfish ideals of courage or knowledge or human caring to be fulfilled, and each of these requires the unity of people for the progress and development of America.

The picture now becomes complete. The challenge of American citizenship suggests not merely a child's birth within the borders of a nation, but moreover, it entails the existence of those two opposing concepts of citizen responsibility; one for the self and one for the nation. In other countries, these two concepts collide in a struggle for dominance, but in America there exists, not a struggle, but a challenge—the challenge of each individual to find a personal balance between their self fulfillment and their duty to find a personal balance in the nation and themselves.

That is the true challenge of American citizenship.

We now understand the meaning of that sparkle in the eyes of the incoming refugees. That opportunity of freedom is a new dimension, a sign of change where they feel that challenge awaiting them with open arms. For they are soon to become a part of America's most prized possessions—its citizens.

RAISE BEER AND WINE TAXES

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BEILENSON. Mr. Speaker, today I am introducing legislation to increase the excise tax on beer and on the two types of wine which have the lowest concentration of alcohol and are most lightly taxed.

Both beer and wine are still taxed at the same per-unit rates in effect in 1951, and at significantly lower rates than the tax on distilled spirits. Inflation alone, which has gone up over 400 percent since 1951, justifies a substantial increase. This bill would help compensate for 36 years of inflation, and bring the tax more in line with the alcohol equivalent rate of the current tax on distilled spirits—and produce more than $2.5 billion each year in additional revenue and reduce our budget deficit by an equivalent amount. It would also promote health and safety and help reduce fatalities caused by drunk driving. Under this bill, the tax on beer would increase from $9 per 31-gallon barrel to $27 a barrel, an increase of about 32 cents a six-pack; the taxes on the two categories of wine would increase from 17¢ per gallon to 51¢ gallon, and from 67¢ to $2.01 respectively, a rise of about 7¢ on an average bottle of wine.

Raising the excise taxes on beer and wine to a level closer to that of the tax on distilled spirits makes sense because it is completely in line with the purpose of this taxation: to tax the alcohol content of beverages. Thanks in part to recent advertising campaigns by major alcohol and automobile manufacturers, the American public is becoming more and more aware of the fact that a 12-ounce serving of beer or a 5-ounce glass of wine contains the same amount of alcohol as a 1.25-ounce serving of liquor. Nevertheless, the alcohol in beer is now taxed at one-fourth the liquor rate, wine at only one-seventeenth.

Additionally, and perhaps more importantly, studies show that beer is overwhelmingly the most common choice of alcohol among young people—probably because a can of beer costs about the same as a can of Coke. Similarly, wine, and the new, increasingly popular wine coolers, are also fairly inexpensive alternatives to soft-drinks. In 1983, while 16- to 24-year-olds represented 20 percent of the population, they were 34 percent of drivers killed in alcohol-related accidents. Young adults under the age of 30 are responsible for just over 50 percent of the total economic cost to society of alcohol abuse and alcoholism. If we are ever to instill in our teenagers the seriousness and responsibility associated with safe social drinking, we must raise the price of beer and wine above the price of soft drinks.

Alcohol abuse claims between 100,000 and 200,000 lives every year in the United States in ways ranging from cancer and liver disease to drunk driving, fires and homicides. Cirrhosis of the liver, most often related to alcohol abuse or alcoholism, is the eighth leading cause of death in the United States. In 1983, nearly 18,000 traffic deaths in the United States were alcohol related. As a result, the Office of Technology Assessment says, alcohol abuse may be responsible for up to 15 percent of the Nation's health care costs. Studies done at Duke University conclude that increases in State alcohol taxes directly coincided with decreases in rates of liver cirrhosis and automobile fatalities.

The excise taxes on beer and wine are a relatively untapped source of revenue which is fair, and which promotes health and safety. One study found that raising the tax on beer in line with the increase in prices over the last three decades would cut motor vehicle fatalities by about 15 percent, saving more than 1,000 lives a year. By contrast, the study showed, a national drinking age of 21 during the late 1970's would have saved only about 500 lives per year. The same study also showed that raising the beer tax would significantly lower auto accident fatalities among 18- to 20-year-old males.

The economic burden of alcohol abuse and alcoholism is not borne solely by those directly affected by these problems. The health care, law enforcement, and lost productivity costs associated with alcohol are shared by taxpayers, insurance policyholders and businesses. In 1983, alcohol-related problems cost the economy about $120 billion, 23 percent of which was borne by the Federal Government. Economic costs are expected to exceed $136 billion by 1990, excluding the effects of inflation.

Another very important reason for raising the Federal excise tax on beer and wine is that it has become painfully apparent that in order to balance the budget we must increase revenue—that is, raise taxes. In 1951 alcohol taxes represented 5 percent of Federal revenue; in 1985 they represented seven-tenths of 1 percent of Federal revenue. Tripling the beer and wine taxes would help compensate for that lost revenue-raising power, and raise over $2.5 billion in new Federal revenue each year.

Raising the cost of drinking would save Americans millions of dollars each year in health care costs and lost productivity, and would save lives. And, it is a fair, logical, and effective means of reducing the deficit.

I urge my colleagues to join me in supporting this important legislation.

VIRGINIA BOONE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. LEHMAN of Florida. Mr. Speaker, from my own experience as a teacher and member of the Dade County School Board, I know that a school is only as good as its principal. When the school has a super principal, the school itself becomes exceptional.

For many years, Highland Oaks Elementary School has stood at the top of the Dade schools in all categories. Scores alone, however, do not totally tell the story of the spirit of the staff and students.

This school provides a fantastic learning and developmental experience, and Virginia Boone's capability and dedication are what has made this school special.

I have known Virginia for over 20 years, since I was first elected to the school board in 1966. The following story tells about a truly remarkable asset to our community:

DEDICATED PRINCIPAL WINS AWARD

(By Marcia Cummings)

The black book is a tradition at Highland Oaks Elementary School. For 23 years, Principal Virginia Boone has been collecting them. Each visitor is asked to sign the guest book. Almost a dozen are piled in a closet.

The idea is one of those extra touches Boone brought with her soft Southern accent from her native West Virginia.

It is those little extras, like spending extra time with a child or teacher, or staying in her office until 11 p.m. to return every phone call, or opening a classroom at the last minute for a community group to meet, that won Boone, 62, the Administrator of the Year award from the North Area Region 1 Citizens Advisory Committee.

"Dedication originated with her," said Mary Silver, who presented the award at a meeting Thursday night at Norland High School. "You'll find no one else like her."

A surprised Boone, who until the presentation was just another member of the audience, said: "I don't think anything could hold up to being selected by lay people."

She received a standing ovation from more than 100 administrators, teachers, parents and students from North Miami Beach, North Miami, Norland and Miami Beach high schools and the junior high and elementary schools in those areas.

Born and reared in Matoaka, W. Va., Boone has been in education for 44 years. She was a high school science teacher in her home state before coming to Miami in 1951. She was an assistant principal at Opa-locka Elementary and a classroom teacher at Mae Walters Elementary. She opened Highland Oaks in 1963.

"I'll never leave this school," said Laurel Glickstein, a speech therapist who works at Highland Oaks and whose children went there. "She's marvelous. When you come to her with a specific problem about a specific child, she always has time."

When she has time at home, Boone tends her roses, staghorn ferns and orchids. She reads science fiction and watches *Star Trek.* Her prize possession is a copy of John Bunyan's *Pilgrim's Progress* that belonged to her father.

Boone and her husband, Conway, a retired attorney, live in Miami Lakes with a dog and a bird. They have no children.

"I have 923 children here, and every one is special," said Boone. "Since I don't have any of my own, I turn to them. While they're here, they are my boys and girls."

WORLD POPULATION AWARENESS WEEK

HON. THOMAS C. McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. McMILLEN. Mr. Speaker, Gov. William Donald Schaefer has proclaimed the week of April 20-25 as World Population Awareness Week in Maryland. By doing so, Maryland has joined nearly 3 dozen other States in recognizing the urgent importance of coming to terms with the implications of current trends in world population growth.

During that week, citizens, scholars, and community leaders from around Maryland will gather in conferences and forums to be held at Towson State University, Essex Community College, Salisbury State University, and many other locations to wrestle with that challenge. Many thousands more will complement their efforts at similar events around the country, and that commitment is encouraging for the future of our world.

I am pleased to have joined with my colleagues in the Maryland delegation, Senators PAUL SARBANES and BARBARA MIKULSKI, in supporting House Joint Resolution 148 and Senate Joint Resolution 69 to declare that week nationally as World Population Awareness Week. In addition, I insert Governor Schaefer's proclamation in the RECORD:

WORLD POPULATION AWARENESS WEEK, APRIL 20-25, 1987

Whereas, The world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, Rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, It is estimated that 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths which occur each year in developing countries could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, It is also estimated that some 500 million people in the developing world desire family planning but do not have access or means to such services, and the United States has been the leading advocate of the human right of couples determining the size and spacing of their families.

Now, therefore, I, William Donald Schaefer, Governor of the State of Maryland, do hereby proclaim April 20-25, 1987 as World Population Awareness Week in Maryland, and do commend this observance to all citizens.

THE 75TH ANNIVERSARY OF HADASSAH

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to recognize the good works of Hadassah, the Women's Zionist Organization of America and for the 75 years of service to America and Israel which its members have volunteered.

The 385,000 members of Hadassah have been responsible for the building and maintenance of some of the finest health care facilities in Israel. The Hadassah Medical Organization in Jerusalem is a world class primary care hospital. This facility is dedicated to healing, teaching, and research, regardless of race or creed.

Hadassah also supports a wide range of educational programs in the United States as well as Israel. These programs promote the high ideals of Judaic values and American democratic values. This organization runs such unique programs as Young Aliyah, a child rescue and rehabilitation program and Hadassah Israel Educational Services which offers unique educational opportunities for children.

Hadassah is one of the largest contributors to the Jewish National Fund which is committed to the development and rebuilding of Israel through reclamation and reforestation projects.

Mr. Speaker, I salute Hadassah for its contributions to the well being of individuals and for its outstanding contributions to health care and research to alleviate poverty and disease throughout the world.

HOUSE BUDGET COMMITTEE'S BUDGET

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SHUMWAY. Mr. Speaker, today we are given the opportunity to vote upon four different budget resolutions. Everyone knows, however, that there is only one budget which we are truly voting upon and that is the budget produced by the Democrats of the House Budget Committee, touted as the great compromise for fiscal year 1988. Frankly, the majority members of the Budget Committee have produced a sham of a budget that does not at all fairly balance the competing budget interests. This budget increases taxes, compromises our national security, and breaks Congress' commitment to reduce deficit spending.

This budget proposes, although not specifying the form they will take, that $18 billion in new revenues be collected from taxpayers in fiscal year 1988. Given the ideas arising from certain quarters of the House, these tax increases would take the form of a tax on stock transactions, a delay of the tax rates in the Tax Reform Act or an increase in various excise taxes, such as those on cigarettes or on beer and wine. Regardless of the form, I am unable to supprt any of these increases in taxes. It has been estimated that the average U.S. taxpayer works 120 days in a year to pay his Federal, State, and local tax obligations. This budget seeks to increase this burden, reducing individual initiative to work, to create and to be a productive part of society. These individual actions have fueled 5 years of steady economic expansion and will be needed to further sustain it. This budget, by increasing taxes, will smother the possibility of future economic growth.

This budget resolution also threatens to seriously compromise our national security. It calls for cutting defense outlays by $8.75 billion over current spending levels. Simply put, this means that for 3 straight years defense spending will be reduced in real terms. The cuts inflicted upon our military will require troop reductions from 100,000 to 300,000 men, cutbacks in flying hours, and postponement of weapon modernization programs. This budget will produce spare part shortages and decrease the readiness of our military forces. I cannot support a proposal which places our defenses at a dangerously low level of preparedness and does not allow us to keep pace with our adversaries.

Given the other failures of this budget, it is of little surprise that while increasing taxes it simultaneously increases spending. I have never approved of the compulsion to use increased revenues to fuel more spending rather than to reduce an ever expending national debt, but I am especially disturbed that such an activity occurs now. This increased spending comes at a time when Congress has made a commitment to the American people to reduce deficit spending, when the national debt looms menacingly over our economic prosperity and when the American people themselves have called for more responsible Government spending. This budget breaks Congress' promise to provide for a vital and healthy economic legacy, free from the constraints of an immense national debt.

Although the outcome of today's vote is not in doubt because of partisan strategies, I urge my colleagues to join me in opposing the Democrats' budget so that a responsible one may be crafted which provides for the needs of the poor and elderly without placing a greater burden upon American taxpayers or sacrificing the military forces needed to protect our national security.

THE FEDERAL RADIOACTIVE WASTE LIABILITY ACT OF 1987

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SWIFT. Mr. Speaker, today I am joining with my colleague, Representative SID MORRISON, to introduce the Federal Radioactive Waste Liability Act of 1987. This bill would help to mitigate a serious inequity caused by the Nuclear Waste Policy Act of 1982—that the citizens of one or two States will be asked to assume not only the full health, safety, and environmental risks of a repository, but they are also expected to assume all of the financial risks of a nuclear accident at a repository.

Spent nuclear fuel, which is the waste product of nuclear fuel rods, is expected to remain deadly for at least 10,000 years. An accidental release of radioactivity from spent fuel, or other types of radioactive waste, could be catastrophic. If it were a major release, it could cause a disaster of unprecedented magnitude.

The citizens of one State should not be asked to take both the waste and the risk—taking the waste is more than enough. Our bill would ensure that the Nation as a whole would at least assume the financial risk. It would guarantee that any citizen injured by a nuclear accident involving radioactive waste owned by the Federal Government—whether that accident occurs during transportation, treatment, storage, or disposal—would be fully compensated for that injury.

Although our bill is offered as an amendment to the Price-Anderson Act, there would be no arbitrary limit on compensation, as there is currently for accidents at nuclear powerplants. The limited compensation provisions in Price-Anderson were established because Congress wanted to give impetus to the growth of a commercial nuclear industry, and limited compensation for major accidents was deemed essential to that policy. On the other hand, in the case of nuclear waste, the only thing we are trying to achieve is its safe and permanent disposal. By establishing the principle of full compensation for nuclear waste accidents, the Federal Government would not be discouraging a desired activity—it would be encouraging it.

This bill builds one that Representative MORRISON and I introduced in the last Congress, H.R. 4394. I would like to specifically note that Representative MORRISON has been a leader in this area, and I've been pleased to work with him in trying to assure that there would be full compensation in the event of a nuclear waste accident.

Mr. Speaker, the bill which Representative MORRISON and I are introducing today would be a major step forward in reestablishing the credibility of the Federal Government's management of nuclear waste—credibility that has been almost totally destroyed by the Department of Energy. It is our goal to see that the principles of this bill are incorporated into the Price-Anderson legislation moving through Congress this year, and we ask for the support of our colleagues in that endeavor.

TRIBUTE TO JUDGE JOSEPH BRUNO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Judge Joseph Bruno and the Rotary Club of Philadelphia, PA. These admirable men have collected and transported 40 tons of books for thousands of school age children in Nigeria.

There is a pressing need for books, especially textbooks, in Nigeria, where English is the official language. When Judge Bruno heard that Nigerian school libraries were virtually empty, and that textbooks, when available, were prohibitively expensive, he rallied his fellow Rotarians to the cause. After collecting the books, Judge Bruno and friends arranged for them to be shipped free-of-charge aboard a Yugoslavian ship, chartered by a Norwegian shipping company. This was truly an international effort.

I want to commend these men for putting "service before self" in their efforts to, in the words of a Nigerian doctor, "bring hope to people who are very thirsty for education."

EXTENDING PERIODIC INTERIM PAYMENTS TO HOSPITALS FOR ONE YEAR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to extend the system of periodic interim payments to hospitals for a period of 1 year. I am introducing this bill because large numbers of hospitals are anticipating having extensive problems if the system of periodic interim payments, also know as PIP, ends on July 1, 1987, as is currently supposed to occur. These problems could have a negative impact on patient care and on the financial stability of many hospitals, especially smaller institutions.

Most hospitals could not be considered major financial institutions, and at any given time, many hospitals do not have a major cash-flow. There are large amounts of fixed costs associated with personnel, equipment, and other factors. With the change from periodic interim payments to prompt payment of claims, the system that is to replace PIP for most hospitals, they are going to have to financially adjust to being paid after rather than before expenditures. As I pointed out, this will be difficult for many hospitals, and all the more because the change in payment schedule is occurring with their largest "customer," the Federal Government. In California, it is estimated that going off PIP July 1 would create an accounts receivable backlog of 11 to 15 days. This would increase Medicare gross accounts receivable, the amount that hospitals must "carry" while awaiting payment, by approximately $286 million, and the interest lost in having to finance this would be $26 to $30 million. Net accounts receivable are projected to increase by $200 million, and the interest lost in financing this extra amount during the transition from PIP is supposed to be from $18 to $22 million.

I am concerned about this issue not because hospitals should earn high rates of profit under Medicare. If there are some institutions that are making large profits under Medicare, then perhaps, as was suggested at recent Ways and Means Committee hearings on the issue, the increase in payments to hospitals under the prospective payment system should not be as high as was originally planned. However, I feel that changing from PIP to prompt payment on July 1 could adversely affect patient care because of the financial bind in which many hospitals will find themselves during the transition. Many hospitals may be forced to take economizing steps just to stay afloat that might unfortunately include cuts in areas that would harm care of patients. For example, to finance carrying the accounts receivable, many hospitals may have to borrow substantial sums, and this could hinder their ability to borrow on other occasions for more important reasons related to their mission, health care. In addition, some staff cutbacks might have to occur, and delays or cancellations in purchases of valuable new equipment. This is a step hospital administrators do not want to be forced to take. It is a simple fact that many hospitals do not currently have sufficient resources or time to prepare for the change from PIP.

My bill would extend the system of periodic interim payments to at least July 1, 1988. In addition, PIP's termination date would, under this bill, correspond to that of each hospital's fiscal year any time on or after that date. This would also greatly aid in the transition to the new system, as a "natural" change would then occur—at the end of each hospital's annual financial cycle. This would resolve problems caused by the imposition of one fiscal cycle, the Government's, on a different cycle, that of each hospital. For the sake of those who must count on hospitals when they become ill or suffer injuries, I urge my colleagues to support this resolution.

The text follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR DELAY IN RESTRICTING USE OF PERIODIC INTERIM PAYMENT (PIP) SYSTEM FOR MEDICARE HOSPITALS.

(a) IN GENERAL.—Section 9311(a) of the Omnibus Budget Reconciliation Act of 1986 is amended—

(1) in paragraph (2), by striking "received on or after July 1, 1987" and inserting "made in hospital cost reporting periods beginning on or after July 1, 1988"; and

(2) in paragraph (3), by striking "1987" both places it appears and inserting "1988".

(b) CONFORMING AMENDMENT.—Section 1815(e)(1)(B) of the Social Security Act (42 U.S.C. 1395g(e)(1)(B)) is amended by striking "June 30, 1987" and inserting "June 30, 1988".

IN RECOGNITION OF JOSEPH WALLACH, GENERAL MANAGER, KVEA TELEVISION STATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TORRES. Mr. Speaker, I want to bring to the attention of my colleagues the contributions of Mr. Joseph Wallach, founding general manager of KVEA channel 52 in Los Angeles.

Mr. Wallach is credited with creating Estrella Communications, Inc., now known as the Telemundo Group, Inc., which purchased and operates KVEA, the Spanish language station in Los Angeles which also covers San Bernadino, Riverside, Orange, Kern, and Ventura Counties.

Under his leadership, KVEA is providing increased news coverage of local and national issues affecting the 3.4 million Hispanic population of the Los Angeles basin. His management team offers locally produced newscasts and special reports ranging from coverage of Hispanic cultural and civic events to the implementation of the new immigration reform act.

Mr. Wallach was formerly executive director of Globo Television Network in Brazil from 1965 to 1980. During his tenure, Joseph helped develop Globo to become the fourth largest commercial television network in the world, with affiliates in 31 cities throughout Brazil, and programming sold to 80 countries.

Joseph Wallach received a bachelor of arts degree in business administration from City College of New York and also attended Boston University's Graduate School.

Mr. Speaker, on Monday, April 20, 1987, the Hispanic and business community of Los Angeles will honor Mr. Joseph Wallach at a reception to recognize his contributions as the founding general manager of KVEA. I ask that my colleagues join me in congratulating Mr. Wallach for his contributions and outstanding public service to the people of southern California.

THE NEED FOR VOCATIONAL EDUCATION

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. VALENTINE. Mr. Speaker, today I am introducing a resolution that puts the House of Representatives squarely and openly on record in support of adequate funding for vocational education programs in the fiscal year 1988 Federal budget and in opposition to any attempt by the administration to rescind funds already appropriated in fiscal year 1987 for this purpose. I am proud to be joined in this effort by the following original cosponsors: Representatives Blaz, Robinson, Perkins, Dowdy, Carr, Flippo, Lagomarsino, Harold Ford, Major Owens, Daub, Frank, Kostmayer, Wortley, Fuster, Sisisky, Huckaby, Mavroules, Roe, Yatron, Towns, Rose, Byron, Melvin Price, Guarini, Udall, Levin, Kaptur, Ridge, Bevill, Biaggi, Sunia, Levine, John Lewis, Neal, Kennelly, Bonker, Tauzin, and Weiss.

The President, in his fiscal year 1988 budget, has proposed not only that all Federal funding for vocational education programs be terminated but also that $389 million already appropriated in 1987 for basic vocational education grants be rescinded. The resolution we are offering highlights the vital role of vocational education programs in the development of this Nation and emphasizes the need for continued Federal support to assure the future success of students who choose to enroll in vocational education programs.

Quality vocational education programs have been and must continue to be an important component of the Nation's system of education. The number of students participating in vocational education programs has grown tremendously over the last 20 years. Back in 1965, 1 of every 37 Americans was enrolled in a vocational education program; 15 years later, in 1980, the ratio has increased to 1 of every 17 Americans. In my home State of North Carolina alone, during the 1985–86 school year, 330,000 students at the secondary school level and 650,000 full- and part-time students at the community college level benefited from vocational education programs. Nationwide, of course, the number of Americans who rely on vocational education programs is much higher.

Over the years, millions of Americans have been helped by the knowledge and practical skills that they have acquired through participation in vocational education programs. These programs have made it possible for students to prepare for the jobs of the future. Studies have shown that most high school vocational education students either go on to some type of related employment or continue their formal education. More than 71 percent of vocational education graduates find employment related to their studies.

Recent Gallup polls have confirmed what many of us have learned through meeting and speaking with constituents. Americans want greater emphasis placed on teaching the basics in the Nation's schools. The basics and vocational education are closely related.

Mr. Speaker, today America is confronted with a declining marketplace both at home and abroad because of competition from foreign goods and services. If we are to remain competitive in the rapidly changing international marketplace, then it is essential that we equip our young people with the knowledge and skills demanded by ever changing technology. In short, we must train our young people for the jobs that will be available in the coming decades.

I am firmly convinced that Americans can compete effectively with overseas competitors—but only if they are given the proper tools. Vocational education can provide those tools.

It is true that we can save money today by eliminating Federal support for vocational education. But we would pay a high price in the future. In my view, vocational education is an investment that we cannot afford to pass up.

For that reason, I urge my colleagues to join in this effort. The future of our young people and our Nation are nonpartisan matters that we should confront on a cooperative basis, and I hope support for vocational education can be addressed in that spirit.

I ask unanimous consent that the text of this resolution be printed in the Record:

Whereas the President's proposed fiscal year 1988 budget would end all Federal funding for vocational education programs and rescind $389 million from the 1987 appropriation for basic vocational education grants;

Whereas vocational education programs serve 16.5 million Americans each year;

Whereas quality vocational education programs play a vital role in the Nation's education system;

Whereas vocational education programs have enabled millions of Americans to achieve a level of self-support and self-esteem that cannot be measured in dollars; and

Whereas the skills provided by vocational education programs will play a critical role in the Nation's battle to remain competitive in the international marketplace: Now, therefore, be it

Resolved, that it is the sense of the House of Representatives that an adequate level of Federal funding should be authorized for vocational education programs for fiscal year 1988 and that Federal funds should not be rescinded from the 1987 appropriation for basic vocational education grants.

NATIONAL LIBRARY WEEK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1987

Mr. LANTOS. Mr. Speaker, I am proud to have this opportunity to join my colleagues in saluting our Nations' libraries during National Library Week. Libraries continue to provide an essential service in our society—they are a resource for people of all ages in their quest for knowledge, recreation, and education. Here in Congress, we can clearly see the critical contribution of libraries and their staff in the work of the Library of Congress, and the Congressional Research Service.

Libraries are not just the preserve of the big cities. They provide services throughout the country and broaden the horizons of all who use them. In addition, they perform a wide range of community outreach services—they are at the forefront of the fight against illiteracy and provide a much-needed source for public education programs. For those schools without libraries, the public system gives access to books beyond those provided in class. Libraries are essential to the education of Americans of all ages.

I would like to pay especial tribute to the libraries of the San Francisco Peninsula. They continue to provide an outstanding service to all residents of the peninsula and recently received an award from the American Library Association of America for their work in public relations. I believe it is no coincidence that my district is not only one of the best educated in the country, but also has an outstanding library system. I commend them for their extraordinary achievements, and look forward to continuing to work with them.

Libraries are clearly a precious resource, but the present administration has consistently failed to acknowledge their value. Subsequent budgets have proposed zero-funding for the Library Services and Construction Act. The recent comparison of United States and Japanese education should have emphasized the need for us to devote our resources to education. As a former educator, I can conceive of no single more damaging act than to cut back on our public libraries.

America's libraries need our help and support now. Let's give it to them before they are damaged irreparably.

TRIBUTE TO MR. LEHMAN E. BLACK, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Lehman E. Black, Jr., a prominent resident of my 17th Congressional District. Since coming to Youngstown, OH, in 1949, Mr. Black has attained the community's highest respect and admiration due to his many contributions to improving the quality of life for the people of the Youngstown area. His affiliation with a multitude of civic and professional organizations illustrates the great concern and interest he has shown for the well-being of his fellow citizens.

Since the age of 12, Lehman Black has been involved in funeral home work first as an assistant to his grandfather, and then serving as an apprentice with his cousin, John W. Patterson, the first black member of the Ohio State Board of Embalmers and Funeral Directors. A graduate of Lima Senior High School, Mr. Black began advanced study at the Cincinnati College of Embalming and earned his degree with honors in 1948. Upon coming to Youngstown in 1949, Mr. Black worked with the L.C. Underwood Funeral Home until 1954. The next 15 years of his career represented a rapid gain in both responsibility and expertise as he accepted a managerial role at the Linton Funeral Home until 1969. For the next 2 years, Mr. Black's career gained added significance when he became part-owner and operator of the Stewart-Calhoun & Black Funeral Home in Akron, OH.

The wealth of knowledge and skill that Lehman Black accumulated throughout the duration of his promising career finally came to fruition in 1971 when he opened his own firm. Currently, Mr. Lehman E. Black, Jr. is owner and president of the L.E. Black Funeral Home, Inc., located in Youngstown, OH.

The list of Mr. Black's accomplishments is virtually endless, as is his record of active commitment to the many important community, civic, and professional organizations in the Youngstown area. In the past, Lehman Black served as board president of the Western Reserve Transit Authority, as well as board member of the Eastgate Development and Transportation Authority. Presently, Mr. Black's membership in civic and professional organizations includes affiliation with the NAACP, Blue Cross and Blue Shield, and the Funeral Director's Association at the county, State, and national levels.

In appreciation of his many efforts, the people of the Mahoning Valley have bestowed Mr. Black with many honors. These include awards for Outstanding Service to the Community, the Community Service Award for Outstanding Meritorious Service to the Youngstown Branch of the NAACP, and other tributes that befit the gentle character of Lehman Black. On April 25, 1987, the members and supporters of the A. Phillip Randolph Institute will gather to honor the many achievements and contributions of Mr. Lehman E. Black, Jr.

On behalf of the residents of the Mahoning Valley, I would like to commend Lehman Black on an outstanding career and for his exemplary involvement in the service of his community. It is with pleasure and sincere thanks that I join the people of the 17th Congressional District in honoring a model citizen and an extraordinary man.

HONORING WINDBER HIGH SCHOOL BOY'S BASKETBALL TEAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to honor the Windber Ramblers. The members of this basketball team have had an outstanding 1986–87 season, and they are an honor to Windber Area High School, located in Windber, PA.

The following students are members of the team:

Seniors: Paul Romanchock, Lou Flori, Tracy Horner, Brian Costa.

Juniors: John Fuschino, Chris Georg, Gary Burke, Greg Burke.

Sophomores: Brian Horner, Randy Mullikin, Jude Leonardis, Jason DePolo, Jason Oyler, Dave Penrose, Mike Facciani.

Managers: Jamie Christner, Mike Campitell.
Statisticians: Virg Palumbo, Jay Hicks.
Scorekeeper: Bill Esdinsky.

The accomplishments of these team members include the following titles: Rotary Champions, Mountain Conference Champions, Tri-County Champions, District 5 Champions, Western Pennsylvania Champions, and Class AA State Runner-up. I congratulate each and every one of these gentlemen for a job well done. To be noted for their long-standing support and leadership are P. Emery D'Arcangelo, coach, Bob Strittmatter, assistant coach, Virgil Palumbo, principal, Sal Marro, superintendent, and Philip DePolo, athletic director. These men have done a fine job in leading the Windber Rambler's in a championship season.

Students such as these are a credit to their high school, their families, and the community. Their hard work and determination have shown us what they can accomplish, and this gives me hope for their futures, as well as ours. I would like to wish them the best of luck in their future endeavors.

HONORING COMMUNITY ACTIVIST EILEEN O'BRIEN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the longstanding dedication of a special woman in the 10th Congressional District of New York—community activist Eileen O'Brien.

As a founding member and first president of the Madison-Marine Civic Association, Eileen has been a leader and inspiration to all. While these accomplishments are outstanding, they are just part of her many local projects and involvements. Last year this intelligent and committed woman organized a neighborhood salute to local veterans, and she has long been an active and integral part of her parish. Most recently she has been elected to fill an important position on school board 22 in Brooklyn.

A nurse by profession, Eileen O'Brien has lived all of her life in the community, as has her husband, Richard. They have two sons, Richard, 14 and Michael, 3.

There is no denying that Eileen has truly been an asset to the Brooklyn community in which she lives. Her tireless efforts as a community leader will continue to serve as an example to all those who care about the future of the communities that comprise the Borough of Brooklyn. Eileen O'Brien's lifetime of community involvement is to be commended. It is my great pleasure to bring her to the attention of my colleagues today.

INTRODUCTION OF SAN CARLOS IRRIGATION PROJECT DIVESTITURE BILL

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. KOLBE. Mr. Speaker, can you imagine a situation in which the electricity we count on, depend on, and take for granted in our daily lives, was not there for us whenever we needed it? Can you imagine being a gas station owner who could never predict if he could fill someone's tank because of habitual brownouts and blackouts? Can you imagine going through a hot Arizona summer and never knowing if you'd be able to run your home air-conditioner or swamp cooler? A great many people in my district don't have to imagine this situation—it is reality. It's an unacceptable reality that the Arizona congressional delegation would like to change.

Today, my Arizona colleagues and I are introducing legislation which instructs the Secretary of the Interior to divest the Federal Government, and specifically the Bureau of Indian Affairs, of the San Carlos irrigation project in the State of Arizona.

The San Carlos irrigation project [SCIP] provides power for the Gila River and San Carlos

Indian Tribes, as well as non-Indian entities such as the San Carlos Irrigation and Drainage District and numerous private and commercial users. Service to these entities has been, to put it mildly, unreliable. Coolidge Dam, the unit from which SCIP is based, has not generated power since the fall of 1983 because insufficient resources have been dedicated to the maintenance of the generation units and switchyard. The necessary repairs on the dam itself will be expensive. In the meantime, SCIP has been forced to purchase expensive power from other sources. Not only is it expensive, but service is poor because of the inadequate electric power distribution system.

The Bureau of Indian Affairs does not possess the resources, the expertise, nor the incentive to manage this project in a manner that serves the interests of the Indian and non-Indian users. It is, therefore, in the best interest of the citizens of Arizona, and all American taxpayers, that a divestiture take place immediately.

Existing law authorizes the Secretary of the Interior to dispose of BIA electric utility systems except those, like SCIP, that were constructed and operated as part of an irrigation system. The bill we are introducing today authorizes and directs the Secretary to divest the electric power distribution system. It does not attempt to specify which parties the system will be sold to or on what terms.

All the non-Federal parties in Arizona, including the Indian tribes for which this project was designed, support this divestiture and the extent of this support is further demonstrated by the unanimous cosponsorship of this bill by the Arizona congressional delegation. Introduction of this legislation, and the subsequent review, investigation, and discussion of the problems at SCIP will go a long way toward restoring responsible management of this electrical system.

The Reagan administration has long been advocating privatization of Federal assets. Such an approach, they say, is designed to ensure more efficient management of those assets and to ease the Federal economic burden in maintaining that asset. Our bill fits like a glove with these objectives. It deserves quick action.

SENATE—*Friday, April 10, 1987*

(Legislative day of Monday, March 30, 1987)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BROCK ADAMS, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gentle Shepherd God, refresh and renew us in the profound promise of the favored of all the Psalms:

"The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BROCK ADAMS, a Senator from the State of Washington, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. ADAMS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I am grateful to the Chaplain for his having repeated the glorious and beautiful words of the 23d Psalm. The words of the 23d Psalm are always strengthening, refreshing, cleansing, and pure. I thank him very much.

THE BUDGET PROCESS

Mr. BYRD. Mr. President, the Congress is now entering the deep waters of the budget process; everyone involved in this process should be aware that the debate about the budget must now take a serious turn.

For the last several months the political debate concerning the budget deficit has been played out in shallow waters. Both sides of the debate have been vigorous in seeking the best political position on this most important debate. There has been a great deal of splashing in the water.

The President has been consistent in calling everything that the Congress has put forward a budget buster. The clean water bill was a budget buster, so he said. The highway bill was a budget buster, so he said. The homeless bill, a bill that requests a modest $393.2 million for the homeless, is, I am sure, in the President's opinion, a budget buster.

But, now Mr. President, we are entering a serious time. The ship of state is moving into deeper waters. The President is the captain of the ship to be sure. The Congress for its part is the pilot; the navigator who has read the charts and knows which reefs to avoid.

When a ship is seeking safe harbor a good captain brings a pilot on board to guide him home. The captain recognizes the expertise of the pilot. The pilot recognizes that the captain has the final word; he is ultimately responsible for the safety of the ship. And he goes down with it, if it goes down.

When a captain and a pilot work together, a ship is brought home safely to port. When captain and a pilot disagree, the ship never makes port; it attempts to ride out the storm in open waters even as the waves get bigger. And, that is the danger.

Mr. President, for the last 6 years the ship of state has been trying to ride out the storm concerning the Federal deficit. The waves have gotten higher and every year the Federal deficit has moved us deeper and deeper into more dangerous waters. And, while the passengers may not recognize the danger, those of us on the bridge can see the coming danger for the generations ahead.

Mr. President, I have sought to find an appropriate metaphor to express what I believe the proper relationship should be between the President and the Congress as we begin serious discussion of the Government's budget. The captain and the pilot metaphor seems to me most appropriate for it expresses a mutuality of respect and the necessity of cooperation, that, Mr. President, is what is necessary if the Congress and the President are to get the budget process to safe harbor this year.

We are at a time in the debate where nothing is gained by the Director of OMB, James Miller—and I like Jim Miller. I have a great deal of respect for him. I am fond of him. I think he is very bright. Personally, I think he is a fine, fine gentleman—but I do not think anything is gained by his labeling the budget proposal on the House side as a "blackmail budget." Such a statement does nothing to express the kind of mutuality of respect, at least, and at least the forthrightness that is needed as we talk about this serious problem.

We can all engage in some partisanship, and we will, and we do. But, in the final analysis, we have to kind of be honest with ourselves and with the American people as we deal with the budget matter.

The President's comments on yesterday certainly did not move us in the direction of cooperation. Since the President's budget was overwhelmingly defeated in the House, receiving only 27 votes, I think the need to sit down and work together should be quite obvious.

It is time to stop splashing about in rhetoric. The President needs to be responsible in explaining his own budget and pointing out that his own budget has $22 billion in revenues in it, of which $6 billion is increased or new taxes. And he fails to say this. He should be responsible, as we all should be in describing each other's budgets.

I hope he will be responsible in describing ours but as much so in describing his own. Both of these budgets have revenues in them, as I have said many times. And so it is unfortunate that the President keeps pointing to the congressional budget as the one that has revenues in it when he does not recognize and confess up to the fact that his own budget has revenues, increased revenues, and taxes.

As I have said many times before, there are only four things that can be done to keep the budget deficit gliding downward. We can cut domestic programs. We can cut defense spending. We can increase revenue. Or, we can do some combination of the three and put together a budget that is real; that has the support of both the administration and the Congress.

Mr. President, as we enter the deeper waters of the budget debate it would be wise for both sides of the debate to put aside the rhetoric, the talk of blackmail budgets, and get down to serious negotiations about a budget plan for the Nation. As I have said before, and as I say again, it is my belief that this problem will only be resolved through cooperation between the President and leaders of both Houses on both sides of the aisle.

The President showed us last week during the highway bill that he is willing to go to extraordinary lengths to work on a bill that he cares about. I would hope that the President would have the same sense of commitment in working with the Congress to resolve the budget dilemma.

Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer.

DID MOSCOW EMBASSY RESIST NEEDED SECURITY MEASURES?

ALLEGATIONS OF EMBASSY RESISTANCE TO SECURITY MEASURES

Mr. DOLE. Mr. President, yesterday, I received disturbing reports that the American Embassy in Moscow, in late 1984, strongly resisted badly needed improvements in security procedures at the Embassy—on the rather extraordinary grounds that such improvements would somehow "damage" United States-Soviet relations.

According to the reports I have received, our Ambassador in Moscow at the time sent a harshly worded cable to Secretary of State Shultz; that cable may have succeeded in blocking the proposed new and tougher security measures.

Now let me stress, Mr. President, that the reports I have are not yet confirmed. But I do have enough confidence in the sources who provided me the information that I am determined to get to the bottom of this matter as soon as possible.

URGENT ACTION NEEDED ON DOLE-ROTH BILL

As the Senate knows, Senator Roth and I yesterday introduced the comprehensive "Anti-Espionage Act of 1987"—in direct response to the incredible security problems that have emerged in Moscow in recent months. That legislation—and the problems which generated it—requires urgent consideration here in the Senate.

To do that job right, the Senate has a real and legitimate need to know about the history of the security situation there in Moscow: How the State Department and its overseas personnel acted, and reacted.

DOLE-HELMS LETTER TO SECRETARY SHULTZ

For that reason, the distinguished Senator from North Carolina, Mr. Helms—who serves as the ranking Republican member on the Foreign Relations Committee—joined me yesterday in writing to Secretary Shultz. We asked that he release—to the Senate leadership, and to the Foreign Relations Committee only—a copy of the cable I earlier mentioned. Any such release, of course, would be under the normal procedures protecting any classified information involved.

Mr. President, I ask unanimous consent that a copy of the letter Senator Helms and I sent to Secretary Shultz be included in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Republican Leader,
Washington, DC, April 9, 1987.

Hon. George P. Shultz,
Secretary of State,
Department of State, Washington.

Dear Mr. Secretary: We request that the following classified cable from the former American Ambassador in Moscow, Arthur Hartman, to the Department of State be released, under the normal safeguards, to the Majority and Republican Leaders and the Foreign Relations Committee of the Senate: 051552 November 1984 Moscow 14220 Counter Productive Counter Intelligence SecState 4034.

In light of the fact that the Senate will likely recess tomorrow, we would appreciate your personal attention to and decision on this matter before your departure for Moscow.

Sincerely yours,
Bob Dole,
Republican Leader.
Jesse Helms,
Ranking Members,
Committee on Foreign Relations.

SENATE CANNOT "FLY BLIND"

Mr. DOLE. Mr. President, this is a serious matter; an urgent matter. The Senate cannot "fly blind" in considering it. We need all the relevant information. And it appears that this cable may be very relevant, indeed. So I hope the Secretary will be able to consider our request before his departure for Moscow; and that he will see fit to provide us with the cable.

BICENTENNIAL MINUTE

APRIL 10, 1858: DEATH OF THOMAS HART BENTON

Mr. DOLE. Mr. President, on April 10, 1858, 129 years ago today, one of the Giants of the Senate's golden age died after the most desperate race of his career. In the face of a long and painful illness, Thomas Hart Benton of Missouri drove himself to complete his memories of 30 years in the Senate. His 30 years' view remains one of the most remarkable political memories in American literature.

Benton, a Democrat, was first elected to the Senate in 1820. For the next three turbulent decades, he was involved in every major issue that erupted on the Senate floor. His name, like those of Clay, Webster, and Calhoun, was known throughout the land. In 1850, when Benton opposed the Missouri Compromise, he failed to win reelection. After one term in the House, he was defeated again. Benton had long considered writing a book on his experiences, and, in retirement, he threw himself into the project. Month after month he labored, cajoling and pleading with colleagues for reminiscences and critiques. "Scrawl away without restraint," he urged former President Martin Van Buren.

Benton was already suffering from cancer when volume 1 of "Thirty Year's View" was published in the spring of 1854. Enemies labeled it a "huge monument of self-eulogy," but none could deny the grand sweep of Benton's prose and vision. Benton was well into volume 2 when his Washington house burned to the ground, destroying his books, papers, and the nearly finished second volume. He had invested too much of himself into the project to stop, and throughout 1855 he furiously rewrote huge passages from memory. In 1856, volume 2 appeared.

By then bedridden, Benton drove himself to complete his final project, the monumental "Abridgment of the Debates of Congress." He finished the 16th and final volume on April 9, 1858, and whispered, "I am comfortable and content." The next morning Thomas Hart Benton died at the age of 76 amid the documents of the Congress he loved.

DEPARTURE OF NAVY SECRETARY JOHN LEHMAN

Mr. DOLE. Mr. President, today is the last day that John Lehman will serve our country as Secretary of the Navy. I know my view is shared by many, many others, that he carried out his duties with intelligence, enthusiasm, and determination.

If he sometimes seemed impatient, that was a reflection of the energy he brought to running our modern Navy. If he sometimes seemed too aggressive, that was a product of his single desire to get things done.

As he leaves, Secretary Lehman can justifiably feel proud of his record; leaving behind him:

Sailors and Marines that are more prepared than ever.

A combat-capable fleet that has been brought in ahead of time, and under cost.

A better deal for our defense dollars, based on competitive bidding, and smaller, more efficient administration.

A naval strategy that not only supports today's national security strategy, but also guides the procurement of tomorrow's fleet.

I believe I speak for both sides of the aisle when I express the Senate's appreciation to Secretary Lehman for his untiring services to his country as Navy Secretary.

INTERMEDIATE-RANGE NUCLEAR FORCES

Mr. DOLE. Mr. President, during the past few weeks I have spoken on the prospects for a good arms control agreement on intermediate-range nuclear forces—INF—in Europe. I hope we can reach an agreement, but we should all recall that just any INF agreement won't necessarily be a good INF agreement. I have stressed the importance of effective verification, and of our right to match the Soviet monopoly in shorter range missiles.

The 1987 issue of the Department of Defense's Soviet Military Power underscores the vital importance of these shorter range systems. The section on "Soviet and United States Nonstrategic Nuclear Forces," for example, includes a map which illustrates the threat to NATO posed by the lethal Scaleboard missiles. From their current locations in East Germany and Czechoslovakia, these mobile missiles could strike deep into Italy, France, and Great Britain.

Mr. President, I ask unanimous consent that this section of Soviet Military Power be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

SOVIET AND UNITED STATES NONSTRATEGIC NUCLEAR FORCES

LONGER RANGE INTERMEDIATE-RANGE NUCLEAR FORCES

The Soviets began a vigorous effort to modernize and expand their intermediate-range nuclear force in 1977 with the deployment of the first SS-20 LRINF missiles. Because each SS-20 is equipped with three MIRVs, Soviet LRINF missile warheads have more than doubled since 1977. The SS-20s also have significantly greater range and accuracy and a much shorter reaction time than the missiles they have replaced.

The Soviets have deployed 441 SS-20 launchers west of the Urals and in the Soviet Far East. During 1984, the Soviets began construction of more bases for the SS-20 than in any other year. Some of this construction was to assist the relocation of SS-20 units that had been displaced from their former bases. The former SS-20 bases have now been converted to accommodate the SS-25 mobile ICBM.

The mobility of the SS-20 system, unlike the older, fixed-based SS-4, allows it to operate under both on- and off-road conditions. As a result, the survivability of the SS-20 is greatly enhanced because of the difficulty in detecting and targeting this system when it is field deployed. Further, the SS-20 launcher can be reloaded and refired, and the Soviets stockpile refire missiles. The Soviets are flight-testing an improved version of the SS-20, which is expected to be more accurate than its predecessor.

In addition to the SS-20s, the Soviets maintain 112 SS-4 LRINF launchers. All of these are located in the western USSR opposite European NATO.

NATO's initial deployment of Pershing IIs and ground-launched cruise missiles (GLCMs) began in Europe in late 1983. The number of LRINF missiles deployed in Europe by 31 December 1986 totaled 316 single-warhead missiles on 160 launchers. These consist of 108 Pershing II missiles on 108 launchers and 208 GLCMs on 52 launchers.

OTHER NUCLEAR FORCES

In 1985, a brigade in the Belorussian Military District became the first operational unit to receive the SS-23 shorter range INF missile. The SS-23, with its 500-kilometer range, is a marked improvement in range and accuracy over the 300-kilometer SS-1c/Scud B surface-to-surface missile it is replacing. If the SS-23 follows the same sequence of deployment seen with the Scud B, the western military districts will receive it first, followed by the Group of Soviet Forces, Germany.

The Scaleboard, another Soviet SRINF system, has a range of 900 kilometers. Each front commander also may have a brigade of 12 to 18 new Scaleboard launchers available, which are more accurate than the older Scaleboards they replaced.

Over 60 Scaleboard launchers are opposite European NATO. In 1984, the Soviets forward-deployed the Scaleboard ballistic missile to Eastern Europe. These front-level weapons, which normally accompany Soviet combined arms formations, are now in position to strike deep into Western Europe. Forty Scaleboards are along the border with China. A battalion is opposite Southwest Asia and eastern Turkey, and one battalion is maintained in strategic reserve. Because of their greatly increased accuracy, these new missiles can also be employed with non-nuclear warheads.

Soviet armies and fronts have missile brigades equipped with 12 to 18 SS-1c/Scud launchers. More than 500 are located opposite European NATO, and over 100 are along the border with China and in the Far East. Additionally, about 75 are opposite Southwest Asia and eastern Turkey, with over 25 launchers held in strategic reserve.

Various SNF consist of tube artillery and missiles of much shorter range than INF. These SNF assets are available to the Soviet division commander. The most prominent such system at division level is the unguided free-rocket-over-ground (FROG), which is deployed in a battalion of four launchers. The Soviets are replacing FROGs with the more accurate, longer range SS-21s in some divisions opposite NATO. About 500 FROG and SS-21 launchers are opposite NATO. Another 215 FROG launchers are opposite China and in the Far East; some 100 are opposite Southwest Aria and eastern Turkey; and about 75 are in strategic reserve.

Nuclear-capable artillery tubes are also available to front commanders. Three newer self-propelled, nuclear-capable artillery pieces are being added to the inventory: a 152-mm gun (which also has a towed version), a 203-mm gun, and a 240-mm mortar. When fully deployed, these new nuclear-capable artillery tubes plus older 152-mm howitzers that are also capable of firing nuclear rounds will exceed 10,000.

The Soviet Union will maintain its substantial numerical superiority in shorter range INF and SNF systems while improving the qualitative characteristics of its forces. The USSR also has a significant numerical advantage in INF aircraft and is reducing the qualitative advantage NATIO has held. This development is taking place despite NATO's INF aircraft modernization program, in which older aircraft are being replaced by the F-16 and Tornado.

Force Developments. As in all other nuclear attack forces, the Soviets will probably continue to seek ways to improve the capabilities of their tactical missiles and nuclear artillery. These improvements will be accomplished through incremental modernization of existing systems as well as through the introduction of entirely new systems.

The Soviets probably will also work to upgrade their shorter-range ballistic missile force. Advancements in warhead capabilities, accuracy, and reliability are likely and tests could begin soon. Combined arms commanders would then have enhanced non-nuclear targeting options and more flexible and survivable ballistic missile assets. These systems will be capable of delivering nuclear, chemical, or conventional warheads closer toward the forward edge of the battle area and to greater depth within the military theater of operation.

The US SNF is made up of Lance tactical missiles and nuclear artillery. Although SNF artillery was once an area of NATO advantage, the balance has shifted in favor of the Soviets in recent years.

Sea-Based Forces. The Soviets operate 13 GOLF II-Class ballistic missile submarines equipped with 3 SS-N-5 SLBMs each. Six GOLF IIs are assigned to the Baltic, where they pose a threat to most of Europe, while the remaining seven are based in the Sea of Japan, where they can be employed against targets in the Far East.

The Soviet Navy also maintains an extensive sea-based non-strategic nuclear force comprising both antisurface warfare (ASUW) and antisubmarine warfare (ASW) as well as land-attack systems. The Soviets maintain an inventory of nuclear-armed torpedoes as well as ASW depth bombs; the newest versions of both entered service in the early 1980s. The Soviet Navy also deploys an extensive array of ASUW and ASW cruise missile systems, ranging from the SS-N-3 to the newer SS-N-19 and SS-N-22; the latter two were also introduced in the early 1980s. Some 288 surface warships, 340 submarines, and about 30 other combatant ships carry at least one of these systems.

US sea-based non-strategic programs include continued production of the Tomahawk nuclear-armed land-attack cruise missile and development of a nuclear depth/strike bomb (NDSB). The Tomahawk provides increased range over carrier aircraft and allows dispersal of nuclear strike assets over a large number of naval platforms. The NDSB, combining land-attack and ASW features in a single bomb, will replace the aging nuclear bombs currently fulfilling this mission.

MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. There will now be a period for the transaction of morning business for not to extend beyond 2 hours, with

Senators permitted to speak therein for 10 minutes each.

The Senator from Wisconsin is recognized.

THE CASE AGAINST NEAR-TERM DEPLOYMENT OF SDI

Mr. PROXMIRE. Mr. President, on March 19, James Bruce of Senator BENNETT JOHNSTON's staff, and Douglas Waller of my staff, submitted their second report on the progress of SDI and the challenges it faces. The report has been declassified by the Strategic Defense Initiative Organization [SDIO]. Here is a report that should shock any Senator who cares about our national defense. It should also startle any Senator who is concerned about the huge deficit that confronts our Federal Government. Waller and Bruce were not just spinning something off the top of their heads. Their report was based on interviews with more than 60 of the top scientists who have been working on the strategic defense initiative. This Bruce-Waller report was a followup to the detailed and widely applauded report these same staffers made on SDI last year. Why was this latest report so startling and shocking?

First, the report disclosed for the first time a highly classified project known as a block program. The purpose of that program? To develop architecture for a near-term deployment of strategic defenses. SDIO has been telling Members of Congress and their staffs that no such near-term architecture exists. Access to this near-term architecture is compartmentalized so that only a few Members of Congress would be allowed to review it if they knew it existed. General Abrahamson flatly denies that this assertion in the report is true. He charges that SDI does not have a block program developing architecture for a near-term deployment of strategic defenses.

Second, the report estimates that at best the SDI near-term deployment would be pathetically ineffective. Waller and Bruce contend that the deployment of space-based kinetic kill vehicles in the boost phase would destroy no more than 11 percent of the Soviet offensive threat. The maximum expected kill for ground-based interceptors is reported to be 5 percent.

Third, even this grossly inadequate defense is reported to face "tremendous engineering and production problems that will require a sizable amount of research talent and substantial funding increases to overcome."

Fourth, the kinetic kill vehicles that might take out as much as 11 percent of the Soviet warheads would be expected to be useful for only 5 or 10 years. After that time, Soviet countermeasures would probably overwhelm it.

Fifth, far more promising long-term SDI research would be sacrificed to pay for the big cost of near-term deployment.

So what is to be accomplished by a program that will provide no significant defense, will swiftly skyrocket costs, and will seriously compromise far more promising strategic defense projects that might develop 25 or 30 years from now? Why would any administration, especially an administration as obviously devoted to a successful antimissile defense pursue such policies? The answer is obvious. The SDI program is in serious trouble.

Last year, after the President had made it clear that SDI was his top military priority, the Congress slashed his request by nearly 30 percent. This year, the Congress is unlikely once again to provide any significant part of the administration's $2.3 billion requested increase in SDI funds. Apparently it is the administration's judgment that the Congress is reluctant to provide big increases for research in a project that will only produce visible hardware in the far-off indefinite future. They seem to feel that the tangible appearance of land-based interceptors and the exciting drama of huge space-based battle stations would stimulate public excitement and enthusiasm. It is a long-shot gamble. If the Congress falls for it, if the Congress agrees to provide the tens of billions necessary to make the big, premature hardware commitments to this program, it will be a tragic mistake.

The experts tell us that at best the near-term SDI deployment might, by the mid-1990's, succeed in intercepting a paltry 16 percent of a potential 10,000 strategic nuclear warheads the Soviets could launch at United States' targets. Even that would take a series of remarkable technological successes. Succeed or fail, one absolutely certain Soviet response would be an acceleration of the Soviet offensive nuclear force necessary to overcome this half-baked, premature star wars.

If the administration is to insist that the Congress proceed with SDI, it should follow the recommendations of its own scientific experts. It should stay with the most promising long-term research. It should recognize that only patience can pay off. It should recognize that the enormous lead this country enjoys over the Soviets in every technology related to strategic defense permits this patience. Meanwhile we should steadfastly maintain our immensely powerful nuclear deterrent. We should push hard for arms control limitation on offensive, and defensive weapons, and for strengthening of our nonproliferation agreements.

Mr. President, General Abrahamson, the Director of the Strategic Defense Initiative Organization has written a strong rebuttal of much of the staff report that Bruce from the office of Senator JOHNSTON and Waller from my own office have written.

I ask unanimous consent that the executive summary of the staff report together with conclusions reached by the staff and the letter and rebuttal comments of General Abrahamson on the report be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SDI: PROGRESS AND CHALLENGES

EXECUTIVE SUMMARY

One year ago, the authors of this report produced a study assessing the progress made in Strategic Defense Initiative research and the challenges that lay ahead for the program. That study, titled *SDI: Progress and Challenges,* concluded that while progress had been made in the program no tremendous breakthroughs had been achieved to warrant a conclusion at this time that comprehensive strategic defenses were feasible. Furthermore, the study detailed significant problems strategic defenses faced, such as satellite survivability, discrimination of warheads from decoys, and space transportation and logistics.

An updated study was requested by Senator William Proxmire and Senator J. Bennett Johnston to again examine the progress SDI has made since the release of the last study. Furthermore, this report was tasked with analyzing the current movement within the Administration to commit this country to a so-called "near-term" deployment of strategic defenses and to assess the considerable reorientation the SDI program has recently undergone as a result of this movement.

The authors interviewed more than 60 SDI scientists, engineers, project managers, and ballistic missile defense experts for this report. Extensive briefings were held at the nation's three national weapons laboratories conducting SDI research, the Air Force Space Division, and with key defense contractors involved in SDI work.

The findings of this study are:

If the President publicly announces a decision to commit to a near-term deployment of strategic defense as some have urged, no SDI weapons system is ready for deployment today. There is nothing to deploy today.

The Strategic Defense Initiative Organization (SDIO) is reorienting its program to pursue vigorously a near-term deployment of ballistic missile defenses, possibly in the 1994-95 timeframe. This reorientation is not awaiting a publicly announced Presidential decision to commit to near-term deployment. The President's FY 1987 budget, FY 1987 supplemental request and FY 1988 budget request for SDI would implement the reorientation toward the near term.

a. The program's directed energy weapons (DEW) budget has been drastically cut while the kinetic energy weapons budget is enjoying a healthy increase. The DEW program is researching technologies for a far-term defense, while the KEW program has a heavy concentration of near-term technologies

b. In a number of instances, far-term innovative SDI technologies are being scaled back to pay for the near-term option.

c. In the ground-based interceptor projects, SDI has cut back on the advanced techonology development while the early technology demonstrations of these interceptors is being heavily funded. The early demonstrations will not produce militarily capable systems; only the far-term research will accomplish that. This appears to be an example of SDI being more interested in the near-term demonstration of a weapon than in developing a militarily capable weapon in the far term.

d. SDI has scaled back research into space-based sensors that would be used for discrimination and tracking of warheads in the midcourse phase. Effective midcourse discrimination was always considered to be unavailable until near the end of the century.

e. SDI has significantly reoriented its spaced-based kinetic kill vehicle (SBKKV) project to pursue a near-term deployment in the mid 1990's instead of the late 1990's. Under orders from SDIO, the project is now pursuing a SBKKV system of much more limited capability than that previously discussed as essential for SDI boost-phase defensive systems.

f. To place the SBKKV system and other sensor satellites in space in the near-term SDI is rushing development of a heavy-lift launch vehicle. Last year, space transportation was not as high a priority for SDI as developing the exotic technologies that would be deployed in the far term. But with the push for a near-term deployment, the SDI space transportation budget has been drastically increased and a hurry-up schedule for building a heavy-lift vehicle is being put into place. This push for early production of a heavy-lift launch vehicle creates a risk of significant distortions in the U.S. military and civilian space programs.

We have been told that SDIO has a "black program" that is developing a reference architecture for a near-term deployment of strategic defenses—that is, a highly classified program which is developing a blueprint for deploying strategic defenses in the near term. Access to this near-term architecture program is compartmentalized so that only a few members of Congress would be allowed to review it if they knew it existed. In fact, it appears that most members of Congress are being kept in the dark about this secret program. While SDI has been telling members of Congress and their staffs that no such near-term architecture exists, it appears that SDI officials have been quietly approaching their contractors to draw up plans for a near-term deployment.

Based on careful review of the reorientation that is under way within the SDI program and the tasks assigned to contractors, the authors believe that the near-term deployment SDIO has in mind for the 1994-95 timeframe would have an effectiveness against Soviet ballistic missile warheads of no more than 16 percent. Such a deployment in 1994-95 would have:

a. no laser or beam weapons, as are popularly associated with SDI;

b. a token deployment of space-based kinetic kill vehicles in the boost phase that would likely be able to destroy no more than 11% of the Soviet offenseive threat;

c. no midcourse kill or discrimination capability to speak of; and

d. 400-1,000 ground-based interceptors, produced on a hurry-up schedule, that might destroy no more than 5% of the incoming warheads.

Many assume that a near-term deployment could be easily accomplished. They are seriously mistaken. A review of the technologies being considered for near-term deployment revealed that they face tremendous engineering and production problems that will require a sizable amount of research talent and substantial funding increased to overcome.

A near-term deployment of space-based kinetic kill vehicles would have limited military utility in space of perhaps 5 to 10 years as the Soviets responded with countermeasures, including proliferaton of offensive forces. SDI scientists envision a variety of possible Soviet countermeasures and, in fact, do not agree on which countermeasures the Soviets would deploy. They do agree, however, that the Soviets would deploy countermeasures and it would not be too long before the initial fleet of U.S. kinetic kill vehicles in space, if not augmented with other systems, would be rendered largely ineffective and interceptors on the ground would be swamped by warheads and decoys.

SDI scientists are deeply concerned that critical far-term strategic defense research will be sacrificed to pay for the huge cost of the near-term deployment. If the U.S. proceeds with a near-term deployment, said one scientist, "you can't expect to maintain a robust research program. There will be a big tendency to move ahead by eating your children." There is evidence that the program already is siphoning off funds from the far-term technology research efforts to pay for increased emphasis on the near term.

If the U.S. proceeds with a near-term deployment, the Soviets can develop countermeasures to overcome that deployment, SDI scientists agreed—the only question is when the Soviets can overcome the initial defense. That is why it is critical that if the U.S. deploys in the near term it also has the follow-on, more exotic laser and beam technologies ready to defeat the anticipated Soviet countermeasures. If that follow-on technology is not available as the near-term defense degrades, "you may well end up with a more destabilizing situation than before," said one SDI scientist. At this point, however, SDI does not know whether the follow-on technologies would be available at the appropriate time. Even if there were, it is unclear whether there will be enough money to support a near-term deployment and to pursue the follow-on technologies.

Last year, the authors reported that there had been progress made in the SDI program, but that there were no amazing breakthroughs to settle the question of whether comprehensive strategic defenses were feasible. This year, the authors note that significant progress again has been made in the SDI program. But again, based on the author's interviews with SDI scientists and engineers, there have been no tremendous breakthroughs. More importantly, the progress made in the program the past year does not appear to serve as a compelling justification for a near-term deployment.

CONCLUSIONS

As a result of the extensive briefings and interviews conducted during the past two months, this report comes to the following conclusions:

1. In the past, Congress has appropriated a topline funding figure for the Strategic Defense Initiative and avoided specifying how that money should be allocated within the program. Congress has not wanted to "micromanage" the SDI program and has therefore allowed the SDI Director wide latitude to allocate funds within SDI and determine its priorities. Congress, however, may want to reexamine this policy in light of the considerable reorientation that is going on within SDI toward a near-term deployment. Congress should not assume that this reorientation awaits a public announcement of Presidential approval.

2. Members of Congress should require if a "black" program has been set up to develop a near-term deployment architecture and, if so, why such a high classification level is required. As one scientist and an SDI contractor pointed out to us, the program is being kept in the black largely because it is too immature at the moment to stand the test of rigid scrutiny. SDI, nevertheless, should be allowed to pursue a program that has such political and diplomatic ramifications without broad Congressional review.

3. Congress should be skeptical of claims that a near-term deployment could be easily accomplished. Our review of the technical and production hurdles involved with a near-term deployment indicate they are substantial and would require significant scientific resources and large funding increases. Congress has had a long acquaintance with military programs that run into problems during production and deployment, despite the most optimistic predictions and best intentions. Congress, therefore, should assume that a near-term deployment would not avoid the same production delay and cost overrun problems most military programs often face.

4. A near-term deployment in the 1994-95 timeframe, because of its very limited capability, would not significantly enhance U.S. national security and would not only serve somewhat as a complicating factor for Soviet attack plans. Congress should examine carefully whether such a deployment is worth (a) the significant costs that would be incurred, (b) the likely destruction of the 1972 ABM Treaty, and (c) the likely deep division it will cause between the U.S. and its allies.

5. Since its inception, SDI every year has undergone radical shifts in its priorities. Every year for the past three, SDI officials have come to Congress asking for hundreds of millions of dollars targeted at what they claimed were critical priorities, only to change those priorities the next year. Moreover, these fluctuations are more the result of decisions made by SDI's own managers rather than congressional budget cuts. Congress should heed the warning of SDI's own scientists who say that what the program desperately needs is stability.

6. Congress should not let another year pass with SDI still refusing to provide cost estimates (not cost goals) for strategic defenses. In particular, Congress should be wary of any near-term deployment option that does not come with realistic cost estimates. Moreover, Congress should ensure that no deployment in the near or far term be made unless it is cost effective at the margin and survivable, per the requirements of current law.

7. A near-term deployment would involve sizeable federal expenditures for (a) the near-term deployment itself and (b) the follow-on technologies that would have to be ready when the near-term deployment capability degrades. Congress must decide early on whether it is willing to commit such large sums of money to both the near-term and the follow-on deployments. Once we start the race, there will be no turning back. Deploying near-term defenses without following up with the far-term technologies would produce highly destabilizing results. In light of the funding caps placed on SDI in years past, Congress must ask itself

whether it is prepared to make this leap in spending.

8. Congress should raise more questions about what happens with the second move. In other words, what happens after the U.S. launches a near-term deployment. How long will it take the Soviets to respond? Will follow-on technologies be able to counter this response? Will there be a national commitment to devote considerable resources to these follow-on technologies? We were struck with how much uncertainty there is among SDI scientists and engineers about what would happen in the second move.

9. For the past two years, senior SDI and Administration officials have claimed tremendous breakthroughs in the SDI program, which demonstrated that strategic defenses were feasible. A close examination of these claims invariably reveals that while the program has made progress in numerous areas, the progress pales in comparison to the technical hurdles that remain toward achieving a militarily capable system. Congress, therefore, should be just as wary this year of inflated claims of success as it was last year. This year, moreover, senior SDI and Administration officials argue that breakthroughs in the program justify, and indeed compel, the movement toward a near-term deployment. We could find little scientific evidence to substantiate these claims, based on our interviews with SDI scientists and engineers. Politics—not technology—is behind the movement toward a near-term deployment.

Congress, therefore, may wish to consider four important questions this year:

Should the SDI program be reoriented to pursue vigorously a near-term deployment of strategic defenses?

What are the implications for SDI research overall and for U.S. national security if such a reorientation proceeds?

What are the federal expenditures and strategic uncertainties if Congress decides to accede to the first step of a near-term deployment?

Does the progress made so far in the SDI program really justify leaping into a near-term deployment?

Department of Defense, Strategic
Defense Initiative Organization,
Washington, DC, April 8, 1987.

Hon. William Proxmire,
U.S. Senate,
Washington, DC.

Dear Senator: I have read with interest the Congressional staff report, "SDI: Progress and Challenges Part Two," submitted to you and Senator Johnston, and would like to offer you my observations.

I feel that the report does not present an accurate accounting of the SDI research program. The SDI program is an extremely complex set of research efforts. It is a very difficult proposition to analyze all the different aspects of the research and summarize correctly the progress and challenges. The Congressional staff report contains findings and conclusions which are inaccurate and do a great disservice to the efforts of the thousands of individuals involved in the SDI.

As an example, a recurring theme in the report is that a decision has been made to pursue near-term technology, and the SDI research has been reoriented to that goal. While some media have also made the same allegation, it simply is not true. In my testimony this year I have attempted to clarify the issue of "near-term deployment." No decision has been made, and the program has not been restructured to implement a deployment. My research charter continues to address the spectrum of mature and advanced technology research. We have placed emphasis where I consider it critical, such as the shortfall in space transportation. We have also rebalanced the complicated resource allocation plan, based on actual appropriations and the need to maintain competition in technology approaches. Our goal remains, however, to continue to pursue a delicately balanced program. I have attached a brief summary of other criticisms of the staff report.

I would like to meet with you at your convenience to discuss any issues or unanswered questions you may have. A similar letter has been sent to Senator Johnston.

Sincerely,

James A. Abrahamson,
Lieutenant General, USAF, Director.

Strategic Defense Initiative Organization Comments

Subject: Congressional Staff Report.
Submitted to: Senator William Proxmire and Senator J. Bennett Johnston.
Titled: "SDI: Progress and Challenges Part Two," April 8, 1987.

1. General comment: the report does not present an objective appraisal of the progress and challenges of the SDI program.

We feel the authors did not consult sufficient informed technical opinion and accepted faulty assumptions which resulted in incorrect conclusions. The report reflects a basic misunderstanding of the current direction of the SDI Program. Unfortunately, most of the report is based on unattributed references which makes it impossible for the reader to verify accuracy or context of quotations.

2. Main findings or conclusions at issue.

There is a consistent theme in nearly all the findings; that SDIO is reorienting its program to vigorously pursue a near-term deployment. The fact is there has been no change in the SDI research goal. The objective is to explore a broad range of strategic defense options, extending from the most mature technology to most advanced technology.

Based upon the progress to date, we remain convinced that the basic goal of the SDI is achievable. In fact, it may be reached much sooner than we had expected. This progress has enabled us to begin now to exmaine concrete working hypotheses about the defensive options that may be available in the early to mid-1990s. However, the SDI has not progressed to the point where discussion about an imminent "early deployment" would be appropriate.

An example of that theme is the charge that funding has been shifted to deployment of near-term technology. In fact, the SDI research continues to be a finely balanced program, with appropriated funds balanced across technology. Changes or shifts from any previously planned funding allocations have been necessary for a variety of reasons:

To accommodate funding constraints

To maintain parallel research efforts where unknowns remain

To reduce parallel research when certain approaches are found inappropriate

To follow Congressional guidance.

There is another theme which prevails in the report, and that is that Soviet countermeasures are easy, effective and will render any initial strategic defense system ineffective. Significant effort is placed on understanding possible countermeasures, including tactics such as nuclear precursor bursts. The accepted conclusion is that there are no simple, cheap, quick counter-measures. In fact, the authors of the Congressional staff report were challenged on that theme by qualified individuals, yet persisted. Moreover, the SDI program is designed and structured to pursue defenses which would be effective even in the face of Soviet countermeasures.

Finally, the report concludes that a near-term deployment will have limited utility and not significantly enhance U.S. national security. The initial phase of any SDI system, no matter when it is deployed, would have a specifically intended utility. That utility would be based upon the mission prescribed and, of course, the threat projected. A phased deployment, with initial and subsequent phases, would be the only possible way to implement a complete, effective system. However, the report basically ignores results which show the potential contribution of even a limited initial phase to stability.

3. We concur with certain findings, but comments are necessary.

The report correctly notes that there is nothing to deploy today. An effective, operational system for defense against attacking ballistic missiles is still several years away—even if a deployment decision were made now. That reality, plus an understanding of the aggressive research program of the Soviets, explains why we must continue our own robust resarch.

(While we agree that no effective system exists today, the report contains numerous errors regarding estimates of availability for certain technologies or systems. For example, the assessment that a reliable mid-course discrimination capability will not be available before the year 2000 is not valid.)

The report points out that a near-term deployment could not be easily accomplished. There are many considerations in addition to the design of an effective defensive system, such as the nations space transportation shortfall, which must be thoroughly understood and resolved to move toward a deployment.

The report points out the need for Congressional review of the SDI program. Considerable effort is allocated to developing complete reports for the Congress. These are quite complex and require a great amount of time to prepare. Further, we welcome all opportunities to provide requested information on the research program, so that the Congress will understand the importance of the program and the justification of the budget requests. In fact, visits to SDI-related research activities were arranged for the authors of this Congressional staff report, even with the understanding that their purpose was to update their previous critical report. Every effort was made to satisfy an itinerary, including discussions with only those individuals identified by the authors, exactly as requested to preclude any perception of obscuring information about the SDI program. Obviously, the accepted risk is that such openness will sometimes result in impartial or incomplete reports.

4. Other specific assertions in the report are challenged.

Claim: "We have been told that SDIO has a "black program" that is developing a reference architecture for a near-term deployment of strategic defenses."

Response: False. The SDIO does not have a black program developing a reference architecture for a near-term deployment of strategic defenses.

Claim: "To place the SBKKV system and other sensor satellites in space in the near-term SDI is rushing development of heavy lift launch vehicle. Last year, space transportation was not a high priority for SDI as developing the exotic technologies that would be deployed in the far term. But with the push for a near-term deployment, the SDI space transportation budget has been drastically increased and a hurry-up schedule for building a heavy lift vehicle is being put into place. This push for early production of a heavy lift launch vehicle creates a risk of significant distortions in the U.S. military and civilian space programs."

Response: The SDIO is not pursuing a "hurry-up schedule" for the heavy lift launch vehicle effort. The Concept Definition efforts we plan to initiate are a logical follow-on to the combined Air Force/NASA/SDIO on-going Space Transportation and Support studies and are designed to address the emerging problem of a shortage of space lift capability. If a decision were made to seriously pursue development, this effort would not create the "risk of significant distortions in the U.S. military and civilian space programs." On the contrary, it would guarantee its future ability to use space for military, civil, and commercial applications.

Claim: "Any boost-phase defense, however, must have key elements based in space, even if they are only sensors or relay mirrors. Last year's report described why survivability is the ultimate problem any space-based system faces. A sampling of the Soviet countermeasures that might degrade survivability include anti-satellite (ASAT) weapons, ground-based lasers, electronic countermeasures, space mines, x-ray lasers and pellets in orbit."

Response: The SDIO is assessing the projected threat and countermeasures which could be employed over time. Any defense system architecture which may be recommended in the future would be judged on its effectiveness and ability to survive against the threat.

Claim: "Despite the problems the Soviets would have producing them, the community-wide consensus is that a fast-burn booster is a credible near-term threat."

Response: Any assumptions about the simplicity of the Soviet's ability to completely restructure their strategic ballistic missile force to fast burn boosters in order to reduce the effectiveness of SBKKVs is in itself so simplistic it is naive. Such a statement reflects a clear lack of understanding concerning the technical and cost requirements associated with revamping the entire Soviet strategic ballistic missile force.

Claim: "It is clear that some Members of Congress have been told conflicting stories by SDIO about its overall plan for near-term deployment. Some Members and their staffs reportedly are being told such a plan exists, while we were told no plan exists."

Response: Our policy and intent is to provide full and complete information to all members of the Congress. We are not aware that any conflicting reports has been circulated. All Members of Congress have been provided and will continue to be provided any information requested and under their purview. There is no plan for deploying a ballistic-missile defense, near-term or otherwise. SDIO is examining what technologies might be deployable for an initial and subsequent phases if a decision were made in the future to begin deployment.

Claim: ". . . After examining closely the SDI budget for FY 1987 and FY 1988 and after analyzing the shifts made in key SDI projects, it is clear that this reorientation toward a near-term option is well under way."

Response: The allegation that the SDIO has shifted its budget to support near-term options is erroneous. The SDI research charter continues to address the spectrum of mature and advanced technology research. We have placed emphasis where it is considered most critical, such as the shortfall in space transportation. We have also rebalanced the complicated resource allocation plan, based on actual appropriations and the need to maintain competition in technology approaches. Our goal remains, however, to continue to pursue a delicately balanced program.

Claim: "In discussing the cost of assuring survivability, the program director said, "We'll have to adopt the U.S. Navy carrier philosophy of using 80%, of the resources to stay alive more than 20 minutes."

Response: Colonel Hess, SDIO Program Director for Survivability, Lethality, and Key Technologies said: "Because of the affordability considerations, we will have to be smarter than adopting the U.S. Navy philosophy of using 80% of their resources to stay alive for more than 20 minutes." This type of error, or innuendo, is typical of the context of material attributed to technical expertise which formed the basis for the report.

Claim: ". . . What was interesting from our briefings this year and last was how readily some scientists and engineers mentioned "keep-out" zones as part of the defense against space mines, as if we are completely free to establish them unilaterally. What if the Soviet refused to recognize our keep-out zones, especially those that extend over Soviet territory? What if the Soviets turn the tables on us and announced just as our SDI deployment commenced that they were imposing a keep-out zone against all U.S. SDI overflights of their territory? These are questions that deserve much greater analysis than they appear to have received."

Response: SDIO continues to examine ways to counter space mines and has not adopted "keep-out zones" as the solution, although it would be a useful approach. U.S. adoption of keep-out zones to protect U.S. defensive assets against Soviet space mines would be within the bounds of international law. A Soviet adoption of a keep-out zone over the Soviet Union would violate international law.

Claim: "Shuttle II, a heavy-lift follow on to the space shuttle, could have the capacity to support SDI and perhaps have a low enough cost, but it was not envisioned to be ready for service until nearly 2005. . . ."

Response: Shuttle II, while not totally defined by NASA, is not envisioned as a "heavy lift follow on to the space shuttle."

BAN ON ALL TRADE WITH AFGHANISTAN

Mr. PROXMIRE. Mr. President, what country has the worst record in the world in terms of human rights violations? What country's government is considered the least legitimate in the eyes of the majority of the nations of the world? What regime, with the help of 120,000 foreign troops, is directly responsible for the death, or more accurately the genocide of more than 1 million of its own people? What country's brutal civil war has created the largest refugee population in the world? The answer to all four questions is Afghanistan.

Mr. President, today Senator HUMPHREY, along with myself and 20 of our Senate colleagues, is introducing a bill that would cut off all trade, imports and exports, with the despicable Government of Afghanistan. This legislation, in my opinion, is long overdue. While the United States for some time now has exercised strict supervision over trade with Afghanistan, these controls apply primarily to exports which may have military or strategic applications. Ironically, other exports have continued and trade with the Kabul regime more than doubled last year. This legislation would cut off all economic ties with this represssive Soviet puppet. Last year the United States sold 7.3 million dollars' worth of goods to Afghanistan. Shockingly, the United States continues to sell them, among other things, aircraft components, chemical products, and engine parts. Mr. President, the United Nations has described the condition of human rights in Afghanistan as: "A situation approaching genocide." How can the United States, a model of democracy to the rest of the world, justifiably continue to maintain economic ties with such a nation? It is even more shocking that, despite the U.N. declaration, the United States continues to permit virtually urestricted trade on most products with the Kabul regime.

Mr. President, last year the President wisely withdrew most-favored-nation status from Afghanistan. Congress is already unanimously on record in condemnation of this evil regime. Senator HUMPHREY's bill would simply prohibit any Afghan product from being imported to the United States. In addition, so far as United States authorities have jurisdiction, the bill would permit no American goods or technology to be exported to Afghanistan.

Mr. President, this legislation makes good, common sense and deserves strong, bipartisan support. While in the past some Members of this body have expressed doubts over the need to cut off trade with Nicaragua, North Korea, and Cuba, this case is crystal clear. If any nation deserves this body's condemnation, the heartless, cruel Afghan regime does. We should do all we can to condemn the near genocidal behavior of the Government of Afghanistan toward its own people.

Just over 1 year ago this Chamber finally had the good sense to ratify the Genocide Convention more than 36 years after President Harry Truman asked the Senate to do so. With this in mind, it is only appropriate that the United States no longer conduct normal trade relations with a regime so hell bent on massacring its own people. I urge my colleagues to move quickly on this matter.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I shall speak today on the subject of Advice and Consent: the Senate and Treaties. This is one of my continuing series of speeches on the U.S. Senate.

I ask unanimous consent that I may speak outside the limitation of 10 minutes, but with the understanding that I will yield when other Senators come to the floor and wish to speak, and that no interruptions in the RECORD of my statement will be shown.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I reiterate, I want to accommodate other Senators. There is no business that is to be transacted that will require any length of time today. There are a couple of matters on the legislative calendar and one or two items, hopefully, on the executive calendar, that can be taken care of. But I will not transgress on the patience or the convenience of other Senators in the course of my remarks.

THE UNITED STATES SENATE

ADVICE AND CONSENT: THE SENATE AND TREATIES

Mr. BYRD. Mr. President, as we celebrate this year the bicentennial of the United States Constitution, I wish to draw attention to certain constitutional provisions unique to the United States Senate, which have played significant roles in shaping the history of this institution. I refer today to the Senate's authority of "advice and consent" on treaties and nominations. Today, I shall speak on the Senate and treaties and, at another time, shall continue with remarks on the confirmation of nominations.

Article 2, section 2 of the Constitution states that the president "shall have power, by and with the Advice and Consent of the Senate, to make treaties, provided two-thirds of the senators present concur." These few words are the cornerstone to a major part of our system of divided powers, checks and balances. Yet, how were they decided upon? And what do they mean?

Under the Articles of Confederation, which preceded our Constitution, there was no executive branch, so treaties were negotiated by agents of the Congress. Even under that arrangement, no treaty could be entered into without the consent of nine of the existing thirteen states or approximately two-thirds of the states. When the Constitutional Convention created an executive branch, it raised the issue of whether treaty-making should be a legislative or executive power. South Carolina's Charles Pinckney proposed that the upper house of the legislative branch have "the sole and exclusive power . . . to make treaties." Pinckney presumably chose the Senate because under the new form of government, it would most conform to the old Confederation Congress' system of equal voices for all states, regardless of size. New York's Alexander Hamilton argued that the new executive should take the lead in foreign policy, suggesting that the president have the power to make treaties "with the advice and approbation of the Senate."

James Wilson of Pennsylvania pressed the case for advice and consent by the House of Representatives as well as by the Senate. Roger Sherman of Connecticut, however, argued that secrecy would be required for the deliberation of sensitive foreign policy issues, and that the smaller, legislatively elected Senate would be more able than the larger, popularly elected House to conduct its business in secret session. Virginia's James Madison offered an amendment to allow treaties of peace to be adopted by less than a two-thirds vote, or to permit two-thirds of the Senate to adopt a peace treaty without the concurrence of the president. Neither of Madison's amendments was adopted. Roger Sherman then proposed that treaties be approved by a majority of the Senate, rather than a two-thirds vote. Hugh Williamson of North Carolina objected that this would be "less security than two-thirds." Sherman responded: "It will be less embarrassing." How many future presidents would second that opinion! But the Convention retained the two-thirds margin. Finally, after much deliberation, the delegates adopted what was essentially Hamilton's proposal for presidential power to make treaties, with the advice and consent of the Senate.[1]

Hamilton defended his proposal in the *Federalist Papers,* No. 75, which first appeared in the New York *Independent Journal* on March 26, 1788. Although the provision had raised some controversy, Hamilton declared it "one of the best digested and most unexceptional parts of the plan." The essence of the legislative authority was to enact laws, wrote Hamilton, while the execution of the laws was the function of the president. But the power to make treaties was neither the enactment nor the execution of a law. "Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligation of good faith." The power, therefore, properly belonged to both the executive and legislature. The President was the most fit agent for negotiating treaties, "while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a part of the legislative body in the office of making them." [2]

Mr. President, Roy Swanstrom, in the United States Senate (1787-1801), said:

> The Senate power which aroused the gravest and most widespread apprehension was that associated with the *making of treaties.* Opponents of the Constitution expressed almost pathological fears that the Senate would use the treaty power corruptly and treasonably. A bare two-thirds of a Senate quorum—10 Senators—could in secret conclave sacrifice the dearest interests of the people, alienate the territory and commercial rights of the United States, even dismember the Union. Foreign gold would line the pockets of Senators, hungry for money and power. The Senate would usurp all the powers given other branches of the Government because under the Constitution treaties would supersede all laws.
>
> Such fears were especially prevalent in the Southern States. Southerners feared that the Northern and Middle States would combine to pass treaties yielding the interests of the south to some foreign power. At Richmond, William Grayson, afterward a Senator from Virginia, anticipated that if southern Members were absent from the Senate floor for "just 1 hour," a treaty might be made yielding the navigation of the Mississippi to Spain, thus preventing the development of the Southwest and assuring the continued dominance of the North.
>
> Virginia and North Carolina so opposed the Senate's treaty power that their conventions proposed identical amendments providing that no commercial treaties be ratified without the concurrence of two-thirds of the *whole number* of Senators (to prevent such tricks as Grayson envisioned) and that no treaties yielding any territorial, fishing, or navigation claims of the United States be ratified without concurrence of *three-fourths* of the *whole number* of the Members of *both* Houses—this in spite of the fact that James Wilson's motion to include the House in the treaty power had been defeated at Philadelphia by a vote of 10 States to 1.[3]

Mr. President, Mr. Swanstrom, in his informative history of the first fourteen years of the "upper legislative body," which was reprinted as a Senate document in 1985, has pointed out that because so much of the Constitution was reached by compromise rather than by plan, it is difficult to be sure of all of the framers' reasons, but he suggests they had three main purposes in giving the Senate a share of the treaty power:

> (1) To restrain the president, who might otherwise use the treaty power in a despotic and arbitrary manner—in other words, this was part of the system of 'checks and balances';
>
> (2) To give the president 'advice' in the sense of information and counsel;
>
> (3) To defend the sovereignty of the States, of which the Senate was to be the special representative; giving this great power to the Chamber in which the States were equally represented was thus part of the 'Great Compromise' of the Convention.[4]

Another interpreter of the "Advice and Consent" clause was former Senator Henry Cabot Lodge, Sr., who himself played the leading role in defeating the Treaty of Versailles in 1919 and 1920. Senator Lodge took special note of the "carefully phrased section" of the Constitution which gave the president—

> absolute and unrestricted right to nominate, and the Senate can only advise and consent to the appointment of, a given person . . . . Very different is the wording of the treaty clause. There the words 'by and with the advice and consent of' come in after the words 'shall have power' and before the power referred to is defined. The 'advise and consent of the Senate' are therefore coexistensive with the 'power' conferred on the president, which is 'to make treaties,' and apply to the entire process of treaty-making. The states in the convention of 1787 agreed to share the treaty power with the president created by the Constitution, but they never thought of resigning it, or of retaining anything less than they gave.[5]

Well, Mr. President, it is one thing to interpret the Constitution and another to put that interpretation into practice. Neither the first Senate nor the first president was certain how to proceed. On August 6, 1789, the Senate appointed a committee of three (consisting of Senators Ralph Izard, Rufus King, and Charles Carroll) to confer with President Washington on the means of communications between them concerning treaties and nominations. Specifically, should that communication be written or oral? Two days later, the committee met with the president and assured him that they sought a system most agreeable to him. But as Washington confided to James Madison (then a leader of the House of Representatives), "I could plainly perceive notwithstanding, that oral communications was the point they aimed at."

Washington held his ground in favor of written communication on nominations. ("It could be no pleasing thing I conceive, for the president, on the one hand to be present and hear the propriety of his nominations questioned," Washington observed; "nor for the Senate on the other hand to be under the smallest restraint from his presence from the fullest and freest inquiry into the Character of the Person nominated.") But for treaties, he conceded, "oral communications seem indispensably necessary; because in these a variety of matters are contained, all of which not only require consideration, but some of them may undergo much discussion; to do which by written communications would be tedious without being satisfactory." [6]

Washington was willing to pursue whatever line of conduct appeared "to be more conducive to the public good," but he still had many unresolved questions. Where should these oral communications take place? If in the Senate chamber, should the vice president continue to preside and the president take a lesser station? It all seemed awkward to the first president, who was well aware that his every action established precedents for his successors. At a second meeting with the Senate committee, on August 10, Washington speculated that whenever the new government constructed buildings of its own, it should provide an "executive Chamber" for the joint business of the president and the Senate. In the meantime, it seemed that there would be occasions when the president should attend Senate deliberations to make his propositions orally. The Senate should therefore accommodate its rules for the giving of advice and consent "in either the *presence* or *absence* of the president, leaving him free to use the mode and place that may be found most eligible and accordant with other business which may be before him at the time." [7]

The committee's report, which the Senate adopted on August 21, 1789, resolved "That when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a Chair on the floor, be considered as the head of the Senate, and his Chair shall be assigned to the President of the United States . . . . That all questions shall be put by the President of the Senate, either in the presence or the absence of the President of the United States; and the Senators shall signify their assent or dissent, by answering viva voce aye, or no." That same day, Tobias Lear, President Washington's secretary, arrived with a message that the president would meet with the Senate in the chamber the following day "to advise them on the terms of the Treaty to be negotiated with the Southern Indians." [8]

In previous addresses, I have described the scene in the Senate chamber that Saturday, August 22, 1789—and, incidentally, the days of the week and the dates of this year fall as they did in the year of 1789. In other words, August 22 of this year will also be on Saturday—when President Washington and Secretary of War Henry Knox presented the Senate with a series of questions relating to treaties with the Cherokee, Chickasaw, Choctaw, and Creek Indians. The formal Executive Journals of the Senate do not even hint at what happened, but we know from the diary of that irascible, courageous Senator William Maclay of Pennsylvania that the reading of these materials was drowned out by the noise of Manhattan traffic on the street below the chamber, and that the suspicious Senator Maclay moved to have the treaty referred to a committee, rather than debate the issue in the presence of the august George Washington, who seemed to overawe many of the senators. Praise God for Senator Maclay. He had the temerity and the courage and the backbone to stand up and say, "I move that the treaties be referred to a committee."

As Maclay sat down, Washington leaped to his feet. "This defeats every purpose of my coming here!" Washington then "cooled down . . . by degrees," Maclay observed, and agreed to return on Monday after a committee had studied the papers. The president then left the chamber, as Maclay commented, "with sullen dignity." On Monday, Washington and Knox were back in the Senate, the issues were once again raised, and the Senate gave its advice on each of the questions posed. With that, Washington withdrew, and never again returned to the Senate in person to ask its advice and consent.

Mr. President, I think we owe Senator Maclay a debt for the wisdom and the vision in which he acted. Washington's decision to communicate henceforth in writing thus set the precedent that all of his successors have followed.

We cannot help but reflect on how differently our system might have developed had President Washington's first attempt to seek the Senate's advice and consent on a treaty not also been his last. Had the experience been more satisfactory, and the precedent of oral communications established, we might regularly see presidents of the United States visiting this chamber to communicate with the Senate directly on treaties and the Senate deliberating in the presence of the President. What would the Panama Canal treaties have been like had President Carter attended some of our sessions? Or would President Reagan appear before executive sessions of the Senate to discuss compliance with the SALT II treaty? It is somewhat hard to imagine. Although some commentators, and some senators, have from time to time expressed regret that we are not a parlimentary system, in which the head of government and his cabinet officers appear in the legislative chamber to answer questions, that notion runs contrary to our two hundred years of separation of powers. What did not work for President Washington most likely would not work for President Reagan, and Senator Maclay's suspicions would probably be harbored by senators today, that the president might seek to "tread on the necks of the Senate . . . and to bear down our deliberations with his personal authority and presence. Form only will be left to us. This will not do with Americans."[9]

The most important treaty that the Senate considered during the Washington administration was that negotiated by Chief Justice John Jay to settle disputes with Great Britain.

Again I refer to Roy Swanstrom's work.

By March 1794, relations between the United States and Great Britain had reached a critical point. Britain's intransigent attitude and the activities of the anti-British party in the United States combined to head the two nations toward the precipice of war. At this point, Senators Ellsworth of Connecticut, Cabot and Strong of Massachusetts, King of New York, and later Robert Morris of Pennsylvania, took the initiative in urging on the President appointment of a special envoy to go to London to try to secure recognition of American claims and adjust the differences which were tending toward an armed conflict. These five constituted the very core of the Federalist leadership in the Senate. They succeeded in convincing President Washington of the advisability of the mission, and after the latter had rejected their recommendation of Hamilton as politically unfeasible, successfully urged upon him, with Hamilton's own support, the selection of Chief Justice John Jay.

* * * * *

Appointment of Jay was bitterly assailed by the Senate's minority—first, on the ground that an envoy extraordinary was unnecessary since negotiations could be conducted by our minister resident in London; second, on the ground that a Chief Justice should not be utilized for such a mission, and third, on the ground that Jay had expressed opinions contrary to the just claims of the United States. Perhaps an even greater practical reason for the Republicans' opposition was the fact that their party was sponsoring retaliatory commercial legislation as the means of protecting American rights. At any rate, this opposition gave the Senate opportunity to debate and pass upon not only the choice of envoy but also the question of the mission itself. However, the Senate as a whole did not have opportunity to pass on the instructions which were to govern the envoy's conduct of the negotiations since the Federalist leaders believed—no doubt correctly—that proposals regarding such instructions would provoke irreconcilable controversy and thus defeat the entire project. Consequently, a small group of Senators, including King, Ellsworth, and Cabot, together with Hamilton, met with Jay to discuss the instructions. Here again expediency dictated the procedure, and what amounted to a 'Senate policy committee' rather than the Senate as a whole served as a 'council of advice' to the President.

* * * * *

Failure of the President to obtain the advice and consent of the Senate as a body before sending Jay to London did not pass unchallenged. The heads of the Treasury and War Departments approved the procedure, but Attorney General Edmund Randolph believed that it would abridge the rights of the Senate, following the current rule that a treaty approved by a nation's representative acting in compliance with his instructions must be ratified. The procedure was seized upon by the treaty's opponents as further evidence of bad faith on the part of the President and the treaty's proponents.

In 1795, after Jay had returned from England with the completed treaty and the President had submitted it to the Senate, Senator Aaron Burr moved that further consideration of the treaty be postponed and that the Senate recommend to the President further negotiations with Great Britain on the basis of seven propositions which he then submitted to the Senate. The Federalists defeated the motion—not because they considered it improper to recommend that the President attempt to secure a new treaty negotiated in accordance with the Senate's ideas, but only because the seven propositions contained demands so unaccepable to Great Britain as to defeat any prospect of a treaty. Hayden stressed the significance of this motion's defeat: Washington might well have considered passage of such a motion notice that the Senate would in the future expect to participate in framing the conditions under which a proposed treaty would be signed—at least it would have pointed out to him the expediency of always consulting the whole Senate before opening negotiations. The precedent might also have led the Senate to expect and demand such consultation in the future.[10]

Another significant precedent set by the Jay treaty was its injunction of secrecy.

When the Senate first received the completed treaty from the President, it adopted an order laying the Senators under an injunction of secrecy concerning the communications received from the President. After the treaty was approved, the Senate after much disputation adopted a resolution removing the injunction of secrecy but forbidding the Senators to give out any copy of the treaty or any of its articles. This action was apparently based on the belief that the question of publication was a decision which should be left to the President. However, since the resolution did not forbid Senators from making known the substance of the treaty, its content gradually became widely known. After the appearance of an incomplete sketch in the *Aurora*, Senator Stevens T. Mason, of Virginia, sent a copy of the treaty to its editor, an act applauded by his fellow Republicans who had so bitterly fought the treaty, but denounced as a breach of faith by the Federalists.

Despite their scolding, the Senate's Federalists, took no steps to call Mason to account for disobeying the injunction. However, since it was a definite breach of a Senate order involving the secrecy of its proceedings, the President could hardly ignore such an act in considering the question of whether or not the Senate could be trusted with highly secret information. Washington as early as 1792 had expressed a low opinion of the Senate's ability to keep state secrets due to allegedly unguarded remarks of Senator Ralph Izard at a dinner party. Such fears became even more natural when the Senate's membership became sharply divided between Federalists and Republicans, between friends of Great Britain and friends of France.

These doubts were shared by the State Department in the Adams administration. In reply to a list of questions posed by President Adams in 1797 regarding a possible mission to France, Secretary Pickering replied that it would be 'highly expedient' to lay before the Senate for its approval a list of instructions for negotiating a treaty with France, as was done in the case of Spain in 1792, 'if we could trust to the fidelity of *all* the members of the Senate.' He explained his fears on that score by adding—

'There was no inducement of passions or interest to betray the instructions to Spain; but any instructions, alike communicated, for negotiating a new treaty with France would reach the Directory sooner than we could send them our minister.'[11]

The question of secrecy with regard to Senate treaties remained a problem for another century.

Throughout the nineteenth and early twentieth centuries the Senate attempted to deliberate on treaties in secret session. With regular efficiency, the newspapers managed to breach that secrecy and publish astonishingly complete accounts of the secret negotiations, sometimes printing the text of treaties before the senators got their official copies. The Senate investigated, fretted, and howled but proved powerless to stop the leaks, which clearly came from the members themselves. Not until 1929 were executive sessions routinely opened to the press and the public, and today we hold closed sessions only under the rarest of circumstances.

Ratification of the unpopular Jay Treaty brought the Senate under considerable public attack from newspapers and pamphleteers—indeed, media criticism of Congress in our times pales by comparison to the vitriol that was common in the eighteenth century press. Copies of the treaty were publicly burned, and the Senate was denounced as an aristocratic bastion. The House of Representatives used this fervor as an attempt to seize a large role in foreign affairs. While the pro-Jay Treaty Federalists held the majority in the Senate, the House was controlled by the anti-Treaty Jeffersonian Republicans.

Swanstrom says,

The Senate faced a running threat to its treaty power from the House of Representatives, which jealously guarded what it considered its share of any authority involving the legislative power.

* * * * *

After the treaty had been signed in England by the American envoy and the representative of the British Crown, approved after full debate by a special session of the Senate, signed by President Washington, and officially ratified by representatives of the two Governments, the treaty was not yet ready to be put into full effect. A final obstacle was the Republican-controlled House of Representatives, to which (in addition to the Senate) the administration had to apply for the funds necessary to put certain provisions of the treaty into effect.

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The House was naturally very jealous of its power over the purse, a power which the antitreaty forces claimed would be a nullity if the lower Chamber were duty-bound automatically to vote an appropriation for an object in which it did not have an agency.

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As the popularly elected body, the House of Representatives had the same authority over the purse as the House of Commons enjoyed.

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. . . , the Federalists claimed that the House was under moral obligation to pass an appropriation necessary to put a legally adopted treaty into effect.

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The Federalists also claimed that failure to put a legally adopted treaty into effect would be an act of faithlessness for which Americans would roundly condemn a foreign power.

* * * * *

Finally, the Federalists claimed that if the House would not perform its plain duty and appropriate the necessary funds to put a constitutionally adopted treaty into effect, the Union would be at an end. The theory was that the Union would only hold together as each branch of the Government performed the duties required of it by the Constitution.

* * * * *

In spite of the heat engendered by all these arguments, it should not be forgotten that the one paramount issue was the Jay Treaty itself. Should it, or should it not, be put into effect? The answer to this question depended, in turn, upon many economic, sectional, and social factors which cannot be discussed here. The Senate by a two-thirds vote had put itself squarely behind the treaty. What should the House do?

The constitutional House versus Senate issue was more clear cut in the vote on the resolution calling on the President to furnish the papers than on the appropriation issue itself, since many Members who were inclined to support the treaty on its own merits felt that the House had a constitutional right to pass upon the question of putting it into effect. Thus the former resolution was adopted by the respectable majority of 62 to 37. However, from a practical standpoint, the position of the House was relatively weak; Washington refused to furnish the papers and there was little the House could do about it except adopt further resolutions defining what it claimed were its rights.

The President's reasons for rejecting the call for papers were four:

(1) Foreign negotiations require caution, often secrecy. Necessity for such caution and secrecy was a cogent reason for giving the treaty power to the President and Senate, the latter being a comparatively small body.

(2) The papers did not involve any purpose under the cognizance of the House, except impeachment, which the resolution did not cite as a purpose of the call. That treaties were fully completed when approved by the President and Senate had been the practice thus far, and had been so understood by foreign powers and acquiesced in by the House itself.

(3) The treaty power had been confined to the Senate as part of the 'Great Compromise' of the Constitutional Convention in the interest of the smaller States.

(4) The Convention had explicitly rejected a proposal to make treaties binding only after being ratified by law.

* * * * *

Although this was of necessity only a statement of position—the House having no practicable way of forcing the President to furnish the papers—the lower Chamber was far less helpless when it came to making or withholding financial provision for putting the treaty into effect. This was the all-important practical issue at hand.

Theodore Sedgwick opened this, the critical stage of the controversy, on April 13, 1796, when he moved that provision ought to be made by law for carrying into effect four recently ratified treaties—with Algiers, the Indian tribes northwest of the Ohio, Spain, and Great Britain. The obvious purposes, of course, was to link the Jay Treaty with the highly popular Pinckney Treaty with Spain. James Hillhouse, Federalist stalwart from Connecticut, announced that if provision for one of them were rejected, Federalists would feel justified in voting against provision for the others. Gallatin immediately punctured that bubble, however, by pointing out the obvious inconsistency between this strategy and the very basis of the Federalist position—the claim that the House was morally obligated to put all constitutionally adopted treaties into effect. The Republican majority thereupon quickly approved funds for the Indian, Spanish, and Algerine treaties, and the debate on the question of putting the Jay Treaty into effect was on again. The climax came on April 28, 1796, when Fisher Ames pulled his pain-racked body erect and delivered the address in favor of the treaty which was for decades remembered as the epitome of congressional eloquence—an address which moved to tears even two such old campaigners as Vice President Adams and Supreme Court Justice James Iredell, who sat in the crowded gallery. Ames based his arguments both on the merits of the treaty itself and on the constitutional duty of the House. Two days later the House by the narrow vote of 51 to 48 voted to approve the appropriation.

In spite of the sound and fury accompanying this 'great debate,' the final vote in a sense solved no question except that of approving appropriations for this one treaty. In the votes on the call for papers, on the resolutions answering the President's message refusing to furnish them, and on the Jay Treaty appropriation, the stand of the House majority was perfectly consistent. Its Members had claimed that when a treaty approved by the President and Senate required legislative action to put it into operation, the House had a constitutional right to weigh the treaty on its merits and pass, or refuse to pass, the necessary legislation as it saw fit. They had then weighed the Jay Treaty on its merits and had decided to vote the necessary funds. Among the 51 affirmative votes were those of many who claimed that the House had a perfect right to withhold the funds if it saw fit. Thus from the standpoint of constitutional theory, the vote was not a clear-cut victory for the exclusion of the House from the treaty power. The Constitution itself, by grant of powers mutually contradictory, had created the possibility of an impasse, and the theoretical powers of the House in this area were not then determined, nor have they been to this day.

However, from the standpoint of practical accomplishment, the Senate won a great victory. One of its most highly prized prerogatives—a prerogative which goes far to make the Senate the most powerful upper Chamber in the world today—had been challenged on an issue of the most critical importance by the best brains and most persuasive eloquence of the lower House, and yet had come through unscathed. And the precedent was a lasting one. While the great moral question remains undecided as to how far the House is bound in good faith to carry out by legislation and appropriations the provisions of treaties, the House has never yet failed to support a treaty pledging the good faith of the United States. On the other hand, if the House had successfully utilized this occasion to put into practical application its claim to pass upon treaties involving areas in which the lower Chamber had legislative power, the precedent would have been in the direction of nullifying the Senate's special treaty power, since most treaties would involve in some way at least one such area of legislation.[12]

As Roy Swanstrom concluded,

"The Senate had survived the ordeal with unimpaired powers."

As the new government evolved, new precedents shaped the treaty-making process. In 1794, the Senate "suspended" one article of the Jay Treaty as a means of preventing rejection of the whole. In 1803, Great Britain refused to accept an amendment that the Senate added to the King-Hawksbury Convention, a practice which the British Foreign Minister grumbled was unprecedented—but it was one which the British and other nations would have to learn to tolerate.

The power to amend treaties rapidly replaced Washington's earlier expectation of Senate advice during the negotiations. This power to amend became so significant that, in 1868, the Senate changed its rules to permit amendments to treaties by a simple majority vote. As professor Arthur Schlesinger has written: "This enabled senators to alter the text of treaties with greater ease. It also invited parliamentary maneuvers which, by uniting opponents of a treaty with a faction of its supporters on specific amendments, might produce a document unacceptable to original supporters on the final two-thirds vote." Professor Schlesinger noted that: "The Senate exercised its power in this realm with relish, freely rewriting, amending and rejecting treaties negotiated by the executive. Indeed, it ratified no important treaty between 1871 and 1898."[13]

In rejecting a treaty with the Wabash and Illinois Indians, the Senate in 1794 for the first time exercised its right to refuse its consent to a treaty negotiated by the executive branch.

In 1825, the Senate first rejected an international treaty, turning down by a vote of 40 to 0, a convention with Colombia for the suppression of the slave trade. Leading to this defeat was a similar treaty with Great Britain in 1824, which pro-slavery advocates in the Senate had laden down with amendments that the British refused to accept. Meanwhile, the United States had invited other nations to help it suppress the slave trade, and Colombia had responded. The Colombia treaty, however, was caught in the backlash of the British treaty. Having gutted the British treaty, the Senate flat out rejected the Colombian treaty on the same subject. In all of the hundreds of treaties the Senate has considered in its nearly two hundred years of history, it has rejected few. Of course, many have died in committee, or been withdrawn by the president rather than face defeat.

Mr. President, one vexing issue that has surfaced many times in the history of the Senate's role in treaty ratification is whether senators should be involved in the actual negotiation of these treaties. The United States has sent some unusual treaty-negotiators in the past. I noted that the Chief Justice of the U.S. Supreme Court negotiated the Jay Treaty.

After the War of 1812, the Speaker of the House Henry Clay and Delaware Senator James Bayard were members of the delegation that negotiated the Treaty of Ghent. Bayard's presence raised the question: Will having senators on the negotiating team make the Senate more favorably inclined to ratify the treaty? Or would it violate the separation of powers? That debate has gone on for many generations without being resolved.

Noting the frequency with which the Senate had rejected treaties during the last quarter of the nineteenth century, President William McKinley shrewdly named three U.S. senators to negotiate the treaty of peace with Spain in 1898. His action was roundly criticized by senators from both parties. Senator Eugene Hale, one of the Republican floor leaders, said he did not want to see any more senators appearing as advocates of treaties that they themselves had negotiated. Democratic Senator Benjamin Tillman concurred, reminding the Senate that they had once voted to prohibit the practice—at a time when two senators had been sent to negotiate a treaty with Hawaii. That vote was later rescinded so as not to embarrass the two senator-negotiators.

Democratic Senator Augustus Bacon of Georgia and Republican George Frisbie Hoar of Massachusetts argued that the practice was blatantly unconstitutional—since the Constitution provides that no senator or representative should be appointed, during his term, to any civil office which was created during his term; and that no one holding such office could be a member of either House. Senator Hoar asked how a senator should discharge his duties "if he has already not only formed an opinion, but acted upon the matter under the control and direction of another department of the government?" And he added: "If that practice continues, it will go far, in my judgment, to destroy the independence and dignity of the Senate."[14]

Now, these sentiments are all well and fine. But it is important to remember that presidents, quite understandably, want to do everything possible to see treaties, negotiated during their administrations, approved by the Senate, and they will use every method at their disposal to do so. The peace treaty with Spain, negotiated by the three senators, was approved by the Senate. A generation later, President Woodrow Wilson was roundly criticized for not including senators in the delegation that negotiated the Treaty of Versailles, and for years thereafter it became part of the American history catechism learned by schoolchildren that this senatorial omission contributed to the defeat of the Treaty of Versailles. One cannot entirely blame President Wilson. In 1918, his party had lost control of the Senate, and the new chairman of the Foreign Relations Committee was his bitter political opponent, Henry Cabot Lodge, Sr. Had Wilson taken any senators, he could not have avoided taking Lodge. The Treaty of Versailles, as I have discussed at length in another address, was twice rejected by the Senate.[15]

With that in mind, Wilson's successor Warren G. Harding—who had served as a senator during the Treaty of Versailles fight—in 1921 appointed Senator Lodge and Democratic Senate Leader Oscar Underwood as delegates to the Washington Arms Limitation Conference. For very much the same reason, Presidents Franklin Roosevelt and Harry Truman involved the chairman and ranking Republican on the Senate Foreign Relations Commission, Tom Connally and Arthur Vandenberg, in the creation of the United Nations—and unlike the fate of the League of Nations, there were only two Senate votes against the U.N. Charter.

Francis O. Wilcox, who served as the first chief of staff of the Senate Foreign Relations Committee, and who accompanied Senators Connally and Vandenberg to the U.N. Conference in the spring of 1945, observed in an oral history that: "We came back to Washington and the two senators were recognized as the authorities in the Senate on the Charter; they had been through all the negotiations, they knew the attitude of the Russians and the other delegates there. So there was no real problem getting it through the Senate." But Wilcox acknowledged that such direct senatorial participation had its drawbacks as well. He recalled that "Senator Vandenberg and Senator Connally spent two hundred and thirteen days . . . with Secretary of State James Byrnes, negotiating the peace treaties with the satellite countries. I think they found . . . that this took them away from their Senate duties too long at a time, and after that there was a tendency not to get involved in these lengthy negotiations." [16]

That would certainly be a problem in today's Senate.

One solution to the problem of senators as negotiators has been for presidents to invite whole senatorial delegations to visit ongoing negotiations. In March 1957, Secretary of State John Foster Dulles invited a bipartisan delegation of senators to visit the London Disarmament Conference. Majority Leader Lyndon B. Johnson supported the idea, but asked that the request come from President Eisenhower, with an indication of the urgency that required Senators to consider the matter in London rather than in Washington. However, by then Dulles had abandoned the idea as premature. In his closed-door testimony before the Senate Foreign Relations Committee, Secretary Dulles explained that "the main objective of going would be to sense the atmosphere a bit, which is always helpful; but that as far as the substance of the matter, that can be better learned here in Washington than in London." Senator Hubert Humphrey added that sending senatorial advisors "would be like loading extra cargo on a ship." The give-and-take of that candid session, not published for another twenty years, provides an interesting insight into the pros and cons of senatorial delegations, which have been repeatedly proposed for subsequent arms limitations talks.[17]

Mr. President, another aspect of the Senate's advice and consent powers is the constitutional requirement that the Senate consent to ratification of treaties by a two-thirds vote. The effect of that requirement is that treaty-making can never be a partisan affair, since only under the rarest circumstances has a party ever enjoyed a two-thirds majority in the Senate. It makes no difference which party is in the majority. The administration and the treaty's supporters will have to build a bipartisan coalition to win the day. This is as it should be: treaties must reflect a broad national consensus. Yet, it certainly adds to the burdens of the Senate leadership, and requires a good deal of cooperation from the minority party. Looking back over two of the landmark treaties that were enacted during my years in the Senate, the Nuclear Test Ban Treaty of 1963—which, as I recall, I voted against—and the Panama Canal Treaty of 1977, neither could have been enacted without the support and assistance of the Republican Minority Leaders, Everett Dirksen and Howard Baker. Speaking of bipartisanship, I might add another quote from the late Dr. Wilcox, who suggested that bipartisanship always worked better when the White House and the Senate were controlled by different parties, "when cooperation becomes absolutely essential."[18]

I am not sure I subscribe to Dr. Wilcox's observation in this instance.

If I might add a few personal observations of my own with respect to the Panama Canal treaties debate, inasmuch as that debate occurred the first time during my first term as majority leader of the Senate.

In the summer of 1977, negotiations on the Panama Canal Treaties were completed and they were signed by President Carter and Panamanian leader General Omar Torrijos on September 7, 1977. The treaties were to replace the original 1903 Panama Canal Treaty, which had been modified somewhat in 1936 and 1955. Discussions of a new agreement had been underway for 13 years and there has been considerable tension between the U.S. and Panama over the Canal. Although the Carter administration indicated that it hoped for approval of the new treaties before fall adjournment, as majority leader at the time, mine would be the final judgment about Senate scheduling and I thought it unrealistic and unwise to talk of Senate action on the treaties in 1977. Hearings on the treaties would consume considerable time, and the Senate was involved in lengthy consideration of major energy legislation. Further, I believed that all Senators needed ample time to carefully study the treaties.

The sentiment at that time throughout the country was overwhelmingly against the approval of the ratification of the treaties.

After I explained these points to President Carter, the President decided to leave the matter of timing strictly to me, the Majority Leader.

I had already begun to consider the content of the treaties and had participated in briefings by Administration officials and had considered staff analyses of the treaties. I had also arranged a series of meetings between representatives of the Administration and Senators of differing viewpoints to discuss the treaties.

I knew that considerable and careful groundwork would have to be laid if the Senate were to give its approval to the ratification of the Panama Canal Treaties.

Along with other Senators I expressed some early concern about certain ambiguities in the treaties. On October 11, 1977, Minority Leader Baker, and six other Senators and I met with Carter, Secretary of State Cyrus Vance, and National Security Advisor Zbigniew Brzezinski and we expressed concern about two major points: (1) U.S. rights to protect the neutrality of the canal; (2) the right of U.S. ships to "go to the head of the line" in the event of an emergency. The group of Senators warned the President that chances for approval of the treaties seemed remote without some clarifications. As a result of this session, President Carter arranged to meet with General Torrijos a few days later to discuss the concern of Senators. Carter and Torrijos then agreed to a Statement of Understanding on October 14 which clarified the interpretations concerning U.S. rights to protect the Canal's neutrality and "head of the line" priority. Although I was consulted about the language of the statement and gave my assent to it, I also made clear that I was remaining uncommitted on the treaties until I had the opportunity to consider them more thoroughly and to examine all the related issues.

After the Senate had adjourned for the year, I undertook the first in a series of foreign trips which involved direct discussions with foreign leaders on key issues. I chaired a delegation of seven Democratic Senators who visited Panama November 9-12, 1977. Other Senators in my delegations were Mr. SARBANES, Mr. RIEGLE, Mr. METZENBAUM, Mr. HUDDLESTON, Mr. MATSUNAGA, and Mr. SASSER. I noted that the Senate is charged with the constitutional responsibility of providing advice and consent in the making of treaties and this responsibility imposed upon Senators the obligation to become as knowledgeable as possible about the treaties and related issues. Following our visit to Panama, I said, "We went to that country (Panama) to listen and learn; to discuss the issues directly with Panama's highest government officials; to hear all interested parties, including Americans and Panamanians, opposed to and in support of the treaties; and to see for ourselves the Canal and related facilities." I added, "Our object was to analyze, as thoroughly as we could, what the short- and long-term effects of the proposed treaties would be and to become as well informed as possible on this very, very important issue."

At a dinner given by American Ambassador William Jordan on the first night of the delegation's visit, I told the guests, which included a group of leading Panamanians, "What you have to understand is that any Senator voting for these treaties will pay a high political price. He will gain absolutely nothing personally by doing so. Therefore, you have to be tolerant and patient in bringing people around to understanding these problems and to taking this difficult decision."

The Panama trip set a standard which would characterize my future travel abroad: substantive discussions with high-level leaders, following intense advance preparation.

The press went along on this trip to Panama. Those members of the press who went were unanimous in saying that it was indeed a working trip. It was not a fun trip. It was not a junket. It was a working trip.

We set our own schedule. The State Department did not set our schedule. We went to see what we wanted to see, we went to hear what we wanted to hear, and from all sectors of the Panamanian population—Americans and Panamanians who were for the treaties or against the treaties, and in between, undecided

The centerpiece of the delegation's visit to Panama was the discussion with General Torrijos and a day spent traveling with the Panamanian leader to various parts of the country. However, during its stay the delegation had meetings, briefings, and discussions with Panamanian and United States officials and with private citizens representing diverse groups and positions. The delegation also had a first-hand look at the Canal facilities and U.S. military installations.

The talks with General Torrijos were frank and wide ranging. I and other Senators expressed concerns about various aspects of the treaties, and Torrijos engaged in an animated exchange with the delegation as we stopped in various locales and talked aboard the aircraft on which we toured the country. In the midst of discussions on the plane, General Torrijos, responding to a flurry of questions from the delegation, said he felt "like a catcher catching pitches from seven different pitchers."

The delegation first flew with Torrijos to the San Blas Islands, which are inhabited by the Cuna Indians. This stage of the trip involved flying to a dirt airstrip on a small island, and then being ferried by small boat to Ailigandi, the central island of San Blas. Although San Blas was the only one of the nine Panamanian provinces to vote against the treaties in the national plebiscite, discussions in an impromptu town meeting with the island residents indicated that the reasons had more to do with dissatisfaction with government services rather than the treaties themselves.

From Ailigandi, the delegation and General Torrijos flew to Los Santos Province, where we observed a festival celebrating the anniversary of Panamanian independence. Torrijos and the delegation walked along in a lively and colorful parade, mixing freely with the enthusiastic crowd. The last stop, prior to returning to Panama City, was at Farallon, the seaside residence of General Torrijos.

Walking through this massive crowd, Mr. President, told us something. Here was General Torrijos in the crowd with his pistol on his hip. The crowd had us packed in like sardines. Yet, General Torrijos walked freely in that crowd. He showed no fear or concern. To us it was an indication of his strength and his popularity with the people. That was a factor of no little significance in our deliberations on the treaties.

A number of leading Panamanians were also present. After dinner, my delegation and General Torrijos settled down, with a number of Panamanians who were present, to a lengthy discussion, with members of the delegation focusing on the questions uppermost in the minds of the American people in regard to the treaties. Among the issues which received major attention were:

—the Panamanian Government's attitude and conduct in regard to treatment of residents of the Canal Zone;

—Panama's relations with Cuba and the Soviet Union;

—the evolution of the Panamanian political system;

—human rights conditions in Panama;

—whether the Statement of Understanding agreed to by Carter and Torrijos on October 14 was adequately understood by the Panamanian people, and whether General Torrijos continued to stand behind the statement.

Among the most significant comments from General Torrijos was his reaffirmation of the Statement of Understanding, although emphasizing that United States rights of intervention should not imply the right to interfere with the internal affairs of Panama. (This would later become an important issue in regard to the DeConcini reservation.) But, Torrijos said, there was no doubt about the U.S. right to defend the Canal.

Torrijos also commented that he believed that the possibility of Soviet and Cuban influence would increase if the treaties were not ratified. He indicated that he was receptive to making changes in regard to human rights and freedom of the press, two subjects which the Senate delegation emphasized. Subsequently, at a final meeting with the Senators, in a press conference, and in a letter to me on December 3, 1977, Torrijos made specific commitments on these points.

In his letter to me, Torrijos concluded by saying, "I am keeping my word. Please transmit this to your colleagues . . ."

Another major component of the visit to Panama was the helicopter overflight of the Canal, the tour of Canal facilities, and the discussions with United States military officials at the headquarters of the U.S. Southern Command (SOUTHCOM). The helicopter trip provided an excellent perspective on the Canal, and also made clear the potential vulnerability of the Canal and some of the related installations. In a lengthy discussion with the group, Lt. Gen. Dennis McAuliffe, Commander-in-Chief of SOUTHCOM, assessed the military situation in the area and the strategic significance of the Canal. McAuliffe said that in some respects the Canal was vulnerable to sabotage. When the delegation asked McAuliffe about General Torrijos' comment that he was sitting on a powder keg, General McAuliffe replied that it was, indeed, a highly emotional situation. If the treaty was not ratified, there would probably be outrage among the Panamanians and an increase in anti-United States demonstrations. Once such demonstrations started, radical elements would attempt to take advantage of the situation. They would say, "If we can't have the Canal, you can't either."

On the final night of the Panamanian trip, the Byrd delegation was given a reception and dinner at the *presidencia* by Panama's President Demetrio Lakas. Ambassador Jordan, in his book *Panama Odyssey*, described the events this way:

> The dinner was sumptuous and lively talk flowed around the long table in the State Dining Room. A small orchestra played softly from the balcony overhead. I had told the president that Senator Byrd's favorite hobby was playing . . . the fiddle. During the meal, Lakas and Byrd got along famously, and, after the toasts had been exchanged, the President pressed his visitor to honor the others with a tune. Byrd finally relented and a violin was commandeered from the orchestra. The West Virginia statesman played "Turkey in the Straw" and the prolonged applause led to several encores. People were tapping their feet and drumming on the table. The Panamanian *presidencia* had never seen anything quite like it. When Byrd finally returned the violin to its owner, Lakas took off his necktie and handed it to the majority leader as a gesture of thanks, and of friendship. Byrd reciprocated.

In a press conference at the conclusion of the delegation's visit, I pointed out that the trip had been a step in the educational process about the treaties. In the discussions with General Torrijos, "there was give-and-take, there were not punches pulled." Both Torrijos and the Senators spoke with "forthrightness, candor, and feeling."

I said that Torrijos' statements reflected his responsive interest in the delegation's concerns. I said, "We feel that this interchange of viewpoints, this dialogue, has been an important and progressive step forward . . . I don't see how it could do anything other than improve the atmosphere for ratification in the United States." I particularly noted Torrijos' pledges on human rights.

The intense interest of the Senators in my delegation was evidenced all along the way by their incisive questions. It was a working delegation, as I have said, a highly dedicated delegation of Senators, conscientious in their approach to the solemn duty of approval or disapproval of the ratification of the treaties. Because these Senators went to Panama, in considerable measure, the outcome of the long debate was assured. They were trusted Senators, they were knowledgeable Senators, and they spoke with authority when they engaged in the Senate debate on the treaties.

Following the trip to Panama, I further studied the treaties and their ramifications, and determined that, with certain clarifications, primarily those in the Statement of Understanding, they were in the best interests of the United States. I began to concentrate on a strategy for gaining Senate approval of the treaties.

On January 26, 1978, I appeared as the final witness before the Foreign Relations Committee as the committee concluded its lengthy series of hearings on the treaties. I had announced on January 13 that I would support the treaties with the proviso that the principles of the Statement of Understanding somehow be incorporated into the treaties. I had been consistent in my position that these principles needed to be incorporated into the treaty. Shortly after the treaty signing on September 7, 1977, I had said that if the Senate approved the treaties, it would be only after some changes and clarifications on these points. I told the Committee:

> Since I first had the opportunity to review the treaties in September, it has been apparent to me that it would be necessary to clarify and guarantee at least two important points, and this would need to be done in order to gain public support for, and Senate approval of, the treaties. I stated this position as early as last September. The two critical points as far as I am concerned are:
>
> One, the right of the United States to guarantee neutral access to the canal at all times beyond the year 2000; and
>
> Two, expeditious or head-of-the-line passage for U.S. military and auxiliary vessels.

I ended my statement with these comments:

> The Panama Canal, as David McCullough has written, is an expression of that old and noble desire to bridge the divide, to bring people together. Certainly, the canal has done this in many respects. Now, however, the time has come to bridge the divide between Panama and the United States, and for the two nations to work together in seeing that the canal continues to serve the people of the United States and Panama and the world.

As time for Senate debate drew near, I had conceived a plan, in conjunction with other key Senators, that I hoped would be instrumental in securing eventual approval of the treaties. An important element of this strategy was obtaining agreement from the Foreign Relations Committee that it would not take any formal action on proposed changes in the treaties. Normally, the committee would have reported the treaties with whatever amendments or reservations its members thought appropriate.

One of the leading books on Congress and foreign policy, *Invitation to Struggle* by Cecil V. Crabb, Jr. and Pat M. Holt, notes that the focus of executive-Senate contacts on the treaties had been through the office of the Majority Leader rather than through the committee. "Byrd was more assertive of his prerogatives as majority leader than had been any of his recent predecessors, with the exception of Sen. Lyndon B. Johnson." Crabb and Holt described part of the approach on the treaties:

> Pursuing the strategy of giving senators the maximum opportunity to associate themselves with changes in the treaties, within limits acceptable to Panama, Byrd urged the Foreign Relations Committee not to incorporate changes of its own but rather only to recommend changes to the Senate. This would give senators a way to co-sponsor amendments in the Senate and thereby have their names identified with specific changes. It was also a sharp departure from the usual practice, in which a Senate committee actually makes the changes it desires and sends the finished product to the Senate. The finished product is, of course, subject to amendment; but if a senator agrees with the changes made by a committee, the only way to identify himself or herself with them is by making a speech. The senator cannot get into the record as having been one of those suggesting the change.

I was convinced that there were only a few amendments that could be approved without endangering treaty ratification. These few beneficial amendments would, I believed, draw widespread support from Senators, and more political mileage could be gained by giving all senators the opportunity to co-sponsor such amendments.

The amendments that I favored and which would be left open for broad co-sponsorship became known as the "leadership amendments." I had the active support of Minority Leader Howard Baker in this strategy, and discussions between Baker and myself led to the recommendations that the principles of the Statement of Understanding be the basis for amending Articles IV and VI of the Neutrality Treaty. Chairman John Sparkman and Senator Clifford Case, the ranking Republican member of the Foreign Relations Committee, joined with Baker and me in a letter to all senators asking them to become co-sponsors, and attracted a total of 78 sponsors.

Anther significant move on which Senator Baker and I collaborated was the decision to have the Senate consider the Neutrality Treaty first, ahead of the Panama Canal Treaty. The general assumption had been that the Panama Canal Treaty would be taken up first. But I believed that reversing the order would be vital, given the significance of the "leadership amendments," and the fact that these amendments applied to the Neutrality Treaty.

On February 8, the Senate began its formal consideration of the treaties. Consideration of the treaties continued, to the virtual exclusion of all other business, through April 18, the longest Senate treaty debate since the Treaty of Versailles at the end of World War I.

Opponents of the treaties centered their efforts on getting approval for "killer amendments." However, I made it clear that only the leadership amendments (and certain clarifying reservations and understandings) would be acceptable. Opponents attempted to circumvent this strategy by offering amendments that were phrased in such a way that Senators would find them very difficult to turn down. At first glance, many of these amendments seemed relatively innocuous and "pro-American." However, many of these amendments could have effectively killed the treaties. In all, 145 amendments, 26 reservations, 18 understandings, and 3 declarations, or a total of 192 changes were proposed and 88 were actually voted on. In the final analysis, none were passed that were not acceptable to the joint leadership. I adopted the strategy in most cases of moving to have the amendments tabled, rather than forcing Senators to cast an up-or-down vote on the proposals. These kept treaty proponents from having to vote against what sometimes appeared on the surface to be very desirable amendments.

The Senate agreed to a vote on the Neutrality Treaty on March 16, and after approving the leadership amendments, the Senate gave its advice and consent to ratification by a vote of 68–32. My own vote was the 67th in favor of the treaty. Describing my final speech before this vote, William Jordan wrote in his *Panama Odyssey:*

> Even witnesses to many Senate debates were moved when they heard the quiet senator from the hills of West Virginia say: ". . . nothing can be politically right if it is morally wrong. In my judgement, it is not only economically right, not only commercially right, not only right from the standpoint of the security interests of our country, not only politically right, but it is morally right that we vote to ratify these treaties, and thus live up to the principles that we have so long espoused amount nations."

In the hours just before the treaty vote, the Senate took an action that would threaten to jeopardize the carefully structured strategy for approval of the two treaties. With the outcome uncertain and with several Senators remaining uncommitted, the Administration and I had negotiated with various Senators to try to find means of satisfying their concerns: in several instances this took the form of relatively minor reservations or understandings that were attached to the treaties. However, one reservation which was "okayed" by the White House was offered by Senator DENNIS DECONCINI (D-Arizona). The language of the reservation provided that either the U.S. or Panama could independently "take such steps as it deems necessary . . . including the use of military force in Panama, to reopen the Canal or restore the operation of the Canal, as the case may be."

When Senator DECONCINI submitted his reservation to the Senate on March 16, many Senators were hesitant about supporting it. I was preoccupied with vote counting and the floor debate, and looked to the Administration for its judgment on the reservation. I was informed that President Carter, thinking that the outcome might depend upon DeConcini's vote, had reluctantly agreed not to oppose DeConcini's reservation. As word circulated that the White House had approved the reservation, I and others assumed that the Administration had considered all the ramifications. The reservation was approved by a 75–23 vote, and a few hours later the first treaty was approved.

Within a few days the Panamanians made clear that the reservation was totally unacceptable to them and, in their veiw, totally inconsistent with the spirit of the treaties. Tension built and angry statements came from Panama. Unless some way was found to modify the action in the second treaty, the whole package was threatened. Panama might well reject the treaties if the DeConcini reservation stood; but if it were modified so much as to cause the defection of Senator DECONCINI or others, the package might well be defeated in the Senate.

Senators Frank Church and PAUL SARBANES, of the Foreign Relations Committee, and I determined to find a satisfactory compromise. The White House had been unable to work out a compromise with Senator DECONCINI. In collaborations with Assistant Secretary of State Warren Christopher and William D. Rogers, a Washington lawyer and former Assistant Secretary of State with close ties to Panama, Senators Frank Church, PAUL SARBANES, and I, working with Senator DECONCINI, were able to find satisfactory compromise.

As William Jordan has stated:

> Byrd, Church, and Sarbanes had to avoid alienating DeConcini and those who had backed his stand. But they also had to placate more than half a dozen Senators who thought the Arizonian's condition was a catastrophe. The latter were threatening to vote against the second treaty unless the interventionist language was modified. The treaty managers walked a tightrope, and there was no safety net beneath them, only the dark chasm of treaty defeat and the gloomy events they knew would follow.

I worked to keep things calm in both Washington and Panama. On April 8, I told a press conference, "We have to be careful that we don't overreact here or there."

A marathon of meetings ensued as my colleagues and I tried to put together an alternative proposal that would be acceptable to all the parties. Finally, at a Sunday morning meeting in room S-208 of the Capitol, with Panamanian Ambassador Gabriel Lewis present, tentative agreement was reached on a new "leadership reservation." By early Monday morning, April 17, word came to me that the Panamanian government approved the language. I then asked Mr. DeConcini if he could support this clarifying language, which provided that the action taken by the United States in the exercise of its treaty rights "shall be only for the purpose of assuring that the Canal shall remain open, neutral, secure, and accessible, and shall not have as its purpose or be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity."

On Tuesday April 18, I called up the leadership reservation, which was cosponsored by Senator DeConcini and others, and it was approved 73-27. The biggest hurdle had been overcome, but in those final days we were busy working to keep other Senators from defecting and there were several last-minute crises. But at 6 p.m. on the evening of April 18, the roll was called on the Panama Canal Treaty and it was approved by precisely the same vote as the vote earlier on the Neutrality Treaty—68 to 32.

Mr. President, the two-thirds requirement also places great power in the hands of the minority who oppose a particular treaty. A half century ago, George Haynes wrote in his monumental history and analysis of the Senate that the two-thirds rule's "most calamitous effects are psychological. In the Senate it heartens any tiny group . . . to attempt delays and bargaining to persuade enough colleagues to join them to make 'a recalcitrant one third plus one.' Such an *ad hoc* bloc in our Senate can and does exercise a 'pathological obstruction' in the handling of our foreign relations such as is exercised by so small a minority in no other legislative body of the world." [19] In my list of treaties rejected by the Senate, it will be noted that twelve of the twenty-one (the Treaty of Versailles, having been rejected twice is counted twice) received more "ayes" than "nays," but fell short of two-thirds.

The difficulty in obtaining a two-thirds vote was one of the motivating forces behind the vast increase in executive agreements after World War II. In 1952, for instance, the United States signed 14 treaties and 291 executive agreements. This was a larger number of executive agreements than had been reached in all the years between 1789 and 1889 combined. Senate frustration with this situation boiled over into the so-called "Bricker Amendment." Introduced for the first time in 1951 by Ohio Republican Senator John Bricker, this proposed constitutional amendment would have required Senate consent to all executive agreements. Opposed by the Truman and Eisenhower administrations, the Bricker Amendment failed being adopted in the Senate by only a single vote.[20] Executive agreements continue to grow at a rapid rate. The Foreign Relations Committee found on January 1, 1983, that the United States was a party to 966 treaties and 6,571 executive agreements.[21]

When discussing the difficulties in winning a two-thirds vote approval in the Senate, and the power of the minority, I do not mean to imply that all treaties deserve to be approved. The Constitution clearly gives power to the Senate to withhold its consent, as well as to grant it, depending upon its interpretation of the best interests of the nation. The most recent treaty rejected by the Senate provides a good example.

On March 8, 1983, the Senate rejected the Montreal Protocols by a vote of 50 to 42, twelve votes short of the two-thirds of those members present and voting. This treaty, negotiated during the Ford administration and supported by Presidents Ford, Carter, and Reagan, would have set limits on passenger damage awards in international air crashes. Supporters of this treaty believe that it would lead to swifter settlement of claims than under the current law. Opponents, led by Senator Ernest Hollings of South Carolina, called it an "outrageous assault on public safety and a sweetheart deal" for the foreign governments that own airlines. Although the thin majority supported the treaty, it fell far short of the two-thirds goal. The Senate would not consent.[22]

Finally, Mr. President, while the Constitution explains how treaties must be ratified, it is silent over how treaties might be terminated. The breaking off of two treaties during the Carter administration stirred controversy. In 1978, the president terminated the U.S. defense treaty with Taiwan, to facilitate establishing diplomatic relations with the People's Republic of China. In 1977, the new Panama Canal Treaty terminated three previous treaties with Panama. In one case, the president acted unilaterally; in the second, he terminated treaties in accordance with actions taken by Congress. But clearly it seems that the right to terminate belongs to the executive, the sole branch of government that communicates with foreign governments. Only once has Congress terminated a treaty by a joint resolution: that was a mutual defense treaty with France, from which, in 1798, Congress declared the United States "freed and exonerated." In this case, breaking the treaty was tantamount almost to an act of war, and indeed two days later Congress authorized hostilities against France, which were only narrowly averted.

Let me conclude my capsule summary of the Senate's role in the treaty-making and treaty-ratifying process by emphasizing its importance in the American system of shared powers. When the thirteen colonies rebelled against the English king, they rejected the concept of monarchy on our shores. When the Constitution created an executive branch and a president of the United States, it gave him no unchecked or unconditional powers. The English King could make treaties exclusively on his own, but this would not be true for the American president. The Constitution instead made treaty-making a concurrent power. The United States Senate has carefully guarded its share of this power for two hundred years, as I trust it will continue to do, perpetually into the future of this Republic.

Mr. President, I ask unanimous consent to include in the Record Notes To "Advice and Consent."

There being no objection, the notes were ordered to be printed in the Record, as follows:

NOTES TO "ADVICE AND CONSENT"

[1] Denna Frank Fleming, *The Treaty Veto of the American Senate* (New York, 1930), 3-15.

[2] Jacob E. Cooke, ed. *The Federalist* (Middletown, Conn., 1961), 503-9.

[3] Roy Swanstrom, *The United States Senate, 1787-1801, A Dissertation on the First Fourteen Years of the Upper Legislative Body* S. Doc. 99-19 (Washington, 1985).

[4] Ibid.

[5] Henry Cabot Lodge, "The Treaty-Making Power of the Senate," in *A Fighting Frigate and Other Essays and Addresses* (New York, 1902), 231-2.

[6] Linda Grant De Pauw, ed., *Senate Executive Journal and Related Documents* (Baltimore, 1974), II: 17, 24; John C. Fitzpatrick, ed., *The Writings of George Washington* (Washington, 1939), XXX: 369-75.

[7] Fitzpatrick, *Writings of George Washington,* 375-79.

[8] DePauw, *Senate Executive Journal,* 29-30.

[9] *Congressional Record,* 97th Cong., 1st sess., 8244, 10139-40.

[10] Swanstrom, *The United States Senate.*

[11] Ibid.

[12] Ibid.

[13] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York, 1974), 87-88.

[14] George Frisbie Hoar, *The Autobiography of Seventy Years* (New York, 1903), II: 47-50.

[15] *Congressional Record,* 98th Cong., 1st sess., 4716-26.

[16] *Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee, 1947-1955,* Oral History Interviews for the Senate Historical Office, 1984, 27-9.

[17] Senate Foreign Relations Committee. *Executive Sessions of the Senate Foreign Relations Committee Together with the Senate Armed Services Committee (Historical Series), Eighty-Fifth Congress, First Session, 1957* (Washington, 1979), IX: 701,722-27.

[18] *Francis O. Wilcox,* 205.

[19] George H. Haynes, *The Senate of the United States, Its Theory and Practice* (New York, 1938), II: 659.

[20] See Duane A. Tananbaum, "The Bricker Amendment Controversy," *Diplomatic History*, IX (Winter 1985), 73–93.

[21] Senate Foreign Relations Committee, *Treaties and Other International Agreements: The Role of the United States Senate*, S. Print 98-205 (Washington, 1984), 39.

[22] "Senate Blocks Treating Limiting Recoveries in Air Disasters," *Congressional Quarterly* (March 12, 1983), 516.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the list of treaties defeated by the full Senate.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TREATIES DEFEATED BY THE FULL SENATE

Date of vote	Country	Yea	Nay	Subject
Mar. 9, 1825	Colombia	0	40	Suppression of Slave Trade.
June 11, 1836	Switzerland	14	23	Personal and Property Rights.
June 8, 1844	Texas	16	35	Annexation.
June 15, 1844	Germany	26	18	Reciprocity.
May 31, 1860	Mexico	18	27	Commercial Rights.
June 27, 1860	Spain	26	17	Cuban Claims Commission.
Apr. 13, 1869	Great Britain	1	54	Arbitration of Claims.
June 1, 1870	Hawaii	20	19	Reciprocity.
June 30, 1870	Dominican Republic	28	28	Annexation.
Jan. 29, 1885	Nicaragua	32	23	Interoceanic Canal.
Apr. 20, 1886	Mexico	32	26	Mining Claims.
Aug. 21, 1888	Great Britain	27	30	Fishing Rights.
Feb. 1, 1889	Great Britain	15	38	Extradition.
May 5, 1897	Great Britain	43	26	Arbitration.
Nov. 19, 1919	Multilateral	38	53	Treaty of Versailles.
Mar. 19, 1920	Multilateral	49	35	Treaty of Versailles.
Jan. 18, 1927	Turkey	50	34	Commercial Rights.
Mar. 14, 1934	Canada	46	42	St. Lawrence Seaway.
Jan. 29, 1935	Multilateral	52	36	World Court.
May 26, 1960	Multilateral	49	30	Law of the Sea Convention.
Mar. 8, 1983	Multilateral	50	42	Montreal Aviation Protocols.

IN REMEMBRANCE OF SENATOR EDWARD ZORINSKY

Mr. MURKOWSKI. Mr. President, the passing of a Senate colleague is always a sad event. The unique nature of this deliberative body creates strong affiliations and friendships irrespective of party or regional affiliations. Our sadness is compounded when a colleague is taken from us in the midst of a term—and this is the case with Ed Zorinsky. Ed accomplished much in his years as a Senator, and yet we all know that Ed had many projects on his agenda for the future.

Ed Zorinsky provided tireless leadership in the Senate on agricultural issues, and strongly advocated the interests of Nebraskans. Moreover, I had the honor of serving with Ed Zorinsky on the Foreign Relations Committee, where his insights and clear thinking made valuable contributions to our work.

Ed's political career was guided by his insistence that he be a responsive elected official. As former mayor of Omaha, and as U.S. Senator, Ed implemented the hard and fast rule that his door must always be open to his constituents. His willingness to listen and to be responsive also marked his relationships with those of us who had the pleasure of serving with him in the Senate.

Nancy and I offer our deep sympathies to his wife Cece and their family. We will miss his companionship. We will always be guided by his fine example of public service.

ARTISTIC ENDEAVOR

Mr. EVANS. Mr. President, if you can see the buttons popping off the vests of those of us who represent the State of Washington this week, it is because it has been a remarkable week for the State of Washington and the Pacific Northwest in terms of artistic endeavor.

On four occasions, Washington artists Washington troops or Washington personalities have brought to the Washington, DC, area new enterprises, new entertainment, and new exhibits.

To many—including my three young sons—Gary Larson represents one of the best, most interesting, and most amusing of American cartoonists today. He is a resident of the city of Seattle. His cartoons, "The Far Side," have tickled the funny bone of people across the country for the last several years. He is now exhibiting his original cartoons in the Museum of Natural History, which is probably appropriate, since most of the characters in his cartoons are animals of one kind or another.

Jacob Lawrence is one of the finest American painters today. He was born in New York City, grew up in Harlem, joined the armed services of the United States, and after the war, became a faculty member at the University of Washington. During his long and productive career, he has painted American life in vivid portrayals. Using vivid colors, he has created striking portraits of America as he has experienced it and as we have lived it over the past half-century.

Jacob Lawrence is not only a remarkable man, but has the privilege now of a retrospective, exhibit, covering the five decades of his career. It is now open at the Phillips Collection in Washington, DC, and will be there until May 31.

At the National Theater, "I'm Not Rappaport" is now playing. It is an immensely humorous, and at the same time sad, portrayal of two elderly gentlemen on a park bench and their trials, tribulations, and conversations. "I'm Not Rappaport" premiered at the Seattle Repertory Company a couple of years ago. It won the Tony Award last year and essentially the same cast that played in Seattle is now playing at the National Theater.

Finally, this week the Pacific Northwest Ballet brought to the Kennedy Center the first of a number of performances of that extraordinary ballet troop. Pacific Northwest Ballet was started by a young couple; Kent Stowell and Francia Russell, who are the artistic directors. Much of their success came from young people. They came to Seattle in 1977 to find what then was a promising Pacific Northwest company. They expanded it to the Pacific Northwest Ballet and the company has gained national recognition as one of the finest of the regional ballet companies in the Nation.

They have toured extensively during the past several years. They have been all over the United States and now they are planning international tours to expand the number of people who can see and enjoy their extraordinary talent.

The Washington Post, in an article the day after their premiere performance, gave them rave reviews and in doing so said it all when the reviewer, Mr. Kriegsman, said, "It is really quite startling to see a company as classy and as distinguished as the Pacific Northwest Ballet for the first time, given its history and location."

Mr. President, I guess that is why buttons are popping today. In these four instances, residents of the Pacific Northwest and more particularly the State of Washington, have shown that they can be among the very best in each of these quite separate artistic endeavors.

I am pleased and proud that they have brought to the Nation's Capital that talent to share with those of us from the State of Washington who spend most of our time here and those who are residents in Washington, DC.

Mr. President, I ask unanimous consent that the review in the Washington Post of Wednesday, April 8, 1987, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 8, 1987]

THE PACIFIC AT HIGH TIDE—SEATTLE TROUPE'S STELLAR D.C. DEBUT

(By Alan M. Kriegsman)

It really is quite startling to see a company as classy and distinguished as the Pacific Northwest Ballet for the first time, given its history and location. The troupe's Kennedy Center debut, at the Opera House last night at the start of a week's engagement, must have struck most of the audience, as it did me, as a revelation.

One kept hearing delighted spectators exclaiming during intermissions, "I didn't even know it existed"—"it" meaning the company. Not surprising. PNB hails from Seattle, and has been led by its present artistic directors—husband and wife Kent Stowell and Francia Russell, both Balanchine protégés—for a decade.

It's within these 10 short years that the 40-member troupe has amazingly skyrocketed from a small, provincial entity to one of the nation's outstanding classical companies. This is, however, only its second trip to the East Coast (the first was to New York three years ago), though it received some national exposure through a movie version of its "Nutcracker" production (with decor by Maurice Sendak) this past winter.

The film, sad to say, did no kind of justice to the company, but the present visit promises to rectify that, at least for Washingtonians. In recent years especially, the Kennedy Center has been endeavoring to bolster its role as a showcase for the nation's finest indigenous performing organizations by bringing in the major "regional" ballet companies from across the land. PNB thus joins a list that has already included troupes from San Francisco, Philadelphia, Houston and Salt Lake City.

On the basis of the opening night program alone, the Seattle company must be rated very high in this league. The dancing was never less than splendid throughout the evening, and the dancers were conspicuously attractive and well-trained. The repertory the troupe will be showing in its three Opera House programs, moreover, boasts at least as much, possibly more, choreographic substance and variety as any assortment we've seen from comparable outfits.

It only took one movement of Balanchine's "Brahms-Schoenberg Quartet" to have a reliable measure of the company's stature. This masterwork, dating from 1966, is a sumptuous feat of dancing, classically shaped but clearly reflecting the shadings of romanticism and modern sensibility implied by the two composers named in its title (the score is Schoenberg's orchestral version of Brahms' G-Minor Piano Quartet).

It's not a Balanchine piece one sees that often, and PNB and the San Francisco Ballet (under a joint production arrangement) are the only companies besides the New York City Ballet that perform it. It was staged for PNB in 1985 by Russell, who, as one of Balanchine's most widely versed ballet mistresses, has a solidly authoritative command of the material. Stowell partnered Patricia McBride (in the second movement) in early performances of the work by NYCB, during his days with that troupe.

The PNB cast last night contended with the work's thorny difficulties remarkably well. One took note not only of the admirable technical rigor of the dancers—the fine turnout, the crisp footwork, the rhythmic acuity—but also of the generous amplitude of the movement and the fresh, unmannered spirit of the dancing.

On the whole, the women seemed rather tight in the shoulders and upper back, and the performance had its share of minor insecurities and expressive dead spots. On the other hand, for its size the company has an unusual number of individual dancers who catch the eye with special qualities, among them not a few who have been wholly or mostly reared in PNB and its associated school.

Deborah Hadley, for example, who was featured in the first movement of "Brahms-Schoenberg Quartet" and is a dancer of versatility and depth (as the program was later to confirm), was trained elsewhere but has been a principal of PNB since 1979. Patricia Barker, who sparkled in the first movement and glowed in the third, is completely a PNB product. Seattle native Benjamin Houk, who helped energize the Gypsy-flavored finale, joined the troupe as an apprentice in 1983. Alejandra Bronfman, so lyrically appealing in the second movement, began her career with the Washington Ballet, but has plainly blossomed in her four years with PNB.

Then there are the veterans the troupe has enlisted from elsewhere, such as the dashingly piquant Colleen Neary, who led the finale. Neary spent a decade with NYCB, but she's been gone from there since 1980—what's the secret of her youthful look and undimmed virtuosity? (Magali Messac, of ABT fame, was to have danced in the Balanchine, but was injured—we may see her later in the run.) The men were no slouches either. Houk, Wade Walthall and Carey Homme were impressive in their various ways; Vienna-born Michael Auer lent particular resonance to the rapturous andante movement with his strength and warmth.

That the rest of the program was downhill was neither a surprise nor a disgrace—when you start with Balanchine, it's almost foreordained (though the program was too lengthy for its own good). The company must be applauded for commissioning postmodernist Lucinda Childs' "Clarion," even if the result proved disappointing. At her luminous best, Childs makes highly patterned choreography that's like a diamond turned in the light, mirroring myriad facets and levels; but the synthetically minimalist score by Paul Chihara seemed at odds with the Childs esthetic. Stowell's ambitious. "Hail to the Conquering Hero," to a complied Handel score, works reasonably well as a company showcase, and was particularly flattering to Walthall, Maia Rosal, Neary and especially Hadley, in the "Xerxes" Largo. "Seattle Slew," the other Stowell piece, is fun but flimsy, nicely displaying Lucinda Hughey's long legs to music by William Bolcom that sounds like a cross between Offenbach and Gershwin—apt enough for the context, a showbiz portrait of the crowds who flock to championship horse races.

ORDER PROCEDURE

The PRESIDING OFFICER. The Senator from Washington has yielded the floor.

The Senator from Iowa.

Mr. GRASSLEY. I thank you, Mr. President, and I particularly want to thank the Senate majority leader for this opportunity on this Friday just before the Easter recess for us to have this time to present points of view on very important issues that we have an interest in and that we think the entire Nation has an interest in.

EDUCATION CONCERNS FACING CONGRESS

Mr. GRASSLEY. Mr. President, my purpose today is to discuss a concern facing our Nation, and one that is important to all 100 Members of this body, the education of our youth. This is a matter for consideration that may be even greater today than we realized at the time of the printing of the report called "Nation at Risk," which received so much attention just a few years ago.

A more recent report, "A Nation Prepared: Teachers for the 21st Centrury" by the Carnegie Forum on education and the economy, points out that in the past 3 years, the American people have made a good start toward an educational renaissance.

Educational weaknesses have been identified and steps have been taken by local and State agencies to improve our systems. Measures of accountability have been put into place for both teachers and students, graduation requirements have been made more strigent and legislation has been enacted at both the State and Federal level to insure that our Nation's future citizens enter the 21st century prepared for the changes that are going to come about in the next 50 years or so.

Communities, business and industry are getting involved. Business and education partnerships are providing not only financial support making many new programs possible, they are also adding corporate management expertise to education, that, in turn, benefits the corporation in the form of better educated, more productive workers and more knowledgeable consumers.

It has been reported that the nationwide effort to improve our schools and student achievement rivals that of any period in American history.

However, I wish to call your attention to major problems that loom on the horizon.

Our future work force will be made up of a steadily rising proportion of people who pose new and significant challenges to education.

It has been reported that the American work force is expected to grow by 30 million workers over the next 5 decades. Most of the net addition will come from the ranks of teenagers and from adult immigrants, a great many of whom are poor.

In fact, by the year 2000 a full one-third of the Nation's children could be economically disadvantaged.

We know poor children are more likely to suffer from various forms of malnourishment and therefore likely to suffer from learning disabilities.

Many economically deprived children start school with disadvantages that prevent them from succeeding as they should and later become prime candidates for dropping out of school.

It has been estimated that the cost of private industry—not to the tax payers, but to private industry—of retraining American workers who are not adequately educated in basic reading, writing, and computational skills is $2 billion per year.

Each year we also incur an additional $26 billion in social program costs as a result of the nearly 1 million students who leave school prior to graduation.

This figure excludes what society loses in tax revenues because of the lack of productivity of these very good American citizens who are not prepared for the work challenge that rests out there.

Not only for the personal benefit of these high risk students, but also for our Nation's benefit, it is essential that we do a better job of working with these high risk children.

Add to these already stated problems the additional concerns of substance abuse, teen pregnancy, a high dropout rate in some inner city schools and other societal problems, and you begin to see the scope of the challenge facing our Nation today and the need for planning and to be prepared for the problems that confront us just around the corner in the next century.

We must continue to keep the issue of educating all our citizens in the front rank of our concerns. Our job is to identify the national interest in education and provide sound legislation that will maintain the quality of our American way of life for all of our citizens.

Mr. President, I and others in this body want our educational system to be the strongest in the world and we must work to insure hat sound decisions and policies are made in this vital area.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Hawaii is recognized.

WORLD POPULATION AWARENESS WEEK TO BE OBSERVED IN HAWAII APRIL 20-25, 1987

Mr. MATSUNAGA. Mr. President, there can be little question about the urgent need to curb world population growth. Ninety percent of the world's new births occur in the developing nations and in some of these nations, populations will double in a single generation. This dizzying population growth undermines the efforts of these developing nations to develop economically and achieve self-sufficiency, and is a real threat to peace and prosperity throughout the world.

In light of these consequences, I am pleased that the people of Hawaii have joined the effort to promote world population awareness. Gov. John Waihee III, has proclaimed the week of April 20-25, 1987 to be World Population Awareness Week in Hawaii. More than 35 other governors have done the same in their States.

In Hawaii, the week will be marked in forums and conferences at Kapiolani Community College in Honolulu and on the campus of the University of Hawaii at Manoa. Similar gatherings throughout the Nation will help promote understanding of the issue and spur the development of creative solutions.

I am pleased to bring to the attention of my colleagues the proclamation issued by Governor Waihee of Hawaii, and ask unanimous consent that the text of the proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion and economic stagnation; and

Whereas, 50 percent of the ten million infant deaths and 25 percent of the 500,000 materal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human rights of couples to determine the size and spacing of their families;

Now, therefore, I, John Waihee, Governor of Hawaii, do hereby proclaim April 20 through 25, 1987 to be World Population Awareness Week in Hawaii and call upon all the people of the State to reflect upon the consequences of overpopulation.

PRESIDENTIAL COMMISSION ON AIDS

Mr. DOLE. Mr. President, I send to the desk a resolution, which we have cleared, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) to express the sense of the Senate regarding the Acquired Immune Deficiency Syndrome, AIDS.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, today along with 34 Members of the Senate, I am submitting Senate Resolution 190, which expresses the sense of the Senate on the need for the establishment of a Presidential Commission on Acquired Immune Deficiency Syndrome. The language of this resolution is a compromise reached after discussions with Members from both sides of the aisle.

It is especially gratifying that in addition to Senators WILSON and STEVENS, both of whom have introduced previous legislation regarding AIDS, Senator CRANSTON and Senator KENNEDY and a great many others are also cosponsoring this resolution. I am very pleased this resolution has the support of both sides of the aisle. This strong bipartisan support is indicative of the interest and determination of Congress to provide direction in the fight against AIDS.

And a fight is precisely what it is. It is a war against a terrible disease that is the Nation's No. 1 health enemy. It affects everyone, including the young and those who are in the prime of their lives.

It is a matter for business, for the insurance industry, for the States, for the Federal Government, and for our churches and schools. It is a disease that forces us to think about very basic issues, such as education, employment, and housing.

Clearly, we have to strike a balance between the rights of the individual and the rights of society as a whole. As a result special attention has to be given to the laws, rules, and regulations with respect to immigration, liability, and discrimination. We also need recommendations regarding testing, counseling, and confidentiality.

We know dissemination of information is essential in the prevention of the spread of AIDS, and we know we must recognize the special needs of minorities and the important role of the family, educational institutions, religion, and community organizations in this effort. Since there is no known cure at present, and the development of a vaccine is several years away, we must consider necessary behavioral changes which must take place, taking into consideration the multiple moral, ethical, and legal concerns involved.

We must deal with this disease soon as time is of the essence. One of the best ways is to gather the finest minds so that an organized plan is developed which will address all the issues, including the financing of the health care and research needs relating to AIDS.

Our purpose is to create a broad based Commission, not to allow any one interest group to dominate the debate. The problems are being faced by not only those with the disease but also those who are not infected.

The allocation of financial resources to various Federal departments and agencies must be adequate and distributed in a manner that will do the most good for everyone, including those who are not infected. In addition, the distribution of health care manpower is of critical importance. We must make sure that there will be enough providers and beds available to care for those with AIDS and those who require services for other illnesses.

This is not a disease that is confined to the United States. Our frineds in the rest of the world are facing major health problems because of the disease, and our efforts must include international cooperation and coordination, especially with respect to data collection, treatment modalities, and research.

I think it is obvious to all that we are involved in a major threat to public health. I am personally committed to allocating whatever resources necessary and I am equally convinced that all Members of Congress are equally concerned. That is clearly demonstrated by the vast number of cosponsors on this resolution, and by the fact that there are many pieces of legislation being developed right now. In the next few days and weeks, Mr. President, we hope to introduce additional legislation that will assist in the fight against AIDS.

Again, I underscore that this resolution is totally bipartisan. There are other ideas, for other commissions. With the President's indication just 2 weeks ago of his concern, it seemed that this was the first thing we should do.

I have had a brief discussion with the Chief of Staff at the White House, former Senator Baker. I have indicated to him that I felt it was important that the President become active in this very real concern in America.

I am pleased to have been joined by so many of my colleagues, many of whom are on the floor today—the distinguished Senator from Massachusetts [Mr. KENNEDY], the distinguished Senator from New York [Mr. MOYNIHAN], the distinguished Senator from Colorado [Mr. ARMSTRONG], and many others.

I am certain that other Senators, who may not be cosponsors, will be supportive of many of the ideas on AIDS that will be coming forward in the next few weeks and the next few months.

Mr. MOYNIHAN. Mr. President, I rise to join the eminent Republican leader in this bipartisan measure.

I wish to make just a few remarks, of which the first, and perhaps the most relevant, is to say that it was just exactly 4 years ago that Kevin Cahill, who is an eminent practicing physician in New York City and a professor of tropical medicine at Trinity College, Dublin, called me on a personal basis to say something awful was breaking out in New York.

I asked, "What?"

He said, "We don't know what."

I said, "What do you call it?"

He said, "We don't know what to call it."

Well, now we know what to call it: AIDS, acquired immune deficiency syndrome.

The AIDS epidemic had begun. Physicians looking at it sensed something tropical in the protocols of the disease and called Cahill, who set the wheels in motion to begin to isolate and identify the virus. Since then, Dr. Gallo, together with his French colleagues, have worked out the complicated nature of this virus.

We are making steady progress in that regard, but the rate of scientific progress is well behind the curve; because by the time we first encountered this disease, we had learned the most important fact of it, which is that it lays dormant, very much like—if I may say a word that probably could not be used on the Senate floor a century ago—very much as syphilis lays dormant. In the case of syphilis, it is often a brief event which soon disappears, but 20 years later you get the onset of a debilitating and fatal brain disease, known as paresis, a form of dementia.

In the case of AIDS, the disease may emerge 3 to 5 years after infection, with devastating consequences. It has already spread to an enormous population. We know nothing at this point of the trigger mechanisms by which it turns from dormancy to become an active disease, but it obviously does; and it does not look as if we can do anything to stop it once it starts.

The Government must respond to AIDS in a number of ways. It has numerous agencies at its disposal; one of which is the uniformed Public Health Service. I hope that, as we move quickly to respond to AIDS, we do not fail to notice that we created an institution in our Government—the U.S. Public Health Service—comprised of an honorable and extraordinarily able body of physicians who are trained to deal with such events.

I would hope that they are given the job in this epidemic situation that they were created to perform in epidemics which this country has witnessed in the past.

The Public Health Service cannot win this battle alone. Our Federal and State programs must be changed to adapt to the crisis brought about by AIDS. On the first day of this 100th Congress I introduced S. 24 which provided for a number of measures to deal with this crisis. The one that I think is most urgent for AIDS patients themselves is a 5-year waiver of the 24-month waiting period for Medicare coverage for AIDS patients receiving Social Security disability benefits. An AIDS patient can be certified by the Social Security Administration as disabled but must wait for Medicare coverage for 24 months. The glaring reality is that anyone who is disabled by AIDS has almost invariably—to our knowledge—died within that 24 months.

The AIDS patient simply cannot wait 24 months to receive this coverage. This 24-month waiting period exists to ensure that only those who are truly disabled enough so that they receive disability benefits for 2 years, would be eligible for health care coverage. Sadly enough, there is not much hope that AIDS patients will overcome their disability, hence there is no reason to delay granting them Medicare coverage.

S. 24 also directs the Secretary of the Health and Human Services to conduct a survey on infants with AIDS.

If there is one personal trauma that we all are going to have to learn to live with, it is infants who are born with AIDS. I have seen them in New York hospitals. These are the children of mothers who have acquired the disease, typically through hypodermic needles and drug use. They are born in these hospitals and abandoned. Yet hospitals are their only shelter: it is the doctors and nurses who care for them. It is the doctors and nurses who are the ones who our hearts must go out to. They do what they are fully able to do to care for these children, but must inevitably watch them die.

How do we avoid such tragedy? Prevention. S. 24 authorizes $75 million in grants to State and local governments for education and information dissemination as to how to prevent the spread of AIDS.

In addition, S. 24 authorizes $20 million for alternative testing sites where individuals would go to be tested anonymously for the presence of AIDS antibodies.

We simply must put a stop to this disease. To do this, we have a lot of learning to do, and a lot of caring to provide and we shall do both. I think this bipartisan measure, asking for the cooperation of Congress and the President, is a good sign that we are determined to meet the needs of this very urgent crisis.

Mr. President, the Senator from California [Mr. CRANSTON] who is necessarily absent today, has been very active in drawing up this resolution and has asked that I submit a statement for him to be placed in the RECORD in the debate.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 190

Whereas the Acquired Immune Deficiency Syndrome (hereinafter in this resolution referred to as "AIDS") is the Nation's number 1 public health problem;

Whereas AIDS affects all segments of society;

Whereas more than 33,000 cases of AIDS have been reported in the United States and over 19,000 individuals have died from the disease since it was first recognized in 1981;

Whereas at least 1,500,000 Americans have already been infected with the AIDS virus;

Whereas AIDS is now the tenth leading cause of death in this country and is rapidly becoming the leading cause of death for males between the ages of 20 and 39;

Whereas 30 to 50 percent of Americans infected with the AIDS virus will develop the disease of AIDS within the next 5 years and all infected individuals may eventually develop the disease;

Whereas there is currently no medical cure or vaccine for AIDS and there is unlikely to be any available cure or vaccine within the foreseeable future;

Whereas there are many complex moral, ethical, and legal questions which must be addressed concerning AIDS; and

Whereas AIDS poses a serious threat to the health, welfare, and productivity of our Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Nation make a major commitment of resources consistent with the recommendations of the National Academy of Sciences for health care, research, and education relating to AIDS, and that a Presidential Commission be created to assist the President and Congress in establishing priorities and a comprehensive plan to deal with all aspects of the domestic problems relating to AIDS as well as to assist with the development and adoption of a plan to deal with AIDS on an international basis.

SEC. 2. (a) The Presidential Commission referred to in the first section should consist of members chosen from representatives of:

(1) health care providers;

(2) business;

(3) labor;

(4) the insurance industry;

(5) the pharmaceutical industry;

(6) State Governors and State and local officials;

(7) the International Red Cross;

(8) foundations involved in financing domestic and international health efforts;

(9) scientific experts;

(10) religious leaders;

(11) the National Academy of Sciences;

(12) the Steering Committee on a National Strategy for AIDS of the Institute of Medicine;

(13) public health experts; and

(14) organizations concerned with AIDS.

(b) In addition to the members referred to in subsection (a), the Presidential Commission should also consist of ex officio members from Federal agencies and departments as the President considers appropriate. Support services and technical assistance should be provided for the Presidential Commission from the Department of Health and Human Services.

SEC. 3. The Presidential Commission referred to in the first section should perform the following functions:

(1) Evaluate the adequacy of, and make recommendations regarding, the financing of the health care and research needs relating to AIDS, including the roles for and activities of private and public financing, especially the role of the insurance industry and the States.

(2) Evaluate the adequacy of, and make recommendations regarding, the dissemination of information which is essential in the prevention of the spread of AIDS, which recognizes the special needs of minorities and the important role of the family, educational institutions, religion, community organizations in education and prevention efforts.

(3) Address any necessary behavioral changes needed to combat AIDS, taking into consideration the multiple moral, ethical, and legal concerns involved.

(4) Make recommendations regarding how financial resources can best be allocated to various Federal departments and agencies, including the Veterans' Administration, and State and local governments.

(5) Make recommendations regarding testing and counseling for AIDS, particularly with respect to maintaining confidentiality.

(6) Evaluate the adequacy of and make recommendations regarding Federal and State laws including Civil Rights laws relating to AIDS, particularly—

(A) rules, regulations, and ethical considerations relating to infectious diseases designed to protect the health of all individuals at risk of contagion, including those relating to immigration, liability, and discrimination; and

(B) problems encountered by individuals having AIDS in obtaining and retaining employment, housing, and insurance and participating in educational systems, and including possible violations of rights of privacy and confidentiality.

(7) Evaluate the adequacy of and make recommendations regarding international coordination and cooperation with respect to data collection, treatment modalities, and research.

SEC. 4. It is the sense of the Senate that the Presidential Commission referred to in the first section should be established within 90 days of the date of adoption of this resolution and should issue a preliminary report regarding its operations within 9 months after the date of establishment. A subsequent report should be issued one year after the date on which the initial report is issued and further reports should be issued as determined by the Presidential Commission.

● **Mr. CRANSTON.** Mr. President, I am pleased to join with the distinguished minority leader [Mr. DOLE] and numerous of our colleagues in introducing Senate Resolution 190. This resolution is a result of discussions and negotiations between Senator DOLE and me arising out of his introduction of Senate Resolution 184, with input from a number of other Senators, and I believe that we have accommodated most of the concerns of all who are involved.

Our resolution would, first, express the sense of the Senate that this Nation must make a major commitment of resources for health care, research, and education, consistent with the recommendations of the National Academy of Sciences, in order to bring an end to the AIDS epidemic. Those recommendations, included in the Institute of Medicine [IOM] in its report entitled "Confronting AIDS—Directions for Public Health, Health Care, and Research" concluded that by 1991, $2 billion needs to be expended annually on AIDS research and public education efforts.

Second, the resolution urges that a Presidential Commission be created to review, evaluate, and coordinate public and private efforts relating to AIDS and to recommend to the Congress and the President a comprehensive plan to combat this epidemic quickly and decisively. Specific timeframes for action would be provided. I would note that, in its report, the IOM recommended that a National Commission be established on AIDS, and there have been a number of legislative proposals introduced to implement that recommendation. I cosponsored and endorse one of those proposals, S. 613, which is designed essentially to make the IOM Committee on AIDS a permanent advisory panel. The IOM would be sufficiently independent to give critical advice and have national and international statute and credibility in order for its advice to be accorded appropriate respect. It would also have the ability to bring together diverse public and private resources and interest groups to marshal all available national resources effectively.

I understand, however, that the President has recently become interested in establishing a Presidential Commission on AIDS and may shortly be making an announcement to that effect. Since this Commission will be making significant recommendations about proposed future courses of action, I believe that it is very important for the Senate to provide the President with its best thinking as to the composition and functions of the Commission. That is what this resolution is intended to do.

The Commission would be comprised of representatives from the insurance and pharmaceutical industries, the business, religious, and scientific communities; the International Red Cross; labor; health-care providers; State and local governments; and health foundations. In addition, public health and/or scientific experts from the National Academy of Sciences and the Institute of Medicine Steering Committee on a National Strategy for AIDS, and the community-at-large would be present. Finally, I am pleased that organizations which advocate on behalf of and provide services to people with AIDS would be represented.

It is our intent that the sectors to be represented would submit nominations to the President for representative membership from their ranks.

Also serving on the Commission, as ex officio members would be representatives of those Federal departments, as well as Federal agencies, such as the Veterans' Administration, designated by the President. The tasks recommended for the Commission are derived from Senate Concurrent Resolution 184 and S. 613 and other suggestions.

I believe that this Commission would be balanced and broadly-based and would serve as a valuable forum to bring together individuals who represent a wide range of public and private-sector interests and concerns and who must all work together if we are to bring an end to this epidemic. AIDS is a societal problem and all facets of society must participate in our war to defeat it.

The Federal Government, however, must lead the way. Unfortunately, to a large measure, it has failed to do so thus far—with the exception of the activities of the Public Health Service. President Reagan only last week gave his first speech on AIDS—6 years after the epidemic began and 3 years after the Secretary of Health and Human Services declared AIDS this country's No. 1 health problem. Each year during the last 4 years, this administration has sought a cut in funding for AIDS activities, and each year Congress has nearly doubled those requests. For fiscal year 1988, the President has finally requested his first increase in the budget for AIDS. However, it is already apparent that that request is totally inadequate to meet the enormous needs—especially in the education and research areas as well as relating to experimental treatments—and I am confident that Congress will again substantially add to those recommendations.

I am hopeful that the President is now taking seriously the threat that AIDS poses for this country and the world and that he will appoint to the Commission individuals who have expertise on the AIDS issues, who have the public's best interests in mind, and who truly can provide creative, compassionate, and cooperative input about how we can bring an end to this epidemic as rapidly as possible.

I strongly encourage the President to let public health concerns—not ideology—guide his decisions on appointees and staff. Indeed, we have urged that the support and technical assistance and staff be drawn from the Department of Health and Human Services.

AIDS is too great a threat to be politicized. We need sound policies based on the advice of the best scientific and public health experts we can find, as well as the involvement of enlightened civic, business, labor, education, charitable, and governmental leaders.

I urge all my colleagues to support this resolution.●

Mr. THURMOND. Mr. President, President Reagan has recently declared that AIDS is the No. 1 public health problem of this Nation.

The facts bear this out. More than 33,000 cases of AIDS have been reported in the United States, and over 19,000 have died from the disease since it was first reported in 1981. At least 1.5 million Americans have been infected with the virus, and AIDS has become the 10th leading cause of death in this country.

Mr. President, the Surgeon General, C. Everett Koop, has issued a report on AIDS. The concluding paragraph of his findings states:

> AIDS is a life-threatening disease and a major public health issue. Its impact on our society is and will continue to be devastating. By the end of 1991, an estimated 270,000 cases of AIDS will have occurred with 179,000 deaths within the decade since the disease was first recognized. In the year 1991, an estimated 145,000 patients with AIDS will need health and supportive services at a total cost of between $8 and $16 billion. However, AIDS is preventable. It can be controlled by changes in personal behavior. It is the responsibility of every citizen to be informed about AIDS and to exercise the appropriate preventive measures.* * *
>
> The spread of AIDS can and must be stopped.

Mr. President, this resolution calls for a Presidential Commission to assist the President and Congress in establishing priorities and a comprehensive plan to deal with all aspects of the problem of AIDS. Members of the Commission will include representatives from a broad range of groups and industries involved in efforts to address this serious matter. This Commission is to be established within 90 days and issue a report within 9 months.

I urge my colleagues to support this resolution.

Mr. KENNEDY. Mr. President, the time is long overdue to devote whatever energy and whatever resources are required to conquer this devastating epidemic of AIDS.

One and a half to two million Americans are already infected with the AIDS virus. As many as 10 million people are infected in the rest of the world. And every day, every week, it continues to spread.

The resolution we bring here today is intended to send a strong signal to the President that his administration must begin to take an active role in finding enduring solutions to the problem of AIDS. The Surgeon General, Dr. Koop, has demonstrated magnificant leadership on this issue, but he has too often stood alone. All too often, it has been the Congress that has had to step forward.

In offering this resolution, we are sending the message loud and clear to the President to take special care that the many concerned sectors of our society are represented in the critical deliberations of an AIDS Commission.

Most important of all, we insist that this Commission not become an excuse for delay—that the recommendations already issued by the national academy of sciences be implemented properly. We must not substitute talk for action.

I know—and the other sponsors of this resolution know—that any continuing failure to get down to business in solving this public health crisis will be measured in the loss of countless lives—the lives of Americans of all ages and in all walks of life and, indeed, the lives of millions of people all over the world.

Mr. MOYNIHAN. Mr. President, I am informed that the distinguished Senator from Colorado wishes to speak and will be on the floor presently. So in those circumstances, I will not ask for the adoption of the resolution but will await his arrival.

Mr. President, in that setting, as we await the arrival of our colleague from Colorado, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I want to join with my colleagues in commending Senator DOLE and Senator CRANSTON and others who have taken the lead in bringing this resolution for the establishment of a national commission on AIDS to the floor. I was extremely glad to join with Senator DOLE and the others in sponsoring this when it was first introduced, and it appears to me that during the last several days, while this has been the subject of negotiation backstage and of some amendment, indeed the resolution has been strengthened.

In its original form it did not spell out as clearly as some would like the concern that Senators feel about the civil rights in employment and in other ways of persons who contract AIDS. Indeed, questions of job discrimination and other related issues ought to be taken into account by thoughtful persons because they are going to have more working men and women confronting exactly that question. There will be employers and their employees who will have to cope with and come to grips with unexpectedly and in a tragic way what do you do if you have in the work force a person who comes down with AIDS.

So I think it is entirely appropriate that at the urgings of several Senators who have been interested in it we spell out and enumerate a number of our concerns for the rights of persons who contract AIDS.

I also note with interest and approval, indeed with satisfaction, that we have included language that makes it clear that public health remains our paramount consideration in adopting this resolution and urging the President to establish a national commission to look into this serious, indeed catastrophic, problem because the bottom line finally is public health.

We have before us the prospect of a disease of unknown but evidently enormous consequences, which some thoughtful people have compared with its scope and seriousness to the great plague which swept through the world in the fourth century. I hope that such predictions will prove to be exaggerated. I hope that indeed at an early date we will have a vaccine, we will have a cure, we will have prevention, none of which exists at the present time. My sense is to the contrary.

My own perception, based upon some study and some talk with people who are far more knowledgeable than I, is that it is almost impossible to exaggerate the seriousness of a menace to public health to say nothing of the human tragic and the economic consequences which are endangered by the spread of this mysterious disease.

So I do commend the sponsors and I hope that the President will not take the 90 days, which the resolution suggests, but only a few days to appoint the commission, and that they will go to work promptly and report back no later than the date specified in the resolution with recommendations for what the Congress can do to legislate and to provide a legal framework in which we may do the best we can to protect those who are threatened with contagion, those who may contract AIDS, and the general public.

Mr. President, as we do so, I hope that all who are thinking about this problem will treat with a healthy degree of skepticism the pronouncements of experts. I say this because of an experience I had recently in which I stirred up something of an uproar by mentioning in a public place certain reports regarding the transmission of AIDS which run counter to the conventional wisdom.

My comments came up during a press conference I was holding on a bill I introduced to overturn a recent Supreme Court decision.

In that case, which the High Court handed down a couple of weeks ago, it was ruled that Federal laws designed to prevent discrimination against handicapped persons may also, under some circumstances, be applied to individuals with a contagious disease. I believe this is a serious mistake and I think the Court erred in this decision as a matter of law and as a matter of understanding the intention of Congress. Obviously, such a decision, if carried to its logical conclusion, will greatly complicate the job of those who are directed to protect the health and safety in schools and the workplace.

The bill which I have introduced makes it clear that the law, which was written a number of years ago to provide protection for handicapped persons, does not require public or private employers to keep persons with a contagious disease on the job.

That case did not involve AIDS. It involved tuberculosis. I remain convinced that it would be absurd for this or any other Federal law to require that employers keep on the job someone with tuberculosis if they were working in a health-sensitive occupation. I mean, that is the furthest thing, I am sure, from the minds of any of our predecessors in this body who voted to establish this law.

In the course of mentioning this legislation at a news conference, the question of AIDS came up. I mentioned reports from physicians and medical journals that raised serious concerns that do run contrary to the conventional wisdom about how AIDS is transmitted. These reports include one from a leading British medical journal, the Lancet, on a case of apparent transmission through saliva exposure. In another report, Dr. Sydney Finegold, president of the Infectious Disease Society of America, advised "It would seem prudent to ask that AIDS patients not engage in food preparation or handling for others, particularly if they have an intestinal infection." The Centers for Disease Control guidelines advise emergency care workers to use disposable airway equipment or resuscitation bags because of the "theoretical risk of salivary transmission." And, Dr. William Haseltine of Harvard Medical School has said, "Anyone who tells you categorically that AIDS is not contracted by saliva is not telling you the truth."

My comments at that time were intended simply to make the point that we do not know everything that we ought to know or need to know about how the disease of AIDS is transmitted. What I found particularly disturbing was the reaction of some journalists and some public health authorities who greeted my observations, the quotes of various authorities which had come to my attention, with a hoot and a holler. Their reaction is extraordinarily disturbing, not because the authorities I cited may prove ultimately to be right—they may or may not—but to take them so lightly really flies in the face of the experience that we have already had in just the few years that AIDS has been under study.

In just the last few years, we have seen a substantial reversal of the so-called guarantees which we had received previously from the experts. A case in point is the reversal in assurances about the Nation's blood supplies. It is worth a review just because it makes the point that from now on we ought to be more cautious and less dogmatic.

The Federal Centers for Disease Control and the American Red Cross are now recommending that many people who received blood transfusions between 1978 and 1985 undergo a test for AIDS exposure. Since April of 1985 donated blood has been screened for exposure to the AIDS virus and is presumed to be safe. However, health officials are concerned that people who received transfusions earlier may have been exposed to the AIDS virus.

My point is this: Their cautionary warning is an about-face from what many of these same officials were saying about blood transfusions just a few years ago.

Let me put the record in perspective.

On December 9, 1982, the Centers for Disease Control in Atlanta announced it was investigating the cases of 20 children with AIDS symptoms. One child, who died at the age of 20 months, had received numerous blood transfusions for an unrelated condition. The CDC reported:

> "This and continuing reports of AIDS among persons with hemophilia A [who also required frequent transfusions] raises serious questions about the possible transmissions of AIDS through blood and blood products.

At the end of the same month, a Newsweek magazine article on AIDS told readers that—

> The Department of Health and Human Services is expected to convene an advisory panel soon to assess the role of blood transfusions in spreading the disease . . . But public-health officials warn against undue alarm, especially since only one case has been strongly linked to transfusions.

Dr. Harold Jaffee of the Centers for Disease Control was quoted as saying:

> The risk to the general population is quite small.

During the following year other health officials made similar statements.

On July 14, 1983, the New York City Health Department, the Council of Hospital Blood Bank Directors of the Greater New York Region, Inc., and the Greater New York Hospital Association issued a statement asserting:

> Physicians can reassure their patients that the community's blood supplies are not considered a source of the spread of AIDS.

In a July 25, 1983, U.S. News & World Report article, Los Angels' Red Cross administrator Norm Kear claimed:

> The odds are 10 million to 1 against someone getting AIDS through a blood transfusion.

The magazine explained to readers that—

> So far, only one person—among the 3 million Americans who receive blood every year—is thought to have contracted AIDS from a routine blood transfusion: an infant in San Francisco.

On September 15, 1983, American Red Cross President Richard F. Schubert defended his agency's blood collection methods by saying the risks of getting AIDS from a blood transfusion are "infinitesimal," according to a United Press International wire report of that date.

On October 16, 1983, according to an AP wire story of that date, Dr. Edward N. Brandt, an Assistant Secretary of Health and Human Services said:

> Let me make it clear, the blood supply of the nation is safe. I have no concern . . . and would not be afraid of receiving blood anywhere in the country.

On November 2, 1983, the Associated Press reported on a news conference held by the American Association of Blood Banks. Dr. John Bove of the Yale School of Medicine, a spokesman for the association, said:

> The risk of contracting AIDS from a transfusion was one out of 1 million.

On the same day, the Washington Post reported that—

> Federal health officials and blood-bank leaders meeting here [New York] today said the American blood supply is highly safe.

The chance of getting AIDS from a blood transfusion is still very small . . . less than one in a million.

My point is very simple: Today the experts are saying something quite different. Of the estimated 9 million Americans living today who received transfusions during the period of concern, from 1978 to 1985, public health officials now says as many as 12,000 may have been infected with the virus. This is a far cry from 1 out of 1 million, which would be 9 people, not 12,000.

The point in all this is not to criticize errors in estimates or even the failure to understand all the dangers. AIDS is a relatively new disease. Our health professionals have learned a great deal in a very short time. But along the way, all of the rest of us who are not experts have been treated to pronouncements issued with an unwarranted air of certainty. My preference is for more caution and less dogma.

As we should have learned from our experience with the Nation's blood supply before 1985, categorical denials or assertions about AIDS are off the mark. The public is wise enough and compassionate enough for an open and full discussion of his epidemic, and that may mean challenging the prevailing wisdom about it. After all, as we have seen, the prevailing wisdom has been wrong before.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I want to thank my colleagues for their statements in support of the pending resolution. I have no further statement.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

S. Res. 190

Whereas the Acquired Immune Deficiency Syndrome (hereinafter in this resolution referred to as "AIDS" is the Nation's number 1 public health problem;

Whereas AIDS affects all segments of society;

Whereas more than 33,000 cases of AIDS have been reported in the United States and over 19,000 individuals have died from the disease since it was first recognized in 1981;

Whereas at least 1,500,000 Americans have already been infected with the AIDS virus;

Whereas AIDS is now the tenth leading cause of death in this country and is rapidly becoming the leading cause of death for males between the ages of 20 and 39;

Whereas 30 to 50 percent of Americans infected with the AIDS virus will develop the disease of AIDS within the next 5 years and all infected individuals may eventually develop the disease;

Whereas there is currently no medical cure or vaccine for AIDS and there is unlikely to be any available cure or vaccine within the foreseeable future;

Whereas there are many complex moral, ethical, and legal questions which must be addressed concerning AIDS; and

Whereas AIDS poses a serious threat to the health, welfare, and productivity of our Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Nation make a major commitment of resources consistent with the recommendation of the National Academy of Sciences for health care, research, and education relating to AIDS, and that a Presidential Commission be created to assist the President and Congress in establishing priorities and a comprehensive plan to deal with all aspects of the domestic problems relating to AIDS as well as to assist with the development and adoption of a plan to deal with AIDS on an international basis.

Sec. 2.(a) The Presidential Commission referred to in the first section should consist of members chosen from representatives of:

(1) health care providers;

(2) business;

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(b) In addition to the members referred to in subsection (a), the Presidential Commission should also consist of ex officio members from Federal agencies and departments as the President considers appropriate. Support services and technical assistance should be provided for the Presidential Commission from the Department of Health and Human Services.

Sec. 3. The Presidential Commission referred to in the first section should perform the following functions:

(1) Evaluate the adequacy of, and make recommendations regarding, the financing of the health care and research needs relating to AIDS, including the roles for and activities of private and public financing, especially the role of the insurance industry and the States.

(2) Evaluate the adequacy of, and make recommendations regarding, the dissemination of information which is essential in the prevention of the spread of AIDS, which recognizes the special needs of minorities and the important role of the family, educational institutions, religion, and community organizations in education and prevention efforts.

(3) Address any necessary behavioral changes needed to combat AIDS, taking into consideration the multiple moral, ethical, and legal concerns involved.

(4) Make recommendations regarding how financial resources can best be allocated to various Federal departments and agencies, including the Veterans' Administration, and State and local governments.

(5) Make recommendations regarding testing and counseling for AIDS, particularly with respect to maintaining confidentiality.

(6) Evaluate the adequacy of and make recommendations regarding Federal and State laws including Civil Rights laws' relating to AIDS, particularly—

(A) rules, regulations, and ethical considerations relating to infectious diseases designed to protect the health of all individuals at risk of contagion, including those relating to immigration, liability, and discrimination; and

(B) problems encountered by individuals having AIDS in obtaining and retaining employment, housing, and insurance and participating in educational systems, and including possible violations of rights of privacy and confidentiality.

(7) Evaluate the adequacy of and make recommendations regarding international coordination and cooperation with respect to data collection, treatment modalities, and research.

Sec. 4. It is the sense of the Senate that the Presidential Commission referred to in the first section should be established within 90 days of the date of adoption of this resolution and should issue a preliminary report regarding its operations within 9 months after the date of establishment. A subsequent report should be issued one year after the date on which the initial report is issued and further reports should be issued as determined by the Presidential Commission.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, in the absence of the distinguished majority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Burdick). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 o'clock p.m. today to insert statements in the Record as though read; and also that they may have until 5 o'clock today to introduce business and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

T. SCOTT BUNTON

Mr. BYRD. Mr. President, one of the rewards of being a U.S. Senator is the opportunity to work with the dedicated and talented men and women who serve the Senate as professional staff. This is especially true for those who rise to occupy a senior staff office. Thus, it is with distinct sadness that I note the departure of a valued and trusted member of my staff, Scott Bunton.

Scott has served me, the Democratic leadership, and the other members of the Democratic Conference since 1981 as a member of the Democratic Policy

Committee staff. In 1985, he became staff director of that committee.

Scott has brought a depth of energy, wisdom, and understanding to his work that will be missed by those who served under him on the Policy Committee as well as his colleagues on other committees and by Members in this Chamber. Anyone who has worked with him is well aware of his dedication, his perseverance, his intellect, and his unfailing good nature. Any one of these is a desirable quality in a staff member—Scott has them all.

I have greatly appreciated his wise counsel and professional advice as well as his skill in inspiring and managing a talented staff. I know he leaves with the good wishes of all whom he served and with whom he served.

I join in wishing him the best of luck in his future endeavors, but he will need little of that. Having worked closely with him for so long, I know that his talents will lead him to success in whatever undertaking he chooses. I hope that the future holds much happiness for him and his family.

I know that I speak for many Senators and staff in thanking him for the excellent job he has done and for contributing to the achievements of the Senate during his time here.

Mr. President, I yield the floor.

CONTINUATION OF SDI

Mr. SIMPSON. Mr. President, there has been a great deal of debate recently regarding interpretation of the ABM Treaty and the necessity of continuing with the strategic defense initiative. Congress must realize that a strategic defense research program is in the best interest of our country.

An SDI research program and perhaps early deployment can be used both as a hedge against the Soviet's own SDI Program and to reveal the long-term options that are before us.

An SDI research program has surely increased the prospects of sucess in arms control negotiations. If the Soviets are concerned about SDI they should agree to deep reductions in ballistic missiles. I believe an agreement is possible—and can be negotiated to reassure the Soviets that we are not intending to break out on the defensive side of strategic arms and that would reassure Americans that the Soviets will significantly reduce their land based ballistic missiles.

The strategic defense initiative need not be traded away during arms control negotiations. As one astute observer put it, SDI is not a bargaining chip but a lever.

It is possible to have a significant SDI research program with either interpretation of the ABM Treaty. Thus, Congress should carefully consider the ramifications of cutting funding for SDI research.

We must continue with SDI efforts in order to investigate both the nuclear and nonnuclear defenses of our retaliatory forces. It is in our interest to do this as a hedge against Soviet breakthroughs in SDI technology and to ensure that the strategic balance is in rough parity.

In developing new SDI systems we should avoid funding major test or mockups so that we avoid testing that gives inaccurate results and locks decisionmaking into place. That would be a mistake.

If the Soviets show flexibility in testing outside the laboratory and if the United States softens its demand a bit for unlimited testing in space, we can make certain progress toward a reasonable and verifiable arms control agreement. But in no case should we abandon SDI research.

We also have a commitment to our allies. We must keep in mind that our allies rely on our strategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked—their safety and ours are one.

SDI is a cooperative venture and can help strengthen the bonds between ourselves and our allies and friends.

There has been much discussion relating to the ABM Treaty interpretation and its effect on SDI deployment. If we look at the actual text of the treaty, we find that there are indeed gray areas relating to new technologies.

In fact, there was a side agreement to the treaty—agreement—statement D—referring to ABM systems using new technologies. Agreement—statement D says nothing whatever that would restrict the development or testing of new SDI technologies.

If we take the actual reading of the text and consider that the Nixon administration tried unsuccessfully to obtain development and testing restrictions on exotic technologies, but failed to get Soviet agreement—then we can begin to understand that there is enough latitude in the treaty to allow for research, testing, and perhaps early deployment.

The Soviets are well aware of the ambiguity in the treaty and they have made large investments since 1972 in advanced research on high power lasers, particle beams, and beam weapon power supplies. The Soviets have not violated the treaty in this regard but they have directly violated the treaty by constructing the phased-array Krasnoyarsk radar and by continued investment in tactical missile defenses that could be rapidly converted to ABM use.

It is easily understood why the Soviets would now oppose SDI—because they fear losing the research lead that they have gained in exotic weaponry.

It is easy to understand opposition to SDI by the Soviets. It is less easy to understand domestic opposition to SDI. We are currently living under the doctrine of mutually assured destruction, MAD, which I think we would all agree is a situation which is just that. It has awesome implications. We should not be fearful or reticent to break out of a system where we must rely on the doctrine of mutually assured destruction in order to prevent a Soviet first strike. Surely, SDI represents an opportunity to preclude worldwide nuclear annihilation while enhancing American and allied security.

U.S. AGRICULTURAL COMMODITIES

Mr. MELCHER. Mr. President, the United States can feed the world. No one knows how much food U.S. agricultural producers are capable of growing. Unlike most of the world, American farmers and ranchers continually have to cut back production because of continuous overproduction.

Because of the oversupply of agricultural commodities, one of our priority responsibilities in the Senate Agriculture Committee will be consideration of a further reduction of planting next year for wheat, corn, and other feed grains.

The various commodity programs covered by the Farm Act have resulted in substantial crop and dairy production with considerable surpluses. We have more than a normal crop of wheat still available in Federal storage or stored on farms or in elevators. This year's wheat harvest, which starts in Texas in 6 or 7 weeks, will also have to be stored. In the Corn Belt, the surplus corn has to be held yet in temporary storage in small farm communities on vacant lots, corners, and, in the case of Sibley, IA, on part of an A&P supermarket parking lot.

This overabundance of food is treated as if no one wants it or needs it. But that is not true. The Commodity Distribution Program, through community action centers across the country, was short on flour, cornmeal and dry powdered milk last year. The Department of Agriculture at the start of this year took steps to increase the amounts available to the States which, in turn, distributed the food commodities through the community action programs. The Department of Agriculture has been attempting to clarify that these commodities are also available to charitable, nonprofit organizations that help in food assistance to the poor. It is about time that we do just that.

In the homeless bill just adopted in the Senate yesterday, Congress increased the amount of surplus commodities available to any State where more food is needed. And most of the States need more commodities for the needy because there are an increasing number of people whose incomes have decreased and who are hungry.

For developing countries abroad afflicted with poor economic conditions, they also need more food.

So why does the food just sit here in the United States in storage? That storage, which is paid out of the Federal Treasury, approaches almost $1 billion annually. That is real money, and part of the massive $26 billion that we spent last year on the Farm Programs. The irony of it all is the farmers are worse off. Why is that? It is called "supply and demand," and there is too much supply—these huge surpluses—and the demand looks for lower and lower prices.

We have plenty of export programs, both in export assistance and in food for peace donations to friendly countries.

A case-by-case investigation of developing countries has demonstrated that if the food is cheap enough or is donated, they certainly need it to feed their hungry poor. The Senate acted on that yesterday when it adopted S. 659, which requires that missions be sent to developing countries to determine their food needs. These missions would be made up of representatives from the Departments of Agriculture and State along with U.S. commodity groups and private voluntary organizations and cooperatives to consult with their counterparts in 30 or more friendly foreign countries. They are to determine what the food needs are and which programs will best serve their interests. The food commodities will then be sold at reduced prices or a combination of easier credit, lower prices and some of the food donated.

There are needs for the United States to feed the world; we just have to find out how to do it—that is, getting our abundance to where the people need it.

In addition, the bill broadens the authority of the private voluntary organizations and cooperatives that work in these developing countries around the world so they can broaden their activities. We cannot afford to increase the amount of foreign aid dollars, and the food supplies that we have in so much abundance can better be used to assist foreign friendly countries. In other words, the food can replace the dollar. We will be better off. It will not come out of our Treasury; it will come out of our storage. It costs money out of our Treasury. They will be better off because they need the food.

The passage of S. 659 will have four positive results for the United States.

First, food will provide nourishment for those who need it;

Second, the U.S. surplus commodities will be trimmed back, increasing U.S. exports to help the U.S. trade deficit;

Third, as the surplus is decreased, farm commodity prices will improve, and they will improve around the world because we have so much of the commodities, so much of the capability of producing them, and so much of it stored right here; and

Fourth, new markets will be developed abroad in these developing countries, which will also assist in their economic recovery.

American agricultural production is a positive force for doing good in the world. We do not know how much good, it can do but S. 659 sets us on the course to expand our exploration for assisting and doing business with developing countries and, in turn, developing markets for the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MELCHER). Without objection it is so ordered.

STEWART A. HARDY, SR.

Mr. MATSUNAGA. Mr. President, I rise to join the majority leader, Mr. BYRD, in expressing condolences to Mr. Charles Hardy, whose father, Mr. Stewart A. Hardy, Sr., recently passed away.

I have known Charles Hardy from the time I was first elected to the Senate and I have developed a friendship with him as all Members of the Senate have. He is such a friendly soul and always willing to do something for Senators to make them much more comfortable. As you know, Mr. President, he is a custodian of this body.

His father, as was pointed out in the eulogy extended by our distinguished majorty leader, was the fifth of six children, the son of the late John and Anna Bias Hardy, and one who received his formal education in the public schools of the District of Columbia.

He remained in Washington, DC area during his entire adult life. In 1932 he was married to the late Rose Harris of Centerville, VA, and from that union our good friend Charles was born in addition to a brother named Stewart, Jr.

Mr. Hardy, Sr., the father of Charles, worked over 39 years for the U.S. District Court, and he was a loyal and faithful member of the Metropolitan Wesley AME Zion Church and was always willing to do whatever was necessary for his church.

Mr. President, I express my deepest condolences to my good friend Charles upon the loss of his father and pray that he will be able to retain enough strength to undertake the duties that he must undertake as the surviving son to care for his surviving members of the family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I am about to propound a request that the Senate proceed to the consideration of Calendar Orders Nos. 86 and 88 if the two items have been cleared on the other side of the aisle. May I ask the able assistant Republican leader if those two are cleared?

Mr. SIMPSON. Mr. President, I inform the majority leader that indeed those have been approved on our side of the aisle and thank him for his courtesy.

Mr. BYRD. I thank my friend.

PROTECTIONS UNDER TITLE XI, UNITED STATES CODE, THE BANKRUPTCY CODE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 86, S. 903.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 903) to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment.

Mr. METZENBAUM. Mr. President, S. 903, which was reported by the Judiciary Committee on Wednesday, is an emergency measure. It extends for 4 months a stop gap measure passed last year to protect retiree health benefits when companies file for bankruptcy. This extension will permit Congress to act on a more permanent solution to this problem.

This measure was worked out with the cooperation of the ranking member of the committee, Senator THURMOND. His efforts last year and this year have made these protections possible, and I appreciate his cooperation on this matter.

I urge its adoption.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 903) was passed, as follows:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 608(a) of Public Law 99-591 (100 Stat. 3341-74), and section 2(a) of Public Law 99-656 (100 Stat. 3668) are amended by striking out "May 15, 1987" each place it appears and inserting in lieu thereof "November *September 15, 1987*".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE UNITED STATES COAST GUARD FOR ITS RECENT RESCUE OF 37 SOVIET CREW MEMBERS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 88, Senate Resolution 189.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) to commend the United States Coast Guard for its recent heroic action in the rescue of 37 Soviet crew members.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Are there any amendments? If there are no amendments, the question is on agreeing to the resolution.

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 189

Whereas on March 14 of this year at 8:30 ante meridiem the Coast Guard station at Cape May, New Jersey, received a distress signal from the Soviet freighter Komsomolets;

Whereas the engines of the 482-foot Soviet ship had ceased and the vessel was 210 miles off of the eastern coast, barely withstanding 20-foot waves, 50-mile-an-hour winds, and listing at 40 degrees;

Whereas the distress signals were relayed to the Otis Air National Guard Base on Cape Cod in Massachusetts and three H-3F helicopters were immediately dispatched.

Whereas helicopter pilot Lieutenant Keith Comber reached the stricken vessel at 9:40 ante meridiem, lowered a basket, and began to rescue 15 of the 37 Soviet crew members, including three women and an infant;

Whereas the second and third helicopters piloted by Lieutenant Commander Garry Poll and Captain Richard Hardy arrived at the listing freighter soon after, and with the help of Coast Guard survival specialists, transferred the remaining crew from the toppling deck of the ship to their two moving helicopters;

Whereas under extreme time pressure due to limited fuel capacity and adverse weather conditions, the Guardsmen were successful in ensuring that all of the 37 Soviet crew members were delivered safely to the Atlantic City International Airport, and later the Soviet compound in Washington, District of Columbia; and

Whereas it has been the tradition of the United States Coast Guard to respond to those in distress no matter what their nationality, and often at risk to the guardsmen and women themselves; Now, therefore, be it

Resolved, That the United States Coast Guard is commended for its courage and skill in responding to a dangerous and serious threat to the lives of 37 Russian crew members and in doing so not only demonstrated the high level of skill and professionalism of the United States Coast Guard but its heroic action also clearly reflects a deep American tradition, to assist one's neighbor in times of distress.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUPPORT PARENTAL AND MEDICAL LEAVE

Mr. KENNEDY. Mr. President, it is a privilege to support the Parental and Medical Leave Act of 1987 (S. 249) which has been introduced by my colleagues Senator Dodd and Senator Specter. I am pleased to add my name as a sponsor of this important legislation.

I commend Senator Dodd, chairman of the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources for his consistent and tireless leadership on measures to improve the well-being of America's families and children. I also commend Congressman Bill Clay and Congresswoman Pat Schroeder for their leadership in offering similar legislation, H.R. 925, in the House of Representatives. Because of their insight and commitment, Congress is directing long overdue attention to the pressing needs of working parents and their children.

S. 249 will improve the economic well-being of working families by providing that a parent may take unpaid leave from work, without fear of losing a job, upon the birth, adoption, or serious illness of a child. Temporary unpaid medical leave will be granted when a serious health condition prevents a parent from working. Since these leaves are unpaid, the legislation will bring significant assistance to families and children at no cost to the Federal Government and little burden to business—in spite of the scare tactics and scare numbers being unfairly and inaccurately peddled against it.

The Parental and Medical Leave Act is an important and overdue response to the vast demographic changes that have transformed our society over the past two decades. Currently, almost half of all mothers who work outside the home have children under the age of 1. Twenty-four million children under 13 have mothers who work outside the home. These numbers have soared in recent years, because of the large proportion of women entering the work force—by choice or by economic necessity. Two thirds of all working women are the sole providers for their families, or have husbands whose annual income is less than $15,000.

Under the Parental and Medical Leave Act, parents will be helped to fulfill their obligations both as breadwinners and as caregivers, without jeopardizing their jobs. Under the act, a parent would be entitled to receive 4 months of leave in order to care for a new child or a child with a serious illness, and 6 months of temporary medical leave would be available to mothers or fathers who are ill. This bill is an excellent and timely idea and I urge my colleagues to support it.

WAR AGAINST DRUGS

Mr. SPECTER. Mr. President, I rise to express serious concern regarding the status of the Federal initiative to assist States and localities in the war against drugs.

Last October, Congress passed and the President signed into law the Anti-Drug Abuse Act of 1986 (Public Law 99-570). This bill provided an additional $1.7 billion to fight the war on drugs nationwide, including an authorization of $671 million for State and local grants for drug treatment, education, and law enforcement.

The State and local grant programs are administered by the Departments of Justice, Education, and Health and Human Services, and the funds will go to State agencies for education, health, and law enforcement. These additional funds will be extremely useful to the States, as well as counties and localities throughout the States, in addressing the growing drug problem.

Mr. President, my concern is based on the pace of which the Anti-Drug Abuse Act's funds are getting to the States. Congress soon will be considering the fiscal year 1988 Federal budget, and it would be helpful—indeed essential—for Members of Congress to receive information on the effectiveness of the new drug funds for programs nationwide. This information is indispensable if Congress is to monitor effectively this sweeping national initiative.

Mr. President, $225 million was appropriated to the U.S. Department of Justice for State and local law enforcement programs. However, only $10.8 million of this total has been allocated to States as of March 23. Even where State applications were for administrative costs alone, only 32 requests so far have been approved. No State yet has filed its required drug strategy plan to be eligible for its full program award.

The situation is similar regarding the Anti-Drug Abuse Act's funding of $200 million for drug education programs. The bill provides $33 million for national program grants. After rulemaking, regulation promulgation, and application distribution and approval, the actual awards are not expected to be made by the Education Department until the fall.

The status of education funding for States and localities is even more disturbing. The drug bill allocates $159 million for State and local grants; yet only $19 million has been disbursed. Applications were distributed by the Education Department to States in January. Unfortunately, many States have not filed applications for this vital Federal funding—funding which is available shortly after an application is filed.

The Anti-Drug Abuse Act also provides substantial funds for drug abuse prevention and treatment. The drug bill provided $262 million to the Alcohol, Drug Abuse, and Mental Health Administration for emergency drug abuse treatment and rehabilitation: $13.86 million is available to States under the Alcohol, Drug Abuse, and Mental Health Service [ADMS] block grant; and $162.86 million is allotted to States for substance abuse treatment.

The ADMS funds have been included in the States' existing block grants. Of the substance abuse funds, 45 percent ($73 million) is awarded to States based on population and 55 percent ($89 million) is based on need. Most of the funding under the 45 percent formula already has been awarded to 57 States and territories. Applications for funding under the 55 percent formula were not provided to the States until March 4, 1987; consequently no funds have been allocated.

My own State of Pennsylvania is scheduled to receive funds of approximately $8 million for prevention and treatment, $7.2 million for education, and $7.8 million to assist localities with narcotics control—apprehension, prosecution, adjudication, detention, and rehabilitation of drug offenders. Having met with State and local officials, county commissioners, educators, and drug treatment providers throughout Pennsylvania, I personally can attest to the pressing need for additional assistance. I have visited education programs in Pittsburgh, and I found a tremendous need for funds to deal with the drug program but very few funds having actually been distributed.

It is apparent that many local officials do not have the necessary information regarding the availability of this new Federal assistance. Based on my discussions with individuals who would benefit most from this funding, I wrote to county commissioners, school superintendents, and drug treatment specialists throughout Pennsylvania notifying them of this major program. It is clear to me that more needs to be done at the national level to inform local officials of the Anti-Drug Abuse Act's assistance provisions.

As a former district attorney and a current member of the Senate Judiciary Committee, I long have been fighting the scourge of drugs on our society. I have toured State prisons and local jails throughout Pennsylvania, including the Philadelphia prison system, the Cambria County jail, and the Allegheney County jail. Mr. President, drug treatment facilities in local jails are seriously understaffed, underequipped, and underfunded.

In the Philadelphia prison system, up to 80 percent of the new inmates have drug-related problems; only 10 percent of the inmates, however, can be diagnosed and treated in the system's limited facilities. In an average week, 500 inmates with drug problems are admitted into the system, yet only 50 can be diagnosed and treated during that period.

During my tour of the Philadelphia jails on March 30, I spoke to clinicians, doctors, and counselors. In a counseling orientation session which I attended, it was apparent that the number of inmates far exceeded the number who could have effective interaction with the one counselor. These dedicated professionals were unanimous in their view that additional staff is desperately needed to address the staggering caseload.

The prison overcrowding crisis nationwide is directly related to the explosion of drug-related convictions and sentences. If adequate drug assessment and treatment facilities were available in local jails, many pretrial detainees with diagnosed drug problems could be released when they were able to post bond. This would help relieve the immediate overcrowding situation, while allowing the drug abuser the opportunity to seek help in community treatment facilities.

Mr. President, Congress has provided extensive Federal funding to States and localities to help combat the drug problem. This money is available to fight drug abuse in various facets of society—education, treatment, rehabilitation, and law enforcement. It is imperative that this funding be applied expeditiously by the Federal, State, and local governments for purposes for which Congress appropriated it: Effective drug prevention programs.

I urge the appropriate government officials to make prompt and effective distribution of the Anti-Drug Abuse Act's funds a top priority.

Mr. President, there is an urgent need at this moment for expeditious administration of the $1.7 billion in funding. There has to be faster action taken at all levels if these funds are to be applied for the very important purposes for which they were allocated and enacted. There was much ballyhoo last October when this legislation was passed, but at the present time we have a very important job in implementing this legislation.

HOME CARE PROTECTION ACT

Mr. MELCHER. Mr. President, I am pleased to join Senator HEINZ and several other distinguished colleagues in cosponsoring S. 961 the "Home Care Protection Act of 1987." This legislation is an important step in assuring that elderly have access to the Medicare-covered home care that they urgently need.

There has been a lot of discussion lately about catastrophic health care coverage. In my mind, you cannot talk about catastrophic health care coverage without talking about home health care. The thing that older Americans fear most is that the cost of home health care or nursing home care will totally wipe out their savings. Frail and vulnerable Americans of every age want to be cared for at home, in a familiar environment, surrounded by family and friends. Here in Congress, we have a responsibility to do all we can to make sure that no one has to go broke just so they can stay in their homes.

I believe this legislation is a step in the right direction, a step toward strengthening and improving the Medicare home health benefit. That benefit, as it stands today, is designed to provide Medicare beneficiaries with short-term, rehabilitative nursing care in the home. And unfortunately, even that limited coverage is being subjected to cuts by the Reagan administration and the Health Care Financing Administration [HCFA].

There are certain requirements that beneficiaries must meet in order to qualify for home health care coverage, and one of them is that they must need "intermittent" care, as opposed to daily, round-the-clock care. Daily visits are permitted for a maximum of 3 weeks, and longer under exceptional circumstances. However, HCFA's deliberately vague definition of "intermittent" is being interpreted differently across the country, leading to unfair denials of coverage for home health care.

We have a situation where Medicare beneficiaries, as a result of the Prospective Payment System [PPS], are coming out of hospital sooner, and in need of greater levels of post-hospital care. As a result of PPS, the Federal Government is saving millions of dollars in Medicare hospital expenses. However, instead of using some of these savings to expand the home health benefit to meet growing demands, the Reagan administration is doing just the opposite.

This bill amends Medicare to allow Medicare coverage for home health services provided on a daily basis—that is, 7 days per week—with more than one visit per day if necessary, for up to 60 days, and longer under exceptional circumstances. I believe this is the least we can do for our elderly, and I urge my colleagues to join us in cosponsoring this legislation.

VETERANS' SERVICE ORGANIZATIONS

Mr. MURKOWSKI. Mr. President, I rise to pay tribute to the thousands of service officers who on behalf of veterans' service organizations, such as the American Legion, VFW, DAV, AMVETS, and PVA, provide free expert assistance to veterans seeking help with their Veterans' Administration claims. These service officers serve all veterans who seek their help, irrespective of the nature or size of the claim. I speak today because of recent assertions that VA claims processing is unfair and the representation provided by veterans' service officers is unskilled and ineffective. These assertions have been made in support of a lawsuit challenging the constitutionality of the $10 limitation on fees attorneys can charge veterans.

Now, I do not dispute the fact that the $10 fee limitation was established over a century ago.

And, certainly, no one can deny that it discourages attorneys from representing veterans.

But, what concerns me is the growing lack of objectivity in many of the arguments I hear, the editorials I read, and the insinuations that those who oppose repeal of the $10 fee limitation are somehow antiveteran.

Mr. President, that is absurd.

I supported repeal during the 99th Congress; but I believe that recent reports have shed new light on this issue. They should be studied and not ignored or summarily dismissed, Mr. President, just because they are not consistent with our position.

We in the Congress should be asking a basic question: Does the fee limitation help or hurt veterans? That is the bottom line.

Mr. President, one answer to the question may be found in a recent audit report by the inspector general of the Department of Health and Human Services.

The inspector general reports that attorneys representing Social Security claimants overcharged their clients by over $23 million, out of total attorney fees of $100 million. Almost one-fourth of the dollars paid to attorneys by their clients in nonadversarial Social Security administrative proceedings were excessive. In one extreme case, a Social Security recipient paid his lawyer what equated to $750 an hour for his services.

We have heard claims that veterans are oppressed because they do not have attorneys and that Social Security recipients have more rights than our Nation's veterans. I wonder!

We have a case study for comparison.

Mr. President, a report by the department of veterans' affairs for the State of Oregon regarding a pilot program to overcome the $10 fee limitation indicates that the attorneys charged over $11,000, within this case, no tangible results for veterans due to the attorney assistance. One attorney reported that in the cases assigned to him, many of which were agent orange and radiation cases, the work by veterans' service officers had been:

> Thorough and has left no stone unturned. I had no option but to go back over the same ground. All cases that I have been assigned have been fully developed. Service officers deserve credit for exhaustive and thorough work, and I should add that not one veteran expressed any dissatisfaction whatsoever for work done on their claims.

It sounds rather persuasive that at least in one State, veterans' service officers are doing an outstanding job—free of charge. Mr. President, I submit that veterans' service officers are doing just as fine a job in the other 49 States. I have never seen a more dedicated group of individuals.

Mr. President, I have also heard from time to time proponents of repeal cite the high error rates in VA claims adjudication. According to a report by the VA inspector general, they are right; but, what the proponents do not tell us is that the inspector general found that in 93.4 percent of the cases, the errors are in favor of the veterans and not the Government. $171 million out of $183 million is in overpayments to veterans, not underpayments.

In Jack Anderson's Washington Post column, published on March 25, 1987, we read that a second American revolution is brewing, a revolution to free the American public from the "tyranny of lawyers," a tyranny imposed by the litigation explosion which has burdened the American people with billions of dollars in higher costs, higher prices, and lower productivity. I find it ironic that we now face renewed pressure to impose lawyers on veterans at a time when we are becoming more aware of the enormous cost imposed on the rest of the economy as the consequence of this explosion of litigation.

Such a step may just not serve veterans very well and could very possibly upset the delicate balance of duty to country and of our country's duty to those who served, as evidenced by those dedicated workers in the VA system who are processing veterans claims.

SUPPORT THE NEW GI BILL

Mr. KENNEDY. Mr. President, it is an honor to join Senator CRANSTON and other colleagues as a sponsor of S. 12, which is now on the Senate Calendar and which would make the new GI bill a permanent program. Since 1985, the new GI bill has been in force for a 3-year test period. The results of that test have shown the program to be a resounding success, and it deserves to be made permanent.

Similar legislation introduced by Chairman SONNY MONTGOMERY of the House Veterans Committee passed the House of Representatives last month by the overwhelming vote of 401 to 2, and Congressman MONTGOMERY deserves great credit for his effective leadership on this issue.

As a member of the Senate Armed Services Committee, I have long been a strong supporter of more effective programs to ensure that our military personnel are adequately compensated for their service to the country. The education benefits offered under the new GI bill are an essential part of that compensation package. These benefits are particularly effective in ensuring that the military services will continue to be able to attract the highest quality recruits.

Equally important, the new GI bill will benefit the Nation as a whole in the essential effort to upgrade the quality of education and restore our competitive position in the world. Every dollar that we spend on the new GI bill will be turned many fold by the increased tax revenues paid by the program's productive beneficiaries.

If we are to succeed in the increasingly competitive world marketplace, we must do more, much more, to improve the level of education and training of our workers. The new GI bill contributes significantly toward the goal. I am proud to support this legislation, and I urge the Senate to adopt it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1123) to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

The messages also announced that pursuant to the provisions of section 276a-1 of title 22 of the United States Code, the Speaker appoints as members of the delegation to attend the conference of the Interparliamentary Union, to be held in Managua, Nicaragua, on April 27 through May 2, 1987, the following Members on the part of the House: Mrs. Boggs, chairman, Mr. Scheuer, vice chairman, Mr. Bates, Mr. Fuster, and Mr. Sunia.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendments:

S. 643. A bill to amend section 402 of the Surface Mining Control and Reclamation Act of 1977 to permit states to set aside in a special trust fund up to 10 percent of the annual state allocation from the Abandoned Mine Land Reclamation fund for expenditure in the future for purposes of abandoned mine reclamation (Rept. No. 100-37).

H.R. 14. A bill to designate certain river segments in New Jersey as study rivers for potential inclusion in the National Wild and Scenic River System (Rept. No. 100-38).

H.R. 240. A bill to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail (Rept. No. 100-39).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 1008. A bill to provide for State regulation of the transportation of high level radioactive waste; to the Committee on Environment and Public Works.

By Mr. MATSUNAGA (for himself, Mr. Inouye, Mr. Stevens, Mr. Murkowski, Mr. Byrd, Mr. Dole, Mr. Cranston, Mr. Simpson, Mr. Adams, Mr. Armstrong, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bond, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Burdick, Mr. Chiles, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. D'Amato, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Durenberger, Mr. Evans, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Johnston, Mr. Karnes, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Simon, Mr. Specter, Mr. Stafford, Mr. Symms, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth):

S. 1009. A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself and Mr. Harkin):

S. 1010. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to medicare beneficiaries on a prepaid, capitated basis; to the Committee on Finance.

By Mr. EXON:

S. 1011. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that when one committee reports the other has 30 days of continuous session in which to report or be discharged.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 1012. A bill to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission; to the Committee on Energy and Natural Resources.

By Mr. BOREN:

S. 1013. A bill to amend the Farm Credit Act of 1971, as amended, to extend authority for financing cooperative exports and imports; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG:

S. 1014. A bill to increase civil monetary penalties based on the effect of inflation; to the Committee on Governmental Affairs.

S. 1015. A bill to increase criminal monetary penalities based on the effect of inflation; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Simon, Mr. Harkin, and Ms. Mikulski):

S. 1016. A bill to provide financial assistance for the establishment and operation of literacy corps programs; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 1017. A bill to amend title 11 of the United States Code to make nondischargeable any debt arising from a judgment or consent decree requiring an individual debtor to make restitution as a result of a violation of State law; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. Weicker, and Mr. Harkin):

S. 1018. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer' income, estate, or gift tax payments spent for non-military purposes; to create the United States Peace Tax Fund to receive such tax payments; to establish a United States Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. Levin):

S. 1019. A bill to amend the Internal Revenue Code of 1986 to clarify the tax exempt treatment of self-insured workers' compensation funds; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Hatfield):

S. 1020. A bill to create the office of Librarian of Congress Emeritus; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 1021. A bill entitled the "Logan Relief Act"; to the Committee on Banking, Housing, and Urban Affairs.

S. 1022. A bill to transfer funds out of certain foreign assistance accounts for prison construction purposes; to the Committee on Foreign Relations.

S. 1023. A bill to authorize the expenditure of funds not needed for purposes of the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund for purposes of emergency prison construction; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 1024. A bill to suspend temporarily the duty on diphenyl quanidine and diorthotolyl quanidine; to the Committee on Finance.

S. 1025. A bill to suspend temporarily the duty on N-ethyl ortho/para toluenesulfonamide; to the Committee on Finance.

By Mr. BURDICK:

S. 1026. A bill to amend title 49, United States Code, relating to the construction, acquisition, or operation of rail carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUMPHREY (for himself, Mr. Proxmire, Mr. Dole, Mr. Byrd, Mr. Helms, Mr. Thurmond, Mr. Nickles, Mr. Kerry, Mr. Wallop, Mr. Hollings, Mr. Symms, Mr. Kennedy, Mr. Hatch, Mr. Quayle, Mr. Shelby, Mr. Hecht, Mr. Wilson, Mr. Trible, Mr. D'Amato, Mr. Armstrong, Mr. Grassley, Mr. McClure, and Mr. Stevens):

S. 1027. A bill to prohibit trade between the Soviet puppet regime in Afghanistan and the United States; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1028. A bill to suspend for 3 years the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Finance.

S. 1029. A bill to suspend for 3 years the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7-sulfonic acid; to the Committee on Finance.

S. 1030. A bill to suspend for a three-year period the duty on B-naphthol; to the Committee on Finance.

S. 1031. A bill to suspend for a three-year period the duty on sethoxydim; to the Committee on Finance.

S. 1032. A bill to suspend for a three-year period the duty on 3-ethylamino-p-cresol; to the Committee on Finance.

S. 1033. A bill to suspend for a three-year period the duty on rosachloride lumps; to the Committee on Finance.

S. 1034. A bill to suspend for a three-year period the duty on C-amines; to the Committee on Finance.

S. 1035. A bill to suspend for a three-year period the duty on diamino imid sp; to the Committee on Finance.

By Mr. LEVIN:

S. 1036. A bill to designate certain public lands in the State of Michigan as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself and Mr. Specter):

S. 1037. A bill to establish a procedure by which the United States can combat the unfair trading practices of trading partners with whom the United States has excessive trade deficits; to the Committee on Finance.

By Mr. McCLURE (by request):

S. 1038. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MELCHER (for himself, Mr. Simpson, and Mr. Baucus):

S. 1039. A bill to review and determine the impact of Indian tribal taxation on Indian reservations and residents; to the Select Committee on Indian Affairs.

S. 1040. A bill to amend title 49, United States Code, relating to sale, acquisition, or abandonment of railroad lines; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself, Mr. Dixon, Mr. Grassley, Mr. Riegle, Mr. Simon, Mr. D'Amato, Mr. Dodd, Mr. Hecht, Mr. Wallop, Mr. Bradley, Mr. Moynihan, and Mr. Humphrey):

S.J. Res. 115. Joint resolution making an urgent supplemental appropriation for emergency assistance to the Polish independent trade union organization NSZZ "Solidarnosc" for the fiscal year ending September 30, 1987, and for other purposes; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or abted upon), as indicated:

By Mr. DOLE (for himself, Mr. Byrd, Mr. Cranston, Mr. Wilson, Mr. Simpson, Mr. Stevens, Mr. Armstrong, Mr. Bentsen, Mr. Biden, Mr. Bond, Mr. Bradley, Mr. Chafee, Mr. Cochran, Mr. Cohen, Mr. D'Amato, Mr. Danforth, Mr. DeConcini, Mr. Domenici, Mr. Durenberger, Mr. Hatch, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Kasten, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. McCain, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Reid, Mr. Riegle, Mr. Roth, Mr. Rudman, Mr. Specter, Mr. Thurmond, Mr. Trible, Mr. Wallop, Mr. Wirth, and Mr. Dodd):

S. Res. 190. Resolution to express the sense of the Senate regarding the acquired immune deficiency syndrome (AIDS); considered and agreed to.

By Mr. SYMMS:

S. Res. 191. Resolution expressing the sense of the Senate with respect to the removal of the Soviet Union from its new facility in Washington, DC; to the Committee on Foreign Relations.

By Mr. LUGAR:

S. Con. Res. 47. Concurrent resolution expressing the sense of Congress concerning the persecution of Christians in Eastern Europe and in the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1008. A bill to provide for State regulation of the transportation of high-level radioactive waste; to the Committee on Environment and Public Works.

STATE REGULATION OF TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE WASTE

Mr. PROXMIRE. Mr. President, today, I am reintroducing a bill which establishes a new licensing program within the Nuclear Regulatory Commission for transportation of high-level nuclear waste and spent fuel. The bill also sets out the permissible State role for regulation of nuclear waste transportation.

This bill does not impede interstate shipment of nuclear waste and spent fuel, whether to interim or permanent storage sites. Neither will it set up a burdensome process which would add greatly to the cost of the nuclear fuel cycle. Instead, it provides a modest first step toward assuring the public of the safety of nuclear transportation.

By passing the Nuclear Waste Policy Act of 1982, Congress mandated a huge increase in the volume of waste transported in the United States. But even without this law, large amounts of waste already move by truck and train.

For example, multiple shipments of spent fuel traveled by rail through Wisconsin in the last 2 years en route from Minneapolis to interim storage sites in Illinois. Despite the wish of the State of Wisconsin to impose reasonable requirements on these shipments, a Federal court held that the State was preempted from regulating by the Atomic Energy Act. According to the court, even in the absence of Federal rail safety regulations governing nuclear cargo, there was no permissible role for the State under existing law.

This restriction makes no sense. States, not the Federal Government, bear the cleanup responsibility when accidents happen. And States traditionally use their police powers to protect local health and safety by regulating transportation.

Even though the Department of Transportation may be loosening its stranglehold over nuclear transportation by allowing some limited State power over accident planning and bonding, even these limited powers have been challenged in court by the utility industry. Obviously, legislation is needed which sets forth the rights that belong to the States.

Mr. President, my bill requires that any person, company, or governmental body shipping high-level nuclear waste or spent nuclear fuel get a license from the Nuclear Regulatory Commission. The license application must include information on: emergency response and mitigation; hazard/risk assessment; environmental impact; alternative routes; notice to affected States; need for shipments, and; proof of financial responsibility in the event of an accident.

Before the Nuclear Regulatory Commission can issue a license it must compare the relative risks of alternative routes and modes of transportation and evaluate the various factors which affect the safety of the shipments.

The bill has one other important feature: it sets out the rights of the States. Under its provisions States and Indian tribes can implement requirements for: accident reporting; inspection; advance notice; user fees; cleanup procedures, and other health and safety requirements.

Mr. President, this legislation is an essential part of any nuclear waste disposal program and I urge my colleagues to include it in the reauthorization of the Price-Anderson law this year.

By Mr. MATSUNAGA (for himself, Mr. Inouye, Mr. Stevens, Mr. Murkowski, Mr. Byrd, Mr. Dole, Mr. Cranston, Mr. Simpson, Mr. Adams, Mr. Armstrong, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bond, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Burdick, Mr. Chiles, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. D'Amato, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Durenberger, Mr. Evans, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Johnston, Mr. Karnes, Mr. Kasten, Mr. Kennedy, Mr.

Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Simon, Mr. Specter, Mr. Stafford, Mr. Symms, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth):

S. 1009. A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians; to the Committee on Governmental Affairs.

IMPLEMENTATION OF THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. MATSUNAGA. Mr. President, the greatness of any nation can be accurately measured by the laws under which its people are governed. This year we celebrate the bicentennial of that greatest of documents ever written by mortals which we have adopted as the supreme law of our land. In so doing, I am extremely pleased, if not exhilarated, to announce that on this day 71 Members of the august body have joined together in introducing legislation to remove that one ugly blot which has marred our National Constitution over the past 45 years.

That piece of legislation, S. 1009, is designed to implement the recommendations of a nine-member Commission authorized by Congress and appointed by the President, which submitted its moving report, entitled "Personal Justice Denied," in 1983.

The Commission recommended, and our bill would provide, a long-overdue remedy for what has been called America's worst wartime mistake and one of the worst single violations of individual civil liberties in our Nation's history.

Those of us in this Chamber who are over 50 years of age no doubt recall exactly where we were and what we were doing on December 7, 1941, the day that Japan attacked the American naval base at Pearl Harbor. I myself was in active military service on the Island of Molokai as an Army officer. I was on the Island of Molokai in temporary command of an infantry company defending that island against the invaders. In fact, I was one of more than 1,500 men of Japanese ancestry who had volunteered for and were in active military service in Uncle Sam's uniform 6 months or more prior to the attack on Pearl Harbor, and who stood in defense of Hawaii against the enemy.

We remember vividly the atmosphere which prevailed in this country immediately following the bombing of Pearl Harbor. Rumors of a Japanese attack on the west coast of the United States were rampant and numerous false sightings of enemy war planes off the coast were reported. A great wave of fear and hysteria swept the United States, particularly along the west coast, where a relatively small population of Japanese Americans had for many years been subjected to racial discrimination and often violent attacks, even before the outbreak of World War II.

Some 2 months after the attack on Pearl Harbor, February 1942, President Franklin D. Roosevelt issued Executive Order 9066. The Executive order gave to the Secretary of War the authority to designate restricted military areas and to exclude any or all persons from such areas. Penalties for violations of the restrictions were subsequently established by Congress in Public Law 77-503, enacted in March 1942.

At about the same time, the military commander of the Western District, Lt. Gen. John DeWitt, issued four public proclamations establishing restricted zones in eight Western States and instituting a curfew applicable to enemy aliens and persons of Japanese ancestry and restricting the travel of Americans of Japanese ancestry and resident aliens. The first "Civilian Exclusion Order" was issued by General DeWitt on March 24, 1942 and marked the beginning of the relocation and internment of Japanese Americans and their resident alien parents from the west coast.

It is significant to note that the military commander of the then Territory of Hawaii, which had actually suffered an enemy attack and was under martial law, did not believe that it was necessary to evacuate any Americans or resident aliens of Japanese ancestry from Hawaii, although about 1,400 leaders of the Japanese American community in Hawaii were rounded up immediately after the attack and sent to detention camps on the United States mainland.

FBI Director J. Edgar Hoover, who could hardly be accused of being soft on suspected spies, opposed the mass evacuation of Japanese Americans from Hawaii or the west coast, pointing out that the FBI and other law enforcement agencies were capable of apprehending any spies or saboteurs. Japanese diplomats, consular officials and military attachés who were in this country at the outbreak of war between the United States and Japan were not incarcerated in detention camps. On Hoover's orders, they were confined to house arrest and treated courteously, because the FBI Director hoped that American citizens in Japan would be treated in a similar manner. The Office of Naval Intelligence had also informed President Roosevelt that the wholesale incarceration of Japanese Americans was unnecessary, pointing to the lack of evidence of any acts of espionage or sabotage by Americans of Japanese ancestry or their parents, before, during or after the attack on Pearl Harbor.

Of the 120,000 individuals who were ordered, on 72 hours notice, to pack, leave their homes, and report to assembly centers on the west coast prior to being moved to camps in the interior United States, about 80 percent were native born American citizens, many of them little children and teenagers. The remainder, including many elderly people, were legal alien residents of the United States who were prohibited by U.S. law, the Oriental Exclusion Act of 1924, from becoming naturalized American citizens. All of them, native born Americans and legal alien residents alike, were entitled to the full protection of the United States and the laws of our land, but their constitutional rights were summarily denied. Without being charged or indicted, without trial or hearing, without being convicted of any single crime, they were en masse ordered into what can only be described as American-style concentration camps, surrounded by barbed wire fences, with searchlights, watch towers, and armed guards. They lost every earthly possession, and life in the camps was soul-trying.

During hearings held by the Commission on Wartime Relocation and Internment of Civilians, former internees, many telling their stories for the first time, told of infants, young mothers and elderly persons who died for lack of adequate medical care and facilities; of families who were separated, with elderly parents or in-laws going to one camp and their married children to another; of large families forced to live together in one small room; of the constant, nagging uncertainty about the future, both immediate and longterm; of internees who were shot and killed by guards when they inadvertently wandered too close to the camp fence; and of the strains which all of this placed on their families and on the close-knit Japanese American community as a whole.

A dramatic incident tells of a Dr. Tashiro whose father and son were playing pitch-catch ball. No one was to be seen between barbed wire fences after 6 o'clock.

It was a summer day; although past 6 o'clock, it was broad daylight. The grandfather missed the ball, and chased after it between the two fences. The guard in the watchtower yelled out, "Get back." The grandfather responded, "Oh, I am just going for the ball." and went after the ball.

The guard from the watchtower fired with his machine gun and killed him on the spot.

But perhaps the most traumatic experience, the one thing that has haunted Americans of Japanese ancestry for 45 years, was the stigma of being cast as disloyal to their own beloved country, the United States of America. One elderly internee, an American veteran of World War I, committed suicide rather than bear the brand of disloyalty to his country, the United States of America.

In 1980, 38 years after the beginning of the relocation and internment of Japanese Americans, Congress authorized a thorough study of the circumstances surrounding the incident, which is still the most traumatic experience in the lives of about 60,000 living former internees. The distinguished nine-member Commission established by Congress was mandated to examine the facts surrounding the issuance of Executive Order 9066 and the subsequent relocation and internment of some 120,000 Americans and resident aliens of Japanese ancestry during World War II. In addition, the Commission was authorized to study the circumstances surrounding the evacuation of the Aleutian and Pribilof Islands of Alaska and the relocation of Native American Aleuts. The Commission submitted its report, entitled "Personal Justice Denied" in June 1983.

Japanese Americans welcomed the study commission's thorough and intensive review of the circumstances surrounding their relocation and internment. The Commission report revealed publicly and confirmed what they had always known: The relocation and internment of Americans of Japanese ancestry was not justified by military necessity, but was the result of wartime hysteria, racism, and the failure of political leadership.

The Commission found that the precipitous action had been taken under the leadership of men like the Western District Military Commander, General DeWitt, who believed, and stated to the U.S. House of Representatives Naval Affairs Subcommittee on April 13, 1943:

> A Jap's a Jap. They are a dangerous element, whether loyal or not. There is no way to determine their loyalty * * * it makes no difference whether he is an American; theoretically, he is still a Japanese, and you can't change him * * *. You can't change him by giving him a piece of paper.

In recommending the relocation and incarceration of Japanese Americans to his superiors in Washington, General DeWitt stated:

> The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become "Americanized", the racial strains are undiluted.

General DeWitt's views were loudly echoed by many on the west coast, in Congress and in the media. Although the Secretary of the Army and his deputy did not share DeWitt's racial views and, in fact, tried to suppress them, they did not reject his proposed solution to the so-called Japanese American problem on the west coast, cloaking it instead in the spurious guise of military necessity, and adopting his argument that there just wasn't time for the FBI, military intelligence, and local law enforcement agencies to identify and apprehend any suspected spies or saboteurs. No one argued to the President of the United States that the DeWitt proposal was wrong, and that the failure to prove military necessity would render the proposed relocation and detention of Japanese Americans and their resident parents constitutionally impermissible. No one said, "Mr. President: Bad idea. You can't just snatch up a group of American citizens and imprison them for years without charging them with a crime and providing them with a fair trial. The fifth amendment of our Constitution, the supreme law of our land forbids it." Indeed the matter was never even raised to the level of discussion at a Cabinet meeting.

While revelation of the truth at last by a congressionally created commission is a great relief to Americans of Japanese ancestry who were victims of this grave wartime mistake, it is not enough to provide them with justice denied them for too long a period—anymore than it would be for any other innocent American falsely imprisoned for years on trumped-up charges. In our great society, the victims of such errors in justice are entitled to relief.

While it would not provide full relief, our bill is intended to provide some personal justice too long denied. The bill, in accordance with the study commission's recommendations, would provide a modest, token payment in the amount of $20,000 to each of the approximately 60,000 former internees who are still alive today. In addition, funds would be authorized for the establishment of a civil liberties education fund, which, we believe, would enhance the protection of civil liberties in this country and help ensure that what happened to Japanese Americans during World War II will never happen to any other group of Americans. Enactment of the bill would also constitute an official acknowledgement of the wrong done.

The bill would also implement the study commission's recommendations with respect to claims stemming from the evacuation of the Aleuts from their ancestral homes in the Aleutian and Pribilof Islands of Alaska during World War II. The study commission found that this evacuation was necessary because of the threat of an enemy attack—and one of the islands was attacked by the Japanese—however, it was poorly planned and carried out. The Aleuts were moved to makeshift camps on the Alaskan mainland and, due to a lack of adequate food, clothing and medical care, about 10 percent of them died. They lost most of their personal possessions and, upon return to their island villages, found that in many cases their homes and community buildings had been destroyed. Attu Island, the site of a native village for many years prior to World War II, was never returned to the Aleuts and our bill also provides compensation for the taking of the island, now one of the Nation's most valuable and beautiful wilderness areas.

Mr. President, joining me in introducing this historic measure are my colleagues: Senator INOUYE of Hawaii, Senators STEVENS and MURKOWSKI of Alaska, Senator DECONCINI of Arizona, Senators CRANSTON and WILSON of California, Senators ARMSTRONG and WIRTH of Colorado, Senators WEICKER and DODD of Connecticut, Senator BIDEN of Delaware, Senators CHILES and GRAHAM of Florida, Senator FOWLER of Georgia, Senator SYMMS of Idaho, Senators DIXON and SIMON of Illinois, Senator LUGAR of Indiana, Senator HARKIN of Iowa, Senator DOLE of Kansas, Senator MCCONNELL of Kentucky, Senators JOHNSTON and BREAUX of Louisiana, Senators COHEN and MITCHELL of Maine, Senators SARBANES and MIKULSKI of Maryland, Senators KENNEDY and KERRY of Massachusetts, Senators RIEGLE and LEVIN of Michigan, Senators DURENBERGER and BOSCHWITZ of Minnesota, Senator COCHRAN of Mississippi, Senator BOND of Missouri, Senators MELCHER and BAUCUS of Montana, Senator REID of Nevada, Senator KARNES of Nebraska, Senator RUDMAN of New Hampshire, Senators BRADLEY and LAUTENBERG of New Jersey, Senators MOYNIHAN and D'AMATO of New York, Senator SANFORD of North Carolina, Senators BURDICK and CONRAD of North Dakota, Senators GLENN and METZENBAUM of Ohio, Senator BOREN of Oklahoma, Senators HATFIELD and PACKWOOD of Oregon, Senator SPECTER of Pennsylvania, Senator PELL of Rhode Island, Senator DASCHLE of South Dakota, Senators SASSER and GORE of Tennessee, Senator BENTSEN of Texas, Senators GARN and HATCH of Utah, Senators STAFFORD and LEAHY of Vermont, Senator WARNER of Virginia, Senators Evans and ADAMS of Washington, Senators BYRD and ROCKEFELLER of West Virginia, Senators PROXMIRE and KASTEN of Wisconsin, and Senator SIMPSON of Wyoming. As a veteran of the All-Nisei 100th Infantry Battalion/442d Regiment, the most highly decorated unit of its size in U.S. military history, I am deeply grateful for their sense of justice. I am sure that others will join as cosponsors after having had the opportunity to consider the facts in the matter.

Mr. President, in closing, I would like to quote the words of poet W.H. Auden: "Left alone with their day, and the time is short and/History to the defeated/May say Alas but cannot help or pardon." It is not enough for our great Nation to simply say "Alas" to the Japanese American and Aleut victims of our wartime policies. The early consideration and passage of this legislation would prove once again to the rest of the world that the United States derives its greatness partly from the truth that it is unafraid to admit its mistakes of the past and to make whole those whom it has wronged.

Mr. President, I ask unanimous consent that the statements of Senators INOUYE, CRANSTON, and MURKOWSKI be printed in the RECORD, following mine and other Senators who may wish to, may do likewise.

I further ask unanimous consent that the text of the bill be printed in full following the statements made by cosponsors of the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) FINDINGS.—The Congress finds that—

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely describe the circumstances of the exclusion, relocation, and internment of in excess of one hundred and ten thousand United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

(2) the internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;

(3) there was no military or security reason for the internment;

(4) the internment of the individuals of Japanese ancestry was caused by racial prejudice, war hysteria, and a failure of political leadership;

(5) the excluded individuals of Japanese ancestry suffered enormous damages and losses, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering;

(6) the basic civil liberties and constitutional rights of those individuals of Japanese ancestry interned were fundamentally violated by that evacuation and internment;

(7) as documented in the Commission's reports, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeast Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed;

(8) the United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control;

(9) the United States has not compensated the Aleuts adequately for the conversion or destruction of personal property caused by the United States military occupation of Aleut villages during World War II;

(10) the United States has not removed certain abandoned military equipment and structures from inhabited Aleutian Islands following World War II, thus creating conditions which constitute potential hazards to the health and welfare of the residents of the islands;

(11) the United States has not rehabilitated Attu village, thus precluding the development of Attu Island for the benefit of the Aleut people and impairing the preservation of traditional Aleut property on the island; and

(12) there is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry;

(2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of the citizens and permanent resident aliens of Japanese ancestry;

(3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the reoccurrence of any similar event;

(4) make restitution to those individuals of Japanese ancestry who were interned;

(5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—

(A) injustices suffered and unreasonable hardships endured while under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use.

TITLE I—RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

SEC. 101. The Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes.

TITLE II—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) the term "eligible individual" means any living individual of Japanese ancestry who—

(A) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone; or

(B) was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of—

(i) Executive Order Numbered 9066 (February 19, 1942; 7 Fed. Reg. 1407);

(ii) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones" and approved March 21, 1942 (56 Stat. 173); or

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals on the basis of race;

(2) the term "Fund" means the Civil Liberties Public Education Fund established in section 204;

(3) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 206;

(4) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946; and

(5) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

CRIMINAL CONVICTIONS

SEC. 202. (a) REVIEW.—The Attorney General is requested to review all cases in which United States citizens and permanent resident aliens of Japanese ancestry were convicted of violations of laws of the United States, including convictions for violations of military orders, where such convictions resulted from charges filed against such individuals during the evacuation, relocation, and internment period.

(b) RECOMMENDATIONS.—Based upon the review required by subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General finds were based on a refusal by such individuals to accept treatment that discriminated against them on the basis of race or ethnicity.

(c) PARDONS.—In consideration of the findings contained in this Act, the President is requested to offer pardons to those individuals recommended by the Attorney General pursuant to subsection (b).

CONSIDERATION OF COMMISSION FINDINGS

SEC. 203. Departments and agencies of the United States Government to which eligible individuals may apply for the restitution of positions, status, or entitlements lost in whole or in part because of discriminatory acts of the United States Government against such individuals based upon their race or ethnicity and which occurred during the evacuation, relocation, and internment period shall review such applications for restitution of positions, status, or entitlements with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act.

TRUST FUND

SEC. 204. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States the Civil Liberties Public Education Fund, to be administered by the Secretary of the Treasury. Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and shall only be available for disbursement by the Attorney General under section 205, and by the Board of Directors of the Fund under section 206.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Fund $1,300,000,000.

RESTITUTION

SEC. 205. (a) LOCATION OF ELIGIBLE INDIVIDUALS.—(1) The Attorney General, with the assistance of the Board, shall locate, using records already in the possession of the United States Government, each eligible individual and shall pay out of the Fund to each such individual the sum of $20,000. The Attorney General shall encourage each eligible individual to submit his or her current address to the Department of Justice through a public awareness campaign.

(2) If an eligible individual refuses to accept any payment under this section, such amount shall remain in the Fund and no payment shall be made under this section to such individual at any future date.

(b) PREFERENCE TO OLDEST.—The Attorney General shall endeavor to make payment to eligible individuals who are living in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals who are living have received payment in full.

(c) NONRESIDENTS.—In attempting to locate any eligible individual who resides outside the United States, the Attorney General may use any available facility or resources of any public or nonprofit organization.

(d) NO SET OFF FOR ADMINISTRATIVE COSTS.—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(e) EXTINGUISHMENT OF CLAIMS.—The claims of an eligible individual against the United States shall be extinguished—

(A) on a date which is ten years after the date of enactment of this Act, or

(B) on the date by which the individual has received the total amount of payments under this Act, whichever first occurs.

BOARD OF DIRECTORS

SEC. 206. (a) ESTABLISHMENT.—There is hereby established the Civil Liberties Public Education Fund Board of Directors which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) DISBURSEMENTS FROM FUND.—The Board of Directors may make disbursements from the Fund only—

(1) to sponsor research and public educational activities so that the events surrounding the relocation and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood;

(2) to fund comparative studies of similar civil liberties abuses, or to fund comparative studies of the effect upon particular groups of racial prejudice embodied by Government action in times of national stress;

(3) to prepare and distribute the hearings and findings of the Commission to textbook publishers, educators, and libraries;

(4) for the general welfare of the ethnic Japanese community in the United States, taking into consideration the effect of the exclusion and detention on the descendants of those individuals who were detained during the evacuation, relocation, and internment period (individual payments in compensation for loss or damages shall not be made under this paragraph); and

(5) for reasonable administrative expenses, including expenses incurred under subsections (c)(3), (d), and (e).

(c) MEMBERSHIP AND TERMS OF OFFICE.—(1) The Board shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of the United States Government. At least five of the individuals appointed shall be individuals who are of Japanese ancestry.

(2)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of three years.

(B) Of the members first appointed—

(i) five shall be appointed for terms of three years; and

(ii) four shall be appointed for terms of two years; as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. No individual may be appointed to more than two consecutive terms.

(3) Members of the Board shall serve without pay, except members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

(4) Five members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) The Chair of the Board shall be elected by the members of the Board.

(d)(1) The Board shall have a Director who shall be appointed by the Board and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of title 5, United States Code.

(2) The Board may appoint and fix the pay of such additional staff personnel as it may require.

(3) The Director and the additional staff personnel of the Board may be appointed without regard to section 5311(B) of title 5, United States Code, and may be appointed without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332(a) of such title.

(e) SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board of Directors on a reimbursable basis such administrative support services as the Board may request.

(f) DONATIONS.—The Board may accept, use, and dispose of gifts or donations or services or property for purposes authorized under subsection (b).

(g) ANNUAL REPORT.—Not later than twelve months after the first meeting of the Board and every twelve months thereafter, the Board shall transmit a report describing the activities of the Board to the President and to each House of the Congress.

(h) SUNSET FOR BOARD.—The Board shall terminate not later than the earlier of ninety days after the date on which an amount has been obligated to be expended from the Fund which is equal to the amount authorized to be appropriated to the Fund or ten years after the date of enactment of this Act. Investments shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SHORT TITLE

SEC. 301. This title may be cited as the "Aleutian and Pribilof Islands Restitution Act".

DEFINITIONS

SEC. 302. As used in this title, the term—

(1) "Administrator" means the person designated under the terms of this title to administer certain expenditures made by the Secretary from the Aleutian and Pribilof Islands Restitution Fund;

(2) "affected Aleut villages" means those Aleut villages in Alaska whose residents were evacuated by United States forces during World War II, including Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska; and the Aleut village of Attu, Alaska, which was not rehabilitated by the United States for Aleut residence or other use after World War II;

(3) "Aleutian Housing Authority" means the nonprofit regional native housing authority established for the Aleut region pursuant to AS 18.55.995 of the laws of the State of Alaska or any successor law of the State of Alaska;

(4) "Association" means the Aleutian/ Pribilof Islands Association, a nonprofit regional corporation established for the benefit of the Aleut people and organized under the laws of the State of Alaska;

(5) "Corporation" means the Aleut Corporation, a for-profit regional corporation for the Aleut region organized under the laws of the State of Alaska and established pursuant to section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203);

(6) "eligible Aleut" means any Aleut living on the date of enactment of this Act who was a resident of Attu Island on June 7, 1942, or any Aleut living on the date of enactment of this Act who, as a civilian, was relocated by authority of the United States from his home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location, during World War II; and

(7) "Secretary" means the Secretary of the Treasury.

ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

SEC. 303. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a Fund to be known as the Aleutian and Pribilof Islands Restitution Fund (hereinafter referred to as the "Fund"). The Fund shall consist of amounts appropriated to it, as authorized by sections 306 and 307 of this title.

(b) REPORT.—It shall be the duty of the Secretary to hold the Fund, and to report to the Congress each year on the financial condition and the results of operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

(c) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(1) on original issue at the issue price, or

(2) by purchase of outstanding obligations at the market price.

(d) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary at the market price.

(e) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) TERMINATION.—The Secretary shall terminate the Fund six years after the date of enactment of this Act, or one year after the completion of all restoration work pursuant to section 306(c) of this title, whichever occurs later. On the date the Fund is terminated, all investments shall be liquidated by the Secretary and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

EXPENDITURES AND AUDIT

SEC. 304. (a) EXPENDITURES.—The Secretary is authorized and directed to pay, to the extent provided by appropriation Acts, to the Administrator from the principal, interest, and earnings of the Fund, such sums as are necessary to carry out the duties of the Administrator under this title.

(b) AUDIT.—The activities of the Administrator under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Administrator, pertaining to such activities and necessary to facilitate the audit.

ADMINISTRATION OF CERTAIN FUND EXPENDITURES

SEC. 305. (a) DESIGNATION OF ADMINISTRATOR.—The Association is hereby designated as Administrator, subject to the terms and conditions of this title, of certain specified expenditures made by the Secretary from the Fund. As soon as practicable after the date of enactment of this Act the Secretary shall offer to undertake negotiations with the Association, leading to the execution of a binding agreement with the Association setting forth its duties as Administrator under the terms of this title. The Secretary shall make a good-faith effort to conclude such negotiations and execute such agreement within sixty days after the date of enactment of this Act. Such agreement shall be approved by a majority of the Board of Directors of the Association, and shall include, but need not be limited to—

(1) a detailed statement of the procedures to be employed by the Association in discharging each of its responsibilities as Administrator under this title;

(2) a requirement that the accounts of the Association, as they relate to its capacity as Administrator, shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants; and a further requirement that each such audit report shall be transmitted to the Secretary and to the Committees on the Judiciary of the Senate and House of Representatives; and

(3) a provision establishing the conditions under which the Secretary, upon thirty days notice, may terminate the Association's designation as Administrator for breach of fiduciary duty, failure to comply with the provisions of this Act as they relate to the duties of the Administrator, or any other significant failure to meet its responsibilities as Administrator under this title.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the agreement described in subsection (a) to Congress within fifteen days after approval by the parties thereto. If the Secretary and the Association fail to reach agreement within the period provided in subsection (a), the Secretary shall report such failure to Congress within seventy-five days after the date of enactment of this Act, together with the reasons therefor.

(c) LIMITATION ON EXPENDITURES.—No expenditure may be made by the Secretary to the Administrator from the Fund until sixty days after submission to Congress of the agreement described in subsection (a).

DUTIES OF THE ADMINISTRATOR

SEC. 306. (a) IN GENERAL.—Out of payments from the Fund made to the Administrator by the Secretary, the Administrator shall make restitution, as provided by this section, for certain Aleut losses sustained in World War II, and shall take such other action as may be required by this title.

(b) TRUST ESTABLISHED.—(1) The Administrator shall establish a trust of $5,000,000 for the benefit of affected Aleut communities, and for other purposes. Such trust shall be established pursuant to the laws of the State of Alaska, and shall be maintained and operated by not more than seven trustees, as designated by the Administrator. Each affected Aleut village, including the survivors of the Aleut village of Attu, may submit to the Administrator a list of three prospective trustees. In designating trustees pursuant to this subsection, the Administrator shall designate one trustee from each such list submitted.

(2) The trustees shall maintain and operate the trust as eight independent and separate accounts, including—

(A) one account for the independent benefit of the wartime Aleut residents of Attu and their descendants;

(B) six accounts, each one of which shall be for the independent benefit of one of the six surviving affected Aleut villages of Atka, Akutan, Nikolski, Saint George, Saint Paul, and Unalaska; and

(C) one account for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C), an amount equal to five per centum of the principal amount credited by the Administrator to the trust. The remaining principal amount shall be divided among the accounts described in subparagraphs (A) and (B), in proportion to the June 1, 1942, Aleut civilian population of the village for which each such account is established, as compared to the total civilian Aleut population on such date of all affected Aleut villages.

(3) The trust established by this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Administrator, after consultation with representative eligible Aleuts, the residents of affected Aleut villages, and the Secretary. The trustees may use the accrued interest, and other earnings of the trust for—

(A) the benefit of elderly, disabled, or seriously ill persons on the basis of special need;

(B) the benefit of students in need of scholarship assistance;

(C) the preservation of Aleut cultural heritage and historical records;

(D) the improvement of community centers in affected Aleut villages; and

(E) other purposes to improve the condition of Aleut life, as determined by the trustees.

(4) There are authorized to be appropriated $5,000,000 to the Fund to carry out the purposes of this subsection.

(c) RESTORATION OF CHURCH PROPERTY.—(1) The Administrator is authorized to rebuild, restore, or replace churches and church property damaged or destroyed in affected Aleut villages during World War II. Within fifteen days after the date that expenditures from the Fund are authorized by this title, the Secretary shall pay $100,000 to the Administrator for the purpose of making an inventory and assessment, as complete as may be possible under the circumstances, of all churches and church property damaged or destroyed in affected Aleut villages during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established by section 306(b) of this title and shall take into consideration, among other things, the present replacement value of such damaged or destroyed structures, furnishings, and artifacts. Within one year after the date of enactment of this Act, the Administrator shall submit such inventory and assessment, together with specific recommendations and detailed plans for reconstruction, restoration, and replacement work to be performed, to a review panel composed of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairman of the National Endowment for the Arts; and

(C) the Administrator of the General Services Administration.

(2) If the Administrator's plans and recommendations or any portion of them are not disapproved by the review panel within sixty days, such plans and recommendations as are not disapproved shall be implemented as soon as practicable by the Administrator. If any portion of the Administrator's plans and recommendations is disapproved, such portion shall be revised and resubmitted to the review panel as soon as practicable after

notice of disapproval, and the reasons therefor, have been received by the Administrator. In any case of irreconcilable differences between the Administrator and the review panel with respect to any specific portion of the plans and recommendations for work to be performed under this subsection, the Secretary shall submit such specific portion of such plans and recommendations to the Congress for approval or disapproval by joint resolution.

(3) In contracting for any necessary construction work to be performed on churches or church property under this subsection, the Administrator shall give preference to the Aleutian Housing Authority as general contractor. For purposes of this subsection, "churches or church property" shall be deemed to be "public facilities" as described in AS 18.55.996(b) of the laws of the State of Alaska.

(4) There are authorized to be appropriated to the Fund $1,399,000 to carry out the purposes of this subsection.

(d) Administrative and Legal Expenses.—The Administrator is authorized to incur reasonable and necessary administrative and legal expenses in carrying out its responsibilities under this title. There are authorized to be appropriated to the Fund such sums as may be necessary for the Secretary to compensate the Administrator, not less often than quarterly, for all such reasonable and necessary administrative and legal expenses.

INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

Sec. 307. (a) Payments to Eligible Aleuts.—(1) In accordance with the provisions of this section, the Secretary shall make per capita payments out of the Fund to eligible Aleuts for uncompensated personal property losses, and for other purposes. The Secretary shall pay to each eligible Aleut the sum of $12,000. All payments to eligible Aleuts shall be made within one year after the date of enactment of this Act.

(2) The Secretary may request, and upon such request, the Attorney General shall provide, reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages. In providing such assistance, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(3) The Administrator shall assist the Secretary in identifying and locating eligible Aleuts pursuant to this section.

(4) Any payment made under this subsection shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any State or local program financed in whole or part with Federal funds.

(b) Authorization.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes of this section.

SUPPLEMENTAL CLEANUP OF WARTIME DEBRIS

Sec. 308. (a) The Congress finds that the Department of Defense has implemented an ongoing program for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska Peninsula and the Aleutian Islands as a result of military activities during World War II. Such program is being accomplished pursuant to Acts making appropriations for the Department of Defense, in accordance with congressional statements of purpose in establishing and funding the Environmental Restoration Defense Account. The authority contained in this section shall be supplemental to the authority of the Secretary of Defense in administering the Environmental Restoration Defense Account, and shall be exercised only in the event that such account is inadequate to eliminate hazardous military debris from populated areas of the Lower Alaska Peninsula and the Aleutian Islands.

(b) Cleanup Program.—Subject to the terms and conditions of subsection (a), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a program, as the Chief of Engineers may deem feasible and appropriate, for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska Peninsula and the Aleutian Islands as a result of military construction and other activities during World War II. The Congress finds that such a program is essential for the further development of safe, sanitary housing conditions, public facilities, and public utilities within the region.

(c) Administration of Program.—The debris removal program authorized under subsection (a) shall be carried out substantially in accordance with the recommendations for a minimum cleanup contained in the report prepared by the Alaska district, Corps of Engineers, entitled "Debris Removal and Cleanup Study: Aleutian Islands and Lower Alaska Peninsula, Alaska", dated October 1976. In carrying out the program required by this section, the Chief of Engineers shall consult with the trustees of the trust established by section 306(b) of this Act, and shall give preference to the Aleutian Housing Authority as general contractor.

(d) Authorization.—There are authorized to be appropriated $15,000,000 to carry out the purposes of this section.

ATTU ISLAND RESTITUTION PROGRAM

Sec. 309. (a) In accordance with section 3(c) of the Wilderness Act (78 Stat. 892) and section 702(1) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417), the public lands on Attu Island, Alaska, within the National Wildlife Refuge System are designated as wilderness. In order to make restitution for the loss of traditional Aleut lands and village properties on Attu Island, while preserving the present designation of Attu Island lands as part of the National Wilderness Preservation System, compensation to the Aleut people in lieu of Attu Island conveyance shall be provided in accordance with this section.

(b) The Secretary of the Treasury shall establish an account designated "The Aleut Corporation Property Account", which shall be available for the purpose of bidding on Federal surplus property. The initial balance of the account shall be $17,868,500, which reflects an entitlement of $500 for each of the thirty-five thousand seven hundred and thirty-seven acres within that part of eastern Attu Island traditionally occupied and used by the Aleut people for subsistence hunting and fishing. The balance of the account shall be adjusted as necessary to reflect successful bids under subsection (c) or other conveyances of property under subsections (f) and (g).

(c) The Corporation may, by using the account established in subsection (b) bid, as any other bidder for surplus property, wherever located, in accordance with the requirements of section 484 of title 40, United States Code. No preference right of any type may be offered to the Corporation for bidding for General Services Administration surplus property under this subsection and no additional advertising shall be required other than that prescribed in section 484(e)(2) of title 40, United States Code.

(d) The amount charged against the Treasury account established under subsection (b) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to section 485(b) of title 40, United States Code.

(e) The basis for computing gain or loss on subsequent sale or other disposition of property conveyed to the Corporation under this section for purposes of any Federal, State, or local tax imposed on or measured by income, shall be the fair value of such property at the time of receipt. The amount charged against the Treasury account established under subsection (b) shall be prima facie evidence of such fair value.

(f) The Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary of the Treasury any surplus property otherwise to be disposed of pursuant to section 484(e)(3) of title 40, United States Code, to be offered to the Corporation for a period of ninety days so as to aid in the fulfillment of the Secretary of the Treasury's obligations for restitution to the Aleut people under this section, except that before any disposition under this subsection or subsection (g), the Administrator shall notify the governing body of the locality where such property is located and any appropriate state agency, and no such disposition shall be made if such governing body or State agency within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

(g)(1) Notwithstanding any provision of any other law or any implementing regulation inconsistent with this subsection, concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall notify the Corporation that such property may be available for conveyance to the Corporation upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Corporation may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under this section. If the Administrator determines the property should be disposed of by transfer to the Corporation, the Administrator or other appropriate Federal official shall promptly transfer such property.

(2) No disposition or conveyance of property under this subsection to the Corporation shall be made until the Administrator of General Services, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code, and the regulations thereunder for the disposition or conveyance of surplus property.

(3) As used in this subsection, "real property" means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to their use or exploitation, and any personal property related to the land.

(h) The Secretary of the Interior may convey to the Corporation the traditional

Aleut village site on Attu Island, Alaska, pursuant to the authority contained in section 1613(h)(1) of title 43, United States Code, except that on or after the date of enactment of this section, no site on Attu Island, Alaska, other than such traditional Aleut village site, shall be conveyed to the Corporation pursuant to such section 1613(h)(1) of title 43, United States Code.

SEPARABILITY OF PROVISIONS

SEC. 310. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. INOUYE. Mr. President, I am pleased to join my colleagues as we the people celebrate the 200th birthday of our Constitution, to address what has been described as "The Ugly Blot" on U.S. constitutional democracy.

I am referring to the dark times when over 120,000 American citizens and resident aliens of Japanese ancestry became exiles in their own country, evacuated from their homes, and imprisoned in internment camps, without the benefit of individual review. The Japanese-American case is unique in the constitutional history of our country in that there was a total abrogation of constitutional guarantees inflicted against a single group of citizens and resident aliens solely on the basis of ethnicity.

The Commission on Wartime Relocation and Internment of Civilians, established pursuant to Public Law 96-317, studied the facts and circumstances surrounding the evacuation and internment of thousands of American citizens and resident aliens of Japanese ancestry during World War II. In its final report entitled "Personal Justice Denied," the Commission concluded that there was no justification for the mass evacuation, relocation, and internment of Japanese-American citizens and resident aliens.

Based on these findings, the Commission recommended remedies which comprise the legislation which we are introducing today. In brief, the Commission recommended the establishment of a trust fund from which individual payments to surviving internees would be made. The remainder would be used for humanitarian and public education purposes in order to preclude this event from occurring again in the future.

The Commission further recommended the enactment of legislation to officially recognize the injustice that was committed and offer the apologies of the Nation.

The Commission also recommended granting pardons to those convicted of violating wartime statutes relating to forced curfews and evacuation on the basis of ethnicity, and a liberal review of individual cases for the restitution of positions, status, or entitlements lost as a result of the evacuation, relocation, and internment.

At the very least, it is my hope that this legislation we are introducing today will serve to heighten the awareness of both the Congress and the American people to the extent that the racist sentiment which lead to internment 45 years ago does not flare up again in the future.

To this end, it is vitally important that we recognize the gravity of the serious error that was committed, and that we redress in some form the victims of this reprehensible event.

President Harry S. Truman, addressing the 442d Regimental Combat Team comprised almost entirely of volunteer Japanese-Americans, as they were honored for their heroic efforts, "You fought not only the enemy, but you fought prejudice and you've won * * * the Constitution stands for the welfare of all the people, all the time * * *."

Our Constitution and our freedoms have been preserved because no single and exclusive vision of America has been able to prevail. Instead, as divers people joined by threads of freedom and opportunity have been able to survive and flourish.

The path to survival lay in remaking a choice originally framed by Thomas Jefferson:

> Men are * * * naturally divided into two parties; (1) those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes.
>
> (2) Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe * * * depository of the public interest.

It is only by taking the second path that Americans can fulfill the prophesy of "We the people * * *."

The monetary payment to surviving internees represents a symbolic effort to redress a grave infraction of civil liberties. The actual loss, incurred by those who suffered this injustice at the hands of their own government, is immeasurable.

Learning from our mistakes is not pleasant, but we must do so if we want to avoid repeating them. We must learn from the tragic injustice imposed upon the Japanese-Americans and take all the necessary steps to assure that prejudice never again obscures our commitment to upholding the constitutional rights of all our people.

Mr. MURKOWSKI. Mr. President, I am pleased to join Senator MATSUNAGA, Senator INOUYE, my senior colleague Senator STEVENS, and over 50 additional Senators in introducing legislation to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. Senator MATSUNAGA has reflected on the merits of those Japanese-Americans who were interned in concentration camps throughout our country, so I will confine my remarks to the injustices done to the Aleut Americans residing in my State of Alaska.

As my colleagues will recall, the independent Commission was established by an act of Congress in 1980 to investigate the circumstances surrounding the relocation and internment of Japanese-Americans and Aleut citizens during World War II. The Commission's reports were presented to Congress in January and June 1983. Those reports document fully the injustices suffered by those who were relocated to camps far from their homes in early 1942 for the duration of the war.

Mr. President, I recall, as a small child, observing on the outskirts of Ketchika, AK, the Aleut camp where the Aluets were confined. It was a very isolated area at the end of the road along side a creek that flowed into a lake, a heavily timbered area. While there was available care from the U.S. Department of Public health with regard to their medical needs, it was an area that was prone to some of the exposure of the outdoors in Alaska, which at times can be quite severe. I recall my mother mentioning that many of those interned had an extraordinary high rate of tuberculosis.

I want to take this opportunity to share a discussion I had with Mary Bourdukofski who described her personal experience as an internee. At the time she was interned, Mary was married with two children. She reflected that on a Sunday afternoon in 1941, she saw Navy boats off the coast of St. Paul Island, the village where she lived. She was informed that the boats were to evacuate the village residents from the island and were told they could not take anything but what they were wearing and a suitcase. Mary recalls she tried to put away personal belongings such as antiques that had belonged to her mother, but was not given time to do so. She was told to leave her home and not to lock the door. Within 12 hours all 500 residents were evacuated from St. Paul. The boat then picked up all the residents of St. George and other residents of the Aleutian Islands and Alaska Peninsula. After 10 days on the boat, the nearly 800 individuals were taken to abandoned canneries and mines throughout southeastern Alaska where camps were established.

At the camps, Mary describes the living conditions as terrible. The only running water in the camp where she was located at Funter Bay, was in the mess hall. There were no rooms, partitions were established by hanging blankets from the ceiling in order to establish some privacy. There was no stove to cook food. Health care and births were given in these conditions.

After 2 years of living in these conditions, Mary and the surviving Aleuts were returned to their villages. Mary found her home had been converted into a "club" where a pool table, dart board, and stove were the only items left in the house. All of her personal effects, including her mother's antiques, were gone.

Mary's experience is not unique, approximately 881 residents of Alaska suffered the same losses.

The Commission determined that the military decision to relocate the people were justified under the circumstances. Unfortunately, the relocation of the Aleuts to abandoned fish canneries and mining camps in southeastern Alaska resulted in disease and death among some of the residents of the camps and losses such as those recounted by Mary Bourdukofski.

The Commission found on examination that indeed medical care was inadequate and, as Senator MATSUNAGA indicated, there were a number of those Aleut people who died in their internment. Shelter and food were below standard, and sanitary facilites were poor. At least 10 percent of all Aleuts relocated to camps perished before their villages were restored on the Aleutian and Pribilof Islands.

After an extended period of time of 2 to 3 to 4 years in camp, the Aleuts were returned to their villages in the western part of Alaska, the Alaska Peninsula, the Aleutian Islands.

Upon returning to their villages, the Aleuts, like Mary, found their personal and community property had been converted without compensation for military use, destroyed, or taken by those who occupied villages in the Aleuts' absence. They were never fully compensated for these losses. In addition, some of their churches were burned or were desecrated, or stripped of irreplaceable religious icons dating from 18th and 19th century Imperial Russia. There was never any effort by our Government to replace or rehabilitate the churches and church properties destroyed or severely damaged.

Mr. President, the populated areas of the Lower Alaska Peninsula and the Aleutians are still littered with the debris and abandoned structures from the U.S. military occupation of the islands. In recent years, at least one child, who lived with his family in Cold Bay, lost the use of his hand when a World War II fuse exploded. He had been playing in an area where live ammunition still litters the lands outside the village. The Commission has recommended that this debris be cleaned up, as the debris from World War II has been cleaned up in Japan, Europe, and elsewhere often with substantial American assistance.

Mr. President, our legislation implements the five recommendations of the Commission to provide restitution to the Aleut people for the losses they suffered as a consequence of Government operations during the war years. In addition the bill implements the Commission's recommendations for restitution of Japanese American losses.

Mr. President, 40 years and more have passed since the Aleuts were relocated to unimaginably inadequate camp facilities in southeastern Alaska. A number of those who suffered the most are quite elderly—an even greater number have already passed away. I urge the Senate to consider this legislation promptly, as substantial justice to the Aleut people as compensation for losses sustained as a result of U.S. Government activities in World War II. The restitution provided in our bill should not be unreasonably delayed any longer.

Again, I thank all of my colleagues who have joined in cosponsoring this legislation.

Mr. ADAMS. Mr. President, I am proud to join with Senator MATSUNAGA and many of my colleagues in offering legislation to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The Commission report results from 20 days of hearings and testimony from 750 witnesses; many of them from my home State. Many of those witnesses, and many more Japanese Americans, are waiting for the day when this country will stand up and say that we made a tragic error and an inhuman mistake when, during the hysteria surrounding the attack on Pearl Harbor, our Government made the decision to sentence Americans of Japanese descent to internment camps without probable cause or the benefit of a trial. Typical of those who wait for that admission is Mrs. Peggy Nishimoto Mitchell from Seattle. She described the assembly center she was ordered to go to, under armed guard, prior to being transported to the actual relocation center. Here is what she had to say:

> When we arrived at the Puyallup Center, we were dismayed to be crowded inside a small fenced compound with makeshift flimsy portables for our housing. I noticed some of the elderly women were crying in frustration. There were seven of us in one room. We were supposed to have army cots and blankets but since there were not enough to go around we huddled together and slept on the floor with our coats on * * *. Might as well have been a caged animal.

Mr. President, the 400-page report presented to the Congress and the public by the Commission was developed with the utmost care and detail. The Commission membership included some of the most distinguished speakers and protectors of our civil liberties.

The Japanese American community, Asian American community, and other interested parties in my State, are closely watching what this body does.

I am proud to say that much of the nationwide citizen action movement which has brought us closer to an act of redress included the efforts of many Washington State citizens. Together with my esteemed colleague from Hawaii, this national coalition pushed, prodded, and exhibited an unbelievable amount of commitment to see this issue move forward to its present position on our national agenda.

I am also proud to say that local government jurisdictions in the State of Washington have also done their part in attempting to rectify historic wrongs committed by past governing bodies. Three years ago, under the initiation of City Councilmember Dolores Sibonga, the city of Seattle enacted redress legislation that provided monetary reparations to former city employees who were dismissed because of Executive Order 9066. Similar legislation was also enacted by the city of Seattle School District and the Washington State Legislature under the leadership of Senators George Fleming, Jim McDermott, John Jones, Kent Pullen, Phil Talmadge and Representative Gary Locke.

Mr. President, the Japanese American community, Asian American community, and the citizens of the State of Washington have done their part in attempting to right this wrong. They now look to their national representatives sitting here in this hall to follow suit and move toward the inevitable determination that history cannot be undone; that historic events cannot be erased; that whatever we do will never measure up to past losses and suffering; but that if we are a democracy, we will do what is within our power to provide remedies for violations of our own laws and principles.

Mr. CRANSTON. Mr. President, I am delighted to cosponsor the legislation, S. 1009, introduced today by my very good friend from Hawaii [Mr. MATSUNAGA] for redress of one of our Government's greatest acts of injustice. This legislation would implement the recommendations of the Commission on Wartime Relocation and Internment. It was introduced in the 99th Congress as S. 1053, and as S. 2116 in the 98th Congress. I am delighted to note the increasing number of cosponsors of this historic legislation.

As we look back with regret on this painful period of injustice—45 years ago—we must reaffirm our pledge that this kind of injustice must never recur.

Enactment of this legislation will help to prevent a recurrence.

And it will help us to look forward with hope to a brighter future of full participation by Asian-Americans in the American dream.

My involvement in opposing the relocation of Japanese Americans dates back to the very beginning.

I believe that our Government's action in this case was a terrible affront to the ideals for which our Nation stands.

Shortly after Pearl Harbor, I was assigned to the Office of War Information. There I worked closely with Eleanor Roosevelt and Archibald MacLeish trying to dissuade President Roosevelt from forcefully evacuating Japanese Americans from the west coast and interning them in so-called relocation camps.

Unfortunately for 120,000 Japanese Americans—and for the good name of our Nation—military authorities prevailed, and the orders for internment were issued.

More than two-thirds of the internees were American citizens. The rest were legal U.S. residents.

After the internment process began, I visited two of the camps, Tule Lake in California and Heart Mountain, WY. Recently, the children of internees visited Heart Mountain trying to sense what their parents had felt. In part I can tell them.

For 4 days in the cold, snow-covered camp at Heart Mountain, I spent my time round the clock inside the barbed-wire camp, talking to internees and visiting with a number of boyhood friends from Los Altos.

We ate meals together, talked over old times, walked around in the bitingly cold weather, played poker—in wanton violation of camp rules—and cheered at a football rally.

My friends and former classmates justifiably felt themselves robbed of their citizenship. They were distressed at the racial prejudice behind their internment. They were anxious for their Government to prove its own adherence to democracy and to the very ideals for which we were then at war.

President Roosevelt himself proclaimed, "In vindication of the very ideals for which we are fighting this war it is important to us to mountain a high standard of fair, considerate, and equal treatment for the people of this minority as for all other minorities."

But this standard was not upheld.

The mere presence of Japanese blood in loyal American citizens was believed to be enough to warrant removal and exclusion from places they otherwise had a right to go.

The argument that they were removed for their own good, because of possible vigilante attacks, was not persuasive. Most, if not all, Japanese-Americans would rather have faced the risk of being killed by individuals than deprived of their liberties by their own American Government. And given the choice to remain interned or fight in the war, most enlisted and served.

One of my most poignant memories is of an intelligent and progressive-minded mother who was still managing—with much difficulty—to conceal from her 4-year-old child that they were prisoners in what most inmates considered a racial internment camp.

It was ironic to see American Nisei soldiers, home on furlough and clad in uniform, wandering around inside a fenced-in camp. These Nisei soldiers returned from the battlefields of Europe as the most distinguished and decorated combat unit of the war, and from the Pacific theater as loyal soldiers and as officers in military intelligence. I have never forgotten these impressions.

In 1980, I was a cosponsor of the legislation establishing the Relocation Commission. The Commission report issued in 1983 amounted to our Government's official apology—41 years overdue to the internees and their families.

It confirmed what a great many conscientious Americans have long believed: These Americans of Japanese descent were clearly mistreated, and their basic civil liberties violated.

The ACLU singled out the internment and related abuses at the time as "the worst single wholesale violation of civil rights of American citizens in our history."

As one commentator on the period said:

> Japanese-Americans were the immediate victims of the evacuation. But larger consequences are carrried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is a result of the process by which the evacuation was made. That process betrayed all Americans.

Since those tragic events took place, a number of the participants have had changed hearts and minds. Henry L. Stimson, who was Secretary of War, realized that to loyal citizens this forced evacuation was a personal injustice. Former Attorney General Francis Biddle reiterated his belief that the program was ill-advised, unnecessary, and unnecessarily cruel. Justice William O. Douglas, one of the Supreme Court majority in the Korematsu decision holding the evacuation constitutionally permissible, later said "the case was ever on my conscience." And Chief Justice Earl Warren, who as California's attorney general had urged evacuation, afterward said, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

On February 17, 1942, Attorney General Francis Biddle wrote to Secretary Stimson opposing the proposed exclusion order, stating that the War Department and the FBI had found no danger of imminent attack or evidence of planned sabotage. Biddle especially objected to removal from their homes of 60,000 American citizens who happened to be of Japanese descent. He refused to let the Justice Department participate in any way with the exclusion policy.

Not a single documented act of espionage, sabotage, or fifth column activity was committed by the Nisei or by resident Japanese aliens on the west coast. Yet their lives were disrupted, fortunes were lost, and loyal citizens and legal residents incarcerated.

The victims of this policy were held collectively guilty, and collectively punished.

Moreover, the Government's attitude toward these innocent people fostered suspicions that often led to violence against them. Many were attacked when they attempted to return to their homes 3 years later.

The legislation I'm cosponsoring today redresses this mass violation of civil liberties and compensates internees for their suffering.

While the loss of liberty and the personal stigma attached to internment can be erased, Federal reparations are a justifiable response to the legitimate financial losses incurred. An independent study done for the Commission found the economic losses alone to evacuees between $2.5 and $6.2 billion in today's dollar values, including interest for the past 40 years. Many consider this a conservative estimate of the real economic losses of homes and other property, stores, and businesses. And these estimates do not begin to measure the personal hardships suffered.

The Commission found the cause of the exclusion and interment policies to be "race prejudice, war hysteria, and a failure of political leadership."

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066. Shortly afterward, all American citizens of Japanese descent were barred from living, working, or traveling on the west coast. The same exclusion applied to a whole generation of Japanese immigrants residing at that time in the United States who, because of Federal law, were not permitted to become U.S. citizens.

After the initial plan for voluntary exclusion failed, these American citizens or legal residents were forcibly removed by the Army, first to assembly centers—makeshift quarters in fairgrounds and racetracks—and then to relocation centers. These latter camps, located in desolate Western areas, were surrounded by barbed wire and guarded by military police.

The U.S. Government carried out its policy without reviewing individual cases or providing due process of law, and continued its policy virtually without regard for individuals who demonstrated loyalty to the United States.

Congress made it a crime to violate Executive Order 9066. The U.S. Supreme Court—in one of its most agonizing decisions—held the removal constitutionally permissible because of the war. Interestingly, since that decision a number of Justices from the majority—enough to have reversed the 5-to-4 decision—have written that on hindsight, they would have voted differently. The Supreme Court in a related case struck down imprisonment of these admittedly loyal American citizens. But long after the fact.

The Commission found that the main impetus leading to the exclusion order was the mistaken notion that individuals of Japanese descent would be loyal to Japan, not to the United States, and groundless fears of fifth column activity even though no evidence of such activities could be uncovered. The Commission stated that "the record does not permit the conclusion that military necessity warranted the exclusion of the ethnic Japanese from the west coast."

After exclusion became official policy, the War Relocation Authority [WRA]—the civilian agency charged with supervising the relocation—assumed that the vast majority of evacuees were loyal and should be allowed to resettle outside of the west coast. But because of harsh objections from certain mountain State politicians, a consensus plan for detention of the evacuees emerged. The WRA gave up on its idea of resettlement, and accepted a program of confinement. Despite WRA's belief that evacuees should be returned to normal productive life, it had, in effect, become their jailer. Since there was no military justification for detention, the WRA instead contended that the program was for the evacuees' own safety.

The history of life during the evacuation and in the relocation camps is one of suffering and deprivation. On the average, families received only 1 or 2 weeks notice of evacuation to an unknown destination. They could take with them only what could be carried. All else was lost or sold for cut-rate prices. Life in the relocation camps was spartan, with shoddy and crowded buildings, defective facilities, faulty heating, inadequate health care, and limited education programs. Privacy was impossible. Families and individuals alike lost their identities and became known only by identification numbers.

Because the Western Defense Command opposed individual loyalty reviews—for fear of weakening the blanket exclusion—no opportunity for individual review was created in the assembly centers. The War Department favored conducting loyalty reviews, but did not act on this until the end of 1942. Although these reviews eventually permitted some to leave relocation centers, it didn't end the exclusion from the west coast. Moreover, even this belated process was offensive, since it treated Japanese Americans as guilty until proven innocent.

In the spring of 1943, Secretary of War Henry L. Stimson, Assistant Secretary of War John McCloy, and Gen. George C. Marshall reached the conclusion that the loyalty reviews eliminated any justification for exclusion from the west coast. They kept their views private, however, and General DeWitt repeatedly opposed ending exclusion until he left the Western Defense Command in late 1943, as did west coast anti-Japanese fractions. Secretary Stimson finally put the recommendation before the Cabinet in May 1944. But no action was taken until December 7, 1944, while confinement continued for the great majority of Japanese Americans.

The exclusion and removal of Japanese-Americans resulted from a long history of anti-Japanese-American agitation and legislation on the west coast. By contrast, in Hawaii, where the military commander restrained plans for radical measures and treated the ethnic Japanese as loyal residents—absent evidence to the contrary—only 2,000 ethnic Japanese were taken into custody. The policy developed was in sharp contrast to Government actions against enemy aliens or citizens of non-Japanese descent. For example, the United States never ordered a mass exclusion or detention against American citizens of German or Italian descent.

This episode in American history should never have happened. It's the Government's responsibility to set the record straight and to try, at least, to recognize and partially compensate for past injustices, although the tarnish on our Constitution can never be completely removed.

Our purpose is to recognize and redress the injustices and violations of civil liberties against U.S. citizens and U.S. residents of Japanese and Aleut ancestry by the United States and to discourage similar injustices and violations of civil liberties in the future.

The bill provides for the establishment of a $1.5 billion trust fund from which individual payments to the surviving internees would be made.

Those eligible are people of Japanese or Alaskan Aleut ancestry excluded from the west coast between December 7, 1941, and June 30, 1946, or deprived of liberty or property as a result of a series of Executive orders, proclamations, laws, Armed Forces directives, or other Federal actions resulting in exclusion, relocation, and/or detention of individuals on the basis of race. The remaining moneys in the trust fund would be utilized for humanitarian and public education efforts to preclude this event from occurring again in the future.

This act is a just and fair redress to those individuals who were excluded and/or interned without justification, in gross violation of their civil liberties as American citizens and residents. I urge my colleagues to support it.

Mr. WILSON. Mr. President, I am proud to join my good friend, the distinguished Senator from Hawaii [Mr. MATSUNAGA] as an original cosponsor of this important legislative effort. For this reason, I would like to take this opportunity to highlight my thoughts and reasons for cosponsoring this very important bill.

Mr. President, I recognize that the country was in a state of emergency; this was the first time in over 120 years that America had been attacked on her own soil. The anger and panic resulting from Pearl Harbor were understandable. Indeed, because of hysteria, temporary relocation may have been justified to protect Japanese-Americans from potential violence. Nevertheless, this is no justification for the wholesale deprivations of property and personal liberty that, in fact, occurred.

We must remember, Mr. President, that most of the victims of this unfortunate episode were American citizens. In all, 80 percent of those interned were native Americans of Japanese ancestry, while the remaining 20 percent were longtime residents of the United States. But this legislation important not just to victims, but to all Americans because it seeks to cure the lapse of constitutional protection that should have been, but was not, extended to protect the rights of Americans who were deprived of property and personal liberty out of panic based solely on their ethnic identity. Those interned suffered enormous damage and losses, both material and spiritual.

These Americans remained behind barbed wire, effectively incarcerated, literally for years after the initial panic and suspicion that placed them there should have subsided and given way to the greatest of American values and traditions: due process of law. But these Americans were denied the due process that would have disclosed that that they posed no threat to America's security. They were denied the due process that would have compensated them for serious property losses. They were denied justice—and they are owed it, still. Those freedoms and guarantees we so often take for granted, the cornerstone of our Constitution, were denied Japanese Americans.

Mr. President, we also owe these Japanese Americans great gratitude, great admiration and at least the same loyalty that they displayed so long ago—and ever since. For while America was at war with Japan, and they were prisoners of war in their own country, they never lost faith in America, never flagged in their loyalty to her—even when their love went unrequited. One of the great ironies of the period is that many of America's most heroic combat in that long war that began with the attack on Pearl Harbor were sons and grandsons of the internees—members of the U.S. Army's celebrated 442d Regimental Combat Team, one of the most highly decorated combat unit in American military history.

This legislation comes 45 years late, but not too late. It comes appropriately as we prepare, as a nation, to undertake the celebration of the bicentennial of the U.S. Constitution. The sad fact is that most Americans are ignorant of this episode in our history. Mr. President, it is my sincere hope that this legislation will give Americans of all generations the opportunity to know and understand exactly what happened between 1942 and 1945 so that never again will we allow panic to blind us to our obligation to practice that essential and fundamental justice that makes America worth fighting for.

By Mr. CHAFEE (for himself and Mr. Harkin):

S. 1010. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid, capitated basis; to the Committee on Finance.

MEDICARE COMMUNITY NURSING AND AMBULATORY CARE ACT

● Mr. CHAFEE. Mr. President, today I am joined by my distinguished colleague from Iowa in introducing the Community and Ambulatory Care Act of 1987—legislation designed to improve the delivery of health care services to Medicare beneficiaries outside of institutional settings.

This proposal would allow Medicare to reimburse community nursing centers for Medicare beneficiaries who elect to enroll in their programs. These centers would provide all ambulatory care services now offered under part B of the Medicare Program—except physician services. The services would be provided under the supervision of registered nurses, and safeguards to ensure a high quality of care would be provided through the existing peer review organizations.

In return for providing these services, the community nursing center will receive 95 percent of the total amount we are now paying for these same services per Medicare beneficiary. These centers will work in much the same way as an health maintenance organization—an HMO.

As a member of the Senate Finance Committee which has jurisdiction over the Medicare Program, I have become increasingly concerned about whether we are spending our Federal health care dollars effectively and whether the health care services we do provide are those most needed by the elderly and disabled.

In recent years we have made a number of major changes in the Medicare Program. One of the most far-reaching changes was development of the prospective payment system which pays hospitals per episode of illness based on DRG's [diagnostic related groups]. This system, which we are still refining and improving, has removed the inflationary incentives inherent in the old, retrospective cost-based reimbursement for hospital care.

However, because of the incentive built into this system to discharge Medicare patients more quickly, prospective payment has also created a critical gap in the services available to Medicare beneficiaries. When elderly beneficiaries are discharged from the hospital, services designed to help them recover and return to their previous lifestyle are sadly lacking.

The legislation I am introducing today will help fill this gap by providing a predetermined payment to community nursing organizations designed to provide the services Medicare beneficiaries need to fully recover. Community nursing organizations will also help more Medicare beneficiaries live independently longer by providing in-home assistance to help prevent institutionalization.

Over the past few years we have begun to explore alternatives to traditional health care systems with the goal of providing choices to those who are supposed to benefit from our Federal health care programs.

An example of this is our action to allow Medicare beneficiaries to option to enroll in an HMO or prepaid health care plan and opt out of the traditional Medicare Program. This option has already been chosen by 500,000 beneficiaries—a tiny portion of the 31 million individuals enrolled in the Medicare Program.

The bill I am introducing today expands on this concept. We must allow the beneficiaries of health care insurance to have greater responsibility and involvement in the delivery of their health care services. We must also continue to allow the Medicare Program to adapt to innovations in health care delivery. And finally, we must encourage the growth of noninstitutional services—such as those outlined in this legislation—so that we can help elderly individuals remain in their own homes and communities rather than force them to move to a nursing home. Flexibility in the use of noninstitutional models of health care is essential for improving the quality of life of the elderly.

The Community Nursing and Ambulatory Care Act makes use of one of the most important assets of our health care system: professional nurses. This legislation recognizes the expanded role nurses can play in providing primary health care. Nurses will be able to provide regular health assessments and posthospital care in a community based setting and they will be able to educate their patients, promote health, and prevent disease.

I hope my colleagues in the Senate will join me sponsoring this legislation.

I ask unanimous consent that the bill be printed in full in the Congressional Record at this point and that a statement by Senator Harkin appear in the Record immediately following the bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Community Nursing and Ambulatory Care Act of 1987".

SEC. 2. PROVIDING COMMUNITY NURSING AND AMBULATORY CARE ON A PREPAID, CAPITATED BASIS TO MEDICARE BENEFICIARIES.

Title XVIII of the Social Security Act is amended by inserting after section 1876 the following new section:

"PROVISION OF COMMUNITY NURSING AND AMBULATORY CARE ON A PREPAID, CAPITATED BASIS

"Sec. 1876A. (a) Eligibility of Medicare Beneficiaries to Enroll with Eligible Organizations.—Subject to the provisions incorporated by subsection (c)(3), every individual entitled to benefits under part A and enrolled under part B (other than an individual medically determined to have end-stage renal disease) shall be eligible to enroll under this section with any eligible organization with which the Secretary has entered into a contract under this section and which serves the geographic area in which the individual resides.

"(b) Definitions of Community Nursing and Ambulatory Care and Eligible Organization.—

"(1) Community nursing and ambulatory care defined.—In this section, the term 'community nursing and ambulatory care' means the following services:

"(A) Part-time or intermittent nursing care furnished by or under the supervision of registered professional nurses.

"(B) Physical, occupational, or speech therapy.

"(C) Social and related services supportive of a plan of ambulatory care.

"(D) Part-time or intermittent services of a home health aide.

"(E) Medical supplies (other than drugs and biologicals) and durable medical equipment while under a plan of care.

"(F) Medical and other health services described in paragraphs (2)(H)(ii) and (5) through (9) of section 1861(s).

"(G) Rural health clinic services described in section 1861(aa)(1)(C).

"(H) Certain other related services listed in section 1915(c)(4)(B) to the extent the Secretary finds such services are appropriate to prevent the need for institutionalization of a patient.

"(2) Eligible organization defined.—For purposes of this section, the term 'eligible organization' means a public or private entity, organized under the laws of any State, which meets the following requirements:

"(A) The entity is primarily engaged in the direct provision of community nursing and ambulatory care.

"(B) The entity provides directly, or through arrangements with other qualified personnel, community nursing and ambulatory care.

"(C) The entity provides that all community nursing and ambulatory care is furnished by or under the supervision of a registered nurse and that all such care is furnished by qualified staff.

"(D) The entity has policies governing the furnishing of community nursing and ambulatory care that are developed by registered professional nurses.

"(E) The entity maintains clinical records on all patients.

"(F) The entity has protocols and procedures to assure, when appropriate, timely referral to or consultation with other health care providers or professionals.

"(G) The entity complies with applicable State and local laws governing the provision of community nursing and ambulatory care to patients.

"(H) The requirements of subparagraphs (B), (D), and (E) of section 1876(b)(2).

"(c) Contracts with Eligible Organizations.—

"(1) In general.—The Secretary may not enter into a contract under this section with an eligible organization unless it meets the requirements of this subsection and subsection (d) with respect to members enrolled under this section.

"(2) Basic service package.—The organization must provide to members enrolled under this section, through providers and other persons that meet the applicable requirements of this title and part A of title XI, community nursing and ambulatory care (as defined in subsection (b)(1)) which is generally available to individuals residing in the geographic area served by the organization, except that the organization may provide such members with such additional health care services as the members may elect, at their option, to have covered.

"(3) Incorporation of enrollment provisions.—Section 1876(c)(3) shall apply to eligible organizations under this section in the same manner as it applies to eligible organizations under section 1876, and, for such purpose, any reference in that section to subsection (a)(1)(A) is deemed a reference to subsection (d)(1)(A) of this section.

"(4) Availability of services.—The organization must make community nursing and ambulatory care (and such other health care services as such individuals have contracted for) available and accessible to each such individual, within the area served by the organization, with reasonable promptness and in a manner which assures continuity.

"(5) Incorporation of grievance procedures.—Section 1876(c)(5) shall apply to organizations under this section in the same manner as it applies to organizations under section 1876.

"(6) Quality assurance.—The organization must have arrangements, established in accordance with regulations of the Secretary, for an ongoing quality assurance program for health care services it provides to such individuals, which program (A) stresses health outcomes and (B) provides review by health care professionals of the process followed in the provision of such health care services.

"(d) Determination of Per Capita Payment Rates.—

"(1) In general.—(A) The Secretary shall annually determine, and shall announce (in a manner intended to provide notice to interested parties) not later than September 7 before the calendar year concerned, a per capita rate of payment for each class of individuals who are enrolled under this section with an eligible organization and who are entitled to benefits under part A and enrolled under part B.

"(B) The Secretary shall define appropriate classes of members, based on age, disability status, and such other factors as the Secretary determines to be appropriate, so as to ensure actuarial equivalence. The Secretary may add to, modify, or substitute for such classes, if such changes will improve the determination of actuarial equivalence.

"(C) The annual per capita rate of payment for each such class shall be equal to 95 percent of the adjusted average per capita cost (as defined in paragraph (3)) for that class.

"(D) In the case of an eligible organization with a contract, the Secretary shall make monthly payments in advance and in accordance with the rate determined under subparagraph (C), except as provided in subsection (e)(3)(B), to the organization for each individual enrolled with the organization under this section.

"(E) The amount of payment under this paragraph may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled in the plan under this section and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

"(2) Payments as substitute for other payments.—Payments under a contract to an eligible organization under paragraph (1) shall be instead of the amounts which (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b) and 1833(a), for services furnished by or through the organization to individuals enrolled with the organization under this section.

"(3) Adjusted average per capita cost (AAPCC) defined.—For purposes of this section, the term 'adjusted average per capita cost' means the average per capita amount that the Secretary estimates in advance (on the basis of actual experience, or retrospective actuarial equivalent based upon an adequate sample and other information and data, in a geographic area served by an eligible organization or in a similar area, with appropriate adjustments to assure actuarial equivalence) would be payable in any contract year for those services covered under parts A and B and types of expenses otherwise reimbursable under parts A and B which are described in subparagraphs (A) through (G) of subsection (b)(1) (including administrative costs incurred by organizations described in sections 1816 and 1842), if the services were to be furnished by other than an eligible organization.

"(4) Payment from medicare trust funds.—The payment to an eligible organization under this section for individuals enrolled under this section with the organization and entitled to benefits under part A and enrolled under part B shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportions from each such trust fund as the Secretary deems to be fair and equitable taking into consideration benefits attributable to parts A and B, respectively.

"(5) Exclusive source of payment.—During any period in which an individual is enrolled under this section with an eligible organization having a contract, only the eligible organization (and no other individual or person) shall be entitled to receive payments from the Secretary under this title for community nursing and ambulatory care (as defined in subsection (b)(1)) furnished to the individual.

"(e) Restriction on Premiums, Deductibles, Copayments, and Coinsurance.—

"(1) In general.—In no case may the portion of an eligible organization's premium rate and the actuarial value of its deductibles, coinsurance, and copayments charged (with respect to community nursing and ambulatory care) to individuals who are enrolled under this section with the organization, exceed the actuarial value of the coinsurance and deductibles that would be applicable on the average to individuals enrolled under this section with the organization (or, if the Secretary finds that adequate data are not available to determine that actuarial value, the actuarial value of the coinsurance and deductibles applicable on the average to individuals in the area, in the State, or in the United States, eligible to enroll under this section with the organization, or other appropriate data) and entitled to benefits under part A and enrolled under part B, if they were not members of an eligible organization.

"(2) Additional benefits.—If the eligible organization provides to its members enrolled under this section services in addition to community nursing and ambulatory care, election of coverage for such additional services shall be optional for such members and such organization shall furnish such members with information on the portion of its premium rate or other charges applicable to such additional services. In no case may the sum of—

"(A) the portion of such organization's premium rate charged, with respect to such additional services, to members enrolled under this section, and

"(B) the actuarial value of its deductibles, coinsurance, and copayments charged, with respect to such services to such members

exceed the adjusted community rate for such services (as defined in section 1876(e)(3)).

"(3) Additional benefits required.—(A) Subject to subparagraphs (B) and (C), each such contract shall provide that if—

"(i) the adjusted community rate, referred to in paragraph (2), for community nursing and ambulatory care covered under parts A and B (as reduced for the actuarial value of the coinsurance and deductibles under those parts) for members enrolled under this section with the organization,

is less than

"(ii) the average of the per capita rates of payment to be made under subsection (d)(1) at the beginning of an annual contract period for members enrolled under this section with the organization,

the eligible organization shall provide to such members the additional benefits described in section 1876(g)(3) which are selected by the eligible organization and which the Secretary finds are at least equal in value to the difference between that average per capita payment and the adjusted community rate (as so reduced).

"(B) Subparagraph (A) shall not apply with respect to any organization which elects to receive a lesser payment to the extent that there is no longer a difference between the average per capita payment and adjusted community rate (as so reduced).

"(C) An organization (with the approval of the Secretary) may provide that a part of the value of such additional benefits under subparagraph (A) be withheld and reserved by the Secretary as provided in section 1876(g)(5).

"(D) If the Secretary finds that, for purposes of subparagraph (A), there is insufficient enrollment experience to determine an average of the per capita rates of payment to be made under subsection (d)(1) at the beginning of a contract period, the Secretary may determine such an average based on the enrollment experience of other contracts entered into under this section.

"(4) INCORPORATION OF RELATED PROVISIONS.—The provisions of paragraphs (3), (5), and (6) of section 1876(g) shall apply in the same manner to contracts under this section as they apply to risk-sharing contracts under section 1876, and, for this purpose, any reference in such paragraphs to paragraph (2) is deemed a reference to paragraph (3) of this subsection.

"(5) INCORPORATION OF SECONDARY PAYOR PROVISION.—Section 1876(e)(4) shall apply to eligible organizations under this section in the same manner as it applies to eligible organizations under section 1876.

"(f) INCORPORATION OF PROVISIONS RELATING TO OTHER TERMS OF CONTRACT.—Section 1876(i) shall apply to contracts under this section in the same manner as it applies to contracts under section 1876, and, for such purpose, any reference to subsection (e) is deemed a reference to subsection (d) of this section.".●

● Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague from Rhode Island today in the introduction of the Community Nursing and Ambulatory Care Act of 1987.

In recent years we have witnessed a dramatic drop in the length of hospital stays and an increasing demand for home health services. By making use of one of the best resources of our health care system—professional nurses—the bill we are introducing today would bridge the Medicare gap between hospital and home.

The Community Nursing and Ambulatory Care Act of 1987 allows for the creation of community-based nursing organizations to provide Medicare part B services on a prepaid, precapitated basis to enrollees. These centers would provide high quality nursing care under the supervision of RN's, as well as physical, occupational, and speech therapy. Patients who need health care, but who have been released from hospitals or do not want to move to nursing homes, could receive the care they need in their homes, while maintaining their independence and dignity.

The bill includes quality assurance measures which protect beneficiaries. These include peer review and a grievance procedure to insure that both Medicare enrollees and the Federal Government get what they pay for.

The reimbursement rate for the nursing organizations would be similar to that for a HMO. HCFA actuaries would calculate part B costs per beneficiary and extract physician, x ray, and laboratory fees from that figure. The entities would then be paid 95 percent of that dollar amount per enrollee, and be contractually obligated to provide the remaining part B services on a monthly basis. Simply put, the legislation relies on prepayment based on actuarial data, providing incentives for efficiency and cost control.

I hope that my colleagues will join Senator CHAFEE and me in support of the Medicare Community Nursing and Ambulatory Care Act of 1987. I believe that by recognizing the expanded role nurses can play in providing primary health care, we can provide a humane, and at the same time cost-effective alternative to hospitalization and nursing home placement for millions of older and disabled Americans.

Finally, I would like to thank the American Nurses Association for their assistance in drafting this legislation, and I want to thank my nurses advisory committee in Iowa—a group on whose advice on a wide range of health issues I have come to rely—for their support.●

By Mr. EXON:

S. 1011. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BUDGET REFORM LEGISLATION

Mr. EXON. Mr. President, during the President's State of the Union message in January, the Congress erupted with unrestrained applause when the President declared "the deficit is outrageous." I hope that the Congress will back its applause for deficit reduction with action. It should be obvious by now that stern discipline is required. I propose that discipline with the bill I introduce today, in this deficit reduction to the debt ceiling increase.

Although I have come to this floor many times to introduce and support legislation which restores fiscal responsibility to the Federal Government, I was one of the leading skeptics of the Gramm-Rudman law. Despite the good intentions of its sponsors, the Gramm-Rudman law has not begun to realistically meet its attractive but unrealistic goals. We are now engaged in a great charade of dancing and dodging to escape responsibility for fostering phony goals in the first place by erecting new graven images of a balanced budget. We just must realize that Gramm-Rudman was created primarily to grease passage of the debt limit extension to over $2 trillon. The debt ceiling increase was truly the germination of birth by artificial insemination and Congress was the mid-wife. Notwithstanding its proud authors' proclamations, their creation of a "beautiful thing," Gramm-Rudman and the record debt ceiling increase is as ugly a duckling as I have ever seen from the standpoint of truth in budgeting. The Congress and the President are now dashing for cover from their irresponsibility, covering their whereabouts with a smoke screen of phony numbers to reach their well-publicized worthy but unattainable goals in their time frame. There is no "quick fix" in 5 years given the runaway deficits of this administration's past 6 years, while the national debt doubled to over $2 trillion.

Rather than bring a rapid reduction in the deficit, the first year under the Gramm-Rudman law has produced a record $220 billion deficit for fiscal year 1986 and the budget deficit for 1987 is expected to exceed $176 billion; $32 billion above the magical and mandated deficit target of $144 billion. Neither the President nor anyone else, despite their claims, has or can develop a 1988 budget which meets the $108 billion Gramm-Rudman deficit target without devastating national defense or increasing taxes to a point that may cause a recession, or both. To solve a problem, the first step is to face facts and quit pursuing myths.

In my opinion, there were two fatal flaws in the Gramm-Rudman scheme. First, it devised a formula for deficit reduction which was so filled with exemptions and special rules that well over half of the Federal budget was exempt from reduction. The exemptions and special rules were the heart and soul of the weak-kneed political deal patched together with cold water paste, looking for a reason to separate.

The second and most serious flaw and false promise of the Gramm-Rudman law is its total reliance on arbitrary economic projections as realistic benchmarks of progress toward the much promised balanced budget of 1991. Under the Gramm-Rudman plan, economic forecasts have assumed the status of economic facts. These forecasts are made for a period into the future, and all attention is focused on making the forecasts meet the deficit target for a single fiscal year. In such a legislative environment, no holds are barred to make the future target year look as good as possible regardless of the long-term effects of the chosen action. This invites, on its face, manipulations and procrastination.

There is now no continuing enforcement mechanism to assure that economic estimates are correct or that deficit reduction efforts are sufficient. Given the optimistic economic forecasts and clever accounting tools available to Congress and the President, even an automatic sequester mechanism would produce deficits significantly above the mandated targets. This is a given, conveniently ignored since it serves as a magnificent and convenient political escape valve.

In essence, the Gramm-Rudman scheme does not work to reduce deficits, it works to reduce deficit projections. It should be recognized that there is a difference. The more difficult the target is to meet, the more creative the political branches of Government will be in their search to painlessly reduce the deficit.

The best example of congressional and Presidential budget monkey business was last year's budget reconciliation bill. The activities of Congress and the President were nothing short of shameful. Most members of the Budget Committee and the vast majority of the Congress knew that the 1986 reconciliation bill would not produce a deficit in the $144 to $154 billion range as mandated by the Gramm-Rudman law, but would produce a deficit in the $170 to $180 billion range. This was known and discussed among the members. Furthermore, the savings produced by that bill were, for the most part, the result of accounting manipulations such as pushing expenses forward and backward out of the 1987 fiscal year and accelerating receipts into the 1987 fiscal year. Spending was not cut as much as the Congress proudly announced to the American people. It was simply shifted out of the target year. While the target year deficit declined, the spending and borrowing of the Federal Government was not significantly affected. The latest Congressional Budget Office report confirmed my suspicions and placed the 1987 deficit in excess of $176 billion.

The press, by and large, dutifully went along, reporting the various viewpoints and allowing the myth to prevail that we had indeed done something. The conservative press heralded this as a major breakthrough, demonstrating at best that they are believers of what they preach rather than devout followers of workable remedies or they are ignorant of all facts of meaningful Government budget balancing.

This charade points out that the Gramm-Rudman law focuses on an ideal deficit target 1 year at a time and measures success by economic forecast, not deficit reduction. The Gramm-Rudman process essentially ignores the total debt of the United States. The amateurish and temporary shifting of spending for a day or so, from 1 fiscal year into another, may appear to reduce the deficit in a given year, but it has no beneficial effect on total Government spending or the accumulated national debt. It is a great form of using mirrors to reflect the image that you desire, but it can't transform an ugly duckling into the goose who laid the golden egg. Bankruptcy is also usually proceeded by balancing the checking account for months or years with float.

If the Congress and the President are serious about reducing the deficit, we had better focus our attention both on the desired declining annual deficits and on the accumulated national debt. They are directly related, an economic and bookkeeping fact usually conveniently ignored.

The legislation I introduce today would essentially cap the statutory debt ceiling to match the deficit targets of the congressional budget resolution.

Under recent practice, the House of Representatives has passed its initial debt ceiling legislation under a rule which ties the debt ceiling to the passage of the annual congressional budget, thereby avoiding at least one record vote on a "stand alone" debt ceiling bill. The Senate, of course, more often than not, engages in high drama debt ceiling politics. The search for votes to push the statutory debt ceiling above $2 trillion in 1986 was the driving force behind the creation of the Gramm-Rudman legislation.

Prior to the adjournment of the 99th Congress, the Senate broke with tradition and the debt ceiling was incorporated into the annual budget reconciliation bill. Despite the questionable budget savings of the 1986 reconciliation bill, it made a great deal of sense to link the debt ceiling to the reconciliation process. If Congress is to approve an increase in the statutory debt ceiling, it should be required to approve deficit reduction to assure that the Congress, at a minimum, keeps its deficit reduction commitments or stands up tall and forthright to vote required changes.

The congressional budget resolution includes functional targets for outlays, budget authority, revenues, and borrowing. The Congress uses reconciliation instructions to direct committees to report legislation necessary to meet the guidelines of the congressional budget. Those bills are sometimes bundled into one reconciliation package.

The legislation which I introduce today would put debt ceiling legislation into the budget cycle; require that the borrowing aspect of the budget be subject to reconciliation instructions; and require that annual legislation to increase the debt ceiling be included in the annual reconciliation package. In addition, a three-fifths vote would be necessary to increase the debt ceiling to beyond the level contemplated by the congressional budget resolution.

Such a procedure would institute continuous enforcement of the deficit targets contained in each year's budget. If Congress sticks to its annual budget and corrects it for changing economic conditions, debt ceiling legislation would be handled in a routine manner under the limited debate procedures of reconciliation.

If the Federal Government borrows funds at a rate faster than contemplated by the annual budget, the Congress would need a three-fifths vote to increase the debt ceiling. Other measures to deal with a budget shortfall, such as reducing spending and/or raising revenue would only require a simple majority. No longer would increasing the national debt be the easiest way for Congress to satisfy its spending appetite.

This procedure would also make it much more difficult for the Congress or the President to employ smoke and mirrors instead of serious deficit reduction because commitment to deficit reduction would be measured by the national debt in addition to the arbitrary OMB/CBO "snapshot" of the projected deficit for the coming fiscal year. Accounting gimmicks such as pushing spending backwards into a soon to be completed fiscal year would be discouraged because the accumulated national debt would grow when spending is shifted rather than reduced.

What I propose here is a very tough but workable solution to the faulty Gramm-Rudman enforcement mechanism. To give such a proposal a chance to work, we should change the unrealistic assumptions concocted under Gramm-Rudman which underestimated the deficit by approximately $50 billion when enacted. Sooner or later the proponents will have to concede that, although inadvertently, the numbers were way off base when Gramm-Rudman was passed. It's not written in the Good Book that we have to eliminate the deficit in 5 years. Getting on a workable, downward path, I believe, is more important.

Under the legislation I introduce today, the debt ceiling could only be raised beyond the level contemplated by the congressional budget with a three-fifths vote, the same margin required to waive certain Gramm-Rudman points of order. However, only a simple majority is necessary to alter spending and revenue policies to keep the budget on track. If the Congress and the President could not come to an agreement, the Government would be on a "short tether" in that Federal spending authority would begin to wind down. If borrowing authority is not extended, we could spend only incoming revenues.

This procedure would require continuous congressional attention to the actual levels of spending rather than annual projected levels. The threat of a temporary or full Government closure and the resulting financial chaos would pressure the President and Congress to be honest with economic and deficit projections; keep spending within the level planned by the congressional budget and to fine tune the Nation's economic plan throughout the year.

It's the ultimate workable sequester and it's foolproof. It would force Congress and the President to make the cuts or raise the revenue or a combination of both, rather than the origional unconstitutional Gramm-Rudman process of delegating the process to some faceless bureaucrat. In addition, it proposes a build-in "safety valve" for any unforeseen future problems by providing a waiver by a three-fifths vote.

There are those who are working diligently to "make smoke" to cover the mismanagement of this Nation's fiscal policy with a so-called capital budget. Certainly, many businesses employ, and quite properly, a fiscal procedure to borrow money through bonds or other long-term debentures for capital improvements that will produce new and additional revenues in the future. A sinking fund is customarily employed to assure pay back, on an orderly basis, out of future revenues.

States, municipalities, and other governmental subdivisions use this procedure. It is not bad on its face so long as it does not become a means to live beyond the entities' means forever. There are people who are attracted to this as a convenient means to explain away and make mute the $2 trillion debt, over half of which has been created in the last 6 years alone, under the current and generally perceived-to-be "conservative" administration.

The capital budget fiscal maniacs justify their ingenuity by explaining, for example, that aircraft carriers are not something to buy for immediate consumption and therefore should not be charged against the deficit or national debt. Logically, from a traditional business standpoint—yes. They are correct. Unfortunately, they consistently overlook the fact that we have never measured Federal debt or deficits in this manner. Such a "spender" philosophy by those who portray themselves as fiscal conservatives is disappointing. There is nothing wrong with, for accounting purposes, to have a capital budget as a separate, broken-out figure in the final budget document. However, reducing the deficit by such actions will deftly, but gradually cover our runaway spending habits that we pass along with nonchalance to our children and grandchildren without paying the way in our generation. We need some truth and not sleight of hand in the Federal budget.

Mr. President, the Congress must face the fiscal facts and work to reduce deficit spending rather than hide it. I invite my colleagues to study and support this budget reform initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECONCILIATION DIRECTIVES TO INCLUDE DIRECTIVE WITH RESPECT TO INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

(a) IN GENERAL.—Section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by adding at the end thereof of following new subsection:

"(h) RECONCILIATION DIRECTIVES WITH RESPECT TO PUBLIC DEBT LIMIT.—

"(1) Any concurrent resolution on the budget for a fiscal year that contains directives of the type described in paragraph (1) or (2) of subsection (a) for such fiscal year shall also include a directive of the type described in paragraph (3) of such subsection for such fiscal year.

"(2) Any change in the statutory limit on the public debt that is recommended pursuant to a directive of the type described in paragraph (3) of subsection (a) shall be included in the reconciliation legislation reported pursuant to subsection (b) for such fiscal year.".

(b) CONFORMING CHANGE.—Section 310(d)(2) of such Act is amended by inserting "(other than a provision reported pursuant to a directive of the type described in subsection (a)(3))" after "motion to strike a provision".

SEC. 2. POINT OF ORDER.

(a) IN GENERAL.—Notwithstanding the Standing Rules of the Senate, except as provided in subsection (b), it shall not be in order in the Senate to consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for such fiscal year in the concurrent resolution on the budget for such fiscal year agreed to under section 301 of the Congressional Budget Act of 1974.

(b) EXCEPTION.—Subsection (a) shall not apply to any reconciliation bill or reconciliation resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(1) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of such Act, and

(2) becomes effective on or after the first day of the following fiscal year.

(c) WAIVERS.—Subsection (a) may be waived or suspended in the Senate by a vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—If the ruling of the presiding officer sustains a point of order raised pursuant to paragraph (1), a vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of any such point of order is not subject to a motion to table.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act.

SEC. 4. EXERCISE OF RULEMAKING POWERS.

This Act and the amendments made by this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1012. A bill to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the commission; to the Committee on Energy and Natural Resources.

LOWELL HISTORIC PRESERVATION COMMISSION AUTHORIZATION

Mr. KERRY. Mr. President, today I am pleased to introduce legislation that will reauthorize the Lowell Historic Preservation Commission for an additional 7 years. This reauthorization, which is cosponsored by my colleague from Massachusetts, is necessary in order to continue the important work that the Commission, working closely with the Lowell National Historical Park, has begun. A companion measure is being introduced in the House of Representatives, by our colleague, Mr. ATKINS of Massachusetts.

The Lowell Historical Park and the Lowell Preservation Commission were established by Congress in 1978 under the sponsorship of then-Congressman Paul Tsongas. It is clear that both entities have made major contributions to the phenomenal economic revitalization of Lowell, MA. For those of us who knew Lowell in the years prior to the park and the Commission, the transformation is nothing short of incredible. Back then, this chronically depressed mill town had an unemployment rate of 13 percent. In a relatively short time, unemployment has shrunk to about 3.3 percent and new construction in 1983 increased by 1,600 percent, according to Dun & Bradstreet. Since the park's inception, a public sector contribution of $98 million in Federal and State funds has leveraged a private sector investment of over $238 million in the downtown area alone.

The park and Commission's benefits have been both direct and indirect. In terms of direct economic benefits, the national and State parks attracted some 800,000 recreation visits in 1985, each of which spent between $8 and $10 each, exclusive of lodging. In terms of development, funds appropriated by Congress under the park and Commission's development authorization represent less than half of the public-sector contribution to the downtown revitalization.

Just as important as the visitors from around the country and the world the park and Commission has brought to Lowell and the accompanying revitalization are some of the indirect benefits that have come to the region. The national park helped to create a consensus by articulating goals for the city and a clear vision for the future. It has contributed to a dramatic change in image—both the community's self-image and the image it projects to developers, businesses and potential visitors. Lowell and the surrounding communities have a bright future due in large part to the foresight of Paul Tsongas and the continued support of Congress in recognizing the importance of maintaining adequate support for these important projects.

This legislation, in addition to extending the life of the Commission, will also provide an additional $12,100,000 for its activities as well as authorizing an added $2,300,000 for the national park. It will also make some small changes in the authorizing act which will enhance the Commission's effectiveness.

I want to commend the Senate for its past support for the Lowell Park and Commission and express my hope that the appropriate committee and the full Senate will move swiftly to extend the important life of this model Federal Commission.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes", approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended—

(1) in section 103(a)—

(A) by striking "$18,500,000" and inserting "$19,800,000" in paragraph (1); and

(B) by striking "$21,500,000" and inserting "$33,600,000" in paragraph (2);

(2) in section 301(e)(2) by striking "for a period not longer than thirty days" and inserting "until his successor is appointed";

(3) in section 301(f) by striking "Eight" and inserting "A majority of the incumbents"; and

(4) in section 301(i) by striking "ten" and inserting "seventeen".

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by section 1 shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE OF AUTHORIZATION OF APPROPRIATION.—The amendments made by section 1(1) shall take effect on October 1, 1987.

Mr. KENNEDY. Mr. President, I rise in support of this bill to reauthorize the Lowell National Historic Commission and provide additional funds for the Lowell National Historic Park.

Historically, the city of Lowell was a symbol of the age of our industrial revolution. The city was among the first of the planned industrial communities in the Western Hemisphere. For nearly half a century, it was the premier industrial city in America. Unfortunately, just as Lowell led the Nation in industrialization—it was also among the first cities to confront the urban blight of the postindustrial revolution era.

Civic, government, and business leaders marshaled a new spirit of partnership for Lowell to move ahead again. On June 5, 1978, Congress responded with the passage of legislation to create the Lowell National Historic Park and the Lowell Historic Preservation Commission. Through an innovative partnership between the public and private sectors, the cultural heritage of this outstanding city is being preserved for the appreciation and education of generations of Americans.

The Commission has devised and implemented a brilliantly original and effective design for the park. It has been very successful but its work is not finished.

The bill that I am cosponsoring today with my colleague Senator KERRY, will increase the amount authorized for the Commission and the park and extend the authority of the Commission for 7 years so that it can continue its fine service to the city and the people of Lowell.

By Mr. BOREN:

S. 1013. A bill to amend the Farm Credit Act of 1971, as amended, to extend authority for financing cooperative exports and imports; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL TRADE FINANCING ACT

● Mr. BOREN. Mr. President, I am introducing today a bill which would extend the Farm Credit System Banks for Cooperatives authority to finance cooperative exports and imports.

The Farm Credit Act Amendments of 1980 gave the banks for cooperatives expanded authority to finance export and import transactions that benefit U.S. cooperatives and their members. The banks have successfully implemented that authority; however, the authority terminates on September 30, 1990, unless Congress extends it. The bill I am introducing today will remove the "sunset" provision and thereby allay any concerns foreign buyers may have that the authority will be allowed to expire.

When Congress adopted the 1980 amendments, it was believed that we needed a trial period which would allow the banks for cooperatives to prove their ability to provide financing for agricultural exports. After adoption of the 1980 amendments, the banks for cooperatives placed the responsibility for these activities with the Central Bank for Cooperatives in Denver, CO. The Central Bank has proven its ability to serve as a financier of agricultural exports.

Since making their first international loan in 1982, the banks for cooperatives have financed over $5 billion in U.S. farm exports sourced by farmer-owned cooperatives. The banks, through the Central Bank for Cooperatives, have successfully financed sales into over 25 nations and established correspondent bank relationships in 50 countries. Within 3 years of commencing operation, the banks began to show positive cash-flow from international activities and had recouped startup costs.

The banks' analysis units carefully monitor both country risk and borrower risk to minimize loss potential. Additionally, the banks use USDA Commodity Credit Corporation guarantees and the Foreign Credit Insurance Association insurance programs of the Eximbank to the greatest extent possible. The banks effective use of these foreign credit risk management tools has permitted the banks to operate for 5 years without a loan loss.

Farmer-owned cooperatives have a substantial investment of time and money in the establishment of the banks' international services. The sophisticated operations necessary for effective participation in international markets demand the recruitment and retention of a specialized staff. Critical to its overall success is the ongoing relationships with various foreign and domestic parties. The threat of termination of the banks' authority to engage in these activities could impair their ability to continue to function at maximum efficiency.

Mr. President, the international services of the banks for cooperatives is one bright spot in an otherwise distressed Farm Credit System. The bill I am introducing today will allow this to continue.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill and letters of support from the National Association of Wheat Growers and the American Farm Bureau Federation be printed in the RECORD at this point.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 1013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Financing Act of 1987".

EXTENSION OF AUTHORITY TO FINANCE COOPERATIVE EXPORTS AND IMPORTS

SEC. 2. Section 4.20 of the Farm Credit Act of 1971 (12 U.S.C. 2208) is amended by—

(1) in the first sentence, striking out "(1)" and ", and (2) section 3.7(b) authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives which are borrowers from the banks for cooperatives,";

(2) in the second sentence, striking out "either provision" and inserting in lieu thereof "such provisions".

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 7, 1987.

Hon. DAVID BOREN,
Chairman, Agriculture Subcommittee on Credit, Senate Committee on Agriculture, U.S. Senate, Washington, DC.

DEAR SENATOR BOREN: In 1980 Congress authorized the Banks for Cooperatives to finance U.S. international trade involving farmer-owned cooperatives. Subsequently, the Banks for Cooperatives placed the responsibility for international lending activities with the Central Bank for Cooperatives in Denver, Colorado.

The legislation contained a sunset provision whereby these new authorities would expire in ten years, which is September 30, 1990. It was believed that a trial period was necessary in order to allow the Banks for Cooperatives to prove their ability as financiers of agricultural exports.

Since the enactment of this legislation, the Central Bank for Cooperatives has been of real assistance in the export of agricultural commodities. They have proved their ability to assist farmers and ranchers in the international trade field.

The American Farm Bureau Federation believes it is important to indicate to our international trading partners that the Central Bank for Cooperatives will be involved in long-term trade financing. We believe it is important to remove the sunset provision that exists in current law. We urge your support for legislation to remove the sunset limitation on the international lending authority of the Banks for Cooperatives.

Sincerely,

JOHN C. DATT,
Executive Director,
Washington Office.

NATIONAL ASSOCIATION
OF WHEAT GROWERS,
Washington DC, March 16, 1987.

Hon. DAVID L. BOREN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOREN: This is to indicate the National Association of Wheat Growers support for legislation which would remove the sunset limitation on the international lending authorities of the Banks for Cooperatives (BCs).

In 1980 Congress authorized the BCs to finance U.S. international trade involving farmer-owned cooperatives. Subsequently, the BCs placed the responsibility for international lending activities with the Central Bank for Cooperatives (CBC) in Denver, Colorado.

Since making its first international loan in 1982, CBC has financed over $5 billion of U.S. agricultural exports. The bank financed $1.3 billion in farm exports in 1986 alone. It has financed exports into 27 foreign countries and has established 114 foreign correspondent banking relationships in 48 countries. CBC is a significant participant in the Commodity Credit Corporation's GSM programs as well as PL 480. CBC has conducted this business without incurring a loan loss despite a very difficult international operating environment.

Farmers, through their cooperatives, have a substantial investment of time and money in the BC export finance program. Allowing the sunset limitation to remain in force and to cause these authorities to expire would be a loss of an investment and a proven credit source vital to building U.S. farm exports.

We hope that legislation is successful in repealing the sunset limitation on BC international lending authorities, and we support your efforts to pass this important legislation.

Sincerely,

JAMES W. MILLER,
President.●

By Mr. LAUTENBERG:

S. 1014. A bill to increase civil monetary penalties based on the effect of inflation; to the Committee on Governmental Affairs.

S. 1015. A bill to increase criminal monetary penalties based on the effect of inflation; to the Committee on the Judiciary.

FEDERAL CIVIL PENALTIES INFLATION ADJUSTMENT ACT AND FEDERAL CRIMINAL PENALTIES INFLATION ADJUSTMENT ACT

● Mr. LAUTENBERG. Mr. President, I rise today to introduce the Federal Civil Penalties Inflation Adjustment Act of 1987 and Federal Criminal Fines Inflation Adjustment Act of 1987. These two bills would adjust for inflation the maximum level of various civil monetary penalties and criminal fines.

Mr. President, each year the Government imposes monetary penalties for violations of civil laws and regulations. These penalties are designed to deter businesses and individuals from crossing various legal and regulatory lines, and to penalize those who do.

A resolute Congress wants to talk tough when it sets penalties for violating remedial laws—to protect the environment, to ensure a safe workplace, to provide for transportation safety, to maintain a fair and competitive marketplace. But, its bark is bigger than its bite. Intervening years of inflation reduce the real impact of the sanction. By its inaction, Congress each year pulls the punch of penalties for a variety of transgression. While the rate of inflation has slowed recently, congressional inaction spans periods of high inflation, as well as low.

Because of inflation, the price for violating OSHA rules has dropped roughly 65 percent since 1970, when the civil penalty was set at $10,000.

Because of inflation, the price for violating airline safety requirements has dropped roughly 75 percent.

And these are not isolated cases. Throughout the body of Federal laws, there are enforcement provisions that are falling out of date. According to survey of the agricultural laws by the Congressional Research Service, 40 percent of the penalty provisions are over 20 years old. Another 30 percent are over 10 years old.

While every consumer must cope with price hikes in everything from food to medical care, those who violate the law do not.

As a rule, many of the remedial laws remain on the books unchanged until some major development requires that they be rewritten. The law provided a $10,000 penalty for violations of rules and regulations of the Nuclear Regulatory Commission. After the Three Mile Island disaster, Congress raised that to $100,000 in 1980. It has not changed since.

It would be unrealistic to assume that Congress can or will reopen every major law, to review and update civil enforcement provisions. Congress strains each year to pass a budget and the required appropriations acts. If Congress wants to maintain the deterrent power of civil penalties, and if it wants to maintain compliance with the law, it must adjust the amount of penalties automatically.

The legislation I propose today would do just that. The Civil Penalties Inflation Adjustment Act would adjust civil penalties automatically for inflation. Agencies would be required to publish a schedule of penalties each year. These would apply unless expressly superseded by Congress. Adjustments would, in the first year, be made retroactive to the last time Congress set or raised the penalty.

Mr. President, Congress increased the authorized levels of criminal fines, when it passed the Comprehensive Crime Control Act of 1984. The law also established a Sentencing Commission, which would establish guidelines that judges shall apply in setting sentences, including the imposition of fines, within the statutory maximums. The Commission's guidelines are now pending before the Congress for review.

While the maximum fines Congress set in 1984 were substantially above previous fine levels, they shall slowly lose value for inflation, unless Congress adjusts those fines. Consequently, the Criminal Fines Inflation Adjustment Act which I am introducing would adjust for inflation the maximum authorized criminal fines. It would also direct the Sentencing Commission to take account of inflation when it sets its guidelines with respect for fines.

Mr. President, not only is enforcement of the law weakened by the failure to update fines and penalties, the Federal Treasury is denied tens if not hundreds of millions of dollars.

Total fines, penalties, and forfeitures of the Federal Government in fiscal year 1986 topped $420 million. This does not include those collected under the tax laws—which generally are not identified separately from tax receipts themselves. By inflation adjusting penalties each year, revenues would increase. If this adjustment includes inflation since the penalty was set, the impact would be substantial.

Mr. President, unfortunately the OMB maintains no detailed central account that tracks penalty assessments and collections and matches them with the laws under which they are imposed. There is no accounting of which laws need updating the most. Apparently, the bureaucracy thinks $400 million is small change that is not worth watching more closely.

Under each bill I am introducing, OMB would be required to maintain a central accounting of agencies' performance and collections. So, Congress and the public would know whether the laws are being enforced.

Mr. President, Congress should ensure that we have civil monetary penalties and criminal fines that pack as much punch tomorrow as they did the day a resolute Congress passed them. That would mean more respect for the laws, and more money in the Treasury. The Federal Civil Penalties Inflation Adjustment Act and the Federal Criminal Fines Inflation Adjustment Act are intended to secure these goals.

I urge my colleagues to support these two bills.

Mr. President, I ask unanimous consent that the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Civil Penalties Inflation Adjustment Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the power of Federal agencies to impose civil monetary penalties for violations of Federal law and regulations plays an important role in deterring violations, and furthering the policy goals embodied in such laws and regulations;

(2) the dollar amount of many civil monetary penalties has been reduced due to inflation that has occurred since Congress last set or adjusted the penalty amount;

(3) the reduction by inflation of civil monetary penalties has reduced the effect of civil monetary penalties in deterring violations and promoting compliance with the law, and has reduced revenues to the Federal Government; and

(4) the Federal Government does not maintain comprehensive, detailed accounting of the efforts of governmental agencies to assess and collect civil monetary penalties.

(b) PURPOSES.—The purposes of the Act are to—

(1) provide for regular adjustment for inflation of civil monetary penalties;

(2) maintain the deterrent effect of civil monetary penalties and to promote compliance with the law;

(3) improve the collection by the Federal Government of civil monetary penalties.

INFLATION ADJUSTMENT OF CIVIL MONETARY PENALTIES

SEC. 3. Effective January 1, 1988, any civil monetary penalty provided for in Federal law shall be adjusted as provided in this Act.

ADJUSTMENT FOR TAXABLE YEAR BEGINNING IN 1987

SEC. 4. (a) IN GENERAL.—Not later than December 15, 1986, the head of each Federal agency shall prescribe and publish in the Federal Register a schedule of civil monetary penalties for each civil monetary penalty provided by law within the jurisdiction of the Federal agency which shall apply for the year beginning after December 31, 1987, in lieu of the penalties provided in the law as of the date of the enactment of the Federal Civil Penalties Inflation Adjustment Act of 1987.

(b) METHOD OF PRESCRIBING SCHEDULE.—The schedule of civil monetary penalties shall be prescribed by increasing each penalty amount by the historical cost-of-living adjustment. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $10.

(c) HISTORICAL COST-OF-LIVING ADJUSTMENT.—For purposes of subsection (b), the historical cost-of-living adjustment for each penalty amount is the percentage (if any) by which—

(1) the average of the Consumer Price Index as of the close of the 12-month period ending on September 30, 1987, exceeds

(2) the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of the calendar year in which such penalty amount was last determined under law prior to the date of the enactment of the Federal Civil Penalties Inflation Adjustment Act of 1987.

ANNUAL ADJUSTMENTS FOR TAXABLE YEARS BEGINNING AFTER 1988

SEC. 5. (a) IN GENERAL.—Not later than December 15 of 1988 and each subsequent calendar year, the head of each Federal agency shall prescribe and publish in the Federal Register schedules of civil monetary penalties which shall apply in lieu of the schedule prescribed under section 4 with respect to taxable years beginning in the succeeding calendar year.

(b) METHOD OF PRESCRIBING SCHEDULES.—The schedule which under subsection (a), is to apply in lieu of the schedule prescribed under section 4, with respect to years beginning in any calendar year shall be prescribed by—

(1) increasing each base penalty amount by the cost-of-living adjustment for such calendar year; and

(2) adding to the schedule any civil monetary penalty within the jurisdiction of the Federal agency that was enacted into law in the previous calendar year and increasing the base penalty amount by the cost-of-living adjustment for the current calendar year.

Any increase determined under clause (1) or (2) shall be rounded to the nearest multiple of $10.

(c) COST-OF-LIVING ADJUSTMENT.—For purposes of subsection (b), the cost-of-living adjustment for any calendar year is—

(1) in the case of base penalties provided by law before December 15, 1987, the percentage (if any) by which—

(A) the Consumer Price Index for the preceding calendar year, exceeds

(B) the Consumer Price Index for the calendar year 1987; and

(2) in the case of base penalties provided by law on or after December 15, 1987, the percentage (if any) by which—

(A) the Consumer Price Index for the preceding calendar year, exceeds

(B) the Consumer Price Index for the calendar year in which the base penalty was provided by law.

(d) CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR.—For purposes of subsection (c), the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of such calendar year.

DEFINITIONS

SEC. 6. For purposes of this Act—

(1) the term "Consumer Price Index" means the Consumer Price Index for all-urban consumers published by the Department of Labor; and

(2) the term "base penalty amount" means the civil monetary penalty provided by law, absent any adjustments made pursuant to this Act.

REPORTING

SEC. 7. (a) COMPREHENSIVE REPORT BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall annually prepare and issue a comprehensive report that includes—

(1) the number and amount of civil fines or penalties imposed pursuant to each provision of law providing for such fines or penalties; and

(2) the number and amount of such fines and penalties actually collected.

(b) REPORTS BY OTHER AGENCIES.—The Director of the Office of Management and Budget shall establish a system of reporting to be used by the agencies empowered to impose or collect civil monetary fines and penalties to enable the Director to prepare the report described in subsection (a).

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Criminal Penalties Inflation Adjustment Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the power to impose monetary fines for various Federal criminal offenses plays

an important role in deterring offenses and in punishing those who violate the law;

(2) the Federal Government does not maintain comprehensive, detailed accounting of the imposition and collection of criminal fines;

(3) the Comprehensive Crime Control Act of 1984 increased the authorized fines for various criminal offenses; and

(4) the deterrent effect of authorized criminal fines will depreciate in the future because of inflation unless they are adjusted.

(b) PURPOSES.—The purposes of the Act are to—

(1) provide for regular adjustment for inflation of criminal fines;

(2) maintain the deterrent effect of criminal fines and to promote compliance with the law;

(3) improve the collection by the Federal Government of criminal fines.

DIRECTION TO UNITED STATES SENTENCING COMMISSION TO INCLUDE INFLATION AS A FACTOR IN GUIDELINE ADJUSTMENTS

SEC. 3. Subsection (n) of section 994 of title 28, United States Code, is amended by adding at the end thereof the following: "In periodically reviewing and revising the guidelines promulgated pursuant to the provisions of this section, the Commission shall modify the guidelines with respect to criminal monetary fines to reflect the impact of inflation on the level of such fines.".

ADJUSTMENT OF CRIMINAL FINES BY INFLATION FACTOR

SEC. 4. Section 3571 of title 18, United States Code, as added by the Comprehensive Crime Control Act of 1984 (Public Law 98-473), is amended by adding at the end thereof the following subsection:

"(c) ADJUSTMENT FOR INFLATION.—(1) The authorized fines provided in subsection (b) shall be adjusted for inflation as provided in this subsection.

"(2)(A) Not later than December 15, 1988, the Attorney General shall prescribe and publish in the Federal Register a schedule of authorized fines which shall apply for offenses in the year beginning after December 31, 1988, in lieu of the fines authorized in subsection (b).

"(B) The schedule of authorized fines shall be prescribed by increasing the amounts in subsection (b) by the historical cost-of-living adjustment for the preceding four years. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100.

"(3)(A) Not later than December 15 of 1992 and every subsequent four years, the Attorney General shall prescribe and publish in the Federal Register a schedule of authorized fines which shall apply in lieu of the schedule prescribed in paragraph (2) and the schedule last prescribed pursuant to this paragraph.

"(B) The schedule of authorized fines shall be prescribed by increasing the amounts prescribed in paragraph (2) or the amounts last prescribed under this subsection, whichever are greater, by the historical cost-of-living adjustment for the preceding four years. Any increase determined under this subparagraph shall be rounded to the nearest multiple of $100.

"(4) For purposes of this subsection—

"(1) the historical cost-of-living adjustment for the preceding four years means the percentage by which—

"(A) the Consumer Price Index for the preceding calendar year, exceeds

"(B) the Consumer Price Index for the calendar year four years prior to the preceding calendar year;

"(2) the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of such calendar year; and

"(3) the term Consumer Price Index means the Consumer Price Index for all-urban consumers published by the Department of Labor.".

SEC. 5. (a) COMPREHENSIVE REPORT BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall annually prepare and issue a comprehensive report that includes—

(1) the number and amount of criminal fines imposed pursuant to each provision of law providing for such fines; and

(2) the number and amount of such fines actually collected.

(b) REPORTS BY OTHER AGENCIES.—The Director of the Office of Management and Budget shall establish a system of reporting to enable the Director to prepare the report described in subsection (a).●

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. HARKIN, and Ms. MIKULSKI):

S. 1016. A bill to provide financial assistance for the establishment and operation of literacy tutoring programs; to the Committee on Labor and Human Resources.

LITERACY TUTORING ASSISTANCE ACT

Mr. KENNEDY. Mr. President, I am introducing a bill today to support a literacy corps program which I believe will benefit schools and other public community agencies across the country. It would provide startup grants to colleges willing to establish special three-credit academic courses in which undergraduates tutor reading, writing, and mathematics to the illiterate in classroom settings.

This bill would provide $9.2 million in fiscal year 1988 and $18.3 million in fiscal year 1989 to establish this program at 1,000 colleges and universities across the country. These funds would generate 10 million hours of literacy tutoring over the 2-year period.

The main thrust of the program is to provide a more realistic education for college students by injecting experience into the undergraduate curriculum. As a practical matter, the undergraduates enroll in three-credit elective courses in which they are required to tutor 6 hours each week of the semester in established community agencies, such as innercity schools, Head Start centers, prisons, adult literacy centers, juvenile detention facilities, and in agencies for the handicapped children and the emotionally disturbed.

In addition, the undergraduates are required to meet in weekly seminars with monitoring professors from various departments, such as sociology, education, and economics, where the student's experience in the community is matched against the theories of the academic discipline. In this way, the undergraduates get a mix of experience and theory at the same time, and a more realistic education than they can get through courses that provide only classroom theory.

But the undergraduates benefit in other ways, in that these courses provide the sort of solid work experience that will help them to make a sensible choice of a college major, and a career. It is this same work experience that will help them to get a job upon graduation, since they will be able to show employers a clear record of achievement at something genuinely important. And, not least, these courses permit undergraduates to learn the old virtues of duty, obligation, and compassion.

The project is inexpensive to operate. The undergraduates are not paid to do the tutoring, and there are no capital expenditures of any kind. The undergraduates are permitted to work only in established community agencies, such as the public schools, that have teaching programs already underway, and all tutoring is done by the undergraduates under the direct supervision of a classroom teacher, who provides the undergraduates with the minimal on-the-job training they require. The undergraduates usually tutor on a 1-to-2 ratio, in the back of the classroom, with children or adults assigned to them by the classroom teacher, who evaluates their work on a daily basis.

Since the undergraduates do the tutoring as part of a college course, they are reliable, absolutely free, and profoundly effective. Moreover, virtually all college students would be eligible to participate, since these courses are offered as electives, and since undergraduates, generally, must take elective courses to get a degree.

Each undergraduate in this project is required to produce a minimum of 60 hours of tutoring per semester—that is, 6 hours of tutoring per week times the 10 weeks in a semester. As a result, 1,000 undergraduates would produce a minimum of 60,000 hours of reliable tutoring—that is, 1000 undergraduates x 60 hours of tutoring each.

If 1,000 institutions of higher education across the country establish programs, 165 students at each institution generating 60 hours of tutoring each, would result in approximately 10 million hours of tutoring services. Valued at $20 per hour, this represents an astounding $200 million in tutorial services.

And this does not take into account the vast amounts of new wealth that will be created over the course of a working lifetime by those who are taught to read by the undergraduates.

This bill is based upon a model program called the Washington Education Project begun by Mr. Norman Manasa in 1969. The program ran for 4 years at the University of Miami, and had over 1,000 undergraduates enroll in these courses and work as tutors in prisons, inner city schools, and Head Start Centers throughout the City.

Here is the evaluation of the effectiveness of the tutors, written by the principal of a special Miami school for emotionally disturbed adolescents:

> Because [of the tutors], our remedial reading students have had *reading level gains of one to two years within a three to five month period of tutorage.* (Emphasis supplied.)

It is now operating at St. John's University in New York with funds provided by grants from the New York Daily News, the Xerox Foundation, and the American Can Co. Foundation.

While a few projects of this kind have been funded on an individual basis with corporate donations, I find the results of the program and the amount of tutoring services which we can receive for a modest investment are so compelling, that Federal funds would be returned manyfold on this initiative.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Literacy Corps Assistance Act of 1987".

PURPOSE

SEC. 2. It is the purpose of this Act to provide financial assistance to institutions of higher education to promote the development of literacy corps programs to be operated by institutions of higher education in public community agencies in the communities in which such institutions are located.

LITERACY TUTORING PROGRAM

SEC. 3. From the amount appropriated pursuant to section 7 for any fiscal year, the Secretary is authorized, in accordance with the provisions of this Act, to make grants to institutions of higher education to carry out literacy corps programs.

USES OF FUNDS

SEC. 4. Funds made available under this Act may be used for—

(1) grants to institutions of higher education for—

(A) the costs of participation of institutions of higher education in the literacy corps program for which assistance is sought; and

(B) stipends for student coordinators engaged in the literacy corps program for which assistance is sought; and

(2) technical assistance, collection and dissemination of information, and evaluation in accordance with section 6.

APPLICATIONS

SEC. 5. (a) APPLICATION REQUIRED.—Each institution of higher education desiring to receive a grant under this Act, shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each such application shall—

(1) contain assurances that the institution will use the grant in accordance with section 4;

(2) contain adequate assurances that—

(A) the institution has established one or more courses of instruction for academic credit which are designed to combine the training of undergraduate students in various academic departments such as social sciences, economics, and education with experience as tutors, and

(B) such individuals will be required, as a condition of receiving credit in such course, to perform not less than six hours of voluntary, uncompensated service each week of the academic term in a public community agency as a tutor in such agency's educational or literacy program; and

(3) contain such other assurances as the Secretary may reasonably require.

TECHNICAL ASSISTANCE AND COORDINATION CONTRACT

SEC. 6. (a) GENERAL AUTHORITY.—To the extent that funds are available therefor pursuant to section 7, the Secretary shall enter into a contract with a qualified entity—

(1) to provide technical assistance to grant recipients under this Act;

(2) to collect and disseminate information with respect to programs assisted under this Act; and

(3) to evaluate such programs and report to the Secretary the results of such evaluations.

(b) QUALIFIED ENTITY DEFINED.—For the purposes of subsection (a), the term "qualified entity" means a private nonprofit organization which has—

(1) experience in administering a program consistent with the requirements of this Act; and

(2) demonstrated ability to coordinate, manage, and provide technical assistance to programs that receive grants under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated to carry out the provisions of this Act $9,200,000 for fiscal year 1988 and $18,300,000 for fiscal year 1989.

DEFINITIONS

SEC. 8. For the purpose of this Act—

(1) the term "public community agency" means an established community agency with an established program of instruction such as elementary and secondary schools, Head Start centers, prisons, agencies serving youth, and agencies serving the handicapped, including disabled veterans;

(2) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965; and

(3) the term "Secretary" means the Secretary of Education.

By Mr. GRASSLEY:

S. 1017. A bill to amend title 11 of the United States Code to make nondischargeable any debt arising from a judgment or consent decree requiring an individual debtor to make restitution as a result of a violation of State law; to the Committee on the Judiciary.

BANKRUPTCY ANTIFRAUD ACT

● Mr. GRASSLEY. Mr. President, I rise today to address an issue that serious impedes our State's ability to protect consumers from fraud. I'm speaking of the use of the Federal Bankruptcy Code to provide a safe harbor for the fraudulent rip-off artists so prevalent in our society.

Under our current bankruptcy law, a debtor may discharge a State court order to reimburse a State for costs payable to consumers injured by unfair and deceptive business practices. I might add that a debtor defendant may also use this trick to avoid court-ordered environmental cleanup charges.

This is an issue I raised late in the last Congress, but, unfortunately, time did not permit us to move a bill through the Judiciary Committee.

The legislation I am offering today is similar to S. 2531, which was the subject of very good hearings in the Judiciary Committee last September.

The legislation has been modified slightly to address some concerns about the breadth of the language, and to take into account recent court decisions.

As with the earlier bill, it is supported by our State attorneys general. Indeed, it is fully consistent with a national association of attorneys general resolution, which was unanimously approved by NAAG at its June 1986 conference. Mr. President, I ask unanimous consent that copy of that resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

BANKRUPTCY AMENDMENT

CONSUMER PROTECTION

Whereas, state Attorneys General are charged with the responsibility of enforcing state consumer protection statutes designed to protect the public from fraudulent acts and practices; and

Whereas, state Attorneys General are also charged with the accompanying responsibility of recovering restitution/damages for the victims of violations of state consumer protection statutes; and

Whereas, the recovery of restitution/damages is an integral part of the enforcement of these laws; and

Whereas, the individual victims of these fraudulent acts and practices are often unable to enforce their rights because of financial or other reasons; and

Whereas, state consumer protection statutes were designed to allow state Attorneys General to protect just these kinds of victims; and

Whereas, those who perpetrate consumer frauds ought not to be allowed to discharge in bankruptcy their obligations to repay ill-gotten gains; and

Whereas, offices of the state Attorneys General have been plagued with increasing numbers of bankruptcy filings by those who defraud consumers and then seek haven in the bankruptcy courts; and

Whereas, the standing of the states to challenge the dischargeability of these restitution/damages orders remains in question; and

Whereas, the bankruptcy code has been interpreted to allow the discharge of state court ordered restitution/damages in consumer protection cases and/or to require litigation in both state court and bankruptcy court; and

ENVIRONMENTAL PROTECTION

Whereas, state Attorneys General are charged with the responsibility of enforcing state environmental protection statutes designed to protect the public from dangers and hazards to health and safety; and

Whereas, state Attorneys General are charged with the accompanying responsibility of recovering restitution/damages for clean up, etc. as a result of violations of these environmental protection statutes; and

Whereas, the recovery of restitution/damages is an integral part of the enforcement of these laws; and

Whereas, those responsible for creating health and safety dangers and hazards ought not to be allowed to discharge their restitution/damages obligations to the states; and

Whereas, the bankruptcy code may allow the discharge of state court ordered restitution/damages in these environmental protection cases; and

CRIMINAL RESTITUTION

Whereas, the bankruptcy code has been interpreted to allow a convicted felon to avoid making court ordered restitution; and

Whereas, court ordered restitution is an integral part of rehabilitation; and

Whereas, there is no valid reason to require the recipient of criminal restitution to file an objection to discharge in order to ensure that a restitution order will be considered nondischargeable: Now, therefore, be it

Resolved, That the National Association of Attorneys General urges Congress to remedy these above-noted "loopholes" in the bankruptcy code by providing for the nondischargeability of debts arising from violations of State laws enforced by governmental entities; and be it further

Resolved, That the Association directs its Executive Director and General Counsel to transmit these views to the United States Congress, other appropriate agencies and officials, and interested persons.

Mr. GRASSLEY. Mr. President, the U.S. Supreme Court has recently addressed this loophole in the context of an order of restitution arising from a criminal fraud conviction in State court. On December 12, 1986, the court held that the bankruptcy code cannot shield a criminal defendant from paying restitution to victims for ill-gotten gains *Kelly* v. *Robinson.*

As much as I applaud this commonsense result, the problem in consumer cases and environmental cases is not addressed; the loophole is not closed.

Mr. President, our various State attorneys general want to vigorously prosecute consumer fraud. They want to aggressively protect our environment, and carry on other police and regulatory activities.

This simple amendment will allow them to do it, without one hand tied behind their backs. It makes nondischargeable any debt arising from a judgment or consent decree requiring a debtor to make restitution as a result of a violation of State law.

I hope all my colleagues can join me in this effort, because I cannot believe that we now allow the bankruptcy code to sanction this law breaking.

Mr. President, I ask unanimous consent to include at this point the text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Antifraud Act of 1987".

NONDISCHARGEABILITY OF CERTAIN DEBTS FOR RESTITUTION

SEC. 2. Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking out "or" at the end thereof;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after such paragraph (9) the following:

"(10) to the extent that such debt arises from a violation by the debtor of a civil or criminal law enforceable by an action by a governmental unit to recover restitution, damages, civil penalties, attorney fees, costs or any other relief, or to the extent that such debt arises from an agreed judgment or other agreement by the debtor to pay money or transfer property in settlement of such an action by a governmental unit; or".

CONFORMING AMENDMENT

SEC. 3. Section 1328(a)(2) of title 11, United States Code, is amended by striking out "section 523(a)(5)" and inserting in lieu thereof "paragraphs (5) and (10) of section 523(a)".●

By Mr. HATFIELD (for himself, Mr. WEICKER, and Mr. HARKIN):

S. 1018. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the U.S. Peace Tax Fund to receive such tax payments; to establish a U.S. Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Finance.

U.S. PEACE TAX FUND

● Mr. HATFIELD. Mr. President, it is with great pleasure that I introduce the U.S. Peace Tax Fund Act. Joining me as original cosponsors of this legislation are my good friends Senator WEICKER of Connecticut and Senator HARKIN of Iowa.

During the next few days many Americans will find themselves scrambling to complete their tax returns before the April 15 deadline. To be sure, taxtime is filled with anxiety. But to a small portion of our population the payment of Federal taxes can bring real anguish. For a conscientious objector, payment of Federal, estate, personal, or gift taxes represents participation in war.

Since 1945 an eligible conscientious objector has been excused from combat. Although our Nation long has recognized moral and religious opposition to war, it has failed to address the depth and scope of such objections. Our tax laws do not recognize that conscience not only prohibits participation on the battlefield, but also in the preparation for war through payments to the military.

The Peace Tax Fund Act, if enacted, would allow complete participation in our Federal Government by all citizens without many being forced to compromise deeply held beliefs of any citizen. In United States versus Seeger, Supreme Court Justice Harlan Fiske Stone eloquently stated the relationship of conscience and state:

> Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which make it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process.

Over the years I have received many letters from constituents describing their disapproval of military taxes and their desire to have the Federal Government respect such objections. Some citizens write of their decision to set aside their beliefs and pay their taxes in full, despite the anguish such payment causes. Others, perhaps following Albert Einstein's advice, "Never do anything against conscience even if the State demands it," refuse to pay a portion of their taxes. Some Americans purposefully keep their income below the taxable level, so that they can avoid the decision altogether.

It is important to point out what the Peace Tax Fund legislation is not. The Peace Tax Fund is not a method by which a citizen may lodge protest over wasteful defense programs. Nor is it a tool to circumvent foreign policy initiatives. Tax liabilities cannot be reduced through participation in the Peace Tax Fund. The Peace Tax Fund Act was developed not for those individuals seeking to alter national policy, but rather to allow certain individuals to fully uphold Federal law without violating their consciences.

The Peace Tax Fund would allow these sincere conscientious objectors the opportunity to pay their Federal taxes in full. Those who qualify may choose to have that portion of their taxes which would go to military activities instead be diverted to a special trust fund. An appointed board of citizens would make recommendations to Congress for the appropriation of the fund, with the stipulation that such dollars be used for nonmilitary activities only.

As defined by the Peace Tax Fund Act, an eligible conscientious objector is anyone who has obtained this status under the Military Selective Service Act. Others may submit a questionnaire to the Secretary of the Treasury certifying his or her beliefs and how those beliefs affect that individual's life. The IRS would no longer be required to challenge a conscientious objector's status in U.S. district court, with the burden of proof now falling upon the claimant.

I urge my colleagues to join me in support of this legislation so important to the protection of personal and religious beliefs of many citizens who find themselves each tax season torn between the law and conscience.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1019. A bill to amend the Internal Revenue Code of 1986 to clarify the tax-exempt treatment of self-insured workers' compensation funds; to the Committee on Finance.

SELF-INSURED WORKERS' COMPENSATION FUNDS TAX EXEMPT STATUS CLARIFICATION ACT

● Mr. RIEGLE. Mr. President, I rise to introduce legislation to amend the Internal Revenue Code of 1986 to clarify the tax-exempt status of workers' compensation self-insurance funds. I am pleased to have my friend and colleague from Michigan, Senator LEVIN as an original cosponsor.

The bill we are introducing today would provide group self-insured funds with tax exempt status. Recently, the tax status of these funds has been questioned by the Internal Revenue Service. Our bill will allow these funds to continue operating as they have in previous years.

During the 1960's, small- and medium-size businesses began to band together forming open group funds to collectively self-insure their workers' compensation coverage. In doing this they greatly reduced their premiums while continuing to provide maximum benefits. Self-insuring funds are a simple and efficient method for small employers to meet their workers' compensation liability obligation. The sole purpose for these funds is to provide this coverage.

The premiums are collected and placed in a fund to provide benefits during the year. In some instances there is a surplus in these funds due to varying circumstances. The surpluses are returned to the members immediately upon authorization of their regulator. In Michigan's case, the regulator is the Michigan Department of Labor. The IRS has recently audited several funds and concluded that the surpluses are subject to income tax. The IRS argues that since these funds are not actually mutual insurance funds they should not be treated for tax purposes as such.

A moratorium has been placed on the IRS ruling until August 15, 1987 on the taxing of these funds. Congress must now provide a permanent solution. It is important to emphasize that the approach we are outlining may not be the only way to solve this problem.

This proposed legislation is consistent with the IRS' prior tax treatment of self-insured funds, which until recently were considered tax exempt. We must continue to help small businesses and assist them in providing their employees with affordable workmen's compensation.

Mr. President, I ask unanimous consent that the text of S. 1019 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self-Insured Workers' Compensation Funds Tax Exempt Status Clarification Act of 1987".

SEC. 2. CLARIFICATION OF TAX EXEMPT STATUS OF SELF-INSURED WORKERS COMPENSATION FUNDS.

Section 501(c) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(26) Any corporation, fund, or trust whose principal purpose is to function as a self-insured workers' compensation or workers' disability fund.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to all taxable years beginning before, on or after December 31, 1987.●

By Mr. MOYNIHAN (for himself and Mr. HATFIELD):

S. 1020. A bill to create the Office of the Librarian of Congress Emeritus; to the Committee on Rules and Administration.

LIBRARIAN OF CONGRESS EMERITUS

Mr. MOYNIHAN. Mr. President, I rise to join my distinguished colleague, Senator HATFIELD, in introducing a bill to create the office of Librarian of Congress Emeritus in the Library of Congress.

The Librarian of Congress serves in an office of great distinction in this country. Since January 29, 1802, when President Jefferson appointed the first Librarian of Congress, John J. Beckley, there have only been 11 other such appointments.

The history of the Library of Congress is filled with some rather delightful stories. The early days of the Library were turbulent, to say the least. During Napoleonic Wars, the United States sided with the French and in 1813 American troops burned the Parliament House and the Library of Canada in present day Toronto. Seeking revenge, a year later British troops stormed into Washington, burned the White House and the Capitol, and within the Capitol, destroyed the original Library of Congress. Recognizing that this national treasure must be restored, the then-retired Jefferson offered his personal library at Monticello as a replacement.

However, Jefferson's offer was considered political by the Congress. The New England States were against buying the collection from Jefferson, the Mid-Atlantic States were mixed, but a unified vote by the South carried the measure. The Congress acquired the entire collection, paying $23,950 for its 6,487 volumes, which arrived in a single shipment of 10 horse-drawn wagons brought across the tobacco roads of Virginia.

After these shaky beginnings, the Library of Congress survived and prospered. And the person who must preside over this great institution, the Librarian of Congress, is vested with tremendous responsibilities. The present Librarian of Congress, Dr. Daniel J. Boorstin oversees a $235 million budget and a staff of 5,000. Indeed, larger than many major corporations in this country.

Each of the 12 Librarians is remembered for specified contributions. In Daniel Boorstin's case, these are numerous indeed. His tenure began on November 12, 1975. Within 2 months of taking office, Dr. Boorstin initiated a yearlong study of the Library, the result of which was a major reorganization of the Library in 1978. Under his watch, the new third Library of Congress building, the Madison Building was completed and occupied, and renovation and restoration of the Library's two existing buildings was undertaken.

Yet, more than these contributions, Daniel Boorstin will be remembered for the type of man he is. A Pulitzer Prize-winning historian, he is a scholar with great vision. It has been said that it is difficult to distinguish the man from the institution; Dr. Boorstin used his position to further the name of the Library and promoted many causes such as literacy. His presence will be missed indeed when he retires on June 15, 1987. But by making him a Librarian of Congress Emeritus, we can minimize the loss.

Mr. President, this resolution is simple and straightforward. It simply creates the position—no salary or additional cost to the Government. The Library of Congress will provide office space and parking privileges. The bill merely says that we, the Congress, have high regard for the office of Librarian of Congress and see fit to create an honorary position for the Librarian upon retirement. I urge my colleagues to support this resolution, and hope that we can deal with this expeditiously.

● Mr. HATFIELD. Mr. President, it is my pleasure to join wholeheartedly in cosponsoring the legislation proposed by Senator MOYNIHAN to create the post of Librarian of Congress Emeritus. The bill being introduced by my colleague from New York will provide the Library of Congress with an important post for leadership and guidance.

The Library of Congress bears a responsibility that is greater than any similar academic institution in the world. Its vital role requires the ongoing commitment of full support from the Congress. A part of that commitment is the provision for taking full advantage of the resources that are available through the offices of a librarian emeritus.

For almost 200 years the Library of Congress has served the Congress and the American people as the organizer and disseminator of knowledge and information. In the age of information, the body of knowledge is growing in exponential form. We need great wisdom and skill to deal effectively with this situation.

That wisdom comes, in part, from an understanding of the past—where we have come from, how to interpret our past, and how we have dealt with information.

Only 12 individuals have held the post of Librarian of Congress since 1800. We are fortunate to have at the present time one of the most brilliant and thoughtful of scholars in the capacity of Librarian. His skill, knowledge and historical perspective are national resources that, like those of his predecessors and successors should not be wasted.

I congratulate Senator MOYNIHAN for his foresight in proposing the creation of a Librarian of Congress Emeritus and join him in urging passage of this important piece of legislation.●

By Mr. SPECTER:

S. 1021. A bill entitled the "Logan Relief Act"; to the Committee on Banking, Housing, and Urban Affairs.

LOGAN RELIEF ACT

Mr. SPECTER. Mr. President, I am today reintroducing legislation which would authorize the Federal Government to assist residents of the Logan area of Philadelphia by purchasing homes endangered by the disaster that has occurred there.

As my colleagues may recall, I introduced identical legislation, S. 2938, in the closing days of the 99th Congress, on October 16, 1986. Since that time, only a modicum of progress has been made in tackling the Logan problem, and the need for Federal assistance clearly remains.

Hundreds of homes in the Logan area are situated in low land and a flood plain of the Wingohocking Creek that were filled many years ago with ash and cinders. Recent studies contracted by the city of Philadelphia have identified 71 homes as imminently dangerous and another 70 as dangerous due to a severe sinking condition caused by the settlement, disintegration and shifting of the ash and cinders. Some 957 homes in all are affected by the subsidence, and many are now or will soon be uninhabitable.

According to the summary of the final report of the Logan geotechnical study, conducted by Lippincott Engineering Associates, one of the contributing factors to the subsidence of the Logan area was mild earthquakes, which caused the "ash and cinder to lose strength and volume."

Logan residents are like many other Americans in that their homes are their primary financial assets. The widely publicized subsidence problem in the Logan neighborhood has reduced or eliminated the market value of many of these homes. This is a major financial blow to the position in life of many Logan residents.

Since the problem began, I have actively sought assistance for Logan area residents. At my request, Secretary of Housing and Urban Development Samuel Pierce provided mortgage relief to affected homeowners, relieving the debt obligations of FHA-guaranteed loans. I also sought and received a similar commitment from the Veterans' Administration.

At my urging, former Gov. Dick Thornburgh declared the Logan area both a Federal major disaster, under Public Law 93-288, and a State disaster emergency. Although the administration denied the Federal assistance request, Governor Thornburgh granted Philadelphia $1 million in State redevelopment assistance funds for the Logan residents.

In addition, the city of Philadelphia has secured a mortgage payment moratorium between Logan residents and eight private lending companies to ease the financial burdens of homeowners, some of whom have already vacated their homes. The mayor of Philadelphia has put forth a plan for the establishment of a private/public corporation to relocate residents and purchase homes. The future of this initiative is uncertain.

According to a city study, the total cost of resolving the Logan problem—buying the dangerous homes, providing relocation assistance and doing remedial work where possible—is in the range of $30 to $40 million. Despite efforts to date, many Logan residents will clearly be left in the lurch. My bill would authorize the Federal Government to purchase homes at their market value before the subsidence began, thereby ensuring that residents whose homes are in danger or imminent danger would be adequately provided for.

There is ample precedent for Federal intervention and legislation in emergency situations such as this one. A case in point is that of the Centralia, PA, mine fire. The Senate earmarked an appropriation of $42 million for the abandoned mine reclamation fund to provide for the purchase of homes and relocation of Centralia residents. Thus, in addition to providing an example of general Federal involvement in an emergency situation that is partially man made, the Centralia case also serves as a precedent for Federal involvement in the purchase of homes and provision of relocation assistance. The special appropriation for Centralia was used precisely for these purposes.

In the case of Love Canal, a community endangered by highly toxic waste in the 1970's, a disaster declaration along with an earmarked appropriation provided Federal assistance in mitigating the environmental danger. Of course, the Love Canal tragedy ultimately led to the establishment of Superfund, a massive Federal program to respond to certain kinds of manmade environmental problems which neither State nor local authorities can adequately address.

Another instance of Federal involvement in a manmade emergency came in response to a series of sewer explosions in Louisville, KY, in 1981. In that case, President Reagan declared a major disaster to assist homeowners with property damage.

Mr. President, there is, in short, a history of Federal involvement in situations analogous to the one that Logan residents are now facing.

It is my hope that the concurrent efforts of Federal, State, and local authorities will continue to focus attention on the festering tragedy in Logan. Without these efforts, the residents of that area will be financially disadvantaged—through no fault of their own—for the rest of their lives.

I urge my colleagues to carefully consider this dilemma, and look forward to working with them in resolving it expeditiously.

I ask unanimous consent that the bill be printed in the RECORD as if read in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURCHASE OF HOMES AND RELOCATION ASSISTANCE

The President or his designee is authorized to purchase the homes of the residents of the Logan section of Philadephia, Pennsylvania at their market value prior to reports of the subsidence there, provided that the President or his designee deems them dangerous or uninhabitable. Further, the President or his designee shall provide relocation assistance to those whose homes are deemed dangerous or uninhabitable.

SECTION 2. AUTHORIZATION OF APPROPRIATIONS

For the purposes of this Act, the President or his designee is authorized to expend such sums as may be necessary.

By Mr. SPECTER:

S. 1022. A bill to transfer funds out of certain foreign assistance accounts for prison construction purposes; to the Committee on Foreign Relations.

TRANSFER OF PRISON CONSTRUCTION FUNDS OUT OF CERTAIN FOREIGN ASSISTANCE ACCOUNTS

Mr. SPECTER. Mr. President, today I am introducing two bills to address the nationwide prison overcrowding crisis. This legislation would permit foreign assistance funds designated for drug-producing countries and drug-asset, forfeiture funds to be used instead for emergency prison renovation and construction at the Federal, State, and local levels.

The first bill I am introducing would address two problems that have reached critical proportions: illegal drug exports from certain countries and prison overcrowding. This bill authorizes the transfer of foreign assistance funds from countries which the Secretary of State certifies have failed to make adequate progress in reducing illegal narcotics production to the Justice Department, to be utilized for constructing additional prison space for serious drug offenders.

Throughout the country—at Federal, State, and local levels—overcrowding of jails and prisons strains our correctional system by overextending the staff and resources of each facility and by creating conditions not conducive to rehabilitation of prisoners. Prison staffs simply are not equipped to deal with prisoner unrest and violence resulting from overcrowded conditions.

The number of probationers and parolees is growing larger in proportion to the number of incarcerated offenders, mainly as a result of the courts' reluctance to sentence convicted criminals to jails and prisons already filled well beyond capacity. The Federal Bureau of Justice Statistics has reported that the probation population has grown much faster in the 1980's than has the prison population. There are now approximately three times as many offenders under such community supervision than there are in prison.

The probation and parole populations have reached record levels, according to the Bureau of Justice Statistics. Tens of thousands of convicted prisoners and pretrial detainees are released prematurely, because there simply is no space for them in our existing prisons and jails. Courts have intervened in approximately 72 percent of the States prison systems, frequently placing limits on the number of prisoners the State may place in existing facilities.

The Justice Department's "Survey of Jails," which analyzed the populations of approximately one-third of the Nation's jails, revealed that 24 percent of the facilities in jurisdictions with large jail populations reported that they were under court order to remedy one or more conditions of confinement. Of these, 81 percent were cited for crowded living units.

At the Federal level, the Bureau of Prisons reports that the overall occupancy rate is as high as 148 percent of capacity. The Federal inmate population has grown from 34,263 prisoners in 1984 to 41,491 at present. At this time, the Bureau reports that all but 3 of the 47 Federal prisons are over capacity.

In the Commonwealth of Pennsylvania, for example, the overcrowding situation is especially acute. Federal prisons in Lewisburg, Allenwood, and Loretto are 27, 38, and 70 percent over capacity, respectively. Even these numbers, however, pale in comparison to other Federal correctional institutions, such as those in Danbury, CT, and Phoenix, AZ. The Danbury facility is filled to 107 percent over capacity—1,063 prisoners in a prison designed to hold 514. The Phoenix facility is 114 percent over capacity, housing 848 inmates in a prison designed to hold 396.

This nationwide prison overcrowding crisis is due, in large part, to the staggering number of drug offenders being sent to Federal prisons. During fiscal year 1986, admissions for drug offenders totaled 7,066. The total of this class of inmates is 12,038—an increase from 9,487 in 1985. The administration's intensified crackdown on drug trafficking has increased significantly the number of drug convictions. The accordant burden on the Federal corrections system will continue.

In October 1986, Congress passed the Anti-Drug Abuse Act of 1986, which provides significant resources for drug education, rehabilitation, and law enforcement. However, the serious threat to our country posed by the flow of illegal drugs from foreign sources continues to worsen.

Last year, I wrote to Secretary of State George Shultz regarding the international drug flow into the United States. According to statistics provided by the State Department, five nations—Colombia, Ecuador, Mexico, Pakistan, and Peru—either increased or failed to significantly decrease their drug production in 1985.

On March 2, 1987, the U.S. Department of State released its 1986 annual report on the status of worldwide illegal narcotics production. According to this report, worldwide production of heroin, cocaine and marijuana increased significantly in 1986. The production of opium, for example, increased approximately 50 percent, from 1,640 metric tons in 1985 to 2,515 tons in 1986. Coca leaf production increased from 161,000 to 188,320 metric tons during the same period. The production of marijuana rose from 10,725 to 13,405 tons last year.

This year, the State Department has identified 24 nations as major illegal drug-producing or drug-trafficking countries. Approximately $1 billion in U.S. foreign assistance funds is at issue.

Mr. President, the time has come to send a clear message to those countries receiving U.S. foreign assistance that their lack of cooperation in fighting the illegal drug trade no longer will be tolerated.

The legislation I am introducing today authorizes use of certain unobligated foreign aid funds for emergency prison construction. Under the bill, those unobligated funds appropriated to provide foreign assistance to countries that are certified as not cooperating with the U.S. war on drugs, would be transferred instead to the Attorney General for use in prison construction. What better use for these unobligated funds than to finance new facilities to house the serious drug offenders of our Nation?

This new source of funding will assist the Federal, State, and local governments in addressing the prison overcrowding crisis. The bill authorizes the Attorney General to allocate these funds for construction of Federal correctional facilities administered by the Federal Bureau of Prisons. The bill also authorizes the Attorney General to allocate these funds to the Justice Department's Bureau of Justice Assistance pursuant to title I, part M of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). Under this provision, State and local narcotics control programs may renovate and construct correctional facilities for the detention of persons convicted of drug offenses.

These grant provisions will help address the prison overcrowding crisis. Outdated and outmoded jails with overcrowded conditions exist throughout the country. The Cambria County prison in Ebensburg, PA, is representative of these facilities nationwide. This facility is over 100 years old; construction of the original cell block was completed in 1870; and construction of the present cell block was completed in 1910. Facilities for female prisoners are extremely limited and the jail is subject to overcrowding. Local financial resources for extensive renovation are severely limited.

The Anti-Drug Abuse Act's State and Local Grant Program for prison renovation and construction will provide new hope for county commissioners and local officials who are anxious to address overcrowding problems. The bills I introduce today would augment the financial resources of this vital program by providing much needed additional assistance to State and local governments.

We must continue to address the demand for drugs here in the United States. It is equally clear, however, that we cannot continue to tolerate unlimited foreign supplies of drugs. I believe it is time to demonstrate our seriousness by reducing or eliminating foreign aid to, and perhaps even trade with, nations that have failed to reduce their export of this deadly product. Nothing could be more appropriate than to use these Federal funds, instead, to help relieve the national crisis of prison overcrowding.

Mr. President, the problem of prison overcrowding is an epidemic in this country at the present time. We have a serious problem in this Nation of crime control. About 70 percent of the crimes are committed by career criminals, and if we have adequate prison space in conjunction with an appropriate program for dealing with career criminals, it is estimated that as much as 50 percent of the violent crimes in this country could be eliminated.

Mr. President, these two bills are directed to the core of this kind of problem.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law, 90 days after the date of enactment of this Act there shall be transferred to the Attorney General for—

(A) prison construction; or

(B) making grants under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 1552 of the Anti-Drug Abuse Act of 1986), those unobligated funds appropriated for the fiscal year 1987 which are allocated for the fiscal year 1987 to provide assistance under the Foreign Assistance Act of 1961 (other than chapter 8 of part I of such Act which relates to international narcotics control) or to provide foreign military sales financing under the Arms Export Control Act with respect to a country for which a certification has been made under subsection (b).

(2) Funds transferred under paragraph (1) shall remain available for the same periods of time for which such funds would have been available under the Foreign Assistance Act of 1961 or the Arms Export Control Act, as the case may be, but for the enactment of this Act.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of State shall certify to the Congress those countries which have failed to make adequate progress in reducing illegal narcotics production.

By Mr. SPECTER:

S. 1023. A bill to authorize the expenditure of funds not needed for purposes of the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund for purposes of emergency prison construction; to the Committee on the Judiciary.

EMERGENCY PRISON CONSTRUCTION FUNDING ACT

Mr. SPECTER. Mr. President, the second bill I introduce today, the Emergency Prison Construction Act of 1987, authorizes the Attorney General to allocate moneys in the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund for emergency prison construction. This bill is the successor to S. 2828, which I introduced in the 99th Congress.

Existing law provides for two separate funds in the U.S. Treasury as repositories for moneys and property seized by or forfeited to law enforcement officials: the Customs Forfeiture Fund and the Department of Justice Assets Forfeiture Fund.

Property and moneys seized or forfeited in drug-related arrests by the U.S. Customs Service are deposited in the Customs Forfeiture Fund under the Tariff Act of 1930 (19 U.S.C. 1607). Similarly, property and moneys seized or forfeited pursuant to a law enforced or administered by the Department of Justice are deposited in the Department's Assets Forfeiture Fund (28 U.S.C. 524). The law states that amounts in the fund which currently are not needed for purposes specified in the applicable statutes establishing the funds shall be kept on deposit in the U.S. Treasury.

The increasing number of convicted drug offenders, and the consequent increase in the amount of property confiscated and moneys forfeited are swelling the deposits in both the Customs Forfeiture Fund and the Justice Assets Forfeiture Fund. As of January 31, 1987, the Justice seizures totaled over $42 million.

The legislation which I am introducing today would amend existing law to allow these forfeiture funds to be used to relieve prison overcrowding. Specifically, it would amend the existing Customs and criminal forfeiture statutes to authorize the Attorney General to allocate forfeited moneys for emergency prison construction. Moneys from the sale of property seized by the Customs Service in drug-related arrests, and not needed for the purposes already set forth in the Customs Forfeiture Fund statute, also could be used for emergency prison construction.

This new source of funding will assist Federal, State, and local governments in addressing the prison overcrowding crisis. The bill authorizes the Attorney General to allocate these funds for construction of Federal correctional facilities administered by the Federal Bureau of Prisons. The bill also authorizes the Attorney General to allocate these funds to the Justice Department's Bureau of Justice Assistance pursuant to title I, subtitle M of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). Under this provision, State and local narcotics control programs may renovate and construct correctional facilities for the detention of persons convicted of drug offenses.

Mr. President, the Anti-Drug Abuse Act's grant provision for State and local correctional facilities is a new program to address the prison overcrowding crisis. Outdated and outmoded jails with overcrowded conditions exist throughout the country. This State and local grant program for prison renovation and construction will provide new hope for county commissioners and local officials in addressing overcrowding problems. The bills I introduce today would augment the financial resources of this vital program by providing much needed additional assistance to State and local governments.

Mr. President, this legislation represents an important additional step toward eliminating the problem of prison overcrowding at the Federal, State, and local level. And what more appropriate way to finance the new facilities than with the forfeited spoils of convicted drug traffickers?

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Prison Construction Funding Act of 1987".

SEC. 2. DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.

Paragraph (5) of subsection (c) of section 524 of title 28, United States Code, is amended to read as follows:

"(5) Amounts in the fund which are not currently needed for the purpose of this section—

"(A) may be used by the Attorney General for—

"(i) prison construction necessary on an emergency basis; or

"(ii) making grants under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 1522 of the Anti-Drug Abuse Act of 1986); or

"(B) if not used for the purposes provided in clause (A) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

SEC. 3. CUSTOMS FOREITURE FUND.

Subsection (e) of section 613a of the Tariff Act of 1930, as added by Public Law 98-473, is amended to read as follows:

"(e) Amounts in the fund which are not currently needed for the purpose of this section—

"(A) may be used by the Attorney General for—

"(i) prison construction necessary on an emergency basis; or

"(ii) making grants under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 1552 of the Anti-Drug Abuse Act of 1986); or

"(B) if not used for the purposes provided in clause (A) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

By Mr. HUMPHREY (for himself, Mr. PROXMIRE, Mr. DOLE, Mr. BYRD, Mr. HELMS, Mr. THURMOND, Mr. NICKLES, Mr. KERRY, Mr. WALLOP, Mr. HOLLINGS, Mr. SYMMS, Mr. KENNEDY, Mr. HATCH, Mr. QUAYLE, Mr. SHELBY, Mr. HECHT, Mr. WILSON, Mr. TRIBLE, Mr. D'AMATO, Mr. ARMSTRONG, Mr.

GRASSLEY, Mr. MCCLURE, and Mr. STEVENS):

S. 1027. A bill to prohibit trade between the Soviet puppet regime in Afghanistan and the United States; to the Committee on Finance.

PROHIBITING TRADE BETWEEN THE UNITED STATES AND AFGHANISTAN

● Mr. HUMPHREY. Mr. President, more than 7 years have passed since troops of the Soviet Union poured into Afghanistan and installed a puppet regime in Kabul. The Kabul regime, with the help of 120,000 Soviet troops, is responsible for the deaths of more than 1 million people—most of them noncombatants, including women, children, and the elderly—and the largest refugee population in the world. Last year, the United Nations described the condition of human rights in Afghanistan as: "A situation approaching genocide."

Incredibly, the United States still permits trade with the Soviet puppet regime in Kabul. While there are restrictions on the sale of certain strategic items, the State Department informs me that: "Trade in and of itself between the United States and Afghanistan is not prohibited." Indeed it is not.

Therefore, today I am introducing on behalf of Senator PROXMIRE, Senator DOLE, Senator BYRD, and 19 other Senators, and on my own behalf, legislation that would prohibit any trade between the United States and the genocidal Kabul regime. Presently, the United States prohibits trade with Cuba, Nicaragua, Vietnam, North Korea, and Kampuchea. I propose to add Afghanistan to that list of rogue nations.

Last year, the United States Congress in Public Law 99-399 expressed concern that Soviet policies in Afghanistan may constitute the crime of genocide. Yet, the United States continues to permit exports to the Kabul regime. Such exports more than doubled last year over exports the previous year. For example, the Kabul regime purchases certain aircraft parts and other goods from the United States.

Mr. President, in an annual statement marking the seventh anniversary of the brutal Soviet invasion of Afghanistan, Deputy Secretary of State Whitehead stated:

> It is clear that only steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces * * * we must keep up the effort.

Unfortunately, that is just more hot air from the State Department. If the Congress wishes to implement such policy, Members will have to take the initiative. The legislation I propose will increase pressure on the Soviet puppet regime. It is long overdue.

Congress has been unanimous in its condemnation of the Kabul regime. Three weeks ago, the Senate overwhelmingly adopted a joint resolution expressing solidarity with the people of Afghanistan, and calling upon the President to designate March 21, 1987, as Afghanistan Day. Here is an opportunity for Congress to match its inspiring words with deeds.

Last year, after pressure from Congress, the President withdrew most favored nation trading status from Afghanistan. As the crisis in Afghanistan worsens, we must send a strong message that this Nation will not cooperate in any fashion with a regime participating in the genocide of its own people.

This legislation has the bipartisan support of 23 Senators, including our distinguished leaders. I urge each of my colleagues to add their names as cosponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPORTS.

(a) IN GENERAL.—No product of Afghanistan may be imported into the United States after the date of enactment of this Act.

(b) PRODUCTS OF AFGHANISTAN.—For purposes of this section, the term "Product of Afghanistan" means any article grown, produced, or manufactured (in whole or in part) in Afghanistan and which is exported by the so-called "Democratic Republic of Afghanistan" that is supported by the Soviet Union, or any political party, faction, or regime supported by the Union of Soviet Socialist Republics in Afghanistan.

SECTION 2. PROHIBITION ON EXPORTS.

(a) IN GENERAL.—No goods or technology subject to the jurisdiction of the United States, or which is exported by a person subject to the jurisdiction of the United States, may be exported to Afghanistan for the benefit or use by the so-called "Democratic Republic of Afghanistan" that is supported by the Soviet Union, or for use by any political party, faction, or regime in Afghanistan supported by the Union of Soviet Socialist Republics in Afghanistan.

(b) ADMINISTRATION.—The prohibition provided under subsection (a) shall be administered under the Export Administration Act of 1979.

By Mr. LEVIN (for himself and Mr. SPECTER):

S. 1037. A bill to establish a procedure by which the United States can combat the unfair trading practices of trading partners with whom the United States has excessive trade deficits; to the Committee on Finance.

ANTI-DISCRIMINATION AND TRADE DEFICIT REDUCTION ACT

● Mr. LEVIN. Mr. President, there are no decisions more important for the economic security of the United States than those Congress will make over the next few months with regard to trade legislation. And we had better make certain that we—and when I say we, I include both Houses of Congress and the administration—put together a trade bill that does what we say it is going to do. America's workers, farmers, and businesses expect us to produce legislation that will enhance America's competitiveness in the international marketplace, and reduce the enormous trade deficits that are costing us jobs and profits.

We need changes in our trade policies for the long-term goal of keeping the United States competitive into the 21st century. But in the near term, we've got to address the havoc being created by the biggest trade deficits in our Nation's history. It is my belief that to achieve this immediate goal we needn't rely solely on new laws—we've also got to make existing laws work.

Trade laws already in place give the President authority to combat unfair foreign trade practices. President Reagan gave a recent display of how this authority can work in the semiconductor case. But I am concerned that it wasn't until Congress was threatening to act and the Japanese were clearly violating an agreement which had been extremely difficult to get them to negotiate in the first place that retaliatory action was taken by the President. If our country is going to take action against unfair traders only in order to pull the legislative rug out from under Congress, we are going to sacrifice more of our industry to foreign competition, and consign more of our workers to the unemployment office.

There is nothing protectionist about taking strong action against unfair trading practices before the practices get out of control. We can already identify what these practices are and what their trade-distorting impact is—beginning in 1985, Congress required the Trade Representative to submit an annual report called the "National Trade Estimates" which contains this information. Why not use this annual estimate of the cost of unfair foreign trade practices and policies as a basis for actions aimed at reducing bilateral trade deficits?

Today I am introducing legislation to do exactly that.

In January, I introduced the Fair Trade Act of 1987, a bill requiring a reduction in the merchandise trade deficit equivalent to the cost to the United States of unfair foreign trade practices. The bill I am offering today represents a fine-tuning of that earlier measure.

The Anti-Discrimination and Trade Deficit Reduction Act of 1987 requires USTR to make a monetary estimate of how much more U.S. companies would be able to export were it not for the unjustifiable, unreasonable, and discriminatory trade practices of our trading partners. These estimates would become deficit reduction goals for each country with which, in each of the past 2 years, the United States has run a trade deficit of at least $3 billion, and which, for the past 2 years, has been identified in the National Trade Estimates report as having unfair trade practices. Interested parties would have an opportunity to challenge the deficit reduction goals and the estimates on which they are based, and USTR would have discretion to adjust the goals accordingly. By April 1 of each year, the President would be required to submit a plan explaining how he will achieve the deficit reduction goals. The President can use the full range of his existing authority to achieve the goal—authority to negotiate agreements, authority to threaten retaliation, and authority to retaliate with tariffs or quotas if negotiations fail.

In other words, this approach simply requires the President to use existing authority to end unfair trade practices by our trading partners—an important source of our devastating trade deficits. I hope that this proposal will receive serious consideration by the Finance Committee, and ultimately by the Senate as a whole.

I am pleased that Senator SPECTER has joined me as an original cosponsor of this legislation. My friend from Pennsylvania understands as well as anyone in the Senate the importance of combating unfair trade practices and getting our trade deficits down.

I fear that a trade bill without a provision that allows us to fight unfair trade practices in a direct and forceful way—by reducing our bilateral deficits with countries engaging in unfair practices against us—will not have the results the American people expect. Yes, we need competitive strategies for the 21st century and beyond. But we also need to get some fair play into our trade relations right now.

Mr. President, I ask unanimous consent that a copy of the Anti-Discrimination and Trade Deficit Reduction Act of 1987 be printed in the RECORD following my remarks, along with a section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Discrimination and Trade Deficit Reduction Act of 1987".

SEC. 2. AMENDMENTS TO THE NATIONAL TRADE ESTIMATES.

(a) IN GENERAL.—Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended—

(1) by striking out "Not later than the date on which the initial report is required under subsection (b)(1)," in subsection (a)(1) and inserting in lieu thereof "For calendar year 1986, and for each succeeding calendar year,",

(2) by inserting "of each foreign country" after "or practices" in subsection (a)(1)(A),

(3) by striking out "and" at the end of subsection (a)(1)(A)(ii),

(4) by striking out the period at the end of subsection (a)(1)(B) and inserting in lieu thereof "; and",

(5) by adding at the end of subsection (a)(1) the following new subparagraph:

"(C) make an estimate of the range of—

"(i) the value of additional goods of the United States,

"(ii) the value of additional services of the United States, and

"(iii) the value of additional foreign direct investment by United States persons,

that would have been exported to, or invested in, each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.",

(6) by striking out paragraph (3) of subsection (a) and inserting in lieu thereof the following:

"(3) The range of each estimate made under paragraph (1)(C) shall not exceed 10 percent of the amount that could be the lowest value of such estimate.",

(7) by striking out "the date which is one year after the date of the enactment of the International Trade and Investment Act, and" in subsection (b)(1) and inserting in lieu thereof "March 1 of 1988, and of", and

(8) by inserting "for the calendar year preceding such calendar year" after "under subsection (a)" in subsection (b)(1).

(b) EFFECTIVE DATES.—

(1) Except as otherwise provided by this subsection, the amendments made by this section shall take effect on the date of enactment of this Act.

(2) The amendment made by subsection (a)(6) shall take effect on January 1, 1988.

SEC. 3. DETERMINATION OF EXCESSIVE AND UNWARRANTED TRADE DEFICIT COUNTRIES.

(a) IN GENERAL.—For purposes of this Act, a foreign country is an excessive and unwarranted trade deficit country for a calendar year if—

(1) for each of the 2 calendar years preceding such calendar year, the deficit of the United States in the merchandise balance of trade between the United States and such foreign country exceeded $3,000,000,000; and

(2) such foreign country is identified in the report submitted by the United States Trade Representative (hereafter in this Act referred to as the "Trade Representative") under section 181(b) of the Trade Act of 1974 during such calendar year and the calendar year preceding such calendar year as having policies or practices, or committing acts, identified under section 181(a)(1)(A) of such Act.

(b) PUBLICATION.—

(1)(A) The Trade Representative shall publish in the Federal Register, on or before March 10 of 1988, and of each succeeding calendar year—

(i) a preliminary list of all foreign countries that are excessive and unwarranted trade deficit countries for such calendar year, and

(ii) an estimate of the total value of additional goods of the United States that would have been exported to, or invested in, such country during the calendar year preceding such calendar year if all of the acts, policies, and practices identified in the report submitted under section 181(b)(1) of the Trade Act of 1974 during such calendar year did not exist.

(B) Estimates made under subparagraph (A)(ii) during any calendar year for an excessive and unwarranted trade deficit country shall be based on the estimated range of values made under section 181(a)(1)(C)(i) of the Trade Act of 1974 for such country that are contained in the report submitted during such calendar year under section 181(b)(1) of such Act, but the Trade Representative may use the lowest value in such range in determining the amount of such estimate under subparagraph (A)(ii).

(2) During the 10-day period beginning on the day after the day on which the Trade Representative publishes the list and estimates under paragraph (1), any interested party may petition the Trade Representative with regard to whether—

(A) any foreign country is an excessive and unwarranted trade deficit country for the calendar year; and

(B) any of the estimates described in paragraph (1)(B) are accurate.

(3) On or before the close of the 20-day period beginning on the day after the day on which the Trade Representative publishes the list and estimates under paragraph (1) for any calendar year, the Trade Representative, after taking into account any petitions submitted under paragraph (2), shall publish in the Federal Register—

(A) a final list of all foreign countries that are excessive and unwarranted trade deficit countries for such calendar year, and

(B) a final estimate of the value of additional goods of the United States that would have been exported to each excessive and unwarranted trade deficit country in the calendar year preceding such calendar year if the acts, policies, and practices of such country that are identified under section 181(a)(1)(A) of the Trade Act of 1974 in the report submitted during such calendar year did not exist.

SEC. 4. DEFICIT REDUCTION GOALS.

(a) IN GENERAL.—For purposes of this Act, the deficit reduction goal for any excessive and unwarranted trade deficit country for any calendar year is an amount (subject to reduction under subsection (b)) that is equal to the excess, if any, of—

(1) the amount of the deficit of the United States in the merchandise balance of trade between the United States and such country for the calendar year preceding such calendar year, over

(2) the amount of the estimate published under section 3(b)(3)(B) during such calendar year with respect to such country.

(b) REDUCTION OF GOALS.—

(1) The President may reduce the deficit reduction goal determined under subsection (a) for any excessive and unwarranted trade deficit country for any calendar year if the President—

(A) determines that, because of balance-of-payment difficulties (including debt repayments), such country cannot reduce the deficit of the United States in the merchandise balance of trade between the United States and such country for such calendar year to an amount that equals, or is less than, such goal without suffering significant economic harm,

(B) develops a plan of action for otherwise achieving the fundamental purposes of this Act, and

(C) includes in the report submitted to the Congress under section 5(b) during such calendar year—

(i) a statement that provides notice of such reduction and certifies the determination described in subparagraph (A), and

(ii) a detailed description of the plan developed under subparagraph (B).

(2)(A) Any reduction made under paragraph (1) in a deficit reduction goal determined under subsection (a) for an excessive and unwarranted trade deficit country shall cease to apply, and have no effect, if a joint resolution described in section 152(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(C)) that relates to such reduction is enacted into law during the 60-day period beginning on the date on which the report containing notice of such reduction is submitted to the Congress under section 5(b).

(B) Paragraph (1) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)) is amended—

(i) by striking out "and" at the end of subparagraph (A),

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and", and

(iii) by adding at the end thereof the following new subparagraph:

"(C) a joint resolution of the Congress, the entire matter after the resolving clause of which is as follows: 'That the Congress disapproves of the reduction in the deficit reduction goal for ________________ under the Anti-Discrimination and Trade Deficit Reduction Act of 1987.', the blank space being filled with the name of the appropriate foreign country.".

SEC. 5. ACTIONS BY THE PRESIDENT TO ACHIEVE DEFICIT REDUCTION GOALS.

(a) IN GENERAL.—During calendar year 1988, and each succeeding calendar year, the President shall take such actions within the power of the Presidency (including, but not limited to, actions described in section 301(b) of the Trade Act of 1974) to ensure that the deficit of the United States in the bilateral merchandise balance of trade between the United States and each excessive and unwarranted trade deficit country for such calendar year does not exceed the deficit reduction goal for such country for such calendar year.

(b) REPORT.—By no later than April 1 of 1988, and of each succeeding calendar year, the President shall submit to the Congress a report on the actions the President plans to take with respect to each excessive and unwarranted trade deficit country in order to meet the requirements of subsection (a) for such calendar year.

(c) FAILURE TO ACHIEVE GOALS.—

(1) If the actions taken under subsection (a) with respect to any excessive and unwarranted trade deficit country fail to achieve the requirements of subsection (a) for any calendar year—

(A) the President shall take such actions described in section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)) during the calendar year succeeding such calendar year as are necessary to limit the total value of all products of such country entered during the calendar year succeeding such calendar year to an amount equal to the excess of—

(i) the total value of all products of such country that entered during such calendar year, over

(ii) the amount by which the deficit of the United States in the merchandise balance of trade between the United States and such country for such calendar year exceeded the deficit reduction goal for such country for such calendar year, and

(B) the deficit reduction goal of such country determined under section 4 for the calendar year succeeding such calendar year shall be increased by the amount described in subparagraph (A)(ii) for purposes of applying subsection (a) during the calendar year succeeding such calendar year.

(2) For purposes of this subsection—

(A) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(B) The term "customs territory of the United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

SECTION-BY-SECTION ANALYSIS OF ANTI-DISCRIMINATION AND TRADE DEFICIT REDUCTION ACT OF 1987

Section 1: Title of the bill

Section 2: Requires USTR to estimate the cost to the U.S. of unfair foreign trade practices.

Provides for USTR to begin estimating the value of the goods and services that U.S. companies could be selling abroad were it not for unfair foreign trade practices. He would include this estimate in his annual report on foreign trade barriers. Under current law, USTR is required to publish every year a "Annual Report on National Trade Estimates" (NTE) which has to include a description of the trade barriers and other unfair trade practices of all of our major trading partners. USTR must "identify and analyze" these practices, and "make an estimate of their trade-distorting impact"—but he is not currently required to make a specific monetary estimate of how much these practices cost U.S. businesses and investors.

Allows for the estimate to be presented as a range between two numbers to take account of the difficulty of arriving at a precise figure. The range cannot exceed 10 percent of the lower number (i.e. $100–$110 million is okay; $100–150 million is not).

Provides for USTR to publish this year's NTE report by October 31, which has been the deadline for publication in the past. Beginning in 1988, however, USTR would be required to publish the NTE by March 1 of each year. The earlier publication date will allow this report to be used as the basis for the estimates USTR makes under Section 3.

Section 3: defines what is meant by "excessive and unwarranted trade deficit countries." Requires USTR to publish a list of these countries by March 10 of every year beginning with 1988 and, for each country listed, to make an estimate of the aggregate cost to the U.S. of that country's unfair trade practices.

Subsection (a) provides that a country is an "excessive and unwarranted trade deficit country" if for at least the two preceeding years it has (1) maintained a trade deficit with the U.S. of over $3 billion, and (2) been identified in the NTE report as having unfair trade practices.

Subsection (b) provides for USTR to publish in the Federal Register by March 10 a preliminary list of the "excessive and unwarranted" countries and, with the list, an estimate of how much each country's unfair practices cost the U.S. during the previous calendar year. The estimates would be based on the estimates in the annual NTE report. Since the NTE estimates could be given as a range between two numbers, USTR is given discretion to choose the lower number of the range.

Provides a ten-day period for "interested parties"—which might include affected foreign countries and companies, or domestic companies—to petition USTR concerning the inclusion of a particular country on the list of "excessive and unwarranted" countries, or to challenge the estimate of the cost to the U.S. of the unfair trade practices of a particular country.

USTR would then have another ten days to consider these petitions, and to publish a final list of "excessive and unwarranted" countries and final estimates of the cost of unfair practices. USTR can adjust the list and estimates based on information included in the petitions.

Section 4: defines "deficit reduction goal." Allows the goal for a particular country to be reduced if the country is having balance of payments problems.

Subsection (a): the deficit reduction goal for each "excessive and unwarranted" country is equal to the final estimate made by USTR under Section 3. In other words, if USTR determined that Country X's discriminatory quotas and tariffs, illegal subsidies, unreasonable certification procedures, etc. cost U.S. firms and investors $3 billion in 1987, then in 1988, the deficit reduction goal for Country X would be $3 billion. If we ran a $20 billion deficit with Country X in 1987, we would be seeking a $17 billion deficit in 1988.

Subsection (b) allows the President to use his judgment to reduce deficit reduction goals if meeting the goal would cause significant economic harm to a country having a balance of payments problem (such as difficulty paying back debts). The fundamental purpose of the bill—combatting the unfair trade practices of countries with whom we maintain large trade deficits—would be preserved. The President would have to come up with an alternative plan of action to achieve this purpose.

Requires the President to submit his alternative plan of action for these debt-ridden countries as part of the overall deficit reduction plan he is required to submit by April 1 (see Section 5(b)).

Allows Congress to overrule the President's decision to reduce the deficit reduction goal for any country by passing a joint resolution of disapproval.

Section 5: provides for Presidential action to achieve the deficit reduction goals for all "excessive and unwarranted" countries.

Subsection (a) requires the President to use existing authority to take whatever actions are necessary to achieve the deficit reduction goals for each country. Under existing law, he can take a whole range of steps to reduce bilateral deficits—engage in bilateral negotiations, negotiate voluntary restraints or orderly marketing agreements, or if negotiations fail, impose quotas or tariffs on the goods of the "excessive and unwarranted" country in question.

Subsection (b) requires the President to submit to Congress by April 1 of each year a plan to achieve the deficit reduction goals.

Subsection (c) provides a back-up in case the President fails to achieve the deficit reduction goals. If his actions fall short of the goal for any country in any year, during the next year he would have to take whatever actions are necessary to reduce imports from that country by the amount of the shortfall. In other words, if the goal for Country X in 1988 is $3 billion, but Country X's deficit in 1988 ends up being only $2 billion lower than it was in 1987, then in 1989 the President would take action to restrict imports from Country X by $1 billion. This $1 billion amount would be in addition to the deficit reduction goal for Country X in 1989.●

By Mr. McCLURE (by request):

S. 1038. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Energy and Natural Resources.

LAND AND WATER CONSERVATION FUND ACT

● **Mr. McCLURE. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of Agriculture, I send to the desk a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.**

Mr. President, this draft legislation was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Acting Secretary be printed in the RECORD.

I wish to emphasize that I am introducing this legislation as an accommodation to the administration to get the U.S. Forest Service recreation fee bill in front of the Senate. Mr. President, I have major reservations and concerns with this legislation and will seek modification of two sections of this bill.

The first concern I have is in section 101 of the bill as it amends section 4(i)(2) of the Land and Water Conservation Fund Act of 1965. The Secretary has authority, after making a finding, to set "entrance fees" at a national forest. I am opposed to that in any form. Second, Mr. President, section 202 of the bill would allow the Forest Service to contract with the "U Squeeze 'Um Collection Agency" on a commission basis to collect, administer and authorize recreation uses and fees at summer homesites, ski areas, resorts, guide and outfitting businesses, and river running businesses who do business on our national forests.

We pay the Forest Service to do that, and I strongly oppose the provision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENT TO LAND AND WATER CONSERVATION FUND ACT

SEC. 101. Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a) is amended by adding the following new subsection:

"(i) NATIONAL FOREST SYSTEM RECREATION USE FEES.—The Secretary of Agriculture, without regard to the provisions of subsection (b) of this section, shall designate for the purpose of charging a recreation use fee (1) specialized recreation sites, facilities, equipment, or services, including but not limited to, improved camp and picnic grounds, swimming sites, visitor centers with specialized services or programs, and (2) areas where a combination of services and facilities are provided to accommodate heavy public use. The Secretary of Agriculture shall provide for collection of such fees at the place of use or other location reasonably convenient to the user and the authorized collector: *Provided*, That there shall be no fee charged by the Secretary of Agriculture where specific services are not provided, nor singly for the use of drinking water, wayside exhibits, general purpose roads, overlook sites, toilet facilities, unimproved boat ramps or for general visitor information. Any Golden Age Passport permittee shall be entitled upon presentation of such permit to utilize such recreation facilities, services, or areas at a rate of 50 per centum of the established use fee."

TITLE II—NATIONAL FOREST SYSTEM RECREATION USE FEE EXPENDITURES.

SEC. 201. (a) Notwithstanding any other provision of law, all recreation receipts shall be deposited into a special fund established in the Treasury and shall be immediately available and remain available until expended, without further appropriation, to the Secretary of Agriculture (hereafter, "the Secretary") for operation, maintenance, rehabilitation, reconstruction, replacement, and management of recreation facilities, equipment, sites, trails, and areas within the National Forest System: *Provided*, That recreation receipts shall be considered as moneys received or net revenues for the purposes of the Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963, as amended; 16 U.S.C. 500), and the Act of July 22, 1937 (50 Stat. 522, as amended; 7 U.S.C. 1012): *Provided further*, That recreation receipts shall not be subject to the provisions of the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501).

(b) For the purposes of this Act, "recreation special use" means an activity permitted of an individual, entity, or organization by the Secretary for the purpose of developing or operating a recreation-oriented business, conducting a recreation activity, or constructing a recreation facility as authorized by the Act of June 4, 1897 (30 Stat. 11, as amended), the Act of March 4, 1915 (38 Stat. 1086, as amended), or any other special use authority for recreation purposes applicable to National Forest System lands. Recreation special uses include, but are not limited to, resorts, marinas, winter sports sites, recreation residences, organization camps, and outfitter and guide activities.

(c) For the purposes of this Act, "recreation receipts" means all fees collected for recreation use of National Forest System lands and facilities pursuant to the Land and Water Conservation Fund Act (78 Stat. 897, as amended) and all fees for recreation special uses.

SEC. 202. The Secretary may authorize individuals, organizations or businesses to sell permits and other authorizations for recreation uses, including recreation special uses, of the National Forest System lands and authorize them to collect recreation receipts and other payments subject to such terms and conditions as the Secretary may prescribe, including provisions for the deduction by the authorized individual or entity of reasonable commissions, fees, and expenses from the amount collected and remittance of the remaining proceeds therefrom to the Secretary.

SEC. 203. The Secretary may authorize persons who are designated volunteers under the Volunteers in the National Forests Act of 1972 (86 Stat. 147, as amended; 16 U.S.C. 558a-558d) to sell permits and other authorizations for recreation uses, including recreation special uses, of the National Forest System lands and authorize them to collect recreation receipts and other payments subject to such terms and conditions as the Secretary may prescribe. The Secretary is authorized to cover the costs of surety bonds which may be required of persons rendering such volunteer service if the Secretary determines it to be in the best interest of the Government: *Provided*, That such costs shall be paid from amounts available in the fund established under section 201(a).

SEC. 204. The Secretary is authorized to accept donations for the purpose of helping to defray the costs of carrying out the recreation program within the National Forest System. Such donations shall be used for the same purposes as recreation receipts collected pursuant to section 201 and shall be immediately available to the Secretary for expenditure: *Provided*, That such donations shall not be considered as moneys received or net revenues for purposes of the Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963, as amended; 16 U.S.C. 500), the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501), and the Act of July 22, 1937 (50 Stat. 522, as amended; 7 U.S.C. 1012).

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 11, 1987.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith, for the consideration of the Congress, is a draft bill "To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

The Department of Agriculture strongly recommends introduction and enactment of the draft bill.

This proposed legislation would: (1) promote the availability, maintenance, and use of high quality recreation areas and facilities in the National Forest System for the use, enjoyment, and benefit of all Americans; (2) require those persons using certain recreation facilities, heavily used areas, and services in the National Forest System to pay an appropriate share of the cost of providing and maintaining those recreation facilities and services; (3) permit the Secretary of Agriculture to charge reasonable use fees for those areas; and (4) increase the sources of funding for National Forest System recreation areas and facilities by using the revenue from recreation receipts to enhance National Forest System recreation areas, facilities, and services.

It has become increasingly expensive to provide the high quality public recreation areas, facilities, and services that Americans expect and deserve. In fiscal year 1986, the cost of operating and maintaining the recreation resources on National Forests totaled $99 million. Recreation fees generated only about $30 million in revenues. This $30 million included $11 million from use fees for facilities such as campsites and $19 million from recreation special uses such as ski areas and outfitter and guide permits.

Use of recreation areas and facilities and the cost of providing them have increased more rapidly than the funding available for maintaining, refurbishing, replacing and improving those areas and facilities. Current economic and budgetary realities limit our ability to meet recreation funding needs.

This draft bill would increase National Forest System recreation receipts to an estimated $52 million in fiscal year 1988 by allowing us to charge at additional campsites, other recreation facilities, and heavily used recreation areas where services are provided. This proposed legislation would not change any authorities for charging for recreation special uses such as ski areas and guiding and outfitting operations. Subject to the withholding of 25 percent of receipts for payments to States and counties under existing law, fees collected under this revised authority and under recreation special use authorities would be deposited into a special fund in the Treasury and would be made immediately available for any authorized outdoor recreation purpose within the National Forest System.

National Forest System lands are available to all Americans, but those who actually visit the recreation areas and use the related facilities and services derive a greater benefit than those who do not. We believe that the actual beneficiaries, the users of National Forest System recreation facilities and areas, should pay a higher percentage of the cost of maintaining those resources. The draft bill would provide authority to charge reasonable fees to recreation users.

The Administration recognizes the importance of outdoor recreation to the American people. Because of that importance and the current economic and budgetary realities, we believe that recreation funding, such as this draft bill would provide, is required.

We strongly recommend enactment of the draft bill to enhance the availability of high quality public recreation areas and facilities within the National Forest System.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

PETER C. MYERS,
Acting Secretary.

Enclosure.

DRAFT BILL

(To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

TITLE I—AMENDMENT TO LAND AND WATER CONSERVATION FUND ACT

SEC. 101. Section 4 of The Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a) is amended by adding the following new subsection:

"(i) NATIONAL FOREST SYSTEM RECREATION USE FEES.—The Secretary of Agriculture, without regard to the provisions of subsection (b) of this section, shall designate for the purpose of charging a recreation use fee (1) specialized recreation sites, facilities, equipment, or services, including but not limited to, improved camp and picnic grounds, swimming sites, visitor centers with specialized services or programs, and (2) areas where a combination of services and facilities are provided to accommodate heavy public use. The Secretary of Agriculture shall provide for collection of such fees at the place of use or other location reasonably convenient to the user and the authorized collector: *Provided,* That there shall be no fee charged by the Secretary of Agriculture where specific services are not provided, nor singly for the use of drinking water, wayside exhibits, general purpose roads, overlook sites, toilet facilities, unimproved boat ramps or for general visitor information. Any Golden Age Passport permittee shall be entitled upon presentation of such permit to utilize such recreation facilities, services, or areas at a rate of 50 per centum of the established use fee."

TITLE II—NATIONAL FOREST SYSTEM RECREATION USE FEE EXPENDITURES

SEC. 201. (a) Notwithstanding any other provision of law, all recreation receipts shall be deposited into a special fund established in the Treasury and shall be immediately available and remain available until expended, without further appropriation, to the Secretary of Agriculture (hereafter, "the Secretary") for operation, maintenance, rehabilitation, reconstruction, replacement, and management of recreation facilities, equipment, sites, trails, and areas within the National Forest System: *Provided,* That recreation receipts shall be considered as moneys received or net revenues for the purposes of the Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963, as amended; 16 U.S.C. 500), and the Act of July 22, 1937 (50 Stat. 522, as amended; 7 U.S.C. 1012): *Provided further,* That recreation receipts shall not be subject to the provisions of the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501).

(b) For the purposes of this Act, "recreation special use" means an activity permitted of an individual, entity, or organization by the Secretary for the purpose of developing or operating a recreation-oriented business, conducting a recreation activity, or constructing a recreation facility as authorized by the Act of June 4, 1897 (30 Stat. 11, as amended), the Act of March 4, 1915 (38 Stat. 1086, as amended), or any other special use authority for recreation purposes applicable to National Forest System lands. Recreation special uses include, but are not limited to, resorts, marinas, winter sports sites, recreation residences, organization camps, and outfitter and guide activities.

(c) For the purposes of this Act, "recreation receipts" means all fees collected for recreation use of National Forest System lands and facilities pursuant to the Land and Water Conservation Fund Act (78 Stat. 897, as amended) and all fees for recreation special uses.

SEC. 202. The Secretary may authorize individuals, organizations or businesses to sell permits and other authorizations for recreation uses, including recreation special uses, of the National Forest System lands and authorize them to collect recreation receipts and other payments subject to such terms and conditions as the Secretary may prescribe, including provisions for the deduction by the authorized individual or entity of reasonable commissions, fees, and expenses from the account collected and remittance of the remaining proceeds therefrom to the Secretary.

SEC. 203. The Secretary may authorize persons who are designated volunteers under the Volunteers in the National Forests Act of 1972 (86 Stat. 147, as amended; 16 U.S.C. 558a-558d) to sell permits and other authorizations for recreation uses, including recreation special uses, of the National Forest System lands and authorize them to collect recreation receipts and other payments subject to such terms and conditions as the Secretary may prescribe. The Secretary is authorized to cover the costs of surety bonds which may be required of persons rendering such volunteer service if the Secretary determines it to be in the best interest of the Government: *Provided,* That such costs shall be paid from amounts available in the fund established under section 201(a).

SEC. 204. The Secretary is authorized to accept donations for the purpose of helping to defray the costs of carrying out the recreation program within the National Forest System. Such donations shall be used for the same purposes as recreation receipts collected pursuant to section 201 and shall be immediately available to the Secretary for expenditure: *Provided,* That such donations shall not be considered as moneys received or net revenues for purposes of the Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963, as amended; 16 U.S.C. 500), the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501), and the Act of July 22, 1937 (50 Stat. 522, as amended; 7 U.S.C. 1012).

SECTION-BY-SECTION ANALYSIS

Title I

Section 101 would amend section 4 of the Land and Water Conservation Fund Act of 1965, as amended, by adding a new subsection (i). This new subsection would authorize the Secretary of Agriculture to designate recreation sites, areas, facilities, equipment and services for the purpose of charging a recreation use fee within the National Forest System. However, no such fee would be authorized where services are not provided and fees would not be authorized singly for the use of drinking water, wayside exhibits, general purpose roads, overlook sites, general visitor information, toilet facilities, or unimproved boat ramps (not constructed). Persons with a Golden Age Passport would be required to pay only 50 percent of the established user fee.

The Secretary of Agriculture would use the authority in the new Subsection 4(i), rather than subsection 4(b), as a basis of establishing recreation use fees within the National Forest System. Except as provided in Title II, all other provisions of the Land and Water Conservation Fund Act of 1965, as amended, would continue to apply to the National Forest System. These provisions include the requirement that all fees be fair and equitable and economically efficient to collect (subsection 4(d)) and the prohibition against the issuance of Federal hunting and fishing licenses (subsection 4(g)). Section 4(b) would not be amended, and thus the recreation use fee charges of other Federal agencies would not be affected.

Currently, section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, authorizes the collection of daily recreation use fees for the use of specialized outdoor recreation sites, facilities, equipment, and services. However, fees may not be collected under section 4(b) for the use of facilities such as campgrounds that do not have specific components such as potable water, picnic grounds, boat launches except those with hydraulic or mechanized lifts, and visitor centers. Section 4(b) also prohibits fees from being charged in areas which do not contain highly developed facilities but require expenditures to ensure the safety of visitors or to protect natural resources.

The proposed legislation would expand the scope of National Forest System recreation sites, areas, facilities, equipment and services for which use fees could be collected. However, the authorities for charging for recreation special uses (such as ski areas and guiding and outfitting operations) would not change. These authorities include the Act of June 4, 1897 (30 Stat. 11, as amended) and the Act of March 4, 1915 (38 Stat. 1086, as amended).

Title II

Under present law, the National Forest System recreation fees collected pursuant to the Land and Water Conservation Fund Act (about $11 million annually) are paid into the Land and Water Conservation Fund and are available for appropriation for any Land and Water Conservation Fund purpose.

Section 201 would provide that all recreation receipts would be deposited into a special Treasury fund and would be available to the Secretary of Agriculture, without further appropriation, for operation, maintenance, rehabilitation, replacement, reconstruction, and management of recreation facilities, equipment, sites, trails, and areas within the National Forest System. Recreation receipts as defined in Section 201(c), include collections from fees for use of National Forest System lands and facilities collected pursuant to the Land and Water Conservation Fund Act as amended by Title I, and all fees collected for recreation special uses of the National Forest System. Recreation special uses, as defined in Section 201(b), include, but are not limited to, resorts, marinas, winter sports sites, recreation residences, organization camps, and outfitter and guide activities authorized under the Acts of June 4, 1897, March 4, 1915, and any other statutory authority providing for recreational use of National Forest System lands. The fees collected would not be used for major new construction such as visitor centers, roads, or development of new areas.

The required receipt-sharing payments to States and counties under permanent statutes would continue (currently 25 percent). However, recreation receipts would not be subject to the law requiring that 10 percent of moneys received from the National Forests be used for construction and maintenance of forest roads and trails. The monies received from the recreation receipts would be used in part for construction and maintenance of forest trails. Thus, there is no need to put it into a separate fund for the same use.

Since the recreation receipts would be deposited into a special Treasury fund, for the purposes of Section 256(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177, 99 Stat. 1037), any funds sequestered during any fiscal year would not lapse but would be available for obligation on October 1 of the following fiscal year.

Section 202 would allow the Secretary to enter into agreements with individuals, organizations and businesses to sell permits and collect fees for recreation uses and other payments including, but not limited to, the sale of maps, firewood, books, and other interpretive materials of National Forest System lands. A reasonable commission for providing this service could be deducted from the fees collected.

Section 203 would allow volunteers to sell permits and collect fees subject to terms and conditions prescribed by the Secretary. It also would authorize the Secretary to cover the cost of surety bonds for volunteers if the Secretary determined that doing so was in the best interest of the Government.

Section 204 would allow the Secretary to accept donations to help defray the costs of carrying out the recreation program within the National Forest System. This would provide the opportunity for users to voluntarily help pay for the facilities and services that they enjoy. The funds collected would be available as provided in Section 201 except such donations would not be subject to receipt-sharing with the States and counties.●

By Mr. MELCHER (for himself Mr. SIMPSON, and Mr. BAUCUS):

S. 1039. A bill to review and determine the impact of Indian tribal taxation on Indian reservations and residents; to the Select Committee on Indian Affairs.

INDIAN TRIBAL TAXATION

Mr. MELCHER. Mr. President, I shall today introduce a bill dealing with the question of taxation on Indian reservations imposed by the tribes on non-Indians—that is, those persons on the reservation, who live or do business on the reservation and who are nontribal members.

The situation has been such in Montana over the past several months that almost every month we have become aware of a new tax ordinance proposed by one of the tribes in the State. These tax ordinances by the tribes—who have the authority to propose taxes and tax—which are imposed on nontribal members, are found to be rather objectionable by those persons who are not members of the tribe and therefore have no part in developing and adopting the tax ordinance. They call it taxation without representation.

In addition, the tax proposals that have been presented by the tribes seem to me to be counterproductive for economic activity on the reservation. The reservations are not well off now because unemployment is high and the opportunity for jobs or income is very limited. Imposing taxes which further drives out the business which is now on the reservations, will even make the situation worse.

So I am introducing this bill, along with the Senator from Wyoming [Mr. SIMPSON] and the junior Senator from Montana [Mr. BAUCUS], which says that the Secretary of the Interior must review and approve any proposed tribal tax ordinance; that for a 2-year period there cannot be any new tax ordinances imposed by the tribes on nontribal members; and that the President shall appoint a commission to review the economic impact which tribal taxes, as they are proposed, might have on a particular reservation. These tax ordinances generally vary from one reservation to another, so that impact on the reservation varies from one reservation to another.

Finally, the bill, during this period, would authorize an additional $450 million for the Secretary of the Interior to help alleviate economic hardship on the Indian reservations and assist with emergency educational and unemployment needs. This is a rather modest amount, but it would be in addition to what the Secretary has been authorized in the funds that we do appropriate for the various programs carried out by the Bureau of Indian Affairs.

In addition, the bill would authorize $75 million to be made available to the Secretary of Health and Human Services to alleviate emergency health care needs on Indian reservations.

That is the sum and substance of the bill I will introduce on behalf of myself, Senator SIMPSON, and Senator BAUCUS today, to deal with the situation as it is developing in Indian country.

Mr. BAUCUS. Mr. President, I am joining my distinguished colleague from Montana, Mr. MELCHER, in introducing this bill today to impose a 2-year moratorium on new Indian tribal tax ordinances.

Tribal taxes are a new phenomenon. In response to reduced Federal funding for Indian programs and instructions from the Federal Government to become more self-sufficient, some Indian tribes have decided to levy taxes on the use or occupancy of tribal lands.

Some of these taxes have been upheld by the U.S. Supreme Court as a legal exercise of Indian sovereignty. However, the Supreme Court has examined only a couple of these taxes, a possessory interest tax levied by the Navajo and an oil and gas severance tax imposed by the Jicarilla Apache Tribe. It is important to recognize that all tribes and reservations are different; for example, the Navajo lands are under uniform ownership, while many reservations in other States, like Montana, are "checkerboarded" with deeded land within reservation boundaries. The new tax codes being proposed or considered by other tribes raise serious questions about the tribes' ability to impose taxes on deeded land; double taxation; conflicts with local and county governments in collecting revenues and providing services; and, perhaps most important to this Congress, questions about the best interests of the tribes themselves.

It has been said, and often quoted on this Senate floor, that the power to tax is the power to destroy. If tribes adopt taxes that are ill-conceived, without having necessary information about the true incidence of the tax and the effect the tax will have on business and personal decisions, the results could be disastrous. In the short run, a tribe could collect revenue from businesses located on the reservation, but in the long run it is the tribe that would suffer if the businesses close their doors. I do not mean to imply that tribes cannot be trusted to make wise decisions; but it is our responsibility to ensure that the tribes have the information they need to exercise their sovereignty responsibly.

Currently, there are no rules prescribing how Indian tax codes are to be proposed and considered, unless the tribe's constitution provides some regulations. Based on the experiences we have had in Montana during the last few months, I think it is important to ensure that well publicized, open hearings are held, and that adequate notice is given for all those affected to collect and communicate relevant information to the tribe and to the Department of the Interior.

I am also deeply concerned about how the enactment of tribal taxes will affect local and county governments. At present, many county governments provide essential services to reservation lands and reservation residents. Some taxpayers that are targeted by these tribal taxes have announced that they will pay their county taxes under protest, pending court adjudication of their tax liabilities. This puts county commissioners in a terrible bind, as a significant percentage of their revenues could be inaccessible for months or years while litigation proceeds through the courts.

I support this bill, which provides a 2-year moratorium and a 1-year study of these issues, because I believe it is important to resolve the issues up front instead of waiting for the issues to be resolved after costly, lengthy litigation. I want more information on the types of taxes Indian tribes can appropriately levy, and the procedures they should follow to ensure the taxes are proper and wise. I also want more information about the relationship between the sovereign tribe and other sovereign governments, including local, county, and State governments, in terms of taxes and service responsibilities.

The Indian tribes are sovereign entities within the United States, and Congress should respect their rights. However, the Congress also has a profound trust responsibility for the tribes, and it is our responsibility to ensure that the actions of the tribes are in the best interests of tribal members. I believe this bill will give us the opportunity to carry out our responsibilities to the tribes and to other Americans who work and live on and around tribal lands, and I urge its prompt enactment.

By Mr. MELCHER:

S. 1040. A bill to amend title 49, United States Code, relating to sale, acquisition, or abandonment of railroad lines; to the Committee on Commerce, Science, and Transportation.

INTERSTATE COMMERCE COMMISSION ACT AMENDMENTS

● Mr. MELCHER. Mr. President, today I am introducing a bill which will require the Interstate Commerce Commission to review sales of major portions of railroad lines to private noncarrier individuals.

The bill provides that any sale, acquisition, or abandonment of a railroad line, rail transportation, trackage, or trackage rights to or by a person who is not a carrier shall be subject to such provisions in the same manner and to the same extent as if such sale, acquisition or abandonment had involved only rail carriers providing transportation subject to such jurisdiction.

The railroad industry is presently undergoing major restructuring. Many of the major carriers, in an effort to streamline operations and cut costs, are selling segments of their lines which are marginally profitable. These sales are to noncarrier operators. More than 150 new railroads have been formed since 1980, and there are indications that this may be the wave of the future. Some industry analysts believe that if present trends continue, major railroads may end up selling between 20 to 30 percent of their tracks over the next 5 years.

Three points are significant in all of this change. What happens to the workers, to the communities, and to the shippers? All of their needs and rights must be safeguarded.

In the past, these types of sales would have been scrutinized by the Interstate Commerce Commission to ensure that they were beneficial to the public good. Under deregulation, however, the Commission has created a class exemption from regulation of any acquisition or operation of a rail line by a noncarrier. The ICC rule ex parte 392, sub No. 1, provides that an exemption goes into effect 7 days after it is filed. After the notice is published in the Federal Register, the exemption can then only be revoked upon a showing of false or misleading information.

Although Congress is not considering it necessary to reregulate the industry, I question whether the public interest is, in fact, being served in each case. One of the rationales provided by the Interstate Commerce Commission when it issued its rule on class exemptions was that all of the prior exemption requests had been granted on a case-by-case basis. In my view, there is little justification to believe that there will not be cases in the future which call for scrutiny by the Commission. I believe the potential for market abuse remains very real.

Although the Commission reserves the right of after-the-fact revocation of the exemption, this solution is most unsatisfactory. Requiring divestiture of a line after a sale has already been consummated is more disruptive of business operations than prior review before the sale goes into effect, when there is still time to modify the terms of the sale or terminate negotiations.

My immediate concern is with my own State of Montana, where Burlington Northern is considering the sale of a 600-mile stretch of track that runs from Laurel, MT, to Sandpoint, ID. Far from being what one normally thinks of as a short line, the sale of 600 miles of track would constitute the sale of the major portion of the southern line through the State. This stretch of track connects with Burlington Northern at point A, its beginning, and at point B, its end. Therefore, the new operator stands little chance of offering any meaningful competition to Burlington Northern when it is dependent on maintaining good relations with Burlington Northern at its terminus points.

In the absence of review of the transaction by the ICC, the shippers have no assurance that the sale will result in reliable service at reasonable rates. A number of communities along this line could be substantially affected by the change in operations of the line and the workers need to retain their opportunities for jobs.

I believe that the green light for deregulation of transportation has gone much too far. The public interest is no longer being served by the nod and wink that the ICC gives to these sales. The public needs assurance that there is someone in Government who is reviewing the impact that these sales might have on the local communities which are dependent on real service.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CRANSTON, the names of the Senator from West Verginia [Mr. BYRD] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 249

At the request of Mr. DODD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances; and for other purposes.

S. 328

At the request of Mr. SASSER, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 328, a bill to amend chapter 39, United States Code, to require the Federal

Government to pay interest on overdue payments; and for other purposes.

S. 476

At the request of Mr. Dodd, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 541

At the request of Mr. Pryor, the names of the Senator from Texas [Mr. Bentsen], the Senator from Arizona [Mr. McCain], the Senator from Maryland [Ms. Mikulski], the Senator from Minnesota [Mr. Boschwitz], the Senator from Massachusetts [Mr. Kerry], the Senator from Florida [Mr. Chiles], the Senator from Montana [Mr. Melcher], the Senator from New Jersey [Mr. Lautenberg], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 541, a bill to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service.

S. 584

At the request of Mr. Glenn, the name of the Senator from washington [Mr. Adams] was added as a cosponsor of S. 584, a bill to amend the Appendix to the Tariff Schedules of the United States to extend the suspension of duty on bicycle parts.

S. 592

At the request of Mr. Dole, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 592, a bill to provide for Medicare catastrophic illness coverage, and for other purposes.

S. 628

At the request of Mr. Grassley, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 698

At the request of Mr. Thurmond, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 698, a bill to amend title 17, United States Code, to prohibit the conveyance of the right to perform publicly syndicated television programs without conveying the right to perform accompanying music.

S. 789

At the request of Mr. Biden, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 789, a bill to provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

S. 840

At the request of Mr. Thurmond, the names of the Senator from Tennessee [Mr. Gore] and the Senator from Montana [Mr. Melcher] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 861

At the request of Mr. Danforth, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 861, a bill to require certain actions by the Secretary of Transportation regarding certain drivers of motor vehicles and motor carriers.

S. 880

At the request of Mr. Durenberger, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 880, a bill entitled the "Superconductivity Competition Act of 1987."

S. 959

At the request of Mr. Glenn, the names of the Senator from Connecticut [Mr. Weicker] and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of S. 959, a bill to amend the Older Americans Act of 1965 to strengthen and improve the provisions relating to State long-term care ombudsman programs; and for other purposes.

SENATE JOINT RESOLUTION 11

At the request of Mr. Thurmond, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 26

At the request of Mr. Pell, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989; and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. Glenn, the name of the Senator from California [Mr. Cranston] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 64

At the request of Mr. Chiles, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to designate May 1987, as "Older Americans Month."

SENATE JOINT RESOLUTION 75

At the request of Mr. Thurmond, the names of the Senator from California [Mr. Wilson], the Senator from New Jersey [Mr. Lautenberg], and the Senator from Connecticut [Mr. Dodd] were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE JOINT RESOLUTION 99

At the request of Mr. DeConcini, the names of the Senator from Connecticut [Mr. Weicker], the Senator from Arkansas [Mr. Bumpers], the Senator from Vermont [Mr. Stafford], the Senator from Connecticut [Mr. Dodd], the Senator from Georgia [Mr. Fowler], the Senator from Maryland [Ms. Mikulski], the Senator from Hawaii [Mr. Inouye], and the Senator from Montana [Mr. Melcher] were added as cosponsors of Senate Joint Resolution 99, a joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. Kennedy, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America, on the celebration of its 75th anniversary.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DeConcini, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE RESOLUTION 167

At the request of Mr. Biden, the names of the Senator from Washington [Mr. Adams], the Senator from New Mexico [Mr. Bingaman], the Senator from Arkansas [Mr. Bumpers], the Senator from South Dakota [Mr. Daschle], the Senator from Ohio [Mr. Glenn], the Senator from Iowa [Mr. Harkin], the Senator from Vermont [Mr. Leahy], the Senator from Maine [Mr. Mitchell], the Senator from Wisconsin [Mr. Proxmire], the Senator from Michigan [Mr. Riegle], the Senator from North Carolina [Mr. Sanford], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Resolution 167, a resolution concerning constitutional principles pertinent to the making of treaties, and further concerning the interpretation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems.

SENATE CONCURRENT RESOLUTION 47—RELATING TO PERSECUTION OF CHRISTIANS IN EASTERN EUROPE AND THE SOVIET UNION

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 47

Whereas on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by 33 European countries, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under Principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion;"

Whereas persecution of individuals on the basis of religious beliefs and cultural heritage is in direct violation of the commitments to freedom of thought, conscience, expression, and religion made by the Union of Soviet Socialist Republics (hereafter in this concurrent resolution referred to as the "USSR") and by the countries of Eastern Europe as the signatories of the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document;

Whereas in Albania, the only officially atheistic country in the world, the Constitution of which outlaws religion and defines all religious activities as criminal acts, there are documented cases of executions and murders of clergy and believers;

Whereas in Bulgaria, where the Constitution of 1971 specifically guarantees freedom of religion, the organization of branches, missions, convents and charitable institutions of religious associations having headquarters or centers located abroad is nevertheless prohibited (by Article 23 of the law of February 26, 1949), religious instruction to persons under 16 years of age is prohibited, courts are authorized (by the law on Family of March 15, 1968) to remove children from families that do not comply with the demand that "education of children be conducted in the spirit of socialism and communism", and special benefits are bestowed on individuals who renounce religion, while those who adhere to religious beliefs are severely harassed and imprisoned;

Whereas in Czechoslovakia, where citizens are constitutionally guaranteed freedom of religion and "performance of religious rites, so long as it does not contradict the law", all churches and religious organizations are nevertheless subject to the control of a Secretariat for Religious Affairs that has "normative, guiding and controlling powers in all church and religious affairs", clergy are prohibited from serving the church without state license issued only after thorough investigation and revokable without explanation or right of appeal, all religious orders of brothers and nuns have been prohibited for decades from accepting new members and could soon die out, practicing Christians are discriminated against in housing, employment and education, secret government agents are frequently present at church services, clergy are offered bribes to join religious "peace" movements which closely collaborate with the government, and many clergy and church members are invited to cooperate with the secret police;

Whereas in the German Democratic Republic, where freedom of religion is guaranteed "in agreement with the Constitution and legal regulations in the GDR" by Article 39 of the Constitution of 1968, religious education for Christian children is nevertheless officially discouraged so that teenagers receiving such education are often treated as second-class citizens, young people are forced to participate in the Communist ceremonies of "youth consecration" and required to pledge allegiance to Marxism-Leninism, and conscientious objectors and organizers and members of the unofficial peace movement, almost all practicing Christians, are persecuted;

Whereas in Hungary, where the Constitution guarantees the equality of all citizens, provides that discrimination of citizens on the ground of religious faith is a punishable offense, guarantees freedom of conviction and freedom of religious worship, and decrees separation of church and state, all churches are nevertheless supervised and controlled by the State Office for Church Affairs of which special departments oversee the activities of individual districts and report their observations to the headquarters in Budapest, the State Office for Church Affairs exclusively appoints clergy and faculty of theological schools, admission of candidates for theological studies is drastically curtailed, and members of the "basic communities" are occasionally harassed for their independent religious activities;

Whereas in Poland, where the Constitution guarantees freedom of religion and separation of church and state, and where, in 1982, the Patriotic Movement of National Renewal—a coalition of the Polish United Workers Party and its adjunct small political parties—declared equality under law for all citizens, activist priests and believers, primarily members of the Solidarity movement, have nevertheless become targets of persecution, and the Catholic Church operates under significant impediments in its pursuit of charitable, religious, and humanitarian goals;

Whereas in Romania, where the Constitution guarantees freedom of religion, the Ministry of Cults is nevertheless granted (by Article 51 of the law on rituals of 1948) "unrestricted control of church teachings and church administration", contacts with religious associations abroad is prohibited (by Article 40 of such law) unless authorized by the Ministry of Cults and the Ministry of Foreign Affairs, the Romanian Orthodox Church, the second largest Orthodox church (after the Orthodox Church in the USSR) with some 16 million members (out of 21 million Romanian citizens), is still tightly controlled by the government despite its special national status and some members of such Church suffer persecution, Catholics and Protestants are generally members of national minorities (Hungarians and Germans) that are frequent targets of persecution and discrimination especially in the provinces of Transylvania and Moldavia, the Uniate Church was officially and forcibly abolished and its members transferred to the Orthodox Church by government fiat, religious instruction is discouraged and restricted, religious instructions are not permitted to use any teaching aids and reading materials, agents of secret police shadow religious believers and clergy, trials of churchmen are frequent, and the government has engaged in the physical destruction of churches of all faiths regardless of their inestimable historical and cultural value;

Whereas in Yugoslavia, where (although officially atheistic) authorities assert that there is wide tolerance of religious activities, the government has nevertheless responded to growing demands by the citizenry for more religious instruction for children by recently proposing a law providing for fines ranging from 2,000 to 20,000 dinars or 30 days in prison for persons "performing a religious ceremony where it is not permitted by law", and any citizen using a radio or film to spread religious material is subject to a fine ranging from 10,000 to 100,000 dinars;

Whereas in the USSR, where Article 124 of the Constitution guarantees both the freedom of religious faith and the freedom of atheism, the right to conduct atheistic propaganda is nevertheless fully realized while the right of evangelization is not extended to religious denominations and organizations, "religious propaganda" (defined by government authorities at various times to include sacred books, hymnals, prayer books and religious literature, as well as rosaries, pictures of saints, and other religious articles) is banned, the teaching of religious to persons under 18 years of age is prohibited, practicing members of any religion cannot be appointed or elected to public offices or positions of influence and leadership and such members have no representation in any administrative and legislative bodies or educational and cultural institutions, the Ukrainian Catholic Church has been abolished, the Lithuanian Catholics and Latvian and Estonian Lutherans are subjected to religious and ethnic persecution, and police force is used to suppress religion;

Whereas under the oppressive conditions in existence in the USSR and Eastern Europe, some clergy, church officials, and church members consent, however reluctantly, to collaborate with the government, allowing the government to involve such individuals and their churches in the service of the Communist system through such organizations as the PAX association in Poland, the Pacem in Terris Peace Movement of Catholic clergy in Czechoslovakia, the Religious Circles Convocation (a new entity associated with the World Peace Council), and, most notably, the Christian Peace Conference the headquarters of which are in Prague, Czechoslovakia, but the control of which is in the Kremlin; and

Whereas the Christian Peace Conference is both pro-Soviet and undemocratic, the activities, orientation, and rhetoric of which remain biased in favor of the USSR, Cuba, other Marxist states, the PLO, and the theology of liberation, such that no condemnation of the Soviet aggression against Afghanistan, of the Soviet interventions in Ethiopia, Angola, and Mozambique, and of the Soviet violations of human rights in the Communist-dominated countries is allowed: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That because the Congress is deeply disturbed by and opposed to the increased harassment of clergy and members of Christian faiths, as well as the use of clergy and believer's on behalf of Soviet foreign policy goals, it is the sense of Congress that—

(1) the President of the United States should continue to express to the governments of the USSR and Eastern European countries the deep concern and opposition of the United States with respect to the harassment of Christians;

(2) the governments of the USSR and Eastern European countries should comply with their commitments under the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document; and

(3) the governments of the USSR and Eastern European countries should immediately cease persecuting individuals on the basis of their adherence to their Christian faiths and should afford them their fundamental human right of religious expression.

● Mr. LUGAR. Mr. President, just as the Senate is on record as opposing the persecution of Jews in the Soviet bloc, so must we speak out forcefully against the persecution of Christians in Eastern Europe and the Soviet Union.

In recent months, some grounds for mild optimism have arisen through the release of several prominent Jewish dissidents. Several weeks ago, many Members were privileged to participate in Soviet Jewry Day. Soviet authorities have claimed advances in their emigration policy, but we have yet to see such claims translated into positive action.

We must not be lulled into a false sense of satisfaction on the basis of recent Soviet propaganda. Moreover, the so-called new policy of openness must not be applied only to Soviet Jews. It must be extended to all fields of life and to every person. One of the most precious of all human rights is the freedom of thought, conscience, religion or belief. That freedom does not exist for Christian and Jews alike in the U.S.S.R. and Eastern Europe. Indeed, individuals are persecuted on the basis of their religious beliefs and cultural heritage.

Therefore, I am submitting in the Senate today a concurrent resolution calling upon the Communist states of Eastern Europe and the Soviet Union to cease their persecution of members of Christian faiths. Such persecution of individuals on the basis of their religious beliefs and cultural heritage is in direct violation of the commitments to freedom of thought, conscience, expression, and religion made by the U.S.S.R. and by the states of Eastern Europe as signatories of the U.N. Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document.

In presenting this resolution for consideration by the Senate, I highlight the case of Georgi Vins, secretary abroad for the Council of Evangelical Baptist Churches. Reverend Vins, now a resident of Elkhart, IN, was persecuted in the Soviet Union solely for his faith. For 8 years, until the time of exile to the United States in 1979, Reverend Vins was incarcerated in Soviet prisons. His experience is typical of that encountered by many evangelical Christians throughout the Soviet Union and the nations of Eastern Europe.

This resolution will put the Senate firmly on record to the effect that:

First, the President of the United States should continue to express to the Governments of the U.S.S.R. and Eastern Europe the deep concern and opposition of the United States with respect to the persecution and harassment of Christians;

Second, the Governments of the U.S.S.R. and Eastern Europe should comply with their commitments under the U.N. Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document;

Third, the Governments of the U.S.S.R. and Eastern Europe should immediately cease persecuting individuals on the basis of their adherence to their Christian faiths.

I would hope that it will be possible for the Senate to express itself on this subject in an expeditious and timely fashion.●

SENATE RESOLUTION 190—SENSE OF THE SENATE REGARDING AIDS

Mr. DOLE (for himself, Mr. Byrd, Mr. Cranston, Mr. Wilson, Mr. Simpson, Mr. Stevens, Mr. Armstrong, Mr. Bentsen, Mr. Biden, Mr. Bond, Mr. Bradley, Mr. Chafee, Mr. Cochran, Mr. Cohen, Mr. D'Amato, Mr. Danforth, Mr. DeConcini, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Hatch, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Kasten, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. McCain, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Reid, Mr. Riegle, Mr. Roth, Mr. Rudman, Mr. Specter, Mr. Thurmond, Mr. Trible, Mr. Wallop, and Mr. Wirth) submitted the following resolution; which was considered and agreed to:

S. Res. 190

Whereas the Acquired Immune Deficiency Syndrome (hereinafter in this resolution referred to as "AIDS") is the Nation's number 1 public health problem;

Whereas AIDS affects all segments of society;

Whereas more than 33,000 cases of AIDS have been reported in the United States and over 19,000 individuals have died from the disease since it was first recognized in 1981;

Whereas at least 1,500,000 Americans have already been infected with the AIDS virus;

Whereas AIDS is now the tenth leading cause of death in this country and is rapidly becoming the leading cause of death for males between the ages of 20 and 39;

Whereas 30 to 50 percent of Americans infected with the AIDS virus will develop the disease of AIDS within the next 5 years and all infected individuals may eventually develop the disease;

Whereas there is currently no medical cure or vaccine for AIDS and there is unlikely to be any available cure or vaccine within the foreseeable future;

Whereas there are many complex moral, ethical, and legal questions which must be addressed concerning AIDS; and

Whereas AIDS poses a serious threat to the health, welfare, and productivity of our Nation; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Nation make a major commitment of resources consistent with the recommendation of the National Academy of Sciences for health care, research, and education relating to AIDS, and that a Presidential Commission be created to assist the President and Congress in establishing priorities and a comprehensive plan to deal with all aspects of the domestic problems relating to AIDS as well as to assist with the development and adoption of a plan to deal with AIDS on an international basis.

Sec. 2. (a) The Presidential Commission referred to in the first section should consist of members chosen from representatives of:

(1) health care providers;
(2) business;
(3) labor;
(4) the insurance industry;
(5) the pharmaceutical industry;
(6) State Governors and State and local officials;
(7) the International Red Cross;
(8) foundations involved in financing domestic and international health efforts;
(9) scientific experts;
(10) religious leaders;
(11) the National Academy of Sciences;
(12) the Steering Committee on a National Strategy for AIDS of the Institute of Medicine;
(13) public health experts; and
(14) organizations concerned with AIDS.

(b) In addition to the members referred to in subsection (a), the Presidential Commission should also consist of ex officio members from Federal agencies and departments as the President considers appropriate. Support services and technical assistance should be provided for the Presidential Commission from the Department of Health and Human Services.

Sec. 3. The Presidential Commission referred to in the first section should perform the following functions:

(1) Evaluate the adequacy of, and make recommendations regarding, the financing of the health care and research needs related to AIDS, including the roles for and activities of private and public financing, especially the role of the insurance industry and the States.

(2) Evaluate the adequacy of, and make recommendations regarding, the dissemination of information which is essential in the prevention of the spread of AIDS, which recognizes the special needs of minorities and the important role of the family, educational institutions, religion, and community organizations in education and prevention efforts.

(3) Address any necessary behavioral changes needed to combat AIDS, taking into consideration the multiple moral, ethical, and legal concerns involved.

(4) Make recommendations regarding how financial resources can best be allocated to various Federal departments and agencies, including the Veterans' Administration, and State and local governments.

(5) Make recommendations regarding testing and counseling for AIDS, particularly with respect to maintaining confidentiality.

(6) Evaluate the adequacy of and make recommendations regarding Federal and State laws including Civil Rights law's relating to AIDS, particularly—

(A) rules, regulations, and ethical considerations relating to infectious diseases designed to protect the health of all individuals at risk of contagion, including those relating to immigration, liability, and discrimination; and

(B) problems encountered by individuals having AIDS in obtaining and retaining employment, housing, and insurance and participating in educational systems, and including possible violations of rights of privacy and confidentiality.

(7) Evaluate and adequacy of and make recommendations regarding international coordination and cooperation with respect to date collection, treatment modalities, and research.

SEC. 4. It is the sense of the Senate that the Presidential Commission referred to in the first section should be established within 90 days of the date of adoption of this resolution and should issue a preliminary report regarding its operations within 9 months after the date of establishment. A subsequent report should be issued one year after the date on which the initial report is issued an further report should be issued as determined by the Presidential Commission.

SENATE RESOLUTION 191—RELATING TO THE REMOVAL OF THE SOVIET UNION FROM ITS NEW FACILITY IN WASHINGTON, DC

Mr. SYMMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 191

Resolved, That it is the sense of the Senate that the Secretary of State shall require the government of the Soviet Union, not later than thirty (30) days from the adoption of this resolution, to vacate the premises of its chancery on Tunlaw Road in Washington, D.C., and shall take such steps that may be necessary to transfer that chancery to the control of the General Services Administration.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate that a closed hearing has been scheduled on the status of the Department of Energy's efforts to address questions concerning national security, environmental and safety issues surrounding the defense materials production reactors located in the United States.

This hearing will take place on May 7, 1987, at 2 p.m. in room S-407 in the Capitol in Washington, DC.

For further information, please contact Ben Cooper at (202) 224-7569.

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled, "The Role of the Older Americans Act in Assuring Access to Quality Home Care."

The hearing will take place on Monday, April 27, 1987, at 10:00 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Max Richtman, Staff Director at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PRIVATE RETIREMENT PLANS AND IRS OVERSIGHT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Private Retirement Plans and IRS Oversight of the Committee on Finance be authorized to meet during the session of the Senate on April 10, 1987 at 9 a.m. to hold a hearing on a proposed taxpayer's bill of rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs on the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 10, 1987 at 10 a.m., to hold a hearing on oversight on implementation of the Immigration Reform and Control Act of 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON CELEBRATING A CHAMPION

● Ms. MIKULSKI. Mr. President, a hero was crowned Monday night in Las Vegas.

A hero was crowned because he made a decision, took a risk, and met a challenge.

Sugar Ray Leonard, of Potomac, MD, did more than just win a fight and assume an historic place in boxing history.

Ray Leonard became an example of Maryland, America, and the world to admire.

I rise, Mr. President, to applaud this man for his courage and determination. He's our new "Rocky."

Sugar Ray Leonard did not need to challenge Marvelous Marvin Hagler for the financial rewards. And he did not need the media attention that follows whenever great athletes square off.

Rather, what motivated Sugar Ray was the inner, burning drive that inspires any achiever.

His goal was to defeat Mr. Hagler, a man who had not lost a fight in 11 years. His goal was to become the first boxer ever to become champion in three different weight classifications.

Sugar Ray's goal, Mr. President, was to defy the odds.

Those odds said Sugar Ray Leonard would lose. Those odds said no boxer could come back from a 5-year layoff. Those odds said Sugar Ray Leonard could face permanent damage to his eyesight.

Mr. Leonard researched the odds and the risks. He made a decision. And he followed that decision through, with tireless training and remarkable dedication.

And then, on a Monday night in Caesar's Palace, he stunned the boxing world.

In this middleweight victory over Marvin Hagler, Ray Leonard showed the speed and cunning that had been his trademark as a welterweight champion. By the eighth round, Sugar Ray had his opponent against the ropes with three- and four-punch blows.

Sugar Ray, it was clear, had himself ready for the challenge.

He defeated formidable odds. And he defeated a formidable opponent.

I congratulate Sugar Ray Leonard because he had the strength to weigh risks, make a decision, dedicate himself to a cause, and face the consequences.

For this, Sugar Ray should serve as an inspiration to us all.●

AFGHANISTAN: LETTERS FROM THE STATE OF WEST VIRGINIA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of

West Virginia and ask that they be printed in the Record.

The letters follow:

Charleston, WV.

Dear Senator Humphrey: I have just finished reading "Agony in Afghanistan" in the March issue of Reader's Digest and I am aghast at the alleged atrocities taking place in Afghanistan. I shudder to think of how the majority of the world closed their eyes and ears to the Nazi slaughter of the Jewish people.

I strongly urge that the United States take immediate action to ascertain whether or not these allegations are true.

Sincerely,

Lois A. Simpkins.

—

Moundsville, WV.

Dear Senator Humphrey: I am writing to voice my concern about the Soviet campaign and butchery going on in Afghanistan.

I feel I have to write and let our government know I wish something would be done to stop this operation of terror and atrocities being done to the Afghanistan people.

We must not make the same mistake, like we did in Nazi Germany! I was too young to raise my voice, but I am now saying help stop this butchery!

Most sincerely,

Lillian P. Noland.●

RURAL HEALTH CARE

● Mr. BENTSEN. Mr. President, I commend to the attention of my colleagues an article that appears in this month's issue of Business and Health magazine entitled "Keeping Rural Hospitals Open and Affordable" by Senator Max Baucus.

Senator Baucus' article is a timely reminder to all of us who understand the important role of small rural hospitals and the problems they face in serving the health care needs of millions of Americans who live in sparsely populated and remote communities around the Nation.

Rural Americans have a friend in the Senator from Montana. As an active member of the Health Subcommittee of the Senate Finance Committee, Senator Baucus has been a firm and persuasive advocate on rural health concerns. And as a member of the conference committee that negotiated agreements on dozens of health provisions contained in the 1986 Budget Reconciliation Act, Senator Baucus fought for a package of reforms that will help to improve the margin of financial safety for many vulnerable rural hospitals.

It is clear from reading the article in Business and Health that more needs to be done, especially in the Medicare Program, to assure continued access to quality health care in rural areas. For example, according to a February 1987, report by the Prospective Payment Assessment Commission, fully 10 percent of the Nation's rural hospitals with fewer than 50 beds had first year losses that exceeded 18 percent for the services they provided to Medicare patients. Clearly, we must remain sensitive to the needs of rural hospitals as Congress considers further refinements in Medicare's prospective payment system.

I am sure that my colleagues will find the article by the Senator from Montana to be valuable and insightful. I ask that the article by Senator Baucus appearing in the April 1987, issue of Business and Health be printed in the Record.

The article follows:

Keeping Rural Hospitals Open and Affordable

(By Max Baucus)

The backbone of rural health care is the small hospital. In many towns throughout the United States, the small hospital not only is the central provider of health care, it often is the town's largest employer and purchaser as well. Moreover, these facilities are essential to the quality of life in rural communities. They make their towns better places to live and work, help attract new businesses and provide desirable communities for retirees to settle.

To determine the importance of small hospitals to rural communities, consider these facts: Small hospitals often provide some of the best paying jobs in town and up to three-quarters of the hospital's payroll is estimated to stay in or around the community the hospital serves; these hospitals are essential magnets for attracting and retaining physicians and other health professionals in rural, underserved areas; and, finally, these facilities are closely tied to the community's identity and pride, which residents have sacrificed to support in times of heavy demand for shrinking local tax revenues.

HOSPITALS DRAW ON LOCAL REVENUES

However, many small rural hospitals today are fighting for survival. The financial vital signs of these facilities are weakening under the combined pressures of a rural economy that has gone into a tailspin, changes that have been made in Medicare, such as the institution of the prospective payment system (PPS) and its constant refinments, as well as cost management strategies adopted by private insurers.

In Montana, for instance, nearly half the 60 hospitals in the state have fewer than 30 beds. One indicator of the financial vulnerability of the state's smallest hospitals has been the recent sharp increase in local tax subsidies that have been necessary to replace losses in patient revenues. In 1985, almost 70 percent of the nonoperating revenue for this group of hospitals came from tax dollars provided by counties and hospital districts. From 1984 to 1985, local tax subsidies to these hospitals grew by 54 percent as communities stepped in to offset losses, and during the same period, revenues from the hospitals' investments fell by over 60 percent, in part due to the need to spend down reserves to remain solvent.

For most larger hospitals, the bulk of nonoperating revenues usually comes from interest earned on their investments and donations. Generally speaking, if the sources for this additional income are stable and reliable, the ability to generate revenue from activities other than patient charges is one positive sign of a hospital's financial strength. But the rapidly growing reliance of small rural hospitals on local tax dollars to ensure solvency is a disturbing trend. At times when local rural economies are stretched to the limit, continued increases in tax support are anything but a solid source of income because hospitals are put in the tenuous position of contending annually for limited community resources.

These hospitals face many other conditions that limit their ability to respond, for example, to changes in payments for their services and sudden drops in patient admissions, which declined by 7.6 percent in 1985, nearly twice the rate of patient admissions decline for all U.S. hospitals. First, small rural hospitals have relatively high fixed costs as a result of staffing required to meet minimum accreditation and Medicare participation requirements. This makes it more difficult for rural hospitals to absorb revenue losses as urban and suburban hospitals have done with offsetting cost saving strategies or creative staffing arrangements. Second, few small rural hospitals can highlight special services that might increase their revenues, in part because of the problems of attracting specialized professionals and obtaining new technology. Third, cash reserves are small because of less diversification in operations and fewer investment resources to bring in additional funding.

Finally, and of growing concern, is these hospitals, heavy reliance on Medicare as the dominant source of payment. In Montana, for example, Medicare patients account for well over 50 percent of total hospital admissions for many of the state's smallest hospitals. Even minor fluctuations in Medicare can translate into major financial changes for these vulnerable health care providers.

All too often, the magnitude of such changes is overlooked by those who examine health policy decisions broadly. Medicare payments to small rural hospitals account for only a tiny fraction of Medicare's costs, and frequently, the effects of payment changes on rural communities get lost in decisions based solely on the impact on larger facilities.

SHORTCOMINGS IN MEDICARE'S DESIGN

Because Medicare payments are essential to the survival of small rural hospitals, it is necessary to understand whether the way Medicare pays for health services is appropriate for rural communities. The basic premise behind PPS is that paying an average, fixed price for hospital services will keep health costs down by increasing competition among providers. Firmly embedded in the complex, technical calculations of PPS rates, adjustments, updates and refinements is a payment program based on the theory of economic efficiency.

There is nothing wrong with economic efficiency. The problem is that it is not the only goal for health care. Americans also want health care to be accessible and of high quality. For rural Americans—where the next nearest hospital may be more than a hundred miles away—a payment system based on competition among hospitals is far less important than one that does not threaten the survival of the primary health care institution serving the entire region.

For health care and many other services, rural Americans simply have fewer options. What is more, economic efficiency policies, carried to an extreme, may backfire if small rural hospitals close and patients are forced to travel to distant urban facilities or rural referral hospitals for routine care where the reimbursement costs to Medicare and other payers for the same services are as much as 25 percent to 35 percent higher.

PPS also works against hospitals that are unable to take advantage of the law of large numbers. That is, the losses taken by larger hospitals for some cases can be offset more easily by their gains over the large volume of patients they serve. Small hospitals, on the other hand, have a harder time averaging out their losses because of their low patient volume. They also have less flexibility to shift Medicare losses to private payers, since non-Medicare patients account for a relatively small portion of their caseload. Finally, small hospitals can face unusually high financial risks when the costs of even a few patients, whose health problems are much worse than expected, are not adequately reimbursed by Medicare's average payment amounts.

MEDICARE GUARANTEES HOLD PROMISE

In the 1986 Sixth Omnibus Budget Reconciliation Act (SOBRA), Congress approved a number of actions to improve the margin of financial safety for rural hospitals and help to preserve quality health care for their communities. These changes are no guarantee that some rural hospitals will not fail. But many of the provisions will help restore greater fairness in the way Medicare pays for health services in rural areas. More important is Congress' recognition of the need for federal policy makers to be more sensitive to how PPS affects rural hospital financing and the health care needs of over 60 million Americans who live in rural communities.

For instance, Congress directed that Medicare continue to pay its full share of the capital costs for more than 360 isolated, sole community hospitals. This provision ensures that, over the next three years, sole community hospitals will continue to be paid 100 percent of Medicare's share for costs related to land, buildings and medical technology. These costs often are 10 percent or more of a hospital's total expenses. Maintaining this policy for these costs will help ensure that Medicare will be a reliable partner in meeting such obligations while broader changes in the payment of capital expenses are being considered.

In addition, small rural hospitals with fewer than 100 beds will be allowed to continue to receive biweekly Medicare payments to protect them from sudden disruptions in their cash flow. SOBRA also directs the Department of Health and Human Services (HHS) to recalculate hospital payments to both urban and rural hospitals. Starting Oct. 1, 1987, standard Medicare payment amounts to hospitals will be weighted by the number of Medicare patients served. The result is that the average Medicare payments to rural hospitals, which tend to serve higher percentages of elderly patients, will go up. According to early estimates done by the Health Care Financing Administration (HCFA), this change alone will eliminate over 15 percent of the gap in the average Medicare payments with rural hospitals receiving some $600 less than urban hospitals for the same services.

The reconciliation legislation alters as well the way that rural hospitals will be assessed to cover unusually high cost services to Medicare patients. SOBRA establishes separate outlier pools for urban and rural hospitals. Contributions to the pool will be based on the amount of actual payments that the two groups of hospitals can expect to receive from Medicare in the form of outlier payments. Since rural hospital contributions to the pool will be lower than in the past, average Medicare payments for their routine care to elderly patients will increase.

The act also extends the authority of the HHS secretary to make appropriate adjustments in Medicare's payments to sole community hospitals that experience sharp drops in their occupancy. This provision gives PPS the needed flexibility to respond to swings in patient volume that are beyond the control of these hospitals and helps to safeguard patients' access to isolated hospitals.

REMAINING PROBLEMS

One of the most important challenges to PPS remains to establish a fair and justifiable basis for the difference between rural and urban payment rates for the same services to Medicare patients. When PPS began in 1983, Congress established a dual rate structure based on evidence at the time that the costs for health care in urban areas historically were higher than those experienced by rural providers. However, it still needs to be determined why patient costs are higher in urban areas and whether the same degree of difference in costs exists today.

The simple fact is that the present payment system is biased against rural health care. Not only are rural hospitals paid far less than urban facilities, the upward adjustments to Medicare payments that are available to soften the blow of PPS on large teaching hospitals and those servicing large numbers of poor patients are of little value or relevance to the average rural hospital. Congress has directed HHS to find out what lies behind the differences in urban and rural payment amounts. Once HHS delivers its findings this year, Congress needs to restore confidence in the integrity of PPS by making sure that any remaining payment differences are supported by hard facts.

Another area where changes should be considered is in Medicare payments to sole community hospitals. Unlike other hospitals, Medicare payments to these hospitals have not been moving toward national average rates. Rather, the hospitals are paid permanently on the same basis as all other hospitals were paid in the first year of PPS. That means that three-quarters of the amount they receive from Medicare is based on the hospital's own, pre-PPS costs and one-quarter is based on average costs within the region where the hospital is located.

Medicare's payment scheme for rural, isolated hospitals now needs to be reexamined. HCFA recently reported to the federal Prospective Payment Assessment Commission (ProPAC) that "sole community hospitals . . . are projected to do significantly worse than most groups of hospitals," and suggested that many of these hospitals might be better off by abandoning their special payment status and joining other hospitals under regular PPS rules.

The American Hospital Association (AHA) also believes that payments to sole community hospitals should be revised. But its proposed solution differs significantly from HCFA's. Testifying before the Senate Finance Committee in May 1986, AHA suggested allowing sole community hospitals to return to the cost based reimbursement rules that existed before 1983.

A middle ground possibility now being explored by ProPAC would be to refine and expand the present authority that the secretary of HHS has to adjust PPS payments to sole community hospitals that experience declines in patient volume. This approach has the advantage of being able to target relief to certain low volume hospitals that are important to maintaining access to essential health care services for rural elderly. Congress also should consider whether volume adjusted payments are needed for other rural hospitals that meet the definition of sole community hospitals but have not sought that designation so far.

In general, the federal government needs much better information about which health care policies will work in rural areas and which will not. That means changing federal research priorities and putting an emphasis within HHS on rural health questions and demonstrated solutions. It also means changing the attitude of federal administrators so that any possible adverse affects on rural health care are considered fully before policy changes are made in Washington.

Recently, the Appalachian Regional Commission initiated a study to find out whether PPS is adversely affecting health care in rural Appalachia. The commission also hopes to determine how hospitals within the region have responded to the changes made by Medicare and what improvements might be appropriate in PPS. These are the sorts of questions that HCFA needs to address for other regions of the country before PPS can be considered a fair, workable national program for payment of health care services.

Finally, it is obvious that Medicare policies are neither the sole issue nor only cure for all of the problems that face rural hospitals. The future of health care for rural communities is as much in their own hands as it is in the technical changes that are still needed in PPS. Some rural hospitals have joined together to form cooperative arrangements to reduce redundant services in the same areas and to share expensive equipment. Others have become affiliated with large academic medical centers to gain access to medical specialists on a rotating basis and to promote patient referrals to a more comprehensive facility. Still others have found ways to diversify their services and fill unmet community needs.

There should be no illusions about the difficulty of the task ahead. But by demonstrating a willingness to explore innovative approaches and by demanding fairness from federal payment programs, rural communities can influence their ability to maintain quality health care.●

AN OUNCE OF PREVENTION

● **Mr. BENTSEN.** Mr. President, we take for granted that the scholarly record will last forever—that the scientific volumes archived in our libraries will be always available to researchers and to future generations. Like so much we take for granted, this simply is not true. The majority of scientific literature in existence today is printed on high-acid content paper that is destined to disintegrate in perhaps 50 years without expensive and selective efforts at its preservation. Archivists, librarians, and information specialists know this and are using a variety of preservation interventions. Although technological developments in electronic storage of information will no doubt offer some cure, and new preservation problems of their own, there is another alternative. By using more permanent paper in the production of the scientific literature, much of the preservation problem can be stopped at its source.

This January, the board of regents of the National Library of Medicine, joined by our colleague in the House, the Honorable WILLIAM H. NATCHER, brought these issues to a public forum to initiate discussion and increase awareness of this serious problem and of prevention as its relatively simple cure. This day long hearing on the use of permanent paper for biomedical literature provided a forum in which publishers, editors, paper manufacturers and distributors, printers, biomedical researchers, librarians, and other professionals concerned with preserving the biomedical literature could share experiences in the use of archival media. Lois E. DeBakey, Ph.D, professor of scientific communication at the Baylor College of Medicine, spoke during the day's proceedings. Her remarks underscore the need to resolve the problem. Because, in the long term, the preservation of scholarly literature is a responsibility we as a society all share, I ask that Dr. DeBakey's speech be printed in the RECORD.

The speech follows:

PRESERVING OUR MEDICAL ARCHIVES: AN OUNCE OF PREVENTION

(By Lois DeBakey, Ph.D.)

"All that Mankind has done, thought, gained or been:" wrote Thomas Carlyle, ". . . is lying as in magic preservation in the pages of Books. They are the chosen possession of men." As an avid reader of books and an occasional contributor, I concur in the magic, but the preservation is a source of concern, and I want to plead today for an ounce of prevention to obviate not a pound, but a ton, of cure.

When Moses, angered by the sinners, broke the stone tablets on which the Ten Commandments were graven, the Lord allowed the code to be recorded again. That second chance and the preservation of the Decaloque through the ages have provided us with the Judeo-Christian ethic—the basis for ideal human behavior, morality, and law. Unhappily, modern man may not have a second chance.

Printed volumes—particularly those published since the advent of acidic paper—are crumbling inexorably on our library shelves. Preservationists are in a fierce race against time, and so far time is winning. Our most worthy scientific archives, if not set in stone, deserve at least to be printed on acid-free paper.

HISTORICAL REVIEW

Concern for the preservation of the written word is not new. Before the invention of paper, man used stones, walls of caves, clay tiles, wooden tablets, papyrus, parchment, fabric, and vellum to record human thoughts and chronicle human events. All such materials were cumbersome, expensive, or fragile.

In 105 A.D., Ts'ai Lun, a Chinese court eunuch, announced the discovery of paper. But that material, too, presented problems from the beginning. Early Chinese law, in fact, required inclusion of an extract from the seeds of the cork tree in all paper manufactured—as a means of repelling insects. Nonetheless, the demand for paper did not rise dramatically until after Gutenberg invented the movable-type printing press in 1452.

Among the early skeptics (1492) was Johannes Trithemius, the German historian, who objected to the increasing use of paper by religious scribes. "If writing is put on parchment," he argued, "it can last for a thousand years, but how long will printing something on paper last?" Little did he know that four centuries later, we would be faced with further risks in the form of metal and chlorine residuals, alum-rosin, and groundwood.

EXTENT OF DETERIORATION

Are we exaggerating the danger of losing our recorded history? About a third of the books recently sampled in the Yale University Library had brittle paper, and more than 80% had acidic paper, which will inevitably become brittle and crumble. A fourth of the collections at the Library of Congress, as well as at Stanford University, are at risk from embrittlement, and half of the New York Public Library's five million volumes are crumbling. Ninety-seven per cent of nonfiction books published in the first half of this century will not last until the next. While pages of the Gutenberg Bibles remain white and supple and their bindings firm, the pages of a 1912 work by Henrik Ibsen are turning to dust.

At the National Library of Medicine, about 9% or 113,000 volumes are so embrittled that one more use may destroy them. To the credit of scientific publishers and of the architects and staff of the National Library of Medicine, that figure is comparatively low. Publishers have properly considered scientific documents worthy of more stable paper than some other genres; architects designed the Library to provide a protective environment; and the excellent NLM staff has enhanced that protection.

Books published today on acidic paper have a life of only 30 to 50 years, whereas those on alkaline paper will last 500 to 1,000 years. Acid is eating away our recorded heritage. With paper that self-destructs, who needs book burners? It is one thing if a natural disaster, like the 1966 flood in Florence, destroys the records of a civilization, but it is quite another if we acquiesce in the "silent disaster" of book destruction by failing to use available preventive measures.

Is it responsible to use, for archival publications, the acidic paper that entered commerce after 1850 when we know its fate? Especially when acid-free paper is available? It is inefficient and illogical to apply costly, labor-intensive remedial measures to volumes containing highly perishable paper when we can prevent the problem by using acid-free paper. Surely, an ounce of prevention here is worth a pound of cure.

The chief book conservator at the Northeast Document Conservation Center knows how laborious and expensive book restoration is. She has bathed books, one page at a time, in a solution that removes acids, has treated them with magnesium bicarbonate, and has mended the rips and tears. Nonprofit organizations pay $40 per hour for this service; profit-making concerns a little more. But the treatments cannot stop the deterioration completely or restore the paper's strength.

WHY PRESERVE BOOKS?

Some may ask: Why should we be concerned with the quality of paper when information to be published is already in machine-readable form? But long-term preservation of such materials remains the subject of discussion. Still unclear, for example, are the effective life of machine-readable storage devices and optimal environmental conditions for archival storage. These questions will eventually be resolved, but we must still find a way to preserve today's scholarly journals—and tomorrow's—until printed publications become obsolete, if indeed they ever do. And I, for one, hope that never happens.

OTHER MEDIA

What about other media besides books? Microfilming has been most widely used as a preservation measure, but at $45 to $60 per volume and four months for processing, libraries can afford to microfilm very few books. Moreover, microfilming has hardly been embraced by users, who consider it cumbersome and time-consuming.

All other methods of copying documents for preservation are associated with certain problems, and most are very expensive. Tapes break and scratch, videotape formats quickly become obsolete, and optical systems, magnetic discs, and computer equipment are still in a state of rapid development, so that conversion is a constant problem. Semiconductor chips and laser discs are the latest technology, but archivists are skeptical, and some believe paper is still best for storage. The book also remains the most convenient medium in scholarly communication—no small consideration. We need only our eyes and hands to read the highly portable book—no cumbersome equipment like computers or microfiche readers.

ACCESS TO ORIGINAL SOURCES

Of course, our space problem may vanish as books more than 30 years old disentegrate and must be discarded. It is disheartening to scholars to think that they may have access only to publications of the past 30 years, but even now I see a disturbing trend. Citations in medical articles today often contain only those references available in electronic data bases, that is, over the past two decades, even though the primary sources may have dated several decades earlier.

Yet if original publications are ignored, scientists may not only perpetuate misinterpretations and erroneous citations and fail to acknowledge priority properly, but they may also repeat research for which conclusive results are already available—and that would be an unfortunate waste. Medical history also contains a number of instances in which a remarkable medical advance, such as computerized axial tomography, had a basis in research completed some years earlier. In the 1950s and 60s, physicist A.M. Cormack, pioneer in the development of computer tomography, was seeking a solution to a mathematical problem crucial to his work. As a result, he was forced to spend considerable time on the solution himself, only to discover, 14 years later, that mathematician J.H. Radon had published a paper in 1917 that contained the solution he was seeking.

And, as is well known, Mendel's classic work on genetics in 1866 was virtually forgotten until several botanists rediscovered it at the turn of the century. Without access to and consultation of earlier work, we might therefore be delaying or preventing further medical advances.

Our vast pre-electronic archives also help us understand the nature and progression of research—the ambiguities, false starts, contradictions, and dead ends—and that understanding helps scientists toward sounder and more fruitful studies. As Henry Sigerist wrote, "Medical history . . . is the compass that guides us into the future. If our work is not to be haphazard but to follow a well-laid plan, we need the guidance of history, ..."

The question is not, then: Why should we preserve these publications? Most thoughtful people agree with Santayana that "Those who cannot remember the past are condemned to repeat it." The question, rather, is: What shall we preserve, and how shall we decide? Some of you know how insistently I have argued against publication of scientific articles that are inherently flawed—that is, that are redundant, inconsequential, invalid, or frankly fraudulent. So if the cost is excessive, selectivity may be important. In 1980, the Committee on Intrinsic Value of the National Archives and Records Service recommended that all permanently valuable historical documents and other such records be retained in their original form, if possible.

Once published, even scientific fraud should be exposed, not suppressed—to remind editors and reviewers to be more vigilant and to allow historians to analyze the record accurately.

PRIDE IN AUTHORSHIP

If I may be permitted a personal note, I'd like to speak for a moment as an author. When my co-author and I were considering a publisher for our forthcoming book, "Medicine: Preserving the Passion," one requisite was acid-free paper. Scholars like to believe they are writing for posterity and are loath to think that their diligent efforts and long labors will eventuate in mere dust.

When you consider that scholars and scientists, unlike journalists and authors of popular works, not only surrender their intellectual property to journal editors without compensation, but must sometimes pay page-reviewing-charges and must buy back their own words in the form of reprints, you can understand why they might consider permanence an important quality. Without authors' contributions, journals would, incidentally, not exist. The substance of their product, if of some potential value to humanity, deserves more stable paper than expendable newspapers, popular magazines, and fad books. If an original scientific report is not worthy of preservation, is it worthy of publication at all?

As scholars and scientists realize they have decreasing access to early publications, perhaps they may demand acid-free paper. And if the voices of authors, researchers, archivists, librarians, and readers swell sufficiently, editors and publishers will surely listen.

Alan Calmes, preservation officer of the National Archives and Records Administration, believes that the switch to acid-free paper will come when the Congressional Joint Committee on Printing, which determines the specifications of government paper, requires the use of acid-free paper. So serious are the problems of preservation and storage space, federal officials are considering the collection and treatment of single copies of all published books and documents for burial in vaults deep in salt mines.

One problem is that the gravity of the matter has not caught the attention of the public, and no national preservation policy has thus emerged. Consumers are generally unconcerned about book durability. They read contemporary best-seller paperbacks and promptly dispose of them. And for most such books, permanence is irrelevant.

According to the National Conservation Advisory Council, the United States is the only major nation without a coordinated national policy for conservation. If the Government Printing Office required archival-quality paper for all government documents that deserve retention in their original form, such a policy could serve as a model for all publishers. The lack of a national policy to forestall disintegration is attributable in part to a dearth of communication about this threat to our archives. Our purpose today is to heighten awareness of this problem.

Thomas Jefferson wrote, in 1823, that it is "the duty of every good citizen to use all the opportunities, which occur to him for preserving documents relating to the history of our country." Certainly, medical archives of intrinsic value represent part of that history.

Already there is a danger of losing more than a century of the human record. Shall we continue to store problems for future generations, or shall we begin prevention measures now? The question is serious and deserves the only reasonable answer I can find—a resounding YES for prevention—and now.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Robert F. Hurley, a member of the staff of Senator JOHN H. CHAFEE, to participate in a program in Saudi Arabia, North Yemen, and Oman, sponsored by the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, from April 9-19, 1987.

The committee has determined that participation by Mr. Hurley in the program in the Saudi Arabia, North Yemen, and Oman, at the expense of the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Polly L. Gault, a member of the staff of the Subcommittee on Education, Arts and Humanities, Committee on Labor and Human Resources, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from April 12-21, 1987.

The committee has determined that participation by Ms. Gault in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. William C. Jacobs, a member of the staff of Senator DANIEL J. EVANS, to participate in a program in Saudi Arabia, North Yemen, and Bahrain, sponsored by the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, from April 10-19, 1987.

The committee has determined that participation by Mr. Jacobs in the program in Saudi Arabia, North Yemen, and Bahrain, at the expense of the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Cox, a member of the staff of Senator DAVID L. BOREN, to participate in a program in South Korea, sponsored by the Ilhae Institute of Seoul, Korea, from April 11-18, 1987.

The committee has determined that participation by Mr. Cox in the program in South Korea, at the expense of the Ilhae Institute of Seoul, Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Gail D. Fosler, a member of the staff of the Senate Budget Committee, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from April 10-22, 1987.

The committee has determined that participation by Ms. Fosler in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. George Krumbhaar, a member of the staff of Senator JOHN GLENN, to participate in a program in South Korea, sponsored by the Ilhae Institute of Seoul, Korea, from April 11-18, 1987.

The committee has determined that participation by Mr. Krumbhaar in the program in South Korea, at the expense of the Ilhae Institute of Seoul, Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Darren Trigonoplos, a member of the staff of Senator PAUL TRIBLE, to participate in a program in

Bolivia, sponsored by the American Chamber of Commerce in Bolivia [ACCB], from April 9-14, 1987.

The committee has determined that participation by Mr. Trigonoplos, in the program in the Bolivia, at the expense of the American Chamber of Commerce in Bolivia [ACCB], is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Christine Dawson, a member of the staff of Senator DANIEL J. EVANS, to participate in a program in Bolivia, sponsored by the American Chamber of Commerce in Bolivia [ACCB], from April 9-15, 1987.

The committee has determined that participation by Ms. Dawson in the program in the Bolivia, at the expense of the American Chamber of Commerce in Bolivia [ACCB], is in the interest of the Senate and the United States.●

OLDER AMERICANS ACT

● Mr. SARBANES. Mr. President, I am pleased to join in sponsoring legislation to reauthorize the Older Americans Act. The enactment of this important act in 1965 established a national policy to address the needs of older citizens in our country. The programs contained in the Older Americans Act were developed to meet a variety of needs of the older population, including health, nutrition, transportation, and social services.

Over the past two decades we have seen a rapid growth in the Nation's 65 and over population. This population grew by 54 percent. The number of persons 75 and over has increased by more than 275 percent between 1940 and 1980. This trend is expected to continue into the next century. By the year 2035, it is estimated that every fifth American will be 65 years of age and over.

Changes that have occurred in the elderly population have been met by many of the programs in the Older Americans Act. Changes that are projected for the future will be met by an Older Americans Act that responds to the needs of this changing older population in a variety of ways.

Today, many Americans are able to live independently in their own homes because of the services provided under the Older Americans Act. A major component of this act provides for the State units on aging and the area agencies on aging [AAA] to develop a comprehensive set of programs at the community level to address the needs of the elderly. These services include community-based assistance such as senior centers, transportation ombudsman services, part-time community service jobs, and home services. The Older Americans Act continues to achieve its goal of promoting greater independence and providing sources designed to maintain the dignity of millions of older Americans.

The nutrition program under title III-B has been one of the most successful and popular programs under the Older Americans Act. This program not only delivers nutritious meals for older persons at a price within their reach, but also provides an opportunity for the elderly to socialize with others—an important provision of the nutrition program, especially for those who are lonely and isolated.

Title IV provides funds for research, training, and demonstration projects. The research projects have provided vital information to develop sound public policies, and the career training has provided gerontology students for numerous positions in the field of aging. Several of the demonstration projects have resulted in major innovations to the Older Americans Act, including the nutrition program for the elderly and the Foster Grandparents Program.

Finally, the title V Senior Community Service Employment Program [SCSEP] has enabled low-income older Americans to help themselves while helping others in their communities at the same time.

The Older Americans Act continues to achieve its goal of assisting older Americans to fully participate in the benefits of our Nation. It also provides the foundation for a partnership among Federal, State, and local governments and communities to meet the needs of the elderly. I am pleased to join in sponsoring legislation to reauthorize the Older Americans Act. I fully understand the difficulties confronting older Americans living on fixed incomes, and I will continue to support legislation that provides for adequate assistance in health, nutrition, housing, energy, and other needs of the elderly.●

● Mr. SIMON. Mr. President, many of my colleagues are preparing to go to the Soviet Union this month. I would like to draw their attention to the plight of Naum Meiman.

Naum has been a Soviet refusenik for over 10 years. He has struggled endlessly to end the discrimination and harassment accorded Jews in the Soviet Union. Although he has applied numerous times to emigrate to the West, the Soviets continue to deny him an exit visa.

Naum recently lost his dear wife Inna. Inna suffered from cancer, and she was in critical need of treatment available only in the West. The Soviet Union delayed Inna's release, and her condition worsened. She was finally given permission to come to the United States in January. It was too late, though, and Inna passed away at the beginning of February.

Naum was not allowed to accompany Inna to the United States to offer comfort and support. In addition, the Soviet Government cruelly denied Naum permission to attend Inna's funeral. As he adjusts to life without his beloved wife, Naum still wishes to live in the West. It is time for the Soviets to allow Naum some happiness.

I implore the Soviet Union to grant Naum Meiman permission to emigrate immediately.●

GRAIN ELEVATOR SAFETY

● Mr. HARKIN. Mr. President, the occurrence of three serious grain elevator explosions within the past week, two of which occurred in my State of Iowa, again raises the question of what is being done by the Federal Government to prevent such disasters.

The first explosion occurred last Friday morning at the Archer Daniels Midland elevator in Burlington, IA. The explosion destroyed one 10-story concrete grain bin and damaged 10 others. Windows were shattered and shards of glass went flying onto streets and sidewalks in a 25-block area.

Amazingly, no one was killed in the explosion, although five persons were injured. Fortunately, the employees at the location were evacuated moments before the blast when a small fire was observed at the site.

The two most recent explosions occurred on Tuesday of this week. One was in Bancroft, IA, which destroyed a branch elevator of the Lone Rock Co-Operative Exchange. The other occurred in Mott, ND.

Iowa has not experienced a serious explosion since April 20, 1982, when 5 people were killed and 21 were injured in the explosion of the Bluff Elevator Co. in Council Bluffs. The explosion caused $10 million in damage.

The suspected cause of all three of these recent explosions is grain dust. Since 1974, 9 of the 10 major explosions at Iowa grain elevators have been blamed on grain dust. While grain dust may seem to be an innocent byproduct of grain handling, it is as powerful as dynamite when ignited. Air containing grain dust is nearly 10 times more explosive than coal dust.

Nationally, the number of deaths and injuries attributable to grain elevator explosions has been reduced in recent years. However, this has not been the result of any improved regulatory effort by the Federal Government. In fact, the Federal effort in this area is dismal. In January 1984, the Occupational Safety and Health Administration [OSHA] published proposed safety standards for grain elevators and feed mills. To date, after over 3 years of delay and foot dragging, OSHA is still working on grain dust regulations. The attached article, which I would like to place in the RECORD, suggests that the rule now will not be published until "late this summer."

Mr. President, I find it incredible that it takes an agency more than 4 years to develop a rule on such a straightforward issue. One can only surmise how many explosions would have been prevented, or how many lives would have been saved, or how many injuries prevented, had an effective rule been in place.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From Feedstuffs, Mar. 23, 1987]

OSHA EASES DUST RULE APPLICATIONS

(By Jon F. Scheid)

WASHINGTON, DC.—The Occupational Safety & Health Administration's (OSHA) pending standards for grain elevators and feed mills are substantially less imposing that those first offered, according to Barry White, director of OSHA's safety standards program.

White told a panel of the National Grain & Feed Assn. (NGFA) that the controversial eighth-inch standard will appear in the final rule, but its application will be limited to certain areas of the elevator.

Specifically, White said, the final rule probably will say that an elevator can be cited if an eighth-inch of dust has accumulated in areas within 35 feet of the boot of a bucket elevator, or in enclosed areas in which grinding or drying operations are present.

White was questioned by NGFA members as to whether the 35-ft. rule applied to any area near the elevator, including the head house. White said that he believed the rule applied only to the boot area. However, he said, the final rule will explain the provisions clearly.

He also said that the final rule will not differentiate between different types of bucket elevators (for instance, enclosed vs. partially enclosed).

OSHA considers the eighth-inch standard an "action level," which means that, if inspectors find the eighth-inch of dust and the elevator has not begun cleanup operations, the facility will be in violation of the rule.

White emphasized that the rule is still unofficial. As of March 17, when White addressed NGFA's panel, the final rule hadn't been sent to the Office of Management & Budget (OMB) for final approval. He cautioned that OMB could change the rule. However, he added, "The standard isn't going to get tougher" as a result of an OMB review. If anything, he said, the rule that emerges from OMB will be easier for the industry to live with than the rule OSHA submitted first.

OSHA officials had speculated that the rule might have been issued earlier this year, but White said that the agency still had not finished its review. He said OSHA officials were in agreement on 90% of the rule, and it should be published in the *Federal Register* by "late this summer."

When the proposed rule was last published, OSHA had suggested three alternatives on the dust rule. One was that an eighth-inch of dust anywhere within an elevator would trigger a housekeeping action or a citation from OSHA.

White said that the agency deemed that rule to be too cumbersome. The new provision, which restricts the area that inspectors will check, will cut costs to the elevator by at least 50%, he added.

The former proposal also suggested a once-a-shift sweep-down of the facilities. This provision was rejected as being nearly meaningless. For some elevators, the sweeping wouldn't be needed, and to cite an elevator for not doing something that wasn't needed would have been wrong, White said.

A final alternative, which White said was put into the previous proposal by OMB, would have required all elevators to have pneumatic dust removal equipment. That provision was called too expensive, costing the industry perhaps $1 billion, he said. In fact, he said the pneumatic rule was a "laugher," and OSHA dropped it.

FEED MILLS

Feed mills will not be subject to the eighth-inch dust rule, White said. However, they will have to follow many of the other provisions of the final rule concerning safety equipment.

However, he said, if a feed mill has an elevator attached, the regulations applying to elevators will be in effect concerning the elevator area.

OSHA estimated the cost of the new rules for feed mills to be only about $5 million annually.

SMALL ELEVATORS

According to White, small facilities will not be subject to the more stringent provisions of the rule, and the smaller elevators will have an extra two years to come into compliance.

The regulations will define small elevators as those with less than 1 million bushels of storage capacity, he said. The rule will classify 85% of all elevators as small, he said.

He added that he could not be any more specific about the definition, except to say that OSHA will not use throughput in its definition. (If it did, he said, elevators could be classified as large one year, but not the next.)

The eighth-inch rule will apply to small elevators the same way it does to larger facilities, he said, but other equipment requirements will be softened. For example, he said, larger elevators may have to have motion detectors, but smaller facilities will be in compliance if they can easily check the bearings.

White said, "we didn't feel we had support" to exclude small elevators entirely from the rule because they "still have fires and explosions." However, he added, the provisions for smaller elevators were relaxed to avoid placing a huge financial burden on them.

Elevators will have to have a housekeeping plan, but OSHA acceptance of a plan is not implied in the rule, White said.

The cost of elevators is estimated at $35–65 million per year, according to OSHA. The range in the estimate reflects how often elevators employees will have to sweep out their facilities, White said. If elevators are as clean as the industry says they are, they will have to be swept out less often, keeping industry expense closer to the lower range, he said.

OSHA will have easier standards for existing elevators than for those under construction at the time the final rule is published, White also said.

SAFETY DATA SHEETS

Another OSHA official on NGFA's program, Charles Adkins, director of health standards, warned that the agency's hazard communications standard may be applied to grain elevators.

The communications standard requires basic manufacturers of hazardous material to supply "Material Safety Data Sheets" (MSDS) on their products to alert workers handling those products about health concerns.

In November 1985, Adkins said, OSHA published a notice of proposed rulemaking saying that the rule would be expanded. A proposed rule is currently being drafted by OSHA, Adkins said, and it may cite the hazards of grain dust. If that is the case, elevators would have to provide their workers with MSDS about the dust.

Currently, feeds containing potentially hazardous animal drugs must be accompanied by MSDS. According to Dave Bossman of the American Feed Industry Assn., the rule applies only to a few medicated premixes, but most medicated feeds are exempt.

If the communications rule is applied to grain dust, elevators will also be required to train their employees about the potential hazards of grain dust, Adkins added.

He said that the proposed rule could be finished at OSHA within a month or so and forwarded to OMB.●

DOD CONTRACTING OUT WOULD ENDANGER ARKANSANS

● **Mr. PRYOR.** Mr. President, I want to express grave concern about a plan by the U.S. Army that may unnecessarily expose Arkansans to the dangers of chemical weapons and compromise our national security. The Army's plan would give the responsibility for the security of certain chemical weapons at the Pine Bluff Arsenal to private contractors. This is one task that surely should be carried out by Government personnel.

This plan is wrongheaded and dangerous and I am cosponsoring legislation that would prohibit it.

Mr. President, later this year the Army will begin to demilitarize and dispose of certain old chemical weapons at the Pine Bluff Arsenal in Arkansas. At the same time the arsenal plans to begin production of binary chemical weapons. It appears that the Army intends to hand over guard force operations for these new activities to the lowest commercial bidder.

Until now, all the chemical weapons kept in secure storage at Pine Bluff were considered dangerous enough to require a Defense Department security force. Apparently the Army now thinks chemical weapons will be less dangerous when they are being transported to a disposal area, or when they are being disassembled, or when they are being manufactured. They could not be more wrong.

The Army's thinking seems to be influenced by the controversial Reagan administration contracting out order, known as the OMB Circular A–76. In short, A–76 requires Federal agencies to seek private sources to contract for Government services whenever possible.

There are serious unanswered questions about contracting out from the standpoint of Government efficiency and from the standpoint of Government cost. But even if we assume that in rare cases it makes sense to shift the responsibility for certain tasks from civil servants or soldiers to private contractors, when it comes to guarding chemical weapons against terrorists or other criminal elements, it makes no sense at all.

Mr. President, the Pine Bluff Arsenal problem is not unique. Arsenals throughout the country, including those that store, dispose of, or produce chemical weapons, are undergoing indiscriminate waves of contracting out that effect thousands of workers.

Enough is enough. Left unchecked, this effort by the Reagan administration to privatize everything it touches will drive efficiency down and the cost of good Government up. In the case of U.S. arsenals, it will weaken our military mobilization ability and compromise the security of dangerous materials.

To address the problem at Pine Bluff I am cosponsoring S. 736, a bill introduced by Senators HARKIN and SIMON which would prohibit further contracting out at arsenals and weapons manufacturing facilities run by the Defense Department.

I dare say that Arkansans and all Americans will sleep better knowing that chemical weapons are being guarded by a trained Government security force rather than by the lowest commercial bidder.●

LETTER FROM GOV. MICHAEL CASTLE OF DELAWARE REGARDING S. 402, THE LINE-ITEM VETO

● Mr. HUMPHREY. Mr. President, continuing to submit into the RECORD letters which I have received supporting S. 402, the line-item veto bill, I rise today to share with my colleagues a letter which I recently received from Gov. Mike Castle of Delaware. I would ask consent at this time to have Governor Castle's letter appear in the RECORD at the close of my remarks.

The budget process in Delaware is similar to that here in the Federal Government. Line-items of appropriations bills generally encompass more than one program. Thus, in order to get at a single program, other programs must be rejected as well. As Governor Castle points out, "we must rely on our working relationship with the legislature to keep spending in line." However, since Delaware also has a constitutional mandate to balance the budget, the process is considerably easier.

The Federal Government must also rely on the working relationship between the executive and the Congress. However, in recent years, with the ever-increasing use of continuing resolutions, the balance in this relationship is being disrupted and knocked completely out of balance. We hit rock bottom last year when the Congress dumped a huge half-trillion-dollar bill on the steps of the White House. The President had the choice of take it or leave it—in other words, no choice at all.

The time has clearly arrived to reform the budgetary process. Part of that reform should be the limited line-item veto embodied in S. 402. I share in Governor Castle's "hope that with its passage comes a better budget process resulting in the reduction of Federal deficits." As we continue to consider this issue, I would ask that my colleagues keep the thoughts of Governor Castle in mind.

The letter follows:

STATE OF DELAWARE,
March 27, 1987.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: I am pleased to respond to your letter of March 6, 1987 regarding the line-item veto authority that I have here in Delaware. I am also pleased to see the introduction of S. 402, and hope that with its passage comes a better budget process resulting in the reduction of federal deficits.

As you know, I am one of 43 governors who have line-item veto authority. I am proud of the fact that to date I have not had to use that authority. I should also point out that I am probably more lucky than anything else. My predecessors have used the line-item veto on occasion to remove unwanted expenditures from the state budget.

As a practical matter, the line-item veto in Delaware is not a mechanism for shaping the budget. Routinely, any single line-item appropriation encompasses several programs so that use of the line-item veto to delete one unwarranted expenditure may take with it several good programs. Generally, we must rely on our working relationship with the legislature to keep spending in line, a process which is helped considerably by Delaware's constitutional mandate of a balanced budget. However, I do believe that our having the line-item veto as an alternative facilitates a more cooperative legislature and is a catalyst for resolving issues prior to the passage of the final budget.

I am sending a copy of your letter and my response to our Congressional delegation and would be happy to provide any other support you feel is necessary.

Sincerely,

MICHAEL N. CASTLE,
Governor.●

AFFIRMATIVE ACTION IN HIRING

● Mr. KERRY. Mr. President, on March 25 the Supreme Court issued a major decision in Johnson versus Transportation Agency, County of Santa Clara, CA. In that decision, the Court upheld the principle of affirmative action in hiring. I commend the Court for this important decision.

The Court held that the Santa Clara Transportation Agency appropriately took Diane Joyce's gender into consideration as one factor in determining that she should be promoted. The Court further held that the agency's affirmative action plan represented a moderate, flexible, case-by-case approach to effecting a gradual improvement in the agency's work force, and was fully consistent with title VII of the Civil Rights Act of 1964.

As Justice William Brennan wrote for the majority, "Such a plan is fully consistent with title VII, for it embodies the contribution that voluntary employer action can make in eliminating the vestiges of discrimination in the workplace."

This is a very important decision, because it gives the green light to employers to go ahead and implement voluntary affirmative action programs without fear of challenge in court. It will undoubtedly result in major gains in hiring for women and minority applicants. This decision also has the strong support of the business community, which supports the principle of voluntary affirmative action.

The Supreme Court's decision in this case is a stinging rebuke to the Reagan Justice Department, and to the policies of Attorney General Meese and William Bradford Reynolds. It effectively puts an end to their efforts to gut affirmative action, which was established by Executive order 20 years ago by President Lyndon Johnson. And it puts the U.S. Supreme Court firmly on the side of equal justice for all in America, following in the tradition of the landmark decision in Brown versus Board of Education in 1954.

Mr. President, affirmative action programs do not mandate that unqualified persons receive preference over qualified applicants. These programs merely seek to ensure that women and minorities receive their fair share of those positions for which they are qualified.

For generations, white males in America have received an unfair advantage in hiring at the expense of women and minorities. The Supreme Court has now acted to remedy some of those past ills of discrimination. This is a major step forward for women, for minorities, and for all who believe in equal opportunity in America.●

THE NUCLEAR REGULATORY COMMISSION'S PROPOSED EMERGENCY PLANNING RULE CHANGE

● Mr. HUMPHREY. Mr. President, the most important mandate in the Federal Government's role in the regulation of nuclear facilities is the protection of the public health and safety. Following the accident at Three Mile Island, the Nuclear Regulatory Commission [NRC] concluded that adequate emergency preparedness is an essential aspect of that protection.

In 1980, the NRC promulgated emergency planning rules requiring that no new operating licenses be granted unless the NRC finds that evacuation plans for an emergency planning zone of 10 miles in radius provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

This policy is simple in its approach and overwhelming in its logic: Emergency planning for the evacuation of people in the vicinity of a nuclear powerplant is as important as safety systems engineered into a plant.

Disturbingly, the NRC has recently proposed to repudiate this policy.

In March, the Commission published a proposed rule change which suggests that emergency planning is only of secondary importance. Though the proposal is apparently designed to address the licensing process at two specific plants—the Seabrook Nuclear Plant in my State and the Shoreham Nuclear Plant in New York—the fallout from the rule could spread across the entire country.

The Commission rationalizes the changes by stating that emergency planning should come into play "only after all of the other safety requirements for proper plant design, quality construction and careful, disciplined operation have been considered."

NRC's recent shut-down of the Peach Bottom Nuclear Plant in Pennsylvania where plant operators were literally asleep at the switch provides hard proof that factors such as "careful, disciplined operation" are not sufficient to ensure adequate protection of the public. No technology and certainly no person is infallible; therefore, it is essential that adequate emergency plans be in place before licensing a nuclear plant for operation.

Mr. President, two important words lie at the heart of the Commission's proposed rule. The current standard requires that the NRC may not issue an operating license unless they find that "there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." The words "and will" are essential, for they demand proof that plans are workable and will be put into effect were an accident to occur.

Commission Chairman Lando W. Zech, Jr. was recently quoted as saying: "If we were able to approve the rule, it should be recognized that, if a State or local government refused to participate in emergency planning, the Commission must still find with reasonable assurance that the public health and safety can be protected before issuing a full-power license." The words "will be protected" are conspicuously absent from Commissioner Zech's statement.

It is enough, apparently, under the proposed rule, to find that protective measures can be taken if there were "reasonable State or local governmental cooperation." In the words of Chairman Zech, "adequate plans must be feasible." Commissioner Asselstine notes, however, that with this policy "the Commission once again enters the realm of wishful thinking."

Common sense dictates that emergency plans be judged on their ability to protect public health and safety. It contradicts the entire essence of preparedness—training, organization, and public confidence in the authorities—to endorse plans based on their potential feasibility rather than on their actual workability. It is irresponsible for the NRC to change licensing rules by using as a criterion protective action which theoretically can be taken, rather than which will be taken in the event of an accident.

The proposed rule would clearly reduce safety standards. In the view of the NRC staff, the proposal would place the public in the vicinity of a few affected plants "at somewhat greater risk." I believe this to be a dangerous departure from the NRC's mission to protect the public health and safety. Furthermore, it is simply not an acceptable policy for those citizens living in the vicinity of nuclear plants.

Whether emergency plans are developed by a State, a municipality, a utility, or some combination of the three, the bottom line is that these plans must meet a standard which ensures the adequate protection of the public. Safety is safety and should not be compromised because it is difficult to achieve. If emergency plans cannot provide reasonable assurance that they will be implemented, then such plans simply are not adequate.

Mr. President, I urge my colleagues to oppose the NRC's proposed emergency planning rule which undermines the Commission's policy that emergency planning is an independent element equal in importance to other plant safety features.

Further, I urge the Commission to uphold the current standard which requires reasonable assurance that protective measures can and will be taken to protect public health and safety.●

SENATOR EDWARD ZORINSKY

● Mr. WALLOP. Mr. President, today marks the end of National Know Your Cholesterol Week. It also marks the end of the first month that this body has had to operate without the presence of the late Senator from Nebraska, Ed Zorinsky.

Senator Zorinsky sponsored the resolution establishing National Cholesterol Awareness Week in a personal attempt to focus people's attention on what is one of the most pervasive health problems in today's society. High cholesterol annually leads to the death of thousands of Americans, as it most tragically led to the death of Ed Zorinsky himself.

Ed may have died last month, but his work and his spirit live on. Politically, there were many issues on which Ed and I did not agree, but I do not fault him. His pragmatic approach to issues gained him the respect of all his colleagues. His willingness to approach each issue based not on party lines, but according to its own merits continues to provide an example we will all need to return to in the course of this Congress.

Above all else, Ed was a servant of the people. He went beyond the open door policy to establish his own no door policy, taking his office door out to allow complete accessibility for his visitors. He never forgot his responsibilities to his constituency. The farmers of the Midwest never had a truer friend.

The people of Nebraska and this body lost an honorable and distinguished politician when Ed Zorinsky died last month, and I join my colleagues in once again offering my sympathy to his family. He made the most of all his opportunities to help the people of this country and for that he will always be remembered and honored.●

ORDERS FOR TUESDAY, APRIL 21, 1987

NO RESOLUTIONS OR MOTIONS, OVER UNDER THE RULE; WAIVER OF CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate returns on Tuesday, April 21, no resolutions and motions, over under the rule, come over.

I ask unanimous consent that on Tuesday, April 21, the call of the calender under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITIES DURING RECESS

REPORT ON BUDGET

Mr. BYRD. Mr. President, I would like to reach a unanimous-consent agreement that has to do with filing of the report on the budget. I say to the distinguished assistant Republican leader that I understand this request has been cleared by the Republican leader.

I ask unanimous consent that, for the purposes of commencing the 2-day rule on the report to be filed next week on the first concurrent budget resolution, the time period shall commence with the time and date that is stamped on the report when it is delivered to the Capitol by the Government Printing Office.

Mr. SIMPSON. Mr. President, that has been cleared by this side of the aisle, and we would concur in that consent agreement.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE BUDGET RESOLUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate be permitted to receive from the House, House Concurrent Resolution 93, the House-passed first concurrent budget resolution, during the adjournment of the Senate over until Tuesday, April 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE REPORTS

Mr. BYRD. Mr. President, I ask unanimous consent that the committees may have until 5 p.m. today to report and that on April 15, Wednesday, the committees may be permitted to report between the hours of 10 o'clock in the morning and 3 o'clock in the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished assistant Republican leader have anything further?

Mr. SIMPSON. No, I have nothing further.

BEST WISHES FOR A RESTFUL BREAK

Mr. BYRD. Mr. President, I wish my friend and all our colleagues a joyous Easter recess. We will be going back to our home States, many of us conducting meetings there and doing work there. But, all in all, I hope that we will remember during this period the meanings of this holiday period. I wish that all Senators may have a very restful recess, and that they might safely return on April 21.

Mr. SIMPSON. Mr. President, will the majority leader yield for a moment?

Mr. BYRD. Yes.

Mr. SIMPSON. Mr. President, I say to the leader that indeed we, too, look forward to the coming recess period, a time of rest and respite and regeneration. We have so much to do when we come back, as the majority leader knows so well, with the budget and supplemental appropriations and the debt limit.

I just wish to extend the cooperation from this side of the aisle as much as is possible, without getting into great stretches of feckless partisanship, to work with the majority leader in doing the work of the Senate, because we have much to do. The things that have consumed us are things left over from the agenda last session, oddly enough. Now we have our new work ahead of us, a new majority and new chairmen and new floor managers, and those things take time to work in this remarkable place.

Mr. BYRD. Mr. President, I thank my friend for his comments. I take the occasion in responding to say that the cooperation that has been shown to me by the Republican leader and the assistant Republican leader during this session has been remarkable, has been good, and all that I could have wished for. This cooperation has contributed much to the work of the Senate and the Senate has, indeed, been able to, I think, establish a very good work record up to this point. Their cooperation will be much desired and much needed in the weeks and months ahead.

TRIBUTE TO FORMER SENATOR MILWARD SIMPSON

I say, incidentally, Mr. President, to my friend, with whose father I served in the Senate here, that out of the 1,782 Senators who have served in the Senate from its beginning in 1789 to date, the distinguished Senator, Mr. ALAN SIMPSON, is the 1,721st Senator and his father, Mr. Milward Simpson, was the 1,607th Senator to have served in the Senate.

I am proud to be able to say that I served with Milward Simpson. I liked him very much; a fine, fine gentleman. And I am proud to say I serve with his son, who is also a fine gentleman, always very courteous, gracious, and kind. I hope that the son will give my best regards to his illustrious father.

Mr. SIMPSON. Mr. President, I thank the majority leader. That is very gracious of him to share that. I shall see my father during this period. He is 89 years old. He suffers the ravages of Parkinson's disease and arthritis and the loss of an eye. But he is a man of great courage and he watches my activities very carefully.

Mr. BYRD. I'll bet.

Mr. SIMPSON. And so does my mother. She has talked to me more in the last 2 weeks than for some time.

But I thank you and I shall tell him that he is the 1,607th.

Mr. BYRD. The 1,607th.

Mr. SIMPSON. And I am the 1,721st.

Mr. BYRD. The 1,721st.

Mr. SIMPSON. And those are the things that make you so unique and an absolute reservoir of data, fact, and history. And that is one of your special, special attributes. I thank you for that. I shall share it with him.

Mr. BYRD. Mr. President, I thank the Senator.

PROGRAM

Mr. BYRD. Mr. President, the Senate, on Tuesday, April 21, will convene at 10 o'clock in the morning. It will recess at 12 noon that day until the hour of 2 p.m. for the customary party conferences. During the day there will be rollcall votes.

The business that is expected to be called up on that day consists of any one or more of the following measures: Calendar Order No. 79, S. 742, a bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934; Calendar Order No. 40, H.R. 1157, an act to provide for an acreage diversion program applicable to the producers of the crop of winter wheat harvested in 1987; and, finally, the first concurrent resolution on the budget.

I hope to call up the wheat acreage bill first and I hope that the Senate could dispose of that bill that day. I have my doubts that it will, in which case the bill will go over for further action thereon to Tuesday. But there will be rollcall votes.

And, because that is a Tuesday on which the Senate is convening immediately following the Easter break, I have said to my colleagues, and I say it again, that there will be no rollcall votes on that Tuesday prior to the hour of 2 p.m. when the parties have finished their meetings. So any rollcall votes that are ordered that morning will be put over until 2 o'clock that afternoon.

ADJOURNMENT UNTIL TUESDAY, APRIL 21, 1987

Mr. BYRD. Mr. President, if my friend has no further business, and if no other Senator has further business to bring before the Senate, I move, in accordance with the previous order and pursuant to House Concurrent Resolution 103, that the Senate stand in adjournment until 10 a.m. on Tuesday, April 21, 1987.

The motion was agreed to; and, at 2:49 p.m., the Senate adjourned until Tuesday, April 21, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 10, 1987:

DEPARTMENT OF STATE

Thomas C. Ferguson, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Robert M. Smalley, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

DEPARTMENT OF COMMERCE

Gerald J. McKiernan, of Connecticut, to be an Assistant Secretary of Commerce, vice Paul A. Vander Myde, resigned.

DEPARTMENT OF LABOR

William John Maroni, of Rhode Island, to be Assistant Secretary of Labor (new position).

DEPARTMENT OF TRANSPORTATION

B. Wayne Vance, of Virginia, to be general counsel of the Department of Transportation, vice Jim J. Marquez, resigned.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Jack Edwards, of Alabama, to be a member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of 6 years (new position).

NATIONAL COUNCIL ON THE HANDICAPPED

Leslie Lenkowsky, of New York, to be a member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1987, vice Justin W. Dart, Jr.

Leslie Lenkowsky, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1990 (reappointment).

POSTAL RATE COMMISSION

John W. Crutcher, of Kansas, to be a commissioner of the Postal Rate Commission for the term expiring October 16, 1992 (reappointment).

U.S. INFORMATION AGENCY

Anthony J. Gabriel, of Virginia, to be inspector general, United States Information Agency (new position).

IN THE FOREIGN SERVICE

The following-named persons of the Agency for International Development for appointment as career members of the Senior Foreign Service of the classes stated, and also for the other appointments indicated herewith:

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of minister-counselor, and a consular officer and a secretary in the Diplomatic Service of the United States of America:

Ain H. Kivimae, of Maryland.

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of counselor, and a consular officer and a secretary in the Diplomatic Service of the United States of America:

Robert N. Bakley, of New Jersey.

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service officers of class one, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

David M. Schoonover, of Virginia.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Robert A. Bonnaffon, of Virginia.
Mary Ann Cusack, of California.
Gary A. Eidet, of Florida.
Ernesto C. Lucas, of Hawaii.

For appointment as Foreign Service officers of class two, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Luis Espada-Platet, of Florida.
John Melvin Jones, of Virginia.
Martha Ann Kelleran, of Virginia.

DEPARTMENT OF AGRICULTURE

Joel P. Haggard, of California.
John W. Harrison, of Maryland.
Mary E. Revelt, of Florida.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Cheryl A. McCarthy, of Wisconsin.
Hugh Sheridan Plunkett, of Virginia.
Michael J. Porvaznik, of Virginia.

For appointment as Foreign Service officers of class three, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Carroll A. Caulfield, of Pennsylvania.
John L. Mack, of Texas.
Edmee Hawkes Pastore, of Virginia.

DEPARTMENT OF AGRICULTURE

James D. Grueff, of Maryland.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Andrew Michael Maxey, of Texas.

For appointment as Foreign Service officers of class four, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Paul John Andersen, of California.
John Richard Arndt, of Florida.
David Cortelyou Becker, of Washington.
Richard C. Beer, of New York.
Randall Virgil Biggers, of New Mexico.
Timothy Vincent Collins, of the District of Columbia.
Anne Kathryn Cusick, of California.
Mary Elizabeth Daly, of Virginia.
Thomas Lawrence Delare, of Pennsylvania.
Gregory T. Delawie, of Virginia.
Boyd Raymond Doty, of Florida.
Philip Raymond Drouin, of Connecticut.
Jeffrey Mark Glassman, of Massachusetts.
Mary Anne Gorjance, of Washington.
James Bingham Gray, of California.
Robert Daniel Griffiths, of Nevada.
Ann M. Hayes, of Massachusetts.
Liam Jackson Humphreys, of the District of Columbia.
Kevin M. Johnson, of New York.
Benjamin R. Justesen II, of North Carolina.
William M. Kendall-Johnston, of California.
George Benjamin Kopf, of California.
Jessica LeCroy, of Texas.
Laurie A. Lerner, of Pennsylvania.
Lawrence C. Mandel, of Massachusetts.
Maurice A. McLeggan, of New York.
A. David Miller, of Iowa.
Arthur H. Mills II, of Pennsylvania.
David Nolan, of Washington.
Brian Kent Oberle, of Michigan.
Daniel John O'Grady, of Florida.
Norman Hartman Olsen, Jr., of Maine.
June Carter Perry, of the District of Columbia.
Michael Bernard Regan, of New Jersey.
Kathleen Alyce Riley, of Nevada.
Josef Karl Ruth, of Texas.
John Frederick Sammis, of Virginia.
Paul R. Siekert, of Virginia.
Sarah Ann Smith, of California.
Harvey Alan Somers, of Ohio.
James V. Soriano, Jr., of Virginia.
Richard M. Stephenson, Jr., of Virginia.
Judith Davis Tohonou, of California.
Jonathan Standen Turak, of Maryland.
David A. Tyler, of Illinois.
Stephen Andrew Vann, of Alabama.
Samuel Robert Watson III, of Virginia.
Janet W. Weber, of New York.
Sharon N. White, of Connecticut.
James Wojtasiewicz, of New York.

U.S. INFORMATION AGENCY

Elizabeth Howard Adair, of New York.
Robert David Banks, of Massachusetts.
David Anthony Bustamante, of California.
Anne Taylor Callaghan, of California.
Beatrice A. Camp, of Virginia.
Joanne M. Cotter, of Virginia.
Rosemary Anne DiCarlo, of New Jersey.
Gregory Bernard Elftmann, of the District of Columbia.
Mark Thomas Jacobs, of New York.
Andrew C. Koss, of Maine.
Gregg Price Marshall, of Wisconsin.
Matthew J. McGrath, of Florida.
James Dinneen Nealon, Jr., of New Hampshire.
Phillip T. Parkerson, of Florida.
Charlotte R. Peterson, of Minnesota.
Delia C. Pitts, of the District of Columbia.
Donna Jean Roginski, of Ohio.
Adnan A. Siddiqi, of New York.
Steven Powell Smith, of Texas.
Gary Merle Spackey, of Ohio.
Anne V. Stenzel, of California.

The following-named members of the Foreign Service of the Department of State to be consular officers and/or secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular officers and secretaries in the Diplomatic Service of the United States of America:

David A. Ackerman, of Arizona.
Mark L. Andersen, of Montana.
Melvin Thlick-Len Ang, of Maryland.
Gilbert Arguello, of California.
William T. Aspell, of Virginia.
Darryll P. Baker II, of Virginia.
Michael Haan Bekedam, of Virginia.
John F. Belz, of the District of Columbia.
Charles E. Bennett, of Washington.
Michelle Bernier-Toth, of Virginia.
Boyd R. Bickmore, of Utah.
Francis H. Bostock, Jr., of New York.
Johney Brooks, of California.
Jennifer Leigh Brush, of Maryland.
Stephen D. Burkart, of Texas.
Caralyn S. Bushey, of Illinois.
Aubrey Alexander Carlson, of Texas.
Deirdre Chetham, of New York.
Sylvia Reed Curran, of Alaska.
Ronald J. Czarnetsky, of New York.
Bryan Wayne Dalton, of Minnesota.
Kathleen M. Davis, of Virginia.
Jeanne E. Desjardins, of Minnesota.
Raymond Walter Dillion, Jr., of New York.
Cecilia Bridget Elizondo, of Texas.
John A. Elliott, of Indiana.
John Fennerty, of Maryland.
John J. Finnegan, Jr., of Pennsylvania.
Julie M. Gardner, of Washington.
Reuel M. Gerecht, of Missouri.
Laura M. Gobrecht, of Alabama.
Kenneth N. Goode, of Florida.
Sara J. Goodgame, of North Carolina.
Miriam B. Gonzalez, of New York.
Marilynn Gurian, of California.
Jeri Schaeffer Guthrie-Corn, of California.
Laurie A. Gutzat, of New York.
Larry O. Hall, of Maryland.
Jonathan B. Handley, of New York.
Kathleen M. Hennessey, of Virginia.
Larry A. Holtzapple, of Virginia.
Helen Clare Hudson, of the District of Columbia.
Nancy Helen Izzo, of New Jersey.
Robert B. Jefferson, Jr., of Virginia.
George H. Johnson, of Wisconsin.
Michael P. Johnson, of Ohio.
Stephen R. Jordan, of Virginia.
Mark R. Jorgensen, of Minnesota.
Charles H. Kabel III, of Virginia.
Jackie J. Kassenger, of Tennessee.
Nan Terese Kennelly, of New Jersey.
Alan A. Kinsman, of Virginia.
Allan David Langland, of California.
Jose E. Latour, of Florida.
Mary Lee Luque, of Maryland.
Jonetha Lynard, of South Carolina.

James Marcinkowski, of Michigan.

William P. McNulty, of Minnesota.

Carlos Felipe Mejia, Jr., of California.

Franklin L. Milhous, of Florida.

Terrence Michael Murphy, of Illinois.

David H. Myaard, of Michigan.

Patricia G. Nelson-Douvelis, of the District of Columbia.

Evelyn O'Brien, of Colorado.

Jeffrey R. Olesen, of West Virginia.

William J. Orr, Jr., of New Mexico.

Phillip O. Otts, of Alabama.

Michael Scott Owen, of Tennessee.

Claire Knox Oxley, of Texas.

Pamela Jean Pearson, of Texas.

Donald L. Pepper, Jr., of Louisiana.

Thomas A. Praster, of Pennsylvania.

Adele Pruss, of Virginia.

Richard Rahm, of Washington.

Carol Tyson Reynolds, of Georgia.

Larry Riddick, of Tennessee.

Keith E. Riggin, of Texas.

Vincent J. Rizzo, of New Jersey.

Alice M. Rougvie, of Connecticut.

Dale L. Rumbarger, of Pennsylvania.

Eddie N. Sauls III, of North Carolina.

Timothy J. Schierbeek, of Michigan.

Carter Shannon, of the District of Columbia.

Marie Erin Jean Shay, of Missouri.

Daniel F. Sheehan, of New York.

Andrew T. Simkin, of Ohio.

Donald Simpson, of Washington.

Erik N. Thomas, of California.

Robert J. Underwood, Jr., of New York.

Peter F. Waldorf, of Virginia.

Mary Annette Wright, of California.

Harry S. Yates, Jr., of Virginia.

Consular officers of the United States of America:

George S. Dragnich, of Virginia.

Karen D. Klemp, of Illinois.

Geraldine C. Lewallen, of Texas.

Secretaries in the Diplomatic Service of the United States of America:

John D. Lange, of Virginia.

Allen Lee Sessoms, of Virginia.

The following-named career members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated October 6, 1986, effective October 12, 1986, now to be effective December 22, 1985:

Career member of the Senior Foreign Service of the United States of America, class of counselor:

Darryl N. Johnson, of Washington.

Patrick N. Theros, of the District of Columbia.

The following-named career member of the Foreign Service of the Department of State for promotion into the Senior Foreign Service to the class indicated, effective October 12, 1986:

Career member of the Senior Foreign Service of the United States of America, class of counselor:

Dan E. Turnquist, of Wyoming.

The following-named person of the Department of State for appointment as a Foreign Service officer of class two, a consular officer, and a secretary in the Diplomatic Service of the United States of America, effective July 19, 1985:

Ravindar Kumar Sikand, of Florida.

EXTENSIONS OF REMARKS

THE 50TH ANNIVERSARY OF DOMINICAN COMMERCIAL HIGH SCHOOL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to commend and congratulate Dominican Commercial High School of Jamaica, Queens County, NY, on the occasion of its 50th anniversary, which will be celebrated on May 2, 1987.

Dominican Commercial High School is truly unique. It offers some 900 female students in the 9th to the 12th grades a special educational combination of religious and secular subjects.

In addition to scholastics, students at Dominican Commercial participate in a wide range of extracurricular activities, including Student Council, National Honors Society, and the National Business Honors Society. There is also a wide range of athletic teams in such diverse sports as volleyball, swimming, and basketball. Last year, the outstanding skill of the Dominican Commercial junior varsity basketball team enabled it to win a New York City championship.

Mr. Speaker, Dominican Commercial High School undertakes many special projects that enable its students to participate in programs to which they would not usually have access. Each spring, outstanding students are chosen to come to the Nation's Capital and participate in the Washington Seminar, which consists of 1 week of special congressional workshops. There is also a mootcourt team, which participated in the district attorney's mock trial competition in New York City last year. Such are just a sampling of programs that the outstanding faculty and administrators have encouraged at Dominican Commercial.

These experiences are savored by the young scholars as they embark upon their adult lives. Sixty-five percent of the school's graduates continue on to colleges and universities. Many become lawyers, doctors, and other professionals, and remain active in the Dominican Commercial alumnae association.

The school also boasts a fine executive board, which functions as a student government. The board is composed of four officers with equal responsibility: Jody Rose, Evelyn Rivera, Diane Whitecavage, and Olympia I'liou. Three chief faculty advisers act as moderators of the board: Barbara Canning, Joan Cadette, and Delia Giunta.

Dominican Commercial High School will celebrate its 50th anniversary with a liturgy under the direction of its excellent principal, Sister Elizabeth Stringer. This memorable ceremony will take place at Alumni Hall, on the campus of St. John's University in Jamaica, NY.

Mr. Speaker, we in Queens County are proud of Dominican Commercial High School because we are greatly honored by its outstanding achievements. I call now on all of my colleagues in the House of Representatives to join with me in paying tribute to Sister Elizabeth Stringer, and to all the outstanding students and faculty of Dominican Commercial High School upon the momentous occasion of its 50th anniversary, and in extending to the school, its students, faculty, administration, and alumnae our best wishes as it embarks on another 50 years of success.

UNITED STATES PEACE TAX FUND ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BONKER. Mr. Speaker, today I am pleased to join Congressman TAUKE in introducing H.R. 2041, legislation to create a U.S. Peace Tax Fund. This bill would enable taxpayers who are conscientiously opposed to participation in war to elect to have their taxes directed to nonmilitary, peaceful purposes.

Currently, conscientious objectors, because of their sincere moral, ethical, or religious beliefs, often do not pay some or all of their taxes, to avoid funding military activities, and are subject to prosecution. The act would resolve this conflict between conscience and the law by permitting qualified taxpayers to have the military portion of their taxes diverted to a trust fund. This would be administered by an 11-member board appointed by the President, the President pro tempore of the Senate, and the Speaker of the House. Disbursements would be directed to the improvement of international health, education and welfare, international exchanges for peaceful purposes, and special projects of the U.S. Institute of Peace.

Conscientious objection to compulsory military service is a long-recognized tradition in the United States dating back to the Revolutionary War. The first amendment of the Constitution guarantees all Americans the freedom to conduct their lives within the framework of their religious beliefs.

This Congress is not alone in its efforts to address the moral dilemma faced by taxpayers who are opposed to war. Last fall, the First International Conference of Peace Tax Campaigns was held in Turbingen, Germany. Representatives of 15 countries, including the United States, met to discuss peace tax initiatives worldwide.

Mr. Speaker, the United States leads the world in the protection of human and religious rights. Establishing a Peace Tax Fund is a further expression of this commitment to protecting those rights.

I am especially pleased to be joining my dear friend and colleague, Senator HATFIELD who will be introducing the U.S. Peace Tax Fund bill in the Senate with Senator WEICKER and Senator HARKIN. In 1977, Senator HATFIELD introduced the first U.S. Peace Tax Fund bill demonstrating, once again, his longstanding commitment to peace. It is with a deep sense of pride that I stand together with Senator HATFIELD and my colleagues in both the House and the Senate to introduce this bill that protects the rights and beliefs of those who are conscientiously opposed to war.

I urge my colleagues to join us and support the establishment of a U.S. Peace Tax Fund. I encourage them to use their power and expertise to work toward the peaceful resolution of any future international disputes.

Bill summary (to be included in the CONGRESSIONAL RECORD with Congressman DON BONKER's statement).

U.S. PEACE TAX FUND ACT

April 9, 1987

Introduced by Congressman Don Bonker, Congressman Tom Tauke, and others.

PURPOSES OF BILL

The bill establishes the United States Peace Tax Fund as a special trust fund within the U.S. Treasury. Eligible taxpayers may designate payment of their federal taxes into this Fund.

Recognizing that for a significant minority of U.S. citizens, sincere conscientious objection to participation in war in any form means that they cannot in conscience pay the portion of their taxes that would support military expenditures, the bill has as its purposes:

(a) to allow conscientious objectors to pay their full tax liability without violating their moral, ethical, and religious beliefs;

(b) to reduce the present administrative and judicial burden created by conscientious objectors who violate tax laws rather than violate their consciences;

(c) to recognize conscientious objector status with regard to the payment of taxes for military purposes; and

(d) to provide a mechanism for congressional appropriations of such funds for nonmilitary purposes.

ELIGIBILITY

An eligible individual is a person who is conscientiously opposed to participation in war in any form, and who either (1) has been exempted or discharged from combatant service and training in the armed forces as a conscientious objector under the draft laws, or (2) certifies to the IRS that he or she is a conscientious objector within the meaning of the C.O. section of the Military Selective Service Act and its caselaw. "Conscientious objection" is a precisely defined category: "anyone who by reason of religious training and belief is opposed to participation in war in any form," *or* whose opposition is based on moral and ethical beliefs deep enough to take the place of religion in his life or her life.

An individual qualifies under (2) above by filing during each taxable year with the IRS a form claiming C.O. status for that taxable year. The form thus must be filed well in advance of the tax form. The form will contain questions to certify the individual's be-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

liefs about participation in war, the source or genesis of such beliefs, and how the beliefs affect the taxpayer's life. The IRS sends a receipt in return to verify such filing, and the receipt is then attached to the individual's income tax return. The IRS will include in its publications of income tax instructions information about the existence of the Fund, criteria for eligibility, and an explanation of the claim-filing process.

The Secretary of the Treasury may require the taxpayer to further justify his or her C.O. claim. If the Secretary then rejects the claim, the burden of proof (including initiating court action, if that is to follow) falls upon the taxpayer.

PAYMENTS INTO THE FUND

An eligible taxpayer may designate that his or her income tax payment for that year will be paid into the U.S. Peace Tax Fund. A joint tax return would qualify for payments into the Fund if one of the couple has qualified for such status.

The sums of all the amounts designated by eligible taxpayers will be transferred at least monthly into the U.S. Peace Tax Fund from the Treasury's general fund. The Secretary of the Treasury will report to Congress each year the total amount transferred into the Fund during the preceding fiscal year, with such information to be printed in the CONGRESSIONAL RECORD.

Soon after the end of each fiscal year, the Comptroller General will determine the percentage of federal funds actually appropriated in that fiscal year for current military purposes and report that figure to Congress, for printing in the CONGRESSIONAL RECORD.

The Fund's Board of Trustees then recommends expenditures of the "military percentage" of the money in the Fund. (See "Activities" below.) Congress then appropriates the money for disbursal by the Board. Money remaining in the Fund from previous years may also be appropriated. Interest will accrue on any money remaining in the Fund.

An eligible individual may also elect that any estate or gift taxes for which he or she is responsible likewise are to go to the Fund.

BOARD OF TRUSTEES OF THE U.S. PEACE TAX FUND

The Fund's Board will consist of 11 members, nine appointed by the President with confirmation by the Senate (with not more than five of these from the same political party) and one each from the Senate and the House of Representatives, appointed, respectively, by the President pro tem of the Senate and the Speaker of the House, to serve ex-officio. Each Board member must have demonstrated a consistent commitment to world peace, international friendship, and the peaceful resolution of international conflict.

Provisions are made regarding length of Board terms, reappointment limitations, vacancies, etc., as well as for the Board's compensation and its staff, how it obtains from other government agencies the information necessary to fulfilling its tasks, how it reports, and other matters. The Board must submit a budget to Congress, report to Congress and the President annually on its activities, and provide complete accounting of all monies received and disbursed.

ACTIVITIES TO BE SUPPORTED BY THE FUND

Under appropriation acts passed by Congress, the Board may make funding arrangements for activities including but not limited to the following: (1) retraining of workers displaced by conversion from military production or activities; (2) research and study directed toward developing and evaluating nonmilitary and nonviolent solutions to international conflict, (3) disarmament efforts; (4) special projects of the United States Institute of Peace; (5) international exchanges for peaceful purposes; (6) improvement of international health, education, and welfare; and (7) programs for providing public information and education about the above activities.

The Board will publish regulations for submission of applications to the Fund, and will determine that functions and activities of individuals or organizations funded have a nonmilitary purpose. Outlays by the Fund are not intended to release, for military spending by the federal government, any monies that would otherwise be spent for nonmilitary purposes.

DEFINITIONS APPEARING IN THE BILL

"Military purpose" means any activity or program conducted, administered, or sponsored by an agency of the government which affects an augmentation of military forces, defensive and offensive intelligence activities, or enhances the capability of any person or nation to wage war. This includes funding for the Central Intelligence Agency, the National Security Council, the Selective Service System, and military expenditures of the Department of Energy and of the National Aeronautics and Space Administration, and foreign military aid.

HANDLING OF PENALTIES FOR PAST FAILURE TO PAY TAX

If an individual has had civil or criminal penalties imposed on him or her for unpaid income tax for any year prior to the effective date of the USPTF Act, that penalty will be vacated if the individual (a) pays the tax due, with interest, and (b) establishes satisfactorily that his or her failure to pay was based on the criteria for conscientious objection as defined in the bill. An amount equal to the taxes due will then be transferred by the Treasury to the Fund.

RECOGNITION OF BIRTH OF THE SIKH NATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today to commemorate the birth of the Sikh nation and religion. Founded when Guru Gobind Singh began to baptize people in the name of the Sikh faith on April 13, 1699, Sikhism now has 15 million adherents in India and many millions more throughout the world. The Sikh religion and philosophy was born out of the need to protect Hindus and all other faiths and philosophies from the oppressive rule and forced-conversion religious policies of the Muslim emperors in pre-British India. One of the most important tenets of Sikhism was and continues to be protection of individual human rights and civil liberties, regardless of creed, race or sex.

Sikhs were and continue to be unlike the majority Hindus in India mainly because of their belief in one God and rejection of the social caste system in the country. Also, each Sikh is required to keep 5 physical attributes that set him/her apart from other peoples: Unshorne hair (usually worn in a turban, to signify godliness and adherence to a cosmic order), a small, symbolic sword (to represent all-powerful God), a small wooden comb (to signify cleanliness), an iron bracelet worn on the right wrist (to signify complete faith in and surrender of the will), and a special type of underwear/drawers (to symbolize a chaste and pure life).

Sikhs are a hard-working and industrious people. Making up only 2 percent of the population of India, they account for 73 percent of total Indian wheat reserves and 48 percent of total rice reserves. At one time Sikhs made up 50 percent of the officers in the Indian Army; today they still contribute to the national defense far more than their share in the population. Most of India's Sikhs live in the Punjab, an area in the northwest of the country, near the Pakistan border. In this fertile region, they have been largely responsible for the "Green" revolution which has made India in recent years a net exporter of foodstuffs. Sikhs are overrepresented in the professional fields, the military and other prestigious careers and have made Punjab one of the most prosperous areas in all India.

Yet, Mr. Speaker, Punjab is also one of the most strife-torn areas in the country. Stories of persecution and harrassment of Sikhs at the hands of Indian Government and military officials continue to clandestinely stream out of the region. With the attack in June 1984 on the Golden Temple, the Sikh's most holy shrine, the Indian Government revealed the callous way in which it deals with what it calls 'internal' problems. After the attack, prominent Sikhs within the government protested the action by resigning seats in Parliament and returning honors and medals of distinction. One of the most distinguished Sikhs, Sardar Simranjit Singh Mann—a member of the Indian Police Service, left his lucrative position in protest and is now rumored to be held incommunicado by the Indian Government.

The authoritative text on the June 1984 attack, "Report to the Nation: Oppression in Punjab," continues to be banned in the country and no official foreigners are allowed to travel in Punjab. Just recently, a group of U.S. Congressmen were denied visas to travel and report on events in the region. 369 Sikh prisoners in Jodhpur Jail located in Rajistan continue to be denied trial in connection with events surrounding the 1984 Golden Temple attack. Reports of fake encounters between Indian police and Sikhs continue to find their way out of the country—between the period January 31 and February 18 of this year, 5 youths were allegedly shot and killed in such encounters.

Dr. Gurmit Singh Aulakh, President of the International Sikh Organization, has been instrumental in providing Members of Congress with information about the explosive situation in the Punjab. Through his efforts, I and many of my colleagues have been able to get a more complete picture of what is going on in that region of the country. Since there is near-total blackout on news events in Punjab, this information is quite welcome indeed.

Mr. Speaker, on this special day for Sikhs the world over, it is appropriate to call attention to the oppression that many of them face in their native land. I urge the Government of India to cease the violence being perpetrated against Sikh citizens, violence which affects everyone in the country—both Sikh and Hindu. I believe there is hope for a negotiated settlement of the turbulence that has racked Punjab for the last few years and urge the Indian Government to pursue such a course.

OLDER AMERICANS ACT OF 1965

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TAUKE. Mr. Speaker, I am introducing today the administration's bill reauthorizing the Older Americans Act of 1965 for 3 additional years. I commend the Department of Health and Human Services and the Administration on Aging for their fine efforts in administering the act and in proposing modifications in the act for the consideration of Congress.

As the ranking Republican on the Subcommittee on Human Resources of the Education and Labor Committee, which has jurisdiction over the act, I look forward to working with Carol Fraser Fisk, Commissioner of the Administration on Aging, Subcommittee Chairman DALE KILDEE, and others to refine this legislation and to extend and improve the Older Americans Act of 1965.

The bill reauthorizes all programs currently funded under the Older Americans Act for 3 years at "such sums as may be necessary." In addition, modifications in the State allotment formula, an optional sliding scale of fees for supportive services, demonstration waivers, and an increase in State transfer authority are proposed. A section-by-section summary of the bill follows. I encourage your support of this year's reauthorization of the Older Americans Act.

OLDER AMERICANS ACT AMENDMENTS OF 1987, SECTION-BY-SECTION SUMMARY

The bill would make amendments to the Older Americans Act of 1965 ("the Act").

SHORT TITLE

Section 1 of the draft bill provides the short title. When enacted, it would be cited as the "Older Americans Act Amendments of 1987".

TITLE I—AMENDMENTS TO TITLE II—ADMINISTRATION ON AGING

Appointments to Federal Council on the Aging; authorization of appropriations

Section 101(a) of the draft bill would restore, for FY 1988 and succeeding fiscal years, the procedure in effect prior to enactment of P.L. 98-459, the Older Americans Act Amendments of 1984, under which appointments to the Federal Council on the Aging are made by the President with the advice and consent of the Senate.

Subsection (b) of the draft bill would authorize appropriations for the Council of such sums as necessary for FY 1988 and each of the two succeeding fiscal years.

TITLE II—AMENDMENTS TO TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Authorization of appropriations

Section 201(a) of the draft bill would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for supportive services and senior centers.

Subsection (b) would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for congregate nutrition services.

Subsection (c) would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for home delivered nutrition—services.

Allotments: Elimination of hold-harmless; State allotments based on population aged 65 and over

Section 202 of the draft bill would amend the formula for allotments to States from appropriations under title III of the Act to base allotments on population aged 65 and over (the formula under current law is based on population aged 60 and over). States' authority to provide services to individuals aged 60 and over would remain unchanged.

This section would also eliminate the provision guaranteeing each State an allotment not less than its total allotment for the State grant program for FY 1984.

These amendments would direct more funds to States with greater needs for programs under the Act, due to larger numbers of older individuals in their populations.

State matching funds for Ombudsman Program

Section 203 of the draft bill would require States to provide 15 percent matching of Federal funding for long term care ombudsman activities under the State plan (the same matching share as is required for all other State administrative activities).

State planning and service areas

Section 204 of the draft bill would amend the provision permitting a State agency to function as an area agency. Under prior law, certain States, prior to October 1980, had obtained the approval of the Commissioner on Aging to designate the entire State as a single planning and service area, and to act as the area agency for the single area. Current law permits only those States to designate additional planning and service areas administered by other area agencies, and to continue to function as the area agency for the balance of the State. This section of the draft bill would permit any State, with the approval of the Commissioner, to become a Statewide area agency, or the area agency for some or all of the State's planning and service areas.

Definitions of greatest economic and social need

Section 205 of the draft bill would relocate the definitions of "greatest economic need" and "greatest social need" to the definitions section for title III.

This section would clarify that the definition of "greatest social need" includes factors which put an individual at risk of institutionalization.

This section would also specify that what is meant by "cultural or social isolation", for purposes of the definition of "greatest social need", is that affecting minority individuals or other elderly individuals who would not otherwise be expected to seek available services. The use of the term "minority individuals" conforms the term to that used in the State and area plan requirements. The remainder of the added language highlights that class of elderly individuals who, even though services are available, tend to withdraw and remain in a state of self-imposed isolation.

Amendment to required assurances with respect to expenditures for specified services

Section 206 of the draft bill would eliminate the requirement that area plans provide assurances that an "adequate proportion" of the area's funds for supportive services and senior centers will be expended for the delivery of specified priority services (access services, in-home services, and legal assistance), and would substitute a requirement to expend some funds for one or more of the priority services. This section would also make a conforming amendment to eliminate the related requirement that the area agency conduct a public hearing and obtain a waiver from the State agency before failing to expend funds for any priority service.

Applicability of Davis-Bacon Act

Section 207 of the draft bill would amend the Act to provide that only contracts in excess of $100,000 for construction, alteration, or renovation of multipurpose senior centers are subject to the requirements of the statute commonly known as the Davis-Bacon Act (rather than all such contracts, as under the current provision of the Act). Under current law, the threshold for contract coverage under the Davis-Bacon Act if $2,000, unchanged since it was set in 1935. The Administration is proposing to increase the threshold to $100,000 for non-defense contracts, in recognition of economic changes over the past several decades and to encourage competition and efficiency in government procurement.

Coordination of community-based services

Section 208 of the draft bill would require State plans to provide assurances that are agencies will facilitate the coordination of community-based services to older individuals residing at home, or in hospitals or long term care facilities, who are at risk of institutionalization but who could remain in or be returned to the community if community-based services were available.

Optional sliding scale fees for supportive services

Section 209 of the draft bill would permit States, at their option, to permit area agencies to charge fees, based on ability to pay, for supportive services under part B of title III. The State agency would be required to ensure that no fees for such services were charged to low income individuals. It would be left to State discretion to determine which supportive services would be subject to charges. As under current law, there would be no authority to charge fees for nutrition services under part C of title III.

Demonstration waivers

Section 210 of the draft bill would authorize the Commissioner to waive compliance with any requirements of sections 305, 306, and 307 of the Act (relating to State program organization, area plans, and State plans) in the case of demonstration projects promoting the objectives of title III.

Elimination of authority to use services funds for State plan administration

Section 211 of the draft bill would repeal the authority for States, upon application to the Commissioner, to use for State plan administration an additional three-fourths of one percent of their allotments under title III for supportive and nutrition services.

Transfer of funds for supportive services and nutrition programs

Section 212 of the draft bill would increase the portion of allotments that States may transfer between the supportive services and nutrition services programs from 30 percent under current law to 50 percent for FY 1988, 60 percent for FY 1989, and 75 percent for FY 1990.

Elimination of maintenance of effort requirement

Section 213 of the draft bill would repeal the requirement that a State's allotment for any fiscal year be reduced by the percentage by which its expenditures from State sources for that fiscal year are less than such expenditures for the preceding fiscal year. This requirement has the unintended effect of discouraging one-time expansions of State programs in response to temporarily increased need or from nonrenewable funding sources.

TITLE III—AMENDMENTS TO TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Title III of the bill would simplify and streamline the provisions authorizing training, research and discretionary programs and projects under title IV of the Act, and would eliminate barriers to participation by for-profit entities in activities under that title.

Education and training

Section 301 of the draft bill would amend the authority for education and training grants under part A of title IV of the Act. Section 411 of the Act would be amended to give the Commissioner general authority for grants and contracts to achieve the purposes of part A; specific descriptions of types of activities eligible for funding would be deleted. Section 412 of the Act (relating to multidisciplinary centers of gerontology) would be repealed; however, authority to fund these centers would be provided under section 411.

Research, demonstrations, and other activities

Section 302 of the draft bill would amend the authority for research, demonstrations, and other activities under part B of title IV.

Section 421 of the Act would be amended to give the Commissioner general authority to make grants to and enter into contracts with any public or private entity or individual for research and development, evaluation, collection and dissemination of information, and conducting of conferences.

Section 422 of the Act would be amended to give the Commissioner general authority, after consultation with the State agency, to make grants to and enter into contracts with any public or private agency or organization in the State for nationwide, statewide, regional, metropolitan area, county, city, or community demonstration projects.

Sections 423 (relating to special projects in comprehensive long-term care), 424 (relating to projects for legal assistance), and 426 (relating to utility and home heating cost demonstrations) would be repealed.

Authorization of appropriations; transfer of funds to other Federal entities

Section 303(a) of the draft bill would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, to carry out the Secretary's discretionary activities under title IV. The amendment would also provide that amounts appropriated under this authority for any fiscal year would remain available until the end of the succeeding fiscal year.

Subsection (b) would repeal the prohibition on transfer of funds appropriated under title IV to any office or other authority of the Federal Government not directly responsible to the Commissioner.

TITLE V—AMENDMENTS TO TITLE VI—GRANTS FOR INDIAN TRIBES

Dual eligibility of Indians

Section 501 of the draft bill would repeal the provision requiring, as a condition of eligibility of an Indian tribal organization for a grant under title VI of the Act, that individuals to be served by the tribal organization not receive in the same year services under the State grant program under title III of the Act.

Authorization of appropriations

Section 502 of the draft bill would authorize appropriations, for the purpose of carrying out title VI of the Act, of such sums as necessary for FY 1988 and each of the two succeeding fiscal years.

TITLE VI—REPEAL OF TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

Section 601 of the draft bill would repeal the Older Americans Personal Health Education and Training Program under title VII of the Act. This authority, which has never been funded, duplicates other programs addressing the same needs.

TITLE VII—MINOR AND TECHNICAL AMENDMENTS

Section 701 of the draft bill would make minor substantive and technical amendments to the Act.

Subsection (a) would add to the definitions section of title I a cross-reference to the definitions sections of titles III and V.

Subsection (b) would specify that the term "Secretary" as used in title V means the Secretary of Labor.

Subsection (c) would specify that the term "State" (as defined for the Act in title I) includes each of the several States, and would eliminate the redundant definition of the term in title III.

Subsection (d) would repeal an executed requirement to publish regulations implementing amendments made by the Older Americans Act Amendment of 1984.

Subsection (e) would repeal an executed requirement to report to the Congress on the need for elder abuse prevention services.

Subsection (f) would add a clarifying cross-reference.

Subsection (g) would eliminate obsolete and confusing language. (Since enactment of the 1984 amendments, States no longer receive a separate allotment for State plan administration.)

Subsection (h) would eliminate a duplicative provision, and substitute a cross-reference.

Subsection (i) would insert a comma.

Subsection (j) would relocate statutory material that is illogically located.

Subsection (k) would add a clarifying cross-reference.

Subsection (l) would delete obsolete language.

Subsection (m) would delete a superfluous conjunction.

Subsection (n) would correct terminology.

Subsections (o) and (p) would relocate statutory material that is illogically located.

Also, subsection (p) would amend the State and area plan requirements that preferences be given in providing services to individuals with the greatest economic or social needs. By requiring the preference only "to the extent otherwise permitted by law", the amendment clarifies that no actions will be required of State or area agencies that are inconsistent with applicable constitutional principals.

Subsection (q) would delete superfluous language.

Subsection (r) would delete obsolete and confusing language. (See explanation for subsection (g).)

Subsection (s) would make a clarifying amendment. (There is no longer a separate senior centers program; this program is part of the larger supportive services and senior centers program.)

Subsection (t) would correct the name of the National Association of Area Agencies on Aging.

Subsection (u), (v) and (w) would correct language referring to supportive and nutrition services.

Effective date

Section 702 of the draft bill would provide that the provisions of the bill become effective with respect to calendar quarters beginning on and after October 1, 1987.

HOME HEALTH CARE SYSTEM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mrs. ROUKEMA. Mr. Speaker, at long last, Congress and the administration are developing a program to address one of the critical concerns of our Nation's elderly and their children: the threat of a long term or catastrophic illness.

Today I am introducing legislation designed to expand home health care services under the Medicare Program. I submit that it be included as a key component of our catastrophic illness program. Home care is a necessary extension of a complete acute care program.

One effect of the use of diagnostic related groups as a means to contain health care costs is that patients are leaving hospitals "quicker, but sicker." Many, whether recovering from a catastrophic or routine illness, are still in need of longer and more technologically advanced treatment, to be provided by home health care agencies. Right now, Medicare is grossly inadequate in terms of reimbursement, pushing these costs far beyond the reach of most families.

By statute, we must clearly define and expand home health services covered by the Medicare Program. Current Medicare hospital care is intended to reduce institutional care costs by reducing the patient's length of stay. At the same time, Medicare home health policy guidelines require the use of increasingly restrictive criteria in reviewing claims. The time has come for Congress to enact legislation which will leave no room for varying interpretation. Medicare is a national program which must be enforced fairly and uniformly.

This legislation would clarify and expand the definition of intermitant care to include visits by health professional on a daily basis for up to 60 days, and thereafter under exceptional circumstances as certified by a physician. Persons who have just been released from the hospital will be assured that they receive daily home health services for 60 days, instead of the current 14 to 21 days.

Many elderly still need some personal or health care services—bathing, meal preparation, household chores, et cetera—for some time after their need for daily care has ended. This legislation allows for up to 30 additional visits by health aides in order to maintain the patient in their home safely.

While we must do all we can to ensure that our sick elderly are treated in the most humane manner possible, we also have a responsibility to make such treatment as cost effective as possible. A reliable and effective home health care system is the answer.

I urge your support.

TRIBUTE TO MICHAEL J. WILLIAMS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, 12-year-old Michael J. Williams of Harwinton, CT, is living proof that humility is the handmaiden of heroism.

After Michael sprung before a speeding automobile to whisk a 6-year-old girl from its deadly path and save her life, in full view of the girl's horror-stricken mother, his response was, simply: "I wasn't thinking of being afraid. I didn't have time to think about it. I just did it."

Named Boy Scout of the Year for his lifesaving act, Michael is a choice candidate for the first annual heroism award by the Waterbury Republican and American, a fine local newspaper and community servant in Connecticut.

Michael is not only an aspiration to the hero in all of us, he is an heir to the heroism that brought—and maintains—America's freedom in this the 200th year of our Constitution. It was heroism that won the American Revolution, that guided the pen of our Founding Fathers, and which daily, in millions of heroic acts great and humble, keeps our Nation strong.

Michael's selfless act is a perfect illustration that America's heroes are not only the men and women we see celebrated on our monuments and in our history books. It is proof that in America, heroes walk among us, live in our neighborhoods, attend our schools, work in our work places. America is their monument.

CRACKING DOWN ON FRAUDULENT DOOR-TO-DOOR SALES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. WYDEN. Mr. Speaker, today I am introducing legislation that will provide a sorely needed Federal response to a silent national tragedy—the abuse of our Nation's young people in fraudulent door-to-door sales companies.

This legislation, the Fraudulent Door-to-Door Sales Act of 1987, is the companion to a bill introduced today by Senator ROTH, and it would clearly set forth protections for sales agents who are recruited by traveling door-to-door organizations that sell magazines and cleaning products. These protections include full disclosure in writing of job conditions by the organizations, prohibitions against threats of intimidation and physical violence, and mechanisms to ensure that agents are paid properly and understand how they will be compensated for their work. Furthermore, this legislation would empower the Federal Trade Commission to enforce these protections.

The vast majority of door-to-door sales operations in this country are legitimate business and charitable ventures. Nevertheless, attorneys general from around the United States and local law enforcement officials have been frustrated by a substantial number of door-to-door selling groups which are owned and operated by slippery and insidious criminals. These criminals prey on the desire of our young people to have a job and a brighter future. They are exploiting as many as 15,000 of our young people at any time. And they are getting away with it.

The process begins with companies advertising jobs promising high pay and the adventure of travel in the want ads of local newspapers. Interviews are conducted in a local motel and the prospective employee—usually between 16 and 24 years old—is told that they can have a job. But there's a catch. The young person has to leave right away—there's no time to talk to parents.

It's often said that the parents are welcome at the interview, but because of the shortness of time between the interview and departure, parents are often in the dark about what is going on. In many cases, the only contact made with parents before the youth goes on the road with the sales crew is a letter from the operator of the company to inform the parents that because of the travel itinerary, all mail to their child will have to go through a central location.

After that, the young people who have decided to sign on to these crews are often subject to a vast array of threats to their health and well-being. They are taken from familiar surroundings, work 14 to 16 hours a day, 7 days a week, sleep in crowded conditions, are subject to humiliation and physical abuse at the hands of the sales crew leaders and are transported in unsafe vehicles.

Arrest and prosecution of the owners and operators of these companies remains difficult. These companies are interconnected, forming a sort of network. The names associated with one company can also appear on the roster of another, forming a layer upon layer network of firms with titles that can change with each locality. This layered network contributes to the difficulty that State and local agencies have in successfully prosecuting these operators.

In addition, these groups are extremely mobile. It's not unusual for them to disappear from a State literally overnight when local law enforcement authorities catch wind of them. It's also not unheard of for these groups to be put out of business one day and resume business the next under a different name.

Mr. Speaker, this issue first came to my attention during the 98th Congress when several of my young constituents fell prey to this kind of fraudulent scheme. It is my hope that this legislation will be a significant step in producing a solution to this national tragedy during this Congress. We've let this scandal slip by us too long. Let's make sure that our Nation's young people get a fighting chance at getting jobs that don't abuse and exploit them.

CITY OF HOPE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SMITH of Florida. Mr. Speaker, the Phyllis Dropkin Chapter of the City of Hope will be holding its annual "Spirit of Life" Ball this year in honor of the memory of Larry Paskow. The event will take place in North Miami Beach, Saturday, April 11, 1987.

Mr. Paskow donated hundreds of thousands of dollars to further the research at the City of Hope especially in the area of nutrition. Consequently, the late Larry Paskow is responsible for providing significant help to his fellow man.

The City of Hope serves all America through medicine and science. Victims of cancer, leukemia, heart, blood and lung diseases, metabolic and hereditary disorders all have found advanced medical treatment at the City of Hope. Additionally, the City of Hope provides a warm and loving environment.

The Phyllis Dropkin Chapter of the City of Hope is a critical element of this fine organization. Its officers, including my mother, Myra Smith, who is vice president-treasurer, are to be commended for their outstanding community contribution. They also are to be applauded for recognizing the work of Mr. Larry Paskow.

LEGISLATION TO AMEND THE RURAL ELECTRIFICATION ACT OF 1936

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DE LA GARZA. Mr. Speaker, today, along with Hon. EDWARD R. MADIGAN, the ranking minority member of the Committee on Agriculture, and 60 other original cosponsors, I am introducing an extremely important legislative initiative to permit rural electric and telephone systems to use private capital to pay off, at 100 cents on the dollar, loans made by the Federal Financing Bank.

Last year, Congress included a provision in the Omnibus Budget Reconciliation Act (Public Law 99-509) to permit rural electric and telephone systems to prepay, without penalty, at least $2.0175 billion in Federal Financing Bank loans during fiscal year 1987.

This was an important first step toward enabling rural cooperative utilities to respond to the changed financial markets of the 1980's.

However, under current policies, no more than $2.0175 billion in debt will be refinanced, even though that figure was established in the Reconciliation Act as the minimum to be refinanced. The sum of $2.0175 billion represents only about 20 percent of the $10 billion in Federal Financing Bank loans to rural cooperative utilities bearing interest rates above private market rates.

The legislation we are introducing today builds on the prepayment provisions of the Reconciliation Act by specifically permitting all rural electric and telephone systems to prepay their Federal Financing Bank loans.

We are introducing this legislation in an effort to accomplish the following objectives:

To provide equity to REA borrowers. Refinancing of high interest rate loans has occurred at an unprecedented rate in all sectors of our economy, from homeowners to utilities. Special adjustments in loan payment terms also have been offered to foreign governments in connection with the foreign military sales program. However, the great bulk of REA borrowers from the Federal Financing Bank are unable to refinance their debt and pass the savings along to their customers. REA borrowers are paying interest at rates as high as 15.128 percent on Federal Financing Bank loans.

To allow rural cooperative utilities to keep pace with IOU's. During 1986, investor-owned electric utilities [IOU's] refinanced $10.9 billion of high interest rate loans. This has permitted these urban utilities to significantly reduce their costs.

To provide rate relief to rural electric customers. More than 75 percent of the Nation's rural electric systems have higher electric rates than their neighboring utilities. This is a gap that has widened considerably during the 1980's and reflects both the inherent disadvantages of serving more sparsely settled areas and the economic difficulties that have beset many of our rural areas during this decade.

To prevent a windfall to the Government at the expense of rural people. By restricting REA borrowers from paying off their Federal Financing Bank loans, the Government will be collecting interest from these systems and their consumers at rates substantially above its current cost.

To provide immediate Federal deficit reduction. By permitting REA borrowers to pay off Federal Financing Bank loans with private-sector capital, the Treasury will receive an immediate influx of cash. This will reduce fiscal year 1988 budget outlays by $8 billion. This replacement of Federal loans with private capital is entirely consistent with current privatization initiatives.

I would appreciate your support for this legislation which will provide much-needed relief to rural electric cooperatives, their rural customers, and all of rural America.

The text of this legislation is reprinted here for your information.

H.R. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306A of the Rural Electrification Act of 1936 (7 U.S.C. 936A) (as added by section 1011(a)) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509) is amended to read as follows:

"SEC. 306A. PREPAYMENT OF FEDERAL FINANCING BANK LOANS.

"(a) If, on the effective date of this section, a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower may prepay such loan (or any loan advance made thereunder) by paying the outstanding principal balance due on such loan (or advance) if—

"(1) private capital, with the existing loan guarantee, is used to replace the loan; and

"(2) the borrower certifies that any savings from such prepayment will be—

"(A) passed on to its customers; or

"(B) in a case of financial hardship, used to improve the financial strength of the borrower; or

"(C) used to avoid future rate increases.

"(b) No sums in addition to the payment of the outstanding principal balance of the loan (or advance) may be charged as the result of such prepayment against the borrower, the fund, or the Rural Electrification Administration.

"(c) Any guarantee of a loan prepaid under this section with private capital under repayment terms agreeable to the borrower shall be fully assignable and transferable without condition and shall remain available for the remainder of the term of the loan originally agreed to by the Administrator.".

(b) Not later than the effective date prescribed in subsection (c), the Secretary of Agriculture shall issue regulations to carry out the amendment made by subsection (a). In issuing such regulations, the Secretary shall—

(1) facilitate prepayment of loan advances;

(2) provide for full processing of each payment request within 30 days after its submission to the Rural Electrification Administration; and

(3) except as provided in section 306A of the Rural Electrification Act of 1936, impose no restriction that increases the cost to borrowers of obtaining private financing for prepayment under such section or inhibits the ability of such borrowers to enter into prepayment arrangements under such section.

(c) The amendment made by subsection (a) shall become effective October 1, 1987, or 30 days after the date of enactment of this Act, whichever is later: *Provided,* That a borrower of an outstanding loan made by the Federal Financing Bank and guaranteed by the Rural Electrification Administration under section 306 of the Rural Electrification Act of 1936, at the borrower's option, if such borrower and the Rural Electrification Administration have reached an agreement on prepayment of the loan under section 306A of such Act as in effect prior to the effective date of the amendment made by subsection (a), may prepay such loan under such agreement after such effective date.

TRIBUTE TO MATT SHELEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. HALL of Texas. Mr. Speaker, on March 10, Greenville, TX, lost one of its most selfless and generous citizens, Matt Sheley. For many years, Matt was the publisher of the Greenville Herald-Banner and in that position he was a voice of reason which helped Greenville and Hunt County make the transition from a rural, blackland farming community to the growing, dynamic community it is today. Matt Sheley's leadership will certainly be missed by his community, and, as my friend, I shall miss him greatly.

His colleagues on his newspaper captured his life and his devotion to his profession so well, and therefore I include the following article, which appeared in the March 10 edition of the Herald Banner.

EX-HERALD BANNER PUBLISHER DIES

Matt Sheley, publisher of the Herald Banner for 25 years before his retirement in 1981, died Monday afternoon at Citizens General Hospital. He was 70.

Funeral services will be at 2:30 p.m. Wednesday at Coker-Mathews Funeral Chapel. Other arrangements are pending with Coker-Mathews Funeral Home.

Sheley, who had undergone surgery for an aneurysm in December, had been working in his yard when he became ill early Monday afternoon.

Sheley began his journalism career as a youth, working for his father, owner of a small group of newspapers, first in production and as a carrier and later as a reporter and circulation and advertising salesman.

He attended Notre Dame where he received his business administration degree and the University of Missouri where he earned post graduate degrees in marketing and advertising.

He then went to work for the Chicago Tribune as a reporter. He later sold advertising for the Pantagraph in Bloomington, Ill. and then went to work for the Lincoln, Ill. Courier as general manager and later assistant publisher.

His career was interrupted by World War II in which he served in the reserves and for four years in the Army with tours in New Guinea, Australia and Europe. He was discharged after being seriously wounded in action in Europe. Following the war he returned to Illinois as a newspaper consultant.

Sheley joined Harte-Hanks in 1954 as general manager and editor of the Greenville Evening Banner. When the company purchased the Morning Herald in early 1957, he was named president and publisher, a position he would hold until his retirement in 1981.

Under his supervision, the newspaper became the first in Texas to make the switch from an afternoon to a morning publication.

Sheley's on-the-scene Kennedy assassination coverage along with then staff photographer Jerry Strader, now publisher of the McKinney Courier Gazette, earned the Herald Banner top honors from the Associated Press for news reporting.

It was one of numerous awards earned by the newspaper during Sheley's tenure.

Following his retirement, he served in a consulting capacity for Harte-Hanks and several other publications and also worked on Congressman Ralph Hall's successful campaigns for re-election.

"Matt had a rough exterior but he had a heart of gold. He was a long and dear and trusted friend of mine," said Hall from his Rockwall office Monday after learning of Sheley's death.

Sheley, along with Greenville businessman Al Lewenstein, is credited with helping establish the local YMCA. Said Lowenstein Monday, "He was a great helper in keeping Greenville growing and in bringing industry to town. Through the newspaper—and that's important—he was a staunch supporter of Greenville, Texas."

Bill Martin, publisher of the Herald Banner since late 1985, said, "Matt Sheley exemplified as a newspaper publisher what most of us who want to publish good newspapers aspire to. He was not concerned about popularity, only about publishing the news that affected his readers. He did not ask that people agree with his views, only that they consider them. He was a good friend and good mentor."

Sheley was born Oct. 11, 1916, in Phoenix, Ariz., the son of L.B. and Ellen Florence Sheley. He married Helen Sanders on Nov. 22, 1969, in Dallas. He was a Baptist.

Surviving are his wife of Greenville; a son Jeffrey Hart Sheley of Austin; a daughter, Dionne Green of Austin; a brother, John Sheley of Pinckneyville, Ill.; a sister, Evelyn Shriver of Bettendorf, Iowa, and four grandchildren.

Since coming to Greenville in 1954, Sheley has served on a number of boards and organizations. He was a former member of the Greenville Board of Development, the Chamber of Commerce, and United Way. He was also an active member of the Rotary Club. He and Mrs. Sheley were active financial supporters of the Greenville Entertainment Series and Symphony Series and were on the board of directors.

Mr. Speaker, I move that when we adjourn here today, we do so in the memory of Matt Sheley, and with our expression of love and sympathy to his lovely wife, Helen Sheley.

IMPROVEMENTS IN THE INTERNATIONAL TRADE STRUCTURE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SHUMWAY. Mr. Speaker, this year marks the beginning of the eighth round of multilateral trade talks to be conducted under the auspices of the GATT since its creation in 1947.

The member nations have agreed to an ambitious agenda designed to address the inadequacies of the existing GATT system, including lengthy and ineffective dispute settlement procedures, as well as expanding the GATT structure to encompass important new areas. One notorious dispute between the United States and the European Community involving citrus and pasta continued for 16 years despite mediation under the auspices of GATT.

These trade negotiations represent a unique opportunity to discuss with some of our major trading partners the problems which impede free trade and economic prosperity, including subsidies, tariffs, and nontariff barriers. It is essential that the GATT mandate be expanded to provide an effective international framework for enhancing agricultural trade, direct foreign investment, the service industry, the protection of intellectual property rights, and the GATT dispute settlement procedures.

These trade negotiations are greatly needed to counter the protectionist trend which has grown in response to the 1982 world recession. As a result of the last round of GATT negotiations, the Tokyo round, the United States received agricultural trade concessions totaling millions of dollars when phased in. Yet according to the Department of Agriculture, agricultural trade problems have grown because of the broad exceptions to the GATT rules which have been extended to agriculture over the years.

Agriculture is one sector of the world economy which is particularly fraught with trade distortions. Existing protectionism in agriculture has contributed to surplus production, low world commodity prices, and international price instability. International rules designed to eliminate agricultural export subsidies and to remove barriers to agricultural markets in both developed and developing countries are essential to the future of our agricultural sector.

Another sector of the world economy in need of trade relief is the maritime service industry, and the service sector in general. Because service industries are not presently within the scope of the GATT process they have never been addressed through these negotiations. There are numerous examples whereby foreign shipping nations have erected unfair barriers as a means of protecting and bolstering their merchant marine. As a result, U.S. shipping interests simply have no opportunity to compete fairly for a share of the world market for cargo transportation. By expanding the scope of the GATT negotiations we will have an opportunity to address these problems which have in many ways, to date, gone uncontested.

Today I join with several of my colleagues in introducing a resolution which sends a clear signal to our trading partners of the importance we place on these trade negotiations and the urgent need for concrete improvements in the international trade structure.

A JOINT RESOLUTION TO ESTABLISH A MEMORIAL HONORING WORLD WAR II-ERA PHILIPPINE SCOUTS AND FILIPINO VETERANS OF THE UNITED STATES ARMY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. PANETTA. Mr. Speaker, I rise today to introduce a joint resolution which would pay tribute to the World War II-era Philippine Scouts and Filipino veterans of the United States Army. These dedicated individuals demonstrated courage and resolve in support of the Allied war effort and they deserve our gratitude and recognition.

Events over the past year in the Philippines have reminded us of the courageous nature of the Philippine people. But they have demonstrated this characteristic before in their efforts during World War II as they assisted in the protection of the Philippines and in the defense of freedom.

Mr. Speaker, it has now been more than 40 years since the Second World War led to the invasion of the Philippines by Japan. And yet the intervening years have not dimmed the memories of those who fought in World War II.

The joint resolution I am introducing today would authorize the establishment of a memorial to the World War II-era Philippine Scouts and Filipino veterans in the Washington, DC, area. Specifically, this joint resolution would authorize the Philippine Scouts and U.S. Veterans' Association of America—an organization based in my district—to establish a memorial which would recognize and honor the contribution of the Philippine Scouts and Filipino veterans in World War II. The responsibility for raising the necessary funds for the establishment of this memorial would be solely left to the Philippine Scouts Association named in the resolution. No Federal dollars would be used to establish this memorial.

I introduce this resolution in order to provide a meaningful demonstration of our deep gratitude for the faithful and gallant service of the people of the Philippines and the Filipino-Americans who took part in the Allied war effort on behalf of the United States. I urge my colleagues to join me in this effort by cosponsoring this joint resolution.

H.J. RES. 243

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The Philippine Scouts and U.S. Veterans' Association of America is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the Philippine Scouts and to honor Filipino veterans who served in the United States Army during World War II.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the memorial.

TRIBUTE TO GARTH GARDNER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TORRES. Mr. Speaker, I rise today to bring the distinguished career of Mr. Garth Gardner to the attention of my colleagues in the House of Representatives. Later this month, Mr. Gardner will be finishing his term as president of the California Contract Cities Association. In this capacity, he has dedicated himself to representing the needs and interests of contract cities throughout the State of California.

Currently, Garth is the mayor pro tem of Pico Rivera, CA. He was first elected to the Pico Rivera City Council in April of 1972. He was reelected in March of 1976, April of 1980, and April of 1984. He served as mayor in 1974, 1977, and 1982.

In addition, to his city council responsibilities, Garth is a member of the Pico Rivera Redevelopment Agency Board of Directors. He also serves on the board of directors for the Pico Rivera Housing Assistance Agency, the Southeast Area Animal Control Authority and the 48th Agriculture District.

From 1959–72 Garth was a member of the city planning commission. In 1971, Garth served as the President of the American Right-of-Way Association. He is also the past president of the Southern California Planning Congress and the Pico Rivera Optimist Club. In 1977, he was appointed as a State of California Inheritance Tax Referee.

Garth holds a B.S. degree in business administration. He is also a veteran of World War II, where he served in the Air Force. He has been a California resident since 1946. He and his lovely wife Mary share three children.

From all of Garth's accomplishments it becomes clear that he has committed himself to the betterment of the southern California community. All of us who have had the opportunity to work with Garth would certainly agree that he is a competent and charismatic leader.

THE TELECOMMUNICATIONS POLICY ACT OF 1987

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TAUKE. Mr. Speaker, today I am pleased to join with my colleagues Congressmen SWIFT, NIELSON of Utah, SLATTERY, LOTT and MATSUI in introducing the Telecommunications Policy Act of 1987. This bill is essentially the same measure we authored in the 99th Congress; it allows the regional Bell operating companies to provide information services and to manufacture telecommunications equipment in the United States.

There have been some important changes in the policy environment since I first introduced this bill with these same original cosponsors in the last Congress—most notably, the Department of Justice's motion filed on February 2, 1987, with U.S. District Judge Harold Greene which would lift many of the restrictions placed on the Bell operating companies.

This legislation is not a response to or a reaction to the Justice Department's filing. Instead, it is our proposal for important changes in our Nation's telecommunications policies. And those policies should be changed.

American consumers, workers, and the U.S. economy have all paid a heavy price because of the restrictions on information services and manufacturing. The restrictions have denied consumers the benefits of new services and innovative technology; these restrictions have cost American workers jobs and opened the door to a flood of foreign imports—causing the U.S. telecommunications trade balance to shift from a surplus in 1982 to nearly a $2 billion deficit in 1986. These restrictions have limited 50 percent of the U.S. telecommunications asset base from becoming full-fledged participants in the burgeoning world high-technology economy, and this harm will continue so long as these domestic barriers to competition remain in place.

It is true that the restrictions on manufacturing have been modified by the court, but still the only way the Bell companies can manufacture is if they take the jobs, investments, and R&D offshore.

It is ironic that at the time many in this body lament America's lack of competitiveness in the world economy, our own Government policies prevent seven of our major domestic companies from becoming better world competitors. A policy like that sends a strong message to the rest of the world: We're trading patsies not trading partners.

Well, Mr. Speaker, this bill changes this policy and sends a new message to our trading partners, to consumers, and to the entire telecommunications industry.

To our trading partners, the message is: This Congress is intent on eliminating policies that hobble domestic companies and limit the ability of all American firms from becoming aggressive world competitors.

To consumers, the message is: This Congress will set policies that will offer them the benefits of competition, new services, and technological advancements, while ensuring that appropriate safeguards are in place to protect customers from anticompetitive abuse.

To competitors, the message is: This Congress will structure rules that allow competition to flourish and competitors a fair chance to compete. We aren't interested in unfairly sheltering certain firms from the winds of competition and protecting their privileged position by Government fiat. This country was built on the principle that competition strengthens our Nation and benefits our consumers. We intend to continue that tradition.

The one major change in this bill compared to H.R. 3800, introduced in the last Congress, is the inclusion of "ratepayer protection" language, which my colleague from Washington, [Mr. SWIFT], and I developed last year.

This section of the bill directs the FCC to develop rules that ensure that American ratepayers do not subsidize the Bell companies' entry into these new competitive ventures and also guarantee that competitors are treated fairly. We have worked many long hours in consultation with regulators, industry experts, accounting professionals, and our colleagues in the Congress to develop this section of the bill. It represents a rational and effective policy for protecting ratepayers and competitors.

We do not intend to move this legislation in the House until the outcome of the current court proceeding is known. We also do not plan to seek additional cosponsors to this bill until it is more clear whether a legislative solution to the decree restrictions is needed. However, if the judge acts in a manner that is inconsistent with the fundamental policy views incorporated in this measure, we will move aggressively in the legislative arena to implement policy lifting some of the line-of-business restrictions.

The telecommunications industry is evolving from a regulated monopoly, where services are offered by a limited number of firms in only the United States, to a competitive industry, where services are offered by many firms on a worldwide basis. The Telecommunications Policy Act of 1987 represents an important next step in this evolutionary process, and I hope my colleagues will support our efforts.

NATIONAL HERITAGE RESOURCE ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DOWNEY of New York. Mr. Speaker, I am introducing legislation today that is designed to substantially enhance the ability of museums and public libraries to acquire major collections of original works by artists, writers, and composers. The National Heritage Resource Act guarantees that America's cultural heritage will remain in this country and will always be available to the public in our museums, libraries, and archives.

The National Heritage Resource Act would remedy a present inequity in the tax law, the result of a 1969 change which specifically denied living authors, poets, musicians, scientists, and other artists a tax deduction for the fair market value of any works they personally donate to a museum, library, or archive. Although the alternate minimum tax treats donations of these works by their owners as preference items, the regular income tax continues to allow these owners to receive a tax deduction at the fair market value of works that they donate.

Since the 1969 change, artists no longer have an incentive to donate their works to public institutions. As a result, gifts by artists to museums and libraries have virtually ceased.

According to Daniel Boorstin, Librarian of Congress, prior to the enactment of the 1969 Tax Reform Act, the Manuscript Division of the Library of Congress was receiving collections totaling nearly 200,000 manuscripts each year. Since 1969, the Library has received only one major gift of self-created material by a living literary figure.

The Library's Music Division has experienced a similar decline in donations. Some 1,200 manuscripts had been donated to the Division's collection between 1963 and 1970, but in recent years only 30 have been received. A group of 35 well-known composers—including Samuel Barber, Aaron Copland, Walter Piston, and Igor Stravinsky—stopped making gifts to the Library following the tax change. In particular, the Stravinsky papers, which were originally to be given to the Library the month the Tax Reform Act was signed into law, were sold to a private foundation in Switzerland.

University libraries from all regions of our country can also trace a decline in donations to this change in the tax structure. The lengthy list includes the University of California at Berkeley, University of Connecticut, University of Florida, Northwestern University, Purdue University, Iowa State University, University of Kansas, Harvard University, University of Minnesota, Washington University, Princeton University, Temple University, University of Texas, University of Utah, and University of Virginia.

Examples in my home State are numerous. New York University has experienced a decrease of from 80 to 90 percent of donations by artists or authors since 1969, while the New York State Library also estimates an 80-percent reduction in gifts of manuscripts. Furthermore, the Museum of Modern Art reported that it received donations of 52 works of art from the creators between 1967 and 1969, but since 1972, only 13 were donated.

In response to this national decline of donations to our museums and libraries, a 1981 Presidential Task Force on the Arts and Humanities specifically recommended that the 1969 amendment to the Tax Code governing charitable gifts of creative works by artists, writers, and composers be amended. According to the task force, the immediate benefits of this change would be: First, the museums and libraries would be able to acquire important works directly from the creators of the works without cost; second, artists, authors and composers would be able to choose the institutions which they believe would benefit the most from their gift; and third, the public would benefit by having the works of living artists and writers available to them in public institutions. The legislation I am introducing is designed to make these benefits a reality.

Stipulations in my bill, limiting what may or may not be claimed as a deduction, are specific enough to prevent its abuse by donors. For example, the bill requires that the property for which deductions are taken must be in existence for 1 year prior to its donation in order to prevent property quickly produced and donated at tax time. Moreover, donors are required to have a written appraisal of the fair market value for their gift and to include the appraisal with their tax return. Also, the donated property must directly relate to the primary purpose of the institutions. Finally, public officials may not take a deduction for donations of their papers if they were produced while the officials were officers or employees of the United States or of any State, or if the papers were created out of the performances of any duties as officers or employees of the Government.

Mr. Speaker, the cost of the legislation to the U.S. Treasury would be approximately $5 to $15 million. For this comparatively small amount, we can end the 17-year drought in acquisitions the Nation's great institutions have suffered and demonstrate that the Nation's cultural heritage is important to us.

In view of the catastrophic effect that inflation and shrinking tax dollars have had on libraries and museums in recent years, this legislation to reinstate the tax incentive for the donation of materials by their creators to the Nation's public institutions is timely. Its enactment would not only help remedy the present tax inequity between the creators and owners of donated works but, more importantly, would enrich our Nation's cultural resources. In the words of Dr. Boorstin:

> We thrive on our heritage. Positive action by Congress to restore the tax incentive for gifts of self-generated artistic and literary works will remind us that we all have a share in this heritage and we are nourished by it. To garner works of artists, musicians, and authors by enacting legislation will help preserve a precious part of us.

Your support today for the National Heritage Resource Act will help ensure that our past will always have a place in the future.

In order to provide the widest possible opportunity for my colleagues to review this bill, I insert it here:

H.R. 2050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, music, artistic or scholarly composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 465(b)(3)(C)) which is made within 1 year of the date of such contribution,

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal, and

"(III) the appraisal takes into account but is not limited to the factors described in clause (vi),

"(iii) the donee is an organization described in subparagraph (A) of subsection (b)(1),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent to which property created by the personal efforts of the taxpayer is or has been—

"(I) owned, maintained, and displayed by organizations described in subparagraph (A) of subsection (b)(1), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (within the meaning of section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION.—The aggregate amount of qualified artistic charitable contributions allowable to any taxpayer as a deduction under subsection (a) for any taxable year shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year.

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income with respect to the type of property described in subparagraph (B) that is created by the taxpayer, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to such property or to similar property created by individuals other than the taxpayer.

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee."

SEC. 2. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.

Paragraph (1) of section 56(b) of the Internal Revenue Code of 1986 (relating to adjustments applicable to individuals) is amended by adding at the end thereof the following new subparagraph:

"(F) DEDUCTION FOR CHARITABLE CONTRIBUTION OF ART, ETC. CREATED BY TAXPAYER NOT ALLOWED.—In determining the amount allowable as a deduction under section 170, subsection (e)(6) shall not apply."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to contributions made after December 31, 1986, in taxable years ending after such date.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. CHAPPELL. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. More than 300,000 secondary school students across the country are participating this year. They are competing for seven national scholarships which are awarded as top prizes in the 40th year of the contest. I would like to commend the VFW for its sponsorship. This is a splendid way to encourage young Americans to express their love of country and devotion to its ideals.

I am submitting for the RECORD the winning script from the State of Florida. I note with special pride that the winner, Maresi Ann

Berry, age 17, of DeLand, resides in my district and attends DeLand Senior High School. I urge my colleagues to read her script.

THE CHALLENGE OF AMERICAN CITIZENSHIP

American citizenship is an honor. Like all great honors, it carries with it great responsibility and high ideals. In this responsibility and these ideals lies the challenge of American citizenship.

Our forefathers fought and died to instill glory in the American nation. We would betray their sacrifices if we allowed this bastion of freedom to crumble. In a mere 200 years, America has developed from thirteen struggling colonies to a nation of fifty states, a nation to whom the world looks for guidance. This climb to strength was begun by those who first dared call themselves: American citizens. The generations following have each in turn held the torch of freedom and raised it to greater heights. American citizenship has changed from an item of ridicule to an honor for which people risk their lives. The challenge to the present and future generations is to continue on this path, ever vigilant that those who died, died not in vain.

Citizen of a world power, each American is a most influential voice in the cry for freedom. Each citizen has the opportunity to make the world a better place to live. Each of us are challenged to take our skills and employ them, not only for our own advancement, but also for our country, that it may nurture future generations to live in freedom.

American citizenship is a symbol of freedom, opportunity, and friendship. An American fits no stereotype of race or color, but always strives to better the nation his forefathers have adopted, a place he can rightly call the greatest nation on earth.

No King of America has ever reigned, nor will there ever be one so long as the American citizen is steadfast in his belief. Belief in a system of government where each man is important, each voice is heard: this is the system the American citizen must strive to protect. Our forefathers have left us a government which grows with our nation, as each generation benefits from the wisdom of the one before. Each generation in turn leaves its knowledge for the future.

The challenge of American citizenship is to build. Not to stagnate in the glory of our forefathers, but to embrace the world. Those who have gone before built a nation from the virgin forest, developed a system of government by the people, for the people, and defended that nation at all costs. Yet they also opened their arms to those who would come and help build this great nation. As sons and daughters of builders, we must continue to toil. We must uphold the ideals fought and died for in the past two centuries. The challenge of American citizenship is to construct, in a war torn world; we must construct an even higher testimonial to the might of the American nation.

JUSTICE FOR FRED PAUL

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. LOWRY of Washington. Mr. Speaker, today I introduced a private bill which would overturn the inequitable award given to Mr. Frederick Paul of Seattle, WA, for services rendered from 1966 to 1971 to the Inupiat Natives of Alaska's North Slope and other Alaskan Natives. Mr. Paul represented the Alaskan Natives in their attempt to gain Federal recognition of their aboriginal claims to the North Slope of Alaska. The Alaskan Natives turned to Mr. Paul because he was an Alaskan Native and also possessed vast historical knowledge of their aboriginal claims. Mr. Paul's efforts helped lead to the passage of the Alaska Native Claims Settlement Act of 1971 [ANCSA] which gave Alaska Natives title to 44 million acres of land in Alaska and also provided a monetary award of nearly $1 billion.

My bill would provide an undetermined amount "in full settlement of Mr. Paul's claim arising from the performance of legal services on behalf of Arctic Slope Eskimos and other Natives of Alaska in connection with the enactment of the Alaska Native Claims Settlement Act of 1971." Another bill that I have introduced would refer the payment bill to the U.S. Claims Court for review and a recommendation to Congress on the amount of compensation for Mr. Paul.

I have also introduced a third private bill which would relieve Mr. Paul and his wife, Aileen, of all Federal income tax liability, including interest and penalties, for sums awarded to Mr. Paul for the aforementioned legal services. A similar bill was introduced during the last two Congresses; the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations is still awaiting the IRS report on it. While I believe that Mr. Paul should be relieved of this tax liability because his fees were exempt by law, I am now focusing my effort on the congressional reference bills concerning the more basic issue of the fairness of Mr. Paul's award.

For more than 6 years of legal services to the Alaskan Natives, Mr. Paul received a $275,095 award from a $1.9 million fund which was established by section 20 of the ANCSA. This $1.9 million was the total amount provided to compensate all the attorneys who performed legal services directly connected to the adoption of the act. Mr. Paul's award was a small percentage of what he would have received had his original contract with the Alaskan Natives not been voided by section 22(a) of the ANCSA. This contract had been approved after an extensive, 17-month review by the Area Director of the Bureau of Indian Affairs acting on behalf of the Secretary of the Interior.

I do not believe that the $275,095 award given to Mr. Paul was fair compensation for the nearly 7,000 hours of dedicated and pioneering work he put into representing the Alaskan Natives. Moreover, activities such as State lobbying, negotiating with oil company representatives, and other services in which Mr. Paul participated—and which clearly related to the passage of the ANCSA—were arbitrarily excluded from compensation by section 20 of the ANCSA. The contractual violation that Mr. Paul suffered as a result of section 20 of the ANCSA seems particularly amenable to judicial review and assessment. I urge my colleagues to support me in righting this wrong.

A SALUTE TO WILT CHAMBERLAIN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to salute one of America's finest athletes, Wilt "The Stilt" Chamberlain.

Wilt Chamberlain is the only player in National Basketball Association history to have scored 100 points in one game. But in addition to that amazing feat, Chamberlain was a consistently outstanding player throughout his NBA career, averaging 50.4 points per game. No other player comes close.

Mr. Speaker, on this 25th anniversary of Wilt Chamberlain's 100-point game I would like to submit for the RECORD two articles from USA Today and one from the Los Angeles Times which detail the career of this superior athlete and American.

INDOMITABLE WILT CAUGHT KNICKS WITH GUARD DOWN

(By Tom Weir)

The player who got blamed for allowing Wilt Chamberlain's 100-point game was New York Knicks center Darrall Imhoff, but Chamberlain says that is unfair.

"Darrall Imhoff gets the brunt of it for letting me score 100 points but everyone was guarding me," Chamberlain said. "They made a big deal about Bill Russell vs. Wilt Chamberlain, but Russell never guarded me alone, either."

Imhoff said there were factors that helped Chamberlain, but said he isn't trying to detract from the performance.

"The baskets were very loose hoops, very soft. They were what we call 'garbage' hoops," said Imhoff, meaning that missed shots tended to bounce up near the basket rather than ricochet away.

That, Imhoff said, is why Chamberlain, only a .511 career free-throw shooter, was able to sink 28 of his 32 underhand-style free throws.

"If anyone could do it, it was Wilt. He was as strong as two men," Imhoff said. "But he was not a mean player.

"There were times when he could have gone in for a jam and taken another player's arm with him, but Wilt never did that. He was a friendly giant."

Imhoff wasn't the only player to get burned by Chamberlain, who during that 1961-62 season averaged 48½ minutes a game. Chamberlain never fouled out in 14 years and is the only center to lead the NBA in assists. In 1967, he made 35 consecutive field goals in a four-game span. And in 1972-73, he had a .727 field-goal percentage for the season.

He had an NBA-record 55 rebounds in a 1960 game, against Boston's Russell. He also had a playoff-record 41-rebound game in 1967, again against Russell.

Imhoff started at center in the 100-point game only because Phil Jordan was out with the flue. Imhoff played only 20 minutes and fouled out. His backup, Cleveland Buckner, stood 6-8, but weighed only 190 pounds and was no defensive match for the 7-foot, 275-pound Chamberlain.

Early in the game, Imhoff complained to the referees he was unfairly being called for blocking fouls.

"I said, 'Why don't you just give him 100 points and we'll go home,'" Imhoff said. "I didn't realize I was a prophet."

Chamberlain's 100-point night led to one of the biggest cheers of Imhoff's pro career.

"The next night we played Philadelphia again in New York and Wilt tried to score another 100," Imhoff said. "I came out with a little time left and got a standing ovation because he only scored 54."

WILT'S 100–POINT GAME

	min	fg m-a	ft m-a	rb	a	pf	tp
New York (147):							
Naulls	43	9–22	13–15	7	2	5	31
Green	21	3–7	0–0	7	1	5	6
Imhoff	20	3–7	1–1	6	0	6	7
Guerin	46	13–29	13–17	8	6	5	39
Butler	32	4–13	0–0	7	3	1	8
Buckner	33	16–26	1–1	8	0	4	33
Budd	27	6–8	1–1	10	1	1	13
Butcher	18	3–6	4–6	3	4	5	10
Total	240	57–118	33–41	60	17	32	147
Philadelphia (169):							
Arizin	31	7–18	2–2	5	4	0	16
Meschery	40	7–12	2–2	7	3	4	16
Chamberlain	48	36–63	28–32	25	2	2	100
Rodgers	48	1–4	9–12	7	20	5	11
Attles	34	8–8	1–1	5	6	4	17
Conin	14	0–4	0–0	4	1	1	0
Ruklick	8	0–1	0–2	2	1	2	0
Luckenbill	3	0–0	0–0	1	0	2	0
Larese	14	4–5	1–1	1	2	5	9
Total	240	63–115	43–52	60	39	25	169

New York	26	42	38	41	147
Philadelphia	42	37	46	44	169

A: 4,124. Officials: Willie Smith, Pete D'Ambrosio.

WILT BY PERIOD

	min	fg m-a	ft m-a	rb	a	pf	tp
First	12	7–14	9–9	10	0	0	23
Second	12	7–12	4–5	4	1	1	18
Third	12	10–16	8–8	6	1	0	28
Fourth	12	12–21	7–10	5	0	1	31
Total	48	36–63	28–32	25	2	2	100

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25 YEARS AGO, LEGEND STOOD TALLEST

(By Tom Weir)

On March 2, 1962, 25 years ago today, Wilt Chamberlain scored 100 points in a basketball game that has become as misunderstood as its central character.

It was played at Hershey, Pa., not Madison Square Garden in New York, as is widely believed. The 100th point came on a pass from Joe Ruklick, not Paul Arizin, who is wrongly credited with the assist in the NBA Guide. Chamberlain's Philadelphia Warriors easily defeated the New York Knickerbockers 169–147, contrary to the popular misconception that Wilt the Stilt went home a loser despite scoring 100 points.

"I've had lots of people tell me that," Chamberlain said. "That's because of the mysticism of Wilt Chamberlain. They branded me a loser."

Despite his overwhelming scoring, Chamberlain's presence on only two NBA championship teams left him in the shadow of archrival Bill Russell, who played on 11 with Boston.

"Sometimes you can be a little bigger than life," said Chamberlain, 50. "When people don't understand you, they fear you."

Chamberlain had no lack of incomprehensible, terrorizing numbers. Of the 94 highest-scoring regular season NBA games, he accounts for 61.

All the principals of that 100-point game agree there was one negative aspect to what was the most dominant individual performance in the history of professional basketball. By scoring 100 points in a game, Chamberlain dwarfed the greatest accomplishment of his career—averaging 50.4 points a game the same reason. No one else has topped 35.6.

"I agree with that. I didn't know the rest of the guys felt that way too," Chamberlain said. "It's a great feat, but what I did was merely double my average. Lots of guys have a night where they double their average, and no one gets excited."

For most of the game, Chamberlain was unaware he was on the doorstep of sports history. But his teammates realized early in the day that their Big Dipper was brilliant.

In a pinochle game, "He was getting fantastic cards," said teammate Guy Rodgers, who later that night fed most of his 20 assists to Chamberlain. After cards, Chamberlain led teammates to a penny arcade, where he broke the shooting gallery's record score.

"Wilt didn't miss a shot at the shooting gallery. He was on all day. The man was just hot," Rodgers said. But the real gunning hadn't started.

The game made Warriors coach Frank McGuire seem clairvoyant. After a Dec. 8, 1961, game in which Chamberlain scored 78 points and Los Angeles' Elgin Baylor had 63 in triple overtime, McGuire said, "It won't be long before you hear Wilt scored 100."

"I did say that, but I didn't really mean it," said McGuire, who was as astonished as anyone by the 100-point night.

"I didn't have any idea he had a chance for 100 until someone on the bench said, 'You know, Coach, Chamberlain has 86 or 88.' I couldn't believe it. I was so used to seeing him score, I had no idea."

Announcer Dave Zinkoff started announcing Chamberlain's running point total, and soon the crowd was chanting "We want a hundred."

"My first thought was that they must be really crazy," Chamberlain said.

Zinkoff's announcements also alerted the Knicks.

"Those last three or four minutes were incredibly frantic," Warrior Tom Meschery said. "The Knicks were running around like chickens with their heads cut off, trying to foul anyone but Wilt. We started inbounding the ball straight to Wilt in the forecourt."

No one talked about the 100 points. "It was an unspoken thing," Meschery said.

Later, Chamberlain learned of the opposition's other strategy when he drove to New York afterward with Knicks Willie Naulls and Cleveland Buckner.

"Willie Naulls said the coach (Eddie Donovan) said, 'We're going to hold the ball 23 seconds before we shoot it.'"

Even so, with 1:27 left, Chamberlain had reached 98 points. He stole an inbounds pass but missed on his first try for 100. New York rebounded, Richie Guerin was quickly fouled, and after his free throws 1:01 was left. Rodgers got the ball back to Chamberlain, but he missed again. Philadelphia's Ted Luckenbill rebounded and passed to Chamberlain, who missed again. Luckenbill rebounded and passed to Ruklick, who passed to Chamberlain.

This time, on what Chamberlain called "an ordinary shot from 5 or 6 feet," the extraordinary was completed.

"All I remember was the ball going through the basket," McGuire said. "As it happened the place exploded. I remember some kids jumped on him, little guys, and he carried about four of them upcourt with him. It was the funniest sight I ever saw."

Had his teammates not been so acutely aware of the 100-point potential, Chamberlain said, he never would have reached the century mark.

"The 100 points really belongs to them, and I don't want people to think I'm just being gracious," he said. "They knew something I didn't. They felt like this was a historic occasion that might never happen again. They made me do it."

Al Attles, later the Warriors' coach, was eight for eight from the field and one for one from the free-throw line. He fondly recalls it as "the night me and Wilt scored 117."

Chamberlain gave Attles the game ball but never passes up a chance to joke that, "If you don't have anybody guarding you, you ought to go eight for eight."

Rodgers said, "The thing that was so great about it was that Wilt shared it as though it was our achievement. He was really gracious with it. A lot of people don't know the real Wilt Chamberlain. We grew up together (in Philadelphia). He was a really sharing man and still is."

McGuire's only problem with Chamberlain was he didn't like posing for pictures with his 7-foot star, "because I didn't want to look like a peewee." He always walked behind Chamberlain so he could watch bystanders' reactions.

McGuire coached against Chamberlain in another legendary game, when his North Carolina team beat Chamberlain's Kansas squad 54–53 in the triple-overtime NCAA championship game of 1957.

"Wilt was why I left North Carolina," McGuire said. "I wanted another challenge, so I wanted to coach Chamberlain because they said he was uncoachable. He never deserved his image. He was the best problem I ever had."

These days, Chamberlain doesn't go to bed at his Bel Air, Calif., home until 4 or 5 a.m. but is always up by 9 a.m.

He's a lifelong bachelor who turned 50 last August.

"Don't tell too many people that," he said. "I'm still a single man looking for a wife."

His favorite projects are the Special Olympics and the track and volleyball teams he sponsors. He is helping back a drag racing team and hopes to drive in competition.

He may try out for the 1988 USA Olympic volleyball team but isn't sure he wants to go back to the athletic grind.

"I appreciate my comforts in life and I've earned them. Regimentation is very boring," he said. "But I still have a lot of dreams. I'm still a dreamer."

At the Bel Air Market, he pushes his own shopping cart and signs autographs even though he thinks they're silly.

"The thing I try to do as a 'celebrity type' is allow these people to know I'm no different than they are," he said.

Still a dreamer indeed.

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100 ASTONISHING POINTS—25 YEARS AGO TODAY, WILT CHAMBERLAIN MADE NBA HISTORY

(By Scott Ostler)

Twenty five years ago this afternoon, Wilt (the Stilt) Chamberlain, a man riding a hot streak, sat alone on the back seat of the Philadelphia Warriors' charter bus as it pulled off the Pennsylvania Turnpike and into downtown Hershey, Pa.

Wilt always took the back seat, the better to stretch his legs in the aisle, and the better to either retreat into his private thoughts or take command of the bus in his booming baritone voice.

The Warriors had come to Hershey, as they did about once a month, for a regular-season game, this one against the New York Knicks. The NBA was a league struggling for financial survival and artistic acceptance, and found it necessary on occasion to bring its product to the hinterlands.

Hershey was a chocolate town first, home of Hershey bars, and a hockey town second, home of the Hershey Bears. But before that night was over, Wilt Chamberlain would stamp Hershey on the basketball map in bold letters.

The bus rolled along Chocolate Avenue, lined with street lamps that are replicas of Hershey's kisses, half of them chocolate colored, half of them foil wrap colored.

Even though the bus windows were shut tight against the freezing wind, the players could smell the chocolate from the huge Hershey factory.

As the locals like to brag, "We're healthy because we breathe chocolate."

Wilt had played cards on the two-hour ride down from Philadelphia, cleaning out several teammates. Usually Wilt was an easy mark for the team's card sharks, but as mentioned, the man was on a roll.

Some of the players had napped on the trip, but Wilt never slept on a bus, or on a plane or train. His sleeping patterns, like almost everything else about him, were unusual. The previous night, for instance, Chamberlain hadn't slept at all.

Wilt lived in New York, in an apartment overlooking Central Park, and commuted to work in Philadelphia. Thursday night he'd had a date. They went to Wilt's nightclub in Harlem. The club closed at 4 a.m., and since Wilt rarely ever got to sleep before sunrise, and since he had to catch an early train to Philadelphia, and since he had companionship, he hadn't bothered to sleep.

A friend had picked him up at the station in Philadelphia. They'd had lunch, and Chamberlain had caught the team bus at 2 p.m. Two hours later, the Warriors rolled into Hershey.

The bus drove past the Cocoa Inn, the town's best hotel. Even though the game was four hours away, Warrior management wouldn't dream of springing for hotel rooms so the players could stretch out and relax for a couple of hours. The NBA of 1962 was very much a no-frills operation.

"I had no assistant coach, and no trainer, and I made all the team's travel arrangements," says Frank McGuire, the Warriors' coach that season. "When we traveled, sometimes we'd borrow the other team's trainer. One night we got to Syracuse and we needed one roll of adhesive tape, and they wouldn't give us one, I swear.

"That's the kind of league it was—Wilt got $100,000 and we didn't have adhesive tape."

Not that McGuire or any of the Warrior players resented Wilt's gigantic salary. On the contrary, Chamberlain was perhaps the most popular player on the tightly knit team.

He was also a national phenomenon—had been since high school—a basketball god playing against mere mortals. Now, in his third NBA season, at age 25, he was outdoing himself. He was averaging 50 points a game.

Wilt bristled when critics said that he scored simply because he was tall, 7-foot 1-inch and a fraction. There were other seven-footers, and none of them scored 50 a night. Or a week.

"Wilt was a little self-conscious about his height," says Tom Meschery, the Warrier power forward. "Syracuse had a guy named Swede Halbrook, another seven-footer. Wilt and Swede would pair up on the post. One of them would duck down in order to appear shorter, then the other would duck down so he wouldn't tower over the other, and then the first guy would duck more, I always pictured them doing that until eventually they would both be kneeling."

The 50 points a game weren't really Wilt's fault. McGuire had taken over as coach that season and had redesigned the offense around Chamberlain.

"They missed the playoffs the year before (with Wilt scoring 34.7 a game)," McGuire says. "I figured for us to come close, Chamberlain had to score. That was our offense."

And it worked, the team was winning, but Wilt was a little uneasy about the way the points were piling up.

"It was toward the end of the season and I remember thinking a lot of times, 'Hey Wilt, what do you do for an encore after a 50-point average?'" Chamberlain says. "So I was thinking, 'I better try to cut this thing back a little bit, this 50-point average. Pass a little more, do something. Because next year they're gonna be asking for 60 points a game.' "

"Do you know what it is to go out on the floor and think, 'Well, I got to score 50 points tonight'? The fans are coming out to watch me score 50 points, and not only that, we need that to win, y'understand?"

"So I kept saying toward the middle of February, 'Man, I got to cut this thing down, because it's just getting out of hand.' I never felt that way in high school. I was averaging 50 there, playing maybe half of every game, and I loved it. But in the pros it started to build a lot of pressure on me that I didn't particularly like."

It hadn't helped that Wilt had scored an NBA-record 78 points three months before—against the Lakers, in triple overtime—and 73 two months before.

"That's nothing," McGuire told the press after the 78-pointer. "He'll score 100 some night."

But there was no particular reason to think that March 2, in Hershey, might be the night. The Knicks weren't a strong team. In fact, they had the third-worst record in the league, but Knick Coach Eddie Donovan was determined not to be embarrassed by Wilt the Stilt. Donovan had been quoted that week as saying that instead of trying to out-muscle the strongest player in the league, the Knicks would employ small, fast guys and run Wilt to death.

The Warrior players were incredulous. Warrior forward Paul Arizin, a very quiet veteran who rarely commented on anything, laughed out loud.

"Doesn't Donovan know Wilt can run faster and longer than anyone in the league?" Arizin said.

Wilt just smiled.

"Guy (Rodgers, Warrior guard) and me just loved to run," Wilt says. "I mean, running was a way of life for us. The only time I got a chance to dunk my first year in pro basketball was mainly off the fast break, getting the rebound, giving it to Guy, beating everyone downcourt and Guy would do about 4,000 moves and flit the ball back to me, and I'm in for the jam."

Wilt was a race horse. He had amazing stamina, enormously long strides, and he was fast, as fast as point guard Rodgers.

"If you didn't get out of his way, he'd run you over," says Al Attles, the other guard on that team. "You'd be leading the break and you'd hear this big, deep voice behind you, telling you which side of the floor he was on. So you'd make sure you'd get on the other side. He was just a phenomenal athlete."

The bus pulled up to the Hershey Sports Arena four hours before game time. The pregame meal, as usual on the road, would be arena hot dogs, whenever the vendors heated up their wares.

While waiting for their hot dogs, Wilt and some teammates headed for a penny arcade area in the lower level of the Arena. Wilt went to work on a shooting gallery game. According to legend, and to Wilt, he proceeded to shatter the record score for the machine, a record verified by a doorman who had been there for years.

True story? Chamberlain doesn't lie. Although, as Meschery says, "Wilt did everything in grandiose proportions. Even his truths were larger than truths."

But who can doubt Wilt's shooting-gallery story? He was hot that night. You could look it up.

The Hershey Sports Arena was 25 years old, having been dedicated in 1936, four months after Wilt was born. It was a drafty but well-maintained concrete building, and it held more people than the town did. The population of Hershey was about 7,500 and the Arena seated just under 9,000 for basketball. That Friday night it was about half full, 4,124 fans.

The Warriors didn't enjoy much of a home-court advantage. Their preseason training camp was in Hershey, but at the high school gym. And the local fans, most of them more attuned to hockey, were fairly sedate and nonpartisan at Warrior games.

It didn't appear that they had much to get excited about this night, either. It was too late in the season for the second-place Warriors to catch the Boston Celtics, who had already clinched the Eastern Division title. The Knicks were going nowhere.

One of the three Philadelphia newspapers, the Inquirer, hadn't even bothered to send a reporter to the game. It would get the game story from Warrior publicity man Harvey Pollack, who was also serving as a stringer for United Press International and the Associated Press, and was the game's official statistician.

Wilt scored 41 points in the first half, and nobody blinked. McGuire, for one, had come to count on remarkable performances from Wilt every game.

"Sports Illustrated ran a story on me before the season," McGuire says. "The title was, 'A Coach With a Problem.' They said Wilt was uncoachable. Well, he was the nicest problem I ever had."

It was McGuire's first season in the NBA. He left his job at North Carolina mainly for the challenge of coaching Chamberlain. They became close friends. On the road, McGuire would frequently join Wilt for postgame room-service dinners. It was a tough season for McGuire. He had a palsied 10-year-old son, and the NBA schedule kept McGuire away from home too much for his liking.

"I wasn't used to the travel," McGuire says. "It would really get me down. I remember one night about 2 o'clock, Wilt came by my hotel room, a tiny little room. I was pretty depressed. Wilt said, 'What's wrong?' I said, 'Look at this room.' He handed me his key and said, "Take my room, down at the end of the hall. It's much better.' He insisted."

At halftime, McGuire took no note of Wilt's 41 points. But Eddie Donovan did. The Knick coach fumed at the prospect of Wilt embarrassing his club by having a monster scoring night.

Working in Wilt's favor was the absence of Phil Jordan, the Knicks' regular center, out with the flu. Darrall Imhoff, a 6-9 backup center, got into early foul trouble, so Cleveland Buckner, a rail-thin, 6-8½ reserve forward, came in to guard Wilt. Buckner had lots of help. Wilt was always guarded by a committee, every game. No pro player before or since faced the gang defenses thrown at Wilt. And this was 1962, before the dawning of the NBA's finesse era. Every team had two or three marginally talented hatchet men.

"Wilt got hit in the face more than any human I ever saw," McGuire says. "And he never threw an elbow [in retaliation] in his life."

OK, once. Meschery remembers Wilt decking massive Clyde Lovelette with a punch that traveled about five inches. "Lovelette dropped like a dead ox," Meschery said.

Even though Chamberlain weighed about 280 and was enormously strong, he always retaliated simply by piling up points, rebounds and blocked shots in incredible numbers.

On that night in Hershey, he also retaliated in a most un-Wilt-like manner. He made free throws. An embarrassingly poor career free-throw shooter—51.1%—Wilt made 28 of 32. He also had his other shots working—the fall-away jumper, usually banked softly off the glass from about 15 feet; the finger roll—to picture this shot, flip a wad of paper underhanded into a trash can as you stroll past—and the famed Dipper-dunk.

Imhoff claims that the Hershey Sports Arena rims were very soft. But as former newsman Jim Heffernan, who covered the game for the Philadelphia Bulletin, says, "Wilt must have played on soft rims more than once in his career."

Chamberlain scored 28 points in the third quarter. Depending on one's point of view, it was near the end of this quarter that the ball-game turned into either a magical piece of sports history or an ugly parody of basketball.

Dave Zinkoff, the Warrior public address announcer, started giving a running total of Wilt's points at about the 84 mark. Zinkoff, who died last year, was famous for his theatrical delivery. As PR man Pollack says, "Zink was in his glory that night. I'd give him the total—Zink had trouble counting past 10—and he would really drag it out—'That's eight-tee fffff-ooooo-rrrrrrr!!' "

Chamberlain sensed that he was onto something big. Wilt always kept his stats in his head—points, rebounds, blocks, assists—but he says he lost count of his points somewhere in the 70s that night.

"But at that time, everybody else was telling me how many I had, so there was no way I could not know," Chamberlain says. "I honestly don't remember even caring about 100. I didn't have a great desire for the 100 points. Why should 100 points make any difference? It wasn't gonna make me famous.

"The only difference [the mounting point total] made was, it was the first time I can remember being involved in a game where [the opponents] weren't concerned about winning the game. In the second half, they were just concerned about stopping me from scoring a certain amount of points. In fact, I don't think they even wanted to win the game. Their game was stopping Wilt."

Indeed, the game became secondary. The Warriors would win, 169-147. They led by 11 at the halftime and by 19 at the end of three quarters, but Wilt became the game.

Fouling became the strategy. The Knicks say the Warriors started to intentionally foul to get the ball back quickly and feed Wilt. The Warriors say the Knicks started it, deliberately fouling any Warrior in order to keep the ball out of Wilt's hands. In response to the Knicks' fouling, more than once the Warriors inbounded the ball by throwing full-court passes directly to Wilt.

Willie Naulls, a Knick forward and a friend of Wilt, told The Times 12 years ago that Donovan ordered his players not to take a shot, not even an open layup, until the 24-second clock was near expiration. Naulls said he refused to go along.

"I wasn't going to be part of that fooling around," Naulls said in 1975. "That fouling, playing keepaway, that wasn't basketball, and I told Donovan that. He said, 'You're entitled to think that way, but while you're thinking about it, sit down.' "

Naulls' memories of the game, and Donovan's, have grown fuzzy. But Donovan says of Richie Guerin, the Knicks' veteran guard, "No question there was a certain amount of pride involved. Richie would have fouled the *referee* if that would've helped."

Chamberlain went into the fourth quarter needing 31 points for 100. And he wasn't going to rest. Chamberlain played every minute of every game that season.

"The first time we spoke before the season, I asked him how long he wanted to play," McGuire says. "He said, 'Forever.' I said, 'No, I mean how long each *game.*' He said, 'When you take me out and I'm sitting next to you, I'm not scoring or rebounding. And when I go back in it takes another three minutes to get this body going.' He didn't even want to sit down during time-outs because he'd stiffen up."

So Wilt played on, but not with any record in mind. If he wasn't gunning for 100, however, his teammates were. They began to feed him constantly, even more than they usually did.

"My teammates had by far a bigger hand in the last 30 or so points than I did," Chamberlain says. "I mean, they made a concentrated effort to make it happen. I think guys like Arizin and Guy Rodgers and Al Attles, most of the guys really liked me. I think it meant a lot to them to see me get the record. They just kept giving me the ball, and then I started missing some shots. I don't know whether I was getting the old lump, or what, but I started missing. And it wasn't getting to be easy."

The Arena was crackling. Zink was smoking. Wilt was working. The Knicks were seething. The Warriors were digging. The fans were chanting.

"Give it to Wilt!" the fans chanted. Then they chanted, "We want a hundred!"

"Everybody kind of got into it," Chamberlain says. "You almost wanted to do it now just to get it done, y'understand?"

Neither team filmed the game, because the lighting in the Arena was sub-par, so the only electronic evidence of the game is a scratchy recording of Warrior broadcaster Bill Campbell's stretch call.

With 1:01 left and Wilt at 98, Guerin made two free throws. Rodgers, pressured in the backcourt, threw long to Wilt, who missed inside. Warrior Tom Luckenbill got the rebound and fed Wilt, who missed again. Luckenbill rebounded again and passed to Joe Ruklick, who passed to Chamberlain. . .

"A Dipper-dunk!" Campbell yelled. "The fans are all over the floor! One hundred points for Wilt Chamberlain!"

The fans stormed the court and some tried to grab the ball, but Wilt tucked it and ran for the dressing room. McGuire remembers seeing two fans jump on Wilt's back, and Wilt didn't slow down.

There were 46 seconds left on the game, but the officials made no attempt to finish the game.

In the locker room, as his teammates celebrated, Wilt was almost despondent. Almost embarrassed.

He looked at the stat sheet and saw that he had taken 63 shots. For reference, Michael Jordan's high in shots for a single game this season is 43. Wilt knew the 63 wouldn't help his reputation.

He'd shot a nice 57.1%—he finished the season with the league's second-best shooting percentage, 50.6%—but says, "I would've felt a little better about the 100 points if it was one of those really hot nights for me, if I had made, say, 36 for 46. I once went five games without missing a shot, then I missed, then I went three more games without missing. I mean, things like that, I enjoy. But 63 shots? I mean, that's the kind of shots that Rick Barry would be throwing up there."

Chamberlain drove back to New York that night with Naulls. Wilt drove the entire way, as always. When Wilt is in a car, nobody else ever gets behind the wheel. Sometime around 2 a.m. they pulled up to Wilt's nightclub, "Big Wilt's Small Paradise."

Patrons and employees flooded out into the street to greet the Big Dipper.

"There was a celebration of a sort among people who really loved Wilt," Naulls says.

"Never once, in all the years I've known Wilt has he ever brought up the subject of that game," says Al Attles, a close friend. "He never talks about it."

That night Attles made all eight of his shots and his only free throw. A few years ago, Wilt gave Attles the game ball, mounted on a base that is inscribed, "For a person who did everything right at the wrong time."

For years, Wilt hated the record.

"Maybe I became negative about it because I wanted to know why they were giving me so much credit on scoring 100 points," he says. "There were a lot of cute things that I've done. For instance, it's pretty tough when you're not a guard and don't control the ball, to lead the league in assists (1967-68 season). That's a turn-on to me. I just had done so many more things in basketball that had more meaning to me."

To some, the high-scoring Chamberlain represented everything that was wrong with the NBA. Critics saw him as a selfish point-scorer. Wilt heard the criticism. It hurt. It still does. To this day, he will recite his rebound and assist stats at length, and talk about his defense, building a case for his all-around game.

"I never thought about it until now, but I think that might be it," Chamberlain says. (The 100-point game) kinda highlighted a little negativeness. You get downgraded all the time because you're a scorer. Hey, somebody's got to put the ball in the goddamn basket. God knows, when I was scoring I was doing a whole lot of other things. I had 25 rebounds that night. I like to think of myself as an all-around player, and I think I was. I really do.

"So sometimes maybe I subconsciously downplayed it (the 100-point game) a little bit. You know I've really grown in a lot of different ways, and I've done a lot of different things. Now sometimes I look back at it in amazement. I just say, like, 'Wow.'"

Two days after Wilt's 100-point game, the Knicks and Warriors played again in Madison Square Garden. Imhoff, inspired by the home fans, put the clamps on Wilt.

"He was trying to get another 100," Imhoff says. "I fouled out with a minute to go, and got a standing ovation because I held him to 54 (58, actually)."

The Warriors won the game by two.

Imhoff, who played 12 seasons in the NBA and probably deserves a better fate than to be remembered erroneously as the man who gave up 100 points in a game, salutes Chamberlain's awesome ability and presence.

"It was a privilege to have spent 12 years in his armpits," Imhoff says.

Cleveland Buckner, who played two NBA seasons, would rather be remembered for the 33 points *he* scored that night. The label of being Wilt's patsy still rankles Buckner, who says as if it were yesterday, "Everybody's trying to blame *me* for it."

The closest Chamberlain ever came to scoring 100 points after that night was a 73-point night the next season, against the Knicks. No NBA player has ever scored in the 80s or 90s, and besides Wilt, who did it six times, only David Thompson with 73 and Elgin Baylor with 71 ever topped 70. No *two* players have ever *combined* to score 100 points in a game.

Yet Wilt says, "It could well have been a 150-point game, if the Knicks had played more of a legitimate game. It's nothing to brag about, it's just the way the game was going. I think I maybe could have gotten 100 points in the second half."

The Warriors moved to San Francisco the next season and Frank McGuire quit to be closer to his son. Chamberlain, who averaged 50.4 points for 1961-62, dropped to 44.8 the next season, then never again averaged 40.

There will be no ceremonies to honor the 25th anniversary of the 100-point game. The Warriors plan nothing. The Philadelphia 76ers plan nothing. And the Hershey Sports Arena, now renamed the Hersheypark Arena, is dark tonight.

The Arena is 50 years old, same as Wilt. Both have aged gracefully, both are well-maintained and in fine shape. At the Arena, there is nothing to commemorate the 100-point game except a photograph in the press room and a small plaque in a banquet room.

The shooting gallery machine on which Wilt set an Arena record 25 years ago tonight is long gone, pushed into retirement years ago by Pac-Man.

Over the years, tall tales have sprung up, no doubt in part because the game was played in relative obscurity. There are five or six different versions of the last shot. Wilt himself is fuzzy on that one. There are rumors that the court was shorter than regulation, although the Arena manager says it is regulation length.

Chamberlain and Attles say people frequently recall that the Warriors *lost* that game. Sure, Wilt got his points, but he cost his team the game.

Chamberlain says enough people have sworn to him they were in Hershey Sports Arena that night to fill the gym 10 times. Other fans swear they saw the game at Madison Square Garden.

There is even one theory that the game never was played, that it was a hoax. Hershey, Pa.? One hundred points? C'mon. Show us some pictures.

But, there is at least one credible witness, one honest man who can attest to the events 25 years ago tonight in Hershey, Pa.

"I can be pretty sarcastic," says Wilt Chamberlain. "But when people [phony witnesses] tell me they were there, I never correct 'em. I always let 'em feel like they saw it. I just say, "So you saw It? Hey, well good. I was there, too.' "

WHERE ARE THEY NOW?

Tom Meschery teaches high school and junior college English in Reno and writes poetry.

Frank McGuire lives in New Jersey and is a scheduling consultant for Madison Square Garden.

Al Attles is vice president and former coach of the Golden State Warriors.

Cleveland Buckner teaches at Blair High School in Pasadena and is an assistant basketball coach at Occidental College.

Darrall Imhoff lives near Portland, Ore. He owns a consulting company and is director of a speakers' bureau specializing in leadership training.

Harvey Pollack is director of press relations for the Philadelphia 76ers.

Eddie Donovan is assistant to the president of St. Bonaventure University.

Wilt Chamberlain lives in a large house on a high hill overlooking Los Angeles. He is a philosopher, investor and beach volleyball player.

PRESIDENT'S VETO OF H.R. 2

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. INHOFE. Mr. Speaker, earlier this year I voted for passage of H.R. 2, the Highway Assistance Act of 1987, because the bill contained critical funds for six pending highway projects in Tulsa, OK. I did so even though the bill contained over $5 billion in special demonstration projects. In supporting passage of the bill, it was my hope that members of the joint House-Senate conference committee would delete the excessive and unnecessary spending before approving the final conference report. Unfortunately, the conference agreement still contained over $5 billion in demonstration projects.

In order to cut the amount of special spending, I was one of 25 Members of the House to support a motion to recommit the conference report back to the Public Works and Transportation Committee. The motion failed and the bill was sent to the President to be signed into law.

The President shared my opposition to the demonstration projects and vetoed the bill. At the same time, he sent an alternative bill back to Congress which contained no funding for any pork barrel projects. The President was committed to expeditious release of the highway funds and informed Congress that he would sign a revised bill the same day it was approved.

Based on these remarks, I voted to sustain the President's veto. It was not an easy vote. The possible loss of funding for the six legitimate projects in Tulsa remained my primary concern. As former mayor of Tulsa, I realized that these projects were vital to improving the economic climate and transportation woes of the area. An area which is currently plagued by severe declines in the energy and agriculture industries.

Now that the bill has become law, it will be up to the Governors and transportation officials in the 50 States to determine if the demonstration projects take precedence in their highway construction efforts.

INTRODUCTION OF LEGISLATION TO PROTECT THE OZONE LAYER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. WAXMAN. Mr. Speaker, I am pleased to cosponsor the Strastospheric Ozone Protection Act of 1987, introduced today by my California colleague, Congressman JIM BATES.

This bill addresses the most alarming environmental problem of our time, the depletion of the Earth's protective ozone layer.

Unfortunately, I must report to my colleagues that depletion of the Earth's ozone layer is occurring more rapidly than many experts had initially predicted. New scientific evidence presented during a March 9 hearing before the Subcommittee on Health and the Environment, strongly suggests that we need to act quickly to head off catastrophic health and environmental consequences.

For many years depletion of the ozone layer was theorized, but not actually documented. Now, that has changed with satellite data indicating global depletion and the discovery of an immense hole in the ozone layer over Antarctica.

Rather than the 2- to 4-percent depletion predicted in coming decades by atmospheric scientists, ozone levels over Antarctica in the fall were found to be some 40 percent below expected concentrations.

The implications of the recent developments I've mentioned are grave. A recent EPA report predicted 40 million additional skin cancer cases leading to more than 800,000 additional deaths, if CFC emissions continue to increase at projected rates. If anything, there are reasons to suspect that these figures will be low, as they assume a rate of CFC growth far lower than that observed for 1986, and do not take into consideration the rapid depletion over Antarctica.

But skin cancer is only part of the picture. Ultraviolet radiation has also been associated with eye cataracts and suppression of the immune system. And the effects go beyond human health. EPA field studies indicate that ultraviolet radiation damages agricultural yields. In fact, the Agency has concluded that there is a significant risk to agriculture and plant life over the entire Earth. Moreover, EPA has found that ultraviolet rays may also endanger plankton and other essential parts of the oceans' food chain. In short, we are risking not only a precipitous increase in skin cancers and suppression of the immune system, but also an alteration in the fragile oceans and terrestrial ecosystems upon which life on our planet depends.

Congressman BATES' bill would address this critical environmental problem by requiring over the next 7 years a 95-percent phaseout of chlorofluorocarbon emissions, the chemicals that are depleting the ozone layer.

The legislation is modeled after the Reagan administration's proposal for an international protocol which would reduce worldwide chlorofluorocarbons by 95 percent and utilize trade restrictions to bring about international cooperation and compliance.

I believe that we should all support the U.S. efforts to secure a strong international protocol, which would be binding on the countries producing and using these dangerous chemicals.

However, if the United States should fail to get an international agreement by the fall, we must quickly enact legislation in the United States to begin the process of unilateral adoption of programs to protect the ozone layer.

I urge my colleagues to signal their support for control of ozone depleting chemicals by cosponsoring this vital legislation.

THE FEDERAL COURTS STUDY ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MAZZOLI. Mr. Speaker, on April 2, 1987, I introduced H.R. 1929, the Federal Courts Study Act. Identical legislation, S. 601, has been introduced in the Senate by the senior Senator from Alabama.

This measure would establish a Federal Courts Study Commission to study the Federal judiciary and report its findings and recommendations back to the President and Congress. An interim report would be due in 2 years and the final report in 10 years.

Seven years ago, the then-Chief Justice of the United States, Warren Burger, appointed Judge Clifford Wallace of the Ninth Circuit Court of Appeals to explore the problems that the Federal judicial system will experience for the remainder of this century and to suggest reasonable solutions to those problems.

Judge Wallace's short-term study yielded a series of questions and concerns which needed more exhaustive study and examination, and the judge concluded that the best way to obtain definitive answers was to establish a commission composed of appointees from the three branches of the Federal Government.

The Commission will be composed of members appointed by the President, the Senate, the Chief Justice of the United States, and the Conference of State Court Chief Justices.

The Commission's purposes are to: Study the jurisdiction of the courts of the United States;

Evaluate the procedures, personnel, business, and administration of the courts;

Stimulate the examination of problems currently facing the courts;

Review reports from all dispute-resolving bodies, including courts, administrative agencies, and alternative dispute resolution entities, and further review all private and public studies concerning the effectiveness of the courts;

Report to the President, the Congress, the Judicial Conference of the United States, and the State Justice Institute, on the revisions, if any, in the Constitution and laws of the United States where the Commission, based on study and evaluation, deems advisable; and,

Develop a long-range plan for the future of the Federal judiciary, including assessments of: alternative methods of dispute resolution; the structure and administration of the Federal courts system; and, of methods for resolving intercircuit conflicts.

Legislation was introduced in the last Congress to accomplish this, but H.R. 5469—S. 601—was not enacted into law. I feel this is worthy legislation, so I have introduced it in the 100th Congress.

This weekend the Ninth Seminar on the Administration of Justice will take place in Charlottesville, VA. Again, it is being held under the fine auspices of the Brookings Institution, the two Judiciary Committees of Congress, the Justice Department, and the Federal and State judiciary systems.

It was at a previous such conference that I first talked with Judge Wallace about his Federal courts study proposal. As a result I became interested in it. Therefore, the eve of the upcoming seminar is a particularly timely and fitting moment to reintroduce this study.

I hope my colleagues will join me in supporting H.R. 1929.

THE CITY OF AZUSA IS 100 YEARS OLD

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MARTINEZ. Mr. Speaker, I rise to salute the great city of Azusa, CA, which will be celebrating its centennial this year.

Long before the Spanish explorers and settlers came to the region, Azusa had its settlement. A tribe of Shoshonian Indians made their home near the mouth of the San Gabriel Canyon in a village known as Azuka-gna.

In 1841, Don Luis Arenas petitioned the town council of Los Angeles for a league of land called El Susa of the Azusa, but the real history of Azusa began in 1844, when an Englishman by the name of Henry Dalton purchased the Azusa for $7,000. He built his home on the hill near Foothill Boulevard and Cerritos Avenue. At one time, Dalton owned all the land from San Bernardino Road to the San Gabriel mountains and from Pasadena to Pomona.

Litigation over a surveying error drained Dalton of all of his funds and finally in 1884, Jonathan Sayre Slauson, a land speculator, took legal ownership of the Azusa. In 1886, he formed the Azusa Land and Water Co. of which he owned half. With the exception of 500 acres reserved for himself and 46 acres for Henry Dalton, he sold his entire holdings in the ranch to the company.

The boom had begun in Los Angeles in 1886, but the completion of the Santa Fe Railroad really brought development to the San Gabriel Valley. By the end of 1887, 36 new towns were laid out and lots put on the market. Azusa was one of them.

On April 1, 1887, the first ad for sale of lots in the town of Azusa was published in the Los Angeles Daily Herald. The map of the town was filed on April 11, 1887, and the first property was conveyed on April 15, 1887. Thus the town of Azusa had its legal founding. On December 29, 1889, the city of Azusa was incorporated.

I wish to take this opportunity on behalf of this distinguished body to congratulate the city of Azusa for 100 great years.

SUGAR REFORM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. PORTER. Mr. Speaker, our current sugar program benefits only 11,400 growers at the cost of hobbling the U.S. food processing industry. More than 15,000 manufacturing jobs have been lost because U.S. companies must pay three times the world price for their sugar.

I have introduced a bill that will reduce sugar price supports from 18 cents per pound to 12 cents per pound while providing transition payments to growers over a 4-year period.

The 1985 farm bill requires that the sugar program be operated at no direct cost to the Federal Government. This same law mandates that the support rate for sugar cannot fall below 18 cents per pound. As long as the world market price for sugar is below the support level, the no-cost provision requires an adjustment to protect the domestic market for this high priced sugar. This adjustment comes in the form of a reduction in the sugar quotas allotted to countries that export sugar to the United States.

The sugar program has forced these quotas down dramatically—from 2.9 million tons in 1983 to 1 million tons today. It is likely, given the current trend, that sugar quotas will soon hit zero at which time the program will be very expensive and require direct taxpayer funding.

The sugar quota is nosediving for several reasons. The most obvious is the price discrepancy between our 18-cent support level and the world price of 7 cents a pound. Another major reason is the advent of high fructose corn syrup [HFCS] which has piggybacked on the artificial sugar price. With the advent of the sugar program in 1981, the fledgling corn processing industry rapidly expanded its production of HFCS which can be produced for 12 cents per pound but is marketed to soft drink manufacturers at 17 cents per pound thereby undercutting the demand for sugarcane and sugar beets. HFCS today commands 44 percent of the domestic sweetener market. In addition, the increasing use of artificial sweeteners, which now commands 11 percent of the U.S. market and the general drop in consumption of sweeteners by our increasingly health conscious society contribute to the problem. The program that was designed to protect small farmers growing cane and beets has been co-opted by corn processing companies that are making a guaranteed profit at the expense of consumers. The combination of these factors make it painfully clear that the day when we can no longer control the domestic price through quota manipulation—the day the quota hits zero and sugar growers begin to default on their government loans—is not far away.

The current sugar program benefits the few to the detriment of the many. Our ability to discourage creeping communism without resorting to armed conflict suffers when we squeeze the Third World out of our markets. These countries are strategic to our national security interests and are attempting to foster economic growth that will nurture their domestic forms of government.

Our allies in Central America and in the Caribbean Basin—countries such as Jamaica, Haiti, and El Salvador where economic stagnation looms as a very real threat to democracy—need their sugar trade. The Dominican Republic is another such nation. That country, faced with a steep drop in its share of the sugar quota as a result of the general reduction, recently embraced the Soviet Union and concluded an agreement to sell its sugar to them. The Philippines—another strategic ally countering Communism insurrection with the promise of economic opportunity—has also been seriously damaged by the nosediving quota, which has dropped from 400,000 to 144,000 tons.

In addition, the forced reduction of sugar quotas undermines our trade and competitiveness initiatives in two distinctly negative ways. First, the existence of the sugar quota damages our ongoing efforts to achieve market access throughout the world at the GATT negotiations. The sugar quota stands as a glaring example that the United States is not the free and fair trader we often claim to be, and our bargaining leverage is accordingly reduced. In some unquantifiable way, another American industry is losing out at the GATT negotiations because the U.S. sugar quota is off the table.

Second, the sharply reduced quota and high domestic price do not allow U.S. sugar users—food processors, candy makers, and so forth—to compete with foreign manufacturers. It is estimated that between 15,000 and 18,000 manufacturing jobs have gone to Canada, a country with whom we are currently running a $24 billion trade deficit. Yet the program that is causing these job losses only benefits approximately 1,400 sugarcane and 10,000 sugar beet farmers in this country. The consumer also suffers from the sugar program, spending billions of extra dollars each year on sugar and sugar containing products. The $3 billion that Americans pay annually as their contribution to the sugar program is more inflationary to direct consumer food costs than any other single commodity subsidy program operated by the Government. Translated as part of the food budget for a family of four, the subsidy exacts a toll of around $60 per year.

Our economy suffers when businesses relocate to foreign nations. Our consumers suffer when they are forced to pay significantly higher food prices. These are all outcomes of the current sugar program.

The U.S. sugar producers have relied on an ill-conceived Federal program. This creates a dilemma for both the farmers and policymakers. When you weigh the fairly small, and shortlived benefits to U.S. producers against:

Damage to domestic food industry and employees.

Damage to the fragile economy of developing nations.

Further threat of economic intrusion of Soviet Union into Caribbean.

Inevitable decline of our own sugar industry.

Cost to consumers.

The answer is clear. The day of reckoning is now. Our sugar program must be changed.

THE FEDERAL BUDGET PROCESS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. GUNDERSON. Mr. Speaker, this week as Congress acts on the fiscal 1988 budget resolution it once again has become obvious that the entire Federal budget process is a farce. There is no leadership involved in this week's votes on the budget resolution, it is simply an exercise in smoke and mirrors posturing, and political rhetoric.

The President began this process by proposing an unrealistic budget which actually was no more than a bargaining point for the administration. In addition to the unrealistic funding levels in this year's administration's proposal, the administration has been able to claim to meet the $108 million Gramm-Rudman-Hollings [GRH] deficit reduction target due to the overly optimistic economic assumptions underlying the document.

The blame, however, must be equally shared by the Democratic majority in Congress. By making no attempt to develop serious compromise proposals which will serve as actual deficit reducing spending guidelines for the Nation, the Democrats have responded with a document of their own which even they don't take seriously. They even have embraced the administration's unrealistic economic assumptions in order to claim credit for reaching the GRH deficit target.

This year, the Democratic Budget Committee introduced a one-page document which the Congressional Budget Office [CBO] has said does not provide sufficient information on proposed policy changes for CBO to provide an accurate estimate. It calls for $18 billion in new "unspecified" taxes next year and $57 billion in new taxes over 3 years. Yet, it is obvious to every member of Congress that these tax hikes won't happen.

The budget resolution debate has become no more than an occasion for Democrats to criticize the administration's budget and pretend to be responding with a positive alternative. The fact is, however, that every year a budget resolution is forced through the House, and then ignored. In fact, the budget resolution was waived 106 times in the 99th Congress. When the budget got in the way we shoved it aside.

The failure of the budget resolution process is underscored by the fact that we already are $15 billion over the ceiling called for in last year's budget resolution, and within a week or so we will be acting on a supplemental bill which will swell that number by $3.6 billion.

An ironic twist to the current consideration of the Democratic budget resolution is that at the same time this resolution is setting spending guidelines for the respective House committees, the House Armed Services Committee is reporting out a spending bill significantly higher than their own budget resolution would allow. The fact is that one of the most basic responsibilities of Congress is not being taken seriously, and claims to the contrary from the Democrats on the Budget Committee and in the House leadership, are simply political gamesmanship.

I have responded by refusing to take part in the majority party's game. In this way I believe I can help underscore the failure of the current method of coming to agreement on the budget resolution. This does not mean, however, that I have abandoned efforts at reaching a serious and responsible budget. This week, a number of my colleagues and I introduced legislation which sets responsible spending and revenue levels, and, unlike the Democrats' alternative, details how and where the difficult cuts should be made. We introduced this measure—House Concurrent Resolution 102—not because we expect it to be enacted during the current debate, but because it is important to provide a realistic and comprehensive blueprint of what a responsible budget must do. The Democrat's budget avoids that responsibility.

The sad fact is that this week's budget resolution debate is no more than a meaningless exercise in rhetoric. The budget resolution approved here today represents the absence of leadership by the majority, and their unwillingness to shoulder responsibility. The game that is being played out in Congress this week is not a pretty sight, but it underscores the need for fundamental change in how we deal with the Federal budget.

A BILL TO RESTORE HUMAN RIGHTS TO ROMANIA

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. KONNYU. Mr. Speaker, on April 6, 1987, I joined with the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. LANTOS] to introduce H.R. 1953. This legislation is designed to reduce and eventually eliminate the human rights violations in Romania. That country, in flagrant violation of the Helsinki agreement and their own constitution, has denied free speech, free practice of religion, and free cultural expression, particularly to the 2.5 million Hungarian-speaking minority.

H.R. 1953 would temporarily suspend our American gift to Romania; namely, most-favored Nation treatment, and require the President to develop and present to Congress a 5-

year plan with annual measuring points to cure, through the use of MFN and other sources available to this country, the Romanian human rights violations.

The text of H.R. 1953 is as follows:

H.R. 1953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress—

(1) notes that the Department of State, in the publication entitled "Country Reports on Human Rights Practices for 1986", determined that "In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romanian practice . . ." in the ". . . The party, through the Government, continues to limit and often deny the right to free speech and free assembly and association, and to apply restrictions to religious practice . . .";

(2) is aware that the Romanian Government has committed severe infractions with regard to the Constitution of the Socialist Republic of Romania which states, in Article 17 thereof, that "The citizens of the Socialist Republic of Romania, irrespective of their nationality, race, sex or religion shall have equal rights in all fields of economic, political, juridical, social and cultural life.", and, in Article 22 thereof, that "In the Socialist Republic of Romania, the coinhabiting nationalities shall be assured the free use of their mother tongue as well as books, newspapers, periodicals, theatres and education at all levels in their own languages";

(3) finds the Socialist Republic of Romania in flagrant violation of the Helsinki Agreement of 1975 with specific regard to the human rights provisions in clause VII which states that "The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere."; and that "They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.";

(4) finds the substantial and growing trade deficit of Romania with the United States to be an indirect but meaningful indication of support by the United States for Romania's continuation of human rights violation; and

(5) finds that the desire of Congress to reduce and eventually eliminate Romanian human rights violations is based on the right of the United States to choose its friends and, therefore, choose which countries shall be granted nondiscriminatory treatment (most-favored nation treatment).

SEC. 2. PURPOSES OF ACT.

The purposes of this Act are to effect, notwithstanding any other provision of law—

(1) the eventual termination and the annual progressive amelioration of the current policies and practices of the Government of Romania under which the citizens practicing their religion and Hungarian-speaking and other ethnic minorities are limited in their rights (as accorded by the Helsinki Act of 1975 and the Constitution of the Socialist Republic of Romania) to express their cultural heritage, as is illustrated by the attempts of the Romanian Government to repress such cultural expression by progressively eliminating, on a yearly basis, Hungarian churches, schools and publications (including Bibles printed in the Hungarian language) from the Romanian society; and

(2) to highlight the historical commitment of the United States to basic human rights and to express this country's concern for these rights within Romania.

SEC. 3. INITIAL SUSPENSION OF NONDISCRIMINATORY TREATMENT (MFN).

(a) IMMEDIATE SUSPENSION.—(1) Notwithstanding any other provision of law, but subject to subsection (b), the products of Romania that are entered during the 1-year period (herinafter referred to as the "initial suspension year") beginning on the date of the enactment of this Act may not be accorded nondiscriminatory treatment (most-favored nation treatment).

(2) As used in this Act, the term "entered" means entered, or withdrawn, from warehouse for consumption, in the customs territory of the United States.

(b) PRESIDENTIAL STUDY AND RECOMMENDATIONS.—If the President submits to Congress, before the 181st day of the initial suspension year, a study containing—

(1) the annual objectives of the United States toward achieving the gradual reduction of Romanian human rights violations during the remainder of the initial suspension year and the 5-year period following the initial suspension year, to the end that such violations will cease before the close of such period;

(2) recommendations regarding the actions to be taken by the United States within such 5-year period (and stated on an annual basis within such period) to effectuate such reduction and cessation; and

(3) a statement of Presidential commitment regarding the achievement of the actions referred to in paragraph (2);

the President may extend nondiscriminatory treatment to the products of Romania that are entered during the remaining days of the initial suspension year.

SEC. 4. NONDISCRIMINATORY TREATMENT DURING 5-YEAR PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), the President may extend nondiscriminatory treatment to the products of Romania that are entered during each of the 5 successive 365-day periods that occur after the close of the initial suspension year if the President submits to Congress, not later than 30 days before the first day of such 365-day period, a report stating that the Romanian Government is achieving, on a timely basis, the applicable human rights violation reduction objectives stated in the study required under section 3.

(b) TERMINATION OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment to the products of Romania during any 365-day period referred to in subsection (a) shall be terminated with respect to products entered after the day within that period on which there is enacted a joint resolution of the Congress stating that "The Congress disapproves the application of nondiscriminatory treatment (MFN) to the products of Romania that was recommended by the President to the Congress in the study submitted on —— —— with respect to the period —— ——"; with the first blank containing the date of the study submitted under section 3(b) and the second blank containing the beginning and closing dates of the 365-day period in which the disapproval applies.

FOSTER CARE REFORM IS LONG OVERDUE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BIAGGI. Mr. Speaker, a tragedy of major proportions is occurring in this country every day. Our foster care system is overloaded. It is, in fact, bursting at the seams. Many people are calling it a crisis. Unfortunately, I think the situation has even moved beyond the crisis point—it is a ticking time bomb just waiting to explode.

To address this critical problem, I am introducing legislation today designed to promote quality standards for foster care services and assist States in establishing a high quality foster care system. More importantly, this bill will protect the rights of children in need of such services and facilitate permanent placement of children in foster care, either in their parent's home or in an adoptive home. We can no longer permit these children to languish needlessly in the system for years—a "life on hold" shuttling back and forth within the foster care system.

Specifically, this legislation will establish a new $7 million grant program within the Child Abuse Prevention and Treatment and Adoption Reform Act for foster care and adoption assistance. To be eligible for funding under this program, a State must have a foster care system plan approved by the Secretary and a licensing system in place that provides for biannual review of foster care facilities. The State plan should include such components as the establishment and maintenance of personnel standards on a merit basis; periodic evaluations of foster care and adoption assistance activities; an outline of specific goals for any child placed in foster care and demonstration that progress has been made toward these goals if a child has been under foster care for at least 18 months; and incentives for foster care facilities to establish relationships with adoption agencies to facilitate permanent placement of children who cannot be reunited with their parents. To put it simply, all of the components of the plan should be geared toward providing proper care for a child within the foster care system, and facilitating permanent placement of that child.

Our Nation's children should no longer be forced to endure what they term the "nightmare" of our foster care system. After a decade of decline, the number of children needing foster care across the country is on the rise. The time for action is now—and long overdue. I commend this problem, and this legislation, to the attention of my colleagues. The full text of the legislation follows:

H.R. 2038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the welfare of thousands of children in foster care may be in serious jeopardy and measures must be taken to ensure that they receive proper care; and

(2) thousands of children languish in foster care without appropriate steps taken to facilitate their permanent placement, either in their parent's home or an adoptive home.

(b) PURPOSE.—It is the purpose of this Act to—

(1) promote quality standards for foster care services to protect the rights of children in need of such services;

(2) facilitate permanent placement of children in foster care, either in their parents' home or in an adoptive home;

(3) ensure that a child receives proper care while under the care of the foster system of a State;

(4) assist States in establishing a high quality foster care system; and

(5) promote a high quality living environment that is free from abuse and neglect for children in foster care.

SEC. 3. GRANT PROGRAM FOR FOSTER CARE AND ADOPTION ASSISTANCE.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act is amended—

(1) by inserting after the title heading the following:

"PART A—MODEL LEGISLATION AND COORDINATION OF DEPARTMENTAL ADOPTION ACTIVITIES";

(2) by striking out "title" each place such term appears and inserting in lieu thereof "part"; and

(3) by adding at the end the following new part:

"PART B—GRANTS FOR STATE FOSTER CARE AND ADOPTION ASSISTANCE

"PROGRAM AUTHORIZED

"SEC. 211. The Secretary shall make grants to States for purposes of providing foster care and adoption assistance to children.

"STATE PLANS

"SEC. 212. (a) ELIGIBILITY FOR GRANTS.—A State shall be eligible to receive a grant under this part if it has in effect—

"(1) a plan approved by the Secretary under subsection (b); and

"(2) a licensing system that provides for biannual review of foster care facilities.

"(b) APPROVAL OF STATE PLANS.—the Secretary shall approve a State plan which—

"(1) provides that the plan shall be effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

"(2) provides that the State will, in the administration of its program under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individuals employed in accordance with such methods;

"(3) provides that the State shall monitor and conduct periodic evaluation of foster care and adoption assistance activities carried out in the State;

"(4) provides that the State shall arrange for a periodic and independently conducted audit of the programs assisted under grants received under this part;

"(5) contains specific goals for each fiscal year as to the maximum number of children who, at any time during such year, will remain in foster care after having been in such care for a period in excess of 18 months, and a description of the steps that will be taken by the State to achieve such goals;

"(6) provides that reasonable efforts will be made before the placement of a child in a foster home, to prevent or eliminate the need for removal of the child from the child's home, and to make it possible to return the child to the child's home;

"(7) provides for the development of a case plan for each child that meets the requirements described in section 213(a), and for the development of a case review system that meets the requirements described in section 213(b);

"(8) provides that after a child has been in a foster care facility for 18 months, the facility must demonstrate that progress has been made either toward adoption of the child or reuniting the child with the child's parents; and

"(9) provides incentives for foster care facilities to establish relationships with adoption agencies in order to facilitate permanent adoption of children who cannot be reunited with their parents.

"(c) FAILURE TO COMPLY WITH REQUIREMENTS.—(1) The Secretary shall discontinue or reduce payments under a grant to a State under this part in any case in which the Secretary finds, after reasonable notice and opportunity for a hearing, that—

"(A) a State plan which has been approved by the Secretary no longer complies with the requirements of subsection (b); or

"(B) in the administration of the plan there is a substantial failure to comply with the provisions of the plan.

"(2) The Secretary may resume payments that were reduced or discontinued under paragraph (1) when the Secretary is satisfied that there is no longer a failure to comply as described in such paragraph.

"CASE PLAN AND CASE REVIEW SYSTEM

"SEC. 213. (a) CASE PLAN.—A case plan that meets the requirements of this subsection shall include—

"(1) a description of the type of home or institution in which a child is to be placed, including—

"(A) a discussion of the appropriateness of the placement; and

"(B) a discussion of how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child;

"(2) a plan for assuring that—

"(A) the child receives proper care; and

"(B) services are provided to the parents, child, and foster parents in order to—

"(i) improve the conditions in the parents' home;

"(ii) facilitate return of the child to the parents" home or permanent adoption of the child; and

"(iii) address the needs of the child while in foster care; and

"(3) a discussion of the appropriateness of the services that have been provided to the child under the plan referred to in paragraph (2).

"(b) CASE REVIEW SYSTEM.—In order to meet the requirements of this subsection, a case review system shall be a procedure for assuring that—

"(1) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child;

"(2) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review in order to—

"(A) determine the continuing necessity for an appropriateness of the placement;

"(B) determine the extent of compliance with the case plan;

"(C) determine the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and

"(D) project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship; and

"(3) with respect to each such child, procedural safeguards will be applied, among other things—

"(A) to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than 18 months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis); and

"(B) with respect to parental rights pertaining to the removal of the child from the home of the child's parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

"TECHNICAL ASSISTANCE

"SEC. 214. (a) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the States to assist them to develop programs under grants awarded to them under this part and shall periodically evaluate the programs developed under grants awarded under this part.

"(b) STATISTICAL REPORTS.—Each State that receives a grant under this part shall submit statistical reports as the Secretary may require with respect to children assisted under programs developed under such grant containing information with respect to such children including legal status, demographic characteristics, locations, and length of any stay in foster care.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 215. There are authorized to be appropriated for purposes of carrying out this part $7,000,000 for fiscal year 1988.

"DEFINITIONS

"SEC. 216. As used in this part:

"(1) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

"(2) The term 'foster care facility' means—

"(A) a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing; or

"(B) a nonprofit private child-care institution or a public child-care insitution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing, but does not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.".

RURAL ELECTRIC COOPERATIVES REFINANCING

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MADIGAN. Mr. Speaker, today I join with the chairman of the Committee on Agriculture, Mr. de la Garza, in introducing legislation to provide millions of dollars of electric rate relief to rural electric cooperative customers. Currently, rural electric cooperatives are saddled with roughly $10 billion in high-interest Government loans which cannot be refinanced because of exorbitant prepayment penalties demanded by the Federal Financing Bank [FFB]. While rural electric cooperatives are stuck with high-cost debt—some loans have interest rates as high as 15 percent—investor-owned utilities have been able to refinance $11 billion in high cost debt saving their urban customers millions of dollars on their electric bills.

Last year Congress included in the Budget Reconciliation Act a provision permitting rural electric cooperatives to refinance at least $2 billion in high-interest FFB debt. This bill would expand that authority to allow any rural electric cooperative with high-cost FFB debt to refinance through private lenders and take advantage of current low interest rates. The only limitation on their ability to refinance FFB loans is that the refinancing must be through private lenders.

Rural communities are experiencing difficult economic times. Anything that we can do to provide a measure of relief will be helpful. It is only fair that these rural electric cooperatives be allowed to refinance their high-cost debt and pass on the benefit to their rural electric cooperative consumers.

WE NEED A BILL THAT PROMOTES FAIR TRADE, BUT THE BILL MUST HAVE TEETH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. NICHOLS. Mr. Speaker, I would like to share with my colleagues here in the U.S. House of Representatives a letter that I have received from my friend Cal James, who is president of Diversified Products, in Opelika, AL, which is one of this Nation's leading sporting goods manufacturers.

The House will soon be considering an omnibus trade bill and Mr. James' letter sheds additional light on why our Nation should adopt this new bill that is being proposed before the House of Representatives.

In one category alone, gym/exercise equipment, there was an increase in import value from $168 million in 1985 to $244 million in 1986—up 45 percent.

Mr. James' letter professes the details of the competition that is coming in this particular category of products. In Taiwan, a government-owned steel company is supplying Taiwanese manufacturers with steel at prices that allow them to compete unfairly in the United States market. It is undeniable that over the last several years Taiwan has consistently maintained an enormous trade surplus for our country and that surplus shows no signs of diminution. Most certainly, Taiwan is our strong ally in the Pacific, but I am of the opinion that the United States House of Representatives and the Senate along with the President must sign into law this year a trade bill that promotes fair trade but this bill must have some teeth in it also. You have seen the administration finally take action against our ally Japan as the result of remarks recently made in Japan by one of its high officials which in effect have thumbed their nose at United States efforts to open Japanese markets.

Thank you for allowing me to share these views of my friend Cal James with my colleagues here in the U.S. House of Representatives.

The letter follows:

Diversified Products,
Opelika, AL, April 1, 1987.

Congressman Bill Nichols,
U.S. House of Representatives,
Washington, DC.

Dear Congressman Nichols: Recently the Sporting Goods Manufacturers Association (SGMA) released the 1986 versus 1985 import figures of selected categories of sporting goods. For your reference I have attached a copy of this report.

Please note that the Gym/Exercise Equipment category increased (at import cost valuation) from $168 million in 1985 to $244 million in 1986—up 45%.

I maintain that this trend continues because of unfair competition and advantages allowed foreign competitors in the U.S. market. This is especially true with goods coming out of Taiwan.

As expressed previously the types of goods in this category are not labor intensive. The cost of materials determines the price. Steel, by far, is the most used material. The government of Taiwan owns the steel mill there. They supply the Taiwanese manufacturers with steel at prices that allow them to compete in the U.S. market. The U.S. government restricts the importation of foreign made steel; but not foreign made steel in the form of finished goods. The Taiwanese manufacturers consistently "knock off" every design and functional innovation developed by DP and other U.S. manufacturers. A Taiwanese company can outright own property and businesses in the U.S.; yet, laws in Taiwan prevent a U.S. company from owning 100% of a property and/or business enterprise in Taiwan. This is not fair and free trade.

Our company, as well as other U.S. manufacturers, suffers because of these unfair practices. Trade legislation is now being considered in Congress. Please address this issue head on in an objective manner and get something done.

Let's save jobs in the U.S. and allow our own companies and its people a fair chance to survive. If we're given that chance, we'll win and win big.

Your consideration is appreciated.

Sincerely,

Cal James.

CHILE GIVES THE POPE A PULPIT TO DECRY REPRESSION

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. YATRON. Mr. Speaker, I commend to your attention an article by former Congressman Robert F. Drinan, S.J., published in the Boston Globe on April 1, concerning Pope John Paul II's visit to Chile. The following article, which was written just before the Pope visited, focuses on the Pope's forthcoming efforts to encourage the people of Chile to work to recover their long tradition of democracy—formerly one of the oldest and strongest in Latin America.

The article follows:

[From the Boston Globe, Apr. 1, 1987]

Chile Visit Gives the Pope a Pulpit To Decry Repression

(By Robert F. Drinan)

The 28 bishops and the 11 million Roman Catholics of Chile will be nervous as Pope John Paul II lands in Santiago today to begin his first trip to their country. The pope's several addresses have been carefully crafted to scold but not to alienate President Augusto Pinochet, the dictator of Chile since 1973.

The pope will also try to encourage the people of Chile to continue to work to recover their long tradition of democracy—one of the oldest and strongest in Latin America.

But the pope may stumble. If he warns against priests in politics, his words will be exploited by Pinochet against activist priests and nuns. If he suggests the presence of communism or subversion, his statements will be trumpeted by a government that alleges that Marxists are ready to take over Chile and the entire southern cone. If he mentions liberation theology in a negative tone, Pinochet will again have a new weapon.

The very fact of the visit by the pope to Chile—after years of postponement—is being trumpeted by the government as a victory. The regime wants total identification with the papal visit; photos of Pinochet taking Communion from the pope will be featured in the government-controlled media.

I hope that John Paul can meet some critics of the regime. I would like him to talk to Marcella, a teen-ager tortured by the government for her devotion to the youth work of the Catholic church. I was overwhelmed at the sincerity of this young woman and appalled at what the government did to her to intimidate all young people—to keep them away from the social activities of the church.

I hope the pope meets Father Gregory, a gifted priest who serves the thousands of unemployed people in the shantytowns outside of Santiago. Concelebrating Mass with this priest, who left a position as a high official of the church to serve the poor and the powerless, was one of the most inspiring events of my life.

I hope the pope can listen to Dr. Makimo Pacheco, former dean of the National Law School and ambassador to the Soviet Union before the dark night of dictatorship fell in Chile. Max, my friend, would offer sound advice as to how the church, the labor unions and the forces of democracy could coalesce to end a regime that has brought international disgrace to a tradition with a highly sophisticated legal system.

I hope the pope will listen to the incredibly dedicated specialists in Chile who give counseling to those who have been tortured physically and psychologically by the government. I never understood the insidiousness of torture and what it does to the souls of those whom it scourges until I spent a morning with these specialists, who have offered comfort and counsel to the victims for more than a dozen years.

Finally, I hope the pope meets the Jesuits in Chile who edit the highly regarded monthly Mensaje. Pinochet has tried on several occasions to suppress Mensaje, and the government has sued the journal, alleging that its Jesuit editors have defamed the president and have taught subversion. A word from the pope about the value of Mensaje might make it untouchable.

During his life in Poland from 1945 to 1978, John Paul saw the repression of a totalitarian regime. I hope he uses his anger from those years to condemn the 13½ years of authoritarian repression in Chile.

Everyone in Chile recites and sings the poetry of Pablo Neruda, who won the Nobel Prize for Literature for his 2,000 pages of poetry and who died just as Pinochet—aided by the US government—seized power. Neruda's poetry describes hauntingly the joy and sadness of a people scarred by poverty, scorned by major nations and exploited by outside powers.

This poem of Neruda could be the theme of the pope's visit:

I was born to sing these sorrows to expose
destructive beasts. . . .
I stir up the grief of my people,
I incite the root of their swords,
I caress the memory of their heroes,
I water their subterranean hopes.

WYOMING VALLEY BOXING HALL OF FAME

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to bring to your attention four new additions to the Wyoming Valley Boxing Hall of Fame. The home of Joe Palooka, the Wyoming Valley has produced some of the finest boxers of this country. I am glad to take this opportunity to give a brief biographical description of each of the fine men recently chosen to enter the hall of fame.

Joe Rodano, who resided in the Newtown section of Wilkes-Barre, PA, was posthumously nominated for his connection to the world of boxing for over 50 years. He began his career as a fighter himself but later became renowned for his many successes as a trainer. Rodano handled many outstanding local fighters, including Leo Berry, Al Flora, Johnny Snyder, and Chucky Bloss. He was a real credit to the fight game.

Rocky Castellani of Luzerne, PA, was both an outstanding marine as well as a boxer. In his early boxing career he was known as Roxy Wargo before he changed his name to Rocky Castellani. He fought some of the biggest contenders of his time, the most memorable being his fights with Sugar Ray Robinson and Carl Bobo Olsen. Rocky now resides in Atlantic City where he runs a successful restaurant.

When describing Al Flora, Sr., the qualities tough, durable, and consistent first come to mind. This Wyoming Valley pugilist began his boxing career in the early thirties, fighting all the leading boxers locally and in the New York area. After retiring from the sport in the mid-forties, Al became a trainer. Rocky Castellani and Tony Baldoni were among the fighters he handled. Today Al lives in Baltimore, MD, where he also operates a successful restaurant.

Frankie Cardinale spent his early years in the Wyoming Valley area. He built himself quite an impressive record fighting many of the leading contenders of the area. He later moved to the New York area where he continued his successful boxing career through the latter years of the thirties and early forties. Frankie now resides in New York City where he runs his own business.

Mr. Speaker, it is indeed an honor to take this opportunity to draw the attention of my colleagues in the House of Representatives to the accomplishments of these four men whose careers have earned them places of honor in the Wyoming Valley Boxing Hall of Fame.

ACT NOW TO PLUG THE OZONE LAYER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. EDWARDS of California. Mr. Speaker, the shrinking ozone layer is a matter that threatens us all—both here in Congress, the Nation, and throughout the world. I would like to share with you an article printed in today's New York Times which states the urgency of the situation very clearly.

ACT NOW TO PLUG THE OZONE LAYER

(By Michael Oppenheimer and Daniel Dudek)

Strange events in Antarctica, straight out of science fiction, have grabbed the attention of scientists and world leaders. The stratosphere's ozone layer, which screens living things from damaging ultraviolet rays, has been thinning dramatically during the southern spring—the beginning of what some scientists suspect is a worldwide decay of the Earth's ozone covering.

Against the haze of scientific uncertainty that surrounds this seasonal "hole" in the atmosphere, one question stands out clearly: Can governments take coordinated action to protect the stratosphere and avert the risk to life on Earth?

Ozone, a special form of oxygen, reaches high concentrations 12 miles above the Earth, where it long had appeared immune from human intervention. But the emission of industrial chemicals, particularly so-called chlorofluorocarbons, was identified as a threat to ozone in the early 1970's. Chlorofluorocarbons stay intact until they drift into the stratosphere, where they disintegrate. Their fragments destroy ozone, and less ozone means more ultraviolet radiation reaching the Earth.

The consequences of even modest increases of ultraviolet rays are disturbing. Such radiation causes both malignant and nonmalignant skin cancer. Continuation of the existing global emission levels of chlorofluorocarbons could result in an additional 1.4 million cases of skin cancer in less than 40 years in the United States alone. By the year 2075, 40 million Americans would be affected, and fatalities could exceed 800,000, according to a study conducted by the Environmental Protection Agency.

Occular impairment, damage to the immune system and increased air pollution are all triggered by increased ultraviolet radiation. In addition, millions of dollars of damage to crops, forests and building materials would be inflicted yearly.

Even a partial catalogue of these horrors was sufficient to spur Congress to ban chlorofluorocarbons in aerosol spray cans in 1978. That caused a temporary decline in emissions. Most European countries, by contrast, acted only to prevent construction of new plants that produce this chemical—a move resulting in no appreciable emission reduction.

Still, the use of this chemical in refrigeration, automobile air-conditioning, foam plastics and solvents is on the rise here and abroad, and emissions are again at record amounts and are climbing.

The new findings from Antarctica suggest that these emissions are causing ozone depletion faster than previously thought possible. Other observations suggest that ozone loss is occurring in the Northern Hemisphere as well. If these hypotheses are borne out by further research, the old projections of harm, as bad as they were, would pale in comparison to the new picture. This is one risk that is definitely not worth taking.

Fortunately, a remedy is at hand. A bite of foam-packed fast food need not mean a chunk out of the ozone layer. Harmless substitute materials for many uses of chlorofluorocarbons already exist. Where a substitute cannot be found, we can largely recapture and recycle the harmful gases.

Industry officials have indicated that adequate substitutes could be available within five years. Severely limiting the supply of chlorofluorocarbons would provide an incentive to develop alternatives. The E.P.A., which soon plans to issue strict guidelines for limiting the use of chlorofluorocarbons, should hold the industry to a five-year schedule for near-total elimination of emissions. The United States could set the pace for all countries to develop alternatives.

The ozone layer cannot be saved without international cooperation. Some two dozen countries have been discussing limitations of chlorofluorocarbons in a desultory fashion since 1980, but recent reports from Antarctica seem to have shaken most of them from general indifference to the problem. The European Community should now join the United States in phasing out emissions of chlorofluorocarbons over five years. Gradual ozone loss has been a sufficient reason to act. The forboding ozone hole over Antarctica adds a note of urgency.

TRIBUTE TO DR. ED BRICKELL, SUPERINTENDENT OF VIRGINIA BEACH PUBLIC SCHOOLS

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. PICKETT. Mr. Speaker, on June 30, the Virginia Beach Public School System will mark the end of an era when Dr. Edward E. Brickell retires after 19 years of distinguished service as its school superintendent.

Under Dr. Brickell's leadership, the Virginia Beach School System has improved steadily while the city has grown from a small agricultural area to a city which has the largest population in Virginia.

In spite of the strain of this kind of growth on the Education Program and other essential services in Virginia Beach, the city's public schools have not only accommodated growth, but have flourished. Today, the system offers a full, modern curriculum; has excellent facilities; and is staffed by a corps of some of the best teachers anywhere. In a recent survey, the city's public school system was ranked as one of the 25 best in the Nation.

In recognition of his contributions both to our community and to education everywhere, Dr. Brickell has received numerous honors and awards. Most notably, perhaps, he was named as one of the top 100 school administrators in North America by the Executive Educator in 1980. He has also served as the rector of the College of William and Mary, as a regional chairman of the White House Conference on Children and Youth, and as a board member of numerous charitable and civic causes.

Mr. Speaker, I know of few people who have built the kind of professional reputation that Dr. Edward E. Brickell has. In every sense of the word, he embodies "excellence in education," and I am pleased to pay tribute to him today.

TRIBUTE TO MARGARET "PEGGY" GILL

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to pay tribute to Margaret "Peggy" Gill of Wilton, CT.

Peg is an outstanding citizen, a dedicated public servant but most of all to me, she has been a good and true friend. Peg has a long standing history of service in both the community and political area. She has served as first selectman of Wilton from 1981 to 1985 and subsequently was elected in 1986 as a member of the Connecticut General Assembly representing the towns of Wilton and Redding.

Peg has also served on the local planning and zoning commission and as a director of the Connecticut Conference of Municipalities. I'd also like to note her many years of service to the Republican Party in the Fifth Congressional District as well as to numerous community organizations.

Many of Peg's friends will be together April 26 to honor her and her family and I am pleased to be able to note just a few of Margaret "Peggy" Gill's accomplishments.

WORLD POPULATION AWARENESS WEEK

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. CARPER. Mr. Speaker, it is with great pride that I announce that the State of Delaware has joined with 35 other States across the country in declaring the week of April 20 to 25, "World Population Awareness Week."

Delaware Gov. Mike Castle's proclamation is encouraging to the many citizens in my State who recognize the pressing need for efforts to promote responsible policies on world population growth. Many of those citizens will gather at conferences and meetings at the University of Delaware, Wesley College, Goldey Beacom College, and at other locations throughout the State to hammer out proposals for coping with this critical problem.

I share their concern and commitment. Accordingly, I am pleased to have joined in supporting House Joint Resolution 148 to designate that week nationally as "World Population Awareness Week."

In keeping with the spirit of this effort and in recognition of Delaware's concern with the problem of world population growth, I ask that Governor Castle's proclamation be printed in the RECORD. Thank you.

WORLD POPULATION AWARENESS WEEK

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families.

Now, therefore, I, Michael N. Castle, Governor of the State of Delaware, do hereby declare the week of April 20-25, 1987, as: "World Population Awareness Week" in the State of Delaware, and urge all Delawareans to reflect upon the consequences of overpopulation.

PRAISE FOR COMPUTER-ASSISTED EDUCATION PROGRAM DEVELOPED BY THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND THE UNIVERSITY OF NORTH ALABAMA

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. FLIPPO. Mr. Speaker, I want to recognize two universities in my district which have worked together to develop a unique and valuable program to assist schoolchildren to meet minimum basic education requirements for elementary, middle, and high schools.

The Alabama Educational Computing Research and Development Network was developed by the University of North Alabama in Florence and the University of Alabama in Huntsville as a self-help teaching tool for students who must accomplish a basic level of competency in several educational fields before graduation.

This program was an outgrowth of concerns by parents and educators about children who had spent the requisite number of years in primary and secondary schools, but who upon graduation still could not read or write adequately or perform basic mathematics necessary for living and working in society.

In order to better assure that students possess these basic skills for life, the Alabama State Department of Education identified a set of 199 competencies essential for all students to master prior to graduation. The testing program requires students in the third, sixth, and ninth grades to pass tests for reading, language, and mathematics and a high school exit exam before receiving a diploma. Teachers are required by law to provide remedial instruction for competencies not passed, and to document all remedial instruction activities.

In June 1984, the Alabama Legislature funded a joint effort by the two universities to develop custom designed software programs for each of the competency requirements which could be used in the existing State schools computer network. Although software for these educational fields is commercially available, by custom designing a remedial instructional program for the objectives already set out, a more effective and consistent program was developed.

Based on input from the State Department of Education, the first field addressed by the program was mathematics and that software is now used in schools throughout Alabama. The program was so popular that it has been adopted for schools in Georgia also. The universities are currently developing remedial instructional programs for language and reading.

The cooperative efforts of the University of North Alabama, the University of Alabama in Huntsville, the Alabama Department of Education, participating schools, and the Alabama Legislature have produced a highly effective and innovative program which will benefit schoolchildren in Alabama and other States for many years to come. Providing children with these basic skills for life deserves our highest recognition, and to everyone involved, our sincere thanks.

BENJAMIN CHARNY

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DEWINE. Mr. Speaker, we have all heard and read a great deal about the new Soviet policy of glasnost. We pick up the newspaper or watch the evening news and see General Secretary Gorbachev out in the streets talking with ordinary Soviet citizens. Obviously, the message from Moscow is that a new populism and openness are emerging in Soviet politics.

Yet, we are all aware, at this point, that this public policy is not consistent with Soviet actions. Clearly, glasnost has not been extended to the area of human rights. While some commendable changes have taken place in the Soviet Union—the rate of Jewish emigration has risen slightly and a number of political prisoners have been released—they have been inadequate. Countless prisoners of conscience remain behind bars and thousands of refuseniks are still waiting for permission to emigrate.

There is no case more urgent, more pressing, than that of Benjamin Charny, a refusenik who applied to emigrate over 7 years ago. Dr. Charny is gravely ill with a malignant melanoma and a serious heart condition. Recently, doctors have discovered two new tumors—in his thyroid gland and neck. Tragically, treatment of one condition only aggravates the other. Various experimental treatments, however, are available to him in the West.

His brother, Leon, who lives in Massachusetts after emigrating from the Soviet Union several years ago, is trying to have his brother join him in the United States. He began a vigil outside of the Soviet Embassy in Washington in the hope of persuading Soviet authorities to approve Benjamin's release. Benjamin's wife and son-in-law began a hunger strike in their Moscow apartment to protest the Soviet Union's refusal to let Dr. Charny emigrate.

This is not just a case of the Soviet Union refusing to comply with the Helsinki accords, which it signed over 10 years ago. This is a matter of life and death for Benjamin Charny. I urge General Secretary Gorbachev in the strongest possible terms to be consistent with his policy of glasnost and grant all refuseniks their legal right to emigrate. But, in particular, I want to urge General Secretary Gorbachev to let Benjamin Charny emigrate so he can join his brother and seek the medical treatment he so desperately needs.

THE 15TH DISTRICT OF MICHIGAN SURVEY RESULTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. FORD of Michigan. Mr. Speaker, I recently completed tabulating the responses that I received from my 23d annual survey. I want to take this opportunity to share the results with my colleagues.

The response that I received from my constituents was again impressive. I received over 4,300 completed surveys with responses from over 5,500 residents of my district. I want to take this opportunity to thank those who took the time to respond to my survey.

I asked questions about a wide range of crucial issues facing the Nation. The questions ranged from arms control to trade policy. In addition to the numerous responses that I received, many constituents also took extra time to write separate letters.

My constituents identified trade as the top issue which the Congress and the President should be working to solve. In the area of trade policy, I also asked two specific questions about amendments included in H.R. 3, the trade bill. As introduced, this bill, which I cosponsored, contained the Gephardt amendment that would require nations that have excessive trade surpluses with the United States to reduce these surpluses by 10 percent each year. Residents of my district know all too well the effect of imports and unfair trade on American industries and workers. Because of this, 81 percent of the respondents support the Gephardt amendment.

Unfortunately, the Committee on Ways and Means stripped the Gephardt amendment from H.R. 3 and substituted a watered-down version that would not require trade surplus cuts. Without the Gephardt amendment, I am convinced that the trade bill will not provide any real benefits to our current trade position and those industries, such as auto and steel production, that have been devastated by imports. We cannot continue to run up to $170 billion trade deficits with our trading partners. I want to assure my constituents that I will work to see that this provision is added to the trade bill on the floor of the House.

I also asked my constituents about the Pease amendment that would make the denial of worker rights by foreign nations an unfair trade practice under U.S. law. Over two-thirds of my constituents supported this portion of the trade bill. They recognize that the United States simply cannot compete with other countries when those countries violate the basic rights of their workers. Workers must be afforded some minimal benefits, such as minimum wage and maximum hour regulations, to ensure that imports are not produced by workers under slave-like conditions. Fortunately, the Committee on Ways and Means, while making changes in the Pease amendment, retained its basic provisions.

Eighty-four percent of those answering my survey favor legislation requiring companies to provide workers and local communities with notice of plant closings and major permanent layoffs. On February 18 I introduced a new version of my plant closings bill. H.R. 1122, the Economic Dislocation and Worker Adjustment Assistance Act, would require businesses to provide notice of 90 days if 50 to 100 jobs are eliminated because of a plant closing or mass layoff, 120 days if 101 to 500 jobs are eliminated, and 180 days if more than 500 jobs are eliminated. It would also require the employer to meet with representatives of the employees and the local government to discuss the closing or mass layoff and any possible alternatives.

Education was the area on which most of my constituents feel the Federal Government should spend more. They also, by a 3-to-1 margin, feel that the Congress should reject the President's requested cuts in two vital education programs. Seventy-seven percent stated that the Congress should not eliminate all Federal funds for vocational education, as recommended by the President. In addition, 75 percent of my constituents—an increase over last year's two-thirds—feel that the Congress should not cut Federal funding for grants and loans to college students from low- and middle-income families.

My constituents will be pleased to know that the budget resolution passed by the House earlier today rejected these proposed cuts. The House-passed budget resolution continues the vocational education program at the current level with an adjustment for inflation. The House resolution funds guaranteed student loans at the levels contained in the Higher Education Act of 1986 and increases Pell grant funds.

Fifteenth District residents feel that the Government should spend more on drug programs. In addition, 78 percent of my constituents stated that the Congress should not approve the President's requested cuts for programs created by the Anti-Drug Act of 1986. Clearly, the problem of drug abuse remains as serious this year as it did last year. The President, however, wants to cut the bipartisan Federal commitment we made last year to fight drug abuse. The House budget resolution rejects the proposed cuts recommended by the President. Under the House budget plan, Federal drug law enforcement programs would receive increases next year to compensate for inflation.

Fifteenth District residents also think that the Government should spend less on defense, foreign aid, and welfare. The House budget resolution also includes funding of $289 billion for the Pentagon next year, compared with $312 billion requested by the President. While this may seem like a drastic cut, it is important to put this reduction in perspective. Since 1980, military spending has increased by over 50 percent. It is clearly time for military spending to share in efforts to reduce the deficit, and the $289 billion is sufficient to support a strong and adequate national defense.

The House budget also rejected the President's proposed 14-percent increase in foreign aid. Instead, the committee recommends a cut in foreign aid of over $1 billion.

The House budget also assumes that a new welfare reform package will be enacted to help welfare recipients get off the welfare rolls permanently. In the first few years, this program will cost more than the current system, but, in the long run, it should cost less.

My constituents also noted that the deficit is one of the three most critical problems which the Congress and the President should be working to solve. Deficit reductions in the House budget total $36 billion—$4.3 billion more in deficit reductions than those in the President's budget. Under the House plan, the deficit will be $132 billion this year. While we are a long way off from eliminating the deficit, this is nearly $90 billion lower than the record deficit of just 2 years ago.

Arms control is another priority identified by my constituents. Seventy-five percent feel that the Congress should not approve the President's request to place nuclear MX missiles on rail cars. The locations under consideration by the administration include Wurtsmith Air Force Base near Oscoda. I want to assure my constitutuents that I will continue to oppose additional funding for the MX when the House considers the Pentagon authorization and appropriations bills later this year.

Over three-fourths of the 15th District residents feel that the Congress should require the administration to halt nuclear testing—as long as the Soviets do not test nuclear weapons. The supplemental appropriations bill that will reach the House floor withing the next 2 months contains language which would ban the testing of nuclear weapons larger than 1 kiloton unless the Soviet Union conducts such a test. While both the Soviet Union and the United States have conducted such tests during 1985, I am hopeful that a new bilateral testing moratorium can be implemented.

In the area of foreign affairs, over 90 percent of those answering my questionnaire feel that the United States should not bargain with governments that support terrorism to seek the release of American hostages. This is a clear repudiation of the President's arms-for-hostages policy.

On a related issue, 73 percent of respondents feel that the Congress should reject the President's request for $105 million in additional foreign aid for the Contras trying to overthrow the Government of Nicaragua. While the House approved a moratorium on sending further aid to the Contras earlier this year, this was not approved by the Senate. I am confident, however, that the House will reject the President's request for additional funding later this year.

Let me close by saying that I was delighted with the number of responses to my survey. I feel that this annual questionnaire is an excellent learning experience for both me and my constituents, and I want to thank my constituents for responding.

KILDEE HONORS DETROIT COLLEGE OF BUSINESS-FLINT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. KILDEE. Mr. Speaker, I rise today to bring to the attention of my colleagues a noteworthy celebration taking place during the week of April 12-18, 1987, commemorating National Education for Business Week. In light of this great occasion, I would like to take this opportunity to commend the Detroit College of Business—Flint for providing opportunities for the citizens of the State of Michigan to receive training for quality job opportunities.

The Detroit College of Business-Flint was established in 1975 as an associate degree program for service veterans in Michigan. The school started out with only 200 students and 25 part-time faculty members. Today, the college has grown to almost 500 students and the faculty now includes 5 full-time and 45 part-time teachers. In addition, the curriculum has been greatly expanded to include programs ranging from bachelors degrees in management and office administration to combined degrees in accounting and computer information systems.

Mr. Speaker, it is an honor and a privilege for me to represent such a fine institution as the Detroit College of Business-Flint, an institution that serves as a catalyst for commercial growth in the Flint area and throughout the State of Michigan. Men and women trained as secretaries, accountants, marketing specialists, and data processors at the college have entered the work force and helped to improve the efficiency of the private sector and all branches of government. It is time we recognize the efforts of colleges like the Detroit College of Business-Flint. These institutions have been instrumental in teaching and training our youth so they can continue to contribute to the prosperity of our cities, our State, and our country. It is indeed a great honor to pay tribute to the Detroit College of Business-Flint, and to join with this Nation's educational community in the celebration of National Education for Business Week.

LEGISLATION TO PUT THE FEDERAL RESERVE ON BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. HAMILTON. Mr. Speaker, I am introducing legislation today with 29 cosponsors that will increase the amount of information available to Congress and the public on how the Federal Reserve spends more than $1.6 billion each year. The bill would, for the first time, put the revenues and expenditures of the Board of Governors of the Federal Reserve and all the Federal Reserve Banks into the budget of the U.S. Government, beginning with the budget submitted for fiscal year 1989. The bill would require the Federal Reserve to submit its spending figures in a format that is consistent with the budget data for other Government agencies and to project its outlays for 2 years into the future.

My bill is based on a study performed during the last Congress for the Joint Economic Committee by the Congresssional Budget Office entitled "The Budgetary Status of the Federal Reserve System."

This study found that Congress and the public have less information about Federal Reserve spending than for any other Government agency because "the financial operations of the Federal Reserve Banks are not shown in the Federal budget documents." Instead, until 1986 the financial operations were presented in the "Annual Report of the Board of Governors." While the annual report did present selected spending figures for the Federal Reserve System, the data differed substantially from data available to Congress and the public for other Government agencies. According to the CBO study, "the report is limited to the completed calendar year, and does not include projections of future financial operations." In addition, the Federal Reserve used a different accounting system that made its figures hard to compare with the figures for the rest of the U.S. Government.

Early in the 99th Congress, I introduced legislation—H.R. 1659—that would close this gap by requiring the Federal Reserve to publish its budget figures in the annual budget submitted each January by the President. Since then, the Federal Reserve has upgraded its budget presentation by publishing an expanded amount of information about its administrative and other expenses in an annual "Budget Review" that is released each year by the Board of Governors toward the end of March. While this review is a significant improvement over the previous practice, it still fails to meet the basic need of Congress and the public for ready access to the Federal Reserve's budget, for the following reasons:

First, it is a separate document from the annual budget of the U.S. Government and thus not readily available to those who want to view the full impact of Government spending on the economy or on the budget.

Second, the Federal Reserve publishes its budget data only for calendar years, not for the Government's fiscal years.

Third, the Federal Reserve continues to use accounting conventions that differ from those used by other Government agencies, particularly for reporting capital spending.

Fourth, the Federal Reserve forecasts its spending only for the current calendar year, but not for subsequent years as other Government agencies must.

THE FEDERAL RESERVE'S BUDGET FOR 1986

Each year, the Federal Reserve takes in and spends billions of dollars outside the budget of the U.S. Government.

According to the Federal Reserve's 1986-87 "Budget Review," the Federal Reserve System had more than $17.4 billion in receipts during 1986, as table 1 shows. Most of this was interest received on its portfolio of U.S. Treasury securities as well as interest earned on its loans to members banks and on its holding of foreign currencies. The Fed also raised substantial amount of revenues—over $600 million—from fees charged for services it provides to the Nation's banks, such as check clearing. As table 2 shows, the Fed also had a $2 billion gain in 1986 on foreign exchange transactions and trading in Treasury securities, to bring its total receipts and other earnings to $19.4 billion for 1986.

TABLE 1.—INCOME OF THE FEDERAL RESERVE SYSTEM, 1985 AND 1986

[In Millions of dollars] [1]

Item	1985 actual	1986 actual
Loans	427.9	279.2
U.S. Government securities	16,843.1	16,141.5
Foreign currencies	228.7	393.8
Priced services	613.8	629.8
Other	18.4	20.4
Total	18,132.0	17,464.7

[1] Details may not add to totals because of rounding.

Source: Board of Governors of the Federal Reserve.

TABLE 2.—DISTRIBUTION OF THE INCOME OF THE FEDERAL RESERVE SYSTEM, 1985 AND 1986

[In Millions of dollars] [1]

Item	1985 actual	1986 actual
Current income [2]	18,132	17,465
Less current net expenses of Reserve Bank: [3]		
Operating expenses	1,023	1,051
Earnings credit cost	105	105
Equals: Current net income	17,004	16,309
Plus: Net additions to current net income [4]	1,301	1,978
Less assessments by Board:		
Board expenses	77	97
Cost of currency	174	181
Less other distributions:		
Dividends paid to member banis [5]	103	110
Transfers to or from (—) surplus [6]	155	92
Equals: Payments to U.S. Treasury	17,796	17,807

[1] Details may not add to totals because of rounding.

[2] Includes income from U.S. government securities, loans, priced services, and foreign currencies.

[3] Net of reimbursements from the Treasury and other government agencies.

[4] This account includes gains or losses on foreign exchange transactions due mainly to revaluations at market exchange rates; gains or losses on sales of U.S. government securities; and miscellaneous gains or losses.

[5] The Federal Reserve Act requires the Federal Reserve to pay dividends to member banks at the rate of 6% of paid-in capital.

[6] Each year the Federal Reserve transfers to its surplus account an amount sufficient to equate surplus to paid-in capital. The purpose of this account is to provide a reserve against losses.

Source: Board of Governors of the Federal Reserve.

Out of this $19.4 billion, the Federal Reserve indicates that it used just over $1.6 billion to meet its administrative and other costs as shown in table 2—including $1.2 billion to meet the expenses of the Federal Reserve Banks, $97 million to run the Board of Governors here in Washington, $181 million to print the currency that we carry in our wallets, $110 million to pay dividends to member banks, and $92 million to add to its surplus account. The difference—$17.8 billion—was returned to the Treasury.

While these figures can be obtained from the Fed, they are nowhere to be found in the budget of the U.S. Government. The massive budget appendix, which provides line-by-line spending details for the departments and agencies, includes a small section with some information on the expenditures of the Board of Governors but no information on the $1.2 billion of Federal Reserve spending that is incurred by the Federal Reserve Banks. Nor is there any information on the other expenditures of the Federal Reserve, such as the dividends paid to member banks or the amounts transferred to surplus.

In fact, the only Fed-related item to be found in the budget is the $17.8 billion returned to the Treasury, which appears under the heading "miscellaneous receipts."

HOW TO BRING THE FEDERAL RESERVE INTO THE BUDGET

The purpose of the budget is to help Congress and the President plan the policies and activities of the Government for the year ahead. The Fed is a missing link in the budget, with consequences that were spelled out in the CBO study:

> Every January the President sends the Congress his proposed budget for the next fiscal year. The budget provides comprehensive information about the financial operations of Government agencies. It also shows the President's recommended fiscal policy, includes the administration's requests for budget-related legislation, and indicates the probable financing needs of the Treasury for the upcoming year.
>
> The budget provides only limited information on the Federal Reserve System. The data are adequate for the purpose of projecting Treasury financing needs, since they include an estimate of the Federal Reserve System's transfer of earnings to the Treasury. They are inadequate, however, to the extent that the budget is to inform the Congress and the public of the proposed allocation of the Government's limited financial resources. Almost all Federal Reserve System operating expenses are currently excluded from the budget.

There are three ways of solving this lack of information about the outlays and expenses of the Federal Reserve, according to the CBO study:

> One method of increasing budgetary accountability would be to include the complete finances of the Federal Reserve System in the *Budget of the U.S. Government.* The Federal Reserve would provide data on actual and projected income and expenses by program and type. This approach would make its budgetary transactions visible to the public and readily comparable to the transactions of other Government agencies. It would also make the U.S. Government's "unified budget" more comprehensive. . . .
>
> A second method of increasing budgetary accountability for the Federal Reserve would be to subject the administrative expenses of the Board and the Federal Reserve Banks to annual appropriation review. The operating budgets of most Federal agencies are reviewed in the same manner, including those of the judiciary and most regulatory agencies. This approach would provide closer scrutiny of the System's operations. . . .
>
> A third method of increasing budgetary accountability would be to conduct annual oversight of the Federal Reserve's budget and set mandatory budget savings in authorizing legislation. Annual oversight of System spending could be performed by the Banking Committees of the House and Senate, in a manner similar to that of hearings conducted by the Senate Banking Committee in the late 1970's. . . . Authorizing legislation could be used to order savings in the Federal Reserve's budget, savings that could result from significant changes in the System's structure or programs.

All three approaches would serve the same purpose—to give Congress and the public more information about how the Federal Reserve spends $1.6 billion each year. But they would have very different side effects, particularly on the very sensitive issue of Federal Reserve independence.

A threat to Federal Reserve independence would occur only with the second and third options—increased oversight and use of the appropriations process—according to the CBO study. The threat would be greatest if the Fed's budget were subject to appropriations, where legislative riders could be used by Congress to dictate monetary policy. Furthermore, since appropriations are considered annually, the Fed would be under a continuous and recurring threat. Use of authorizing legislation would pose a similar concern.

The bill I am introducing today poses no such threat to the independence of the Federal Reserve in setting monetary policy, since it involves only a release of information. It merely requires that the Federal Reserve publish its budget data each year in the annual budget of the U.S. Government. According to the CBO study:

> Of the three methods of increasing budgetary accountability, budget presentation of the Federal Reserve's administrative expenses would have the least effect on the Federal Reserve's independence. The Federal Reserve would remain free to determine its own administrative expenses. . . .

Under this legislation, the Fed would have to project its annual revenues, which it could do either by making its own assumptions about interest rates, economic growth and the Federal deficit, or by adopting the assumptions used by CBO and OMB. It would have to project its annual administrative costs, which it already does for internal planning purposes. And it would have to project the amount it would return to the Treasury each year, as both CBO and OMB already do. But neither Congress nor the administration would be given any power to approve these figures, so neither would have any more control over monetary policy than at present.

One benefit of the approach in my bill is that it might induce the Fed to save a little money on its operations and return more to the Treasury, thus contributing to a reduction in the Federal deficit. But we cannot expect major savings, since the Fed is already paring its expenses in voluntary compliance with the budget behavior dictated by Gramm-Rudman.

The most important reason for adopting this legislation, however, is that it is the right thing to do. In a democracy, no agency of the Government should be able to take in and spend billions of dollars without having its budget open to public view. I recognize that the Federal Reserve has special responsibilities that may require it to take actions that are unpopular. But the Fed's need for a measure of independence from political pressures is no excuse for shielding its budget from some process of accounting to Congress and the public. The bill I am introducing today reflects the sound principle of full disclosure and will shed light on the Federal Reserve's budget without compromising its independence in setting monetary policy.

A list of cosponsors follows:

> Larry Smith, FL; Dan Daniel, VA; Robert Roe, NJ; Bill Nichols, AL; Wm. Dannemeyer, CA; Byron Dorgan, ND; Chester Atkins, MA; Denny Smith, OR; Pat Roberts, KS; Martin Sabo, MN; Kweisi Mfume, MD; Dante Fas-

cell, FL; Bernard Dwyer, NJ; Tom Lantos, CA; and Howard Berman, CA. Peter Visclosky, IN; Jim Jontz, IN; Barbara Boxer, CA; Michael Bilirakis, FL; Charles Hayes, IL; Neal Smith, IA; Lane Evans, IL; Marcy Kaptur, OH; Albert Bustamante, TX; Andrew Jacobs, IN; Jim Courter, NJ; Dick Armey, TX; George Miller, CA; and William Lehman, FL.

LEGISLATION TO AMEND THE TAX REFORM ACT OF 1986

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BADHAM. Mr. Speaker, in the Tax Reform Act of 1986 Congress chose to restrict interest deductions for taxpayers in a number of instances. Among these restrictions, the act limits residence interest to indebtedness on a principal residence and a second residence only. No preference was given as to type of property that could qualify for the residence interest deduction.

To be eligible for the residence interest deduction, a taxpayer's principal or second residence is intended to be one that qualifies for rollover of capital gain and meets the requirements for a dwelling unit. Under the Internal Revenue Code a dwelling is defined as a house, apartment, condominium, mobile home, boat, or similar property that contains facilities for cooking, sleeping, and sanitation.

Recently, legislation was introduced in the Senate to amend the Tax Reform Act of 1986 to disallow the interest deduction for boats used as second homes. The criticism of boats as second homes appears to be based on a misunderstanding that boatowners are "fat cats." However, before jumping to this conclusion, it should be understood that 12 percent (73,900) of all boats sold in 1986 could be considered "habitable" under the Internal Revenue Code definition. More than half of the 73,900 habitable boats were under 26 feet in length with an average value of under $20,000—hardly comparable to the average beach front house, ski condo or even motor home included in the definition of residence in the Tax Code.

I believe that boats are just as legitimately used as a second home as a resort condominium, beach home or mobile home. In addition, I strongly believe that this is the first of many future attempts to cap or repeal the second home interest deduction. Therefore, today I am introducing a resolution expressing the sense of the House of Representatives that Congress should resist all attempts to deny the home mortgage interest deduction to any taxpayer whose boat is used as a home.

The purpose of tax reform was to provide taxpayers with a tax code to treat all taxpayers in a fair and equitable manner. Therefore, it is essential that the tax treatment of home mortgage interest should continue to apply to any kind of property used as a dwelling, whether the property is a boat, a mobile home, a house, or any similar property.

BROOKLYN'S FIRST COUPLE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SOLARZ. Mr. Speaker, I am pleased to pay tribute to Estelle and Sam Horowitz on the occasion of their being honored by the Brighton division of the Brooklyn Arts and Culture Association.

No two people exemplify the words "community leaders" more than Estelle and Sam. Without them, the Shorefront would not be the great community it is today.

As the area's representative in the New York City council for the past 14 years, Sam has served with energy and distinction. In his role as chairman of the General Welfare Committee, he has taken strong and difficult stands in defense of the civil liberties and individual rights. His courage and forthrightness is widely hailed and admired.

Sam and Estelle's organizational affiliations are far too numerous to list. They include the Sea Gate Association, the Coney Island Community Council, the Oceanfront Coordinating Council, and various organizations that serve seniors and children. Sam and Estelle do not merely belong to these groups; they give time, care and, quite frequently, money.

Sam and Estelle have been particularly generous and important to Brooklyn's Jewish community. Sam is an active member of the Sea Gate Chapter of B'nai Zion, where he sponsors a program to bring Jews out of the Soviet Union. He most recently introduced and won passage of legislation dedicating a Holocaust Mall in Sheepshead Bay, the first area in New York City to perpetuate the memory of the death of 6 million jews.

In recognition of Sam's leadership and dedicated service to the Jewish community, he has been honored by the U.J.A. Federation, Israel Bonds, the Jewish National Fund, Ezras Torah and B'nai B'rith. He was given the Mission of Mercy Award by the American Red Mogen David for Israel. The Brightwater Lodge of B'nai B'rith honored Sam for his many years of supporting and helping to distribute Chanukah and Passover packages for Project Hope.

Sam and Estelle have been married for over 40 years and have two children, Mark Bradley, a marketing representative in Philadelphia, and Susan, an attorney in Boston. Sam and Estelle are fortunate to have shared one of those rare, truly collaborative marriages in which each person is a true partner to the other. Estelle is the Health Insurance Administrator of the Supreme Court, Kings County, and has participated actively in innumerable charitable activities, including the Variety Club and the Shorefront Volunteer Ambulance Service.

The Brooklyn Arts and Culture Association, which is celebrating its 21st anniversary, has chosen wisely and well in deciding to honor Sam and Estelle. A former publicist for Loew's Theatres in Coney Island and Brighton Beach. They became involved with BACA over two decades ago, participating in BACA-sponsored productions and donating rehersal space in one of their theaters.

I applaud Sam and Estelle for their contributions to the artistic, cultural and political life of Brooklyn. Their efforts have enriched our community and made it a better place to live. I offer them my heartfelt congratulations on this joyous and well-deserved occasion. They are truly Brooklyn's first couple.

LEGISLATION TO IMPOSE AN IMPORT FEE ON SILVER BULLION

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. STALLINGS. Mr. Speaker, I have introduced legislation today to impose an import fee on silver bullion. I have done this because the U.S. silver mining industry has not been in worse condition in its history, with catastrophic effect on the workers in this industry and their families. In areas hardest hit, unemployment has reached 43 percent and could rise even further.

With major trade legislation to be considered soon by Congress, I feel most strongly that there should be a focus on the plight of the silver industry. I hope that this bill will help structure the upcoming trade debate and bring appropriate attention to this significant component of Idaho's economy.

This legislation calls for a fee equal to the difference between the average monthly price for the month immediately preceding the date of the first sale within the United States of silver bullion and $7.50 per ounce. The bill would exempt the first 6,500,000 ounces of silver sold and imported into the United States during any calendar month. This amount is equivalent to the 1980 import level.

Since 1980, silver imports have grown from 79 million ounces to as much as 180 million ounces annually, an increase of more than 127 percent. At the same time, the price of silver has fallen from an average price in excess of $20 per ounce to less than $6, which is significantly less than the cost of production for U.S. miners. And, imports remain 52 percent higher than 1980 levels.

The Clayton Silver Mine, in Idaho's Second Congressional District, is a prime example of what can be the result of depressed silver prices. I want to put those miners and silver miners throughout the State of Idaho, back to work.

HONORING THE 288TH BIRTHDAY OF THE SIKH NATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. HERGER. Mr. Speaker, I rise today to commemorate the anniversary of the founding of the Sikh nation, which will be observed April 13. As we approach this important date, we here in the Congress should acknowledge the great contributions this religious minority has made to the nation of India and to the world.

Sixteen million strong, the Sikh community resides largely in the Indian province of Punjab. Sixty-three percent of the Punjab's total population is made up of Sikhs. But the Sikh community is dispersed the world over, with many Sikhs residing in America, and indeed, within my own Second Congressional District of California.

The Sikhs are hard working, patriotic, and never forget their friends. The Sikhs who reside in my own Second District in California are valuable members of their community, and are a great reflection of their strong heritage from their native India.

The Sikhs contribute greatly to their local economy, especially in agricultural production. They produce 73 percent of India's wheat reserve, and 48 percent of that nation's rice reserve. The Sikhs also play important roles in the Indian Army and administrative services. It is clearly incumbent upon us to acknowledge these and the other important contributions made by the Sikhs to their society.

The Sikhs share much of the religious traditions of our Nation's Judeo-Christian heritage. They believe in one God, equality of mankind, and strongly oppose the repugnant caste system as well as the practice of idol worship. Like all of us, the Sikhs believe in serving God through service to mankind.

The Sikh nation's 1st guru was born in 1469 and the 10th and last guru died in 1708. This last guru, named Gobind Singh, was baptized into the Sikh nation on April 13, 1699. It is this great day and this anniversary that so strongly compels me to honor these people today.

THE FEAR OF CRIME

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DREIER of California. Mr. Speaker, year after year, the fear of crime is a constant concern among Americans in virtually every area of the country. According to FBI statistics, 3.1 million burglaries were committed in 1985, up 3 percent over 1984. A burglary in a home or business occurs every 10 seconds throughout the year. Approximately one in four U.S. households are touched by crime each year. In 1984, the latest year cost figures were available, burglary cost Americans approximately $5 billion.

Studies indicate that the most effective way to deter a burglar is by securing one's home. Seventy percent of all burglaries involve forcible entry. Yet a recent Gallup poll found that only 13 percent of the public have installed burglar proof locks, and only 5 percent have installed burglar alarms. Our crime efforts should do more to encourage Americans to purchase home security devices, and tax incentives offer the most efficient and effective method to accomplish this task.

Today I introduced a bill to do just that. It would provide a 25-percent tax credit, up to $175, for the purchase of locks, electronic alarm systems, or other security devices for a principal residence. A 100-percent credit would be granted to the elderly, who are heavily victimized by the fear of crime and suffer most acutely from crime-related physical injury and financial loss.

Case studies show that criminals avoid premises protected by security devices such as locks and alarms. But security devices are an expensive investment, especially for low- and fixed-income Americans. My bill will help make security more affordable. It would give citizens a direct incentive to purchase and install security devices which deter robberies and burglaries, and protect life and property. It will also encourage the development of low-cost home security equipment. In turn, this will lead to a reduction in the instances of crime and, ultimately, lower the cost of fighting crime.

Just by looking at statistics on the cost of crime, I'm convinced that the revenue loss associated with this program would be dwarfed by the savings that would be achieved by the crime prevention incentives it creates. For instance, the cost of arresting, prosecuting, and trying a simple robbery case can range from $900 to $33,000. Burglary victims themselves suffered losses estimated at $2.7 billion in 1984, an average of $900 per burglary. And this only includes cash and property loss.

Most communities are hard pressed to provide all the funding needed for adequate protection. Police budgets were being reduced in many locales, and frozen in others. Law enforcement efforts are struggling to keep up with increased reports of burglary and other forms of crime.

Current Federal, State, and local programs do not provide enough protection to make significant progress in reducing crime. People are becoming frustrated with their inability to adequately protect their lives and property. One police chief in my district mentioned that, in their neighborhood watch program meetings, many residents agreed they need better security for their homes, but can't afford the cost of materials and labor. This is especially true for the elderly, who are on fixed incomes and are not physically able to do the installations themselves. My bill is designed to help low- and middle-income Americans who can least afford home security devices.

Mr. Speaker, I've introduced this legislation in every Congress since 1981. It has the support of elderly and law enforcement organizations, and community leaders around the country. I urge my colleagues to join the growing public support for this important anticrime bill.

EFFECTIVE DATE OF INSTALLMENT SALES TAX PROVISION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. UDALL. Mr. Speaker, today I am introducing legislation that is designed to reverse a language change that appeared in the conference report to the tax bill we passed last year. The change was never made by the conferees. It is my understanding that this change was made at the 11th hour by staff, despite the fact that there had been no discussion, consideration or approval of it. It became apparent only after the conference report was filed.

That language change is threatening to have a serious and adverse effect on many taxpayers, both in my area and throughout the country, that use the installment sales method.

The language change accelerates the date on which the new installment sales provision applies to fiscal year taxpayers. As a result, the provision will impact on these taxpayers in a significantly different way than on calendar year taxpayers in an identical situation.

With a few designated exceptions, the installment sales provision in the Senate version of the tax bill was adopted by the conferees. The Senate bill had an effective date of taxable years beginning after December 31, 1986. However, the conference report had an effective date of taxable years ending after December 31, 1986. Any amendments made to the Senate installment sales provision were specifically enumerated in the conference report. None of those amendments dealt with the effective date or the noted word substitution.

This bill will reinstate the original language, making the effective date taxable years beginning after December 31, 1986. In my view, from the standpoint of equity and legislative procedure, the language change simply should not have been made in the conference report. This legislation will remedy the situation.

MONUMENT TO MARIA SKLODOWSKA CURIE TO BE DEDICATED IN BAYONNE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. GUARINI. Mr. Speaker, an event of the highest honor is being planned in the city of Bayonne on Sunday, April 26, 1987 in the Bayonne Public Library. On that day the Polish American Heritage Committee of Bayonne will sponsor a program honoring this most distinguished woman scientist who was twice a recipient of the Nobel Prize in 1903 and 1911.

Madame Maria Sklodowska Curie's achievements in physics and chemistry, including her discovery of radium which proved successful in the treatment of cancer and has brought to her the honorable title of "benefactress of the human race."

The Bayonne committee, composed of Henry Archacki, Col. Anthony Podbielski, William Kowalski and Edward Bawiec, have been working with Mrs. Joseph Chodkiewicz, Mary Szewko, under the direction of Joseph Topolski, president of the group, which meets at the Polish American Community Center, 29 West 22d Street, adjacent to Mt. Carmel Roman Catholic Church in Bayonne.

Topolski said Andrew Pitynski, the artist and sculptor who will create the Maria Sklodowska Curie Monument, will be present, and formal signing of a contract will be the main item on the agenda.

Pitynski is a director of the J. Seward Atelier in Mercerville. His largest work in the United States is the "Partisans" depicting five armed horsemen, cast in aluminum with a 25-foot base and height of 15 feet.

"There is no insignia telling what country these people are from. It is a tribute to people everywhere who are willing to fight for freedom," commented Pitynski.

His smallest creations are artistic bronze medallions, weighing 1 pound each, handcrafted in the ancient "lost wax" technique.

He recently completed a bronze memorial, which contains the heart of Ignacy Jan Paderewski, Polish pianist and statesman, for the Shrine of Our Lady of Czestochowa in Doylestown.

According to Col. Anthony K. Podbielski, noted historian of the Polish-American Heritage Committee of Bayonne, Madame Curie "hastened the march of civilization by the discovery of radium.

"She was self-effacing, modest and a devoted scientist, mother, teacher, humanitarian and author . . . inspired and inspiring idealist, practical dreamer and Polish patriot. She never profited from her scientific research and discoveries, although others benefited from her dedication to humanity.

Maria Sklodowska, youngest of the five children of Wladyslaw and Bronislawa (nee Boguska) Sklodowska, was born in Warsaw (Russian occupied Poland) on November 7, 1867. She died at Sancellemoz, France on July 4, 1934. The families of her father and mother, who were Roman Catholics of purely Polish stock, were among the small landed proprietors, a nobility class notable for its intellectual interests. True to this tradition, Mme. Curie's paternal grandfather directed the management of his own lands and at the same time was president of the "gimnazjum" of Lublin. Both her father and her mother were distinguished educators in Warsaw.

She received her early education in the Warsaw schools—then under oppressive Russian occupation—and which were subject to the restrictions imposed by the Russian Czarist authorities. A brilliant student she graduated at the age of 15 at the head of her class.

In 1891 she was finally able to undertake advanced scientific studies at the Sorbonne in Paris—of which she had dreamed. In 1893, she graduated with the first rank of "licensee en sciences physiques"; and in 1894 with second rank as "licensee en sciences mathematiques".

In 1895, she married Pierre Curie, a professor of physics in the School of Physics and Chemistry of the City of Paris. They had two children, Irene, born in 1897, and Eve Denise, born in 1904.

Professor and Mme. Curie announced the existence of the element polonium—named for Mme. Curie's native Poland—in July 1898, and in the following December that of the element radium. She was the first woman to hold a full professorship in France, was made professor at the Ecole Normale Superieure des Jeunes Filles at Sevres in 1900. In 1902 she had prepared one-tenth of a gram of pure radium chloride and the properties and atomic weight of radium had been determined. In 1903 the Nobel Prize in Physics was awarded to Mr. and Mrs. Curie and to Mr. Becquerel for the discovery radium activity and the new radium active elements.

After her husband's tragic death in 1906 she was asked to succeed him in the professorship in physics at the Sorbonne—which post he held from 1904. In 1911 Mme. Curie was awarded the Nobel Prize in Chemistry.

Although she lived the greater part of her life in France, Mme. Curie never lost her love for Poland, the land of her birth. Brought up under the bitter burden of Russian oppression, she had as a child dreamed of the re-establishment of the Polish nation. Her loyalty to Poland and affection for it were deep and abiding. Her learning and ability were always at its service. In 1912, although unable to leave France she gave great assistance to the Warsaw Scientific Society, in the establishment of a radium laboratory and of the courses in it. She used the fund given her for her private use by the women of the United States, when they presented her with a gram of radium in 1921, toward the rental of another gram of radium for the Warsaw laboratory. When she visited the United States again in 1929 to dedicate the Hepburn Hall of Chemistry at St. Lawrence University—at the door of which is a beautiful bas relief of Mme. Curie—American friends presented her with money to purchase the gram of radium for Warsaw, thus freeing the original fund for her use. In 1932, she paid her last visit to her beloved Poland to attend the dedication of the Warsaw Radium Institute, the cornerstone of which she had assisted in laying in 1925. Following her death on July 4, 1934, in France, the family monument in the cemetery, carried the following addition, Maria Curie Sklodowska.

It is my intention to participate in this event on April 26. A well-dressed tribute is being paid to this woman who had served mankind so well. I extend my heartfelt thanks to the committee which has made this eventful day possible.

CONGRATULATIONS TO JOHN GALLES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. WOLPE. Mr. Speaker, I am pleased to announce to my colleagues that a constituent of mine, Mr. John Galles of Kalamazoo, MI, will shortly assume the position of executive director of National Small Business United. As head of this organization—a Washington-based coalition of the Small Business Association and the National Small Business groups—Mr. Galles will represent the interests of 50,000 small businesses across the country.

Chosen from a field of 150 candidates to head the NSBU, John Galles promises to be a skillful and creative leader. Back home in Michigan, where he was the executive director of the Small Business Association of Michigan, Mr. Galles, distinguished himself by his dedication, his hard work and his effectiveness. He was instrumental in the creation of a number of successful programs designed to help small businesses in Michigan and, more generally, to create a good business climate throughout the State.

As someone who has had the benefit of working with Mr. Galles for the past 10 years, I can assure my colleagues of his commitment, his sincerity, and his industriousness. His counsel to me and to other members of the Michigan delegation on issues of importance to the small business community has been invaluable. I look forward to a continued productive relationship and wish him well in his new position.

COATS PRAISES FORMER PRISONERS-OF-WAR

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. COATS. Mr. Speaker, I rise today in support of Senate Joint Resolution 47, "National Former Prisoners-of-War Recognition day."

I believe it is entirely appropriate that we designate this day, April 9, the 45th anniversary of the fall of Bataan during the Second World War, in recognition of all the men and women who are former prisoners-of-war [POW's].

As a Vietnam-era veteran, I have enormous respect for all the men and women who served combat duty during the three wars in which our country has participated since World War I. However, I must say that I feel a special compassion for and pride in the more than 83,000 veterans who suffered unspeakable hardships at the hands of our Nation's enemies in prisoner-of-war camps. Their strength, courage, and commitment to democratic ideals and their willingness to suffer for the freedoms which we often take for granted has earned our deepest respect and gratitude.

Mr. Speaker, though in the past several years various laws have been passed to compensate former POW's, both financially and medically, for their sacrifice, I feel this special day of recognition is an important opportunity for the American people to honor these brave men and women for the important contributions which they have made to our country, and which have helped preserve the privileges and rights which are the cornerstone of the United States of America.

FARMERS HOME LOAN BUY BACK ACT

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. JONTZ. Mr. Speaker, today I am introducing a bill, the Farmers Home Loan Buy Back Act, which will offer thousands of rural communities across America the opportunity to enjoy considerable savings in paying for community development facilities which they have financed through the Farmers Home Administration [FmHA].

Last fall's Reconciliation Act requires the FmHA to sell enough of their loans from the rural development insurance fund to raise a net $1 billion in fiscal year 1987. FmHA has developed a plan where it will randomly select one out of eight of the approximately 10,000 loans which it has made and put them up for bid in a single portfolio to large financial institutions. These institutions will be able to bid for them at greatly discounted rates.

Several weeks ago I approached the FmHA asking them to offer the borrowers the right to first buy back their loans at a similar discounted price. They have refused to do this.

The bill that I am introducing today will give all towns having a FmHA loan the opportunity to buy back their loans at a fair price. It will not cost the taxpayer a dime, and could, in the end, even raise additional revenue. It instructs the FmHA to offer every borrower the right to buy back their loan before they are subjected to random selection for the first offering. It provides the FmHA with a mechanism to insure that the taxpayer's interests are protected.

The U.S. Department of Housing and Urban Development is now in the middle of a similar program. HUD has, however, given the towns a first chance to buy back their loans. If HUD can do this, so can FmHA.

All across America thousands of rural towns are being battered by the farm economy. This measure, if approved, would give these towns the opportunity to greatly decrease the amount of money which would be required to pay off what is, for many, the most expensive investment which they have made.

The Farmers Home Administration is planning to offer its first portfolio in June. I urge my colleagues to join me in sponsoring the Farmers Home Loan Buy Back Act to require the FmHA to give these borrowers the right to buy back their loans.

The bill which I am introducing today has bipartisan support. Cosponsoring this measure with me is Mr. ED JONES, the chairman of the Agriculture Subcommittee on Conservation, Credit, and Rural Development. In addition, I am joined by the following colleagues on the House Agriculture Committee: Messrs. GLICKMAN, VOLKMER, BROWN of California, COEHLO, STALLINGS, STENHOLM, HUCKABY, CAMPBELL, PANETTA, ROSE, ENGLISH, ESPY, EVANS, GRANDY, HARRIS, JEFFORDS, JOHNSON of South Dakota, OLIN, PENNY, STAGGERS, TALLON, NAGLE, THOMAS of Georgia, and HOLLOWAY. I am also joined by Messrs. BURTON, COATS, HAMILTON, HILER, JACOBS, MCCLOSKEY, SHARP, and VISCLOSKY, who are colleagues of mine from Indiana. Also joining me are: Messrs. DEFAZIO, GRANT, LANCASTER, WISE, and PERKINS. The bill which I am introducing today is as follows:

H.R. 2059

A bill to require the Secretary of Agriculture to carry out the sale of assets required by section 1001 of the Omnibus Reconciliation Act of 1986 by offering to sell notes and other obligations issued by public bodies to the issuer before offering to sell them to the public

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmers Home Loan Buy Back Act of 1987".

SEC. 2. RIGHT OF FIRST REFUSAL BY ISSUER.

In the administration of the sale of any note or other obligation under section 1001 of the Omnibus Reconciliation Act of 1986 (P.L. 99-509), the Secretary of Agriculture shall, before any such sale—

(1) determine whether the issuer desires to purchase the note or other obligation; and

(2) if so, hold open for a reasonable time an offer to sell the note or other obligation to the issuer at a price determined under section 3.

SEC. 3. DETERMINATION OF OFFERING PRICE.

(a) AUTHORITY.—The Secretary of Agriculture shall determine, in accordance with subsection (b), the price at which a note or other obligation is to be offered for sale under this Act.

(b) PRICE.—The price of a note or other obligation which is to be offered for sale under this Act shall reflect—

(1) the net present value of the note or other obligation; and

(2) the estimate of the Secretary (which may reflect any greater difficulty of selling packages of notes or other obligations in which a higher percentage of notes or other obligations may be nonperforming) of the amount by which—

(A) the proceeds (attributable to the sale of the note or other obligation) of a sale to the public of a package of notes or other obligations including the note or other obligation; exceeds

(B) the proceeds of a sale to the issuer of the note or other obligation.

JOE GAFFNEY, TRULY A HERO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. FLORIO. Mr. Speaker, I draw the attention of my colleagues to a very special man from Deptford, NJ. In the midst of the current wave of concern for the thousands of homeless and hungry in our Nation, Joe Gaffney has been actually doing something about it for years. Earlier this week he received an "unsung hero" award from the National Enquirer at a ceremony here in the Capitol.

Joe Gaffney, and his friend Roberta Kern, have been selflessly giving of their time, their possessions, and their money for the past several years in a never-ending struggle to feed hungry people in the southern New Jersey area. Joe is a good samaritan in every sense of the word.

Mr. Speaker, while he was in Washington this week to receive the Enquirer award he encountered a man sleeping on a grate and struck up a conversation with him. By the end of the talk, the man was wearing Joe's overcoat—he had given it to him—and Joe was heading back to his hotel.

It is unusual in this modern day society to find people like Joe Gaffney. He will do anything to help his fellow man. His home resembles a food warehouse, stocked constantly with donated food which he distributes to the needy. His bank accounts resembles perhaps our Treasury as there are constantly deficits from month to month as he waits for pension checks to replenish accounts long depleted in his struggle to feed the needy.

Mr. Speaker, words cannot express what Joe Gaffney has done for his fellow man. I am proud to have the privilege to represent him in the Congress of United States.

CONTRIBUTIONS TO THE U.N. FUND FOR DRUG ABUSE CONTROL FOR 1986

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. GILMAN. Mr. Speaker, I recently received information from the U.N. Fund for Drug Abuse Control [UNFDAC], which is headed by its very capable executive director, Dr. Giuseppe di Gennaro, pertaining to pledges and/or contributions made by member-nations of the United Nations.

UNFDAC, which was created in 1971, is financed entirely by voluntary contributions from governments and private sources. For the past 16 years, from 1971 through 1986, more than 80 nations contributed only $166.8 million, or an annual average of $10.4 million. Last year, 60 nations pledged or contributed $16,970,338, of which the United States pledged $3 million or 17.68 percent of that total. This does not include the $300 million contributed by the Government of Italy, which is to be commended for its outstanding leadership in combating drug trafficking and drug abuse.

Regrettably, the contributions to UNFDAC for 1986 represent a sharp decline in both the number of nations contributing and the amounts contributed for 1985, during which 83 nations contributed $24,418,081.

According to UNFDAC, for 1987, the U.N. Drug Fund will devote approximately 53 percent of its resources for activities aimed at reducing the supply of illicit narcotics, 18.5 percent for demand reduction, 27 percent for strengthening drug control measures, including law enforcement, and 1.5 percent for research and other expenditures. The approved program budget for 1987 amounts to $31.6 million out of which $30.7 million will be used for technical cooperation activities. A total of $33.4 million is already committed for technical cooperation activities in 1988 and future years.

Mr. Speaker, drug trafficking and drug abuse have reached epidemic proportions throughout the world. The political, economic, and social institutions of all nations are being corrupted by the narco-terrorists, and the health of citizens throughout the world is being jeopardized by the deadly menace of drug abuse. Drug-producing nations have now become drug-consuming nations, and drug-consuming nations, including the United States, have become drug-producing nations.

The amounts contributed to the U.N. Drug Fund to conduct a global war against drug trafficking and drug abuse are a pittance compared to the hundreds of billions of untaxed dollars that the narco-terrorists reap from their illicit drug activities. If nations of the international community are truly serious about waging war against drug trafficking and drug abuse, then the entire family of nations must contribute to this effort, and many nations should try to increase their contributions to the fund. Some nations have not contributed a single penny to UNFDAC, and that is truly a sad commentary given the global dimensions of drug trafficking and drug abuse.

Mr. Speaker, in an effort to inform my colleagues on the recent contributions to UNFDAC, I am inserting at this point in the RECORD two documents pertaining to contributions and/or pledges to UNFDAC for 1986 and for 1985.

U.N. FUND FOR DRUG ABUSE CONTROL

[Calendar year 1986]

Country	Contributions and/or pledges during 1986	Percentage[1]
Argentina	24,000	.14
Australia	137,931	.81
Austria	84,746	.50
Bahamas	2,000	.01
Belgium	18,137	.11
Brazil	10,000	.06
Brunei	2,000	.01
Canada	620,069	3.66
Chile	4,000	.02
China, People's Republic of	20,000	.12
Colombia	2,600	.01
Cyprus	1,000	
Denmark	16,484	.10
Ecuador	2,500	.01
Egypt	2,000	.01
France	250,264	1.47
Germany, Federal Republic of	1,680,000	9.90
Greece	5,000	.03
Hong Kong	12,857	.07
Iceland	2,000	.01
India	15,000	.09
Indonesia	2,000	.01
Iran	2,000	.01
Ireland	5,000	.03
Israel	5,000	.03
Italy	4,353,363	25.66
Ivory Coast	2,918	.02
Japan	950,000	5.60
Kenya	3,386	.02
Liechtenstein	1,320	
Madagascar	2,000	.01
Malaysia	8,500	.05
Malta	235	
Mexico	280	
Netherlands	75,000	.44
New Zealand	22,568	.13
Norway	1,856,714	10.95
Pakistan	[2] 10	
Panama	2,470	.01
Peru	65,484	.39
Philippines	2,000	.01
Portugal	10,000	.05
Rep of Korea	2,000	.01
Saudi Arabia	[3] (70,000)	(.41)
Senegal	5,000	.03
South Africa	3,720	.02
Spain	64,516	.39
Sri Lanka	10,000	.06
Suriname	2,825	.01
Sweden	1,494,254	8.81
Switzerland	95,694	.57
Thailand	5,000	.03
Trinidad/Tobago	2,067	.01
Turkey	17,500	.11
UK	2,038,315	12.02
UR Cameroon	2,611	.01
USA	3,000,000	17.68
Venezuela	7,500	.05
Yugoslavia	6,000	.04
Zaire	500	
Total	16,970,338	100.00

[1] No percentage shown for amounts of less than 0.01 percent.

[2] Adjustment of pledge.

[3] Correction for annulment of special-purpose pledge by Saudi Arabia.

U.N. FUND FOR DRUG ABUSE CONTROL STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS OF DECEMBER 31, 1985

[In U.S. dollars]

	Total contributions pledged or received during—		
	1971–84	1985	Total
1. Algeria	7,995		7,995
2. Argentina	98,000	12,000	110,000
3. Australia	2,309,781	139,860	2,449,641
4. Austria	582,106	80,645	662,751
5. Bahamas	6,000	1,000	7,000
6. Barbados	2,000	500	2,500
7. Belgium	181,960	35,420	217,380
8. Benin	1,667		1,667
9. Bolivia	6,000		6,000
10. Brazil	48,000	5,000	53,000
11. Canada	2,356,871	243,066	2,599,937
12. Chile	32,500	4,000	36,500
13. China, People's Republic of		20,000	20,000
14. Cyprus	6,882	1,000	7,882
15. Denmark	434,095	15,789	449,884
16. Ecuador	2,500	2,500	5,000
17. Egypt	4,993	2,000	6,993
18. Finland	156,075	66,049	222,124
19. France	1,545,777	187,300	1,733,277
20. Germany, Federal Republic of	10,204,641	1,615,384	11,820,025
21. Greece	25,799	7,000	32,799
22. Guyana	487		487
23. Holy See	1,000		1,000
24. Hong Kong	185,698	12,858	198,556
25. Iceland	25,900	2,000	27,900
26. India	52,000	15,000	67,000
27. Indonesia	10,000	2,000	12,000
28. Iran	43,715	2,000	45,715
29. Iraq	20,032		20,032
30. Ireland	30,000		30,000
31. Israel	9,264	5,000	14,264
32. Italy	42,073,216	10,280,899	52,354,115
33. Ivory Coast	1,036		1,036
34. Jamaica	7,740		7,740
35. Japan	3,111,685	400,000	3,511,685
36. Kenya	28,116	3,315	31,431
37. Kuwait	26,000		26,000
38. Libyan Arab Republic	16,460		16,460
39. Liechtenstein	6,000		6,000
40. Luxembourg	1,000		1,000
41. Madagascar	8,400	2,000	10,400
42. Malawi	1,014		1,014
43. Malaysia	30,000	17,000	47,000
44. Malta	2,795	193	2,988
45. Mauritius	3,338		3,338
46. Mexico	10,659	292	10,951
47. Morocco	29,275		29,275
48. New Zealand	334,875	20,680	355,555
49. Nigeria	14,778		14,778
50. Norway	8,580,491	2,468,417	11,048,908
51. Oman	997		997
52. Pakistan	6,716	620	7,336
53. Panama	4,940	2,470	7,410
54. Philippines	18,180	2,000	20,180
55. Portugal	19,000	10,000	29,000
56. Qatar	62,000		62,000
57. Republic of Korea	13,500	4,000	17,500
58. Rwanda	1,066		1,066
59. San Marino	1,500		1,500
60. Saudi Arabia	1,957,000	50,000	2,007,000
61. Senegal	6,204	5,000	11,204
62. Singapore	3,000		3,000
63. South Africa	52,474	4,758	57,232
64. Spain	55,386	61,728	117,114
65. Sri Lanka	500		500
66. Sudan	1,000		1,000
67. Suriname	2,000	2,825	4,825
68. Sweden	4,728,388	442,600	5,170,988
69. Switzerland	385,117	93,458	478,575
70. Thailand	9,000	5,000	14,000
71. Togo	652		652
72. Trinidad and Tobago	1,000		1,000
73. Tunisia	17,342		17,342
74. Turkey	55,274	17,500	72,774
75. United Arab Emirates	12,000		12,000
76. United Kingdom	2,407,371	5,289,876	7,697,274
77. United Republic of Cameroon	8,760	2,500	11,260
78. USA	42,770,000	2,732,000	45,502,000
79. Uruguay	1,000		1,000
80. Venezuela	18,000	8,879	26,879
81. Vietnam	1,000		1,000
82. Yugoslavia	75,288	12,000	87,288
83. Zaire	500	500	1,000
Total[1]	125,374,771	24,418,081	149,792,852

[1] Figures include unpaid pledges of US$65,230,180 of which US$15,868,892 represent unpaid pledges due and US$49,361,288 future-year pledges of future-year portions of pledges.

DEFENSE NUCLEAR FACILITIES SAFETY AGENCY

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. DICKS. Mr. Speaker, in the wake of the disaster at Chernobyl, Congress and the American public have directed increased attention to the Department of Energy's nuclear activities in the United States. The result of this increased scrutiny has been a growing sense of concern about the Department's ability to meet its obligation to provide nuclear materials for our Nation's defense needs while at the same time adequately protecting the public.

In the past, these two mandates have competed against each other for funding and priority consideration within the Department, with safety needs increasingly losing ground to the pressure to produce materials. As a result, the Department's nuclear facilities have become antiquated, placing our world at risk. If there are two lessons we should have learned from Chernobyl, it is that nuclear accidents know no national borders and that there is no room for complacency in nuclear operations.

The deteriorating condition of existing DOE facilities, and the legacy of decades of unsafe practices, can no longer be tolerated in a society which has now been made painfully aware of the potential consequences of giving safety anything but the highest priority.

I feel it is unrealistic to expect an agency with the sometimes conflicting mandates of production and safety to be able to give adequate attention to each. I also feel that a single agency cannot be allowed to regulate itself in an area with such global consequences in case of error. We must place the responsibility for ensuring the safety of operations of DOE nuclear facilities in the hands of an agency that can provide an independent evaluation of their needs, while at the same time maintaining the separation of military and civilian operations.

For this reason, today I am introducing legislation which would create an independent agency to regulate DOE nuclear facilities. The defense nuclear facilities safety agency would create standards for construction and operation of DOE nuclear facilities, conduct inspections, and have the authority to order suspension of activities at any facility which does not adequately protect the public safety. In addition, the agency would provide recommendations on budget levels which it considers adequate to protect public safety, and report to Congress on the status of each facility on a regular basis.

I believe this approach would help restore credibility to our Nation's production program, and provide the highest possible level of protection to our military operations.

I urge my colleagues to support this important legislation.

TRIBUTE TO SHERMANS DALE LIONESS CLUB

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. GEKAS. Mr. Speaker, much of what is good in our country is the result of volunteerism. I am pleased to bring to the attention of my colleagues in the U.S. House of Representatives one such volunteer group, The Shermans Dale Lioness Club, who has provided excellent service to the community of Shermans Dale, Pennsylvania, as well as District 14-T and Lions International.

The Shermans Dale Lioness Club, 56 members strong, will celebrate its fifth anniversary on April 11, 1987, just 2 weeks before the day, April 24, 1982, the club was organized under the sponsorship of the Shermans Dale Lions Club.

The Lioness Club and the Lions Club have had a distinguished history of helping those persons in need of special health care and treatment. For example, the clubs have committed their time and efforts toward helping with such projects as eye research, drug and alcohol rehabilitation, hearing and speech impairment, programs for the blind, and a youth exchange program.

Over the past 5 years several Lioness Club members have served their club ably including: Joyce Wilson, Faye Frampon, Lillian Flannery, Flora Phillips, and Margaret Rohrer as past presidents; and Lioness Secretary Shirley Hull, who has served in the same capacity since the Club's inception, and has served for 2 years as Lioness Associate Chairwoman.

Mr. Speaker, I would like to extend my congratulations and best wishes to the Shermans Dale Lioness Club on the occasion of their fifth anniversary. I know they will fulfill their motto to their community and Lions International—We Serve Too.

STRATOSPHERIC OZONE PROTECTION ACT OF 1987

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SCHEUER. Mr. Speaker, I am pleased to join with the distinguished Member from California, Representative JIM BATES, in introducing the Stratospheric Ozone Protection Act of 1987.

The ozone layer, which alone stands between us and deadly ultraviolet radiation from the Sun, would be less than an eighth of an inch thick if it were at the Earth's Surface. The startling discovery of a hole in the ozone over Antarctica may be a first warning—nature's shot across the bow—of the fragility of this thin shield.

On March 10, 1987, the Subcommittee on Natural Resources, Agriculture Research and Environment, which I chair, heard testimony from leading scientists on the questions surrounding ozone layer destruction. There was universal agreement that chlorofluarocarbons—CFC's—threaten the stratospheric ozone layer. There was less agreement about how quickly and how much this effect would occur. As each of the scientists acknowledged, there remain important scientific uncertainties which make it difficult to answer that question: evidence of a general, global decline in the ozone layer is ambiguous, the ability of sophisticated and complex computer models to predict future ozone layer destruction is limited, and the phenomenon of the Antarctic ozone hole cannot be totally explained. Given the significance of these uncertainties, it is imperative that Federal scientific research be continued and expanded.

But significantly, although all of the scientists we heard from agreed that major uncertainties remain, they also unanimously agreed that we already know enough to justify immediate actions to limit global emissions of CFC's.

To its credit, the U.S. CFC industry now agrees that the results of scientific research—much of which it funded—justify international restrictions on CFC growth.

The reason that we must act today to protect the ozone layer stems from the nature of CFC's themselves. They are extraordinarily stable compounds, with the ability to stay in the atmosphere for over 100 years. We cannot recall them or remove them after they are released. Because of this long lead time, every ton of CFC's emitted today will remain a threat for decades to come.

Further, new emissions of CFC's will be added to the tons of CFC's we have already produced but which have not yet migrated to the stratosphere. If we wanted to do nothing more than simply prevent today's concentration of CFC's in the stratosphere from increasing, we would have to cut emissions 85 percent.

The bill we are introducing today would reduce domestic CFC emissions in stages to 95 percent of 1986 levels over 7 years. To prevent foreign competitors from obtaining a competitive advantage from this action, the bill would prohibit the import of all products containing, or made with, CFC's from nations which have not taken similar actions.

These are serious steps, but they are prudent ones. We cannot repair the ozone layer after it has been destroyed. We cannot accept the epidemic of skin cancer and havoc in natural ecosystems that would result from the ozone layer's destruction. And we cannot afford the luxury of waiting to see how this uncontrolled global experiment actually turns out.

I urge my colleagues to join with us to protect the stratospheric ozone layer.

A PARTISAN AND UNREALISTIC BUDGET PROPOSAL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BURTON of Indiana. Mr. Speaker, I will not be present on Thursday, April 9, 1987, to cast my vote against the Democrats' budget proposal. The Democrats' budget proposal is entirely partisan and unrealistic. The vote is a foregone conclusion as Congress will vote along party lines. The Democrats will vote in favor of their proposal and I, along with my Republican colleagues, oppose this budget buster.

All votes are important but I will miss this one because I'll be joining President Reagan on his trip to Indiana. I hope to discuss issues important to Indiana, one on one with President Reagan. I feel that discussing issues with the President is very important. I decided it would be a better use of time to discuss the pressing needs of Indiana's farmers, workers, and manufacturers.

The purpose of these remarks is to express my strong opposition to the Democrats' budget proposal. My objections include the unwillingness to pursue real deficit reduction, their disregard for efforts to work toward a bipartisan budget bill and their failure to adhere to the proper budget process.

I've been hearing considerable talk by the Democrats regarding the need to raise taxes. They say that the only way the deficit can be reduced is by raising taxes even higher. Speaker JIM WRIGHT has said that, "taxing and spending is what we're supposed to do; taxing and spending is what government is about." WRIGHT also said that, "in my judgment, there isn't any way to achieve the commanded reductions in the deficit without any revenue." Representative DAN ROSTENKOWSKI, chairman of the Ways and Means Committee, added that "if you tell me the chemistry is out there—on the House floor—to pass a tax hike, I'll give you a bill tomorrow."

Quite frankly, I reject the notion that we must raise taxes to balance the budget. What we need to do is to reduce Government spending. The leadership of the Democratic Party in the House complains that Americans are undertaxed. The real problem is not that the Government is not raising enough revenue, but that the Government is spending far too much.

It is common knowledge that the Government is living beyond its means. The Government spends more than it takes in and covers the deficit by heavy borrowing. If this continues, we will be faced with serious economic, social, and political consequences. Spending must be controlled if we are to get the Federal Government back on the road to a balanced budget and fiscal responsibility.

If taxes are increased, then economic growth and prosperity will undoubtedly take a downward turn. Increased taxes will result in lower growth, investment and productivity, fewer jobs and ultimately, less revenue. Most economists agree that a tax increase would have a negative economic impact.

An increase in taxes would cause a decline in U.S. competitiveness in the world market at a time when we need to become more competitive in the world market. The Government should help American productivity by cutting taxes and improving economic incentives for production. It is very clear to me that the Democratics' budget proposal falls far short of a budget bill that I could support.

I am also very displeased by the way the Democrats rode roughshod over the Republicans during the Budget Committee markup.

The Democrats refused to share their budget bill with the minority at the markup. They also refused to answer any questions. The Democrats are playing political games and refusing to get down to the business of coming up with an acceptable budget. Their bill is so full of smoke and mirrors that it is no wonder they were unwilling to share it. The leadership of the Democratic Party has failed all attempts by the minority to achieve a bipartisan budget bill.

From what I've seen so far, I believe that it is high time the budget process machinery be fixed. Budget deadlines are missed repeatedly as political games are played. Budget spending ceilings are routinely breached as Congress continues to spend and the national debt continues to grow. In the end, the Government is funded by an omnibus appropriations bill that is loaded with pork-barrel projects and not subject to adequate scrutiny by Congress. Congress must end this ridiculous and irresponsible budget process. Deadlines must be met and separate appropriations bills must be examined and voted on.

I would hate to see the progress of the past 6 years undone with the Democrats' budget bill. Taxes were cut in 1981 and then again in 1986. Lower taxes have stimulated economic growth and prosperity. This important achievement would be jeopardized if Congress were to turn around and spring a tax increase on the American people.

A bipartisan budget bill must be passed. It must meet the Gramm-Rudman targets without additional taxes and it must be passed in a timely manner. The economy and the American taxpayers must not be burdened with additional taxes.

TRIBUTE TO TIM LEE CARTER

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1987

Mr. BUNNING. Mr. Speaker, I did not have the honor of serving in this body while Tim Lee Carter was here but I did have the pleasure of knowing and working with him on political activities back in Kentucky.

Since I have been in Washington, I have heard a great deal about Tim Lee Carter and the high regard in which he was held here by his colleagues. The most common remark I hear from those who served with him was that they considered him a friend and that they respected his wide range of experience and knowledge.

Tim Lee Carter was a man who served his constituents well, his State well and his Nation well. The fact that he is remembered so kindly and with so much respect here in this legislative body over 7 years after his retirement testifies to the quality of his service quite eloquently.

Those of us who remember Tim Lee as a friend will miss him but we won't forget him or his many years of service.

DONNA HILL OLIVER—NATIONAL TEACHER OF THE YEAR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. COBLE. Mr. Speaker, all of us are aware of the importance of a good education. One of the key elements in obtaining a good education is providing our students with good teachers. The right teacher can make a poor student a good student. The right teacher can turn a good student into an excellent one. That is why it is so important that we identify, recognize, and reward those teachers who are helping our students be all they can be in the classroom.

That is why I would like to take this opportunity to recognize and honor the National Teacher of the Year—Donna Hill Oliver. For the past 13 years, Donna Hill Oliver has been a biology teacher at Hugh M. Cummings High School in Burlington, NC, which is in my district. On April 22, she will be honored as the National Teacher of the Year for her efforts.

The daughter of Annie and the late Clarence Hill, Donna became fascinated with education at an early age. She dreamed about becoming a scientist. However, she also grew during a period of social change. As one of the first black students at a predominantly white high school, she saw students and teachers who did not share her burning desire for education. It was during this time that she decided to combine her wish to be a scientist with hope of becoming a role model to the next generation.

Donna obtained an undergraduate degree at Elon College and a master's degree at the University of North Carolina at Greensboro. She then set out to become the best biology teacher she possibly could. During the past 13 years she has shared her love and fascination of science with her students. Let me use her own words, from the April 3, 1987, Burlington Daily Times-News to express her desire for teaching:

> Educators must always remain confident that our effectiveness will stimulate and create new ideas. Moreover, we must be determined that worthwhile contributions to society will result from our efforts—contributions that will leave their mark upon the sands of time. Teachers are the architectural designers of nations.

Donna Hill Oliver has left her mark on all the students who have been lucky enough to spend time in her classroom. On April 22, President Reagan will present her with a crystal apple, the traditional symbol of teaching excellence. The award is sponsored by the Council of Chief State School Officers, Encyclopedia Britannica Co. and Good Housekeeping magazine. This is not the first honor for Donna. She was selected the 1986–87 North Carolina Teacher of the Year, as well.

We are extremely proud that a resident of the Sixth District has been named as the National Teacher of the Year. Our best wishes go to Donna and her husband James. Besides this new honor, Donna and James have another reason to be proud. In October, their daughter Rachel was named Miss Black America. Our congratulations also go out to Burlington City Schools Superintendent Dr. Joe Sinclair, Principal J.A. Freeman, the faculty, staff and students at Cummings High School.

Donna Hill Oliver has made Burlington, Alamance County, the Sixth District, North Carolina, and now the Nation proud. She has accomplished what she set out to do—foster a love of education among our young people. We are all the richer for her efforts. Burlington is known as the "Outlet Capital of the World." It can also make another boast now—it's the place where the National Teacher of the Year teaches.

THE STRATOSPHERIC OZONE PROTECTION ACT OF 1987

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. BATES. Mr. Speaker, today I am introducing the Stratospheric Ozone Protection Act of 1987. The ozone layer is a fragile resource that protects us from the most harmful of the Sun's rays. It is being depleted by synthetic substances such as chlorofluorocarbons. Recent scientific evidence indicates that the depletion may be occurring faster than first projected. We must act now.

My bill has two parts. First, it provides for a 95 percent phaseout of U.S. production of ozone-depleting substances over a 7-year period. Second, it prohibits the import of these substances in bulk and products containing or made with these substances from nations that do not have a reduction program at least as strict as ours.

My bill generally codifies the U.S. position in the international protocol currently being negotiated in Europe, except that it would accelerate the timetable. I urge my colleagues to cosponsor this effort to avert environmental catastrophe.

CITIZENS ARE DENIED RECREATIONAL USE OF FEDERALLY OWNED LAND

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. YOUNG of Alaska. Mr. Speaker, frequently in Alaska and throughout the United States, our citizens are denied the recreational use of federally owned land because of a Government requirement to obtain property damage, personal injury, and public liability insurance. Many times it is impossible to obtain such insurance quickly enough to allow the event to be held.

I believe that federally owned lands are for the general use of the public. I believe that recreational events for the public on federally owned lands should be encouraged not discouraged. To this end, I am today introducing this legislation.

This legislation provides that U.S. citizens applying for authorization to hold a recreational event on federally owned land shall not be required as a prerequisite to obtain insurance. Furthermore, it provides that the United States shall be held harmless from any liability damage or claim arising in connection with the recreational event.

These provisions will simplify the acquisition of permits, encourage sponsors to hold recreational events, and enable a greater portion of the public to enjoy, as God intended, our beautiful, majestic forests and woodlands. I invite my colleagues to join with me in supporting this legislation.

SPRATT SPONSORS REA PREPAYMENT BILL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SPRATT. Mr. Speaker, I rise to offer my enthusiastic support for legislation introduced today by Chairman DE LA GARZA and Congressman MADIGAN giving rural electric and telephone systems the right to prepay long-term high interest loans backed by the Rural Electrification Administration [REA] and issued by the Federal Financing Bank [FFB]. I am proud to be an original cosponsor of this critical bill and I intend to work hard for its early passage.

At present, rural electric and telephone companies owe the FFB approximately $10 billion in loans at high interest rates ranging in some cases up to 15 percent. Refinancing of high interest loans has occurred at an unprecedented level in all sectors of our economy from homeowners to corporations. However, the great bulk of FFB borrowers are unable to refinance their debts without paying prohibitively high penalties.

Permitting prepayments would result in an enormous cost savings to rural electric and telephone systems across the country. In cases of financially strong rural cooperatives, these savings would be passed on to consumers in the form of lower electrical bills. With those cooperatives near bankruptcy—and there are some—savings could determine whether a cooperative defaults on its loans and becomes insolvent or remains financially viable.

For the past year, Congress has strongly supported and the administration has consistently fought efforts to permit rural cooperatives to prepay their loans without penalty. For example, last year when Congress adopted legislation as part of the Urgent Supplemental Appropriations Act authorizing rural cooperatives to prepay their REA loans, the regulations issued by the administration made it almost impossible for any cooperative to qualify. In response to this thwarting of congressional intent, Congress was forced a few months later to adopt more explicit language in the 1986 Omnibus Reconciliation Act compelling REA to accept a minimum of $2.01 billion in prepayments. As further evidence of administration hostility, the regulations issued by REA last January allow a maximum of $2.01 billion in prepayments.

One of the great ironies of the administration's opposition to prepayments is that the major reason REA was created was to provide assistance to rural cooperatives and the consumers they serve. Nonetheless, REA refuses to release cooperatives from the heavy burden of these exorbitant loans—even though the cooperatives are ready, willing and able to pay 100 cents on the dollar. This irony is magnified by evidence suggesting that the Federal Government is actually earning windfall profits on these loans.

The issue of prepayments is particularly significant to me because an important rural electric cooperative in my district, Saluda River Electric Cooperative, Inc., has been trying since last summer without success to prepay approximately $250,000,000 in long-term REA loans. If Saluda River is allowed to prepay and refinance, its debts service would drop by approximately $6 million annually for the next 25 years. These savings would flow through to Saluda River's consumers living in the Piedmont region of South Carolina. The people who live in this area earn an average income that is only 60 percent of the national average. In rural areas of Piedmont, farmers are just recovering from the worst drought in a century. In the towns and small cities, the textile industry has lost profits and jobs due to imports that have grown at a compound rate of nearly 20 percent over the last 6 years.

Supporting prepayments is not simply smart politics, it is smart public policy. Every dollar prepaid by a rural cooperative represents a dollar in offsetting receipts, diminishing the Federal deficit and the national debt. At a time when our Government must close the Federal deficit, prepayments are a useful method to help achieve the goal. Prepayments also serve the President's frequently stated objective of shrinking the role of the Federal Government and enlarging the role of the private market. Finally, prepayments may actually result in a long-range financial advantage to the Federal Government. By relieving the heavy debt burden rural cooperatives must carry, prepayments reduce the likelihood that financially unstable cooperatives will go into bankruptcy. Obviously, a rural cooperative which has filed for bankruptcy will be unable to pay its FFB loans on time or in total.

In light of the assistance this bill would provide to rural cooperatives and the rural consumers whom they serve, the need to decrease the Federal deficit, the President's policy of reducing the role of the Federal Government and the clear will of Congress evidenced by the measures which passed last year, I am confident that this bill will also be adopted. I look forward to working for its enactment and I urge my colleagues to join me in supporting it.

TORRICELLI CASH TRANSFER AMENDMENT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. TORRICELLI. Mr. Speaker, today the Committee on Foreign Affairs adopted my amendment to the foreign aid authorization bill which I jointly introduced with Congressman BONKER, Congressman LEACH, Congressman SMITH of New Jersey, Congressman MACK, and Congressman MILLER of Washington. This amendment revises the cash transfer method of United States foreign aid to ensure that the cash transfer program not only benefits the foreign nation recipient of American dollars but also results in the purchase of American commodities, manufactured goods and service.

In recent years, the cash transfer program has represented by far the largest component of economic support funds. For fiscal year 1988, the administration has requested more than $2.3 billion for cash transfers, equal to approximately 64 percent of the total ESF request.

What is most disturbing to me is that foreign aid in the form of cash is leaving the United States without any requirement that the recipient spend money in this country. If we were running a balance of trade surplus, then this practice might be overlooked. However, as everyone knows, we are not, and the trade deficit of more than $170 billion is only increased because U.S. foreign aid is not tied to the purchase of U.S. products.

But that's only the beginning. Our current method of giving foreign aid in the form of no-strings-attached dollars encourages and permits the recipients to use our tax dollars to buy other nations' goods, services and commodities, providing market penetration for nations who are our most ruthless economic competitors.

My amendment would reform the cash aid program in the following way. First, it authorizes the President to provide foreign aid in the form of cash whenever it is in the interests of the United States and the country we are trying to help.

Second, my amendment further requires that before a cash transfer takes place, the recipient nation must enter into an agreement with the United States covering the purchase of American goods, services and commodities. It states that the nation must spend an amount equal to the amount of the cash transfer to purchase United States goods and services. Countries receiving less than $10 million would be exempted from this legislation.

Third, my amendment requires that 50 percent of these goods and commodities be carried on privately owned U.S.-flag merchant vessels in accordance with existing cargo preference requirements. Both these requirements would assist our national defense, help with market penetration and help make clear in a tangible way that the wheat, soybeans, tractors or whatever is purchased with our dollars, comes from the United States.

My amendment gives the General Accounting Office specific authority to monitor and audit expenditures of cash aid given to each foreign nation. Finally, the President is given the authority to waive provisions of this section if he determines it is in the national interest to do so. Any such waiver shall be reported to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

I believe my amendment simply makes a commonsense point: U.S. aid—provided by American taxpayers—should be used to purchase American goods, services, and commodities. American foreign aid can and must serve a dual purpose—help our economy at home and meet the genuine needs of our friends abroad. It is time to bring the two together.

I urge my colleagues to support this proposal to reform, to improve, and to strengthen our foreign aid program.

WORLD POPULATION AWARENESS WEEK

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. JONTZ. Mr. Speaker, last summer the world added the 5 billionth member of our human family. At current rates, our world's population will double in just 40 years. Clearly, we would do well to give some thought to our world's growing population.

I am, therefore, pleased that my own State of Indiana has joined with more than 30 others in designating the week of April 20 through 25 as "World Population Awareness Week." Indiana Gov. Robert Orr's proclamation comes as my State's citizens are planning events during that week at Taylor University, the University of Evansville, and many other sites to advance our understanding of this critical issue.

At the same time, Congress is considering its own resolutions for declaring World Population Awareness Week nationally, and I am proud to support House Joint Resolution 148. In addition, I submit Governor Orr's resolution to be printed in the RECORD.

STATE OF INDIANA PROCLAMATION

Whereas, the stewardship of American citizens requires each of us to be accountable for the general progress and well-being of our society not only in our state and nation, but throughout the world as well; and

Whereas, if the American Dream is to remain a reality, and if mankind is to realize the promises of a better tomorrow, we must become cognizant of those things which threaten to destroy the hopes for quality living; and

Whereas, the current population of the world has reached five billion and is growing at the unprecedented rate of 87 million each year; and

Whereas, the effects of such rapid population growth can be seen through the developing world in problems such as unemployment, hunger, malnutrition, overcrowded cities, environmental degradation, resource depletion and atmospheric pollution; and

Whereas, no nation is shielded from the far-reaching and devastating effects of overpopulation; it can, and ultimately will, affect every country in every aspect of human life and endeavor;

Now, therefore, I, Robert D. Orr, Governor of the State of Indiana, do hereby proclaim the week of April 20-25, 1987, as

WORLD POPULATION AWARENESS WEEK

In the State of Indiana, and call upon all Hoosiers to reflect upon possible solutions for averting demographic disaster.

In testimony whereof, I have hereunto set my hand and caused to be affixed, the great seal of the State of Indiana, at the Capitol, in the city of Indianapolis, this 23rd day of March, 1987.

ROBERT D. ORR,
Governor of Indiana.

LEGISLATION TO RELIEVE REGIONAL BELL OPERATING COMPANIES OF RESTRICTIONS ON EXPLORING BUSINESS OPPORTUNITIES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues, Messrs. TAUKE, SWIFT, LOTT, SLATTERY, and NIELSON, in cosponsoring the reintroduction of legislation to relieve the Regional Bell Operating Companies [RBOC's] of restrictions imposed on their ability to explore business opportunities by the consent decree that broke up the Bell System.

The Modified Final Judgment [MFJ], as the decree is called, was consummated in 1982 to settle a long standing antitrust suit, with the purpose of ensuring competition in the telecommunications market. To a degree, this end has been achieved. There is choice in long distance service and variety in telephones and related equipment. The restrictions that were placed on the RBOC's in the area of information services and manufacturing, however, have had the opposite effect.

Rather than ensure that the fledgling information services market is not dominated by the monopoly market power of the RBOC's, in order that the market experience growth and choice, information services have been made available only to large businesses that can afford the expensive equipment necessary to gain access to new services. If the RBOC's were allowed to provide information services through the public telephone network, access to these services could be made available to every one with a telephone. With the advent of ubiquitous availability of information services, computer and communications equipment manufacturers would find an entirely new market for inexpensive simple devices that could connect a phone line to a television set and duplicate for consumers and small business the capabilities now available only with expensive equipment that is for many beyond their financial reach. Also with widespread distribution and availability of information services will come a proliferation of information services and information providers who will have more incentive to develop innovative services if a large and diverse market exists, rather than the small and narrow market that exists today.

There are, therefore, benefits for all participants in the potential of information services. Consumers and small businesses gain access to information age services not now available to them because of its prohibitive cost. The RBOC's can increase the efficiency of the Nation's public telephone network by offering new services, utilizing for the most part existing equipment, that will both generate additional profits, and introduce another service through which to cover the costs of the network—thereby keeping local telephone rates lower than they otherwise would be. Computer and communications equipment manufacturers are offered a huge new market for innovative products. Entrepreneurial information providers gain access to a diverse new group of potential customers.

Elimination of the restriction of RBOC domestic manufacturing will contribute to job creation here in the United States, and competition for telecommunications equipment—much of which is produced offshore.

One concern expressed by newspaper publishers is that RBOC entry into electronic publishing would threaten the viability and objectivity of the news. This legislation does not permit the RBOC's to provide electronic publishing and therefore presents no such threat.

In order to ensure that the RBOC's monopoly power is not abused, the legislation includes detailed ratepayer protections that guide RBOC entry and activity in the provision of information services and in manufacturing.

I am convinced that the economic, efficiency, and innovation gains that will be experienced by enactment of this legislation far outweigh the potential abuses of market power that may be exercised by the RBOC's—especially under the strict protections included in the bill.

As a final note, I would like to comment on the timing of this legislation. On February 2 of this year, the Department of Justice [DOJ] filed a report with the U.S. district court having jurisdiction over the AT&T consent decree. The DOJ report recommended removal of the same and other restrictions imposed on the RBOC's by the MFJ that this legislation addresses. In fact, I believe it is in part due to the introduction and support for H.R. 3800 last year that the DOJ was prompted to be so aggressive with the court. It is expected that Judge Greene will take action on the DOJ recommendations within a reasonable period of time. I believe the Congress should allow the judge to reach his decision before we take action. However, the judge should take note of the provisions in this legislation as a basis for his actions. To the extent his actions fall short or greatly exceed the framework in this legislation, or he fails to act expeditiously, the Congress is prepared to act.

CONGRESSIONAL TRIBUTE TO LEO TROMBATORE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. ANDERSON. Mr. Speaker, on April 16, the city of Hawthorne and neighboring communities will be meeting to honor a great and distinguished Californian, Leo Trombatore.

Throughout the Nation, California is recognized as having a truly outstanding system of freeways, roads, and bridges. Over his 40-year career with Caltrans, Leo has had, I suppose, as much to do with this as any person. During his 40 years with the department, Leo has worked at almost every level from his entry position on up, and on March 4, 1983, he arrived at the organization's pinnacle when the Governor appointed him director of Caltrans.

Of course, during his long and brilliant tenure, Leo has not only worked at every level in many different positions, but has worked in different parts of the State, and so there is hardly a significant road or bridge that does not bear Leo's imprimatur.

For many years, Caltrans has been a place where the brightest young engineers proudly went to work and to learn. We have, in California, been fortunate to have a department of transportation that has almost continuously been on the cutting edge of much that is new and good in developing methodologies and engineering technologies. And since his first day on the job in 1947, Leo has been right in the middle of the action.

For 20 years, Leo served in the Los Angeles District office of Caltrans, rising to deputy director of the office. Before his appointment as Caltrans director, he served as district director in the Marysville office, during which time he developed a warm friendship with our former colleague, and a former chairman of the Public Works Committee, Bizz Johnson.

Mr. Speaker, that Leo is an outstanding engineer and has had a brilliant career at Caltrans, while certainly accumulating a resume sufficent and worthy of honor, there was no guarantee that he would be equal to the task of administering a department of 15,000 employees. Leo has not simply been equal to this challenge, he has excelled in it. He has taken a department that had seen many halcyon days but was in a confused state, and been instrumental in its rejuvenation.

His accomplishments in this position have been recongized by his peers. Today, Leo is the president of the Western Association of Highway and Transportation Officials, and chairman of the Standing Committee on Highways of the American Association of Highway and Transportation Officials.

In 1983, Leo received the Government Professional Award from both the California and NationalSocieties of Professional Engineers, and in 1984 won the prestigious top 10 award from the American Public Works Association.

Mr. Speaker, my wife, Lee and I are proud that Leo is a native Californian, a native of Los Angeles, and our Caltrans director. Leo's wife Shirley, and their three children must also be very proud of him.

I just hope that for the next few years, anyway, we will be able to continue expressing our pride in having such an outstanding Caltrans director, my good friend, Leo Trombatore.

WORLD POPULATION AWARENESS WEEK

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. SPRATT. Mr. Speaker, upwards of 35 States have designated the week of April 20 through April 25 as "World Population Awareness Week." I am proud that the State of South Carolina is numbered among those States seeking to contribute to a solution to one of the world's greatest challenges: the need to control population growth.

During the third week of April, South Carolinians will gather in conferences and public forums to be held at Claflin College, Allen University, North Greenville College, and elsewhere around the State. Participants in these, and the hundreds of similar events that will take place around the Nation, will work toward a broader comprehension of the issues and the development of more balanced population growth.

I am pleased to have joined with my colleague from the South Carolina delegation, Senator FRITZ HOLLINGS, in supporting these efforts through House Joint Resolution 148 and Senate Joint Resolution 69, which would lend national designation to World Population Awareness Week. I also ask that Gov. Carroll Campbell's proclamation be printed in the RECORD.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC.

PROCLAMATION BY GOV. CARROLL A. CAMPBELL, JR., ON WORLD POPULATION AWARENESS WEEK

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families.

Now, therefore, I, Carroll A. Campbell, Jr., Governor of the State of South Carolina, do hereby proclaim the week of April 20-25, 1987, as: World Population Awareness Week in South Carolina, and I call upon all citizens to reflect upon the consequences of overpopulation.

CARROLL A. CAMPBELL, Jr.,
Governor.

GRATIA ELDRIDGE HARRINGTON

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1987

Mr. STUDDS. Mr. Speaker, I rise today to commemorate the 102d birthday of an extraordinary woman who has my admiration, respect, and genuine personal affection. Gratia Eldridge Harrington has lived on Martha's Vineyard, which I have the honor to represent in the U.S. House of Representatives, for over a century. For the past 15 years, I have had the pleasure of Gratia's company in a front-row seat at nearly every one of my open meetings, which I hold twice yearly on the Vineyard. Having lived through 18 Presidential administrations, Gratia's strong-willed commonsense is as inspirational as it is refreshing. Gratia Harrington is truly a remarkable woman of great spirit and wit whom I hope I have the pleasure and privilege to call my friend for many years to come.

In her honor, I would like to take this opportunity to share with my colleagues a few remarks about my friend Gratia published recently in the Vineyard Gazette:

[From the Vineyard Gazette, Feb. 27, 1987]

GRATIA HARRINGTON MARKS 102 YEARS

(By Dorsey Griffith)

It was a quieter celebration than in previous years. But, after all, a person can only really celebrate her own centennial once.

Turning 102 on Wednesday, Tisbury's Gratia Harrington entertained some two dozen of her closest friends at her home on Franklin street.

Downstairs in the large, elegant room at Fourways, which at one time was home to horses, wood burned in the stove and guests shared Gratia's cake and cookies and sipped sherry and hot tea.

Upstairs, Gratia sat comfortably in her living room and held court. It was a festive occasion.

The room was filled with life, from the flowers surrounding the birthday girl to Gratia's hearty handshake and lively eyes. Wearing a bright red robe with a corsage of daisies and red roses and an afghan across her lap, she greeted well-wishers of all ages. In between visits, she answered questions about her past and offered her opinions of the present.

Gratia confessed to a curious reporter this childhood dream: "What I wanted to do very much was journalism." Gratia went to New York city but discovered Columbia University's school of journalism was located off campus, and she decided instead to enter Columbia's teacher college in physical education. "The first job I had was in a large private hospital for the insane. They wanted someone to teach folk-dancing. It was very much the rage in 1909," she said. "I really made myself the director of activities. We had a dancing class. We had parties for them. We played basketball and baseball and field hockey. I took them on picnics and walks outside on the grounds."

An emphasis on physical activity, Grata explained, had never before been used with the mentally ill. "I was waltzing with a woman once and she said: 'Is this good for me?' and I said, 'I don't know but I hope you're enjoying it.' "

Jim and Sonya Norton were among Gratia's first visitors. "You're looking beautiful," Mrs. Norton said to Gratia. "Your wife's a treasure, Jim. I hope you appreciate her." Gratia responded.

"I brought you snowdrops from the farmhouse and a birthday card and oatmeal lace cookies," Mrs. Norton said. Mr. Norton told Gratia how healthy she looked and she replied, "I have this flush on my face. I didn't put it on me. The Lord, or somebody did."

Elizabeth McFadden and Wayne Arruda were Gratia's next visitors. Elizabeth presented Gratia with a yellow primrose and Wayne gave her a porcelain bowl he made especially for Gratia's dessert of peaches

and cream. "You think I need some sweetening?" Gratia asked them.

Between visitors and before Gratia cut her white birthday cake, she talked breifly about a concern which has always been for her a passionate one, the state of the nation. "I'm very unhappy about it. In the first place, for the first time we're a debtor nation. The money we are using is the money foreign nations put into our banks. Our industries are suffering very severely and Reagan's a damn fool."

Gratia Harrington got a phone call from her friend, Cong. Gerry E. Studds earlier in the day. During his visit, the Very Rev. Dean Sayre told Gratia that Mr. Studds waves her as his flag. Mr. Sayre pressed his hand in Gratia's and recalling his political discussons with her, joked about forming a movement to oust the president.

Mr. Sayre and his wife Harriet brought Gratia a basket of cookies because, Mrs. Sayre said, they know about her sweet tooth. Gratia warned them not to leave the basket out of her sight. "Don't leave it down there. I wouldn't trust those poeple," she said with a snap.

Jim Fulton and Gratia laughed for a few minutes together Wednesday and the fun was contagious. It was almost as if the two had rehearsed a comedy act as they traded punch lines. "Speak up, I'm deaf as a post," she told him. "Well that's good," he replied. "So am I. We're going to have a good time here."

I've got some hearing aids but I don't wear them because I don't know if it's me talking or the hearings aids," Gratia said.

The two talked about the snowy Vineyard winter and Mr. Fulton said it was easier in the old days when you could hop on a horse and ride out of town, rather than waiting for the streets to be plowed. Gratia had that beat. Exactly 102 years ago, she said, "The doctor had to skate down to the village on the road past the old cemetery to the beach and right down to deliver me."

Connie and Bob Sanborn left this birthday message for Gratia on a large piece of white cardboard:

"Gratia our treasure is 102
Rejoice, Give Thanks,
Raise a hullabaloo!
I ardently want, and
Bob does too—
When we grow up, to
be just like you."

HOUSE OF REPRESENTATIVES—*Tuesday, April 21, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In this our prayer, O God, we reach out to those we love and for whom we care. We implore Your good spirit to accompany our families, friends, and colleagues along life's way, to nurture them and fill them with Your spirit of grace and health and protection. May not Your benediction depart from any one of us but remain with us to guide and guard us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following title:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children; and

H. Con. Res. 27. Concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 85. An act to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements;

S. 659. An act to establish agricultural aid and trade missions to assist foreign countries to participate in U.S. agricultural aid and trade programs, and for other purposes;

S. 677. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; and

S. 903. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

The message also announced that pursuant to the provisions of Public Law 94-304 and Public Law 99-7, the Chair on behalf of the Vice President appointed Mr. LAUTENBERG and Mr. REID as members of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 98-524, the Chair on behalf of the majority leader, appointed Mr. KENNEDY as a member of the Executive Committee of the National Summit Conference on Education.

The message also announced that pursuant to the provisions of Public Law 99-498, the Chair on behalf of the President pro tempore appointed Mr. Dallas Martin of Washington, DC, as a member of the Advisory Committee on Student Financial Assistance.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 10, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:40 a.m. on Friday, April 10, 1987, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.J. Res. 119 without amendment; and

(2) That the Senate passed H. Con. Res. 86 without amendment.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.
By DALLAS L. DENDY, Jr.,
Assistant to the Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 and clause 7 of rule I, the Speaker pro tempore signed the following enrolled bill and joint resolution on Wednesday, April 15, 1987:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

ANNOUNCEMENT OF THE DEATH OF GEN. MAXWELL TAYLOR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, it is with a great deal of sadness that I address the House now to announce the death of Gen. Maxwell Taylor.

I was privileged to serve under General Taylor in World War II, and I tried to keep up my contact with him in the postwar years. I most recently saw him when he was a visitor here in Congress some 4 or 5 months ago in the Rayburn Building.

It was always a privilege to work with a man like General Taylor. America has lost a great son, a great leader, a great intellectual mind, and a wonderful person. My sympathies go to his family and to those close to him.

Mr. Speaker, I include at this point an article from the Washington Post that summarizes the life of this great gentleman, as follows:

GEN. MAXWELL TAYLOR DIES HERE AT AGE 85—WORLD WAR II HERO ADVISED PRESIDENTS DURING VIETNAM WAR

(By J.Y. Smith)

Gen. Maxwell D. Taylor, 85, a paratroop hero in World War II and a principal adviser to two administrations during the massive American buildup in Vietnam, died Sunday at Walter Reed Army Medical Center. He had been hospitalized since January with amyotrophic lateral sclerosis, which is also known as Lou Gehrig's disease.

Taylor capped a brilliant military career by serving as chief of staff of the Army from 1955 to 1959, when he retired. In that year he published "The Uncertain Trumpet," a forthright criticism of the U.S. policy of relying on the nuclear threat to deter communism. Instead, he argued, the country should build up conventional forces so that it could launch a "flexible response" to military challenges.

This idea appealed to President Kennedy, who in 1961 brought Taylor back into government as his military representative. From 1962 to 1964, he was chairman of the Joint Chiefs of Staff and from 1964 to 1965 he served President Johnson as U.S. ambassador in Saigon. For the next four years, Taylor was a special consultant to the president and a member and chairman of the Foreign Intelligence Advisory Board. Taylor thus took part in the line of decisions that began in the Kennedy administration and led to the massive U.S. intervention in Vietnam with conventional forces in 1965 and subsequent years. He believed that the Vietcong and North Vietnamese could be stopped if sufficient American troops were sent. Although he expressed reservations when the buildup began, he continued to support an aggressive policy until 1968, when Johnson himself decided that the war could not be won and that the United States must disengage.

It was another six years—and many thousands of casualties—before the U.S. pres-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ence in Vietnam ended. Helicopters plucked the last to leave from the roof of the embassy in Saigon as refugees battered at the gates and communist forces took over the city.

Taylor's assessment of the American effort is quoted by Stanley Karnow in his book, "Vietnam, a History":

"First, we didn't know ourselves. We thought we were going into another Korean War, but this was a different country. Secondly, we didn't know our South Vietnamese allies. We never understood them, and that was another surprise. And we knew even less about North Vietnam. Who was Ho Chi Minh? Nobody really knew. So, until we know the enemy and know our allies and know ourselves, we'd better keep out of this dirty kind of business. It's very dangerous."

The Army yesterday ordered flags flown at half staff at all its installations until after Taylor is buried Thursday at Arlington National Cemetery.

Defense Secretary Caspar W. Weinberger issued a statement that the general would be remembered at "one of the great military men in American history" and that he "epitomized what it means to be a soldier, a diplomat and a scholar."

Sen. Edward M. Kennedy (D-Mass.) said. "America has lost one of the greatest soldier-statemen in its history, and the Kennedy family has lost one of its closest and dearest friends. Taylor was that rare and gifted leader in the nuclear age who also understood the importance of nuclear arms control. As chairman of the Joint Chiefs of Staff, his support made the Nuclear Test Ban Treaty of 1963 possible. . . ."

The second phase of Taylor's career—the Vietnam years—was fashioned in a time of national agony. The first part of his life was simpler although it was just as dangerous. Slender, handsome and athletic, the general was the very picture of a soldier. From the time he graduated No. 4 in the class of 1922 at the Military Academy at West Point, N.Y., until he retired as chief of staff in 1959, he gave his best to the Army and he often was seen as the best that the service had to offer.

Maxwell Davenport Taylor was born on Aug. 26, 1901, in Keytesville, Mo. He attended Kansas City Junior college before receiving an appointment as a cadet at West Point. Like other top graduates, he went into the Corps of Engineers when he left the academy, but he transferred to the field artillery in 1926.

Then as now, the Army offered more than ordinary soldiering for those capable of taking advantage of it. In the late 1920s, Taylor went to France to study French and then to West Point as a language instructor. In the 1930s, with Japan and China at war, he was sent to Tokyo to study Japanese and the Japanese army and to Peking as an assistant military attache. He also graduated from the artillery school, the Army War College and the Command and General Staff School.

When this country entered World War II, Taylor had a staff position in Washington. But in 1942 he was ordered to help form the 82nd Airborne Division, the first of its kind in the Army. He commanded the division's artillary in Sicily and Italy and then, in September 1943, he undertook a spectacular secret mission to Rome.

The Italian capital was under German occupation at that time. Taylor's orders were to contact Italian leaders who had surrendered the country to the Allies and to assess the chances of airborne troops parachuting onto the airfields around Rome. British and Italian ships landed him behind the enemy lines. He found that the German presence in the Eternal City was far heavier then expected and this led to the airborne operation being canceled.

In his memoir, "Crusade in Europe," Gen. Dwight D. Eisenhower, the supreme allied commander in Europe, wrote that the risks Taylor ran "were greater than I asked any other agent or emissary to undertake during the war—he carried weighty responsibilities and discharged them with unerring judgment, and every minute was in imminent danger of discovery and death."

After brief service on the Allied Control Commission for Italy, Taylor was ordered to England to take command of the 101st Airborne Division. He led it in parachuting into Normandy on D-Day, June 6, 1944. He also led it in the "Market Garden" operation, the unsuccessful British-led effort to take the Rhine at Arnhem in Holland.

In December 1944, the 101st was heavily engaged in the Battle of the Bulge. Taylor was in the United States at the time. While he was absent, his second-in-command, Gen. Anthony C. McAuliffe, was asked by the Germans to surrender his strong point at Bastogne and he made this famous reply: "Nuts!" Taylor returned while the battle was still raging and led the division for the rest of the war.

There followed a tour as superintendent of West Point, one of the most prized assignments in the Army. In 1949, he was named deputy chief of staff of U.S. forces in Europe. This was followed by command of the U.S. military government in Berlin. This was the bitter period of the Soviet blockade of land access to the former German capital and the Allied effort to supply the city by air.

In 1951, Taylor was named deputy chief of staff of the Army. In 1953, he returned to war as commanding general of the Eighth Army in Korea. He held that post through the signing of the armistice in July 1953. He later commanded all U.S. forces in the Far East and then all United Nations forces in the area. His next job was as chief of staff of the Army.

Taylor's military decorations include the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, the Distinguished Service Medal with Oak Leaf Cluster, the Bronze Star and the Purple Heart as well as numerous foreign honors.

In retirement, Taylor lived in Washington. He wrote frequently on public affairs, and his articles often appeared in The Washington Post. In addition to "The Uncertain Trumpet," his books include "Responsibility and Response" (1967) and "Swords and Plowshares" (1972).

Survivors include his wife, the former Lydia Gardner Happer, whom he married in 1925, of Washington; two sons, John Maxwell Taylor of McLean and Thomas Happer Taylor of Berkeley, Calif., and three grandchildren.

1987: YEAR OF THE BREWER

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in the spring, a Washington Senator's or Congressman's heart turns to the budget and tax cuts and trade. But on Capitol Hill these days, required reading is not the CONGRESSIONAL RECORD but the sports page because today the Milwaukee Brewers go after a record 14 straight season wins. "13 and 0 and let's go!" is our battle cry. It is a chant heard from bellhops to bank presidents.

The Brewer pitching staff is as stingy as an OMB accountant at budget time. The booming bats of Deer, Braggs, Molitor, and Yount maintain a balance of power second to none. And when I think of the strategic defense initiative, I think of the sure hands of shortstop Dale Sveum and second baseman Jim Gantner.

Only time will tell how long the Brewers can maintain this red-hot winning streak. But they have earned our applause for their remarkable winning streak.

Mr. Speaker, today the Brewers are the pride of Wisconsin and the envy of the baseball world, and that is as it should be.

A RESETTLEMENT IN EL SALVADOR

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I just returned from a fact-finding trip to El Salvador this weekend, and I would like to bring to the attention of my colleagues the results of some tremendous humanitarian efforts by a few folks that I had the occasion to speak with when I was down there.

First of all, I want to commend my colleague, the gentleman from Virginia, Mr. FRANK WOLF, for his continued concern for the well-being of the civilian population in El Salvador. It is because he brought to the attention of this House and our Government the problems with the land mines that have blown off legs and arms of many of the civilians in that country that we now see operational a program for prosthesis in the next 60 days or so, which will mean 30 young people or children in that country will have arms and legs they would not otherwise have had. I think he deserves commendation, and so does AID and our Veterans' Administration for their work.

I also want to commend two folks from Volusia County, FL, Dr. Kenneth D. Wells and his wife, Ruth. They put funds and support into a town called Suchitoto in El Salvador that is now being resettled, a town in the guerrilla stronghold, and they allowed by their compassion and their interest for the town to be repainted, a town that was the battle cry not too long ago, that had bullet-riddled walls. And in addition to the paint, they have four big tractor-trailers and they use educational materials, teaching the civilian population that is returning to that town a lot of the things they would not otherwise have an opportunity to learn.

Mr. Speaker, I think Dr. Wells and his wife and the gentleman from Virginia [Mr. WOLF] deserve our applause, and it is a great privilege to be able to report to our colleagues on these humanitarian efforts.

BAHAMAS HOLDS ANTIDRUG OPERATIVES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, as far as I know, the Government of the Bahamas continues to hold in prison two American pilots working under cover for the DEA.

□ 1210

Mr. Speaker, if this action constitutes cooperation by the Bahamian Government, is it any wonder that resolutions disapproved those certifications were introduced in this Congress? If the Prime Minister and the Attorney General of the Bahamas want to show real cooperation, they should release these DEA operatives immediately. Failure to do so benefits only the drug traffickers and their cronies. Failure to do so makes a mockery of the certification process.

Second, Mr. Speaker, I heard on the radio this morning that our Government has just given approval for a shipment of hardware and software computers from the Digital Equipment Co. to be shipped to Iran. Over 1 million dollars' worth of high technology, American know-how shipped to Iran. Mr. Speaker, this is an absolute disgrace. That country should be getting absolutely nothing from the United States of America.

I urge this administration to review that approval.

BEDROCK FAMILY ISSUES: FAMILY LEAVE, CHILD SUPPORT, HOME HEALTH CARE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise today to remind the House that Mother's Day is May 10. Because, our mothers are a foundation of our families, it is entirely appropriate to use these 3 weeks to examine the condition of the American family.

It's no secret. Family life in America is under stress and strain from economic, social, and cultural pressures leading to some very disturbing trends. We are seeing a sharp jump in the number of families that need the paychecks of both spouses just to get by. Drug dependency, alcoholism, and suicide are more commonplace than ever. The number of children living in poverty is higher than ever.

Clearly, families need help to cope with the stresses of contemporary society. I have introduced legislation that directly relates to what I view as bedrock family issues. The Family and Medical Leave Job Security Act would protect families when their situation requires an unpaid leave from work. The Child Support Enforcement Improvement Act takes aim at deadbeats who neglect their financial obligations to their children. And the Home Health Reform Act expands a vital program for our sick elderly.

At the Federal level, we are limited in what we can do. However, here are three areas where Congress can strengthen the heart of our society—the family.

SPEAKER WRIGHT'S MOSCOW CONFERENCE A SUCCESS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, it was my privilege to be among 20 Members of the House of Representatives to visit the Soviet Union last week for 6 days. We were in Kiev and Moscow from Monday, April 13, through last Saturday.

Our delegation was headed by our House Speaker, JIM WRIGHT of Fort Worth, TX.

In Moscow, our delegation met with Soviet General Secretary Mikhail Gorbachev, the Communist Party's No. 2 man, Yegor Ligachev, the Soviet President Andrei Gromyko, and Foreign Minister Eduard Shevardnadze. These Soviet officials met with us for more than 2 hours each. As a result of these meetings in Moscow, and as a result of the meetings held just before we arrived led by Secretary of State George Shultz, the Members of our congressional delegation, both Democrats and Republicans, sincerely believe that we now have the best chance for an arms control agreement with the Soviet Union on a verifiable basis at any time since World War II.

The American people can be very grateful to and proud of our tremendous House Speaker, JIM WRIGHT.

House Speaker JIM WRIGHT's administrative assistant Marshall Lynam, and the chief counsel of our House Foreign Affairs Committee, Spencer Oliver, who were an efficient advance team for us before we arrived in the Soviet Union, can be highly complimented by the American people for what they have accomplished during the last few weeks.

JIM WRIGHT, our House Speaker, articulate, personable, intelligent, yet warm and witty, as observed by the Soviets. Mikhail Gorbachev, also articulate, personable, intelligent, yet warm and witty, as we from the United States noted during our visit with him for more than 2 hours.

The two men, House Speaker JIM WRIGHT and Soviet leader Mikhail Gorbachev, obviously enjoyed good rapport and mixed in an extremely good way. The two became friends.

Let us hope that the efforts of our House Speaker and those Members of Congress who had the privilege of accompanying him to the Soviet Union can be beneficial and truly historic in nature and lead us to spending less money in the Soviet Union and the United States for arms and more for programs that help the people of these two world superpowers.

GAIN NO BASE GAINS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, according to a report in the Wall Street Journal the dollar fell sharply, and the United States had to intervene heavily to support it in the foreign exchange markets, only seconds after Trade Representative Clayton Yeutter told a Senate panel that a further decline in its value would be welcome as it would help cut the trade deficit.

It is too early, however, to congratulate ourselves on our luck that the wishbone always breaks in favor of our Treasury and trade officials. Instead, we should reflect upon the ancient wisdom, expressed by the Greek poet Hesiod in his poem "Works and Days" 2,700 years ago:

> Gain no base gains:
> Base gains are the same as losses.

Mr. Speaker, when will our somnambulist officials wake up and realize that they have been pursuing base gains, and reaping real losses for the Nation, as they continue to undermine the value of the dollar?

REAPPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. GIBBONS). Without objection, pursuant to the provisions of 15 U.S.C. 1024(a), the Chair reappoints the gentleman from California, Mr. HAWKINS, to the Joint Economic Committee, to rank after the gentleman from Indiana, Mr. HAMILTON.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule

I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, April 22, 1987.

YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 318) to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act".

SEC. 2. REGULATIONS.

The Secretary of the Interior or his designated representative may promulgate such regulations as may be necessary to carry out the provisions of this Act.

TITLE I—YSLETA DEL SUR PUEBLO RESTORATION

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) the term "tribe" means the Ysleta del Sur Pueblo (as so designated by section 102);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means lands within El Paso and Hudspeth Counties, Texas—

(A) held by the tribe on the date of the enactment of this title;

(B) held in trust by the State or by the Texas Indian Commission for the benefit of the tribe on such date;

(C) held in trust for the benefit of the tribe by the Secretary under the plan developed pursuant to section 105(g); and

(D) subsequently acquired and held in trust by the Secretary for the benefit of the tribe.

(4) the term "State" means the State of Texas;

(5) the term "Tribal Council" means the governing body of the tribe as recognized by the Texas Indian Commission on the date of enactment of this Act, and such tribal council's successors; and

(6) the term "Tiwa Indian Act" means the Act entitled "an Act relating to the Tiwa Indians of Texas." and approved April 12, 1968 (82 Stat. 93).

SEC. 102. REDESIGNATION OF TRIBE.

The Indians designated as the Tiwa Indians of Ysleta, Texas, by the Tiwa Indians Act shall, on and after the date of the enactment of this title, be known and designated as the Ysleta del Sur Pueblo. Any reference in any law, map, regulation, document, record, or other paper of the United States to the Tiwa Indians of Ysleta, Texas, shall be deemed to be a reference to the Ysleta del Sur Pueblo.

SEC. 103. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND BENEFITS.

(A) FEDERAL RECOGNITION.—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, to nations, tribes, or brands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—All rights and privileges of the tribe and members of the tribe under any Federal treaty, statute, Executive order, agreement, or under any other authority of the United States which may have been diminished or lost under the Tiwa Indians Act are hereby restored.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

SEC. 104. STATE AND TRIBAL AUTHORITY.

(a) STATE AUTHORITY.—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefiting the tribe, and the State is authorized to perform any services benefiting the tribe that are not inconsistent with the provisions of this Act.

(b) TRIBAL AUTHORITY.—The Tribal Council shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency, and

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement.

SEC. 105. PROVISIONS RELATING TO TRIBAL RESERVATION.

(a) FEDERAL RESERVATION ESTABLISHED.—The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) CONVEYANCE OF LAND BY STATE.—The Secretary shall—

(1) accept any offer from the State to convey title to any land within the reservation held in trust on the date of enactment of this Act by the State or by the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) CONVEYANCE OF LAND BY TRIBE.—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any land within the reservation held by the tribe on the date of enactment of this Act to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) APPROVAL OF DEED BY ATTORNEY GENERAL.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument which conveys title to land within El Paso or Hudspeth Counties, Texas, to the United States to be held in trust by the Secretary for the benefit of the tribe.

(e) PERMANENT IMPROVEMENTS AUTHORIZED.—Notwithstanding any other provision of law or rule of law, the Secretary or the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) CIVIL AND CRIMINAL JURISDICTION WITHIN RESERVATION.—The State shall exercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes." and approved April 11, 1968 (25 U.S.C. 1321, 1322).

(g) PLAN FOR ENLARGEMENT OF RESERVATION.—The Secretary shall negotiate with the tribe concerning the enlargement of the reservation and, not later than two years after the date of the enactment of this Act, shall develop a plan for the enlargement of the reservation for the tribe. The plan shall include provisions for the acquisition of land to be selected from available public, State, or private lands within El Paso or Hudspeth Counties, Texas. Upon approval of such plan by the tribe, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

(h) NOTIFICATION AND CONSULTATIVE REQUIREMENTS FOR PLAN.—To assure that legitimate State and local interests are not prejudiced by the enlargement of the reservation for the tribe, the Secretary, in developing the plan under subsection (g) shall notify and consult with all appropriate officials of the State of Texas, all appropriate local government officials in the affected area in the State of Texas, and any other interested party. The consultations required under this subsection shall include—

(1) the size and location of the additions to the reservation;

(2) the effect the enlargement of the reservation would have on State and local tax revenues;

(3) the criminal and civil jurisdiction of the State of Texas with respect to the reservation and persons on the reservation;

(4) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and

(5) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

(i) CONTENTS OF PLAN.—Any plan developed for the enlargement of the reservation shall provide that the Secretary shall not accept any real property in trust for the benefit of the tribe or bands unless such real property is located either within El Paso or Hudspeth Counties, State of Texas.

(j) Statement Appended to Enlargement Plan Respecting Implementation of Notification and Consultative Requirements.—The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (h) was carried out and shall include any written comments with respect to the enlargement of the reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

SEC. 106. TIWA INDIANS ACT REPEALED.

The Tiwa Indians Act is hereby repealed.

SEC. 107. GAMING ACTIVITIES.

Pursuant to Tribal Resolution No. T.C.-02-86 which was approved and certified on March 12, 1986, all gaming as defined by the laws of the State of Texas shall be prohibited on the tribal reservation and on tribal lands.

SEC. 108. TRIBAL MEMBERSHIP.

(a) 10-Year Period After Date of Enactment.—For a period of ten years after the date of enactment of this Act, the membership of the tribe shall consist of—

(1) the individuals listed on the Tribal Membership Roll approved by the tribe's Resolution No. TC-5-84 approved December 18, 1984, and approved by the Texas Indian Commission's Resolution No. TIC-85-005 adopted on January 16, 1985; and

(2) a descendant of an individual listed on that Roll if the descendant—

(i) has ⅛ degree or more of Tigua-Ysleta del Sur Pueblo Indian Blood, and

(ii) is enrolled by the tribe.

(b) Removal From Tribal Roll.—Notwithstanding subsections (a) and (c) of this section—

(1) the tribe may remove an individual from tribal membership if it determines that the individual's enrollment was improper; and

(2) the Secretary, in consultation with the tribe, may review the Tribal Membership Roll.

(c) Authority of Tribe in Determining Membership.—Nothing in this section shall be interpreted as limiting the authority of the tribe to determine its membership criteria after a ten-year period or the eligibility or ineligibility of an individual to membership in the tribe.

TITLE II—ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS.

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the "tribe" means the Alabama and Coushatta Indian Tribes of Texas (considered as one tribe in accordance with section 202);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means the Alabama and Coushatta Indian Reservation in Polk County, Texas, comprised of—

(A) the lands and other natural resources conveyed to the State of Texas by the Secretary pursuant to the provisions of section 1 of the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes." and approved August 23, 1954 (25 U.S.C. 721);

(B) the lands and other natural resources purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854; and

(C) lands subsequently acquired and held in trust by the Secretary for the benefit of the tribe;

(4) the term "State" means the State of Texas;

(5) the term "constitution and bylaws" means the constitution and bylaws of the tribe which were adopted on June 16, 1971; and

(6) the term "Tribal Council" means the governing body of the tribe under the constitution and bylaws.

SEC. 202. ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS CONSIDERED AS ONE TRIBE.

The Alabama and Coushatta Indian Tribes of Texas shall be considered as one tribal unit for purposes of this title and any other law or rule of law of the United States.

SEC. 203. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND BENEFITS.

(a) Federal Recognition.—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, to nations, tribes, or bands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) Restoration of Rights and Privileges.—All rights and privileges of the tribe and members of the tribe under any Federal treaty, Executive order, agreement, statute, or under any other authority of the United States which may have been diminished or lost under the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Indian Tribes of Texas, and the individual members thereof; and for other purposes" and approved August 23, 1954, are hereby restored and such Act shall not apply to the tribe or to members of the tribe after the date of the enactment of this title.

(c) Federal Benefits and Services.—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) Effect on Property Rights and Other Obligations.—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

SEC. 204. STATE AND TRIBAL AUTHORITY.

(a) State Authority.—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefitting the tribe, and the State is authorized to perform any services benefitting the tribe that are not inconsistent with the provisions of this Act.

(b) Current Constitution and Bylaws To Remain in Effect.—Subject to the provisions of section 203(a) of this Act, the constitution and bylaws of the tribe on file with the Committee on Interior and Insular Affairs is hereby declared to be approved for the purposes of section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476) except that all reference to the Texas Indian Commission shall be considered as reference to the Secretary of the Interior.

(c) Authority and Capacity of Tribal Council.—No provision contained in this title shall affect the power of the Tribal Council to take any action under the constitution and bylaws described in subsection (b). The Tribal Council shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency;

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement; and

(3) to bind any tribal governing body selected under any new constitution adopted in accordance with section 205 as the successor in interest to the Tribal Council.

SEC. 205. ADOPTION OF NEW CONSTITUTION AND BYLAWS.

Upon written request of the tribal council, the Secretary shall hold an election for the members of the tribe for the purpose of adopting a new constitution and bylaws in accordance with section 16 of the Act of June 18, 1934 (25 U.S.C. 476).

SEC. 206. PROVISIONS RELATING TO TRIBAL RESERVATION.

(a) Federal Reservation Established.—The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) Conveyance of Land by State.—The Secretary shall—

(1) accept any offer from the State to convey title to any lands held in trust by the State or the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) shall hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) Conveyance of Land by Tribe.—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any lands within the reservation which are held by the tribe to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) Approval of Deed by Attorney General.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument from the State or the tribe which conveys title to lands within the reservation to the United States.

(e) Permanent Improvements Authorized.—Notwithstanding any other provision of law or rule of law, the Secretary or the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) Civil and Criminal Jurisdiction Within Reservation.—The State shall ex-

ercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" and approved April 11, 1968 (25 U.S.C. 1321, 1322).

SEC. 207. GAMING ACTIVITIES.

Pursuant to Tribal No. 86-07, approved March 10, 1986, all gaming as defined by the laws of the State of Texas shall be prohibited on the tribal reservation and on tribal lands.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 318 provides for the restoration of Federal recognition to two Indian tribes located within the State of Texas: The Ysleta del Sur Pueblo and the Alabama-Coushatta Indian Tribe. Both tribes had their Federal recognition terminated as a result of acts of Congress in 1967 and 1954 respectively.

Both tribes are currently recognized as Indian tribes by the State of Texas and this bill would only restore the trust relationship with the Federal Government.

The Ysleta del Sur Pueblo is a State-recognized tribe with a population of about 1,100 members and has a 100-acre reservation in El Paso County. The pueblo was established in 1680 when Pueblo Indians migrated from Santa Fe to Texas during the Pueblo Indian revolt against Spain.

The Alabama-Coushatta Indian Tribe is a State-recognized tribe of about 500 members residing on a 4,600-acre reservation near Livingston, TX. These Indians came to east Texas from Alabama in the late 1700's and the State of Texas purchased lands for the tribe in 1854 in part to reward the tribe for its support to Sam Houston during Texas' war of independence.

Mr. Speaker, this bill does not contain any additional authorization for new appropriations of Federal funds. Under this bill in accordance with tribal resolutions, gambling, as defined by the laws of Texas, will be prohibited on the tribal lands. Let me also clarify the language of the bill by stating that even if the tribes amended or repealed their gaming resolutions, gambling would remain prohibited unless allowed by a future act of Congress.

Mr. Speaker, this bill is supported by the tribes and the Members of Congress in whose districts these tribes are located and I therefore urge my colleagues to vote in favor of the bill.

□ 1220

Mr. CRAIG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 318, a bill which would restore Federal recognition to two Texas Indian tribes—the Tiwa Indian Tribe in El Paso, TX, and the Alabama-Coushatta Indian Tribe in east Texas. Additionally, the bill would make the tribes eligible to receive all benefits available to federally recognized Indian tribes.

The bill is nearly identical to one which passed this body without opposition in the last Congress, but unfortunately failed to be enacted upon by the other body. The committee took extensive testimony last Congress and worked closely with members of the Texas delegation, including the former member of the Interior Committee, the honorable JOE BARTON.

The committee has attempted to address the concerns of the administration—that of an explosion of new members of the newly recognized tribes—without philosophically changing the general policy Congress has of allowing Indian tribes to determine their own membership. I believe the language of H.R. 318 does address their concerns, and I urge my colleagues to support H.R. 318.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with some concerns about this bill, since the administration has indicated that it opposes enactment of H.R. 318. It does so based upon a provision which I find somewhat disconcerting myself and that is that what we are saying here is that the eligibility for these benefits, that amounts to about $3,000 per person, would not in fact be locked in upon the passage of this bill, but instead we would allow the tribe a 10-year period of time to determine what the membership of the tribe is going to be and anybody who comes under that membership would therefore be eligible for $3,000 per person.

Now, I guess the first question that I have of somebody is how many people are we talking about here who are going to get $3,000 per person?

Mr. CRAIG. Mr. Speaker, I cannot respond to the actual figures. My colleague, the chairman of the committee, the gentleman from Arizona, might be able to do so.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, according to the report and the evidence that we had in processing this bill, there are approximately 1,100 men, women, and children, in these reservations.

Mr. WALKER. Well, but my concern is that the people on the reservations are evidently not our problem under the provision that the administration has concerns about. They are concerned about who else is going to become eligible over a 10-year period of time as we expand the numbers of people in the tribe. Do we have any idea how far that expansion is going to take us?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, I know the gentleman's concern and there are others who have the same concern.

What we did to meet it is to lock in the additional 10-year period in which a person, an Indian to be qualified, would have to have at least one-eighth Indian blood.

Mr. WALKER. Well, is that another 1,100 people who are out there somewhere? Is it 500 people? How many people do we have who are going to become eligible for the benefits during that 10-year period of time?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, that is already in the bill, a limitation to 1,100. We have the further evidence of what has happened to this tribe. It has not increased. It has the same population, I understand, now, that it had 15 or 20 years ago.

Mr. WALKER. Let me say to the gentleman, in the report the gentleman has a letter from the Budget Office that estimates that we could have 2,000 tribe members at some point. Two thousand tribe members would mean that we would have a $6 million a year appropriation under current standards at $3,000 a person. Is that what we are looking at?

Mr. UDALL. I understand that the 2,000 figure that the gentleman has is for both reservations. I referred in my prepared remarks to these Ysleta Del Sur Pueblo and they have 1,100.

Mr. WALKER. All right. I understand, but the bill does cover both tribes, is that correct?

Mr. UDALL. That is correct.

Mr. WALKER. So that we are talking then about somewhere in the vicinity of 2,000 people and we are talking about an expense of $3,000 per eligible person, so that we are talking somewhere in the range of a $6 million bill here; is that correct?

Mr. UDALL. I think the gentleman may not fully understand where that $3,000 came from and what it means.

In trying to get a reliable estimate of the cost of this bill, we asked how many reservation Indians do we have in the United States now and what is the total dollar amount of the programs that can be assigned to handling our obligations to our Indian citizens and dividing it that way it comes up to about $3,000.

But you do not go down with a bill if you are a citizen on January 1 and say, "I would like my $3,000." You may get some of that in hospitalization, in medical care, and all the things that we do for the tribes.

Mr. WALKER. Well, I think that the methodology used by the gentleman is probably the correct methodology. I mean, we are probably somewhere in the vicinity of whatever numbers of people we add that it is going to cost the taxpayer $3,000 per person if the methodology is correct, and it sounds like a fairly reasonable methodology to me. All I am trying to determine here is if the administration is correct, that we are now going to allow a 10-year period to expand that tribe. I am trying to figure out, I have a CBO estimate that indicates we have 2,000 people at $3,000 per person. That is a $6 million bill.

I am just wondering if the administration is somewhat concerned that we may have another 2,000 members out there somewhere that we could double that size.

Does anybody know what the estimate might be of how many people we are talking about?

Mr. UDALL. Our information is that we should not expect a great increase in the size of the tribe. I personally do not believe there will be a great increase in the size of the tribe. Most of them have wanted to belong in the tribe. They are recognized by the State of Texas and they want to be eligible for the benefits provided by the laws of Texas. I think that is a pretty good indication.

Mr. WALKER. Do I then understand that we have reason to believe and that the legislative history should show that in the passage of this bill that we expect no more than 2,000 people to ultimately be eligible for benefits under the bill that we have before us?

Mr. UDALL. Mr. Speaker, if the gentleman will yield further, that is my expectation, that there are effectively not going to be growth beyond 2,000 members and I do not think we will see growth beyond the $3,000 figure.

Mr. WALKER. Well, Mr. Speaker, I thank the gentleman.

What I would prefer to see us do would be to have locked in the situation as we now know the situation to be. We know that there are 2,000. If that is the number that we expect there are going to be, it seems to me that we could have assured ourselves of an appropriate expenditure level on this by simply locking in that number of people, whoever is on the eligible tribe list at the present time. It seems to me that the administration has a very reasonable case to be made when we say that we cannot expand this over a period of as much as 10 years.

Mr. CRAIG. Mr. Speaker, regaining my time, let me suggest to my colleague, the gentleman from Pennsylvania, who expresses some valid concerns, that the general policy of the Congress and the Federal Government has been to allow Indian tribes to determine their own membership requirement; however, in the case of new tribes or the restoration of terminated tribes, Congress has established the initial membership roll and then allowed tribes to add to that roll. Those initial rolls are quite different from what the administration has suggested. To my knowledge this would be the first time Congress has ever legislated an individual's tribe requirement membership, so there is a constricting, if you will, from what is current law. It would be unfair, I think, to the Texas tribes to legislate the proposed requirements, or the ones recommended.

In fact, these proud people already do much to limit their membership to retain their unique identity, which will limit membership and address I think the administration's overall concerns, as they were initially reflected to the committee.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. CRAIG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman does agree that under the provisions of the bill, they are going to be eligible for expanding their tribal list for a 10-year period of time and that we will in fact have to pay the benefits for any person added during that 10-year period of time.

□ 1230

Mr. CRAIG. I think to correct my colleague, as I understand the bill, they are frozen or limited for 10 years to a specific membership. It is after the 10-year period that they might be able to identify, based on the requirements for membership, they might be able to identify additional people. But you have a 10-year window here in which they are limited in number.

Mr. WALKER. OK. I think that the gentleman is correct. In other words, we are freezing in the present membership for a 10-year period of time.

Mr. CRAIG. That is correct.

Mr. WALKER. But then a decade from now they can begin to add to the tribal membership at that point.

Mr. CRAIG. That is a possibility, but under specific and designated requirements.

Mr. WALKER. I thank the gentleman.

Mr. CRAIG. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUBBARD). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 318, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SURFACE MINING ACT AMENDMENTS RELATING TO THE 2-ACRE EXEMPTION AND THE SET-ASIDE OF STATE FUNDS FOR ABANDONED MINE RECLAMATION

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1963) to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1963

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

TITLE I—SPECIAL STATE SET-ASIDE

SEC. 101. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 is amended by redesignating paragraph (3) as paragraph (4) and by adding the following new paragraph after paragraph (2):

"(3) SPECIAL STATE SET-ASIDE FOR FUTURE EXPENDITURE.—Notwithstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to ten per centum of the appropriated funds granted annually by the Secretary to that State under paragraph (2) if such moneys are deposited in a special trust fund established under State law and such moneys (together with all interest earned on such moneys) may be expended by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so deposited in special State trust accounts, as well as all interest earned, shall be considered State moneys. This paragraph shall cease to apply to any State for fiscal years after any fiscal year in which approval of the State regulatory program under section 503 is terminated or withdrawn by the Secretary until the first subsequent fiscal year after the fiscal year in which the Secretary reapproves the State program.".

TITLE II—TWO-ACRE EXEMPTION

SEC. 201. REPEAL OF EXEMPTION.

(a) REPEAL.—Section 528 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1278) is amended as follows:

(1) In paragraph (1), insert "and" immediately after "him;".

(2) Strike out paragraph (2).

(3) Redesignate paragraph (3) as (2).

(b) EFFECTIVE DATE FOR NEW OPERATIONS.—The amendments made by this section shall take effect on the date 30 days after the enactment of this Act with respect to each operator commencing surface coal mining operations on or after such date.

(c) EFFECTIVE DATE FOR EXISTING OPERATIONS.—The amendments made by this section shall take effect on the date 6 months after the enactment of this Act with respect to each operator commencing surface coal mining operations pursuant to an authorization under State law before the date 30 days after the enactment of this Act. Nothing in this Act shall preclude reclamation activities pursuant to State law or regulations at the site of any surface coal mine which was exempt from the Surface Mining Control and Reclamation Act of 1977 under section 528(2) of that Act, as in effect before the enactment of this Act.

(d) EFFECT ON STATE LAW.—To the extent that any provision of a State law, or of a State regulation, adopted pursuant to the exception under section 528(2) of the Surface Mining Control and Reclamation Act of 1977 as in effect before the enactment of this Act, is inconsistent with the amendments made by this section, such provision shall be of no further force and effect after the effective date of such amendments.

(e) DEFINITION.—For purposes of this section, the term "surface coal mining operations" has the meaning provided by section 701(28) of the Surface Mining Control and Reclamation Act of 1977.

The SPEAKER pro tempore. Is a second demanded?

Mr. CRAIG. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1963.

Ten years ago, on August 3, 1977, the Surface Mining Control and Reclamation Act [SMCRA] was signed into law. This was a monumental piece of environmental legislation. It established for the first time a national program to protect society and the environment from the adverse effects of surface coal mining operations, and the surface impacts of underground mining. It also was designed to bring stability and orderly development into an essential and vital industry which had heretofore been largely regulated in a nonuniform manner on a State-by-State basis.

While the enforcement of the law has not lived up to my expectations, it has been helpful in many ways. However, there are several areas where experience has shown there needs to be significant improvement. H.R. 1963 addresses two such areas.

The first of these, section 101 of H.R. 1963, amends section 402(g) of SMCRA and authorizes States to establish a special trust fund which could be utilized for abandoned mine land reclamation purposes after the termination date of 1992 of the Abandoned Mine Land [AML] fund under title IV of SMCRA. Each State could set aside up to 10 percent of the appropriated State share fund granted annually by the Secretary of the Interior to that State under the title IV AML Program. These funds would be deposited in a special interest-bearing trust account established under State law. Only States with approved SMCRA title V programs would be eligible. Moneys deposited, as well as interest, would be considered State moneys and could be used for reclamation purposes after August 3, 1992, the present expiration date for the collection of AML fees.

The second provision of H.R. 1963, section 201, repeals section 528(2) of SMCRA. This section, commonly known as the 2-acre exemption, has been the most troublesome and misused provision of SMCRA. It was designed to permit small coal operators, the so-called mom and pop operators, to be exempt from the permitting and regulatory requirements of SMCRA where the surface disturbance affected 2 acres or less. Therefore, these 2-acre or less operators were not required to comply with the permitting, land reclamation, or environmental performance requirements of SMCRA.

However well intentioned in 1977, the 2-acre exemption turned out to be the most misused and abused provision of SMCRA. Unethical operators, not small mom and pop operators, used the exemption to avoid SMCRA land reclamation requirements and the payment of abandoned lands reclamation fees. This gave the unethical operator a significant economic advantage. Not only could the cost of land reclamation be avoided, a significant cost, but also the abandoned mine land fee of 35 cents per ton of surface mined coal was not paid. Legitimate operators were placed at an economic disadvantage.

Numerous methods were used by the unethical operator to fall within the 2-acre exemption. One of the most common was the so-called string of pearls. Here an operator would mine a number of sites along a coal seam, skipping a few feet between each operation. Each site was then claimed as a separate 2-acre site to bring it within the exemption. Other ruses were to deed coal haul roads to local governments to decrease the surface area disturbed to 2 acres or less. Other companies contracted with small independent contractors—who were, in fact, not independent but each claimed an exemption. Shell corportions were also set up under which separate companies were formed but in actuality control remained in one entity. Other entities simply ignored the 2-acre provision in the expectation they would not be apprehended—in this they were frequently successful.

It is the committee's position that this widespread abuse can only be controlled by the repeal of the 2-acre exemption. Its repeal will in no way harm the legitimate coal operator, large or small. The benefits of closing this loophole, which has given the legitimate coal industry a bad image, far outweigh any possible benefits of its retention.

I wish to emphasize that H.R. 1963 is a bipartisan effort and that I am not aware of any opposition. The administration, as well as the legitimate coal industry, supports the bill.

In closing I wish to emphasize that the widespread abuse of the 2-acre exemption should not be perceived as a condemnation of the coal industry as a whole. The abuse was largely confined to a few areas. By and large the majority of the coal industry has operated in a legitimate and workman-like manner and has attempted to comply with the law. Coal mining is an essential and important industry and it should not have its image tarnished by the unethical operator out to make a fast buck at the expense of others.

Mr. Speaker, I strongly recommend H.R. 1963 receive favorable consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAIG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Surface Mining Control and Reclamation Act [SMCRA] of 1977 contains a proviso which requires each State receiving abandoned mine reclamation funds to spend those funds within 3 years of being granted by the Secretary of the Interior.

Some States have discovered that this 3-year limitation does not act to serve the best interest of their reclamation programs. Congress has been requested to modify the 3-year limitation so that each State may better regulate its grant fund expenditures. H.R. 1963 contains a title which authorizes each State to set aside 10 percent of each annual abandoned mine reclamation fund grant in a special trust fund. Moneys from these special trust funds, and any interest earned by said special trust funds, could be spent whenever deemed appropriate by the States so long as they are spent solely to accomplish the purposes of SMCRA.

This is a reasonable modification to existing law in that it does not significantly dilute the effect of annual SMCRA grants and their spending requirements and yet does give each State the flexibility to better regulate the expenditure of grant moneys.

H.R. 1963 also contains a second title which would repeal the 2-acre exemption provision of SMCRA which currently exempts those surface coal mining operations which affect 2 acres or less from all provisions of the act.

This 2-acre exemption has given rise to several different forms of SMCRA circumvention. In some instances, operators have been found to be mining a number of sites along a coal seam where 50 to 100 feet are skipped between pits with each site being claimed as a separate mine under the 2-acre exemption. In other instances, shell corporations have been created under which separate companies were formed and operated under the 2-acre exemption using common equipment, employees, offices, and stockholders.

The end result has been a flurry of lawsuits, a disproportionate expenditure of State and Federal funds, and the circumvention of the reclamation provisions of SMCRA.

The best way to solve these problems is to repeal the troublesome 2-acre exemption so that each State can get on with its reclamation programs in an effective and orderly manner.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. CHENEY].

☐ 1240

Mr. CHENEY. Mr. Speaker, it is my pleasure to be cosponsoring with Mr. UDALL, Mr. RAHALL, and Mr. MARLENEE, the bill before us today to make some needed adjustments in the Surface Mining Control and Reclamation Act.

This legislation, H.R. 1963, consists of two titles—one dealing with the so-called 2-acre exemption, and one dealing with the use of abandoned mine land funds. It has been a pleasure to work with the distinguished chairman of the House Interior Committee, Mr. UDALL, to develop this bill.

The so-called 2-acre exemption in the law seemed like a reasonable thing to do in 1977, but it has since proven to be extremely difficult to enforce and administer, and has been seriously abused by a few unscrupulous operators whose illegal activities have blighted the mine reclamation effort. The bill before us would correct these problems and require proper reclamation at all mines, regardless of size.

The second issue addressed by the bill is the matter of giving States more flexibility to deal with problems caused by past mining.

As my colleagues know, title IV of the Surface Mining Control and Reclamation Act established a program to facilitate repair of damage from past mining—the Abandoned Mine Lands Program. This work is paid for out of a fund derived from a fee on each ton of coal that is mined. That fee system is scheduled to expire in 1992.

The notion of giving States more flexibility in handling their AML funds stemmed from a particular problem in Rock Springs, WY, which sits on top of a honeycomb of long-abandoned underground coal mine voids. Since 1948, Rock Springs citizens have been troubled by periodic episodes of subsidence—collapsing of the ceilings of these mines. The Rock Springs situation clearly is Wyoming's most serious abandoned mine problem.

For well over a decade, State and local officials have searched for ways to do something about this problem. A lot of money has been spent to study the extent of the mine voids and to try to keep them from collapsing.

The method of choice in recent years was to try to backfill the voids by pumping in a slurry mixture. But there is reason to believe that backfilling intended to prevent subsidence has, itself, triggered more subsidence in adjacent areas. As a result, the State of Wyoming is seeking other methods to deal with the subsidence problem.

It is questionable, Mr. Speaker, whether a good, cost-effective solution to this longstanding problem will be found before 1992, when the fee on coal which finances the AML Program is scheduled to expire.

To address this kind of situation, the bill before us today would allow States to set aside up to 10 percent of their annual appropriated funds under the AML Program in a special trust fund. Money in such funds, together with any interest earned, could be used after 1992 to address remaining mine reclamation problems such as the one in Rock Springs which defy immediate solution.

Our bill does not alter any State's allocation under the AML Program, and it does not in any way change the purposes for which AML funds can be spent. It simply gives States the flexibility to set aside a small portion of their AML allocations if they choose for use in the future to solve problems that, for technical or other reasons, cannot be solved now.

Mr. CRAIG. Mr. Speaker, I thank my colleague, the gentleman from Wyoming [Mr. CHENEY], and also would like to comment on the leadership role he has played in gaining greater flexibility that I think has been clearly demonstrated is necessary in the law. We believe that H.R. 1963 demonstrates that, Mr. Speaker.

Mr. Speaker, I have no others who wish to comment, and therefore, I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, it gives me great pleasure to rise in support of H.R. 1963, a bill which would repeal the 2-acre exemption provided by the Surface Mining Control and Reclamation Act of 1977 as well as authorize the States to retain up to 10 percent of their annual AML construction grant for future use.

This is rather an historic occasion. No amendments to SMCRA have been considered on the House floor since its enactment although a number of modifications have been made to the act through the appropriations process over the years.

Be that as it may, this is an historic occasion in the sense that we have a bill to amend SMCRA that the support not only of the recognized father of the Federal surface mining law, Mo UDALL, but of representatives from the Appalachian and Western coalfields as well.

On a personal note, I would say to the distinguished chairman of the Committee on Interior and Insular Affairs, that it is a great privilege for me to rise in support of an amendment to SMCRA not only in my capacity as chairman of the Subcommittee on Mining and Natural Resources, but as a representative of the great State of West Virginia where the Federal Surface Mining Act has had a good deal of impact. During my first term in the Congress, I had the honor of serving on the conference committee which ironed out the differences between the House and Senate bills which ultimately became the 1977 law. As many of us well remember, this law had a very controversial history and to this day its implementation continues to spark heated debate. However, on the matter before us today, there is no controversy and we stand united behind this legislation. This bill is a tribute to the leadership of the gentleman from Arizona and his ability to act when the situation warrants.

Let there be no doubt that the 2-acre abusers have been in the minority. Upon the enactment of H.R. 1963, if you listen closely, I think you will hear a collective sigh of relief from the coal industry. The many law-abiding producers of coal in this country have long labored under the stigma much of the media has attached to surface coal mining due to abuses under the 2-acre exemption.

Those who have abused the 2-acre exemption have not only given the entire coal industry a black eye, but have also created unfair competition in the production of coal. And this, it should be noted, was one of the major reasons for the enactment of the 1977 law—to ensure that all coal-producing States were playing by the same set of rules when it came to environmental standards governing surface coal mining and reclamation.

While the AML provision of H.R. 1963 is not of great interest to those of us from the East, it does recognize a problem certain Western States are having with title IV and I am pleased that it has been included in this legislation. I would note that at some point in the near future, I will be conducting oversight hearings on the AML Program so that we may begin to focus on the reclamation needs of the coal States after 1992 when the current AML Program expires.

I urge all of my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, I urge the passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Hubbard). The question is on the motion offered by the gentleman from Arizona [Mr. Udall] that the House suspend the rules and pass the bill, H.R. 1963, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DESIGNATING A SEGMENT OF KINGS RIVER IN CALIFORNIA AS A WILD AND SCENIC RIVER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 799) to designate a segment of the Kings River in California as a wild and scenic river, as amended.

The Clerk read as follows:

H.R. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) Designation.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) Kings, California.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1595 feet above mean sea level. The segments within the Kings Canyon National Park shall be administered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.".

(b) Renumbering.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

SEC. 2 SPECIAL MANAGEMENT AREA.

(a) Establishment.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the "special management area"). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") as a separate unit of the Sierra National Forest. The boundaries of the Sierra National Forest and the Sequoia National Forest shall be adjusted accordingly.

(b) Area Included.—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kings River Special Management Area," dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

(c) Administration.—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of such Act, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) Mining and Mineral Leasing.—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

(e) Hunting and Fishing.—The Secretary shall permit hunting, and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies and regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) Management Plan.—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide or public outdoor recreation use and enjoyment of the special management area, protect area's natural, archaeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before enactment of this Act. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) Access to Private Lands.—If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underly public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors, in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to ther site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used to the enactment of this Act.

(h) Specific Protections.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea levels, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provision of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, 1986 (82 Stat. 906) in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 799 was introduced by our good friend and colleague on the Committee on Interior and Insular Affairs, RICK LEHMAN.

H.R. 799, as reported by the committee, would designate about 81 miles on the Kings River in California as a component of the National Wild and Scenic River System. The bill also establishes a 48,000 acre special management area on Forest Service land that includes the Kings River canyon area and provides for protection of an additional 11 miles of the main stem of the Kings River.

Mr. Speaker, the Kings River originates in Kings Canyon National Park and flows into Tulare Lake in the San Joaquin Valley of California. The middle and south forks of the Kings River head waters gathers in the High Sierra Nevada Mountains at nearly 14,000 feet elevation and flow in rapid descent through some of the wildest reaches of Kings Canyon National Park. The two forks join to form the main stem and passes through what has been called the deepest canyon in the continental United States, 8,240 feet from the top of Spanish Mountain to the river. In the 11,160-foot drop to the river it passes through all of the Sierra Nevada life zones from alpine to sonoran. The diversity of vegetation and wildlife along the river encompasses nearly all of the species to be found in the Sierra Nevadas and in some places the more rare animal species are found in large numbers.

The Kings River is widely known as one of the finest trout streams in California and has been designated for special status by the State as a wild trout fishery.

The upper river is a favorite of backpackers and sustains heavy use from hikers. The lower river is heavily used for general recreation but is most popular as a rafting river. It has been estimated that about 20,000 raft trips are made annually.

While there has been a long history of water development projects proposed for the Kings River, only one is currently active and calls for a dam at Rodgers Crossing, just upstream from the upper end of Pine Flat Reservoir. The development of this site has been proposed by the Kern River Conservation District [KRCD], an independent agency organized under California law for the purposes of providing irrigation water, hydropower and flood control. KRCD asked the Corps of Engineers to study the site in the late 1960's. The Corps of Engineers reported, subsequent to their study in 1971, that under their procedures for economic analysis, no project would be feasible.

Mr. Speaker, with that background, anyone familiar with environmental issues will know there was great controversy about this bill as it was introduced. My colleagues on the committee, RICK LEHMAN and CHIP PASHAYAN have done an astounding job of bringing together the opposing groups and forging this excellent compromise we have before us today.

Mr. Speaker, compliments are certainly due these two fine legislators and their staff, Mary Lou Cooper and Larry Adams and my own chief of staff, Dale Crane, for putting together this very difficult agreement and obtaining the acceptance of the people on both sides of the issue.

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Mr. Speaker, I reserve the balance of my time.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 799 as reported by the Committee on Interior and Insular Affairs and I urge my colleagues to join with me in passing what I term to be a historical accord. The legislation now before this body accommodates both those who adamantly oppose the construction of a dam on the Kings River, CA, regardless of what future circumstances may be, and those who insist that the possibility of building a dam in the future be kept alive. The controversy has been long and hot. It stems from legislation developed in 1963 by our former colleague, Bernie Sisk, to put Tehipite Dome and Cedar Grove into Kings Canyon National Park, which was accomplished in 1965. It is certainly the view of Mr. Sisk that as a part of the process there was a compromise whereby Rodgers Crossing would be left open to development sometime in the future. I should like to place in the RECORD at this point a formal statement on the subject by Mr. Sisk:

LET'S TALK SENSE ABOUT RODGERS CROSSING DAM

(By B.F. Sisk)

The history of water and power development in the Kings River watershed goes back so many years and involves so many people it is difficult to know where to start. In the early '20s, for instance, the City of Los Angeles proposed that it be given the right to build a series of power dams in the Kings River watershed, but this was vigorously opposed in the San Joaquin Valley.

A good place to start, however, would probably be with the name of Chester H. Warlow, a Fresno attorney and former chairman of the California Highway Commission. Chet was probably best known around the state for his chairmanship of the commission during the development of the state's freeway system. But Chet Warlow was deeply in love with the Sierra. It was a love affair that went back many years. As long ago as 1933, The Fresno Bee reported that the California State Chamber of Commerce had adopted a resolution in opposition to the creation of what is now the Kings Canyon National Park, and that Chet offered the resolution in opposition. He fired off a letter to the editor:

"No such approval of the resolution has been given by me," he wrote, "and at the last meeting of the San Joaquin Council of the state chamber of commerce I strenuously advised against such a resolution and voted against its adoption.

"I am more convinced than ever that the proper protection of the area and the best interests of this community require that the area be given national park status."

Kings Canyon National Park was established less than seven years later—on March 4, 1940—and Chet Warlow was a staunch friend of the Kings River high country from then until his death in the 1970s.

Even as Kings Canyon National Park was being created in 1940, two areas were excluded because of their potential need as reservoir sites. As Secretary of the Interior Stuart L. Udall was to advise the House Interior Committee later:

"The Cedar Grove and the Tehipite Valley areas were excluded from the park because many of those who supported its establishment conditioned their support on provision being made for water developments that would meet the future needs of the San Joaquin Valley of California for hydroelectric power and water for irrigation. At that time, it was thought that adequate water development for this valley necessitated the development of impoundments of the south and middle forks of the Kings River at sites which would have inundated the Cedar Grove and Tehipite Valley areas."

After I went to Congress in 1955 I had an opportunity to spend many enjoyable days and nights in the Kings River back country in the company of Chet Warlow and others—Leon S. Peters and Maynard Munger to name but two. With the construction of Pine Flat Dam, I felt that the time had come to take Tehipite Valley and Cedar Grove into the park and I introduced legislation to accomplish this in 1963. This legislation was the subject of considerable controversy but in time we were able—thanks in large part to the efforts of Glenn W. Dorfmeier of Fresno—to work out a way to get the job done with the understanding that other possibilities for downstream storage on the Kings River could be explored and developed if it was found that it was feasible.

A historical footnote is necessary to appreciate the sequence of events as they unfolded.

It is well known that the Kings River water users were strongly opposed to any involvement of the Bureau of Reclamation and the Department of the Interior on the Kings River. The Bureau of Reclamation in the 1940s had sought to include development of the Kings River as part of its Central Valley Project. The bureau had an ambitious plan for the development of hydroelectric power resources on the upper north fork of the Kings. The Federal Power Commission doomed the bureau's plans for hydro-development on the north fork when it granted licenses for development there to the Pacific Gas and Electric Company. Several influential voices in the San Joaquin Valley, including The Fresno Bee, urged the FPC to reopen the question and give further consideration to the bureau's plans. The Bee urged federal development on the north fork because of the power that would be needed for pumping at the San Luis reservoir on the West Side. In addition, said The Bee in an editorial on Christmas Day, 1949, "the revenue from power is needed to help amortize the San Luis project and thus bring down water rates on the West Side to within reach of the average farmer. West Side irrigation," said The Bee, "is definitely in the public interest."

The Kings River farmers' opposition to the Bureau of Reclamation was across the board. They wanted to keep the bureau out of the Kings River because of acreage limitations and fears that the bureau would send their water elsewhere as part of a statewide distribution and exchange program. They wanted to keep the bureau out of the north fork power business because they wanted to develop the power resources they wanted to develop the power resources themselves, or at least to derive some financial benefit from their eventual development. In addition, they wanted to develop power at Pine Flat Dam. (Although no federal power project was authorized in connection with Pine Flat, when the dam was designed, provision was made for installation of power facilities later on.)

The FPC stood fast on the PG&E license on the upper north fork, thus frustrating the bureau's hopes for that development. The Kings River people were worried that the bureau was continuing to maintain an interest in eventually developing the power at Pine Flat, however. They wanted to keep the option open of developing Pine Flat power themselves.

While all of this was going on, the Kings River water users and the Department of the Interior were engaged in a lengthy controversy over the applicability of reclamation law to the waters of the Kings River. This disagreement dragged its way through the federal courts for years.

When we introduced our legislation to add Tehipite Valley and Cedar Grove to the Kings Canyon National Park in 1963, the Kings River people and the Fresno Chamber of Commerce came out strongly and unequivocally in opposition. They recalled that the justification for leaving them out of the park in the first place was their potential need as power sites, and the question of federal hydroelectric power on the Kings River was still very much a lively and controversial issue. The possibility that the Bureau of Reclamation would one day win the authorization to install power facilities in Pine Flat Dam was just below the level of consciousness on the part of many people.

On July 17, 1963, Chet Warlow wrote me a letter to report on a confidential conversation he had had about a meeting of Kings River irrigation interests the previous day. At the Kings River meeting, he said reservoir sites at Tehipite Valley, Cedar Grove and Rodgers Crossing were discussed, "Rogers Crossing, he said, "would be used as an after-bay to the upper two reservoirs and serve to permit power facilities at either or both dams to operate continuously through the year. This Rodgers Crossing dam," he said, "would supplement the storage of water in the Pine Flat reservoir to the end that both Pine Flat and Rodgers' Crossing reservoirs together would have storage sufficient to hold back the waters to the proper irrigation season."

He closed with some flattering references to my "meticulous attention to the entire problem" when in fact it was to people like Chet Warlow and Glenn W. Dorfmeier that the thanks should go.

On February 7, 1964, a letter was sent to me by Dr. Edgar Wayburn, president of the Sierra Club, in which he reported that the Sierra Club board of directors had voted to support our bill. "Can we not find other means of producing the benefits sought from dams at Cedar Grove and Tehipite?" he asked. "Is there not further downstream storage to be developed. . . .?"

The role of Glenn Dorfmeier cannot be overstated. Glenn was the chairman of the Sierra Land Use Committee, a rather small but hardworking group of people who were convinced that multi-purpose use of the Sierra is in everybody's best interest. His group worked tirelessly to try to bring about a resolution of the conflicting views. The Kings River people were in the main opposed very stongly to my bill, but Glenn took great delight in quoting Phil Gordon—long a respected leader in the Kings River group—who said he was opposed to putting reservoirs at Tehipite Valley and Cedar Grove on philosophical grounds—"for the same reason I want to see California's missions preserved or the whooping cranes saved."

The Kings River people were not monolithic in their opposition, but the spector of having the Bureau of Reclamation develop power at Pine Flat Dam was still very much alive.

At Glenn's suggestion, my administrative assistant, Jackson T. Carle, began having some conversation with the officials of the Department of the Interior which Glenn hoped would lead them to abandon their interest in power at Pine Flat Dam. It was reasoned that this, coupled with the possibility of a reservoir at Rodgers Crossing, would be enough to break the logjam.

Although a hearing was held on our Tehipite Valley-Cedar Grove bill in the 88th Congress, because of the controversy we did not press for committee approval and the bill died. In January of 1965 we reintroduced the legislation as H.R. 903.

I do not believe that my interests were narrow. I was mindful of the scenic values of Tehipite Valley and Cedar Grove, but I was also insistent that adequate provision be made for future water development. In reviewing my congressional files, I find two constituent letters from January of 1965 that bear on this point. In a letter dated January 7th we wrote:

". . . I assure you I would not now be urging inclusion of these areas in the Park if it appeared that any substantial amount of additional water could be developed through their use as reservoirs or the (sic) alternate means of conserving an equal amount of water were not available."

Similarly, a letter dated January 11, 1965, says:

"I want you to know also that I am most concerned with conservation of all possible water of the Kings River, and I would not propose that these areas be placed in the Park and thus barred from reservoir development, unless I was sure that equal or greater water conservation on the Kings River can be accomplished without the use of these scenic areas for that purpose."

Also on January 11, 1965, the late Breckenridge Thomas, then the attorney for the Kings River Water Association, wrote to me about the concerns of the local water users with regard to the Pine Flat power. On January 15, we responded in a letter to Breck:

"I am discussing this matter with Department of the Interior people, as well as my California colleagues, and I am hopeful that I can help, providing the plant can be developed as a portion of an economically feasible project which will avoid the necessity for reservoirs at the Tehipite Valley and Cedar Grove sites."

Over the years I have had many friends among the reporters at *The Fresno Bee.* One of them was Karl M. Kidder, whose stories about the national parks and national forests in the Sierra over the years would fill several volumes. Karl was following the Tehipite-Cedar Grove issue closely and on January 17, 1965, in a story that appeared on the front page of the San Joaquin Valley section of *The Bee, Karl Reported at length on the KRWA interest in Rodgers Crossing, including photographs of the potential dam site there.*

He wrote, in part:

"A deep and narrow section of the canyon cut by the Kings River just upstream from historic Rodgers Crossing may hold the answer to a recent conservation vs. water storage controversy.

"The section may become the site of a dam which would store Kings River water for San Joaquin Valley farms and make unnecessary the proposed dams which would flood beautiful Tehipite Valley on the middle fork of the Kings and popular Ceder Grove on the river's south fork."

Karl further hinted that Pine Flat and Rodgers Crossing might make a combination of water and power development that could lead the KRWA to abandon its opposition to our legislation.

On February 2, 1965, *The Fresno Bee* editorially urged a renewed effort to get our legislation passed. It noted that the Kings River Water Association *"has begun studying alternative sites along the Kings"* but said that even so, complacency over our legislation should not be allowed to develop.

On Friday, March 12, 1965, we were able to announce that the Department of the Interior had given assurances that it has no interest in developing the power facilities at Pine Flat. We reported further that Secretary Udall had said he would raise no objections to local interests developing power there. In a Washington dispatch, the

McClatchy Newspapers Service on March 12 reported:

"The KRWA has let it be known it is considering other reservoir sites closer to Pine Flat Dam but, so far, has not withdrawn its opposition to Sisk's legislation. However, the KRWA's directors will meet in Fresno Tuesday (March 16) and, because of today's announcment, they might reconsider their opposition at the meeting."

On the Wednesday, March 17, after the KRWA meeting, we were able to issue a statement that the KRWA had withdrawn all opposition to our legislation. It was a good feeling, and we commended the Kings River leadership for the step they had taken. And we also said:

"I understand the association is continuing its study of alternate water conservation and power development projects on the Kings River which would not require use of the Tehipite Valley and Cedar Grove areas for reservoir purposes and that preliminary findings are favorable. I hope that the decision we secured from the Department of the Interior last week clearing the way for irrigation districts to develop power at Pine Flat Dam may be a material factor in insuring the economic justification for the larger project.

"I want to renew my assurance to the water users that I will continue to give my best effort at the federal level to advance their interests, to get them the water they need and to reduce their water costs by the sale of power, in the same manner that Central Valley Project water users are benefited through power sales."

On page one on March 17, *The Fresno Bee* reported in a story by Jim DuFur that the *"lengthy battle to save Tehipite Valley and Cedar Grove from inundation by water storage reservoirs has been won."* Jim reported that there had been no *"intensive"* effort to add Tehipite Valley and Cedar Grove to the park until *"the last few years"* after the KRWA had begun to study them as reservoir sites.

Jim's story reported that the *KRWA had made its decision after the Interior Department cleared the way for local use of Pine Flat power facilities and that the KRWA had "enlarged its water development studies" to consider other areas.*

"Specifically," he wrote, "the association now is concentrating its studies on Rodgers Crossing and the Junction Site."

The Dinuba Sentinel, in its edition of March 18, 1965, reported on the breaking of the deadlock and printed the text of a statement issued by the KRWA, in part as follows:

"(C)onfirmation of the Department of the Interior's commitment made in the Pine Flat contracts that it would take no position adverse to the Kings River water users has enabled the Association and its members to look with more confidence upon the possibilities of securing a feasible downstream storage project as an alternative to the Tehipite Valley-Cedar Grove development.

"The importance of the development of power is its use as a means of paying for the cost of storage reservoirs and the availability of Pine Flat power, integrated with an additional storage project, can well make the difference between an economically feasible and an infeasible project."

The following day, *The Bee* expressed editorial approval of the new developments and urged continued support for the legislation. The editorial said:

"The KRWA says it can develop an alternative water storage project downstream on the Kings now that it is sure it can generate power at Pine Flat Dam. Thus the KRWA feels it is discharging its responsibility to the water users."

"That is all to the good. Even if there were no alternative storage sites, however, Cedar Grove and Tehipite would belong in the park."

An interesting footnote is that on the very day that the KRWA cleared the way for the legislation, the president of the Sierra Club, Will Siri, wrote to us as follows:

"This note is just to tell you once again of our appreciation of your good efforts in trying to add Cedar Grove and Tehipite Valley to Kings Canyon National Park. You can rest assured that we will do everything we can to help you in securing the passage of this legislation."

"We have both been working on this effort to complete the park for a long time. When we succeed, your contribution will be remembered most especially."

Two months later the House subcommittee on national parks approved our legislation. The next day, the McClatchy Newspapers' Edward H. Dickson included this in his report on the action:

Sisk noted that last year both the Kings River Water Association and the California State Chamber of Commerce opposed the legislation on the ground the sites still might be needed for water and power development.

But, he said, both organizations now are in support because the KRWA has decided on other sites on the Kings River as a source for water and power.

The rest is history. Our bill passed Congress without further ado and was signed into law. But that is not all there is to the story. Within a decade, the country and the world had entered into a period of economic turmoil the likes of which had not been seen before. The oil embargo imposed by the mid-easten countries and the wrenching inflation which gripped the nation for several years were accompanied by serious dislocation in the nation's farm economy.

All over the country, hydroelectric projects which were once considered not feasible suddenly became feasible because of the cost of alternative sources of energy. New federal policies on local cost sharing of water projects changed the economic equation governing water project evaluations. Soaring federal deficits and a rising antipathy to federal water projects for agriculture forced water project sponsors to look at their local options more closely.

In our own area, the Kings River Conservation District and the Kings River Water Association decided they had to take a serious look at Rodgers Crossing. What the Corps of Engineers had decided was not feasible from the federal standpoint in 1972 might not necessarily be unfeasible from the local standpoint in the mid-'80s. So they began to evaluate the possibilities. Given the history of the development of Kings Canyon National Park, Tehipite Valley and Cedar Grove, and the Pine Flat power facilities, they quite reasonably expected that their efforts would be sympathetically received.

Instead, there are those who want once more to slam the door in the face of the Kings River water users. In reality, they should be given a pat on the back for trying to do what they can—without the use of scarce federal dollars—to improve their own lot. And it is not only their lot, but the lot of all of us that will be improved.

I am constantly amazed at those among us who seem willing to hobble our farmers. They seem not to realize that farming is what makes this valley what it is. When the farmers catch cold, everybody sneezes. We in the San Joaquin Valley cannot survive—let alone prosper—by doing each others' laundry. We need a healthy agriculture. Rodgers Crossing Dam can contribute to that end, and we ought not put any obstacles in its path.

There are those who will argue that what was done or said 20 or 30 years ago is unimportant. I know we have to be ready to adapt to change, and all of us have to do this from time to time. But this and future generations will have to live together and deal with one another with some reasonable expectation that a man's word is his bond. Because an agreement isn't reduced to formal language on a parchment scroll, and sworn to before a notary public and published in 39 copies, doesn't diminish its worth as an agreement. It is in our own best interest to keep faith with our Kings River friends because they, along with farmers everywhere in this valley, keep us in food, clothing and shelter.

We need to remember that. If a dam at Rodgers Crossing is feasible, and if the leadership of the Kings River area decides a dam ought to be built there, it ought to be built.

Mr. Speaker, I should also like to place into the RECORD a contemporaneous article of the Fresno Bee on the same point, as follows:

ENGINEERS PROBE ALTERNATE SITES FOR KINGS RIVER DAM

CEDAR, TEHIPITE BATTLE

(By Karl M. Kidder)

A deep and narrow section of the canyon cut by the Kings River just upstream from historic Rodgers Crossing may hold the answer to a recent conservation vs. water storage controversy.

The section may become the site of a dam which would store Kings River water for San Joaquin Valley farms and make unnecessary the proposed dams which would flood beautiful Tehipite Valley on the middle fork of the Kings and popular Cedar Grove on the river's south fork.

Rodgers Crossing, which would be inundated if a dam were to be built just below it, has been used for years to get cattle herds across the river canyon on the way to and from summer pasture.

Here, where the river serpentines its way toward Kirch Flat Campground and its confluence with the north fork and with Dinkey Creek, five engineers are stuyding a mass of detail.

They seek to determine if a dam is feasible and what would be the cost of erecting a dam, say, 300 feet high, as compared to the benefits to the Kings River Water Association from storage of about 200,000 acre feet of water.

The engineers, hired by the KRWA, also are studying a possible site several miles up river where the middle and south forks come together west of Boyden's Cave. Both of these are alternate site studies ordered when a storm of protests arose over proposals to build dams which would inundate the Tehipite and Cedar Grove areas.

The controversy goes back to 1963 when Congressman B. F. Sisk of Fresno introduced legislation to put Tehipite and Cedar Grove, both highly scenic areas, into the Kings Canyon National Park. The areas now are in national forests.

Actually, the story goes back even further. Many years ago, when the park was created, these two areas were left out because someone expressed the belief that one, or both of them, might some day be needed as damsites to hold back some of King's annual runoff.

Sisk's introduction of his bill was the signal for a KRWA announcement that the association considered the sites still valuable as locations for water storage. The response to the KRWA announcement was loud and clear.

For one, the Sierra Land Use Committee, a group dedicated to safeguarding the public's interest in Central California's natural resources, collected thousands of names on petitions urging congress to pass Sisk's bill.

The highly vocal Sierra Club added its voice, saying dams at Tehipite and Cedar Grove would "desecrate areas of wilderness beauty, of which there are a scant few remaining in California."

Various water interests allied themselves with one side or the other, and a subcommittee of the house committee on interior and insular affairs, held a hearing on Sisk's proposal in Washington.

No decision has been made by the subcommittee. The congressman has resubmitted his bill to the present congress.

Meanwhile, the KRWA engineers, in their search for alternate sites, looked at many along the stretch of the river, keeping in mind one important aspect of their search: Whatever site is selected must be capable of producing power in sufficient quantities to pay the cost of building the dam.

In purely preliminary studies they determined, for instance, that the Junction Site where the middle and north forks of the Kings come together, would provide an ideal power site, but a poor one from a standpoint of reservoir area.

Access to the site deep in the river gorge would be difficult. The very steepness of the canyon walls, the steep gradient of the stream flow and other factors would dictate a dam at least 400 feet high to store the required 200,000 acre feet of water.

At the Rodgers Crossing site, however, the engineers' studies indicate a dam about 300 feet high would be required to provide the same storage. Power aplenty could be developed at the Junction Site, but little, if any, could

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Thus in recognition of the controversy and of the issue of whether a dam at Rodgers Crossing should be allowed, Congress now makes as the crux of this legislative accord a decision expressly not to designate the lower 11 or so miles of the main stem of the Kings River as a component of the Wild and Scenic River System.

Before proceeding further, Mr. Speaker, I should like to seek a response to a question I have of the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO.

Mr. VENTO. Mr. Speaker, if the gentleman will yield, I would be happy to answer any questions.

Mr. PASHAYAN. I appreciate that. I have but one question.

Is it the case that the Congress would be required to amend this act, and not the Wild and Scenic River Act, to allow the construction of any dam within the Kings River Special Management Area?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, yes, that is correct.

Mr. PASHAYAN. Mr. Speaker, I thank the subcommittee chairman.

Mr. Speaker, the Kings River, however, is protected within a special management area whereby construction of a dam would be permitted only with the specific authority of the Congress. This is accomplished in two ways—the prohibition on the use of Federal lands for the "construction of any dam or diversion within the Kings River Special Management Area," and on obtaining a license from the Federal Energy Regulatory Commission without Congress' approval. Under the act, the Kings River Conservation District could, however, make studies, including within the special management area, for any purpose the district deems appropriate, including possibly building a dam at Rodgers Crossing.

Equally at the heart of the compromise, too, is the agreement by my colleague Mr. LEHMAN to support raising the Pine Flat Dam, already on the Kings River, by 20 feet as a flood control project to be engineered and constructed by the Corps of Engineers. This is to begin immediately, and in fact Mr. LEHMAN has already joined in my request of the Appropriations Committee for the funds. I certainly hope my colleagues will support this measure, as it is, again, a part of the compromise as much as H.R. 799.

H.R. 799 as developed by the Committee on Interior and Insular Affairs designates two of the undeveloped forks of the Kings River—the south and middle forks—as well as nearly 6 miles of the main stem of the Kings River as components of the Federal Wild and Scenic River System.

In establishing the Kings River Special Management Area—some 45,000 acres—along either side of the main stem of the Kings River, the Forest Service is directed to protect the areas' natural, archaeological, and scenic resources, as well as to provide for appropriate fish and wildlife management.

While recognizing the natural attributes of the area, which were spelled out in the hearings before the Subcommittee on National Parks and Public Lands, the legislation also permits grazing, hunting, fishing, mining as now exists, and some harvesting of timber if necessary because of fire, insects or disease. Off-road vehicle use would be permitted to existing areas, and a management plan would provide for the development of hiking trails, with special emphasis directed to the area between Garlic Creek and Little Tehipite Valley. Private right of engress and egress is permitted.

In closing, Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], for his patience and counsel. Also, I should be remiss if I did not acknowledge the tireless work of Dale Crane and Charlene Seamens of the majority staff and Lori Stillman of the minority staff in helping to bring this compromise to fruition.

Also, Mr. Speaker, a special thanks to Mr. Jeff Taylor, manager-engineer of the Kings River Conservation District, and to Mr. Don Furmann of the Committee to Save the Kings River. Both of these gentlemen were called upon by my colleague from California, Mr. LEHMAN, and myself, to accomplish the Herculean task of assuring support from the interests they ably represented throughout the negotiations on the product now pending before this body.

I again urge my colleagues to join in helping to forge this historic accord into the law of the land by supporting H.R. 799 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, the gentleman from Minnesota, for yielding me this time.

At the outset, Mr. Speaker, I join with my colleague, the gentleman from California [Mr. PASHAYAN], and express my thanks, as he did, to the many people on my staff and his staff, on the Committee To Save the Kings River Conservation District, on the staff of the gentleman from California [Mr. LAGOMARSINO], and on the staff of the gentleman from Minnesota [Mr. VENTO], who made this day possible.

It is with an enormous pride that I rise in support of H.R. 799, as amended. For those of us who care deeply about the Kings River and Kings Canyon, we hope and believe today marks the end of a long, long road. For me personally, this road began as a very young man when I first hiked alongside the Kings River. At that time I did not know that Kings Canyon was the deepest canyon in North America. I did not know that the river would be designated as a wild trout stream, the largest in California. I did not know that this river had the longest vertical drop of any river in the United States. I did not know that the very place I walked would become a national recreation trail. I did know that the River of Holy Kings gave me and thousands of others the solitude and spiritual renewal that only this kind of experience in nature can bestow.

For the last quarter of a century the remaining undammed Kings River has been threatened by massive hydroelectric projects, with Rodgers Crossing Dam the most recent proposal. This dam would have flooded within 1½ miles of the deepest point in Kings Canyon and would have destroyed rafting, camping, fishing, and hiking as it exists today in the most accessible portion of the canyon. And what would have been gained? About 45,000 acre-feet of water, less than the city of Fresno currently recharges in a year and only 3 percent of the 1.5 million acre-feet ground water overdraft in the southern San Joaquin Valley. Because Rodgers Crossing could not make it financially as a water project, it was designed so that electric consumers in California would bear the cost. And even as a hydroelectric project, the economics were extremely poor with the vast majority of studies showing negative benefit-cost ratios.

Mr. Speaker, while I revere Kings River and Kings Canyon, I also have the greatest respect for agriculture and water needs of the Central Valley of California. I represent the Kings River Service Area. My father farmed in the Consolidated Irrigation District all his life. The Kings River Conservation District and the Kings River Water Association have done a lot to make our valley a better place to live.

Just a few weeks ago, these conflicting goals—saving the Kings River and obtaining more water for the San Joaquin Valley—were on a collision course.

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However, because of the very good will of all parties involved in this issue, a compromise was reached which accommodates both those who wish to protect our landscape and those with very real needs for additional water. I wish to particularly commend Mr. PASHAYAN, the Kings River Conservation District, and the Committee To Save the Kings River for their willingness to negotiate for the good of all the people of our valley and for the needs of future generations.

H.R. 799 contains portions of the compromise and aspect of the agreement will be accomplished in other forums. Briefly, Mr. Speaker, the compromise we reached will:

First. Designate approximately 81 miles of the Middle and South Forks and main stem of the Kings River as part of the National Wild and Scenic Rivers System.

Second. Require that about 11 miles of the main stem of the Kings River from elevation 1,595 feet mean sea level down to elevation 900 feet mean sea level will be protected by section 7(a) of the National Wild and Scenic Rivers System in the same manner as if this portion of the river were designated as part of the national system. This means that the Federal Energy Regulatory Commission is prohibited from issuing licenses for dams or diversions on this stretch of the river.

Third. Leave out sufficient mileage on the main stem of the Kings River—from elevation 990 feet to the existing Pine Flat Reservor—from H.R. 799 so that in the future Pine Flat Dam can be raised by about 20 feet. Raising Pine Flat Dam will generate from 20,000 to 30,000 acre-feet of water for irrigators in the San Joaquin Valley.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for his efforts in this regard and I am just pleased to emphasize that the heart of this compromise is really two pieces of legislation. This is one, and the other is raising Pine Flat Dam. Although that is to follow, I appreciate and I know I have the commitment from my colleagues to make every effort and I take that our colleagues will understand that this is a two-part compromise and not a one-part compromise. I am sure the gentleman joins me in this.

Mr. LEHMAN of California. I thank the gentleman for that. Both I and the Committee To Save the Kings River have long expressed our belief that raising Pine Flat Dam is a viable, nonenvironmentally damaging alternative.

Mr. Speaker, the fourth thing this legislation would do is establish a new Kings River Special Management Area emcompassing portions of the river and about 48,000 acres of land on either side of the river. The new special management area will be managed for protection of recreation, scenic resources, and wildlife. No Federal lands within the Kings River Special Management Area may be used for the construction of dams or diversions.

Fifth. Permit the Kings River Conservation District to conduct its own studies as it deems appropriate. I would note that just last week, the KRCD board voted to conclude its studies of Rodgers Crossing Dam.

Mr. Speaker, I am especially pleased that in addition to finally resolving the status of the Kings River we have expanded the legislative scope of H.R. 799 to resolve other management issues in Kings Canyon. The establishment of the Kings River Special Management Area addresses esthetic, recreational, and wildlife concerns in Kings Canyon in a manner rivaled only by the special management areas at Lake Tahoe and Mono Lake.

Mr. Speaker, at this time I wish to commend my chairman of the National Parks and Public Lands Subcommittee who continues to provide this House with the strength needed to protect our natural resources and the diplomacy to do so harmoniously. His very able staff director, Dale Crane, also deserves high praise for consistently giving us wise council, and long, long hours of quality staff work. Our full committee chairman and friend, Mo UDALL, and our distinguished minority expert on national parks, BOB LAGOMARSINO deserve recognition for their efforts to resolve this issue, as do Congressmen MILLER, COELHO, and EDWARDS and others in our California delegation; 138 Members of this House coauthored this resolution. Finally, it goes without saying that this compromise owes a great deal to the leadership of Senator CRANSTON who introduced the Senate companion bill to H.R. 799. Because of the interest and support of Senators CRANSTON and WILSON, I fully expect to see H.R. 799 become the law of the land in the 100th Congress.

Mr. Speaker, I believe we have reached a fair and equitable compromise on the Kings River which will last for as far in the future as I can see. With the passage of this legislation, the Kings River will remain a "national river, a river for all people, for all time." I urge this House to act swiftly on H.R. 799 so that future generations of Americans can experience the spirit and the splendor of the River of Holy Kings.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman.

Mr. Speaker, I, too, was remiss in not mentioning the other Senator, Senator WILSON, whose support we sought during the negotiations and whose support we felt was essential to the consummation of the compromise.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I realize that, with all the Members who have cosponsored this, we have kind of a love-in out here on the floor with regard to this bill, but I would like to mention the fact that the administration does have some objections to the bill. Some of their objections, it seems to me, are not of much merit and generally I think it is a pretty good bill and I would be supportive of it. Except that I find down, buried in the midst of it—what do we have? Another example of congressional pork barrel.

What we have in this country is people paying taxes to do things that are necessary in the Federal Government; 2,350 families this year are going to pay all of their taxes so that we can do one thing with them and that is build trails in wilderness areas; 2,350 American families are going to pay all of their taxes so that we can build trails in wilderness areas. In this particular bill, we require that a 17-mile trail be built in this wilderness area. For that trail to be built, it is going to take half of all the money available for 1 year just to build that trail. That means that 1,170 families are going to pay all of their taxes in 1 year to do nothing but build this one trail.

What I am suggesting is that the administration says it is unnecessary to have that trail built; it is at the very least, as I understand it, over extremely steep and rocky terrain and it seems to me to devote one-half of the entire trails' budget of the National Park Service or the National Forest System to build this one trail is really unnecessary and unwarranted.

It is one little line in the bill, one tiny, little line in the bill, but it is a requirement that will usurp the taxpayer funds of an awful lot of money for one little project.

I would suggest that, if we are going to do some of these things around here and we are going to do good and worthwhile things, that we ought to leave the pork out and allow the American people to share broadly with this rather than narrowly in this particular instance.

Mr. PASHAYAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 799, to designate approximately 81 miles of the main stem, south fork, and middle fork of the Kings River in California as a component of the Wild and Scenic Rivers System.

The headwaters and a substantial portion of this magnificant river are located in Kings Canyon National Park. Other portions of the river flow through National Forest lands included in the Sierra and Sequoia National Forests. Several miles of the river flow through designated wilderness areas and further planning areas which may be designated as wilderness in the future.

There is no question that the Kings River meets the criteria for wild and scenic designation. It is well-known for its scenic, geologic, historic, cultural, and fish and wildlife values. The Kings River is also heavily used by the public including many of my constituents, for a variety of recreational activities. These include: rafting, kayaking, camping, swimming and picnicking. In addition, fishing is extremely popular along the main stem of the Kings, which is the largest wild trout fishery in the State.

The Kings River carves a magnificent canyon and plunges several thousand feet in its journey to the ocean. The canyon supports a wide variety of plants and wildlife, making it a popular area for hiking and hunting.

The Kings was recommended as suitable for further study or designation as a wild and scenic river in the National Park Service 1982 nationwide rivers inventory. In addition, it was studied for potential wild and scenic designation by the Sequoia and Sierra National Forests in the forest planning process. In the draft forest plans, all of the river segment except for the 10 miles within the proposed Rodgers Crossing Dam site were recommended for designation by the Forest Service and the National Park Service.

Mr. Speaker, due to the proposed Rodgers Crossing Dam on the Kings River, this legislation was very controversial during subcommittee action. The Kings River conservation district has not yet completed feasibility studies on the dam proposal. The bill, as introduced, would have precluded further study and/or construction of the dam. However, I am pleased that all interested parties were able to resolve this difficult issue. I would like to commend the bill's sponsor, my friend and colleague from California, Mr. LEHMAN, and my friend and colleague in whose district the Kings River lies, Mr. PASHAYAN, for their hard work and efforts in negotiating an outstanding compromise. I would also like to commend the subcommittee chairman, Mr. VENTO, for moving this bill forward.

Under the compromise, the entire Kings River is designated as wild and scenic except for the lower 11 miles. This segment, while not designated, is accorded wild and scenic protection from dams, diversions, and impoundments, In addition, a 48,000-acre special management area is established along this segment of the river to protect the natural, archaeological, and scenic resources of the area, and to provide for public recreation use, enjoyment and appropriate fish and wildlife management. While feasibility studies on the proposed Rodgers, Crossing may proceed under the compromise, no dam could ever be constructed in this area unless specifically authorized by Congress. Finally, the compromise would allow for raising Pine Flat Reservoir by 20 feet as a possible alternative to construction of a new dam. Such action would, however, also require congressional authorization. I believe this is a significant compromise which protects the resources of the Kings River while allowing for long-range planning for future water needs in the Kings River area.

Mr. Speaker, I believe H.R. 799 is an excellent bill which will protect and preserve the remarkable values of the Kings River for the public's enjoyment today and in the future. I strongly support its passage and urge all of my colleagues to approve this important legislation.

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Mr. VENTO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

Mr. Speaker, I congratulate all the members of the Interior Committee who did such a magnificent job in working out the compromise to make it possible to save this magnificent natural resource and, of course, in particular the chief sponsor of the bill, the gentleman from California [Mr. LEHMAN], and the gentleman from California [Mr. PASHAYAN], we are very grateful to them, to the gentleman from California [Mr. LAGOMARSINO] and, of course, the gentleman from Minnesota [Mr. VENTO]. This is indeed a happy day not only for California, not only for the West, but for the entire country. This is California's jewel. This is the western jewel, the Kings River, the highest and the best.

For those of you who have not had the opportunity to visit the Kings, let me say that it deserves protection. The Kings claims two national superlatives. First, the Kings flows undammed from its glacial headwaters to Pine Flat Reservoir dropping vertically for 11,400 feet. Second, the Kings has carved the deepest canyon in North America, an 8,240-foot wonderland of granite domes and limestone spires. The Kings is a natural resource and ecological laboratory of national significance.

The Kings River is the largest of California's wild trout streams, a system of blue-ribbon trout fisheries designated, managed, and protected by the State. The river water and the surrounding land of the Kings draws tens of thousands of visitors each year to enjoy whitewater rafting, hiking, camping and many other outdoor sports.

Congress has already acknowledged the national significance of the middle and south forks of the Kings by including them both in the National Park and Wilderness Systems. With H.R. 799 we will add these forks to a third system, the Wild and Scenic Rivers System. H.R. 799 will also extend protection to the lower 11 miles of the main fork of the Kings.

To protect the scenic, natural, archaeological and recreational values of the Kings River and to ensure the enhancement of these values, H.R. 799 will establish a special management unit within the National Forest System. By establishing the Kings River Special Management Area, Congress will recognize not only the importance of protecting the Kings but also recognizing the importance of preserving the unmatched canyon through which it flows. H.R. 799 also contains a prohibition of dam construction on the 17 miles of the Kings' main fork.

The Kings River deserves your support. It is truly a magnificent natural resource.

I urge a unanimous vote.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Coelho].

Mr. COELHO. Mr. Speaker, I am pleased to support H.R. 799, a bill introduced by my friend and colleague from California, Richard Lehman. This legislation is intended to protect the Kings River above Pine Flat Reservoir from futher development.

H.R. 799, as amended, embodies a historic compromise worked out between Congressmen Lehman and Pashayan regarding the future of the headwaters and canyons of the Kings River.

The Kings River shares a great deal with a river I deeply care about in my district—the Merced. Both rivers originate high in the Sierra Nevada within great national parks. Both the Merced and the Kings have carved canyons of incredible depth and beauty—areas that hundreds of thousands of Americans visit each year.

The Kings and the Merced are also workhorse rivers. They have been developed to provide flood control, irrigation water, and hydroelectric power for the fertile lands of the San Joaquin Valley. These rivers are the lifeblood of the valley's agriculture and their canyons are the crown jewels of the Sierra Nevada.

Unfortunately, the Merced and the Kings have shared a common threat from hydroelectric proposals that would have modified these rivers forever, destroying the precarious balance that exists. The controversy regarding the Kings was especially difficult for me.

Like my colleagues Congressmen Lehman and Pashayan, I respect those within the Kings River Conservation District who proposed to dam the Kings again at Rodgers Crossing. However, I strongly support protection for the undammed sections of the river above Pine Flat Reservoir because it is the right thing to do.

H.R. 799, as amended, represents a fair balance between the interests of preservationists and developers. The Kings River Conservation District has won the right to study and develop the raising of Pine Flat Dam by 20 feet—a project that would yield substantial new irrigation water.

Preservationists' concerns have been addressed by a congressional prohibition on dam construction on the main fork of the Kings River with the same protections as are afforded rivers placed within the National Wild and Scenic Rivers System. In addition, the canyon of the main fork will receive the national recognition and protection it deserves through creation of the Kings River Special Management Area.

H.R. 799, as amended, will end decades of acrimonious debate over the Kings River and the Rodgers Crossing Dam proposal. It is a sound compromise. I salute the efforts of Congressmen Lehman and Pashayan and I urge my colleagues in the House to support this legislation.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 799 to designate segment of the Kings River in California as a wild and scenic river. This legislation is a compromise which was developed by my Interior Committee colleagues, Congressmen Richard Lehman and Chip Pashayan. With their help, the Interior Committee unanimously voted to report this bill. I wish to commend them as well as Congressmen Vento and Udall for their leadership in protecting the Kings River.

There are several important components of the legislation. About 81 miles of the river beginning at the headwaters in Kings Canyon National Park will be included in the National Wild and Scenic River System.

The compromise also establishes a Kings River Special Management Area on both sides of the river. This area will be managed by the U.S. Forest Service to protect natural, aesthetic, wildlife, archaeological, and recreational values. Such activities as timber harvesting will not be permitted in the Kings River Special Management Area.

Having spent a great deal of time in the Kings River area, I am aware of its recreational values. The Kings is the largest of California's designated wild trout steams. It's also a favorite place for those of us who enjoy hiking, camping, and river rafting throughout the year.

Mr. Speaker, I encourage my colleagues to join me in support of H.R. 799.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. Lehman].

Mr. LEHMAN of California. Mr. Speaker, I would like to ask a few questions of the gentleman from Minnesota [Mr. Vento] for the purpose of clarifying congressional intent with regard to H.R. 799 as amended.

If at some future date proponents of Rodgers Crossing Dam or proponents of any other dam or diversion wish to construct at dam or diversion which would fall between elevation 990 feet mean sea level and 1,595 feet mean sea level on the main stem of the Kings River, what Federal legislative conditions must be met in order for them to go forward with such project?

Mr. VENTO. Mr. Speaker, I am happy to answer the gentleman's question. In addition to any other conditions which any proponent of dams or diversions must meet for projects which would lie between elevation 990 feet mean sea level and 1,595 feet mean sea level on the main stem of the Kings River, H.R. 799 as amended would impose a minimum of two additional requirements.

First, no dam or diversion in this location could be allowed unless that provision of section 2(h) of H.R. 799 which requires that this portion of the Kings River is subject to the provisions of section 7(a) of the Wild and Scenic Rivers Act in the same manner as if it were designated as part of the national wild and scenic rivers system is repealed; and

Second, no dam or diversion in this location could be allowed unless that provision of section 2(h) of H.R. 799 which prohibits the use of Federal lands in the special management area created by H.R. 799 for the construction of any dam or diversion is repealed.

Mr. LEHMAN of California. I thank the gentleman. Is it correct to say that in applying section 7(a) of the National Wild and Scenic Rivers Act to that portion of the main stem of the Kings River which lies between 990 feet mean sea level and 1,595 feet mean sea level that the Federal Power Commission shall not authorize the construction of any dam, water conduit, reserior, powerhouse, transmission line, or other project works on or affecting this portion of the river nor shall any department or agency of the Federal Government assist in any way in the construction of any water resources project which would have a direct and adverse impact on the values of this portion of the Kings River in the same manner as if this portion of the river were designated as part of the national wild and scenic river system?

Mr. VENTO. The gentleman is correct in his interpretation of H.R. 799 as amended.

Mr. LEHMAN of California. To further clarify congressional intent with regard to H.R. 799 as amended, is it the understanding of the gentleman that applying section 7(a) of the Wild and Scenic Rivers Act to that portion of the Kings River from 990 feet MSL to 1,595 feet MSL as if it were designated as part of the National Wild and Scenic Rivers System would prohibit any dams or diversions outside this portion of the river which would inundate or dewater the main stem of the Kings River which is protected pursuant to section 2(h) of H.R. 799?

Mr. VENTO. Yes.

Mr. LEHMAN of California. I thank the gentleman. I think it is important for the legislative history of H.R. 799 to understand that protection of the Kings River from its headwaters in Kings Canyon National Park to elevation 990 feet is certainly no less than if the entire mileage were designated as part of the National Wild and Scenic Rivers System. In fact, because of the added protections provided by the special management area and language specifying that no Federal lands may be used for construction of any dam or diversion within that special management area, Congress has added protections to the Kings River that few rivers in the United States enjoy.

I say to the gentleman from Minnesota [Mr. VENTO] for the RECORD, I would like to confirm congressional intent for leaving undesignated that portion of the main stem of the Kings River from 990 feet downstream to the existing Pine Flat Reservoir. When I introduced H.R. 799, protection for the middle and south forks of the Kings River and the main stem of the Kings River extended from the headwaters in Kings Canyon National Park all the way down to the existing Pine Flat Reservoir. In H.R. 799 we have left a very small undammed portion of Kings River out of H.R. 799 for the specific purpose of allowing the existing Pine Flat Reservoir to be raised by about 20 feet. Is that the committee's understanding of H.R. 799 as amended?

Mr. VENTO. That is correct.

Mr. LEHMAN of California. Further clarifying the intent of H.R. 799 as amended, does the establishment of a special management area preclude any future designation of the Kings River from elevation 990 feet MSL to 1,595 feet MSL as part of the National Wild and Scenic Rivers System?

Mr. VENTO. Absolutely not.

Mr. LEHMAN of California. Mr. Speaker, one final point to the gentleman from Minnesota [Mr. VENTO] that I would like to clarify, and that is probably as significant as any other aspect of this delicate compromise. Is it the understanding of the gentleman that within the special management area the Forest Service should conduct vegetative management studies to improve the habitat only for birds and mammals?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, the gentleman is not getting at the fact that coincidentally it might help the habitat for snakes?

Mr. LEHMAN of California. Rattlesnakes. The gentleman is very perceptive. I have made ironclad commitments that this legislation would do nothing to improve the habitat of western rattlesnakes. If I break that commitment, I am afraid this whole compromise will bite the dust.

Mr. Speaker, I thank the gentleman. It is really difficult to make everyone happy, but we do try.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to ask the third point, could we please go over the third point again in the colloquy between the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. LEHMAN]?

Mr. VENTO. If the gentleman would like, we are on page 3—I am sorry.

Mr. Speaker, could the gentleman reiterate what particular phrase he is asking about?

Will the gentleman yield to me on his time?

Mr. PASHAYAN. Yes, of course.

Mr. VENTO. We have plenty of time.

Mr. PASHAYAN. Yes, indeed.

Mr. VENTO. The gentleman from California [Mr. LEHMAN] clarified with me the congressional intent with regard to H.R. 799 with the understanding that applying section 7(a) of the Wild and Scenic Rivers Act to that portion of the Kings River which is of concern to the gentleman, that is from the 990 mean sea level to 1,595 feet, as if it were designated part of the Wild and Scenic Rivers Act, will prohibit any dams or diversions outside the portion of the river which would inundate or dewater the main stem of the river, which is protected pursuant to section 2(h) of the bill, and my answer was "Yes."

Mr. PASHAYAN. Yes, indeed. In other words, there is no intent there to designate it as part of the Wild and Scenic Rivers Act; it is just treated as it were, which in fact it is not.

Mr. VENTO. Mr. Speaker, if the gentleman will yield further, I think the point here is that while we are putting up the hurdle, it is not the Wild and Scenic Rivers Act, which I think is the gentleman's concern, although the requirements are the same, in responding to the gentleman, the requirement would be to amend the legislation that we have before us should it become law or something similar.

Mr. PASHAYAN. And only the legislation we have before us.

Mr. VENTO. That is correct. That would change it.

Mr. PASHAYAN. Mr. Speaker, I thank the distinguished chairman of the subcommittee.

Mr. LEHMAN of California. Mr. Speaker, I would like to respond to the Forest Service's estimates of the cost of a trail from Garlic Creek to Tehipite Valley. I believe the Forest Service's comments grossly overstate the cost of this trail. First of all the trail could be built over many years, not in 1 or 2 as suggested by the administration. Second, the trail would very likely receive non-Federal funds from State, local, or private sources. Finally, there has been a long tradition in California of partially defraying the costs of natural resource work through the assistance of the California Conservation Corps.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASHAYAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 799, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate a segment of the Kings River in California as a wild and scenic river, and for other purposes."

A motion to reconsider was laid on the table.

HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 1987

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1846) to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments Act of 1987".

(b) REFERENCE.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. INSTITUTIONAL AID.

Title III of the Act is amended—

(1) in section 311(b)(1), by striking out "section 358(a)(1)" and inserting "section 360(a)(1)";

(2) in section 312(b)(1)—

(A) by inserting "which" before "is" each place it appears in subparagraphs (C) and (D):

(B) by inserting "which" before "has" in subparagraph (E): and

(C) by inserting "which" before "meets" in subparagraph (F);

(3) in section 323(a), by striking out "section 358(a)(2)" and inserting "section 360(a)(2)";

(4) in section 325(a)(1), by striking out "section 322" and inserting "section 323";

(5) in section 326(c), by striking out "section 333" and inserting "section 332";

(6) in section 332(f)(1), by inserting "(or section 355)" after "part A or B";

(7) in section 351(b)(6), by striking out "section 356" and inserting "section 357";

(8) in section 352(a)(2), by striking out "low- and middle-income" and inserting "low-income";

(9) in section 352(b), by adding at the end thereof the following:

"(3) The Secretary may waive the requirement set forth in section 312(b)(1)(E) in the case of an institution located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians.".

SEC. 3. PELL GRANTS.

(a) CLARIFICATION OF REFERENCE.—Section 411(g)(2) of the Act is amended by striking out "paragraph (1)" and inserting "paragraph (1)(B)".

(b) Exclusion of Forced Sale Proceeds.—(1) Section 411A of the Act is amended by adding at the end thereof the following new subsection:

"(b) Exclusion of Forced Sale Proceeds.—In the computation of family contributions for the program under this subpart for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation."

(2) Section 411B(g) of the Act is amended—

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(3) Section 411C(f) of the Act is amended—

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(4) Section 411D(f) of the Act is amended by striking out paragraph (5).

(c) Treatment of Excludable Income.—(1) Sections 411B(d)(1)(A), 411C(c)(1)(A), and 411D(c)(1)(A) are each amended by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

(2) Section 411B(i)(1)(A) of the Act is amended—

(A) by striking out "other than amounts earned under part C of this title"; and

(B) by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

(d) Effective Family Income.—Section 411B(d)(1) of the Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out "minus" at the end of subparagraph (B) and inserting "and"; and

(3) by inserting after such subparagraph the following:

"(C) one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits, expected to be received during the award period, minus".

(e) Contribution From Student's and Spouse's Assets.—Section 411B(l) of the Act is amended by inserting before the period at the end thereof the following: ", except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(f) Assessment of Discretionary Income.—(1) Section 411B(f)(1) of the Act is amended to read as follows:

"(f) Assessment of Discretionary Income.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (d)), minus (B) the total offsets to such income (as determined under subsection (e)). If such discretionary income is a negative amount, the contribution from the parents' income is zero.".

(2) Section 411C(e)(1) of the Act is amended to read as follows:

"(e) Assessment of Discretionary Income.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(3) Section 411D(e)(1) of the Act is amended to read as follows:

"(e) Assessment of Discretionary Income.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(4) Sections 411B(f)(2), 411B(j)(2), 411C(e)(2), and 411D(e)(2) of the Act are each amended by striking out "effective family income" each place it appears in the text thereof and inserting "discretionary income".

(5) The tables in sections 411B(f)(2) and 411C(e)(2) of the Act are each amended—

(A) by striking out "Effective family income" and inserting "Discretionary income"; and

(B) by striking out "effective family income" and inserting "discretionary income".

(g) Treatment of Dislocated Workers and Displaced Homemakers.—Sections 411B(g)(1), 411C(f)(1), and 411D(f)(3) of the Act are each amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(h) Correction of Reference.—Section 411F(1)(B) is amended by striking out "paragraph (13)" and inserting "paragraph (15)".

(i) Tuition and Fees.—Section 411F(5)(A) is amended by striking out "student's tuition and uniform compulsory fees" and inserting "tuition and uniform compulsory fees normally charged a full-time student".

(j) Dependent of a Student.—Section 411F(6) is amended to read as follows:

"(6) Except as otherwise provided, the term 'dependent of the student' means the student's spouse, the student's dependent children, and other persons who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.".

(k) Excludable Income.—Section 411F(9) of the Act is amended—

(1) in subparagraph (A), by striking out "(B), (C), and (D)" and inserting "(B) through (E)";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) For a Native American Student, the annual adjusted family income does not include any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act or any income received by the student (and spouse) and student's parents under the Alaska Native Claims Settlement Act or the Maine Indians Claims Settlement Act.";

(3) in subparagraph (D), by inserting "(including any income earned from work under part C of this title)" after "financial assistance"; and

(3) by adding at the end thereof the following new subparagraph:

"(E) Annual adjusted family income does not include any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act.".

(l) Independent.—Section 411F(12) of the Act is amended—

(1) in subparagraph (B)(iii), by striking out "gradulate" and inserting "graduate"; and

(2) in subparagraph (B)(vi), by inserting "(including all sources of income other than parents)" after "an annual total income".

(m) Untaxed Income and Benefits.—Section 411F(15) of the Act is amended to read as follows:

"(15) The term 'untaxed income and benefits' means—

"(A) child support received;

"(B) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(C) workman's compensation;

"(D) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(E) interest on tax-free bonds;

"(F) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(G) cash support or any money paid on the student's behalf;

"(H) the amount of earned income credit claimed for Federal income tax purposes;

"(I) untaxed portion of pensions;

"(J) credit for Federal tax on special fuels;

"(K) the amount of foreign income excluded for purposes of Federal income taxes;

"(L) untaxed social security benefits;

"(M) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(N) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.".

SEC. 4. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) Formula.—Section 413D(d)(2) of the Act is amended—

(1) by striking out subparagraph (D) and inserting the following:

"(D) multiply the number of eligible dependent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;"; and

(2) by striking out subparagraph (F) and inserting the following:

"(F) multiply the number of eligible independent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;".

(b) Technical Amendment.—Section 413D(d)(3)(B) is amended—

(1) by striking out "and graduate and professional"; and

(2) by striking out "and graduate".

SEC. 5. STATE STUDENT INCENTIVE GRANTS.

Section 415E(1) of the Act is amended by striking out "literary" and inserting "literacy".

SEC. 6. TRIO PROGRAMS.

Section 417A(d)(1)(B) of the Act is amended by inserting "substantial" immediately before "support".

SEC. 7. SEPARATION OF HEP/CAMP AUTHORIZATION.

Section 418A(g) of the Act is amended to read as follows:

"(g) Authorization of Appropriations.—(1) There are authorized to be appropriated for the high school equivalency program $7,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) There are authorized to be appropriated for the college assistance migrant program $2,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 8. VETERANS' EDUCATION OUTREACH.

Section 420A of the Act is amended—

(1) in subsection (b)(2)(B), by striking out "subchapter V or VI" and inserting "subchapter V";

(2) in subsection (b)(5), by striking out "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(3) in subsection (c)(2)(A)(i), by striking out "subsection (e)" and inserting "subsection (b)(5)"; and

(4) in subsection (c)(2)(C)(ii)—

(A) by striking out "(I)"; and

(B) by striking out "and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34".

SEC. 9. SPECIAL CHILD CARE SERVICES.

Section 420B of the Act is amended—

(1) in subsection (b)(2)—

(A) by striking out "to pursue a successful program" in subparagraph (C) and inserting "to pursue successfully a program".

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(2) by striking out subsection (d) and inserting the following:

"(d) Definition.—For purposes of this subpart, the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using the criteria of poverty established by the Bureau of the Census.".

SEC. 10. GUARANTEED STUDENT LOANS.

(a) In Applicability of Aggregate Loan Limits to Supplemental and PLUS Loans.—Sections 425(a)(2)(A) and 428(b)(1)(B) are each amended—

(1) in clause (i), by inserting ", excluding loans made under section 428A" after "undergraduate education"; and

(2) in clause (ii) by inserting ", excluding loans made under section 428A or 428B" after "graduate or professional student)".

(b) Teacher Deferment.—Sections 427(a)(2)(C)(vi) and 428(b)(1)(M)(vi) of the Act are each amended by inserting "nonprofit" before "private".

(c) Multiple Disbursement.—Sections 427(a)(4) and 428(b)(1)(O) of the Act are each amended by striking out "more than $1,000" and inserting "$1,000 or more".

(d) Variable Interest Rates on Supplemental and PLUS Loans.—(1) Section 427A(c)(4) of the Act is amended—

(A) in subparagraph (A), by striking out "to cover the cost of instruction for any period of enrollment beginning on or after July 1, 1987," and inserting "and disbursed on or after July 1, 1987,";

(B) in such subparagraph (A), by striking out "any calendar year" and inserting "any 12-month period beginning on July 1 and ending on June 30"; and

(C) by striking out subparagraph (B) and inserting the following:

"(B) For any 12-month period beginning on July 1 and ending on June 30, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.25 percent.".

(2) Section 438(b)(2)(C) of the Act is amended by striking out "12.5 percent" and inserting "12 percent".

(e) Compliance With Loan Limits.—Section 428(a)(2)(D) of the Act is amended by striking out "permits the student" and inserting "certifies the eligibility of any student".

(f) Insurance Program Agreements.—Section 428(b)(1) of the Act is amended—

(1) by striking out "first or" in subparagraph (A)(i) and inserting "first and";

(2) by inserting before the semicolon at the end of subparagraph (N) the following: "and this subparagraph shall not apply in the case of an institution located outside the United States";

(3) by striking out "being dispensed" in subparagraph (O)(i) and inserting "being disbursed"; and

(4) by striking out subparagraph (P) and inserting the following:

"(P) requires the borrower to notify the institution concerning any change in local address during enrollment and requires the borrower and the institution at which the borrower is in attendance promptly to notify the holder of the loan, directly or through the guaranty agency, concerning (i) any change of permanent address, (ii) when the student ceases to be enrolled on at least a half-time basis, and (iii) any other change in status, when such change in status affects the student's eligibility for the loan;".

(g) Clarification of Reference.—Section 428(b)(5) of the Act is amended by striking out "paragraph (1)(M)" and inserting "paragraph (1)(M)(i)(III)".

(h) Guaranty Agency Information Transfers.—Section 428(b)(6) of the Act is amended—

(1) in subparagraph (A), by striking out "Prior to the implementation of section 485B" and inserting "Until such time as the Secretary has implemented section 485B and is able to provide to guaranty agencies the information required by such section; and

(2) in subparagraph (B), by striking out clause (ii) and inserting the following:

"(ii) the amount borrowed and the cumulative amount borrowed.".

(i) Supplemental Preclaims Assistance.—Section 428(c)(6)(C)(iv) of the Act is amended by adding at the end thereof the following: "In the case of accounts brought into repayment status as a result of performing supplemental preclaims assistance, the cost of such assistance is a permissible charge to the borrower (for the cost of collection) for which the borrower shall be liable.".

(j) Reinsurance Fees.—Section 428(c)(9) of the Act is amended—

(1) by inserting "covered" before "loans" each place it appears in clauses (i) and (ii) of subparagraph (A); and

(2) by adding at the end thereof the following new subparagraph:

"(D) For purposes of subparagraph (A), the term 'covered loans' means loans made under this part to which the insurance applies, but does not include loans made under section 428A(d), 428B(d), or 428C.".

(k) Escrow of Disbursements.—The first sentence of section 428(i)(1) of the Act is amended by striking out "multiple".

(l) Lenders-of-Last-Resort.—Section 428(j) is amended by adding at the end thereof the following new sentence: "The guaranty agency shall not initiate a program to make loans under this subsection without first consulting with eligible lenders in the State to ascertain the willingness of such lenders to serve as the lender-of-last-resort pursuant to this subsection.".

(m) Use of Supplemental Loan Program by Undergraduates.—Section 428A(a) of the Act is amended by adding at the end thereof the following: "In addition, undergraduate dependent students shall be eligible to borrow funds under this section if the financial aid administrator determines, after review of the financial information submitted by the student and considering the debt burden of the student, that extenuating circumstances will likely preclude the student's parents from borrowing under section 428B for purposes of the expected family contribution and that the student's family is otherwise unable to provide such expected family contribution.".

(n) PLUS Loan Deferments.—Section 428B of the Act is amended—

(1) in subsection (a), by striking out ", but such a parent borrower" and all that follows through "clauses (i), (viii), and (ix) of such sections";

(2) in subsection (c)(1), by striking out "subject to deferral pursuant to sections 427(a)(2)(C) (i), (viii), and (ix) and 428(b)(1)(M) (i), (viii), and (ix)" and inserting in lieu thereof "subject to deferral (A) during any period during which the parent meets the conditions required for a deferral under clause (i), (viii), or (ix) of section 427(a)(2)(C) or 428(b)(1)(M); and (B) during any period during which the borrower has a dependent student for whom a loan obligation was incurred under this section and who meets the conditions required for a deferral under clause (i) of either such section"; and

(3) in subsection (c)(2), by striking out "under sections 427(a)(2)(C)(i) and 428(b)(1)(M)(i)" and inserting "pursuant to paragraph (1) of this subsection".

(o) Limitation on Supplemental and PLUS Loans.—(1) Section 428A(b)(3) of the Act is amended by striking out the first sentence and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any student under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

(2) Section 428B(b)(3) of the Act is amended by striking out the first sentence

and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any parent under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

(p) Repayment of Supplemental and PLUS Loans.—Sections 428A(c)(2)(A) and 428B(c)(2)(A) of the Act are each amended by inserting "monthly or" before "quarterly".

(q) Refinancing of Supplemental and PLUS Loans.—(1) Sections 428A(d) and 428B(d) of the Act are each amended—

(A) in paragraph (1)—

(i) by inserting "at any time" after "An eligible lender may" in the first sentence;

(ii) by striking out "Unless the borrower complies with the requirements of paragraph (2)," in the second sentence and inserting "Unless the consolidated loan is obtained by a borrower who is electing to obtain variable interest under paragraph (2) or (3),";

(iii) by inserting "(if required by them)" after "shall be reported" in the third sentence;

(B) in paragraph (2)—

(i) by inserting "under this section before July 1, 1987, or" before "under section 428B";

(ii) by striking out "to reissue a loan" and inserting "to reissue a loan or loans"; and

(iii) by striking out "reissuing such loan" and inserting "reissuing such loan or loans"; and

(C) in paragraph (5)—

(i) by striking out "January 1, 1987" and inserting "October 1, 1987"; and

(ii) by inserting before the semicolon at the end of subparagraph (B) the following: "and of the practical consequences of such options in terms of interest rates and monthly and total payments for a set of loan examples".

(2) An eligible lender who has refinanced a loan or loans under section 428A(d) or 428B(d) between the date of enactment of the Higher Education Amendments of 1986 and July 1, 1987, may, at the request of a borrower or with the written consent of the borrower, amend the note or other written evidence of loan as necessary to comply with the requirements of such sections and section 427A(c)(4) as amended by this Act. Any borrower who is denied such a request shall be treated as eligible to obtain a loan from another lender under section 428A(d)(3) or 428B(d)(3), as applicable, for the purposes of discharging the loan from the original lender, and a borrower exercising this option shall not be subject to an additional insurance fee under section 428A(d)(3)(C) or 428B(d)(3)(C).

(r) Consolidation Loans.—Section 428C of the Act is amended—

(1) in subsection (a)(3)(A), by inserting "with respect to any loan to be consolidated" before the period at the end of clause (iii);

(2) in subsection (a)(3)(B)—

(A) by striking out "loans received under this title" in the first sentence and inserting "eligible student loans received";

(B) by striking out "under this part" and inserting "under this title";

(C) by striking out "and 428(b)(1)(B)" in the second sentence and inserting ", 428(b)(1)(B), 428A(b)(2), and 464(a)(2)"; and

(D) by adding at the end thereof the following new sentence: "Nothing in this subparagraph shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors to maintain or report records relating to the eligible student loan (as defined under section 428C(a)(4)) discharged by a borrower in receiving a consolidation loan.";

(3) in subsection (b)(1)(C)—

(A) by striking out "subsection (a)(2)" in clause (i) and inserting "subsection (a)(3)"; and

(B) by striking out "all loans received by the eligible borrower under this title" in clause (ii) and inserting "all eligible student loans received by the eligible borrower";

(4) in subsection (c)(2)(A)(v), by striking out "more" and inserting "equal to or greater"; and

(5) in subsection (c)(5), by inserting before the period at the end thereof the following ", but a fee may be payable by the lender to the guaranty agency to cover the costs of increased or extended liability with respect to such loan".

(s) Rehabilitation Program.—Section 428F of the Act is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(t) Information Concerning Borrowers.—Section 430A(e) of the Act is amended by adding at the end thereof the following new sentence: "To further the purpose of this section, an eligible institution may enter into an arrangement with any or all of the holders of delinquent loans made to borrowers who attend or previously attended such institution for the purpose of providing current information regarding the borrower's location or employment or for the purpose of assisting the holder in contacting and influencing borrowers to avoid default.".

(u) Clarification of Reference.—Section 431(a) of the Act is amended by striking out "section 422(c)(4)(C)" and inserting "section 422".

(v) Audits of Financial Transactions.—Section 432(f) of the Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) Audit procedures.—In conducting audits pursuant to this subsection, the Comptroller General and the Inspector General of the Department of Education shall audit the records to determine the extent to which they, at a minimum, comply with Federal statutes, and rules and regulations prescribed by the Secretary, in effect at the time that the record was made, and in no case shall the Comptroller General or the Inspector General apply subsequently determined standards, procedures, or regulations to the records of such agency, lender, or Authority.".

(w) Civil Penalties.—Section 432(g)(2) of the Act is amended by striking out "representation" each place it appears in subparagraphs (A)(i) and (B) and inserting in lieu thereof "misrepresentation".

(x) Student Loan Information.—Section 433 of the Act is amended—

(1) in the first sentence of subsection (a), by inserting "(other than a loan made under section 428C)" after "guaranteed under this part";

(2) in subsection (a), by striking out paragraph (8) and inserting the following:

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;";

(3) in subsection (b)(7), by inserting before the semicolon at the end thereof the following: ", except that such explanation is not required when the loan being made is a consolidation loan under section 428C"; and

(4) in subsection (d), by striking out "makes the first disbursement of a loan with respect to a borrower" and inserting "notifies a borrower of approval of a loan".

(y) Definitions.—Section 435 of the Act is amended—

(1) in subsection (b)(3), by inserting before the semicolon the following: ", or in the case of a hospital or health care facility, which provides training of not less than one year for graduates of accredited health professions programs, leading to a degree or certificate upon completion of such training";

(2) in subsection (d)(1)—

(A) by striking out "and" at the end of subparagraph (H);

(B) by striking out the period at the end of subparagraph (I) and inserting "; and"; and

(C) by inserting after such subparagraph the following:

"(J) for purpose of making loans under section 428C, any nonprofit private agency functioning in any State as a secondary market.";

(3) by striking out paragraph (2) of subsection (g) and inserting the following:

"(2) Disabled dependent of a borrower.—Such term when used with respect to a disabled dependent of a borrower means a spouse or other dependent who, during a period of injury or illness of not less than 3 months, requires continuous nursing or similar services."; and

(4) by striking out "Definition of" in the heading of subsection (h).

(z) Special Allowances.—Section 438(b) of the Act is amended—

(1) by striking out "subsection (c)" in paragraph (2)(B)(iii) and inserting "subsection (d)"; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) Use of average quarterly balance.—The Secretary shall require lenders to calculate their eligibility for interest benefits and special allowance through the use of the average quarterly balance method until July 1, 1988.".

(aa) Report on Special Allowances.—Section 438(d)(4)(C) of the Act is amended by striking out ", as evidenced by the information submitted under paragraph (2)(G) of this subsection".

(bb) Correction of Reference.—Section 439(d)(1)(E)(iii) of the Act is amended by inserting "Labor and" before "Human Resources".

SEC. 11. COLLEGE WORK-STUDY.

(a) Reallocation.—Section 442(e)(2) of the Act is amended by striking out "section 448" and inserting "section 447".

(b) Work-Study Agreements.—Section 443(b) of the Act is amended—

(1) in paragraph (2)(A), by striking out "clause (6)(B)" and inserting "paragraph (5)(B)"; and

(2) in paragraph (5)(B), by striking out "clause (2)(A)" and inserting "paragraph (2)(A)".

(c) Reference.—Section 443(c)(1) of the Act is amended by inserting "and subsection (b)(3)" before the semicolon.

(d) Job Location and Development Agreements.—Section 446(b) of the Act is amended—

(1) by striking out paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 12. INCOME CONTINGENT LOAN DEMONSTRATION.

Section 454(a)(4) of the Act is amended to read as follows:

"(4)(A) The interest rate on loans under this part shall, at the discretion of the participating institution, be (i) computed in accordance with subparagraph (B) based on the interest rate computed for the calendar year in which the loan was made, and fixed over the life of the loan, or (ii) variable each calendar year based on the interest rate computed in accordance with subparagraph (B) for such calendar year.

"(B) The interest rate applicable on such loans in accordance with subparagraph (A) shall be obtained by—

"(i) computing the average of the bond equivalent rates of 91-day Treasury bills auctioned for the 3-month period ending September 30 preceding such year; and

"(ii) by adding 3 percent to the resulting percent.".

SEC. 13. DIRECT STUDENT LOANS.

(a) Allocations in Proportion to Fiscal Year 1985 Federal Capital Contribution.—Section 462(a)(1) of the Act is amended by striking out subparagraph (A) and inserting the following:

"(A) 100 percent of the amount of Federal capital contribution such institution received under this part for fiscal year 1985, multiplied by".

(b) Correction of Heading.—Section 462(e) of the Act is amended by striking out "; Cash on Hand".

(c) Correction of Reference.—Section 462(f) of the Act is amended by striking out "under paragraph (2)" and inserting "under subsection (g)".

(d) Notice of Default.—Section 463(a)(4) is amended by striking out "given to the Secretary" and everything that follows through "semiannually" and inserting "given to the Secretary in an annual report describing the total number of loans from such fund which are in such default".

(e) Correction of Reference.—Section 463(b) of the Act is amended by striking out "section 485" and inserting "section 489".

(f) Estimates of Balances.—Section 463A(a) of the Act is amended by striking out paragraph (8) and inserting the following:

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;";

(g) Defense Educational Loan Repayment.—Section 463A(a)(10) of the Act is amended by striking out "section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141, note);" and inserting "the Department of Defense educational loan repayment program (10 U.S.C. 2172);".

(h) Reference to Other Programs.—Section 465(a)(2) of the Act is amended—

(1) in subparagraph (A) by striking out "title I of the Elementary and Secondary Education Act of 1965" and inserting "chapter 1 of the Education Consolidation and Improvement Act of 1981";

(2) in subparagraph (A), by striking out "such title I" and inserting "such chapter 1"; and

(3) in subparagraph (B), by striking out "section 222(a)(1) of the Economic Opportunity Act of 1964" and inserting "the Head Start Act".

SEC. 14. NEEDS ANALYSIS.

Part F of title IV of the Act is amended—

(1) in sections 475(c)(2), 475(c)(4), 475(d)(2), 476(b)(2), 476(c)(2), 477(b)(2), 477(c)(2), and 477(d), striking out "section 479" and inserting "section 478";

(2) in sections 475(c)(7) and 477(b)(7), by striking out "National";

(3) in sections 475(d)(2), 476(c)(2), and 477(c)(2), strike out "dislocated homemaker" and insert "displaced homemaker";

(4) by striking out the table contained in sections 475(d)(2)(C), 476(c)(2)(C), and 477(c)(2)(C) and inserting the following:

"Adjusted Net Worth of a Business or Farm

If the net worth of a business or farm is—	Then the adjusted net worth is:
Less than $1	$0
$1–$60,000	40 percent of NW
$60,001–$180,000	$24,000 plus 50 percent of NW over $60,000
$180,001–$300,000	$84,000 plus 60 percent of NW over $180,000
$300,001 or more	$156,000 plus 100 percent of NW over $300,000";

(5) in sections 475(d)(4)(B) and 477(c)(4)(B), by striking out "$15,000" and inserting "$15,999";

(6) in sections 475(d)(4)(C) and 477(c)(4)(C), by striking out "$15,000" each place it appears and inserting "$16,000";

(7) in section 475(d)(4)(D), by striking out "equal to or less than zero" and inserting "less than zero";

(8) in section 475(g)(1)(C), by striking out "paragraph (3)" and inserting "paragraph (2)";

(9) in section 475(g)(3), by inserting after "following table" the following: "(or a successor table prescribed by the Secretary under section 478)";

(10) in section 475, by striking out subsection (h) and inserting the following:

"(h) Student (and Spouse) Income Supplemental Amount From Assets.—The student (and spouse) supplemental income from assets is determined by calculating the net assets of the student (and spouse) and multiplying the amount by 35 percent, except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero.";

(11) in such section, by adding at the end thereof the following new subsection:

"(i) Adjustments for Enrollment Periods Other Than 9 Months.—For periods of enrollment other than nine months, the parents' contribution from adjusted available income is determined as follows:

"(1) For periods of enrollment less than 9 months, the parents' contribution from adjusted available income (determined in accordance with subsection (b)) is divided by 9 and the result multiplied by the number of months enrolled.

"(2) For periods of enrollment greater than 9 months—

"(A) the parents' adjusted available income (determined in accordance with subsection (b)(1)) is increased by the difference between the standard maintenance allowance (determined in accordance with subsection (c)(4)) for a family of four and a family of five, each with one child in college;

"(B) the resulting revised parents' adjusted available income is assessed according to subsection (e) and adjusted according to subsection (b)(3) to determine a revised parents' contribution from adjusted available income;

"(C) the original parents' contribution from adjusted available income is subtracted from the revised parents' contribution from adjusted available income, and the result is divided by 12 to determine the monthly adjustment amount; and

"(D) the original parents' contribution from adjusted available income is increased by the product of the monthly adjustment amount multiplied by the number of months greater than 9 for which the student will be enrolled.";

(12) in section 476(b)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (C) and inserting "subparagraph (C)";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D); and

(C) by striking out everything preceding clause (i) of subparagraph (A) and inserting the following:

"(A) adding the student's adjusted gross income and any income earned from work but not reported on a Federal income tax return, and subtracting excludable income (as defined in section 480);

"(B) computing the student's available taxable income by deducting from the amount determined under subparagraph (A)—";

(13) in section 476(b)(2), by striking out "total taxable income" and inserting "total income";

(14) in section 476(b)(1)(C), by inserting after "section 480(c))" the following: "plus the amount of veterans' benefits paid during the award period under chapters 32, 34, and 35 of title 28, United States Code";

(15) in section 476(b)(4)—

(A) by striking out "$8,900" each place it appears and inserting "$8,600"; and

(B) by striking out "$6,230" and inserting "$6,020".

(16) in section 476(c)(1)—

(A) by striking out the period at the end of subparagraph (C) and inserting a semicolon; and

(B) by inserting at the end thereof (flush with the margin of paragraph (1)) the following:

"except that the student's income supplemental amount from assets shall not be less than zero.";

(17) in section 477(a)(1)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and" after the semicolon at the end of subparagraph (B); and

(C) by inserting after such subparagraph the following:

"(C) the amount of veterans' benefits to be paid during the award period under chapters 32, 34, and 35 of title 38, United States Code;";

(18) in section 477(b)(5)(A), by striking out "$2,000" and inserting "$2,100";

(19) in section 478(d)—

(A) by inserting ", rounded to the nearest $100," after "present value cost";

(B) by inserting "of 40 and above" after "each age cohost";

(C) by inserting after the second sentence the following: "For each age cohort below 40, the asset protection allowance shall be computed by decreasing the asset protection allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest $100.".

(20) in section 478(c)(2), by striking out " '$26,000,' '$91,000', and '$169,000' " and inserting " '$24,000', '$84,000', and '$156,000' ";

(21) in section 478(f), by striking out "Consumer Price Index for Wage Earners and Clerical Workers" and inserting in lieu thereof "Consumer Price Index for All Urban Consumers";

(22) in section 479(a)—

(A) by striking out "paragraph (2)" and inserting "subsection (b)";

(B) by striking out "families which" and inserting "families (1) who"; and

(C) by striking out "and which file a form 1040A pursuant to the Internal Revenue Code of 1954" and inserting "and (2) who file a form 1040A or 1040EZ pursuant to the Internal Revenue Code of 1986, or are not required to file pursuant to such Code".

(23) in section 479(b)—

(A) by striking out "and State" in paragraph (2);

(B) by striking out "and" at the end of paragraph (4);

(C) by striking out the period at the end of paragraph (5) and inserting "; and"; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) an allowance (A) for State and other taxes, as defined in section 475(c)(2) for dependent students and in section 477(b)(2) for independent students with dependents, or (B) for State and local income taxes, as defined in section 476(b)(2) for independent students without dependents.".

(24) in section 479A—

(A) by striking out "in this part" each place it appears and inserting "in this title";

(B) by inserting "(a) In General.—" after "Sec. 479A."; and

(C) by adding at the end thereof the following:

"(b) Adjustments To Assets Taken Into Account.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if—

"(1) the administrator determines, in his or her discretion, that the effective family income of the applicant is small in relation to—

"(A) the net value of the principal place of residence;

"(B) the net worth of a farm on which the family resides; or

"(C) the net worth of a family owned and operated small business;

"(2) such administrator reduces or eliminates the amount of such net value or net worth that is subject to assessment in the computation of the expected family contribution of that applicant; and

"(3) the administrator reports the amount of such adjustments made with respect to determinations for Pell Grants to the contractor or contractors processing applications for such grants for the award year.

"(c) Asset Adjustment as Example.—The asset adjustment described in subsection (b) is an example of the type of adjustment which financial aid administrators are authorized to make by subsection (a), and shall not be considered to be the only adjustment that is so authorized."; and

(25) by striking section 479B and inserting in lieu thereof the following:

"STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS

"Sec. 479B. (a) Attendance Costs Not Treated as Income or Resources.—The portion of any student financial assistance received under this title, or under Bureau of Indian Affairs student assistance programs, that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) Attendance Costs.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(2) an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"NATIVE AMERICAN STUDENTS

"Sec. 479C. In determining family contributions for Native American students, computations performed pursuant to this part shall exclude—

"(1) any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act; and

"(2) any income received by the student (and spouse) and student's parents under the Alaskan Native Claims Settlement Act or the Maine Indian Claims Settlement Act."; and

(26) in section 480—

(A) by striking out "paragraphs (2) and (3)" in subsection (a)(1) and inserting "paragraphs (2) through (4)";

(B) by inserting before the period at the end of such subsection the following: "minus excludable income (as defined in subsection (f))";

(C) by striking out paragraph (2) of subsection (a) and inserting the following:

"(2) In the computation of family contributions for the programs under subpart 2 of part A and parts B, C, and E of this title for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation.";

(D) by inserting at the end of subsection (a) the following:

"(4) No portion of any student financial assistance received from any program by an individual shall be included as income in the computation of expected family contribution for any program funded in whole or in part under this Act.

"(5) No portion of any student financial assistance received from any program by an individual shall be included as income in the computation of expected family contribution for any program funded in whole or in part under this Act.";

(E) by striking out subsections (b) and (c) and inserting the following:

"(b) Untaxed Income and Benefits of Parents and Independent Students With Dependents.—The term 'untaxed income and benefits' when applied to parent contributions or the contributions of independent students with dependents (including spouses) means—

"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;"

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits";

"(c) Untaxed Income and Benefits of Dependent Students or Independent Students Without Dependents.—For the purpose of this part, the term 'untaxed income and benefits' when applied to the contributions of dependent students or independent students without dependents means—

"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.";

(F) in subsection (d)(2)(F) by inserting "(including all sources of income other than parents)" after "annual total income"; and

(G) by inserting after subsection (e) the following new subsections:

"(f) Excludable Income.—The term 'excludable income' means—

"(1) any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act; and

"(2) any student financial assistance awarded based on need as determined in accordance with the provisions of this part, including any income earned from work under part C of this title.

"(g) Assets.—The term 'assets' means cash on hand, including the amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, other securities, mutual funds, tax shelters, and the net value of real estate, income producing property, and business and farm assets.

"(h) Net Assets.—The term 'net assets' means the current market value at the time of application of the assets included in the definition of 'assets', minus the outstanding liabilities or indebtedness against the assets.".

SEC. 15. GENERAL PROVISIONS.

Part G of title IV of the Act is amended—

(1) in section 481(c), by striking out "subsection (d) of this section" and inserting in lieu thereof "section 484(d)";

(2) in section 482(b)—

(A) by striking out "or 442(e)" and inserting ", 442(e), or 462(j)"; and

(B) by striking out "and part C" and inserting ", part C, and part E";

(3) in the second sentence of section 483(a)(1), by inserting "or institutions in which the students are enrolled or accepted for enrollment" after "that applicants";

(4) in the last sentence of such section 483(a)(1), by inserting before the period at the end thereof the following: ", but no institution or State agency shall mandate the use of a form for which a fee is charged solely to determine the student's eligibility for assistance under this title or the amount of such assistance";

(5) in section 483(a)(2), by striking out "not less than 3" and inserting "not less than 4";

(6) in section 483—

(A) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(B) by inserting after subsection (a) the following:

"(b) Certification of Capability.—Beginning with the 1988-1989 processing year, the Secretary shall be authorized to enter into agreements with institutions of higher education, States, or private organizations for the purpose of certifying the capability of their systems for determining expected family contributions under part F of this title.";

(7) in section 484(d), by adding at the end thereof the following new sentence:

"In order to be eligible for assistance a student cannot be enrolled in either an elementary or a secondary school and also must be older than the compulsory age of attendance for secondary school.";

(8) in section 485(b), by inserting "(other than loans made pursuant to section 428B)" after "part B of this title";

(9) in section 485A(a), by striking out "clause (i), (ii), or (iii)" and inserting "subparagraph (A), (B), or (C)";

(10) in section 485B—

(A) by striking out "Federal agencies" in subsection (b)(1) and inserting "public agencies";

(B) by striking out "of a borrower for whom the guaranty agency provides insurance" in subsection (b)(2)(D) and inserting "of any borrower";

(C) by striking out "Federal agency" in subsection (b)(3) and inserting "public agency";

(11) in section 487(a)(2), by inserting after "fee" the following: ", nor mandate the use of a form for which a fee is charged,";

(12) in section 488, by striking out "or 446" and inserting "or 442"; and

(13) in section 491(b), by adding at the end thereof the following new sentence: "The Secretary's authority to terminate advisory committees of the Department pursuant to section 448(b) of the General Education Provisions Act ceased to be effective on June 23, 1983.".

SEC. 16. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT.

Subpart 2 of part C of title V of the Act is amended—

(1) in section 542, by striking out "for any fiscal year" and inserting "for fiscal year 1987 or any succeeding fiscal year";

(2) in section 545—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end thereof the following:

"(3) the term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

SEC. 17. CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM.

Section 553 of the Act is amended—

(1) in subsection (a), by striking out "section 546" and inserting "section 551";

(2) in subsection (b)(4)(A)—

(A) by striking out "elementary or" and inserting "preschool, elementary school, or"; and

(B) by inserting "or private nonprofit" immediately before "education program in any State"; and

(3) in subsection (b)(4)(B), by striking out "section 557" and inserting "section 556".

SEC. 18. LANGUAGE AND AREA CENTERS.

Section 602(b)(1)(B) of the Act is amended by striking out "in a program of competency-based training," immediately after "in a program of competency-based language training,".

SEC. 19. ACADEMIC FACILITIES.

Title VII of the Act is amended—

(1) in section 701(b), by inserting "part A or B of" after "grants under";

(2) in section 764(c)(1), by inserting "at least a two-year program acceptable for full credit toward" immediately before "a baccalaureate degree";

(3) in section 782(1)(B)—

(A) by striking out "section 724" and inserting "section 701", and

(B) by striking out "section 843" and inserting "section 853".

SEC. 20. JACOB K. JAVITS FELLOWS PROGRAM.

Part C of title IX of the Act is amended—

(1) by striking out the heading of section 931 and inserting the following:

"AWARD OF JACOB K. JAVITS FELLOWSHIPS";

AND

(2) in section 932(a)(1), by striking out "National Graduate" and inserting "Jacob K. Javits"; and

(3) in section 932(a)(2)(C), by striking out "directly" and inserting "selecting".

SEC. 21. GENERAL PROVISIONS.

Section 1201(a) of the Act is amended by striking out "have the ability to benefit from the training offered by the institution" and inserting in lieu thereof "meet the requirements of section 484(d) of this Act".

SEC. 22. EFFECTIVE DATES OF THE HIGHER EDUCATION AMENDMENTS OF 1986.

(a) SEOG Allocation.—Section 401(b) of the Higher Education Amendments of 1986 is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) The changes made in section 413D of the Act shall apply with respect to the allocation of funds for the academic year 1988-1989 and succeeding academic years.".

(b) GSL Amendments.—Section 402(b) of such Amendments is amended—

(1) by striking out paragraph (2) and inserting the following:

"(2) the changes in sections 427(a)(2)(C) and 428(b)(1)(M) of the Act (other than clauses (viii), (ix), and (x) of each such section) shall apply only to loans to new borrowers that (A) are made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1987; or (B) are disbursed on or after July 1, 1987;";

(2) in paragraph (3), by inserting "disbursed on or after January 1, 1987, or" after "only to loans"; and

(3) in paragraph (7), by inserting "disbursed on or after 30 days after the date of enactment of this Act or" after "with respect to loans".

(c) CWS Amendments.—Section 403(b) of such Amendments is amended by striking out "(b) Effective Date.—" and inserting in lieu thereof the following:

"(b) Effective Dates.—(1) Section 442 of the Act shall apply with respect to the allocation of funds for academic year 1988-1989 and succeeding academic years.

"(2)".

(d) NDSL Amendments.—Section 405(b) of such Amendments is amended—

(1) by inserting "and section 463A" after "Section 463(a)(9)" in paragraph (2);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after the subsection heading the following:

"(1) Section 462 of the Act shall apply with respect to academic year 1988-1989 and succeeding academic years.".

(e) Effective Date of Certain Need Analysis Provisions.—Section 406(b) of such Amendments is amended—

(1) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting "paragraphs (2) through (5)";

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) Section 479A of the Act (as added by this section) shall apply with respect to determinations of need under title IV of the Act for any academic year beginning after the date of enactment of this Act.

"(5) Section 479B of the Act (as so added) shall apply with respect to financial assistance provided for any academic year beginning after such date of enactment.".

(f) Sunset for Disclosure of Foreign Gifts.—Section 1206(b) of such Amendments is amended by striking out "section 1208" and inserting "section 1209".

SEC. 23. EDUCATION ADMINISTRATION.

Title XIII of the Higher Education Amendments of 1986 is amended—

(1) in section 1301, by striking out "section 484(d)" and inserting "section 484(c)"; and

(2) in section 1302(b)(1), by striking out "this title" and inserting "title VI of the Act";

(3) in section 1303—

(A) by striking out "shall, through the Office of Education Research and Improvement or the Center for Education Statistics," in subsection (a) and inserting ", through the Office of Educational Research and Improvement,";

(B) by striking out "the Department of Education," in subsection (b)(3); and

(C) by striking out "Resources," in such subsection and inserting "Resources";

(4) in section 1304—

(A) by striking out "of this title" in subsection (a) and inserting "of title I of the Act";

(B) by inserting "the provision of" before "an information network" in subsection (b)(2);

(C) by striking out "under this title" in subsection (c) and inserting "under this section"; and

(D) by striking out "purposes of this title" in such subsection and inserting "purposes of title I of the Act"; and

(4) in section 1314 by adding at the end thereof the following new sentence: "Nothing in this section shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors to maintain or report records relating to the loans discharged by borrowers in receiving a consolidation loan pursuant to section 428C of the Act.".

SEC. 24. GENERAL EDUCATION PROVISIONS ACT.

Section 406(e)(1) of the General Education Provisions Act is amended by adding at the end thereof the following new sentence: "All funds received in payment for work or services described in this paragraph shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.".

SEC. 25. EFFECTIVE DATE OF TECHNICAL AMENDMENTS.

The amendments made by this Act shall take effect as if enacted as part of the Higher Education Amendments of 1986.

The SPEAKER pro tempore. Is a second demanded?

Mr. COLEMAN of Missouri. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Montana [Mr. Williams] will be recognized for 20 minutes and the gentleman from Missouri [Mr. Coleman] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. Williams].

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last fall, the 99th Congress completed 2 years of hearings and committee action and reauthorized the Higher Education Act of 1965 for an additional 5 years. Both the House and the Senate worked diligently to combine two, often very different, bills into one proposal. The conference agreement was signed into law on October 17, 1986, and became Public Law 99-498.

Today, I am joined by a bipartisan majority of committee members in bringing before the House H.R. 1846 as amended, a bill to make technical corrections to the Higher Education Act as amended by Public Law 99-498.

The bill makes a number of technical and conforming changes. They are too numerous to reiterate here, so let me summarize them by category.

First, in combining the House and the Senate versions in conference, unintended consequences resulted. For example, two, rather than one, needs analysis sections were created in conference. This technical bill corrects omissions or clarifies language so that both needs analysis sections are brought into conformity as much as possible. This change is important because it will determine the length, the complexity and thus, the cost and the likelihood of error associated with filing for student aid. To illustrate, the language limiting consideration of any title IV student aid in determining eligibility for other programs funded wholly or in part with Federal funds was left in only the needs analysis section that applied to loans. Thus, a student applying for a loan would have been covered, but not a student applying for a Pell grant. By aligning the two needs analysis provisions, this error will be corrected.

Second, in creating a 344-page bill late in the session, numerous typographical errors and erroneous cross-references inadvertently occurred. We misspelled "literacy", for example. Several statutes were cited by incorrect titles. Several cross-references were found to be erroneous. The technical bill corrects for all these types of inadvertent errors.

Third, this legislation also revises the numerical values that were used in the provisions which established a uniform needs analysis methodology. For example, in the language establishing the cutoff value for an independent student's available taxable income, the figure "$8,900" was inserted as an estimate. This bill changes that figure to "$8,600" which is the correct value but which was not available at the time of conference. I might note that in future years of this reauthorization, the Higher Education Act allows the Secretary to update these various numerical values used throughout the needs analysis provisions.

Also, in several places, this bill brings the changes created by the Higher Education Amendments of 1986 into conformity with the Tax Reform Act of 1986 and the Consolidated Omnibus Budget Reconciliation Act.

H.R. 1846 makes changes in the Parent Loans for Undergraduate Students Program. My colleague, Jim Jeffords, will explain these more fully later, but briefly, we have made changes in the Treasury bill rate used in this loan as well as in the cutoff date. We believe these changes will make the plus loans more attractive to lenders and thus, more available to parents and students.

H.R. 1846 also clarifies the conferees intent with respect to financial aid officers' discretion. The reauthorization of Higher Education Act last year will limit the eligibility of some students for aid. This was an unfortunate result of the need to reduce our deficit. However, to assure that hardship cases were handled appropriately, the conferees broadened the existing discretionary authority of financial aid officers. H.R. 1846 clarifies that intent, and emphasizes that we see this authority as especially helpful in hardship cases caused by home, farm, and small, family owned business asset problems. In addition, we have clarified that financial aid officer discretion applies to Pell grants and the eligibility for dependent students to borrow under the SLS Program in very limited circumstances.

H.R. 1846 also ends the Secretary of Education's ability to terminate at will congressionally authorized advisory commissions. Some years ago the Congress gave the Secretary the authority to abolish such commissions if neither the House nor the Senate objected. Now that the Court has invalidated the one-House veto, we need to make corresponding changes in the authority the Congress granted the Secretary to ensure that a proper balance remains.

Mr. Speaker, this bill reflects a consensus view. It has been carefully developed, with constant consultation with other Members, their staffs, with committee staff, and individuals and organizations representing a variety of postsecondary education and student loan financing interests. This bill also incorporates many of the technical corrections proposed by the Department of Education, and it received unanimous committee support.

The bill is amended because subsequent to committee action, we reached agreement with the Department of Education and with the Senate on several additional technical corrections. By adding them in now, we hope to eliminate the need for lengthy meetings with the Senate since the higher education community must put these changes into place before July 1 of this year.

I wish to thank my colleagues, Bill Ford, Gus Hawkins, Tom Coleman, and Jim Jeffords. They and their staffs have worked as equal partners with me and my staff in putting this legislation together. I urge all my colleagues to support this important package of technical corrections.

Mr. Speaker, I reserve the balance of my time.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with our chairman, the gentleman from Montana [Mr. WILLIAMS], in bringing this bill to the floor this afternoon. It is the Higher Education Technical Amendments Act of 1987. I also appreciate the willingness of the chairman of the subcommittee to work with the Republicans in trying to fashion a truly bipartisan bill here this afternoon which has brought H.R. 1846 with much speed here to the floor.

It really puts the finishing touches on the reauthorization process that we started and finished last year, 1986, and the purpose of this bill is to simply clean up some of the technical errors and oversights that we made—as any bill would have of over 700 pages—to correct errors that were made in conference and oversights.

It is of great importance that we pass this bill because many people are depending on these technical corrections. During reauthorization, the higher education community operated in a state of uncertainty due to possible congressional changes in programs vital to their concern. Now the time has come to foster some stability in these programs and to ensure that everybody understands what the final bill will be and accurately gauge the cumulative effects of the reauthorization amendments of 1986.

H.R. 1846 signals the end of that unsettled state hopefully of higher education programs and allows for the stabilization in the higher education community.

While I generally support this bill, Mr. Speaker, we have had a communication from the Office of Management and Budget in the administration here this morning in which they raise some concerns that they have expressed. We have looked into them and indeed find that perhaps inadvertently we ourselves have put some language in about an effective date that we might want to take up and look at again in conference. We are unable under parliamentary rules here to address the issue by proposing amendments today. It is not worth holding this bill up to suggest that we vote against it, and I am not going to suggest that. I support this bill today. But I just want to bring this to the attention of our subcommittee chairman, the gentleman from Montana [Mr. WILLIAMS], and have him acknowledge the problems that were raised in the statement of administration policy on the section of the bill that we have before us that will address the date of enactment in the bill, and I am specifically talking to page 50 of the bill, section 406(b)(4), and ask if he has any comments regarding that effective date and what we might be able to do with it in conference.

□ 1330

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the chairman.

Mr. WILLIAMS. I thank the gentleman for yielding.

We were just visiting with the Parliamentarian to determine whether or not there was a way to correct it here and, while there is, it might delay the bill some and delay our process here on the floor. I only say that to the gentleman so that he knows that I agree with him that we do want to make certain that the original congressional intent with regard to the effective date is in fact for the school year following the passage of last year's reauthorization. And that would be the 1988-89 school year.

So, yes, I am aware of it and perfectly willing to work it out in conference committee.

Mr. COLEMAN of Missouri. I think the confusion is that there are two effective dates in this amendment. One is on section 25, which says the amendments made shall take effect if enacted as part of the Higher Education Amendments of 1986. The effective date of that act was 1988. Then we have immediately preceding that a section that I pointed out where the effective date under section 479(a) of these amendments would take effect for any academic year beginning after the date of enactment of this act, these technical amendments. This would mean 1987 perhaps.

That is the question of confusion. I just want to make sure we try to eliminate the controversy, if there is any, that OMB discovered here at the 11th hour as we have gone into this.

Mr. WILLIAMS. If the gentleman will yield further, the language of the act which passed last year says this: "Part F of title IV of the act shall apply with respect to the determinations of need under such title for academic years beginning with academic year 1988-89 and succeeding academic years."

That was our intention and any other language is superfluous to that, at least from this chairman's standpoint.

Mr. COLEMAN of Missouri. I appreciate those comments, and that is how I personally would like to have it interpreted. Apparently there would be no objection from OMB or the administration to that interpretation. We can clarify that in conference. I thank the gentleman for his statement.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. I yield 3 minutes to the gentleman from Michigan [Mr. FORD], the former chairman of the Subcommittee on Postsecondary Education of the Committee on Education and Labor.

Mr. FORD of Michigan. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1846, the Higher Education Technical Amendments of 1987.

In the last Congress, the Higher Education Amendments of 1986 were adopted. This comprehensive and complex legislation extended and revised the programs contained in the Higher Education Act of 1965. I was privileged to serve as chairman of the Subcommittee on Postsecondary Education in the last Congress. This subcommittee originated the Higher Education Amendments of 1986. Unfortunately because of complexity of the legislation and the need for some haste in order to complete the legislative process prior to the adjournment of the 99th Congress, the Higher Education Amendments of 1986 ended up with a number of imperfections and rough spots. I am very pleased and grateful that the gentleman from Montana, Congressman PAT WILLIAMS, the chairman of the Subcommittee on Postsecondary Education has undertaken the ardous and thankless task of perfecting and cleaning up the Higher Education Amendments of 1986. I apologize for having left him this job as my legacy. However, he has accomplished it expertly and expeditiously.

As its title indicates this is a technical amendments bill. It corrects erroneous cross references and misspellings. It also clarifies a number of ambiguities. I particularly salute the gentleman from Montana for resisting the blandishments of those who would have turned this bill into an occasion for revisiting many of the policy decisions contained in the Higher Education Amendments of 1986. Many of those policy decisions are imperfect and certainly merit further careful thought and consideration. However, to have reopened the policy debates would have delayed this important legislation. For while this legislation is technical, it is also very important. Many of the corrections it makes will enable valuable programs such as loan consolidation and parent loans to become fully operative. Other provisions of this bill will insure the smooth delivery of student financial assistance to the millions of students who rely on this aid for their educational opportunity.

The process of assembling this bill continued the tradition of bipartisanship that has come to be the hallmark of higher education legislation. It was again a pleasure for me to continue working closely with the ranking minority member of the full committee, Mr. JEFFORDS of Vermont, and the ranking minority member of the subcommittee, Mr. COLEMAN of Missouri. Indeed, this bill was also marked by very constructive and profitable discussions on the staff level with representatives of the Department of Education. Many of the suggestions of the Department have also been incorporated into this bill.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, as we begin consideration of H.R. 1846 I think we ought to give some credit, especially to the former chairman of the subcommittee, the chairman of the full committee and also others, the present subcommittee chairman and ranking Republican member, for the fact that we have so few technical amendments to such a large bill as the Higher Education Amendments of 1986. It was a very difficult conference. We had, and solved, many problems in conference with the Senate. The number of technical amendments contained in H.R. 1846 are very, very small in number compared to the size of the higher education amendments.

I would like to raise people's awareness of some problems which occurred before the reauthorization bill was actually passed with respect to about $2 billion in loans which are owed by students, and due to be paid by students and parents, the so-called PLUS loans. There are a lot of loans out there at 12, 13, and 14 percent which at today's interest rates are exorbitant. We passed this past year a way for students and parents to refinance those loans in order to get out from under those high interest rates. However, for various reasons, these technical amendments were necessary.

I would just urge people to look at the refinancing sections of this legislation because it is an even better deal now than it was when it passed last year. The interest rates are lower, the procedures are more streamlined, and I would urge anyone who knows anyone with PLUS or supplemental loans to take a look at the provisions of H.R. 1846. What we have done is to reduce the special allowance paid for above the 52-week Treasury bill rate—it is reduced from 3.75 to 3.25 percent as the add-on to the basic Treasury bill rate. In exchange for using the 3-month bills we substitute the 52-week Treasury bill rate which will help the banks in matching their funds. We also made some other technical amendments. Borrowers should realize that you now can refinance a loan at somewhere between 9 and 10 percent to replace the 12-, 13-, and 14-percent loans and do it in an effective way.

I would add in closing by saying that the previous discussion with respect to a possible error, or whatever, that the administration objects to in the bill that we ought to study the issues very carefully rather than just striking the language. We should consider what the ramifications are of what apparently is being done in this bill to meet the objections of the administration. I am not pleased with the OMB, at the last minute, coming up with problems with the legislation. At the minimum, I hope this language will be addressed in conference with the Senate with consultations from the Education Department.

Mr. Speaker, I again would commend all of those who are involved with this legislation and commend them all for it and just point out there are only a very few technical amendments to be considered today, and I urge the passage of the bill.

Mr. Speaker, today, as the House considers H.R. 1846, the Higher Education Technical Amendments Act of 1987, I especially want to thank Mr. WILLIAMS of Montana, and his staff for all their excellent work and for the cooperation he has extended to me and the Republican members of the committee in drafting this bill. Also, I wish to congratulate Mr. COLEMAN of Missouri, the ranking Republican on the subcommittee, for the leadership that he has shown in guiding this bill through committee.

The process of developing legislation to make technical amendments is not glamorous. It is tedious and time consuming. That is why I am grateful to all the members who worked so diligently on this bill which is before us today.

H.R. 1846, and the committee amendment in the nature of a substitute, makes several technical changes in the higher education amendments. It conforms language to the intent of the Congress by correcting grammatical errors and misreferences, and clarifies the law. The modifications we are considering here are needed as a result of the rushed atmosphere of the conference committee on the higher education amendments last year which considered hundreds of differences between the Senate and House versions of the act. It is a tribute to the work we all performed last year that this bill is as brief as it is.

It is critical that this legislation be enacted with as much speed as possible to prevent any disruptions in the authorized programs. Such disruptions may occur if we do not act promptly.

The technical changes I have proposed in H.R. 1846 seek to ensure that the parental loans for undergraduate students [PLUS] and supplemental loan programs and the refinancing options available as part of these programs work as I, and the Congress, intend. I have had a deep interest and concern that too many parents and students are not able to finance high tuitions, room, board, and other required expenses.

If financial aid through grants and the Guaranteed Student Loan Program are unavailable to parents and students, then the options for students are limited. Such students have no alternatives. They must either lower their educational aspirations or, perhaps, not attend college at all.

Working in the conference committee last year, I sought to make certain that PLUS and supplemental loans would be used by those individuals who did not qualify for other Federal student assistance grants, work or loan programs. This was the missing constituency—those individuals who were not so poor as to qualify for Federal aid nor so wealthy as to be able to afford college without assistance.

I fully expected that the conference agreement regarding these refinancing options would work properly. However, this winter it was brought to my attention that there was confusion about the law's provisions and many, including the Department of Education, were misinterpreting what I believe was congressional intent. Over a period of months I have worked with concerned individuals and organizations to forge an agreement, a compromise, that will solve the evident problems in the PLUS and supplemental loan programs.

The highlights of this compromise include the following:

Technical changes to the method by which the variable interest rate is established. The rate is tied to the bond equivalent rate of a 52-week Treasury bill, plus 3.25 percent. The special allowance is reduced from 3.75 to 3.25 precent to prevent any potential windfall to lenders accruing from such Treasury bill modification.

Federal special allowance paid at the point at which the base interest rate formula exceeds 12 percent instead of 12.5 percent. Specified dates in current law used to set the interest rates are changed to match peak lending periods in the programs.

Borrowers wishing to refinance PLUS and supplemental loans can obtain in one transaction both a variable interest rate and a single payment schedule providing for a combined payment of principal and interest. The calculation of the repayment period for each included loan is determined from the date of the commencement of repayment of the most recently assumed loan.

Only one administrative fee of up to $100 may be charged to cover the costs of reissuing a loan or loans for those individuals wishing to refinance. It was never congressional intent that a borrower pay a fee for each loan included as part of a refinancing package.

Borrowers who refinance their loans prior to July 1 of this year will be allowed to take advantage of these changes without cost.

Prior to October 1, 1987, information will be provided to borrowers regarding the refinancing options that are available to them and what procedures must be taken in order to refinance.

I believe the technical changes incorporated in H.R. 1846 will allow the PLUS and supplemental loan programs and their refinancing options to work as the Congress intended. I express my thanks to all those individuals and organizations that cooperated with me to accomplish the goals we share—to have a viable program that assists parents and students and makes higher education an accessible option for many who would otherwise have to forego the opportunity. Again, I want to thank Mr. WILLIAMS, Mr. COLEMAN of Missouri, Mr. HAWKINS, and Mr. FORD of Michigan for their assistance in this matter.

I strongly urge the House to approve this legislation.

Mr. WILLIAMS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD] for the purpose of a colloquy.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Speaker, JAKE PICKLE of Texas has asked me to engage the gentleman from Montana in a colloquy. The gentleman from Texas is caught on an airplane trying to get back here and was not able to make it. So I am simply reading what the gentleman from Texas prepared for me here:

Mr. Chairman, a small predominantly black college in Austin, TX, Huston-Tillotson College, is being forced to repay approximately $31,000 which the Department of Education claims was improperly spent under a title III grant even though the expenditures were made with prior approval of the Department of Education. I understand that the Supreme Court has ruled that such improperly spent funds must be repaid; however, the Secretary has given authority to exercise discretion of the amount of the initial determination is not more than $50,000. In the case of Huston-Tillotson, the initial determination was $58,000 but only $31,000 is in dispute. Huston-Tillotson College is experiencing extreme financial difficulties and repayment will further threaten the continued operation of this 111-year old institution. Does the Chairman believe that such a financial hardship should be forced upon this college?

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the chairman.

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Speaker, I have reviewed this matter and believe that the Secretary should find a way to relieve Huston-Tillotson College of this burden. The Secretary should work with Huston-Tillotson to find a solution that would be consistent with the Supreme Court's ruling in Heckler versus Community Health Services and that would help ease the financial problems of the institution.

□ 1340

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding this time to me.

I take this opportunity to commend the gentleman for his expeditious treatment of the Higher Education Act that we passed last year and its perfecting amendments. This job is onerous; it is tedious, but necessary.

Mr. Speaker, I rise today in full support of the H.R. 1846, the Higher Education Act Technical Amendments. This legislation, which I cosponsored, makes conforming and technical changes to the Higher Education Amendments of 1986, which was signed into law last fall. The higher education amendments reauthorized and revitalized our important student financial aid programs, including the Pell Grant Program and the Guaranteed Student Loan Program, addressing the goal of equal educational opportunity for all who desire postsecondary education.

Of important significance is what these amendments do not include. The administration again this year proposed to eliminate the college work study, supplemental educational opportunity grants, State student incentive grants as well as proposed significant changes in the Guaranteed Student Loan Program and the Perkins Loan Program. I am delighted to see that the Higher Education Act Technical Amendments are simply that—technical amendments, not policy changes. The intent of the conferees who favorably approved this language last Congress, and the intent of all of those who supported its final passage is preserved. Programs and provisions have not been dismantled. Policies and intentions have not been altered.

This is not controversial or complicated legislation; it simply ensures that the important reforms we made last Fall will be able to operate smoothly and effectively. However, I think it appropriate at this time to reemphasize the importance of our student assistance programs. Recently, I received letters from constituents expressing their gratitude for student financial aid. Without it, they said they would have been unable to receive a postsecondary education, and would have been unable to achieve their goals.

As we are emphasizing national competitiveness, let us reflect on the importance of education in achieving and ensuring competitiveness. Our Nation's postsecondary institution system is one of the most advanced in the world. In fact, if you visit a typical college campus, you are likely to meet many foreign students who come to the United States just to receive an advanced degree. It is vital that we ensure that our own students have equal educational opportunities to advance themselves and obtain a postsecondary education.

Student financial aid is a sound Federal investment; the returns in increases in tax revenues and decreases in unemployment subsidies and public assistance more than cover the costs. I urge my colleagues to join with me in supporting these technical amendments and our important student financial assistance programs. Education is our hope for the future. Postsecondary education is a necessary component in guaranteeing our Nation's competitiveness. Student financial assistance ensures we are competitive as a whole nation—allowing each of our citizens the opportunity to reach their full potential.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUBBARD). The gentleman from New York [Mr. BIAGGI] yields back 1 minute of his time. The gentleman from Montana [Mr. WILLIAMS] has 9 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WILLIAMS. Mr. Speaker, would I be within the Rules of the House to now ask for unanimous consent to make a technical correction in this legislation? We have worked out the unanimous consent with the other side.

The SPEAKER pro tempore. By unanimous consent, the gentleman may modify his motion.

MODIFICATION OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to modify the bill at the desk by striking lines 24 and 25 on page 50 and lines 1 and 2 on page 51. I also ask that subsection 5 on line 3 of page 51 be renumbered as subsection 4.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. WILLIAMS: Strike lines 24-25 on page 50 and lines 1-2 on page 51 as part of the amendment.

Renumber subsection 5 on line 3, page 51 as subsection 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. COLEMAN of Missouri. Mr. Speaker, reserving the right to object, I certainly do not want to object, but I do want to assist in support of what the subcommittee chairman is doing here.

Just for the record, I ask the gentleman if he would explain the effect of his unanimous-consent request.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, the purpose of this amendment would be to come in line with what is the gentleman's understanding of the original intention, which is to be sure that the discretionary authority, as granted by the legislation, takes effect in the school year 1988-89.

Mr. COLEMAN of Missouri. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might conclude by saying that I believe that the chairman's unanimous-consent request has probably addressed, to our knowledge, the concerns expressed by the OMB in a statement of policy that was submitted this morning. There should be no opposition to this bill now by the administration.

We should, therefore, pass it, I hope, unanimously.

Mr. TAUKE. Mr. Speaker, I commend the gentlemen from Montana and Missouri for their fine work in drafting these technical amendments to the Higher Education Act of 1965 and for their efforts to ensure the expeditous consideration of this bill. The leadership provided by Mr. COLEMAN, the ranking Republican on the Postsecondary Education Subcommittee in both the last Congress and in this Congress, on the Higher Education Act legislation merits specific mention.

In addition, I wish to recognize the chairman of the committee, Mr. HAWKINS, and the ranking Republican of the committee, Mr. JEFFORDS, for their contributions to improve and clarify the Higher Education Act and for moving this important legislation quickly. The gentleman from Vermont, in particular, worked diligently to ensure that the PLUS and SLS programs are viable options for students and families attempting to finance higher education.

In correcting, improving and clarifying last year's amendments to the Higher Education Act, however, we discovered substantive issues which also demand our attention. In particular, the needs analysis provisions of the act must be revisited in the near future. Changes made by Congress are having unanticipated and unintended effects on the eligibility of thousands of students for guaranteed student loans and other forms of financial assistance.

For instance, many students from families who farm or who own and operate small businesses are finding themselves ineligible for student loans because of nonliquid assets held by their parents, even though their disposable income is quite low.

In response to this problem, the bill we are considering today includes a provision clarifying and describing the discretionary authority of a financial aid officer to adjust assets when determining eligibility for students aid in cases where income is low in relation to assets. I thank the gentleman from Montana for his willingness to address this issue, and I look forward to working with him and the other members of the committee to develop a more permanent solution to the asset problem.

The technical amendments before us make critical corrections and improvements in the Higher Education Act that must be enacted quickly to ensure the proper implementation of the act for the coming academic year. I urge you to support this bill.

Mr. GOODLING. Mr. Speaker, I rise today to lend my support for passage of H.R. 1846, the Higher Education Technical Amendments Act of 1987. I thank the gentleman from Montana [Mr. WILLIAMS], the chairman of the Subcommittee on Postsecondary Education, and the gentleman from Missouri [Mr. COLEMAN], the ranking Republican on the subcommittee, for their bipartisan efforts over the past several months which have produced H.R. 1846.

A technical corrections bill is never easy to draft, it is time consuming and arduous work. Making sure that erroneous cross references and spelling errors are corrected, as well as conforming the law to the Tax Reform Act has taken several months of devoted time. Yet, it is time we must spend in order to finalize work on the Higher Education Amendments of 1986.

I would like to echo Mr. COLEMAN'S call for stability after such a long period of uncertainty in Federal higher education programs. The technical amendments will finally put to rest the reauthorization process that we initiated several years ago on the Higher Education Act of 1965.

I encourage my colleagues to join in with me in support of H.R. 1846.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 1846, as amended, as modified.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, as modified, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COLEMAN of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1350

EDITORIAL BACKS PASSAGE OF GI BILL

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, last month the House of Representatives passed our legislation to make the peacetime GI education bill permanent. The Senate will consider the measure in the next few weeks. The Sun-Herald newspaper in Biloxi, MS, wrote an editorial in support of the GI bill. This is one of the best articles I have read on why we need to make the legislation permanent. I want to share it with my colleagues.

GI BILL HELPS KEEP VOLUNTEER FORCES MANNED

The GI Bill that the House of Representatives voted to extend permanently is perhaps one of the most attractive perks the armed forces have in attracting volunteers essential to maintaining the nation's military strength. The overwhelming 401-2 vote, and the expectation of a similar approval by the Senate, indicates that Congress appreciates the value this particular benefit has for today's youth.

Mississippi's 3rd District Rep. G.V. "Sonny" Montgomery proposed the plan on a trial basis three years ago and he has been instrumental in the campaign to make the program permanent. In recognition of his key role in the legislation's success, his colleagues in the House voted to name the program the "Montgomery GI Bill" in his honor.

Service Members become entitled to $10,800 for college in return for a three-year enlistment and a contribution of $1,200. Unlike so many government programs dreamed up in Washington, this one works. In the Army, 84 percent of new recruits signed up. In the Navy, the count is 54 percent; in the Marines, it is 64 percent; and the Air Force registered 44 percent.

The prime purpose of the benefit is to assure adequate numbers of qualified personnel to keep the services at their authorized strengths. As military weapons systems become more and more sophisticated, recruiting efforts have concentrated as much on the quality of recruits as on the numbers of them.

Anyone who has toured one of the Aegis guided missiles that Ingalls builds at Pascagoula knows that the capacity of these fighting ships derives from banks of computers and radar sensing devices linked together into a dazzling network of communication and weapons controls. Not everyone can be trained to operate this equipment. Similar complexities abound in the weapons systems that are manned by the other services.

Military personnel who have acquired hard-to-find job skills and those who reenlist for an additional five years may qualify for extra financial benefits. This part of the program is designed to assure the services have attractions that prevent losing specially trained people.

There is a residual, non-military benefit of the GI Bill program. Those who take advantage of the college opportunity will increase the educational level of the civilian society after their discharge. Participating veterans will have better employment opportunities and greater probabilities of becoming productive citizens and taxpayers.

Yes, the new GI Bill will cost more and this is a time when the federal budget needs more careful watching than ever. But this is not the place to mince benefits. This program is a long-lasting investment promising handsome dividends in both the military and civilian communities.

This country has been generous in providing educational benefits to veterans of past wars, many of whom were drafted into service. Those who volunteer for service merit similar consideration.

SOLVING THE TRADE DEFICIT PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, as President Reagan prepares to go off Sunday to the summit conference in Venice, the question is, will the United States, long the engine of economic progress for the world, be willing to continue to assume that burden?

The answer to that is a clear "No." That is not to say, however, that the United States is prepared to abandon altogether its leadership role in the economic area.

To pursue the railroad metaphor, I think it would be fair to say that in the years ahead, the United States will be willing to be one of three or four engines of economic progress, but not the only one.

In my view, the United States indeed can remain as the lead engine and probably will, but we ought to be very clear that we cannot afford to be the only economic engine for the world.

The leadership role of the United States over the past several years must change. The United States must insist that the leadership role change, because the United States is in a new fundamentally different situation from what it was before.

The United States now has a worldwide trade deficit which is unacceptable, and we cannot continue deficits of $170 billion or more.

We have bilateral trade deficits with nations like Japan which are unacceptable. We cannot continue to tolerate $60 billion bilateral deficits.

The United States has just become the world's largest debtor nation.

We owe more money as a nation to other people than any other nation in the world.

Almost certainly the United States external debt will reach one-half trillion dollars later in this decade before it begins to even off.

The United States has self-inflicted fiscal deficits which are unacceptable economically, and larger deficits which will surely come if the economy slows down, and will be unacceptable politically.

In other words, Mr. Speaker, because of these changed economic conditions, we simply cannot afford to be the sole engine pulling the economic progress of the world.

Because of these burdens, we need help. Others must help to pull and push us along in a world economy. We need to see our allies and trading partners take macroeconomic steps to help the world economy.

The worst thing that can happen would be for the world economy to slow down, perhaps even go into recession over the next couple of years. We need help in the trade arena.

We need help from our friends and allies to open their markets to American products. We need our friends and allies to open their markets to Third World country markets around the world.

We need to get our friends and allies to avoid taking advantage of us with what we would call unfair trade practices.

These steps are important because of the impact on trade balances. We must reverse our trade deficits and begin to run sizable surpluses in order to service the external debt that we have.

They are important because of the impact on American public opinion. Our friends and allies do not understand how important fairness is to the American people as a concept, and in that regard, we need help in the new GATT round.

We need to have our friends and trading partners take seriously the agenda for the new GATT round, especially those efforts to make the GATT a more effective instrument.

In short, we need help from our friends and allies to convince the American people that a free and open trading system really is worth preserving.

As I said at the outset, it is unlikely that the United States will abandon totally its leadership role and seek to become the caboose of international economics rather than the engine. But depending on economic circumstances, on trade deficits, on the external debt, on public perception regarding the cooperation of our friends and allies, it is quite possible that the United States could decide to throttle back on its efforts to lead the world into prosperity.

Mr. Speaker, it is quite possible that the American public might decide to go off on a different track altogether. Much is at stake, and I sincerely hope our trading partners and friends at the Venice summit are fully aware of the importance of that meeting.

A MEMBER'S TRIP TO MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I have just returned from the Soviet Union. I did not go on the Speaker's interparliamentary trip to Moscow.

I did not go on the Secretary of State's trip to Moscow. I went at the urging of two college students, David Harberg and Sylvia Mayers.

About a year ago they had just returned from the Soviet Union after visiting with family by the name of Feinberg, a refusenik family that has been trying to emigrate from the Soviet Union since 1979.

They were so overwhelmed by this family that they made a beeline to my office upon returning from the Soviet Union. They urged me to adopt the Feinbergs and help the Feinbergs to emigrate from the Soviet Union. I agreed to do so, and I did the things that most of the Members here do to try to urge the Soviet Union to open their emigration policy and bring human rights especially to the Soviet Jewry.

That was not good enough. David Harberg and Sylvia Mayers went back to my home town, Houston, TX, and started an organization called Free the Feinbergs, and they rallied the Jewish community in Houston behind the Feinbergs, and really worked diligently to try to free the Feinbergs.

About November or December they decided that it would be beneficial for me to travel to Moscow to meet the Feinbergs face to face and other refuseniks, so these two college students raised over $8,000 to send my wife and I and my aide and another person to Moscow.

We went over the Easter break. It was an experience that I will remember for the rest of my life, an experience of seeing how the other half, if you will, lives, an experience of actually seeing face to face and coming to know these people that are so oppressed by the Soviet Government.

You can read a name on a piece of paper. You can see a picture of the refuseniks. You can talk about them. You can hear their stories, but there is nothing, there is absolutely nothing like being there and seeing their living conditions, seeing the harassment, listening to their stories and looking into their faces as they tell these stories and seeing the hurt and the frustration, and the glimmer of hope to one day leave the Soviet Union.

□ 1400

I am glad that I went alone on a tourist visa, not an invited guest of the Soviet Union, because I think I saw some things that normal delegations do not see. I saw a side of Moscow and the Soviet Union that are not shown to official delegations. I take this special order today to tell of some of the things that I saw.

I have to talk in terms of the intimidation, the confusion that we experienced and hopefully can convey what the refuseniks are experiencing right now.

It starts with the airport. When you fly into the Soviet Union you notice right away that even the passage ramps that come out to the plane are painted red and you walk down into a dark airport in the middle of the day, and you walk up to a passport booth unlike any other passport booth that I have been through because there is a soldier sitting behind the booth and all you see is his eyes because he is blocked off; the rest of him is blocked off. There is a mirror behind you so he can see in the mirror to see what you are doing. He does not speak to you;

he does not say "hi"; he just stares at you.

We timed the people in front of us and they make you stand there for 5 to 10 minutes doing nothing but staring at you, looking and reading your passports, making out like they are doing something, but it does not take a very long time to read your passport or your visa.

It is all in the vein of intimidating you before you even get to the Soviet Union. In the airport there are soldiers in uniform all over the airport. It is not like the airport that some people may have seen in the movie that was on television last night; there is nobody there except those that have just arrived. It is blank, it is austere, it is stark, it is foreboding.

As you drive into Moscow from the airport, I noticed that there were lines all over the street, people standing in lines everywhere. Lines that were a block long, waiting to buy, as I found out later, waiting to buy the essentials of life. Eggs, flour, maybe an orange or two. These people have to stand in these lines for 2 to 4 hours just to buy eggs.

The stores are empty, although the windows have merchandise in them. We were told by everybody, including our State Department, that our rooms would be bugged; that our luggage would be gone through, and that we would be followed, and we experienced that during the whole trip.

I do not know if my particular room was bugged, but after touring our U.S. Embassy in Moscow, there is no doubt in my mind that it was. I think that the intimidation, the confusion, the totally controlled society that is in the Soviet Union is something that Feinbergs are experiencing. Let me describe the Feinbergs to you.

The Feinbergs, Michael and Fana Feinberg are a wonderful family, not unlike many families that would be living right next door to you. Michael Feinberg is a very well-educated man. He has a doctorate in computer science and mathematics, he has been published in this Nation. He was a member of the American Mathematics Society, and he was on the board and a reviewer of mathematical reviews; a highly, highly intelligent man.

His wife, Fana, is an English teacher. She had hoped that one day she would be an actress. She is a graduate of Moscow University and a highly, highly intelligent, warm woman. They have two sons, Michael, Jr., who is 20 years old and another son, Andrew, who is 16 years old.

The Feinbergs have petitioned since 1979 to leave the Soviet Union and ever since their petition, they have lost their jobs, their children are the tops of their class and are refused admittance to Moscow University not only because they are refuseniks but because they are Jews.

Michael the father works now as an auto mechanic; a brilliant mind like this is working as an auto mechanic. Their living conditions are such that they, in comparsion to many Soviets, they live very well. They live in a three-room apartment that I estimated to be less than 500 square feet and they are living well.

The apartments are of the lowest quality. When you go into their apartment building there is somebody sitting there at the front door to watch your comings and goings. By Soviet standards, it is supposed to be a wonderful place to have in Moscow.

I came to realize over the 7 days that the average Soviet citizen has worse living conditions than most of our recipients that are on welfare in the United States.

The Feinbergs told us stories of their harassment. Not only losing their jobs, but they showed us the many, many letters of hate, the hate mail that they get. The boys have been attacked by their peers, physically and mentally. The boys have been inhibited from growing because they are denied entrance to Moscow University. Andrew had just participated in a contest. Last year he was No. 1 in Moscow in this contest and they expect him to be No. 1 again. A brilliant young man of 16. Michael, Jr., had placed second in that same contest and was the top of his class, but there is no future for these two young men.

They told us of the anti-Semitism and described the anti-Semitism in the Soviet Union and it is horrendous. In fact, one of the questions that I had a hard time answering was that Michael looked me straight in the eye and he said, "Why would a christian be interested in a Jew in Russia?" I do not think I answered his question quite right because he had been raised under anti-Semitism. If you wanted to cuss somebody out in the Soviet Union, if two young people were fighting and they wanted to call them the dirtiest name they could think of, they called them a Jew. Anti-Semitism in the Soviet Union is rampant.

This is a family that wants to be free. Ever since Michael Feinberg has been thinking for himself since he was in what would be our fifth grade, he started thinking about collectivism. He started thinking about his society stopping his ability to grow. That anyone that excelled was looked down upon because individualism was frowned upon.

The Feinbergs want to be free to practice their religion. They want to be free to think and dream and grow and be free to reach their potenial. They want to be free to leave the Soviet Union.

Words cannot describe the courage of this family. This family is just one example of thousands of refuseniks that are in the Soviet Union waiting and some have been waiting upwards to 16 years to get approval to leave the Soviet Union. These people are just not somebody that you would think of as a Russian somewhere half-way around the world. These are people that are just like your neighbors. People that are alone in their endeavor. People that live in a society that really does not want them but will not let them go.

We held a seder, which was a very moving experience, in the home of the Feinbergs. For those of you that do not know what a seder is, it is a celebration of Moses leading the Israelites out of Egypt.

□ 1410

It had particular significance for us because things have not changed over all these many years. The Jews and many others in this world are being held and are being treated like slaves, waiting for deliverance waiting for hope.

The seder, we took all the material because you cannot buy any religious material in the Soviet Union. We took the prayer books. We took the Haggadahs. We took the gefilte fish and all the food that is necessary to celebrate the seder so that we could celebrate it. It was the first seder that the Feinbergs had experienced. It was a very moving experience going through the Passover and the flight of the Jews out of Egypt, just as we are trying to bring them out of the Soviet Union.

Now, the Feinbergs had been waiting for 8 years. As I said, many have been waiting, I met people who had been waiting as many years as 16.

I do not think the American people, certainly I did not, understand what it was like just to apply for emigration from the Soviet Union. You know, when we apply for something in the United States, we just fill out one application and turn it in. You may have to provide a few documents to prove your position, but basically it is just filling out a form. Not so in the Soviet Union. When you want to emigrate from the Soviet Union, an application is a very thorough application. You have to gather up all your amendments. You have to go to your schools and get updated grades and the status of your children. If you happen to have a job, you have to get documents from your employment. You have to get documents from your housing people.

The stack of documents that you have to put together takes you anywhere from 1 to 2 solid weeks to gather. Then you take it to the Elvir, the Soviet Office for Emigration, and present it. You can only present it once every 6 months. Some of these people live in 6-month cycles, because every 6 months they make an application. They are refused and in the next 6 months they are right back again with a new application.

But just think of this, having to gather all these documents. Every time you go to your employer, the harassment starts again, or if you go to the school, the harassment starts again with the schoolchildren and the teachers, because in the Soviet Union if you want to leave the "workers' paradise," you are considered a criminal and you are treated as such.

Now, these people are being denied and no rhyme or reason is being used to deny or to refuse them emigration from the Soviet Union, which adds to the confusion and creates an instability among the refuseniks, because one does not understand how a friend got out, when their case is more horrendous than the friend's.

There is no procedure. There is no decisionmaking procedure as to how to get out of the Soviet Union. People are being refused today mainly because in one way or another they have state secrets. Everything in the Soviet Union evidently is a state secret.

I met one woman, her husband and she were refused because she had state secrets in her job. Unfortunately, she has never worked in a job. She is a housewife, but I guess because she is a housewife she has state secrets.

Another couple was refused because someone outside their immediate family was involved in a job that had state secrets and when they asked who that person was, the reply was, "Well, that is a state secret and we can't tell you who that person is."

People are being denied emigration because they may have worked in a job 10 to 15 years ago that may have been a closed job and they are being denied on the ground of state secrets, which continuously adds to the confusion, the frustration; but these people continue on. They are dedicated to leaving the Soviet Union.

Now, I have been involved with Soviet Jewry for a year now. I thought the application and getting approval was everything. That is the smallest part of getting out of the Soviet Union. The biggest part is getting approved, because once you are approved you are given about 3 to 4 weeks window by which you must leave.

We met with a couple who had just received approval and they were going through all the harassment, as I call it, to leave. First off, it costs you a thousand dollars per person for the visa to leave.

Now, a thousand dollars in a society that averages anywhere from $2,000 to $2,500 a year is a lot of money. A family of four just to buy the visa needs $4,000, which is at least 1 year, if not 2 years' salary for these people.

You have to get clearance from everyone. If you own your flat or even if it is a government issue flat and you worked to improve it, you may have put in some new light fixtures, you may have put in some wallpaper, you may have put in some sort of flooring just to fix a bland vanilla four-wall room, you have to tear that all out and put the flat back into the condition that it was when you moved into it. You have to get approval on all that. If you put in a new light fixture and you pull it out, you put in the original bulb, then you have to get approval that that had been done.

You have to gather in the committee for your cooperative that runs your housing unit, your housing building, and you have to bring them together. They have to approve that you can leave.

You have to do this with your employment and get approval from who you work with and the committees that run the job, the business that you may be working for in the state.

You have to get approval from the schools.

You can imagine the heartache and the toughness of just putting all this together, and you have a time limit to do this before you can leave.

This family that we met with has approval for taking their mother out with them, so they have to go through the same sort of approval procedure with their mother, so they are having to work twice as hard to meet the May 6 deadline to get out of the Soviet Union. He estimated that it is going to cost his family 30,000 American dollars to leave the Soviet Union. That is over 10 years' salary that it is going to cost this family just to leave the Soviet Union, and they are not leaving with any of their possessions because you are allowed five kilos free for each family. Anything over that, you have to pay extra to carry out, and you cannot carry out any of your documents. You cannot take out of the Soviet Union your marriage license, your birth certificate, your records of school or any other record that you may need when you set up life anew in the new country. They do not allow it.

You cannot take any "historical" items or antiques. The definition of historical and antique is subject to the whims of whoever is determining whether you can take it or not.

We met with a gentleman whose father is a very accomplished artist and he has well over a hundred paintings that his father did, and his father is no longer alive. He will have to leave those paintings behind because he will not be allowed to take them out.

There are just thousands and thousands of stories like this, like the Feinbergs.

I would like to mention one other that particularly touched my heart, Vladimir and Anna Lifshitz in Leningrad. I might say parenthetically that in Leningrad the refuseniks have it twice as bad because there is no emigration office in Leningrad. If they make an application, they have to travel 8 to 9 hours on a train to Moscow to make their application and do all the paperwork, so there are added problems there.

☐ 1420

But Anna and Vladimir Lifshitz—some may recognize Vladimir because he was in prison in Siberia and was one of the 140 that were released recently as a show of openness by the Soviet Union—while Vladimir was in prison, his son was drafted into the army. Now his son has a bleeding ulcer, which should have given him a deferment from the draft, but the military wanted to draft him so bad, and he was told later that the reason they wanted to draft him was to get him away from his criminal parents. So they fraudulently changed the records and made the physicians that gave Boris his physical say that he has gastritis, not an ulcer, so he was taken into the army.

About 2 to 3 months later he was in the hospital for his ulcer. He got out of the hospital and went back in about February. He has been in the hospital for 2 months for an ulcer, and the physicians have yet to diagnose his condition, because they found the records by which he was brought into the military, and they are scared to death to change the diagnosis of gastritis from when he was drafted back in August or September. So they are fighting amongst themselves as to diagnose Boris as having a bleeding ulcer, and he is in the hospital right now and has been there for 2 months.

We tried to raise this situation with the Soviet officials, and I do not think that we got too far.

What am I talking about? I have seen the workers' paradise. I have seen where it stifles creativity and individualism. I have seen where it rewards complacency and rewards the absence of productivity. I have seen where it usurps and denies the inalienable right to life, liberty, and the pursuit of happiness.

Freedom is nonexistent in the Soviet Union. The society I feel is on the verge of collapse. I told about the lines of people standing in line for 2 to 4 hours just to buy eggs or an orange or some flour. The living conditions are incredibly bad for the average Soviet citizen.

I have seen the failure of socialism or communism and how it is reflected in the plight of the Soviet Jewry.

We have a chance to ring that Liberty Bell one more time for our fellow human beings in the world. We have a chance to ring for freedom. We have a chance to help people get out of the situation that they find themselves in. And we must work and we must be committed to do whatever we can to urge the Soviet Union to open their society, to let people freely come and go, to allow people to freely express themselves so that they will feel that fulfillment that we feel here and we take for granted in America.

We must commit ourselves, and I am more committed than ever to the freedoms that we take for granted, and I am committed, as I hope every Member of this body will become committed if they are not already, to present this gift of freedom to the refuseniks in the Soviet Union.

It was a gut-wrenching experience to tell the Feinbergs goodby and to leave them in that situation in which they find themselves. It was also a feeling of guilt that I have not done more for the Feinbergs or the refuseniks to help them get out of the Soviet Union. But I am more committed than ever to work as hard as I can and use all my resources to let the Soviets, the Embassy here in Washington, Gorbachev, and anybody else that I can get ahold of to let them know that we are not going to give up, that we are going to work harder than ever to see that the Feinbergs are free.

I ask the help of my colleagues to work with me, as I will work with them for their families, to help bring these people out. Free the Feinbergs.

THE SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Florida [Mr. McCOLLUM] is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I have just returned from a rather interesting experience in Central America that I would like to take this special order time to report to my colleagues on. During the course of that period of time that I spent down there in the last few days I visited Nicaragua, Honduras, and El Salvador. The primary purpose of this trip was to investigate the situation with regard to refugees and displaced persons, as I went as a part of the Immigration, Refugees, and International Law Subcommittee on a factfinding mission for that purpose.

In the process I could not help but also observe things relative to our policy going on down there concerning the Contras and concerning the entire situation with regard to the democracies in Honduras and in El Salvador. So for a very brief period of time this afternoon I would like to review both of those subjects, first discussing for a few moments what I had occasion to observe with regard to the refugee status in the three countries, and then some of the politics, because I really think in the last analysis the two are intertwined. You cannot have one without the other, and the reason for the refugees and the reason for the pressure is of concern to us with their possible migration to this country, with the United Nations having to care for them in many cases with our assistance and our funds, or in the case of El Salvador and the disposados with our funds with AID.

I think that they are there because of the disruptions caused by the turmoil in that region of the world.

First of all, in Nicaragua the refugees of concern to all of us are the Miskito Indians. Many of them have left the country in large numbers to go to Honduras because of some of the oppression of human rights that has been imposed upon them by the Sandinista Communist Government in Nicaragua.

Now the Government of Nicaragua says we made a mistake by some of those things that we did in disrupting the lives and the customs of those Indians that live on the Atlantic coast of Nicaragua, and they want to make amends, and they have proposed a new autonomy program.

While we were in Nicaragua, Congressman FISH and I, who were on this expedition, had occasion to speak with some of the Miskito Indians. We talked with Vice President Ramirez of the Nicaraguan Government. We spoke with the various U.N. and international committees that deal with this problem and others in the church and so on, and in Honduras we followed up by exploring the matter with those in the private voluntary organizations and in our Embassy who follow this problem.

The long and the short of it is that they are having a meeting this week or next dealing with the question of autonomy in which the resolution of this matter is expected by the Nicaraguan Government to come to fruition. That is, they are going to give some kind of an autonomy, that they call autonomy, to the Miskito Indian tribes.

The problem with that is that no one is clear on what the definition of autonomy is, and that is what that meeting is supposed to achieve. But in talking with Vice President Ramirez, it was very clear to me that autonomy was something far different from what maybe you or I envision. It is not as he said like the States of the Union. There are not going to be any independent governments out there. There is not going to be one or two or three or four groups that have some kind of right to exist as nations such as we have Indian nations in this country.

Everyone is going to continue to be a part of the government, part of the country of Nicaragua, be obligated to serve in the armed forces, be obligated for all the other things and be subject to all the rules and the regulations and so forth. But apparently there is going to be some kind of a system of councils that they envision to be set up whereby those who are leaders in the Miskito Indian tribes and in the groups of other ethnic origins who are in that region will be able to have an input into the affairs, at least in terms of advice and suggestions and so forth.

□ 1430

When we got to Honduras we discovered what some of the Miskito Indians had told us was more than true. Those in Nicaragua with whom we spoke said, "We are not happy with this. We were not asked or allowed to participate. Some were, granted, some will, but we were not," this group told us. And they said they had grave reservations because they did not know what autonomy really meant and they thought that when some of their colleagues came back from Honduras, as they were coming to define this new autonomy, they were going to be greatly disappointed.

While in Honduras we found out that that is the case. As a matter of fact, while we were there it was reported by those who were observing out in the area where these refugees have fled from Nicaragua, that those, many of those who had gone into Nicaragua, returned from Honduras were now coming back within a day or two while we were there. They were reporting that the reason they were coming back was simply that they had not been pleased with what they saw. Their villages, their living areas, their lands had all been uprooted. The policies of the Sandinista government, causing this radical movement in the first place, left a rather devastating condition, and they did not like what they heard. They did not like what they saw.

So it is my observation that we are going to continue to see discontent among those thousands and thousands of Indians who have moved across into Honduras from Nicaragua and that the autonomy program is unlikely to work though it is something from a human rights standpoint we are all interested in seeing and at least pleased that the Government of Nicaragua now recognizes that it committed atrocious grievances against those Indians and is at least in part willing to change some of its activities with respect to them.

While in the two countries of Honduras and El Salvador, we observed the refugee camps in Honduras. Those are refugee camps that are both Nicaraguan non-Indian refugee camps as well as those with the Miskitos and Salvadorans who would come across the border. For those who are not familiar with the geography, the Central American region is very close to ours. When I left Miami and flew down to Managua, though we had a stopover in San Salvador, if I had flown directly the flight would have been probably about 2 hours. It is a very short flight, not much longer than coming from my congressional district in Orlando to Washington to come to work. And while the area down there is large by comparison with some of our States, certainly the countries are no larger than our States and some of them are smaller than most. You are talking about a rather small territory, in other words, in terms of land, as we think of it in country terms.

And in the country of Honduras with its borders to Nicaragua and to El Salvador, you have enormous numbers, thousands and thousands of those who have left those two countries because of the war conditions existing in those countries.

The Nicaraguan refugees we did not find much change in from a previous visit that I made to that area and to those camps a couple of years ago. They still have essentially the same population, not the Contras now, but the civilians who do not choose to participate in either side of the conflict in Nicaragua, who have been farmers, who are poor peasants, who have come to flee from the activities that are there and in large measure to flee from what they perceive as an institution and government which suppresses their right to grow their crops and to dispose of them as they want. There is a socialized system that they are not used to which exists in Nicaragua today.

We do still have young men who have fled from the draft in Nicaragua and they are a troubling element because they do not really have a place, they do not fit in; they want to go, they want to leave and be placed somewhere else, but there is no one who wants to take them and no place for them to go.

The camps are somewhat depressing but they are run by the United Nations High Commissioner on Refugees, and they have the support of many volunteer organizations and I would say, all things being considered, the two major camps in Nicaragua, or in Honduras for Nicaragua, are well run, healthy and doing as well as one can expect.

The two camps that are there on the Salvadoran border are also run by the United Nations High Commissioner for Refugees. Their conditions are, from the standpoint of refugee camps, quite good. We were able to visit one of those, Mesa Grande, which is the largest. There are about 15,000 refugees in that one camp, some 20,000 to 25,000 refugees all together in the two camps along the Salvadoran-Honduran border.

Most of these refugees are children. You are talking about better than 60 percent of the 15,000 or so in the Mesa Grande camp being under the age of 16.

For them life in a camp like that is truly a tragedy. Even though they have some opportunities for education, it is nothing like they should have; even though they have food and health care, there is not an opportunity to grow up as a child even as they would in the poorest of the poor regions of El Salvador.

So I say for those many, many children it is a tragic circumstance, not to mention the fact that it certainly is for their parents as well as their grandparents who are forced into this condition of living or choose to because they feel that the matters are too much in conflict to go back home to El Salvador.

Now there is hope, though, and I think that that is something that needs to be commented on. The Mesa Grande refugees, as opposed to the Nicaraguan ones, are now in a position to consider returning because the warlike climate in El Salvador has diminished considerably. The Government of El Salvador has indicated some interest in repatriating these folks. The United Nations has been sending a few back. Finally, the group themselves, who have been reluctant for so long, are beginning, in larger and larger numbers, to want to return. As a matter of fact, we met with the directorate, the leadership of this camp, for some time. Also the U.S. Ambassador to Honduras, myself, Congressman FISH and some of the staff persons. We met for over an hour and we discussed the fact that some 4,000 of these Salvadorans at the Mesa Grande camp would like to return as soon as possible to El Salvador.

But they have some conditions that they want to be met and they have presented them in writing previously through the United Nations and have yet to receive a response though the request is fairly current.

At this meeting they presented to us a new proposal for returning, something that they asked if we could send on to the Salvadoran Government they would greatly appreciate. And I did have the occasion the following day to present this to the person in the Salvadoran Government with whom I met who deals with refugee matters. Apparently, from what I was informed from his response verbally to me, they do have much more reasonable requests than they had previously.

One of the interesting things is that during the entire time of several years of conflict, while these refugees have been at Mesa Grande, many of them for more than 5 years there, no representative of the Salvadoran Government has ever been invited there and none has ever visited.

Now, for the first time, during this directorate meeting we had inside the camp at Mesa Grande, we had not only a request for leaving that country, going back home, made by these directorates for at least some of their population, but we had an expression of willingness on their part to receive the Salvadoran Ambassador to Honduras or any other reasonable representative of the Salvadoran Government to talk about repatriation and related matters. I think that is a very positive sign.

In discussion with the refugee officers inside El Salvador the next day I got the impression, the very strong impression, that the Salvadoran Government was about to proceed with sending an emissary into that camp and, hopefully, to establish long-term meaningful relationships with those who were there, with an intent to repatriate as rapidly as possible those who are indeed desirous of coming back to El Salvador.

So I come back from this visit to the region, at least in this part of the refugee matter, with great optimism in hopes that within the next few months or possibly over the next couple of years, if it takes that long, we will see finally many of the Salvadorans, who have gone to Honduras, return to El Salvador.

I do not know that it is going to be easy and I do not think that our expectations should be up, because we do know that most of those who are in the camps in Honduras are from what is known as the conflictive areas, some of which are not fully under government control to this day inside El Salvador. There still is an MFLN revolutionary movement inside the country, and it is still dangerous. Not only that, we are putting our heads in the sand if we did not recognize the fact that many of those camps, I have no way of knowing what percentage, no way of knowing, that are friends, families, sympathizers to those who have been in the revolutionary movement against the Duarte government for a long time. But it has become increasingly apparent to those of us observing the matter that as democracy has flourished in El Salvador and as the word has come back of things improving in that country, however be it so slowly, that these individuals are beginning to see some hope that they can return and that perhaps the cause of their revolution is not what it once was; that indeed some of the grievances which they had which caused them to be involved or supported those who were involved, have abated and that they now have those addressed by the Duarte government.

It is my hope that as time passes and more contact is made between the Government and these folks, that that will even become more apparent to them because they are isolated, considerably, from the rest of the world.

Now I would like to talk for a few moments not about the Salvadoran refugees as such, but over in Salvador about the displacados, those who are in El Salvador but who are displaced persons. These are people who would be refugees but they have not left the country.

Technically, you are not a refugee under the laws of the United States or under the viewpoint of the United Nations until you have gone across the border. There are still thousands and thousands of people in El Salvador who fled from the rural areas to the cities or to the communities, little towns, to get away from the conflict, left their farms.

□ 1440

Some of them are returning, and that is the good news, but there are still many who are in the cities. There are still many who are in the towns, living in very, very poor structures and under conditions that are less than desirable.

We do now, though, as opposed to back in 1983 when I first visited El Salvador and started a medical relief program, have health care; we do have a lot of conditions that have improved. The U.S. AID Program is working very effectively. Project HOPE is there. Many private volunteer organizations are involved, and even more since the earthquake tragedy of a few months ago that rocked that country have become involved.

Our church organizations and so on are involved even more. Americans' good will is probably at its height in El Salvador, of all of the Central American region.

We are there; we are on the ground; we are involved; we are a participant. I think the Salvadoran people recognize us, indeed, as friends.

There is much more to be done, and obviously, nothing short of absolute peace and tranquility in the countryside and a revived economy is going to make that country the kind of a place that we hope it will be some day, that it promises to be.

But it is, as you know from the elections several years ago now, truly Democratic and a remarkable demonstration of Democracy in those elections. The people reflect it.

What I would like to say about the disposados, though, is that beyond that fact, many are returning to their homes. There is a little town called Suchitoto. That little town, located outside San Salvador some miles, is a town that was the battle point center of the final offensive that the guerrilla forces tried to push onto San Salvador before President Duarte and shortly after the Sandinista revolution in 1979 and 1980 in Nicaragua.

This was a town that held out against the guerrillas. It is a town that was shot up literally. It is a town in which most of the population left at some point in the early 1980's, but it is a town today that is back in a region where the guerrillas no longer operate, where the government forces of President Duarte are in command. It is a town to which many are now returning. It is a town to which many of our folks are turning their attention.

I mentioned in a 1-minute speech earlier today the efforts of the folks who support Dr. Wells and his wife, Ruth, from my region down near Orlando, in Edgewater, FL, where they have poured paint in to repaint the buildings, where they have put efforts in there for educational programs. The government, and many others, and our own AID people are doing everything they can to make that community once again livable and to allow people to go back there.

I think that is very significant because for El Salvador to survive, and for the nation to thrive, the people have to return. They have to do the farming again; the towns have to go as they were before, and this is one of any number where this is indeed occurring throughout that country.

It is an entirely different note of optimism and hope from what I have observed on three previous visits to El Salvador.

There has been extensive earthquake damage, but that earthquake damage now has received the attention of the public and the governments, and much of the efforts to rebuild are not only under way, but in some cases, they have gone a long way. Many people were killed, but there were also many blessings.

I visited some sites where, miraculously, young school-age children were dismissed from class for one reason or another before the earthquake struck; people had premonitions; somebody was out on a field trip. A lot of people believe devine providence intervened to save the lives of many who would have been otherwise crushed when structures collapsed in that city of San Salvador.

But there were those who were not so fortunate, where devine providence or nothing else was able to help. Nonetheless, the city is recovering from that, and much of the economy is involved in the reconstruction and the building process that is going on down there.

We have going on something else that I would like to comment on, and that is a prosthesis program. Many of the civilian population, upward of 500 or more, have lost their limbs in recent years due to landmines that the guerrillas have placed in the countryside. Many of those are small children.

One of my colleagues, the gentleman from Virginia [Mr. WOLF], on a trip down to Salvador not too long ago observed this difficult problem and the fact that there was no real solution; that is, there were no prosthesis devices for amputees to have arms and limbs replaced with artificial ones. Upon return, he stimulated a great deal of interest in this, and today, our Veterans' Administration and AID are working on a project which we fully expect will replace the arms and limbs on many, especially the children, in the coming weeks and months.

I believe some 30 or so are targeted for such replacement in the next couple of months itself. I think that this is great progress in the humanitarian front. That is just but one example of the many ways in which our people have become involved in the humanitarian aspects of the tragedy that has come out of the war-torn regions of Central America.

Some of us have questioned over a period of time whether or not the country of Salvador is safe for those here in the United States to return. Is there a human rights violation going on there still? Are there threats to their lives if they go back to the countryside from the guerrilla movement?

Let me say in all candor that there is not an absence of conflict totally in the country. In some of the far regions, the departments, the provinces, as you would call them, there is still a conflict. There still is a potential for the rebels to come up on a town and to do damage and to, of course, destroy.

There are also those landmines that I talked about that are mischievous and devious and terrible things that have been planted, some of them long ago, but still exist so that one might walk across one and be harmed by it.

But by and large, considering the situation around the world in many other places, the country of El Salvador is quiet today. The incident the other day where one of our Americans lost his life as an adviser there was an exception to the rule. It was not inconsistent with the conditions that exist there today because there are occasional and very sporadic outbursts by the rebels.

But it is a far cry from what it was before.

In speaking with the Intergovernmental Committee on Migration, which receives all of those who are deported from the United States, or who leave here voluntarily to return to Salvador, they have an immense description of the situation there and their investigations, their followthrough and all of the observations they have made, lead them to conclude that, indeed, the situation in Salvador for returnees is good; that there have been very few incidences that have been reported of those who have been returned over the past few years where there have been any human rights violations or any tragedies of that nature.

There have been a few deaths, most of them by incidence of bar room brawls or a husband/wife dispute or something of this nature, but there have been no continuous stream of human rights violations such as we heard reported from that country before the democracy was established and before the military came under civilian control.

I do not want to diminish the fact that we know there are some human rights violations that still go on in El Salvador; nothing compared to what I observe in Nicaragua today, but there are still some. The numbers are dramatically down. All the charts of all the human rights organizations show this, and that is the good news. That is the good side of the story.

Frankly, the court system down there needs a lot of reform and a lot of work. I had occasion to talk with some of those involved with the process and the good news is that they are working on that. Some proposals will be out this year. But there is nothing there in that country, nor in most of the world, frankly, like our judicial system, where we have the rights of the accused and the speedy trial process and so forth.

But they are beginning to change in that country and that is different from most of Latin America. That change itself will improve those human rights conditions, in my judgment, over the next few years in a dramatic way, even from what it is today.

But the bottom-line point is that for those who are concerned, and I know many of you are, about those who go back to Salvador from the United States, and there are some 500,000, supposedly, who are here illegally today—maybe some of them will not be so illegal after this new bill takes effect for legalization this summer, but some 500,000 here, some of who are illegal, anyway, those who are concerned about their return should be comforted to this extent.

The Intergovernmental Committee on Migration [ICM] is the organization that allows for and provides for the placement of individuals who feel threatened by political or religious persecution in a country like Salvador to another country. Whether they are returnees from the United States or they are someone who is there indigenously living in Salvador, if someone feels threatened with persecution, if someone has a problem with the government; someone has some kind of a problem that he feels that he cannot any longer live with and stay in the country of Salvador, it is ICM that goes out and has interviews conducted with countries like Australia and Canada and Sweden to take these folks.

Several thousand a year come to that organization inside El Salvador and say, "We want to be placed."

Not all of them are, when they are interviewed and screened, by any means. Many of them do not really have real verifiable persecution problems. They have other problems with the economy or what have you. But several thousand a year are placed elsewhere, and yet only a handful, less than 100, are placed each year out of those who return from the United States, and many, many more do.

The fact of the matter is that everybody who returns is aware of ICM and its operations.

□ 1450

The belief, I think, is justified that if there were indeed threats to those who return, abnormally so to the population, there would be many more who would come to ICM for replacement or to seek placement in another country. I think, from all the studies that have been done and to follow through on the paper work, the question comes in this fact alone, that we can take comfort that those who go back face difficulties in the economy, but they will not face physical harm or justifiable fears of persecution.

I have reported now on the refugee matters, on the displaced persons matters, and on some humanitarian concerns in El Salvador and on those concerns we have with those who may be returning from the United States to El Salvador. These are the genuine humanitarian concerns that all of us live with, are concerned about, and that the Immigration and Refugee Subcommittee has a special concern for.

I would like to turn my attention now for a few moments to the question that inevitably arises and concerns us all: The overriding concern in Central America, the question of communism versus democracy and the question of United States national security interests. It is a question that has been debated frequently on the floor of this House. It is a question that undoubtedly will be debated again at some length later this year when we consider whether to grant more money for the Contras who are the freedom fighters who are fighting the government of the Sandinista Communists, and whom we voted to support with $100 million last year, and which group we are now fully supporting with that money, but which group many do not believe we should.

I would like to talk about first what I observed in Nicaragua very briefly, because many others have reported on it and most of my colleagues, the overwhelming majority, recognize the Communist Sandinista government for what it is.

It is an oppressive totalitarian regime, and it has brutalized its people in many ways, and it is not a humanitarian government that some once thought it was going to be.

There is technically freedom of religion in the country. Sometimes I get into debates, and that term is used, and we say, those of us who as I do support Contra aid and do not care much for the government down there, that there is no freedom of religion, and somebody else will say there is.

Technically speaking, I have concluded from my trip there is freedom of religion; that is, freedom to pray, freedom to worship God in the way that you wish, freedom to belong to any religious denomination or sect, freedom to practice whatever rite or ritual is appropriate to your church or your organized religion. But there is not freedom of religion as it has traditionally been known in Central America or as it is known today.

The religious leaders in that country, particularly the mainline Catholic Church, are not permitted to speak out on the social issues of concern. They are not permitted to spread the word through written communications to the general populace.

They are not permitted to have assemblies to bring attention to the government grievances that exist for the concerns they have over human rights inside the country, and that very important role that most of us associate with religion in church just does not exist in Nicaragua.

So those who are concerned about religion in Nicaragua have a right to be, and those who technically say ah, but there is freedom of religion, do have some basis for making that argument, and I hope that those who are listening to my words today, and those who may read the reports that are filed later, have a better understanding of why the two sides to this dispute of religious freedom can have different perspectives coming from the same viewpoint.

The fact of the matter is that I do not find the conditions for religion in Nicaragua acceptable at all, because I do not find the silencing of the voice of freedom to speak and the voice to express grievances over human rights and social conditions to be acceptable in that country.

It is my judgment that the church, above all else, has a place and a role to play in furthering the cause of human rights, and to silence that church on those counts is wrong, and it is obviously a product of a totalitarian system, albeit one which has some manner and means of trying for its own reasons, perhaps propaganda, perhaps genuineness, I know not, to give an image and to project some degree of religious tolerance.

Now, the question of expression is clear, not only in the religious world but everywhere.

Nobody is really free to speak in Nicaragua. Your conversations are overheard by people, by machines, by recordings when you make a telephone call, when you talk on the street, when you say anything, so people do not speak very freely there, though they speak so as perhaps more freely than they might normally.

We were pleased to hear from the business and political opposition, and they were very cautious about how they said what they did, and sometimes it was more a matter of a nod or a wink that we got the idea what they were trying to convey, because they did not want to have their lands taken, their jobs removed, or their selves persecuted or prosecuted even as has been the case for those who have spoken out.

There is no opportunity for the free enterprise system as we know it to have any chance of ever operating there. It is a Communist totalitarian government.

They still have some rights of partial ownership of property with some individuals in that country and some corporations or some semblance of corporations, but the fact is that those who "own the businesses" do not have the right to hire whom they please or set the wages. They do not have the right to choose what they are going to produce or in what quantity.

They do not have the right to pick what parts they are going to buy, or what equipment they are going to acquire. They do not have the right to market their products or to have any say in the pricing of those products.

In short, they are working for the government. All they have is some semblance of paper title, some partial title in most cases, because the government owns part of most things down there, even technically now. Yet they struggle because they believe in the system, because they recognize as I observed in Nicaragua that the poverty that exists there has been exacerbated by the Sandinista Communist economic system that has been imposed.

The people queue up in long lines to get to the government stores.

I observed those as much as my colleague observed the fact he was just in Moscow and Russia and saw the long lines people have to stand in there.

There is a reason for that, because the Soviet Union supports this government, and it is their products, their lands, their food and their trade and so forth that currently allow it to exist in this fashion, and in much sadness it is this model which is being used.

The people, though, individually are trying to keep up. They are trying to do something with their lives. They are trying to get along.

The marketplace that exchanges some produce in downtown Managua still exists. Individuals have a lot of cottage industries out of their homes where they try to scrape together a small amount of money or something that they can produce that they can exchange and barter for those items at the marketplace.

A fence was erected, and some efforts were made a few months ago actually to discourage this activity, but because of the scarcity of things in the country, and the dissatisfaction of the populace with things generally speaking in the economic world, that effort has fortunately come to no avail, so there is still some of this going on there.

The water and sewer system and the general condition in the city of Managua is deplorable, and it is unfortunate, and there are real problems there.

One of the things that bothered me to some extent is the dichotomy. While our Government opposes much of what is there, and the totalitarian system that is being imposed in the government, thousands of American citizens are in Nicaragua supporting this government, contrary again to the stated interests of our Government.

They believe still in the government, even though our Congress for the most part, for 90-plus percent of us at least, has long since recognized that this is a bad government and a bad system. I do not know what you say to those folks. They want to believe so much, but they are there, and they are trying, and our missionaries are trying, and out of this hopefully some good humanitarian effort comes, because no one wants to see people suffer. That is what is happening in Nicaragua today.

People are suffering, but let me say that my concern with Nicaragua, as much as I am concerned about the humanitarian plight of the people and the potential refugee problems for the United States and for the world, my concern is not with the internal affairs of Nicaragua. My concern is what that Communist government, that Communist part of the international Communist league may do in terms of exporting its revolution, its brand of communism internationally to neighboring countries and thereby pose a threat to the national security interests of the United States.

That is what the debate on the floor has often been about. Even though we recognize the Nicaraguans now for what they are, that is, the Sandinista Communist regime, many of my colleagues to this day are calling upon the United States to adopt a policy of containment, to try to go along with some peace plan which has been proposed, and all of us would like to see one where democracy can flourish, and where democracy lays down its arms and does not support neighboring country revolutionaries, and so forth. But those folks who seek containment ignore the reality of the situation. They ignore the fact that Communists who are in league with Castro and the Soviet Union are interested in this case in a regional conquest, a regional domination, if not by armies which I think highly unlikely. I do not think the Nicaraguan Sandinista army is going to march across the Honduran, Salvadoran, Costa Rican border; but I think more likely by the subversion, by the support of revolutionaries trained in Cuba or in Nicaragua or in Moscow itself, and those revolutionaries then in turn spread that revolution and destabilize the democracies that are beginning to spring forth in Honduras, Costa Rica, El Salvador, and even in Guatemala now, and that in turn, as you know, brings us very close to the border of the United States with Mexico and the Caribbean, the Gulf of Mexico being the only intervening things between us and them.

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That concerns me because I do not think the policy of containment can work. It is a policy that failed us in Vietnam. Some of my colleagues are always talking about the Vietnam analogy, worried about the United States getting directly involved in a war we cannot win somewhere down south of here just like Vietnam. It is not what we are doing. So much the parallel does not exist there. It does exist on the question of the idea of a policy of containment. It did not work in Vietnam; it cannot work there.

You are talking about a land mass that is very small; you are talking about the ability to pass across borders and slip there in the night and the inability of anybody to seal those borders. You are talking about the reality of revolution and the reality of a Communist ideology that is intent upon a regionalism. That was brought home very forcefully to me in El Salvador while I was there and had the opportunity to speak with one of those defectors from the FMLN, the Salvadoran Communist resistance that has been going on for so many years and which still to this day is causing the democracy of President Duarte fits and the Salvadoran people an unmerciful beating.

I spoke with him for over an hour and during the conversation that I had with this fellow who was one of the highest ranking political officers in the Communist resistance force inside El Salvador, I learned something I did not know. I did not know that these folks had been, at least I had no direct evidence that had been until I spoke with him, regularly going over to Havana. He said he spent about four visits each year from 1980 until he left until 1985, the FMLN, he spent about four visits a year in Cuba for advice, for training, and that everybody essentially involved in his revolution did.

He also had made visits to Moscow and that indeed there were regular communications and associations between this revolutionary group and the Nicaraguans and the Sandinista Nicaraguans. What he said to me was very simple, he said, "This is a regional war. This is a regional cause. The Communists in Cuba and in Moscow view this all as one area. It is not an effort to make or support a Communist government in Nicaragua, it is an intent interest in establishing communism as a government, as a way of life, as a system in the entire region, in all of those countries."

It is not one or the other, it is all of them. The movement is not simply one for a government in Nicaragua. That is one part of it. In other words, the revolutionary forces in El Salvador that are there and have been there for some time are simply an arm, an extension, a part of the Nicaraguan-Sandinista effort which in turn is simply an arm, an extension of the Communist international which Castro and Cuba are a part and which emanates with its source of ideology and support from the Soviet Union.

I think that was so clear to me that I am in great hope that as we continue these debates over the coming weeks that this gentleman and the 3 or 4 others who have come across and broken with the Communist organization in El Salvador will come to Washington, will testify before our committees, will speak with my colleagues and speak to the American people.

Unfortunately, all of them speak Spanish and do not speak English and so there is a barrier sometimes in language, but we owe it to ourselves to listen, to become educated and to take that extra step to understand because that is the heart of this. If, indeed, as I perceive it, and I believe that I am correct and all of our Embassy people in that region and all of our folks involved agree with this, there is a major, international Communist effort at revolution in the region, then the idea of containment in one country is not a practical thing. It is not going to work and we are going to have to look long and hard at our polices if that is where we are headed.

What about the Contras? I spent time listening and learning about them in a way that I had not had the occasion before in Honduras. I am of the impression that the efforts that we are making with the Contras to oppose the Sandinista Government, those efforts are succeeding at the present moment. I am impressed with the fact that so many thousands of them are now inside Nicaragua. I am impressed with the fact that our money support to the Contras has given them the equipment and the ammunition to actually wage a guerrilla revolution inside Nicaragua.

Those people who say to me, "Bill, this is terrible, it is immoral that the United States would support a guerrilla war. That is what the Soviets do. It is terrible, we should not do it." I can only say from my observations that these folks are truly patriotic, trying to regain their country and some freedom and democracy whether it is a guerrilla revolution or any other kind of a war, we historically have always supported democracy. We cannot see it succeed with the current government and I have a lot of confidence that if the Contras succeed, we will be able to see a democracy, a true democracy for the first time inside Nicaragua as it is now today in El Salvador and becoming and is in the other countries in the region.

I think that from my observations of the Contras leadership, and I did meet one of them while I was there at a function at the Ambassador's home who impressed me a great deal, a former head of the University of Central America in Managua until 1980. A man who is impeccably credentialed, who is a member of the directorate of the key Contra forces, one of the people who operates this whole thing. Was he a Somoza National Guardsman? Was he somebody associated with the dictators of the past as so often the Contras are accused of being associated with? The answer is unequivocally no. Here is the man who is the head of that university in Managua whose father was one of the major resistance forces to Somoza, who spent years in exile and this man, this young man who was the head of the University of Central America for those 7 years himself was imprisoned with his family because of their opposition to Somoza and he spent time with his folks in exile. An obvious opponent of the Somozan system, a man who stayed after the Sandinista revolution until he could take it no more, who realized that it was just as bad as he put it to me as was the government that preceded it.

It is interesting to see more and more people who have become familiar with the situation there recognizing that totalitarianism of the left is just as bad or worse than totalitarianism of the right. That is what we have in Nicaragua.

The other point that I would like to make as we look at this regional conflict and try to decide whether it is moral or immoral or proper or improper to continue to support the Contras is the fact that if we do not support the Contras and they are not successful inside Nicaragua, and I do not know if they are going to be, I hope they are personally, at least in bringing enough pressure to make the government, and if not, to bring it down because I do not believe containment will work.

If we are not going to support them some day it is my own considered judgment we are going to see, after some other countries fall in Central America, sooner or later U.S. Army, Navy, Air Force and Marine Corps involved in a land battle of some sort. Young American soldiers will ultimately lose their lives. I think that alone is a tragedy, not to mention the fact that it is something that would be tragic for the people of that region. It would be tragic for our people, for our children to go down there and have that occur.

For our own national security interests, we are going to have to do something someday, be it a containment policy today, be it a Contra policy today, if neither one of those policies works, someday, in my judgment, that will be the day when containment does not work and we have to send American troops in to somewhere in Central America, not necessarily Nicaragua.

Anyway, that is the perspective that I came back from Honduras with with respect to the Contra question, and I got it reinforced while in El Salvador, because that is the country that is the point line. We tend to not think about it that way. It is Salvador that first will feel and does feel the brunt of the Sandinista expansionist, Communist, international movement. It is the country of El Salvador where the resistance forces still exist today that are being supported by the Sandinista Government. It is the country of El Salvador whose economy is not good and whose government is truly democratic, whose ideals we support and nourish and foster who will fall first if the Sandinistas consolidate and if the Sandinista Communists are allowed to get on with really supporting the expansion of Communist revolutionaries in the region as has been set forth time and again by those who participate and have participated in it.

So my concern in all of this, while great with the humanitarian interests with the refugees and with the Miskito Indians and with the Displacadoes and with the people of the countries is first and foremost with solving the political problem in bringing peace to the region but bringing peace that allows us to have democracies and allow the United States some measure of national security interests so that we do not have terrorism inside our country someday, spawned by the same international Communist forces that are spawning the revolutionary government of Nicaragua and that are spawning the resistance in El Salvador and that, given the opportunity, would crush democracy in the region.

For a moment I want to talk about the economy of El Salvador. The last thing I would like to bring to your attention is the fact that today, President Duarte, despite his good intentions and those of our Government, has a country in great poverty.

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There are many people trying to help. We have got a lot of money flowing in there from Government organizations and private voluntary organizations to help with earthquakes, to resettle people on the farms, to get the Government's support for business and private enterprise going again; but the problem is fairly simple. Beyond a certain point, we cannot succeed just on this basis only. For a system of democracy to flourish, there must be private capital. There must be confidence in the country and investment in the country of foreign capital. There must be development of industries that can produce products that they can trade with. If there is any country in Central or South America that we should be everything we can to support in this regard, it is El Salvador.

For like it is on the front line, it is the first one that will fall again to dictatorship of the Communists if given no support, it is also the very first one down there that is truly ripe for success if given the right nudges and the right support.

It is not enough for our Government to say that we support democracy. We send volunteers down there. We send the ID money down to help in rebuilding their buildings. That is not going to do it. The people do not see that.

The potential for revolutionary foment among hungry people is always going to be present until they are given hope, until they are given jobs and opportunity. You do not give them those jobs. You create them. They are created, as we know in this country best, by a private system of capital and free enterprise that has made our country so great.

We cannot just transfer that down there, but we can do so much more than we have been doing.

One of those things that I think we should do is to change the entire foreign policy perspective of our Government on the way we deal with our imports and our trade and our relationship, especially in the Central American and South American regions. Instead of doing the broad Caribbean basin initiative, which actually is not very effective because we wind up watering it down with various trade restrictions in this group and that group, business people coming forward and getting exceptions to it for sugar and textiles and shoes and whatever, we ought to target individual countries where the impact of removing restrictions and providing incentives for products to be developed in those countries would not be very great in this country. We should at the same time say to our friends and our neighbors, to those other countries, that we would like to do the same for you, but we cannot do it all at one time. We can do it and we can do it for you, too, if you will let us first get El Salvador or the country that is best suited, and I think it is El Salvador, on its feet. Once they have begun to progress and can be weaned from any special treatment we might give, then perhaps we can turn on a single country-by-country basis to somebody else.

We cannot do it all for everybody. It is my considered judgment that if we adopted this kind of a new policy, this kind of a new treatment for Latin America and our neighbors to the south, that we would be far better off and they would be far better off and politically we would have a much more responsible and receptive audience among the business community and among those workers in America who rightfully are concerned in this day and age about losing jobs to those abroad. We do not want to do that; and yet at the same time our national security interest dictates a healthy economy in those countries south of us, because without a healthy economy they are going to present continued turmoil and potential national security threats to us because of the fact that they would be the great hotbeds to be fomented by the Communists in future years.

So what I would suggest and I would urge on my colleagues to consider as we debate the trade bill that is coming up and as we debate the issues of how we handled Central America in the future, I would suggest that we look at the possibility of a limited 5 or 10 years or some time span duration for an absolute, open free trade policy with the country of El Salvador, where we in return for their doing the same for our goods, we totally open the doors, let them produce any product in that country whatsoever that they can produce in that country, be it agricultural, mechanical, electrical, you name it, clothing, whatever it is, let them export that product that they produce into this country and sell it on our markets at our market prices for whatever profit that we would achieve if we were indeed doing it ourselves.

If we do that on a single small tiny country basis like El Salvador, it would have a negligible impact on our economy and on those businesses affected, and yet it would give if restricted to a time limit and a reasonable period of a few years to get things started and stimulate capital formation, in my considered judgment and those with whom I have spoken in El Salvador and the other regional areas I have visited, it would give the opportunity for capital formation and business development and jobs for the people there and an opportunity to sell their products. If we do not do that, we cannot succeed. With anything else, we do.

Whether you believe in the policy of the Contras, whether you believe in the policy of containment, whether you believe in any other policy, I think you have to agree that the bottom line problem with Central America today is the economy.

I happen to have my own views on the others and I have expressed them to you; but the most humanitarian thing we could do would be to change dramatically our economic policies with regard to Latin America and to target our limited resources, and in a way it is a resource, a free trade resource in this case, to one individual country to get it on its feet to make sure democracy works there as an example to the rest of the world and to say to the Soviet Union and to Castro's Cuba once and for all, not only do we believe in democracy on paper and people walking to the polling places, but we are willing to really back it up and let people in those countries that do indeed become democracies have an economic viability and to share the opportunities of free enterprise and capitalism in which we believe. If we do anything less, if we fail to make this kind of a change in our policy, I do not personally think we will see the problem cease in our neighboring countries and we really will not have the kind of regional Latin American, North American comradeship, in the sense of our future as people living together that we want. Instead we will see chaos and turmoil and national security threats for many years to come.

So with that I am going to conclude my special order time. I have appreciated the opportunity to report on a visit which I thought was exceedingly meaningful. I learned a great deal. I know my colleague, the gentleman from New York [Mr. FISH], did and I hope that it will be of benefit to my colleagues who did not have the opportunity to participate and to observe.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUECHNER) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, today, April 23, and April 27.

Mr. LEWIS of California, for 60 minutes, on April 23 and April 27.

Mr. DANNEMEYER, for 60 minutes, on April 27 and April 28.

Mr. SWINDALL, for 60 minutes, on April 21, and April 22, and April 23.

Mr. ARMEY, for 60 minutes, on April 22.

Mr. MCCOLLUM, for 60 minutes, on April 21.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today and April 22.

Mr. PEASE, for 5 minutes, today.

Mr. MARKEY, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on April 22 and April 23.

Mr. CONYERS, for 30 minutes, today and April 22.

Mr. FAUNTROY, for 60 minutes, on April 23.

(The following Member (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 60 minutes, on April 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BERMAN, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,112.

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. GILMAN in five instances.

Mr. HUNTER in two instances.

Mr. DENNY SMITH in two instances.

Mr. DORNAN of California.

Mr. WORTLEY.

Mr. LAGOMARSINO in five instances.

Mr. KEMP in two instances.

Mr. PURSELL.

Mr. RITTER.

Mr. COBLE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DORGAN of North Dakota in two instances.

Mr. SWIFT.

Mr. GUARINI.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MAZZOLI.

Mr. GAYDOS.

Mr. ATKINS.

Mr. JACOBS.

Mr. ACKERMAN in two instances.

Mr. YATRON.

Mr. WAXMAN.

Mr. RANGEL.

Mr. FUSTER.

Mr. LEVINE of California.

Mr. LEVIN of Michigan.

Mr. DELLUMS.

Mr. BORSKI.

Mr. DYSON.

Mr. CLAY in two instances.

Mr. HOWARD.

Mr. KANJORSKI.

Mr. FRANK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 85. An act to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements; to the Committee on Energy and Commerce.

S. 659. An act to establish agricultural aid and trade missions to assist foreign countries to participate in U.S agricultural aid and trade programs, and for other purposes; to the Committees on Agriculture and Foreign Affairs.

S. 677. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committees on Energy and Commerce and Rules.

S. 903. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. Res. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On April 10, 1987:

H.R. 1783. An act to make technical corrections to certain defense-related laws.

On April 15, 1987:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy, and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

ADJOURNMENT

Mr. McCOLLUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 22, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1143. A letter from the Comptroller General of the United States, transmitting a review of the deferral and revised deferrals submitted by the President on March 4, 1987, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-64); to the Committee on Appropriations and ordered to be printed.

1144. A letter from the Comptroller General of the United States, transmitting a report on the status of budget authority that was proposed for rescission by the President in his third special message for fiscal year 1987, January 5, 1987, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-62); to the Committee on Appropriations and ordered to be printed.

1145. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-63); to the Committee on Appropriations and ordered to be printed.

1146. A letter from the Under Secretary of Defense; transmitting the Department's annual report on Chemical Warfare and Biological Defense Research Program obligations for the period October 1, 1985 through September 30, 1986, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

1147. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to repeal sections 3502 and 8502 of title 10, United States Code, relating to physical examination for each member of the National Guard called into and mustered out of Federal service; to the Committee on Armed Services.

1148. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 32, United States Code, to extend the period of time during which all elements of a National Guard unit must complete a training assembly; to the Committee on Armed Services.

1149. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws; to the Committee on Armed Services.

1150. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting the real and personal property report of the Department as of September 30, 1986, pursuant to the National Security Act of 1947, section 410; to the Committee on Armed Services.

1151. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for United States approval and acceptance of a proposed amendment to the articles of agreement of the International Bank for Reconstruction and Development; to the Committee on Banking, Finance and Urban Affairs.

1152. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States export to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i);

to the Committee on Banking, Finance and Urban Affairs.

1153. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report to authorize a concessional financing facility in the amount of $100,000,000 to the Kingdom of Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-16, "D.C. Government Comprehensive Merit Personnel Act of 1978 Collective Bargaining Amendment Temporary Amendment Act of 1987", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-15, "Closing of Public Alleys in Square 368, S.D. 86-248, Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to Committee on the District of Columbia.

1156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-17, "D.C. Alcoholic Beverage Control Act Temporary Amendment Act of 1987", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1157. A letter from the Auditor, District of Columbia; transmitting a report entitled, "Annual Audit of D.C. Lottery and Charitable Games Control Board for Fiscal Years 1986 and 1985", pursuant to D.C. section 47-117(d); to the Committee on the District of Columbia.

1158. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Annual Audit of the Washington Convention Center for Fiscal Years 1986 and 1985", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

1159. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the jury system plan of the Superior Court of the District of Columiba; to the Committee on the District of Columbia.

1160. A letter from the Secretary of Education, transmitting notice of final funding priority for the special recreation programs for individuals with handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1161. A letter from the Secretary of Education, transmitting a copy of final regulations for the Law School Clinical Experience Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1162. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes; to the Committee on Education and Labor.

1163. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the fiscal year 1986 annual report on the operations of the Office of General Counsel of the Commission; to the Committee on Education and Labor.

1164. A letter from the Secretary of Health and Human Services, transmitting a status report of activities to conduct research and prepare analyses concerning thyroid doses of Iodine-131, notification that a working group has been established to pursue the research and analyses, which it is estimated will need approximately 6 years to complete, pursuant to 42 U.S.C. 241 nt.; to the Committee on Energy and Commerce.

1165. A letter from the Secretary of Health and Human Services, transmitting a report on the administration of the Public Health Service, pursuant to 42 U.S.C. 300aa-10; to the Committee on Energy and Commerce.

1166. A letter from the Secretary of Health and Human Services, transmitting the 1985 annual report on the National Health Service Corps [NHSC] and NHSC Scholarship Program [NHSCSP], pursuant to 42 U.S.C. 254b(g); to the Committee on Energy and Commerce.

1167. A letter from the Secretary of Health and Human Services, transmitting the Department's sixth special report to the Congress on alcohol and health, pursuant to 42 U.S.C. 290aa-4 (PHSA, sec. 505(a) (97 Stat. 178)); to the Committee on Energy and Commerce.

1168. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a listing of the defense articles and services provided to the Philippines by the Department of Defense, as of April 8, 1987, under the authority of Presidential Determination 86-13, dated September 16, 1986, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1169. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Saudi Arabia for defense articles and services estimated to cost $320 million (Transmittal No. 87-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1170. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed License for the export of major defense equipment sold commercially to the Government of the Republic of Korea, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1171. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially to the Government of Sweden, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1172. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially to the Government of South Korea, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1173. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending March 31, 1987, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1174. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Robert M. Smalley, of the District of Columbia, Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Lesotho; Thomas C. Ferguson, of Florida, Ambassador Extraordinary and Plenipotentiary-designate to Brunei Darussalam, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1175. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1176. A letter from the Administrator, Agency for International Development, transmitting a draft of proposed legislation to amend section 108 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1177. A letter from the Acting General Counsel and Congressional Liaison, United States Information Agency, transmitting the 1987 independent evaluation of the Radio Marti programming of the Voice of America, pursuant to Public Law 98-111, section 9; to the Committee on Foreign Affairs.

1178. A letter from the Director, National Park Service, Department of the Interior, transmitting the 1986 report covering the disposal of surplus Federal real property under the public benefit discount program for parks and recreation purposes, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

1179. A letter from the Principal Deputy Assistant Secretary (Policy, Budget and Administration), Department of the Interior, transmitting a report of the Department's actions taken to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

1180. A letter from the Deputy Assistant Secretary for National Resources and Environment, Department of Agriculture; transmitting the Department's notice of a proposal for one new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1181. A letter from the Executive Directive; Federal Retirement Thrift Investment Board; transmitting the Board's report of new systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1182. A letter from the Chairman, Federal Trade Commission; transmitting the Commission's annual report of its compliance with the Government in the Sunshine Act during Calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1183. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, and 31 U.S.C. 3726 relative to the general supply fund and for other purposes; to the Committee on Government Operations.

1184. A letter from the Secretary, Postal Rate Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act for calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1185. A letter from the Secretary of Transportation, transmitting a report of the Department's actions taken to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

1186. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's annual report for the calendar year ending December 31, 1986 on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1187. A letter from the Acting Director, Selective Service System; transmitting a copy of the agency's report of its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1188. A letter from the Secretary of Energy, transmitting the 1986 annual report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B); to the Committee on Interior and Insular Affairs.

1189. A letter from the Assistant Secretary (Water and Science), Department of the Interior, transmitting notification of a proposed contract with the Belle Fourche Irrigation District, Pick-Sloan Missouri Basin Program, SD, pursuant to 43 U.S.C. 505, to the Committee on Interior and Insular Affairs.

1190. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1191. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1192. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for an equitable distribution of the costs associated with the Oregon and California grant lands; to the Committee on Interior and Insular Affairs.

1193. A letter from the Secretary of the Interior, transmitting the Department's 1986 annual report of the National Park Foundation, pursuant to 16 U.S.C. 19n, 19dd(f); to the Committee on Interior and Insular Affairs.

1194. A letter from the Secretary of Health and Human Services, transmitting the annual report on the Refugee Resettlement Program, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

1195. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the Academy-Institute's report of activities during the year ending December 31, 1986, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

1996. A letter from the Controller, Boys' Clubs of America, transmitting a copy of their audited financial report for the year ending December 31, 1986, pursuant to 36 U.S.C. 1101(16), 1103; to the Committee on the Judiciary.

1197. A letter from the Chairman, National Drug Enforcement Policy Board, transmitting a report on the National and International Drug Law Enforcement Strategy, pursuant to 21 U.S.C. 1204; to the Committee on the Judiciary.

1198. A letter from the American Council of Learned Societies, transmitting the council's annual report for the year 1985-86, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

1199. A letter from the Chairman, U.S. Sentencing Commission, transmitting a copy of a report which sets forth sentencing guidelines and policy statements for the Federal courts, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1200. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of the department in which the Coast Guard is operating to establish fees for certain Coast Guard services and for other purposes; to the Committee on Merchant Marine and Fisheries.

1201. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on the Administrator of Veterans' Affairs investigation into allegations of violations of law and regulations, abuse of authority and waste of funds by the mismanagement of research funds at the Veterans' Administration Medical Center, Syracuse, NY, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

1202. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated February 26, 1987, from the Chief of Engineers, Department of the Army, on South Yadkin River, NC; to the Committee on Public Works and Transportation.

1203. A letter from the Executive Secretary, Department of Defense, transmitting the report on the Department's procurement from small and other business firms for October 1986 through January 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

1204. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for a revision of the receipt-sharing for moneys received from the National Forest System and provided to the States and counties, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

1205. A letter from Edward L. King, Member, Commission on Central American Negotiations, transmitting a separate report on Central America, submitted by the duly appointed Democratic Commission members, as partial compliance with title II, section 213(e)(i) of the Military Construction Act, 1987, as contained in Public Law 99-500; jointly, to the Committees on Appropriations and Foreign Affairs.

1206. A letter from the Assistant Secretary (Comptroller), Department of Defense, transmitting a notification of a transfer of funds in connection with a demonstration project, pursuant to 10 U.S.C. 1092; jointly, to the Committees on Appropriations and Armed Services.

1207. A letter from the Director, National Bureau of Standards, transmitting a report on the structural integrity of the new office building at the U.S. Embassy site in Moscow, pursuant to Public Law 99-591; jointly, to the Committees on Appropriations and Foreign Affairs.

1208. A letter from the Administrator, Agency for International Development, transmitting the Agency's report on the origin, contents, destination and disposition of humanitarian goods and supplies transported by the Department of Defense, pursuant to Public Law 99-145, section 306(a) (99 Stat. 617); jointly, to the Committees on Armed Services and Foreign Affairs.

1209. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to eliminate the requirement that notice of termination be given 30 days in advance to National Guard technicians who serve under temporary appointments, are serving in their trial/probationary period, or who voluntarily cease to be National Guard members; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1210. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to permit the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1211. A letter from the Secretary, Department of Navy, transmitting a draft of proposed legislation to amend chapter 4 of title 10, United States Code, to require the Secretary of Defense to withhold from public disclosure information relating to physical security measures for special nuclear material; jointly, to the Committees on Armed Services and Government Operations.

1212. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to restore the authority of the Secretary of Agriculture to approve certain housing debt settlement claims, to revise the authority of the Secretary of Agriculture to sell housing loans to the public without recourse, and to repeal the authority of the Secretary of Agriculture to make rural housing loans and grants; jointly, to the Committees on Banking, Finance and Urban Affairs and Agriculture.

1213. A letter from the Attorney General of the United States, transmitting the report required of the Department to study the need for legislation, regulation, or alternative methods to control the diversion of legitimate precursor and essential chemicals to the illegal production of drugs of abuse, together with a draft of proposed legislation recommended therein, to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances, pursuant to Public Law 99-570, section 1901; jointly, to the Committees on Energy and Commerce and the Judiciary.

1214. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a preliminary report on the Agency's implementation plan for indoor air quality and radon gas research, pursuant to section 403(d), Superfund Amendments and Reauthorization Act of 1986; jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

1215. A letter from the Secretary of Commerce, transmitting a report on imports during 1986 of strategic and critical materials from the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

1216. A letter from the Chairman, Board of Directors, Gorgas Memorial Institute of Tropical and Preventive Medicine Inc., transmitting the 58th annual report of the work and operations of the Gorgas Memorial Laboratory for the fiscal year ending on September 30, 1986, pursuant to 22 U.S.C. 278a; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

1217. A letter from the Secretary of State, transmitting the agency's annual report for fiscal year 1986 on equal employment opportunity and recruitment in the Foreign Service, pursuant to 22 U.S.C. 3905(d); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

1218. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the agency's semiannual report on the amount and extension of credits under the Trade Credit Insurance Program, pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

1219. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

1220. A letter from the Secretary of the Interior, transmitting a copy of the annual report for fiscal year 1986 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program administered by the Department through the Minerals Management Service, pursuant to Public Law 95-372; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

1221. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to raise the position of chief counsel for the Internal Revenue Service, Department of the Treasury, from level V to level IV of the executive schedule; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

1222. A letter from the Secretary of Energy, transmitting a copy of the summary report of the responses of the Department's Clean Coal Technology Program announcement issued in November 1986, which invited statements of interest in, and informational proposals for, projects employing emerging clean coal technologies that are capable of retrofitting, repowering, or modernizing existing facilities, pursuant to Public Law 99-500 and Public Law 99-591, section 101(h); jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space and Technology.

1223. A letter from the Under Secretary (Acquisition), Department of Defense, transmitting a report on the efforts by the Department of Defense to increase defense contract awards to Indian businesses during fiscal year 1986, pursuant to Public Law 99-661, 1962; jointly, to the Committees on Armed Services, Small Business, and Interior and Insular Affairs.

1224. A letter from the Secretary of Health and Human Services, transmitting the annual report on the implementation of the Indian Health Care Improvement Act during fiscal year 1985, pursuant to 25 U.S.C. 1671; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Apr. 9, 1987, the following report was filed Apr. 10, 1987]

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 28. A bill to limit the number of days a depository institution may restrict the availability of funds which are deposited in any account; with an amendment (Rept. 100-52). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Apr. 9, 1987, the following report was filed on Apr. 14, 1987]

Mr. ASPIN: Committee on Armed Services. House Resolution 132. Resolution directing the Secretary of Defense to provide to the House of Representatives documents prepared or certain report requirements in the 1986 and 1987 Department of Defense Authorization Acts relating to the Strategic Defense Initiative Program and the antiballistic missile treaty; with amendment (Rept. 100-53). Referred to the House Calendar.

[Pursuant to the order of the House on Apr. 9, 1987 the following reports were filed on Apr. 15, 1987]

Mr. BROOKS: Committee on Government Operations. Report on preventing the granting of special issuance medical certificates to medically unfit pilots: FAA oversight (Rept. 100-54). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on improving the safety of air traffic control at Chicago's O'Hare International Airport: FAA oversight (Rept. 100-55). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on investigation of the Office for Civil Rights in the Department of Health and Human Services (Rept. 100-56). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on mismanagement of the Office of Human Development Services: undermining programs for children, the disabled, and the elderly (Rept. 100-57). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 1748. A bill to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes; with amendments (Rept. 100-58). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Apr. 21, 1987]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1963. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes. (Rept. 100-59). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT:

H.R. 2100. A bill to designate the border station at 9931 Guide Meridian, Lynden, WA, as the "Kenneth G. Ward Border Station"; to the Committee on Public Works and Transportation.

By Mr. FAUNTROY:

H.R. 2101. A bill to amend title 5, United States Code, to provide that a Federal employee who participates in the Government's health benefits program for a continuous period of 25 years or longer shall be eligible to continue enrollment as an annuitant, without regard to an interruption of less than 1 year during the 5-year period before separation; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.R. 2102. A bill to amend title 18, United States Code, to provide penalties for the manufacture, sale, and use of radar detectors; to the Committee on the Judiciary.

By Mr. KONNYU (for himself and Mr. Brown of Colorado):

H.R. 2103. A bill to amend part A of title IV of the Social Security Act to ensure that AFDC applicants and recipients will have available to them and their families a full range of employment, training, and supportive services, making it possible for such families to leave the welfare rolls and thereby producing a significant saving to taxpayers; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. OBERSTAR (for himself, Mrs. Collins, Mr. Hansen, Mrs. Roukema, Mr. Edwards of California, and Mr. Ridge):

H.R. 2104. A bill to amend the Internal Revenue Code of 1986 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that the revenues from such tax shall be divided among the general fund, the Federal Hospital Insurance Trust Fund under the Social Security Act, and research on tobacco-related diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAWYER:

H.R. 2105. A bill to strengthen the program for grants to States for dependent care programs, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL (by request):

H.R. 2106. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. WORTLEY (for himself, Mr. Nielson of Utah, Mr. Dyson, Mr. Towns, and Mr. Rangel):

H.R. 2107. A bill to amend title II of the Social Security Act, effective after fiscal year 1991, to protect the future benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself and Mrs. Johnson of Connecticut):

H.J. Res. 247. Joint resolution designating April 1987 as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

37. By the SPEAKER: Memorial of the Legislative Assembly of the State of North Dakota, relative to the establishment of the U.S. Monetary Commission; to the Committee on Banking, Finance and Urban Affairs.

38. Also, memorial of the Legislature of the State of Maine, relative to the speed limit on rural interstate highways; to the Committee on Public Works and Transportation.

39. Also, memorial of the General Assembly of the State of Iowa, relative to the Federal-Aid Highway Program; to the Committee on Public Works and Transportation.

40. Also, memorial of the Legislature of the State of Nevada, relative to the construction of the new atomic particle accelarator called the superconducting super collider; to the Committee on Science, Space, and Technology.

41. Also, memorial of the Legislature of the State of Mississippi, relative to the Price-Anderson Act; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows.

By Mrs. BOXER:

H.R. 2108. A bill for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 2109. A bill for the relief of Rosa Pratts; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. Russo, Mr. St Germain, Mr. Gilman, Mr. de Lugo, Mr. Ackerman, Mr. Scheuer, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Davis of Illinois, Mr. Wolf, Mr. Mineta, Mr. Flippo, Mrs. Boxer, and Mr. Conyers.

H.R. 84: Mr. Feighan, Mr. Hochbrueckner, and Mr. Borski.

H.R. 97: Mr. Stump.

H.R. 98: Mr. Stump.

H.R. 107: Mr. Stump.

H.R. 118: Mr. Skeen.

H.R. 345: Mr. Daniel.

H.R. 486: Mr. Miller of Washington and Mr. Vander Jagt.

H.R. 543: Mr. Lewis of Georgia, Mr. Tauzin, Mr. Traxler, Mr. MacKay, Mr. Markey, Mr. Clinger, Mr. Sikorski, and Mr. Pepper.

H.R. 628: Mr. Stark.

H.R. 637: Mr. Torres, Mr. Porter, Mr. Bonker, and Mr. Smith of Florida.

H.R. 743: Mr. Ford of Tennessee, Mr. Lagomarsino, and Mr. Chandler.

H.R. 746: Mr. Stangeland.

H.R. 758: Mr. Schulze, Mr. Ford of Tennessee, Mrs. Byron, Mr. Coleman of Missouri, Mr. Buechner, Mr. Hochbrueckner, Mr. Biaggi, Mr. Mfume, and Mr. Bonior of Michigan.

H.R. 762: Mr. Berman, Mr. Dymally, Mr. Beilenson, and Mr. Solarz.

H.R. 785:, Mr. Garica, Mr. Rangel, Mr. Espy, Mr. Solarz, Mr. Hayes of Illinois, and Mr. Howard.

H.R. 805: Mr. Stenholm.

H.R. 807: Mr. Levine of California.

H.R. 820: Mr. Edwards of Oklahoma.

H.R. 954: Mr. Rangel.

H.R. 959: Mr. Saxton, Mr. Dornan of California, Mr. Solarz, Mr. Robinson, Mr. Schulze, and Mr. Porter.

H.R. 976: Mr. Gejdenson.

H.R. 1049: Mr. Lewis of Georgia and Mr. Conyers.

H.R. 1120: Mr. Mfume and Mr. Clay.

H.R. 1143: Mr. DioGuardi, Mr. Solarz, Mr. Scheuer, Mr. Gilman, and Mr. Fish.

H.R. 1158: Mr. Boehlert and Mr. Roe.

H.R. 1163: Mr. Saxton and Mr. Edwards of Oklahoma.

H.R. 1181: Mr. Bustamante and Mr. Mfume.

H.R. 1202: Mr. Towns and Mr. Wortley.

H.R. 1234: Mr. Hawkins.

H.R. 1242: Mr. Daub.

H.R. 1249: Mr. Gilman.

H.R. 1293: Mr. Solarz, Mr. Eckart, and Mr. Fish.

H.R. 1339: Mrs. Bentley.

H.R. 1342: Mr. Rangel.

H.R. 1412: Mr. Rahall and Mr. DeFazio.

H.R. 1441: Mr. Upton, Mr. Thomas of California, Mrs. Smith of Nebraska, Mr. Bilirakis, Mr. Armey, Mr. Roe, Mr. Neal, Mr. Oberstar, Mr. Mineta, and Mr. Wolpe.

H.R. 1514: Mr. Fazio and Mr. Herger.

H.R. 1515: Mr. Fuster.

H.R. 1546: Mr. Scheuer.

H.R. 1560: Mr. Fazio, Mr. Buechner, Mr. Price of Illinois, Mr. Neal, Mr. Barnard, and Mr. Lancaster.

H.R. 1582: Mrs. Collins, Mr. Owens of New York, Mr. Dymally, Mr. Hayes of Illinois, Mr. Dellums, Mr. Kastenmeier, Mr. Dixon, Mr. Dowdy of Mississippi, Mr. Roybal, Mr. Espy, Mr. Stokes, Mr. Towns, Mr. Fauntroy, Mr. Rangel, Mr. Flake, Mr. Lewis of Georgia, Mr. Savage, Mr. Hawkins, Mr. Leland, and Mr. Mfume.

H.R. 1601: Mr. Eckart.

H.R. 1621: Mr. Lewis of Georgia, Mr. Solarz, Mr. Smith of Florida, and Mr. Garcia.

H.R. 1658: Mr. Brooks, Mr. Sweeney, Mr. Hall of Texas, Mr. Stenholm, Mr. Bustamante, Mr. Pickle, and Mr. Andrews.

H.R. 1732: Mr. Shaw.

H.R. 1738: Mrs. Bentley, Mr. Biaggi, Mr. Howard, Mr. Roe, and Mr. Smith of Florida.

H.R. 1808: Mr. Yatron, Mr. Coleman of Texas, and Mr. Studds.

H.R. 1829: Mr. Volkmer, Mr. Clinger, Mr. Bevill, and Mr. Towns.

H.R. 1830: Mr. Volkmer, Mr. Towns, Mr. Clinger, and Mr. Bevill.

H.R. 1873: Mr. de la Garza, Mr. Coleman of Texas, and Mr. Lewis of Georgia.

H.R. 1874: Mr. de la Garza, Mr. Coleman of Texas, and Mr. Lewis of Georgia.

H.R. 1878: Mr. Lagomarsino.

H.R. 1914: Mr. Walgren, Mr. Davis of Illinois, Mr. Yatron, Ms. Kaptur, Mr. Rahall, and Mr. Hiler.

H.R. 1948: Mr. Rangel.

H.R. 1953: Mr. Ballenger, Mr. Miller of Washington, Mr. Wortley, Mr. Lagomarsino, Mr. Gary of Illinois, Mr. Owens of New York, Mr. Robinson, Mr. DeFazio, Mr. Dwyer of New Jersey, Mr. Donald E. Lukens, Mr. Boulter, Mr. Dornan of California, Mr. Lujan, Mr. Weldon, Mr. Duncan, Mr. Bunning, Mr. Holloway, Mr. Herger, Mr. Hunter, Mr. Davis of Illinois, Mrs. Morella, Mr. Gallegly, Mr. Lowery of California, Mrs. Saiki, Mrs. Martin of Illinois, Mr. Rhodes, Mr. Lewis of California, Mr. Packard, Mr. Rowland of Connecticut, Mr. Gunderson, Ms. Snowe, Mr. Sundquist, Mr. Dannemeyer, Mr. Green, Mr. DeLay, Mr. Walker, Mr. Inhofe, Mr. Hastert, Mr. Thomas of California, Mr. Espy, Mr. Fazio, Mr. Lewis of Georgia, Mr. Edwards of Oklahoma, Mr. Mineta, Mr. Flake, Mr. Kennedy, and Mr. Swindall.

H.R. 1955: Mr. Boehlert, Mr. Badham, Mrs. Roukema, and Mr. Sundquist.

H.R. 1958: Mr. Biaggi, Mr. Richardson, Mr. Lewis of Georgia, Mr. Fawell, Mr. Penny, Mr. Owens of New York, Mr. Perkins, and Mr. Lancaster.

H.R. 2016: Mr. Towns.

H.J. Res. 13: Mr. Armey.

H.J. Res. 32: Mr. Coats, Mr. LaFalce, Mr. Frenzel, Mr. Roberts, Mr. Montgomery, Mr. Sabo, Mr. Scheuer, Mr. Schumer, Mr. Pickett, Mr. Panetta, Mr. McCollum, Mr. Pickle, Mr. Solarz, Mr. Spence, Mr. Tallon, Mr. Stokes, Mr. Tauke, Mr. Thomas of Georgia, Mr. Coleman of Missouri, Mr. Traficant, Mr. Torricelli, Mr. Watkins, Mr. Whitten, Mr. Wilson, Mr. Ray, Mr. Richardson, Mr. Wyden, Mr. Olin, Mr. Fascell, Mr. Young of Alaska, Mr. Anderson, Mr. Anthony, Mr. Boland, Mr. Broomfield, Mr. Rowland of Georgia, Mr. Akaka, Mr. Yatron, Mr. Sunia, Mr. Hammerschmidt, Mr. Daub, Mr. DioGuardi, Mr. Emerson, Mr. Kildee, Mr. Rodino, Mr. Hoyer, Mr. Bustamante, Mr. Stangeland, Mr. Hall of Texas, Mr. Weber, Mr. Miller of California, Mr. Goodling, Mr. Swindall, Mr. Valentine, Mrs. Patterson, Mr. Visclosky, Mr. Roth, Mr. Tauzin, Mr. DeFazio, Mr. Coyne, Mrs. Kennelly, Mr. Kemp, Mr. Sweeney, Mr. Jones of Tennessee, Ms. Kaptur, Mr. McCloskey, Mr. Moody, Mr. Morrison of Washington, Mr. Moorhead, Mr. Kasich, Mr. Wheat, Mr. Martin of New York, Mr. Aspin, Mr. Nichols, Mr. Volkmer, Mrs. Vucanovich, Mr. Oberstar, Mr. Chandler, Mr. Duncan, Mr. Fields, Mr. Hyde, Mr. Michel, Mr. Fawell, Mr. Gunderson, Mr. Carr, Mr. Molinari, Mr. Foglietta, Mr. Grant, Mr. Mavroules, Mr. Staggers, Mr. Kennedy, Mr. Wolpe, Mr. Pashayan, Mr. Bunning, Mr. Smith of New Jersey, Mr. Murtha, Mr. Davis of Michigan, Mrs. Martin of Illinois, Mr. Spratt, Mr. St Germain, Mr. Wylie, and Mr. Mazzoli.

H.J. Res. 67: Mr. Gejdenson, Mr. Tauzin, Mr. Coughlin, Mr. Traxler, Mr. Annunzio, Mr. Andrews, Mr. Berman, Mr. Gray of Pennsylvania, Mr. Vento, Mr. Moorhead, Mr. Hutto, Mr. Grandy, Mr. Towns, Mr. Rahall, Mr. McCloskey, Mr. Hunter, Mr. Thomas of Georgia, Mr. Gallo, Mr. Boland, and Mr. Owens of Utah.

H.J. Res. 90: Mr. Barnard,Mr. Hastert, Mr. Rodino, Mr. Livingston, Mr. MacKay, Mr. Callahan, Mr. Taylor, Mr. Gejdenson, Mr. Ballenger, and Mr. Rowland of Connecticut.

H.J. Res. 106: Mr. Lowry of Washington, Ms. Slaughter of New York, Mr. Harris, and Mr. Sundquist.

H.J. Res. 110: Mr. Brown of California.

H.J. Res. 132: Mr. YATRON, Mrs. MEYERS of Kansas, Mr. WILLIAMS, Mr. OBERSTAR, Mr. LENT, Mr. SMITH of Iowa, and Mr. GALLEGLY.

H.J. Res. 152: Mr. CALLAHAN, Mr. DIXON, and Mr. SPENCE.

H.J. Res. 158: Mr. BILBRAY, Mr. BENNETT, Mr. CROCKETT, Mr. DURBIN, Mr. GREEN, Mr. HAMMERSCHMIDT, Mr. JENKINS, Mr. LOWERY of California, Mr. QUILLEN, Mr. SCHAEFER, Ms. SNOWE, and Mr. WEBER.

H.J. Res. 176: Mr. JACOBS, Mr. GUNDERSON, Ms. KAPTUR, Mr. KOLTER, Mr. MFUME, Mr. FOGLIETTA, Mr. DYMALLY, Mr. CLAY, Mr. TRAXLER, Mr. McCLOSKEY, Mr. CARPER, Mr. SYNAR, Mr. PORTER, Mr. RAHALL, Mr. SMITH of Iowa, Mr. RODINO, Mr. TORRES, Mr. NOWAK, Mrs. BOXER, Mr. LEACH of Iowa, Ms. SLAUGHTER of New York, Mr. PEASE, Mr. YATRON, Mr. TRAFICANT, Mrs. SCHROEDER, Mr. HOWARD, Mr. BOUCHER, Mr. BONIOR of Michigan, and Mr. EVANS.

H.J. Res. 189: Mr. ANTHONY, Mr. AuCOIN, Mr. BOLAND, Mr. BUSTAMANTE, Mr. DAUB, Mr. DeLAY, Mr. DYMALLY, Mr. EMERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HOLLOWAY, Mrs. JOHNSON of Connecticut, Mr. LaFALCE, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. LUJAN, Mr. LUNGREN, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. MINETA, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PANETTA, Mr. QUILLEN, Mr. RUSSO, Mr. SCHAEFER, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. STANGELAND, Mr. SYNAR, Mr. TORRICELLI, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WEBER, and Mr. WOLPE.

H.J. Res. 190: Mr. BROOMFIELD, Mr. GORDON, Mr. GALLO, Mr. DeFAZIO, Mr. SUNDQUIST, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. FEIGHAN, Mr. BRUCE, Mr. COLEMAN of Texas, Mr. MOAKLEY, Mr. WEBER, Mr. LIPINSKI, Mr. EVANS, Mr. KEMP, Mrs. COLLINS, Mr. KOSTMAYER, Mr. NOWAK, Mr. WALGREN, Mr. DONNELLY, Mr. PEPPER, Mr. LANTOS, Mr. LENT, Mr. OWENS of Utah, Mr. DURBIN, Mr. McHUGH, Mr. GOODLING, Mr. BONKER, Mr. UDALL, Mr. BERMAN, Mr. COURTER, and Mr. TAUZIN.

H.J. Res. 197: Mr. SPENCE, Mrs. VUCANOVICH, Mr. SHAW, and Mrs. BENTLEY.

H.J. Res. 201: Mr. NEAL, Mr. BOSCO, Mr. DWYER of New Jersey, Mr. DARDEN, Mr. EARLY, Mr. MILLER of California, Mr. KEMP, Mr. NIELSON of Utah, Mr. LOWERY of California, Mr. RODINO, Mr. PICKLE, Mrs. BENTLEY, Mr. STOKES, Mr. MOLINARI, Mr. MURPHY, Mr. PACKARD, Mr. DURBIN, Mr. GEPHARDT, Mr. LEWIS of Florida, Mrs. COLLINS, Mr. HENRY, Mr. DIXON, Mr. WAXMAN, Mr. HUNTER, Mr. DENNY SMITH, Mr. CARR, Mr. KASTENMEIER, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. SAXTON, Mr. WATKINS, Mr. HAYES of Louisiana, Mr. PEPPER, Mr. HALL of Ohio, Mr. LEHMAN of California, Mr. BRENNAN, Mr. MADIGAN, and Mr. TOWNS.

H.J. Res. 207: Mr. BATEMAN, Mr. PICKETT, Mr. BLILEY, Mr. SISISKY, Mr. DANIEL, Mr. SLAUGHTER of Virginia, Mr. PARRIS, Mr. BOUCHER, Mr. WOLF, Mr. WISE, Mr. GRAY of Illinois, Mr. SKELTON, Mr. NICHOLS, Mr. McDADE, Mr. SPRATT, Mr. FASCELL, Mr. ROE, Mr. LEVIN of Michigan, Mr. BEVILL, Mr. de la GARZA, Mr. MURPHY, Mr. CLARKE, Mr. BATES, Mr. WYDEN, Mr. TALLON, Mr. VALENTINE, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. WILSON, Mr. MRAZEK, Mr. ROEMER, Mr. HARRIS, Mr. PRICE of North Carolina, Mr. RAY, Mr. JONES of Tennessee, Mr. HATCHER, Mr. DARDEN, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. LOWRY of Washington, Mr. JEFFORDS, Mr. SKEEN, Mr. GRANT, Mr. MONTGOMERY, Mr. DeFAZIO, Mr. SMITH of Florida, Mr. HOYER, Mr. BRUCE, Mr. ANDREWS, Mr. STAGGERS, Mrs. BOGGS, Mr. JOHNSON of South Dakota, Mr. MAVROULES, Mr. THOMAS of Georgia, Mr. ROSE, Mr. JENKINS, Mr. JONTZ, Mr. GREEN, Mr. Mollohan, Mr. ORTIZ, Mr. ROBINSON, Mr. CARPER, Mr. TORRES, Mr. MOODY, Mr. OWENS of Utah, Mr. McCLOSKEY, Mr. LAGOMARSINO, Mr. SHUMWAY, and Mr. LIPINSKI.

H. Con. Res. 6: Mr. STUMP.

H. Con. Res. 15: Mr. MacKAY, Mr. FLORIO, and Mr. EMERSON.

H. Con. Res. 32: Mr. BROWN of California.

H. Con. Res. 51: Mr. BOULTER, Mr. ROSE, and Mr. ECKART.

H. Con. Res. 70: Mr. TOWNS.

H. Res. 138: Mr. HAYES of Illinois, Mr. MANTON, and Mr. WHEAT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

28. By the SPEAKER: Petition of the Secretary General, North Atlantic Assembly, Brussels, Belgium, relative to a copy of the brochure "Annual Report and Policy Recommendations 1986"; to the Committee on Foreign Affairs.

29. Also, petition of the executive director, American Library Association, Chicago, IL, relative to the Office of Management and Budget's proposed privatization of the National Technical Information Service; to the Committee on Government Operations.

30. Also, petition of the City Council, City of the Colony, TX, relative to laws to discourage the sale of drugs to children; to the Committee on the Judiciary.

31. Also, petition of the secretary-treasurer, the American Bandmasters Association, Arlington, TX, relative to the Nation's official march; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1827

By Mr. BURTON of Indiana:

Page 29, line 8, strike out "$50,000,000" and all that follows through "(b)" in line 22.

Page 29, line 4, insert "(a)" before "Of the"; page 30, line 3, strike out "(c)" and insert in lieu thereof "(b)"; line 4, strike out "(b)" and insert in lieu thereof "(a)"; line 8, strike out "(d)" and insert in lieu thereof "(c)"; and line 18, strike out "(e)" and insert in lieu thereof "(d)".

SENATE—*Tuesday, April 21, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable William Proxmire, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*God of Abraham, Isaac, and Israel, God of our fathers, on this eighth day of Passover, we remember the song of the sea, from the Torah, sung by Moses and the people of Israel by the Red Sea, I will sing unto the Lord, for He hath triumphed gloriously * * * the Lord is my strength and song, and He is become my salvation: He is my God and I will prepare Him a habitation; my father's God and I will exalt Him.*—Exodus 15:1-2.

Savior, Lord, Deliverer, our hearts fill with gratitude and praise when we remember that You oppose all oppression. You are the author of freedom and You demand that Your people be free. We thank You that Jesus, in celebrating the Passover, inaugurated the Lord's Supper. With profound thanksgiving we remember that our Founding Fathers engraved this conviction on the cornerstone of America: "We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain inalienable rights. * * *" Mighty, triumphant God, may we never—never forget! In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, April 21, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, I would hope today that the Senate would proceed early, as was indicated on the day that the Senate went out for the Easter recess, with the consideration of the so-called fairness doctrine bill. There will be no rollcall votes before 2 o'clock. Of course, I always have to make an exception to that in the event that it becomes necessary to have a rollcall vote on parliamentary procedures such as motions to adjourn, motions to recess, or motions for the Sergeant at Arms to request the attendance of absent Senators. But I do not anticipate such today. But I do expect to finish the bill today. Probably there will be a rollcall vote, at least on final passage.

Then I would hope that the Senate would go to the wheat acreage diversion bill, H.R. 1157. That may take the better part of a day, or a day-and-a-half. But we should get started on that late today or by tomorrow.

ARMS CONTROL

Mr. BYRD. Mr. President, the Secretary of State has returned from meetings with the Soviet leadership, including General Secretary Gorbachev, and an air of hopeful expectation surrounds what appears to be some positive movement in arms control—at least in terms of the negotiations over missiles in the European theater.

The distinguished Speaker of the House, Mr. Wright, returned last night from a very successful trip to Moscow, and has expressed a cautious optimism on the prospects for a European missile pact. I join him in that sentiment.

I hope a fair and verifiable agreement, which enhances the strength and cohesion of NATO, is achievable—for its own sake and to give some momentum to arms control.

Mr. Gorbachev is playing hard-to-get on the question of accepting the President's invitation for an official visit to the United States, stating that he wants to be able to conduct business—in this case he is referring, apparently, to the conclusion of a treaty on the Euromissile question—before committing to a summit in the United States. The Soviets appear to be very forthcoming and cooperative, and have been quite creative on the Euromissile question.

However, Mr. Shultz was right to consult with the Allies, immediately, on the matter of the precise nature of an agreement covering short- and medium-range missiles in Europe. Such an agreement may pose political risks for the NATO Alliance. The prospect of a nuclear-free Europe seems on its face to be beyond criticism, to be a laudable goal, but the realities of the situation in Europe may make it a difficult one to achieve. President Reagan has made the centerpiece of his arms control strategy the end of the deterrence era, and has said he rejects the threat of mutual annihilation as the fulcrum of our strategy vis-a-vis the Soviet Union in the modern age. Again, this appears laudable. But in the short run, Mr. President, abandoning this NATO strategy of deterrence based on flexible response and forward defense may prove to be politically disadvantageous to the NATO Alliance under current conditions. What are those conditions?

First, the Soviet Union, our chief adversary, happens to be on the European Continent, along with its captive nations in the guise of the Warsaw Pact. Together they have a margin of conventional arms superiority over our NATO partners and ourselves, even taking into consideration the 353,000 U.S. troops stationed on the European Continent. They have a margin over NATO.

Second, without the deterrent pledge of nuclear weapons, and without the credible threat of NATO first use of nuclear weapons in the event of a Warsaw Pact invasion, our European allies could be subjected to intense political pressure. Can anyone doubt the Soviet Union has used such pressure in the past to attempt to intimidate individual European countries and to try to divide the alliance? An INF agreement which eliminated the capability for nuclear retaliation from European soil cannot be, per se, in our interest unless the threat to our allies is correspondingly reduced.

We should not push ourselves into a mad rush for an agreement which dis-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cards central tenets of alliance security which have worked for four decades. Let us strive for an agreement in Europe which stabilizes the nuclear systems on both sides, but does not damage the security of the West. The result of an agreement we sign with the Soviets must never be to help our adversary reach his prize goal of dividing NATO.

There are some clear-headed dispassionate thinkers, Mr. President, who have urged caution in this matter. The former National Security Adviser, Gen. Brent Scowcroft, who is highly respected in these matters, has written, yesterday in the Washington Post, that the "administration erred in the first place by proposing the zero option in 1981." Soviet exuberance in pushing the Secretary of State to agree to fine-sounding sweeping proposals in Moscow was rightly put in the "hold"—h-o-l-d, "hold"—box for the time being. If there is going to be a signing ceremony at an American summit, very careful analysis must be done, very careful preparation must be done in advance.

There is no room in Soviet-American relations for a second Reykjavik. The risks are too great for a repetition of the Iceland experience. The next weeks and months must be used as a precious commodity, used to build consensus within the administration, with the Congress, and with our allies on arms control issues. To have a chance for Senate approval, any agreement must advance our national security, and must make Europe more secure. It must help consolidate political consensus in the alliance.

I would caution the administration against racing into an agreement which is cosmetically attractive but, at bottom, works against the cohesion and steadfastness of the Atlantic alliance. I hope the sudden focus on a European pact does not obscure the need to get down to business on the future of intercontinental strategic forces. A demonstrable effort by the administration to reduce the Soviet offensive intercontinental missile imbalance, and to build a consensus on the acceptable parameters of testing a development of strategic defensive technologies and systems is overdue.

Sound proposals on all three negotiating tables should go forward simultaneously. In particular, renewed efforts must be made by the administration to advance the discussion in the area posing the greatest threat to the United States, Soviet strategic offensive systems. The President must not be content with only an agreement regarding the European theatre, an agreement which may contain risk for the security of the alliance if decoupled from vigorous efforts to reduce the strategic imbalance and divorced from considerations of conventional force imbalance.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized for 10 minutes.

GEN. MAXWELL TAYLOR—AMERICAN HERO

Mr. DOLE. Mr. President, America lost one its great patriots yesterday with the death of Gen. Maxwell D. Taylor. Throughout his distinguished 41-year career in the Army, he served his country with honor, dedication, and heroism.

A graduate of West Point in 1922, he moved on to a lifetime of high-level, high-responsibility positions in the Army: Superintendent at West Point; commander, U.S. forces in Berlin; commander, Eighth Army, South Korea; and Chairman, Joint Chiefs of Staff, to name but a few of his tough assignments. Presidents from both parties actively sought his advice and his keen understanding of global military affairs—a real testimony to the respect in which he was held.

But behind all the job titles and high ranking assignments was a man who loved his country; a man who spent his life working for the defense of America; and an authentic war hero who risked his life in the line of battle to defend our freedom.

Mr. President, General Taylor was a one-of-a-kind American. His patriotism and dedication will continue to inspire us.

BICENTENNIAL MINUTE

JOHN ADAMS DELIVERS INAUGURAL ADDRESS

Mr. DOLE. Mr. President, on April 21, 1789, 198 years ago today, John Adams delivered his inaugural address as the first Vice President of the United States in New York City. Senators, Ralph Izard and Caleb Strong conducted Adams into the Senate Chamber that day in the remodeled city hall at the corner of Wall and Nassau Streets. There, the Senate's first President Pro Tempore John Langdon addressed Adams, saying, "I have it in charge from the Senate, to introduce you to the Chair of this House, and also to congratulate you on your appointment to the office of Vice President of the United States of America." Then Langdon escorted Adams to the rostrum.

Adams gave a short prepared speech in which he identified the greatest problem that his new role as President of the Senate would pose for him: "Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates, than to preside in their deliberations." The job as the Senate's presiding officer required that Adams behave counter to his every instinct and passion: Time after time he rushed into action, only to be forced to check himself. Time after time he tried in vain to hold his tongue. As the first Senate labored to establish precedents of protocol and conduct, Adams was most vociferous as he campaigned endlessly for elaborate titles and ceremonies.

For the next 8 years Adams chafed in a job for which, for the only time in his life, he really felt unsuited. He had, however, the satisfaction of often exercising one of his only constitutionally mandated powers—breaking tie votes. During his service as Vice President, John Adams cast 29 tie breaking votes, more than any of his 42 successors in that position.

INF AND NUCLEAR TESTING ISSUES

MEETING WITH PRESIDENT

Mr. DOLE. Mr. President, this morning, the Republican congressional leadership met with the President to discuss the budget and arms control issues. I want to say just a few words now about the arms control aspects of our meeting—and specifically, about the issues of an INF agreement and nuclear testing.

CAUTIOUSLY HOPEFUL ON INF

On the INF issue, my view—and I think the President's—is one of very cautious optimism. There has been some progress. But I have learned one thing watching the Soviets: Let us not count our chickens until they are hatched. And even then, let us make sure we look those little birds over very carefully—to see if they are the kind we really want to put on the dining room table.

Even in the best of circumstances, we are going to have to have more months of negotiations before we sign anything. So let us keep our feet on the ground; and let us not put pressure on the President to "buy" a deal prematurely.

THE FIRST PRIORITY: VERIFICATION

But we can, and should, ask right now: What kind of agreement do we want? We discussed that with the President this morning, and will be discussing it with other administration officials, with Senators, Members of Congress, and others in the coming days and weeks.

The first priority, in my mind, is good verification. The people in the

Kremlin who are responsible for Afghanistan and Angola; who trash the Helsinki accords, and troop out prostitutes as modern-day Mata Hari's; who have violated every arms control treaty they have ever signed—those are not the kind of people whose word I take for anything.

AGREEMENT MUST BE ZERO-ZERO

It seems to me, and to the experts I have talked to: On INF systems, it is much easier to verify an agreement with "zero-zero" limits than one that sets a higher limit for each side. Right now, the Soviets are willing to eliminate all longer range INF missiles in Europe. But they want to keep 100 in Asia. I do not think that is the way to go.

A flat zero-zero worldwide on these longer range systems makes verification much simpler. It makes much more sense in terms of the security of our non-European allies. And, finally, zero-zero avoids the troubling issue of where in the United States to station our missiles. So, verification, first and foremost.

THE MILITARY BALANCE IN EUROPE

Then, second, what does the agreement do to the overall military balance? One thing is clear to me: If we eliminate all of our intermediate-range weapons—our Pershing II missiles and our ground-launched cruise missiles—all Soviet INF forces have to go, too. They now have more INF systems than we do. They alone have shorter range INF missiles. But the end result must be zero-zero on all INF systems.

And let me emphasize: When I say zero-zero, I am talking about zero-zero global—in Europe, and in the Soviet Union as well. Otherwise, there should be no deal, period.

THE UNITED STATES AND EUROPE'S DEFENSE

Third, what would be the impact of any agreement on the NATO alliance? If we take our INF forces out of Europe, do we "delink" our defense from the defense of Western Europe? As hard as it might be for us to imagine a full-scale Soviet assault in Europe without a United States response, many Europeans do worry about it. So under prevailing military circumstances; and to minimize every possible risk or misperception, whether by the Soviets or our allies—it is important that we sign no agreement which would compromise a credible United States nuclear presence in Europe.

A "nuclear-free Europe" sounds great—until you really analyze it. The fact is, we need some nuclear weapons in Europe. Those weapons do not endanger the peace; they keep it.

Now, even under the kind of agreement being talked about, at a minimum: The independent British and French nuclear forces would remain. We would keep about 4,500 tactical, battlefield nuclear warheads. We would have European-based bombers. And, on those bombers, remember: As Stealth technology is incorporated, their effectiveness is likely to increase dramatically. And, of course, we do have major nuclear forces just offshore in Europe—aircraft carriers and other ships, carrier-based planes, and cruise missiles.

As far as I am concerned, at an absolute minimum, none of the forces I have just listed should be on the bargaining table. And none should be put on the table—until we do something about the enormous advantage the Soviets now have in conventional forces in Europe.

PRESERVING SDI

Finally, we shouldn't be signing any agreement which compromises our right to pursue the strategic defense initiative, SDI. At one time, the Soviets were conditioning any other arms control agreement—including an INF agreement—on our willingness to close down the SDI shop. But we stuck to our guns.

SDI has been called many things: From space shield to pie-in-the sky; from bargaining chip, to the killer of arms control. But in the end, SDI boils down to two very down-to-Earth concepts.

SDI AND STRATEGIC STABILITY

First, if the Soviets know a first strike will not work—because SDI is there and capable of preserving our ability to strike back—then there will be no first strike. And we will have achieved the bottom-line goal of our whole nuclear strategy.

Second, if the Soviets know that we have the resources, the technology, and the will to develop SDI—then they should realize the futility of further offensive arms buildups. That can open the door to the possibility of major strategic arms reductions.

That is why we need to pursue SDI. That is why we cannot just give it away, or bargain it away—or legislate it away.

NUCLEAR TESTING

Let me just say one final word, about another, related issue discussed in Moscow—nuclear testing. We have before us in the Senate two nuclear testing treaties: The Threshold Test Ban Treaty [TTBT], and the Peaceful Nuclear Explosions Treaty [PNET]. And what happened in Moscow, it seems to me, bears directly on how the Senate ought to act on those two treaties.

There is not much debate that those two treaties, if faithfully implemented, would well serve the interests of the United States. The issue is whether or not we can be sure the Soviets would live up to their obligations; whether they would keep their word; whether the treaties could be verified. That's the issue.

Now, there are a number of ways to skin that particular cat. In submitting the treaties for Senate advice and consent, the President came up with one: Any verification procedures worked out with the Soviets would have to come to the Senate for approval before the treaties would go into effect. Senate Republicans came up with an acceptable variant on the same theme: Let us get the verification procedures clearly in place before we give advice and consent in the first place.

Either formula was acceptable to me and—I believe—to the President. The key was this: We have all had enough of buying a "pig in the poke." Let us get all the "i's" dotted and all the "t's" crossed before signing. That is the basic point, and the one we ought to act by.

Now, there were some around the Senate who had a different idea. For them, the fact of a treaty—getting it signed; getting it ratified; and getting it all done by a certain date—that seemed to be the paramount thing.

Now, I do not quarrel with the motives of any of my colleagues. But I do quarrel with the result we would achieve if we approved those treaties before—and I emphasize before—we know they can be verified.

The President did the right thing—and Senate Republicans are doing the right thing—in insisting on verification, nailed down tight, first. When, and only when, that is accomplished—then we can put the treaties in effect.

MOSCOW TALKS UNDERSCORE IMPORTANCE OF VERIFICATION

It seems to me that Secretary Shultz' recent discussions on testing in Moscow reaffirmed the good sense of that approach.

Some progress may have been made. We have broached the idea of each side—the United States and the Soviet Union—conducting a test at each other's test site—to assure that we could effectively monitor and evaluate each other's tests. If we could reach that agreement, we would take a big step forward toward an acceptable verification regime.

But so far, we do not have that agreement. We have an idea. Both sides are exploring the idea. And we have the Soviets—as usual—sending out mixed signals. But we do not yet have a signed-and-sealed agreement.

Until we do—either on the immediate question of having these tests; or on the broader verification question—then we have no agreement; at least, no agreement that I will support, and which the Senate will support.

It is just this simple: We want to give advice and consent to the nuclear testing treaties; we want to do it soon. But we do not want to do it any sooner than is right—for the Senate, and for the security of the United States.

The President is to be commended for pursuing the question of verification of nuclear testing so aggressively with the Soviets. We all hope the ongoing negotiations will bring success.

But we serve no one's cause, except the Soviets', if we push for actually approving treaties before they are ready for final approval.

Mr. President, I did not have an opportunity to hear the distinguished majority leader earlier, but I would say that there is a lot of work yet to be done before there is any agreement. Anyone who believes that Secretary Shultz made some agreement is totally mistaken. There are going to be weeks and weeks and months and months of discussion on this floor, in committees, with the President, with experts in the field. As I said at the outset, I think there is some room for cautious optimism, and that is about as far as I would go at this point.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. BYRD). The distinguished Senator from Wisconsin is recognized.

SENATE BANKING BILL PUTS NATION'S FINANCIAL FRAMEWORK UP TO THE CONGRESS

Mr. PROXMIRE. Mr. President, the Washington Post on April 6 issued a challenge to the Congress to step up to the plate and write legislation that brings our banking laws up to date. In an editorial labeled "The bankers' Lament," the Post reacted to the recent banking bill passed by this body. And it reacted constructively. The editorial commented specifically on the section of that bill that provided for a 1-year moratorium on new bank powers. The editorial commented that in passing this moratorium the Senate was saying that it has not thought its way through the question of what new securities powers the banks should have. But we were saying the financial world is changing and one way or another the banks have to respond to these changes. The editorial also points out that the powers that banks have are being redefined right now. "It's happening not by any rational plan but through a process of picking loopholes in obsolete laws." The editorial concludes with this clear challenge to this Congress:

> The only justification for enacting it (the moratorium) into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within the next year. Otherwise this moratorium would be a mere procrastination.

To which this Senator says: "Amen."

Having said as much, Mr. President, this Senator does not underestimate the long uphill climb necessary to enact such a reform. In the 30 years experience this Senator has had on the Banking Committee, I have learned that no matter how much the Senate provides for the banks, it will not be enough for many of them. And no matter how little we provide in new powers for the banks it will be too much for the securities dealers, the real estate interests, and the insurance business. I have also learned that there is nothing easier in facing this kind of legislative problem than doing nothing.

So what practical steps could the Congress take the rest of this year to provide for a modernization of our financial legislation that would improve the economic world for depositors, borrowers, home buyers, and investors as well as a fair chance to compete for the various supplies of these financial services?

First, there are some powers now denied to banks simply because some of the legislation governing bank participation was enacted before the activities came into existence. If these activities do not adversely affect the safety and soundness of banks or involve a conflict of interest why should not banks be allowed to offer these services? I refer specifically to such powers as the legal right to underwrite revenue bonds. At the time of Glass-Steagall, revenue bonds were of virtually no consequence. General obligation bonds were of consequence and Glass-Steagall permitted banks to underwrite them. Revenue bonds are generally of equal, sometime superior, safety to general obligation bonds. Today the annual volume of revenue bonds underwriting is in the hundreds of billions of dollars. It is very big business. Banks should be allowed in.

Then there are mortgage-backed securities—a bond backed by a pool of mortgages. Here is another security that has only flourished in a significant way in the past 4 or 5 years, actuall very recently. Again there would be no safety and soundness and no conflict of interest involved if banks were permitted to underwrite. And banks could bring a special expertise to the process. After all, banks' knowledge of mortgage lending is far greater than that of the investment banking houses that now underwrite these securities.

And how about permitting banks to underwrite commercial paper? Is it not true that the most common activity of banks is making commercial loans? This is their business. And what is commercial paper? It is a substitute for short-term commercial loans. Excluding banks from this activity removes a highly competent agency. Bank participation in the commercial paper market raises no safety and soundness or conflict of interest problem.

What reason is there to exclude banks from selling mutual funds? By their very nature mutual funds are diversified. That generally makes them safer than investments tied to a single specific institution. The diversification also mitigates any conflict of interest problem. So here again it seems that banks should be allowed entry.

On the other hand, should banks be excluded from underwriting long-term debt or equity of a specific corporation? This Senator has an open mind on this issue. Such debt can be and often is unsafe. A bank that underwrites such debt—when the issuing corporation goes sour—may be tempted to unload the securities onto its trust accounts. Was not this precisely the situation that brought on the Glass-Steagall Act as well as much other security legislation in the early 1930's? Bankers believe that the situation has changed since the Great Depression. They should be challenged to make their case.

It may be that the Congress after establishing a record in hearings and in committee and floor debate will give banks one or two of the enumerated powers or all of them or none of them. Whatever the result, and however the Congress decides, the orderly policy of parliamentary deliberation should provide a far better framework for our financial legislation than the "process of picking loopholes in obsolete laws" as the Post put it.

If the moratorium provided in the Senate bill—but omitted by the House—holds in the conference between the House and the Senate and the President signs the legislation, the Congress will have until March 5, 1988, to act. If we fail to act, the American people who use our financial markets will be the losers.

Mr. President, I ask unanimous consent that the editorial to which I referred from the April 6, 1987, issue of the Washington Post be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1987]

BANKERS' LAMENT

The banks' campaign to diversify their business is not going well. They want to get into insurance, real estate and, above all, securities. Their lawyers have been pressing the regulators to let them go ahead. But the Senate has now passed an 11-month moratorium against any further expansion into these greener fields.

The Senate was responding to the shrieks of protest from the people whose turf is threatened—the securities industry, and the insurance and real estate agents. But it is also deeply uneasy about the haphazard and piecemeal way that banks' powers are being redefined. It's happening not by any rational plan but through a process of picking loopholes in obsolete laws. The senators are right to worry about the stability of the result.

The banks argue, with good reason, that conventional lending is becoming less profitable for them. Many borrowers can now raise loans by selling securities directly to investors in Wall Street. That cuts out the banks. They want to follow their customers into the securities market. Fair enough, but there's another side to the case. The economy is now in the fifth year of expansion, interest rates are (by the standards of the 1980s) low, and the stock market is booming. Yet amid all that prosperity, bank failures are currently running at the highest level since the Depression. If that many bankers have got themselves into serious trouble through misjudgments in lending, the part of the business they know best, it's fair to ask whether admitting banks to new and unfamiliar kinds of businesses will necessarily make them stronger and sounder.

In principle, there's a good case for letting the banks go into other financial businesses—but only with certain careful conditions. If banks are to underwrite securities, they should not be permitted to do it with federally insured deposits. Deposit insurance would act as a subsidy to which the other players in the securities game don't have access. The tie-in rules need to be sharper and clearer. A bank should not be permitted to make a loan to a company contingent on, let's say, getting that company's insurance business. And in these exciting new ventures, how safe will the customers' deposits be? In passing the moratorium, the Senate was saying that it hasn't thought its way through these questions. But the financial world is changing and, one way or another, the banks have to respond to those changes.

The House is apparently going to pass a bill with no reference to a moratorium, leaving the final decision on it to the conference committee. The only justification for enacting it into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within the next year. Otherwise, this moratorium would be mere procrastination.

FINANCIAL HOLDINGS OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1970, and yearly since 1972, I have submitted for the RECORD a history of my financial holdings from the time I was first elected to the Senate in 1957 until April of 1986. In order to bring the full record up to date, I submit herewith the history of my financial holdings since April of 1986.

My assets include ownership of a home in Madison, WI, on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, DC, on which I owe a mortgage to the Perpetual American Bank; ownership of a 1980 automobile; ownership of one checking account in a Washington, DC bank; one checking account in a Madison, WI, bank, and one savings account in a Madison, WI, bank. I hold State and municipal bonds totaling $65,000 and two Shearson Lehman Managed Municipal Fund accounts totaling $79,685.

I estimate my net worth to be about $680,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

I herewith submit a balance sheet showing my net worth and how it was arrived at and a copy of my 1986 Federal income tax return.

I paid $35,384 to the Federal Government in taxes on my 1986 income. In addition, I paid $10,375 to the State of Wisconsin on 1986 income. My wife and I also paid $2,706 to the District of Columbia in income taxes; $6,347 to the District and to Madison in property taxes and $864 in sales taxes for a total payment of $55,676 in 1986 taxes. My taxable income in 1986 was $109,068.

I ask unanimous consent that the balance sheet and copy of my 1986 Federal tax return be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Net worth of Senator William Proxmire as of April 1987

Municipal and State bonds	$65,000
2 checking and 1 savings account:	
National Bank of Washington	633
Madison, WI checking (approx.)	1,300
Madison, WI savings	5,813
Shearson Lehman Managed Municipal Fund No. 1	62,696
Shearson Lehman Managed Municipal Fund No. 2	16,989
1980 Buick Regal (blue book retail value)	2,800
3097 Ordway St. NW:	
Assessed value	434,304
Mortgage value	−49,974
Furnishings	25,000
118 Bradford Lane, Madison, WI:	
Assessed value	48,500
Mortgage value	−33,000
Cash deposit in Civil Service retirement	99,963
Total	680,024

U.S. INDIVIDUAL INCOME TAX RETURN 1986

William and Ellen H. Proxmire, 118 Bradford Lane, Madison, WI.

Presidential Election Campaign: Do you want $1 to go to this fund? Yes. If joint return, does your spouse want $1 to go to this fund? Yes.

Filing Status: 2. Married filing joint return (even if only one had income).

Exemptions:

6a. Yourself; 65 or over.

b. Spouse.

c. First names of your dependent children who lived with you: Douglas.

f. Total number of exemptions claimed (also complete line 36), 4.

Income:

7. Wages, salaries, tips, etc. (attach Form(s) W-2), $130,910.

8. Interest income (also attach Schedule B if over $400), $537.

9a. Dividends (also attach Schedule B if over $400), $616.

10. Taxable refunds of state and local income taxes, if any, from the worksheet on page 9 of instructions, $525.

12. Business income or (loss) (attach Schedule C), $17,500.

13. Capital gain or (loss) (attach Schedule D), $1,048.

18. Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E), −$3,452.

21a. Social security benefits (see page 10), $13,510.

b. Taxable amount, if any, from worksheet on page 11. (Tax-exempt interest, $3,469), $6,755.

23. Add the amounts shown in the far right column for lines 7 through 22. This is your total income, $154,439.

Adjustments to Income:

25. Employee business expenses (attach Form 2106), $6,950.

26. IRA deduction, from the worksheet on page 12, $2,000.

30. Deduction for a married couple when both work (attach Sch. W), $3,000.

31. Add lines 24 through 30, $11,950.

Adjusted Gross Income:

32. Subtract line 31 from line 23. This is your adjusted gross income. If this line is less than $11,000 and a child lived with you, see "Earned Income Credit" (line 58) on page 16 of instructions. If you want IRS to figure your tax, see page 13 of instructions, $142,489.

Tax Computation:

33. Amount from line 32 (adjusted gross income), $142,489.

34a. If you itemize, attach Schedule A (Form 1040) and enter the amount from Schedule A, line 26, $29,101.

35. Subtract line 34a or line 34d, whichever applies, from line 33, $113,388.

36. Multiply $1,080 by the total number of exemptions claimed on line 6f (see page 14), $4,320.

37. Taxable Income. Subtract line 36 from line 35. Enter the result (but not less than zero), $109,068.

38. Enter tax here. Check if from (Tax Rate Schedule X, Y, or Z, or), $35,484.

40. Add lines 38 and 39. Enter the total, $35,484.

Credits:

43. Partial credit for political contributions for which you have receipts, $100.

44. Add lines 41 through 43. Enter the total, $100.

45. Subtract line 44 from line 40. Enter the result (but not less than zero), $35,384.

49. Subtract line 48 from line 45, $35,384.

Other Taxes:

55. Add lines 49 through 54. Total tax, $35,384.

Payments:

56. Federal income tax withheld, $39,147.

57. 1986 estimated tax payments and amount applied from 1985 return, $6,420.

63. Add lines 56 through 62. Total payments, $45,567.

Refund or Amount You Owe:

64. If line 63 is larger than line 55, enter amount overpaid, $10,183.

65. Amount of line 64 to be refunded to you, $10,183.

SCHEDULE A—ITEMIZED DEDUCTIONS

Name(s) as shown on Form 1040:

William and Ellen H. Proxmire.

Medical and Dental Expenses:

2a. Doctors, dentists, nurses, hospitals, insurance premiums you paid for medical and dental care, etc., $2,081.

c. Other (list—include hearing aids, dentures, eyeglasses, etc.) eyeglasses, $234.

3. Add lines 1 through 2c, and enter the total here, $2,315.

4. Multiply the amount on Form 1040, line 33, by 5% (.05), $7,124.

Taxes You Paid:

6. State and local income taxes, $13,593.

7. Real estate taxes, $4,968.

8a. General sales tax (see sales tax tables in instruction booklet), $864.

10. Add the amounts on lines 6 through 9. Enter the total here. Total taxes, $19,425.

Interest You Paid:

11a. Home mortgage interest paid to financial institutions, $4,211.

13. Other interest you paid: Bk of Wilmington, $1,917; NBW, $1,168; see attached, $2,250.

14. Add the amounts on lines 11a through 13. Enter the total here. Total interest, $9,546.

Contributions You Made:

15a. Cash contributions. (If you gave $3,000 or more to any one organization, report those contributions on line 15b.) See attached, $1,740.

18. Add the amounts on lines 15a through 17. Enter the total here. Total contributions, $1,740.

Miscellaneous Deductions:

21. Tax return preparation fee, $1,500.

22. Other: Senate office exp., $71; see attached 2106, $489.

23. Add the amounts on lines 20 through 22. Enter the total here. Total miscellaneous, $2,060.

Summary of Itemized Deductions:

24. Add the amounts on lines 5, 10, 14, 18, 19, and 23. Enter your answer here, $32,771.

25. If you checked Form 1040 (Filing Status box 2 or 5, enter $3,670. Filing Status box 1 or 4, enter $2,480. Filing Status box 3, enter $1,835.), $3,670.

26. Subtract line 25 from line 24. Enter your answer here and on Form 1040, line 34a. (If line 25 is more than line 24, see the instructions for line 26 on page 22.), $29, 101.

William and Ellen H. Proxmire.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Part I Interest Income:

2. Other interest income: DC Natl Bk, $293; United Bk 271-601, $150; United Bk 176-014; $94.

3. Add the amounts on lines 1 and 2. Enter the total here and on Form 1040, line 8, $537.

Part II Dividend Income:

4. Dividend income: Shearson—81054, $1,901; Shearson—81713, $364.

5. Add the amounts on line 4. Enter the total here, $2,265.

6. Capital gain distributions. Enter here and on line 13, Schedule D, $1,649.

8. Add the amounts on lines 6 and 7. Enter the total here, $1,649.

9. Substract line 8 from line 5. Enter the result here and on Form 1040, line 9a, $616.

Part III Foreign Accounts and Foreign Trusts:

10. At any time during the tax year, did you have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See pages 23 of the instructions for exceptions and filing requirements for Form TD F 90-22.1.) No.

11. Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? If "Yes," you may have to file Forms 3520, 2520-A, or 926. No.

SCHEDULE C—PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Name of proprietor:

William Proxmire.

A. Principal business or profession, including product or service (see instructions): Speaker services.

B. Principal business code (from page 2): 7880.

C. Business name and address: Sen. William Proxmire, SD 530 Dirksen Bldg., Washington, DC 20510.

F. Accounting method: Cash.

G. Was there any change in determining quantities, costs, or valuations between opening and closing inventory? No.

H. Did you deduct expenses for an office in your home? No.

Part I Income:

1a. Gross receipts or sales, $17,600.

c. Subtract line 1b from line 1a and enter the balance here, $17,600.

3. Subtract line 2 from line 1c and enter the gross profit here, $17,600.

5. Add lines 3, 4a, and 4b. This is the gross income, $17,600.

Part II Deductions:

25. Taxes (Do not include windfall profit tax here See line 29.), $100.

31. Add amounts in columns for lines 6 through 30d. These are the total deductions, $100.

32. Net profit or (loss). Subtract line 31 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, line 2 (or line 5 of Form 1041 or Form 1041S). If a loss, you must go on to line 33, $17,500.

SCHEDULE D—CAPITAL GAINS AND LOSSES AND RECONCILIATION OF FORMS 1099-B

Name(s) as shown on Form 1040: William and Ellen H. Proxmire.

1. Report here, the total sales of stocks, bonds, etc., reported for 1986 by your broker to you on Form(s) 1099-B or an equivalent substitute statement(s), $20,507.

Part II Long-term Capital Gains and Losses—Assets Held More Than Six Months:

9a. Form 1099-B Transactions (Sales of Stocks, Bonds, etc.):

5000 SH—NJ Health, 6/15/76, 4/14/86: Sales price, $4,900; cost or other basis, $5,039; loss $139.

Shearson Municipal, 7/10/85, 6/04/86: Sales price, $3,500; cost or other basis, $3,339; gain, $161.

Shearson Municipal, 7/10/85, 8/08/86: Sales price, $7,000; cost or other basis, $6,566; gain, $434.

Shearson Municipal, 7/10/85, 9/04/86: Sales price, $400; cost or other basis, $364; gain, $36.

Shearson Municipal, 7/10/85, 12/15/86: Sales price, $4,707; cost or other basis, $4,227; gain, $480.

9b. Total (add column (d)), $20,507.

13. Capital gain distributions, $1,649.

16. Add all of the transactions on lines 9a and 9c and lines 10 through 15 in columns (f) and (g): Loss, $139; gain, $2,760.

17. Net long-term gain or (loss), combine columns (f) and (g) of line 16, $2,621.

Part III Summary of Parts I and II:

18. Combine lines 8 and 17, and enter the net gain or (loss) here, $2,621.

19. If line 18 shows a gain, enter the smaller of line 17 or line 18. Enter zero if there is a loss or no entry on line 17, $2,621.

20. Enter 60% of line 19, $1,573.

21. Subtract line 20 from line 18. Enter here and on Form 1040, line 13, $1,048.

SCHEDULE E—SUPPLEMENTAL INCOME SCHEDULE

Name(s) as shown on Form 1040: William and Ellen H. Proxmire.

Part I Rental and Royalty Income or (Loss):

Property A: MAD, WISC-118 Brad. No.

Rental and Royalty Income:

3a. Rents received, $4,680.

Rental and Royalty Expenses:

8. Insurance, $204.

10. Mortgage interest paid to financial institutions (see Instructions), $4,959.

14. Taxes (Do not include windfall profit tax here. See Part III, line 34.), $1,379.

18. Total expenses other than depreciation and depletion. Add lines 4 through 17, $6,542.

19. Depreciation expense (see Part V Instructions), or depletion (see Publication 535), $1,590.

20. Total. Add lines 18 and 19, $8,132.

21. Income or (loss) from rental or royalty properties. Subtract line 20 from line 3a (rents) or 3b (royalties), −$3,452.

23. Add properties with losses on line 21, and enter the total (losses) here, −$3,452.

24. Combine amounts on lines 22 and 23, and enter the net profit or (loss) here, −$3,452.

26. Total rental or royalty income or (loss). Combine amounts on lines 24 and 25, and enter the total here. If Parts II and III on page 2 do not apply to you, enter the amount from line 26 on Form 1040, line 18. Otherwise, include the amount from line 26 in line 36 on page 2 of Schedule E, −$3,452.

Part IV Summary:

36. Total Income or (loss). Combine lines 28, 30, 32, and 35. Enter total here and on Form 1040, line 18, −$3,452.

SCHEDULE W—DEDUCTION FOR A MARRIED COUPLE WHEN BOTH WORK

Names as shown on Form 1040: William and Ellen H. Proxmire.

Step 1 Figure your earned income:

1. Wages, salaries, tips, etc., from Form 1040, line 7 (do not include pensions or annuities reported on Form 1040, line 16 or lines 17a and 17b): You, $75,100; your spouse, $55,810.

2. Net profit or (loss) from self-employment (from Schedules C and F (Form 1040), Schedule K-1 (Form 1065), and any other earned income): You, $17,500.

3. Add lines 1 and 2. This is your total earned income: You, $92,600; your spouse, $55,810.

Step 2 Figure your qualified earned income:

4. Add amounts entered on Form 1040, lines 25, 26, 27, and any repayment of supplemental unemployment benefits (sub-pay) included on line 31. Enter the total (see instructions below): You, $3,000; your spouse, $5,950.

5. Subtract line 4 from line 3. This is your qualified earned income. If the amount in column (a) or (b) is zero (-0-) or less, stop here. You may not take this deduction: You, $89,600; your spouse, $49,860.

Step 3 Figure your deduction:

6. Compare the amounts in columns (a) and (b) of line 5 above. Enter the smaller amount here. (Enter either amount if 5(a) and 5(b) are the same.) Do not enter more than $30,000, $30,000.

7. Percentage used to figure the deduction (10%).

8. Multiply the amount on line 6 by the percentage on line 7. This is the amount of your deduction. Enter the answer here and on Form 1040, line 30, $3,000.

FORM 2106—EMPLOYEE BUSINESS EXPENSES

William Proxmire.

Part I Employee Business Expenses Deductible in Figuring Adjusted Gross Income:

4. Travel expenses while away from home overnight including meals, lodging, airline, car rental, taxi, etc., $3,000.

7. Add lines 1 through 6, $3,000.

9. If line 7 is more than line 8, enter difference here and on form 1040, line 25 and incl. it on form 1040, ln 7, $3,000.

FORM 2106—EMPLOYEE BUSINESS EXPENSES

Ellen H. Proxmire

Part 1: Employee Business Deductible in Figuring Adjusted Gross Income:

1. Vehicle expenses from Part II, lines 15 or 22, $3,950.

7. Add lines 1 though 6, $3,950.

9. If line 7 is more than line 8, enter difference here and on form 1040, line 25 and incl. it on form 1040, ln 7, $3,950.

Part II: Vehicle Expenses (Use either your actual expenses or the standard mileage rate):

Section A.—General Information:

2. Total mileage vehicle was used during 1986, 8,000 miles.

3. Miles included on line 2 that vehicle was used for business, 5,600 miles.

4. Percent of business use (divide line 3 by line 2), 70 percent.

5. Average daily round trip commuting distance, 5 miles.

6. Miles included on line 2 that vehicle was used for commuting, 1,250 miles.

7. Other personal mileage (subtract line 6 plus line 3 from line 2), 1,150 miles.

8. Do you (or your spouse) have another vehicle available for personal purposes? Yes.

9. If your employer provided you with a vehicle, is personal use during off duty hours permitted? Not applicable.

10. Do you have evidence to support your deduction? Yes. If yes, is the evidence written? Yes.

Section C.—Actual Expenses:

16. Gasoline, oil, repairs, vehicle insurance, etc. See attchd. $5,643.

19. Add lines 16 through 18, $5,643.

20. Multiply line 19 by the percentage on Part II, line 4, $3,950.

22. Add lines 20 and 21. Enter total here and on Part I, line 1, $3,950.

FORM 4562—DEPRECIATION AND AMORTIZATION

Names(s) as shown on return:

Section C.—Depreciation of Nonrecovery Property:

8. Other depreciation (see instruction), $1,590.

Section D.—Summary:

10. Total (add deductions on lines 3 through 9). Enter here and on the Depreciation line of your return (Partnerships and S corporations—Do NOT include any amounts entered on line 3), $1,590.

FORM 4952—INVESTMENT INTEREST EXPENSE DEDUCTION

Name(s) as shown on return: William and Ellen H. Proxmire.

Kind of return: Individual.

Part II: Interest on Investment Debts Incurred After September 10, 1975:

5. Interest expense on investment debts incurred after September 10, 1975, $4,959.

7. Total investment interest expense (add lines 5 and 6), $4,959.

8a. Individuals enter $10,000 ($5,000 if married filing separately), $10,000.

10a. Total net investment income (amount from line 4 if Part I is used) $2,660.

11. Excess expenses from "net lease property", $1,862.

12. Limitation on deduction (add lines 8(a), (b), 9, 10(b) and 11), $14,522.

13. Allowable investment interest deduction—enter the smaller of line 7 or line 12 (see instructions), $4,959.

FORM 2106—SUPPLEMENTAL SCHEDULE

Auto expenses car 1	Amount
Gasoline, oil, repairs, etc	1,693
	3,950
Total to part II, line 16, form 2106	5,643

Other business expenses	Federal	State
Dues and publication	426	426
Entertainment	63	63
Total to itemized deductions	489	489
Total to part I, line 5, form 2106	0	0

EARNINGS

	Gross	Fed. wt.	FICA	St. wt.	City wt.
U.S. Senate (H)	75,100	27,406	3,003	5,618	
Washington, Inc (W)	55,810	11,741	3,003		
Total	130,910	39,147	6,006	5,618	

SCHEDULE A—ITEMIZED DEDUCTIONS SUPPORTING SCHEDULE—1986

Contributions	50 pct.	30 Pct.		20 pct.	Non-cash	Total
		Cap. gain	Other			
By check (H)	1,240					
By check (W)	500					
Total	1,740					1,740
Carryover	0					0
Allowable	1,740					
Alllowable contributions to schedule A, line 18						1,740

Interest expense

Payee	Home mortgage paid to individuals	Other
Credit cards		1,568
Marine Bank		682
Total to sched. A, line 11B	0	
Total to sched. A, line 13		2,250

NET INVESTMENT INCOME AND QUALIFIED NET INVESTMENT INCOME SCHEDULE

Description	Gross rent/royalty	Straight line deprec./cost depletion	Nontax pref. deprec. and depletion
Dividends—Net			
Mad., Wisc—118 Brad	4,680	1,590	1,590
Interest income—Net			
Cap. gain net income			

Description	Other allow. investment expenses	Net investment income loss	Qualify net investment income loss
Dividends—Net		616	616
Mad., WI—118 Brad	1,583	1,507	−3,452
Interest income—Net		537	537
Cap. gain net income			2,621
Total net investment income		2,660	
Total qualified net investment income			322

Name: Senator William and Ellen Proxmire. SSN: (H) [redacted].

Address: 118 Bradford Lane. SSN: (W) [redacted].

City, State, Zip: Madison, Wisconsin 53714.

CERTIFICATE

I hereby certify that I was in travel status in the Washington, D.C. area, away from my home state of Wisconsin, in the performance of my official duties as a Member of Congress for 226 days during the year 1986 and that my deductable living expenses while in such travel status amounted to $3,000.

(Signature of Member)

Note.—If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000.

MARK HATFIELD—SPOKESMAN FOR PEACE

Mr. PROXMIRE. Mr. President, from time to time the Senate is graced with an individual who stands out from the crowd—who makes a difference by his leadership and personal example. Paul Douglas was such a man. So was Jake Javits. And we have such a person serving in the Senate today—Mark Hatfield of Oregon.

The evidence for this conclusion is not hard to find. It is obvious to any of us who have served with Mark Hatfield for any period of time. But perhaps it has never been better cataloged than in the recent interview of the ranking member of the Appropriations Committee in Arms Control Today. Consider what Senator was the lone vote against the first defense budget presented by President Reagan in 1981. Or the first to introduce legislation to stop funding the MX missile and nerve gas. And the only Governor in the Nation to vote against the Gulf of Tonkin Resolution at the National Governors' Meeting. Or the leader in the Senate of those who felt that SALT II did not curb the arms race but simply redirected it.

Only Mark Hatfield fits that description. Arms Control Today tells us why. Mark Hatfield was one of the first Americans to enter Hiroshima after the bomb:

> In front of me in Hiroshima that day was the raw sight of war. Remember it was something more than visual, it was the smell too, because the bodies had not all been recovered. You saw the real evil side of war, what it does to strip people of their sophistication, of facades of education, and culture, because here were American service personnel looking for gold teeth out of bodies to make a little earring. The bomb didn't create that. It was a manifestation of what war in general does to reduce the culture of human life to animalistic tendencies.

And what is the key to the arms race? Mark Hatfield marks it accurately:

> The key is technology. And of all the initiatives we talk about these days, virtually none are designed to limit technology.

This led him to conclude that:

> While SALT II attempted to limit the weapons of the time but it had nothing to do with the accelerator, the trigger, the ignition, the fuel: technology.

How does one translate firm conviction based on personal experience into political reality? The Senator from Oregon tells us the answer:

> The philosophy of some political people is that until we know that we can win a point,

we don't create a confrontation on the issue. We had to count heads. Others will say, and I happen to belong to this other school of thought, that you raise your head up from the herd, even though you know you are going to get shot at. Because at some point if you are going to change the direction of that herd, there's got to be a head up. And then pretty soon there will be a second, and a third, a fourth, and pretty soon you can shift the direction of the herd.

Mark couples this view of individualism with an overriding concern for the welfare of mankind. That is what gives rise to his question: "What is national defense?" He answers his own question succinctly by observing that:

> As long as we look at national defense in a narrow perspective of military weaponry, then we are never going to have enough money in the military budget. Until you look at national defenses in the broader context of the infrastructure, a productive economy, a good education system, a healthy well-nourished people, a well-housed people, careful monitoring and stewardship of natural resources—these are all part of our national defense.

Mr. President, few have put it so well and certainly none with more conviction. Those of us who have been privileged to serve with him know his commitment to peace. It is an example to us all.

Mr. President, I ask unanimous consent that the Arms Control Today interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

[From Arms Control Today, April 1987]

The Peace Politics of Mark Hatfield

Senator Mark O. Hatfield, Republican of Oregon, is a maverick who often stands alone or first in his positions on arms control and foreign issues. Senator Hatfield is now the ranking minority member of the Senate Appropriations Committee and the Energy and Water Resources Subcommittee. He was chairman of the Appropriations Committee from 1981-1986. In 1981 when the Senate approved President Reagan's first defense budget by 96-1, Hatfield provided the only dissenting vote. While most Republicans were supporting the Reagan military buildup, Hatfield was the first to introduce an amendment to ban funding for the production of the MX missile and stood at the forefront of an effort to prevent nerve gas production.

Hatfield's role as dissenter can be traced to his involvement in Oregon politics. In 1964, as governor of Oregon, Hatfield was the only governor to vote against the Gulf of Tonkin Resolution at the National Governors' Meeting. He was the only senator to vote against reaffirmation of the Gulf of Tonkin Resolution during his firt year in the Senate in 1966. He was the first to introduce legislation to end the Vietnam War through the McGovern-Hatfield amendment. The Carter administration was unable to complete assembly of the neutron bomb in 1977 principally because Hatfield had garnered enough votes to thwart that effort.

During the SALT II debate, Hatfield billed SALT II the "illusion of arms control," not because it did not constrain the Soviets, as most Republicans argued, but because it did not contain the development of counterforce weaponry. Thus, in 1979, he was the only U.S. Senator to introduce a nuclear freeze amendment. Later in 1982 he consponsored a nuclear freeze resolution with Senator Edward M. Kennedy (D-MA). Also with Kennedy he coauthored *Freeze! How You Can Prevent Nuclear War.*

Hatfield commanded landing craft in the Pacific through some of the bloodiest battles of World War II at Iwo Jima.

Arms Control Today: *You were one of the first Americans to witness the devastation at Hiroshima in 1945. What impact did that experience have in developing your perspective on nuclear arms issued?*

Hatfield: Let me give you an idea of the situation leading up to that day. We had been in Battangas, Philippines staging for the invasion of Honshu Island, the invasion of Japan. I was in amphibious landing craft warfare. On September 2, 1945, I was in the first squadron of ships to bring the Occupation Forces into Tokyo. We literally sailed past the bow of the Missouri while General MacArthur was signing the armistice. When we were moving into Tokyo through those channels that had just been cleared by the minesweepers, we could see on all sides of us the horrendous obvious crossfire that people would have suffered in the invasion strategy. And we all said, thank God they ended this, because it would probably have ended with us invading Japan, and Okinawa. He was among the first American military personnel to witness the devastation at Hiroshima after the atomic bomb was dropped. That experience of war coupled with his religious commitment and educational background, was instrumental in developing the perspective which he holds today.

Hatfield earned his B.A. from Willamette University in 1943 and an M.A. from Stanford University in 1948. Prior to becoming governor of Oregon he was associate professor of political science at Willamette University from 1949-1957. Hatfield is author of *Conflict and Conscience* (1971) *The Causes of World Hunger* (1982), and *What About the Russians?* (1982). This interview was conducted on February 25, 1987 by Robert Guldin and Alex Milulich.

We didn't understand the scope of the bomb. Even the announcement that we had dropped these two bombs was not understood. But we knew that action had triggered some cessation of the fighting. And by doing that, our lives had been saved. So we had the upbeat idea that what ended the war was good.

Then a week or so later, around September 10, we went into Hiroshima. We saw the defeat, the indiscriminate devastation in every direction. And you try to comprehend that one bomb had done that. The devastation was beyond comprehension. We had bombed the island of Iwo Jima prior to the invasion for 78 straight days. And we could see the quantitative factor there, of bombing day after day. We could see that where hundreds, and perhaps thousands, of bombs had been dropped on a very limited part of real estate in the Pacific, it had not really mattered in a relationship to casualties we suffered. The bloodiest square footage that we ever took was in Iwo Jima. Then to try to translate that thinking about conventional warfare into a bomb, one bomb, that had done all of this, made it more dramatic in trying to get a handle all on that. We couldn't.

I was a political science major, I don't understand the basic principle of the telephone, let alone some high technical piece of equipment. I had no scientific analysis of this new weapon, but I had a gut reaction of high ambivalence. Even on that day in Hiroshima, it kept coming to me that this is a whole new generation of weapons. Questions came into my mind. What happens to the world? Where do we go from here? I had been interested in world politics. I had grown up under the writings of those who were talking about how the munition makers had created wars in Europe for generations. I'd grown up being wary about munitions makers. Here was a munition that was going to change the whole world. I had real feelings of ambivalence.

In front of me in Hiroshima that day was the raw sight of war. Remember it was something more than visual, it was smell too, because the bodies had not all been recovered. You saw the real evil side of war, what it does to strip people of their sophistication, of facades of education, and culture, because here were American service personnel looking for gold teeth out of bodies to make a little earring. The bomb itself didn't create that. It was a manifestation of what war in general does to reduce the culture of human life to animalistic tendencies.

ACT: *In recent years the moral issues of nuclear deterrence have been addressed from more perspectives than ever before. How has that affected your thinking?*

Hatfield: I come from another generation. The philosophy even when we fought in World War I and World War II was that we primarily engaged military targets. Certainly civilians suffered, but our goal was to avoid victimizing the civilian populations. Americans were assured that our bombs were bombing military targets, production targets. We didn't always do it, but that was the philosophy.

The bomb changed all that. We had tried to maintain a degree of morality even in warfare. The bomb obliterated that fine but sometimes fuzzy line. The major sufferers were civilians. We eliminated any division between just and unjust wars. Here the moral question really comes into focus for me. From Augustine onward, we could always somehow apply a moral dimension, even when we were killing. But no longer can we do that. Potential warfare now is all immoral if you are going to adopt any ethical perspective. Why? Because it's totally indiscriminate. And it cannot be selective. It cannot be targeted.

It even goes beyond that: if the two superpowers were to engage in a major exchange, it would affect all the rest of the world. And it would ultimately be self-destructive because the launchers of that attack, even if there were not a response, would ultimately be infected and impacted through the ecosystem. Everyone. We would destroy all human creation, the entire ecosystem, either directly or indirectly. Now, then you come down to a basic question, which can be phrased in any known institutional religious context. Is this not the ultimate obscenity, and the ultimate arrogation of power when the creation can say to the creator, "I have a right to divest you of the creation." We didn't create ourselves, and however you believe we came into existence, we now hold in our hands the ultimate power. To me that's the ultimate obscenity. The superpowers have now reached that capacity, to destroy not just targets, or not just all of the enemy, but destroy the whole global life. And how can anybody avoid the moral dimension of that?

ACT: *Do you think the goal of arms control should be to displace deterrence or at* *least move it away from the center of the U.S.-Soviet relationship?*

Hatfield: Because we are living on the edge of the abyss, it seems to me that we can and should have only one goal: ridding ourselves of this curse, of this power to destroy ourselves and all creation. And I don't think that goal ought to be restricted to the superpowers. I think every person on this planet now has an interest in this that somehow has to be mobilized into a strategy. Our commonality, is the human race, not whether we are communists or capitalists or neutralists. As members of the human race, we have to look at the bottom line objective of protecting the future of this planet. In that context, you can't say that it's all right to have any level of nuclear weapons.

The Hiroshima bomb and the Nagasaki bomb were almost slingshots in comparison to the power of bombs today. I think we have reached a point where, not by strategy, but by possible error, we could launch a nuclear exchanger or initial attack. Arthur Macy Cox writes this very clearly in his book *Russian Roulette,* detailing the number of misrepresentations of early warnings of Soviet attacks.

Remember this: you can get into the numbers games, but that's not the key. The key is technology. And of all the initiatives we talk about these days, virtually none are designed to limit technology. We argue between research and development, and development and deployment. There is no idea that I have seen except the underground nuclear testing ban, which really addresses the key factor of retarding, and ultimately, obliterating all of these weapons.

A great example of our inability to deal with the technology behind the arms race is the SALT II Treaty. SALT II attempted to limit the weapons of the time but it had nothing to do with the accelerator, the trigger, the ignition, the fuel: technology.

I argued against SALT II, initially, because it incorporated everything almost except the kitchen sink. Carter was giving away everything to the hardliners up here, the Scoop Jacksons, and all the other Democrats and Republicans leading the charge. Well, now we look back, even though we didn't ratify it, we have deployed about every one of those weapons that I was arguing about back in SALT II days—the MX, the D-5. The administration was happy to abide by the limits of the SALT II Treaty because it didn't limit new technology. But we have now reached the point where even those superficial limits might get in the way, and so the administration scrapped that too.

The administration knows that the whole concept of SDI still has to be implemented through technology, and they want to move it from research to deployment. There are those who try to play the game by arguing let's research it, and let's develop it, but let's not deploy it. That's a political game, where I think people are trying to deal with a limited quantity of pregnancy, short of abortion, and you can't deal with it on that basis.

ACT: *Now that there has been a turnover in the Senate with the Democrats back in control, do you feel that that's going to make a significant difference for prospects in arms control? It seems that you, as a Republican, have been a more staunch supporter of many arms control measures than many of the Democrats in the Congress right now.*

Hatfield: I don't think it makes that much difference. The philosophy of some political people is that until we know that we can win a point, we don't create a confrontation on the issue. We had to count heads. Others will say, and I happen to belong to this other school of thought, that you raise your head up from the herd, even though you know you are going to get shot at. Because at some point if you are going to change the direction of that herd, there's got to be a head up. And then pretty soon, there will be a second, and a third, a fourth, and pretty soon you can shift that direction of the herd. But that's a philosophical point. It's a style of political action.

When George McGovern and I first introduced the amendment to cut off funds for the war in Vietnam, I think we had seven co-sponsors. A lot of people who were supportive of that said, hey, this is too early, we can't win. They said it will reinforce the White House belief that there was strong reinforcement behind its position in Congress. In a vote, they would win and we would lose. I don't think the Democrats, as a group, can get away from that legacy and it haunts them on arms control. A fourth don't want a vote on anything which could lose, another fourth do not want arms control at all, another fourth are committed but isolated, and the last fourth have no idea what they think or want. The result is paralysis.

There is a second point, and that is the Democrats have been hurt politically so frequently by the Republican anti-communist charge that they have a real political sensitivity to how far they can go in meaningful arms control. That's inherent in some of their reticence to make a confrontation.

ACT: *Are you talking about the recent Senate vote in favor of the Reagan arms control agenda?*

Hatfield: Yes, now that the Democrats control the Senate, they had to show that they stand for arms control. What we had there were political responses and political maneuvers.

I don't think the Democrats are that different than Republicans in style or in philosophy. There are those who are worthy to stand up, be counted, and take our lumps, and be the minority, be the one-vote, the two-vote, the three-vote person in a 90 to 3 vote. There are those who say later on, I'll take that position when it can be 51 to 49. I think the administration has outmaneuvered the Congress and taken advantage of its weaknesses—Republicans and Democrats.

ACT: *What do you think is going to happen on the reinterpretation of the ABM Treaty and Secretary Weinberger's effort to get early deployment of the SDI (Strategic Defense Initiative)?*

Hatfield: That will play out on the appropriation level. There is a division in the administration between Weinberger and Abrahamson on one side and Secretary Shultz and Admiral Crowe on the other side. The targeted date that Weinberger talks about, 1994, I think is keyed into these rather significant increases in certain technologies requested in the $6 billion '88 budget. The emphasis is on those technical systems that have to be in place to deploy by that target date. Will we provide the funding necessary to develop those technologies inextricably linked to early deployment? That's where the decision is going to be made.

You are going to have people who say, let's look at total levels, and say we reduce SDI by $200 million over request, and then we'll be able to tell the public, well, we've cut the administration back. But then you are not addressing the key points of where these monies are allocated within the SDI program. Then that gets to the question of whether you are going to have early deployment or not.

ACT: *Do you have a sense of whether the administration will get an increase in funding for SDI in the coming year's appropriations?*

Hatfield: That plays out in a bigger context. The administration has asked for a $22 billion total increase in military spending, up to $312 billion for FY88. But to meet a lot of needs, whether it's for the increase in research for AIDS, or whether it's restoring the Pell grant reductions, the administration's proposal to cut education by 26 percent over current level of funding, you've got some very important political forces that have to be balanced out. Obviously, the target will be "military spending." It's very simple to say we have cut the administration's request for military spending in the last six or seven years by some $50-$60 billion dollars over request level. But they have still advanced every weapon system they wanted within that so-called reduced total level. So I think we have to be far more specific to address the runaway arms buildup.

ACT: *The total level of defense budget authority from FY80 to FY87 increased 69 percent in real terms. Was that development necessary? And if so, what did it accomplish for the country to have this buildup?*

Hatfield: I don't think it was necessary. In spite of the fact we have reduced President Reagan's request level year after year on military spending, we moved from $116 billion up to $282 billion in that span of years, a 69 percent increase in real terms. That is mind boggling.

The fundamental question to me is what *is* national defense? As long as we look at national defense in a narrow perspective of military weaponry, then we are never going to have enough money in the military budget. Until you look at national defense in the broader context of the infrastructure, a productive economy, a good education system, a healthy well-nourished people, a well-housed people, careful monitoring and stewardship of natural resources—these are all part of our national defense.

The only President in my lifetime who understood that was Dwight Eisenhower. People forget that when he went out to Topeka, Kansas to announce the interstate highway system, he announced it as a national defense program. For he said, to tie this country together in an intricate transportation system is fundamental to our national defense. He made the same application in some of his educational initiatives, because he spoke many times about national defense as more than the arsenal. In fact, he made a very good, what would in today's context of White House leadership would be a bizarre statement: "Every gun that is fired, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. The world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children." The question of what constitutes national security should be the great debate. But it isn't. We're narrowed down to a weapon-by-weapon program. And that's because those of us in the arms control community have not really sat down to develop a strategy. To the average American, this is still an esoteric discussion. It is so technical, it is beyond the ability to grasp. Until we can tie the political policy of this arms race to the local job opportunities, the local educational quality, to the health, to the housing, to the resource problems, until we broaden that to show the implication and interrelatedness, we are never going to win this battle, I think, with the limited base of this community of people concerned about arms races.

ACT: *One of the questions the Senate is facing right now is the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Do you think they should be ratified with reservations calling for more verification, or can they be ratified just as they were originally proposed in the 1970s?*

Hatfield: The entire question must be viewed in the context of the political game plan of the administration. The administration is very good at diverting our attention, and the Democrats are too disorganized or too timid to force the issues. Let me give you an example. When the twelve-month testing moratorium was passed by the House last year and it looked like it might have some chance in the Senate, the administration agreed to send up the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty for ratification. The administration was not about to be put on the defensive. So as it ended up, Congress was on the defensive and we had a comprehensive test ban resolution without any teeth and the promise of two treaties which have essentially been rendered obsolete. It was a brilliant distraction on the administration's part.

We have never shown restraint in taking risks that could lead to war. But to match that, we ought to be willing to take a risk on occasion—or at least a step that could be considered a risk—that could lead to peace. The fact that the Soviet Union took a unilateral action for all these months on underground testing, to me, was a tremendous opportunity to match that risk for peace. I think the most significant thing is the underground testing, because that's where Soviets have realistically demonstrated-their willingness to engage in an agreement. We are always saying that we have to find some comprehensive agreement before we take any step. If the Soviet Union opens a window here, we ought to match it.

New interpretations on the ABM Treaty are significant. The SDI initiatives are very significant. But I think the most significant action we could take in the Congress would be to bring about this ban on underground testing.

ACT: *We understand that you will soon become chairman of the Congressional Arms Control and Foreign Policy Caucus.*

Hatfield: This is a group I've been associated with previously as chairman, in fact. It's a very useful organization that represents about 130 members of Congress from both political parties.

When you match the congressional resources against the administration's resources, there is a fantastic discrepancy there. The arms control caucus can not only be effective in research, as it has over the years, to provide the congressional members with information; it can also be a way to raise, in a responsible legitimate way, a contrary political viewpoint that can be projected outside of the Congress, to encourage groups outside of the Congress. The simplistic approach that the world is evil and good, and black and white, and we and they, and East and West—the simplistic world viewed by the administration and some in the military—always is so much easier to communicate to people because you play to their fears. But as a bipartisan group we can offer encouragement to those people outside of government who refuse to see the world in such simple terms.

Finally, such an organization can be a source of encouragement to its members. We have taken a defeat time after time. We have had a few victories like slowing the production of nerve gas or SDI. We need to have mutual encouragement. The caucus can be that.

ACT: *Do you think that the Senate should play an active role on insisting that the original and accepted interpretation of the ABM Treaty should be complied with?*

Hatfield: The Congress should play a role in the scene. We can't avoid it. We're constitutionally required to play a role in it, vis-a-vis at least the appropriations. Sam Nunn and others have urged the administration to not take action on this until we've consulted with our allies. I'm not overly impressed that strategy is going to change the position the administration has taken. From our own experience with chemical weapons last year, I'm pretty jaded about the integrity of our "consultations" with the NATO alliance. Because chemical weapons require forward deployment, we tied some fencing language around production funds in 1985. We told the administration that it had to get NATO approval before it went ahead and began production of these ghastly weapons. But if you look at the way the administration secured NATO approval, you will understand my skepticism about these "consultations." I am worried that the same thing will happen with the ABM Treaty. We will shove it down the throats of their military leaders, and the political angle will shut down completely. And there is always the possibility of another toothless "consensus" which will allow us in Senate to look like we support arms control and the narrow interpretation but will allow the administration to go full steam ahead.

Again, there is always the appropriations process. Even if you make a political decision, you need money to back it up. There is always the possibility of just denying funds for those initiatives which would be allowed only under that new interpretation. We may be forced to deal with it on that level.

Mr. PROXMIRE. Mr. President, I want to thank the majority leader who has been most gracious and generous in permitting me to make these statements while he presided. I thank him very much.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished Senator from West Virginia is recognized.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, that Senators may be permitted to speak therein, and that the period may extend for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BUDGET HEARINGS HELD THROUGHOUT PENNSYLVANIA

Mr. SPECTER. Mr. President, it is too easy for those of us in the Senate to view budget issues only as abstractions. It is important, I think, to go directly to the people affected by our budget decisions—local officials, interest groups, and average citizens—to hear their views firsthand. To do this, I have made it a practice in recent years to hold budget hearings throughout the Commonwealth of Pennsylvania. I am pleased today to report on my most recent series of hearings. These hearings included 6 different Pennsylvania cities and more than 60 witnesses: Individuals and organizations who eloquently expressed their views on the impact of the administration's proposed fiscal year 1988 budget. Specifically, I received testimony from 8 witnesses in Pittston, 6 witnesses in Harrisburg, 6 witnesses in Allentown, 13 witnesses in Philadelphia, 17 witnesses in Pittsburgh, and 5 witnesses in Erie.

While I can report that there is a very strong sense in my State that the Federal deficit must be addressed and eradicated, there also was great concern that our efforts to cut the budget deficit be fair—that they be equitably distributed rather than falling disproportionately on domestic programs, many of which are so essential to our efforts to bring economic recovery to States such as Pennsylvania. As reflected by Mayor Louis Tullio of Erie, PA, the administration's budget proposal would balance the budget at the expense of those programs which provide the most for those who have the least.

Pennsylvania continues to suffer substantial unemployment levels and a subsequent loss in its tax base. The situation in Pennsylvania, of course, is not unique; other areas throughout the country have not yet shared fully in the economic recovery. It is therefore essential, in my view, that we not eliminate Federal programs which address the special needs and concerns of these regions. As the local government officials who testified at my hearings made clear, we cannot reasonably expect local governments to absorb cuts of the type and degree proposed in this budget.

Those of us who have been charged with the responsibility of authorizing and allocating Federal spending must work diligently to ensure careful targeting in establishing budget priorities for the coming year. The testimony I received during my budget hearings will be of great assistance to me in this regard.

Mr. President, I will briefly describe the wide range of programs and budgetary issues which was covered by my hearings.

AGRICULTURE

Food production, processing and distribution have been and will remain one of Pennsylvania's and the United States' most vital industries. Representatives of the agricultural community testified about the need to maintain and increase funding for agriculture research, particularly in the areas of animal and plant research.

In addition, these officials expressed concern over the proposed cut in funding for the Agricultural Stabilization and Conservation Service Programs. Such a reduction would significantly decrease the funds available to farmers for these purposes, and would cause even more extreme financial hardship than currently is being experienced by the agriculture community.

URBAN DEVELOPMENT

City officials from around the State objected to the proposed $400 million reduction in funds for the Community Development Block Grant Program. Testimony reflected the view that the Urban Development Action Grant Program is a valuable tool for distressed cities—creating jobs, leveraging private resources, and encouraging working relationships between public and private sectors. According to Mr. Robert Ploehn, executive director of the Erie County Economic Development, funds from these programs are being used to create industrial and export-service jobs which will increase the overall wealth of Pennsylvania and the Nation at-large.

Officials stated that the proposed cutbacks could mean that cities would have to curtail programs for housing rehabilitation, demolition, public improvements, recreation, public service, and economic development, which already are financially weak. Further testimony suggested that the proposed termination of funding for ecomomic development agency programs would compound current economic problems relating to unemployment and industrial stagnation. For example, Mayor Thomas McLaughlin, of Wilkes-Barre, PA, testified that it would be impossible for cities like Wilkes-Barre to provide the additional funds to replace those which would be cut in the proposed budget.

FEDERAL RETIREES

Representatives of Pennsylvania's Federal retirees testified that the proposed change in the cost-of-living adjustment—to equal the Consumer Price Index minus 1 percent—would place an unfair burden upon this group of dedicated workers, who still pay their full share of taxes of their retirement annuity. These witnesses strongly believe that the current cost-of-living adjustments should be maintained, so that they are able to keep pace with the cost of living in the same manner as recipients of Social Security. In short, they believe it would be extremely unfair to impose further permanent reductions in their retirement benefits.

HEALTH AND HUMAN SERVICES

There was a chorus of objections to the administration's request for deep cuts in critical health and medical care programs such as Medicare and Medicaid. Mr. Gorham L. Black, the former secretary of the Pennsylvania Department of Aging and vice chairman of the Pennsylvania Legislative Committee of the American Association of Retired Persons, testified that the proposed budget represents an unacceptable deficit reduction strategy, imposing a disproportionate burden upon older Americans through a heavy reliance on health cuts.

Medical experts throughout my State also were concerned that the administration's budget proposal would have a grave impact on the quality and availability of medical care. These experts indicated that further reductions in Medicare benefits would place a particular hardship on hospitals that provide substantial amounts of uncompensated care. This would be particularly significant in Pennsylvania, whose hospitals cater to the needs of a substantial elderly and rural population.

In addition, the medical expert witnesses testified that reimbursement under the prospective payment system represents only a 1.5-percent increase, which is less than the inflation rate for 1986. If correct, this raises serious questions about the proposed cuts impact on the quality and accessibility of medical care for beneficiaries who depend upon such payments to meet their ever increasing health costs. The witnesses believe that it would be unsound to eliminate hospital-based medical education reimbursements without having an alternative policy in place, because it would further jeopardize medical care.

Testimony also was received in opposition to the administration's proposal of a 25-percent cut in Medicare benefits, given that Medicare represents only 7 percent of total Federal spending. Furthermore, health and human services officials decried the proposed reduction in Women, Infants and Children Program funding, noting that in areas such as Pittsburgh the rate of infant mortality continues at an unacceptable rate of more than 23.4 infants deaths per 1,000 live births. These officials see the Women, Infants and Children Program as a decisive tool in their battle to reduce infant mortality rates.

With regard to proposed cuts in the Social Services Block Grant Program, Mr. Allen R. Smith, executive director of the Family and Children's Service of Pittsburgh, PA, stated bluntly that, "We no longer can hope to offset government revenue shrinkage. We are getting out of the drug and alcohol treatment and prevention business. There is simply no money, public or private, to sustain it."

Representatives of the senior citizens' community indicated their dismay with regard to proposals to convert the Older Americans Act programs into a block grant program, fearing that the result would be a decrease in programs and services.

HOUSING

Housing officials expressed great disappointment with the administration's budget proposal's treatment of housing programs. Specifically, they objected to the recision of funding for the Rental Rehabilitation Grant Program, the Community Development Block Program, and the deferral of units under the section 202 housing program. According to these officials, the budget proposal, if adopted, would fail to address the housing needs of the Americans who are most in need of assistance.

EDUCATION

The administration has requested cuts in fiscal year 1988 student aid programs, including a $1.2 billion cut in the fiscal year 1988 Pell Grant Program. According to Mr. Kenneth Reeher, director of the Commonwealth of Pennsylvania's Higher Education Assistance Agency, these cuts would be disastrous, with no positive effects on student aid programs or upon the other participants in the Federal-State-private institution partnership that has developed over the past three decades. The total Federal aid available in 1987-88 would drop by another $135.4 million, or 17 percent, and awards would decrease by 24 percent. Several factors contribute to these losses. Recisions of funding for the supplemental educational opportunity grant, State student incentive grant, and College Work Study Program programs will cost Pennsylvania students about $61.4 million in aid. Applying more restrictive eligibility criteria to Guaranteed Student Loan Program borrowers and changing the definition of independent students will result in a $74 million loss of GSLP aid. Further, parent loans for undergraduate students should increase as borrowers stricken from the GSLP Program seek alternative sources of funds.

Dr. William Garvey, president of Mercyhurst College, raised concerns that the administration's student aid policies will deny students freedom of choice with regard to educational institutions. Dr. Garvey's assessment is that these policies will drive all but the most affluent students out of private colleges, the middle-class and working-class students into the forced choice of attending a State supported college, and poor students—and minorities disproportionately—out of higher education altogether.

Educators throughout the State voiced their concern that the proposal to withdraw Federal funding from vocational education would limit opportunities for our youth and communities to grow financially and educationally. The dreams of our youth and the vitality of our communities are too important to sacrifice to vocational education budget cuts. In economically disadvantaged areas like Pittsburgh, where vocational education has been extremely effective in preparing young people for jobs and in addressing the problems of high youth unemployment, the elimination of vocational education funding would only exacerbate problems.

JUSTICE

The acting executive director of Community Legal Services in Philadelphia, PA, stated that Philadelphia has only one Legal Services lawyer for every 7,829 poor persons. Nationwide, there is an average of 1 lawyer for every 375 residents. Yet for the sixth consecutive year, the administration has recommended zero funding for Legal Services even as the workload of Legal Services lawyers continues to increase.

Bonnie McDonald, director of Turning Point of Lehigh Valley, which provides essential legal services for the victims of violent crimes, testified that the proposed cap of $35 million on the Victims of Crime Assistance Programs will have a "devastating effect on domestic violence programs across the country." Other legal experts from around Pennsylvania expressed similar dismay with the budget proposal's treatment of law enforcement programs. For example, Philadelphia district attorney, Ron Castille, expressed his disappointment over the proposed funding for Justice programs:

> How do I explain to the mother of that fifteen-year old boy that we must accept the conditions under which her child died because the money which is needed to help put her son's killer and his drug dealing accomplices in jail has been eliminated?

These experts were adamant in their opposition to the administration's decision to eliminate second-year funding for law enforcement drug eradication programs.

ENERGY

The consensus of those who testified regarding the Low-Income Home Energy and Weatherization Assistance Programs was that the administration's budget proposal was totally inadequate for the Commonwealth's disadvantaged families. If the proposed 32-percent cut in the Low-Income Home Energy Assistance Program were to go into effect, Pennsylvania alone would lose $40 million in Federal funding, a devastating blow for those families who will need assistance with their energy bills. Other witnesses voiced strong disapproval of the proposed elimination of the Low-Income Weatherization Program, which has been instrumental in weatherizing homes.

Representatives of the coal industry testified in support of the President's proposal of an additional $400 million for the Clean Coal Technology Program, which will fund research and demonstration experiments that would facilitate the development of ways to burn coal more cleanly and more efficiently. Coal fired powerplants, they noted, provides 56 percent of the United States' electric generating capacity. These same witnesses urged Congress not to adopt the proposed budget reduction in research funding for the Bureau of Mines. They were especially concerned that funding for research regarding the treatment of acid rain damage not be reduced.

The administration's proposed budget also would eliminate the subsidized direct loans from the Rural Electric Administration and replace them with privately generated loans that would be 70 percent guaranteed by Rural Electric Administration. According to testimony given by the Pennsylvania Rural Electric Association, this change would render the program ineffective, and thus would adversely impact upon farmers and other rural families who are in need of REA assistance.

MASS TRANSIT

Mass transit officials underscored the fact that without Amtrak, enormous air and highway congestion would add to the Nation's already complex and difficult transportation problems, particularly in the congested Northeast corridor. Their analysis indicated that the administration's proposal would cost the Southeastern Pennsylvania Transit Authority an additional $24.9 million a year, which would result in more than 3,200 layoffs in Pennsylvania alone. These same officials indicated that, if the administration continues to advocate the elimination of Federal operating assistance, fares would have to be increased to a level beyond the means of many citizens who are dependent on mass transit. In combination with service reductions, ridership inevitably would be lost.

Transit officials also indicated that: First, the proposed elimination of the Section 3 Capital Discretionary Program would mean that Port Authority Transit could no longer undertake any major improvements; and second, the proposed repeal of the exemption for mass transit from the Federal motor fuels tax would increase port authority transit's operating expenses by nearly $1.5 million. In their view, the Federal Government, which has invested so much in public transportation, would be turning its back on mass transit if the proposed changes were approved.

VETERANS' AFFAIRS

Veterans expressed great concern regarding proposed reductions in medical care and medical treatment. As a member of the Senate Veterans' Affairs Committee, I am keenly aware of the need to uphold our commitment to provide services to those who gave so unselfishly in defending our country.

Mr. Elmer G. Smith, Jr., director of the Pennsylvania Governor's Veterans Outreach and Assistance Center in Erie, PA, indicated his belief that while the budget proposal allocated a $414 million increase in funds for the Veterans Administration Department of Medicare and Surgery, more than 95 percent of these funds have been slated for payroll increases. He further reflected that the $14 million balance of the increase in the budget allowance would be inadequate in keeping pace with the escalating costs of health care and would contribute to the reduction in quality health care eligible to veterans. In addition, there was considerable testimony during the hearings expressing dismay over the proposed $75 million cut in Veterans' Administration health care. Southwest Pennsylvania veterans, in particular, are acutely aware of the need for these funds, since they lack a Veterans' Administration domiciliary health care facility.

In sum, the budget hearings which I held throughout Pennsylvania provided me with extremely valuable and poignant advice on the anticipated effects of the administration's budget proposal. In my view, this budget is in desperate need of repair, as it does not reflect the need to achieve fairness and equity in distributing budget cuts.

Mr. President, I have attached a list of the witnesses who testified, as well as the locations of the hearings. I have also included a representative sampling of the extensive testimony which was given. I ask unanimous consent that it be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET HEARING WITNESS LIST MONDAY, JANUARY 19, 1987—PITTSTON, PA

Honorable John Ford, Mayor, City of Hazleton.

Honorable Thomas McLaughlin, Mayor, City of Wilkes-Barre.

Howard Grossman, Executive Director, Economic Development Council of Northeastern Pennsylvania.

Terry Singer, Dean, School of Social Work, Marywood College.

George Haskett, School of Social Work, Marywood College.

Harold Edwards, Director, Luzerne County Transit Authority.

Henry Chance, Director, Financial Aid, King's College.

Keith Eckel, President, Pennsylvania Farmers Association.

Written testimony presented by: Joseph Krella, Executive Director, Hospital Council of Northeastern Pennsylvania.

BUDGET HEARING WITNESS LIST MONDAY, JANUARY 19, 1987—HARRISBURG, PA

James Hoffer, Executive Director, Cumberland, Dauphin, Harrisburg Transit Authority.

James Redmond, Executive Vice President & Chief of Operations and Brian Tiboni, Executive Director, Office of Corporate Legislative Council, Hospital Association of Pennsylvania.

Edward T. Hoak, State Adjutant, Pennsylvania American Legion.

Jesse C. Tilton, III, President, and Joe Dudick, Director of Public Affairs, Pennsylvania Rural Electric Association.

Gorham L. Black, Jr., Former Secretary of the Department of Aging and Vice Chairman of the Pennsylvania Legislative Committee of the American Association of Retired Persons.

James Scahill, Vice President, Pennsylvania Coal Mining Association.

Written testimony presented by: Brenda Shambaugh, Legislative Director, Pennsylvania State Grange.

Kenneth K. Reecher, Executive Director, Pennsylvania Higher Education Assistance Agency.

James H. Olson, State Conservationist, U.S. Department of Agriculture Soil Conservation Service-Harrisburg.

Don Potter, Executive Director, National Guard Association of Pennsylvania.

BUDGET HEARING WITNESS LIST FRIDAY, JANUARY 19, 1987—ALLENTOWN, PA

Honorable Joseph S. Daddona, Mayor, City of Allentown.

Kurt M. Thiede, Director of Admissions, Muhlenberg College.

Bernadette McNulty, Student, Muhlenberg College.

John M. Ashcraft, Chairman, and Armando V. Greco, Lehigh & Northampton Transportation Authority.

Charles E. Vuksta, Secretary, Joint Veterans Council, Post Commander.

Ronald J. Heintzelman, President, Lehigh County Farmers Association.

Written testimony presented by: Terence B. Pike, Director of Administration, Lehigh County Office of Children & Youth Services.

Bonnie McDonald, Executive Director, Turning Point of Lehigh Valley, Inc.

Peter D. Johnston, Executive Director, Lehigh County Department of Human Services, Area Agency on Aging.

Donald P. Benner, Executive Vice President, Industrial Development Corporation of Lehigh County.

Fern Louise Mann, President, Allentown Education Association.

BUDGET HEARING WITNESS LIST SATURDAY, JANUARY 24, 1987—PHILADELPHIA, PA

Carlo R. Gambetta, Director of Finance, City of Philadelphia.

Nicholas De Benedicts, President, Chamber of Commerce of Greater Philadelphia.

Kenneth Staley, Vice President, Kinzy Staley & Son, Inc.

Pamela Davis, Vice President, and Doris Piasecki, Meridian Bank.

Robert T. Wooten, Assistant General Manager for Public Affairs and Management Services, Southeastern Pennsylvania Transit Authority.

Ross Capon, Executive Director, National Association of Railroad Passengers.

Lawrence T. Joyce, Treasurer, Keystone Association of Railroad Passengers.

Bob Sorrell, President, National Urban League of Philadelphia.

Karen Eisner Zucker, Coordinator, Emergency Fuel Group.

John Morris, Financial Aid Director, Temple University.

Thomas Rosica, Executive Director, Office of Categorical Programs, School District of Philadelphia.

John Boyle, President, Action Alliance of Senior Citizens of Greater Philadelphia.

Arthur L. Wilson, First District Vice President, National Association of Retired Federal Employees, Chapter 664.

Written testimony submitted by: Honorable Ronald D. Castille, District Attorney, City of Philadelphia.

Anthony J. Gigliotti, President, United Hospitals, Inc.

Roseanna M. D'Allessandro, Chair of the Government Realations Committee, United Way of Southeastern Pennsylvania.

Louis S. Rulli, Esquire, Acting Executive Director, Community Legal Services, Inc.

W. Graham Claytor, Jr., President and Chairman, National Railroad Passenger Corporation (Amtrak).

Janet Parrish, Executive Director, Utility Emergency Services Fund.

Anthony Lewis, Managing Director, Housing Association of Delaware Valley.

BUDGET HEARING WITNESS LIST FRIDAY, FEBRUARY 6, 1987—PITTSBURGH, PA

David Donahue, Administrative Assistant, Mayor Richard Caliguiri of Pittsburgh.

Joe Holmann, Director Allegheny County Development Department for Commissioner Thomas Foerster.

Honorable Peter Flaherty, Allegheny County Commissioner.

Honorable Barbara Hafer, Allegheny County Commissioner.

James Rodey, Chairman, Pittsburgh Port Authority Transit.

Sharon Stevick, Area Agency on Aging of Allegheny County.

John McCormick, Executive Director, Health Welfare Planning Association.

Ellen Frank, Associate Professor of Psychiatry at the University of Pittsburgh.

Starr Marshall, Vice President for Administration, National Urban League of Pittsburgh.

Sister MaryLouise Fennell, President, Carlow College.

J. Matthew Simon, President, Point Park College.

Richard Drnevich, Director, Redevelopment Authority of Allegheny County.

Jonathan Zimmer, Executive Director, ACTION-Housing.

Larry Swanson, President, Low-Income Housing Coalition.

Joseph Pulgini, Executive Director, Allegheny County Veterans Affairs.

Ronald Conley, Past President, American Legion of Allegheny County.

Vince Doran, Center Director, Pittsburgh Job Corps Center.

Written testimony was presented by: Betsy A. Porter, Director of Admissions and Student Aid, University of Pittsburgh.

Bernard Hoffman, Supervisor, Broad Top Township Supervisors.

Herman L. Reid, Jr., Ed.D., Executive Director, Negro Educational Emergency Drive (NEED).

Frank Irey, Jr., President Mon Valley Progress Council, Inc.

Frank Malinzak, Pennsylvania Association of Conservation District Directors, Inc.

Monsignor John C. McCarren, Secretary Diocesan Secretary for Human Services, Roman Catholic Diocese of Pittsburgh.

Betty Havryluk, Vice President, Public Affairs, The Hospital Council of Western Pennsylvania.

John A. Burkholder, M.D., Allegheny County Medical Society.

David Price, Chairman, Citizens Advisory Committee, Allegheny County Office of Assistance.

Wilfred Payne Executive Director, Alma Illery Medical Center.

Timothy Merlin, Administrative Director, Mon Yough/Westmoreland Drug and Alcohol Services.

Ralph Dickerson, Executive Vice President, United Way of Allegheny County.

John Golden, Jr., Executive Director, Pittsburgh Community Services, Inc.

Gertrude Patty, President, Western Pennsylvania Legislative Council of American Association of Retired Persons (AARP).

Charlottee Arnold, Executive Director, The Program for Female Offenders, Inc.

Honorable Scott L. Brown, Mayor of Greensburg.

E.W. Harkless, Borough Manager, City of Indiana.

John T. Bullock, Jr., Executive Director, Pittsburgh Opportunities Industrialization Center, Inc. (OIC).

Allen R. Smith, Executive Director, Family and Children's Services.

John Soboslay, Director of Government Liaison, Pittsburgh Public Schools.

Michael Flaherty, Executive Director, St. Francis General Hospital Chemical Dependency Program.

Luther Sheets, Associate Director, Public Affairs, Family Health Council of Western Pennsylvania.

Juanita McCarter, President, Seniors in Action.

Ruben Scott, Chairperson, Allegheny Council of Senior Citizens.

Richard P. Drnevich, President, Penn West Association of Community and Redevelopment Agencies.

James C. Rodey, Board Chairman, Allegheny County Port Authority.

Starr D. Marshall, Vice President for Administration, Urban League of Pittsburgh, Inc.

BUDGET HEARING WITNESS LIST MONDAY, MARCH 23, 1987—ERIE, PA

Honorable Louis J. Tullio, Mayor, City of Erie.

William Garvey, President, Mercyhurst College.

Robert Ploehn, Executive Director, Erie County Industrial Development Corporation.

Elmer Smith, Jr., Executive Director, Pennsylvania Veterans Outreach and Assistance Center.

Robert Morrow, Director and Manager, Brevillier Village Retirement Center.

Written testimony submitted by: David Sundean, Assistant Executive Director/Director of Special Education, Northwest Tri-County Intermediate Unit.

Maureen Barber, Executive Director, Gertrude Barber, President/Founder, Dr. Gertrude A. Barber Center.

James Mack, Director, Erie County Day Care Center.

John Petulla, Executive Director, Erie County Department of Human Services, Office of Children and Youth.

TRIBUTE TO THE LATE GEN. MAXWELL TAYLOR

Mr. THURMOND. Mr. President, I rise today to pay tribute to Gen. Maxwell D. Taylor, former Chairman of the Joint Chiefs of Staff and Chief of Staff of the Army, who died last Sunday after a long fight with Lou Gehrig's disease. To his family, especially his wife, Lydia, I extend my deepest sympathy at his passing.

General Taylor was a distinguished military officer and strategist, but a man who nonetheless viewed himself as a simple soldier, devoted above all else to his country and his fellow citizens. His death is a great personal loss for those who knew and admired him—either personally or by reputation. I count myself among those who were fortunate enough to know Max Taylor and the courage, conviction, vision, and brilliance that typified his life and military career.

A distinguished author, General Taylor helped shape the defense posture of this Nation. He was an articulate advocate for the so-called flexible response—a defensive strategy which argued for a buildup of conventional forces, not a reliance on the use of nuclear weapons for all military challenges. His valuable insights into the military allowed him to serve two Presidents in very senior positions and later as U.S. Ambassador to Saigon. Earlier in his career, he became a much-decorated veteran of World War II. He helped win victory at the famous Battle of the Bulge, an engagement in which I fought as part of the 1st U.S. Army. With his able and courageous deputy—General Anthony McAuliffe—General Taylor and the 101st Airborne Division fought back seemingly insurmountable odds and secured America's victory in that historical fight.

General Taylor's distinguished military career spans many decades, and he retired from active duty as one of the most decorated officers in the service of this Nation. We owe him a great debt of gratitude for his unselfish devotion and service to America and, in turn, to each of us.

Mr. President, I ask unanimous consent that a newspaper article detailing General Taylor's life and career be included in the RECORD at the conclusion of my remarks. However, it only seems fitting that I close this tribute with some paraphrased remarks written more than a century ago by the poet Sir Walter Scott, who eulogized a fallen soldier. They carry a simple message of a brave soldier—one I think applies most aptly to Gen. Maxwell Taylor:

"Soldier, rest! thy warfare o'er,
Sleep the sleep that knows not breaking,
Dream of battled fields no more,
Days of danger, nights of waking.
Stood for his Country's glory fast,
And nail'd her colors to the mast,
But search the land of living men,
Where wilt thou find (his) like again."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 21, 1987]

GEN. MAXWELL TAYLOR DIES HERE AT AGE 85

Gen. Maxwell D. Taylor, 85, a paratroop hero in World War II and a principal adviser to two administrations during the massive American buildup in Vietnam, died Sunday at Walter Reed Army Medical Center. He has been hospitalized since January with amyotrophic lateral sclerosis, which is also known as Lou Gehrig's disease.

Taylor capped a brilliant military career by serving as chief of staff of the Army from 1955 to 1959, when he retired. In that year he published "The Uncertain Trumpet," a forthright criticism of the U.S. policy of relying on the nuclear threat to deter communism. Instead, he argued, the country should build up conventional forces so that it could launch a "flexible response" to military challenges.

This idea appealed to President Kennedy, who in 1961 brought Taylor back into government as his military representative. From 1962 to 1964, he was chairman of the Joint Chiefs of Staff and from 1964 to 1965 he served President Johnson as U.S. ambassador in Saigon. For the next four years, Taylor was a consultant to the President and a member and chairman of the Foreign Intelligence Advisory Board. Taylor thus took part in the line of decisions that began in the Kennedy administration and led to the massive U.S. intervention in Vietnman with conventional forces in 1965 and subsequent years. He believed that the Vietcong and North Vietnamese could be stopped if sufficient American troops were sent. Although he expressed reservations when the buildup began, he continued to support an aggressive policy until 1968, when Johnson himself decided that the war could not be won and that the United States must disengage.

It was another six years—and many thousands of casualties—before the U.S. presence in Vietnam ended. Helicopters plucked the last to leave from the roof of the embassy in Saigon as refugees battered at the gates and communist forces took over the city.

Taylor's assessment of the American effort is quoted by Stan Karnow in his book, "Vietnam, a History":

First, we didn't know ourselves. We thought we were going into another Korean war, but this was a different country. Secondly, we didn't know our South Vietnamese allies. We never understood them, and that was another surprise. And we knew even less about North Vietnam." Who was Ho Chi Minh? Nobody really knew. So, until we know the enemy and know our allies and know ourselves, we'd better keep out of this dirty kind of business. It's very dangerous."

The Army yesterday ordered flags flown at half staff at all its installations until after Taylor is buried Thursday at Arlington National Cemetery.

Defense Secretary Caspar W. Weinberger issued a statement that the general would be remembered as "one of the great military men in American history" and that he "epitomized what it means to be a soldier, a diplomat and a scholar."

Sen. Edward M. Kennedy (D-Mass.) said, "America has lost one of the greatest soldier-statesmen in its history, and the Kennedy family has lost one of its closest and dearest friends. Taylor was that rare and gifted leader in the nuclear age who also understood the importance of nuclear arms control. As chairman of the Joint Chiefs of Staff, his support made the Nuclear Test Ban Treaty of 1963 possible. . . ."

The second phase of Taylor's career—the Vietnam years—was fashioned in a time of national agony. The first part of his life was simpler although it was just as dangerous. Slender, handsome and athletic, the general was the very picture of a soldier. From the time he graduated No. 4 in the class of 1922 at the Military Academy at West Point, N.Y., until he retired as chief of staff in 1959, he gave his best to the Army and he often was seen as the best that the service had to offer.

Maxwell Davenport Taylor was born on Aug. 26, 1901, in Keytesville, Mo. He attended Kansas City Junior College before receiving an appointment as a cadet at West Point. Like other top graduates, he went into the Corps of Engineers when he left the academy, but he transferred to the field artillery in 1926.

Then as now, the Army offered more than ordinary soldiering for those capable of taking advantage of it. In the late 1920s, Taylor went to France to study French and then to West Point as a language instructor. In the 1930s, with Japan and China at war, he was sent to Tokyo to study Japanese and the Japanese army and to Peking as an assistant military attache. He also graduated from the artillery school, the Army War College and the Command and General Staff School.

When this country entered World War II, Taylor had a staff position in Washington. But in 1942 he was ordered to help form the 82nd Air Borne Division, the first of its kind in the Army. He commanded the division's artillery in Sicily and Italy and then, in September 1943, he undertook a spectacular secret mission to Rome.

The Italian capital was under German occupation at that time. Taylor's orders were to contact Italian leaders who had surrendered the country to the Allies and to assess the chances of airborne troops parachuting onto the airfields around Rome. British and Italian ships landed him behind the enemy lines. He found that the German presence in the Eternal City was far heavier than expected and this led to the airborne operation being canceled.

In his memoir, "Crusade in Europe," Gen. Dwight D. Eisenhower, the supreme allied commander in Europe, wrote that the risks Taylor ran "were greater than I asked any other agent or emissary to undertake during the war—he carried weighty responsibilities and discharged them with unerring judgment, and every minute was in imminent danger of discovery and death."

After brief service on the Allied Control Commission for Italy, Taylor was ordered to England to take command of the 101st Airborne Division. He led it in parachuting into Normandy on D-Day, June 6, 1944. He also led it in the "Market Garden" operation, the unsuccessful British-led effort to take the Rhine at Arnhem in Holland.

In December 1944, the 101st was heavily engaged in the Battle of the Bulge. Taylor was in the United States at the time. While he was absent, his second-in-command, Gen.

Anthony C. McAuliffe, was asked by the Germans to surrender his strong point at Bastogne and he made this famous reply: "Nuts!" Taylor returned while the battle was still raging and led the division for the rest of the war.

There followed a tour as superintendent of West Point, one of the most prized assignments in the Army. In 1949, he was named deputy chief of staff of U.S. forces in Europe. This was followed by command of the U.S. military government in Berlin. This was the bitter period of the Soviet blockade of land access to the former German capital and the Allied effort to supply the city by air.

In 1951, Taylor was named deputy chief of staff of the Army. In 1953, he returned to war as commanding general of the Eighth Army in Korea. He held that post through the signing of the armistice in July 1953. He later commanded all U.S. forces in the Far East and then all United Nations forces in the area. His next job was as chief of staff of the Army.

Taylor's military decorations include the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, The Distinguished Service Medal with Oak Leaf Cluster, the Bronze Star and the Purple Heart as well as numerous foreign honors.

In retirement, Taylor lived in Washington. He wrote frequently on public affairs, and his articles often appeared in The Washington Post. In addition to "The Uncertain Trumpet," his books include "Responsibility and Response" (1967) and "Swords and Plowshares" (1972).

Surviviors include his wife, the former Lydia Gardner Happer, whom he married in 1925, of Washington; two sons, John Maxwell Taylor of McLean and Thomas Happer Taylor of Berkeley, Calif., and three grandchildren.

SOVIET ARMS NEGOTIATIONS

Mr. HOLLINGS. Mr. President, the recent arms negotiations in Moscow have been touted as the breakthrough—the first real step—in breaking the impasse on reaching a significant arms control treaty. The President's advisers are using it to show he's definitely in charge and committed to reducing nuclear arms. While all of us support a significant reduction in nuclear weapons, I would suggest that a rush toward an arms settlement for the sake of achieving an agreement in the next 18 months is not either in our best interest or that of our allies.

We must remember that the strength of our deterrence lies in combined nuclear/conventional forces. Any reduction on one side must be compensated by a buildup of the other. In this case, such a buildup of our conventional forces to effectively counterbalance present Soviet conventional advantages would require massive levels of funding and large increases in manpower. I seriously question whether we are prepared to meet such needs. Other obstacles that must be confronted and solutions achieved include: first, the numerous Soviet violations of existing treaties; second, the need that any treaty require mutual actions and be verifiable; and third, the maintenance of the strongest U.S. technological base possible. It should be remembered that the main thrust of the Soviet Union in essentially every recent arms treaty has been to stop or slow down American technology. Equally important to Soviet's objectives have been their successful attempts to preclude any limitations on their technology.

An April 27, 1987 Newsweek article by George Will aptly describes the pitfalls that face President Reagan in his zeal to make a deal. Reducing arms and maintaining a reliable deterrent capability and mix of nuclear and conventional forces cannot be accomplished overnight—especially when dealing with the Russians. Mr. Will's article is right on target and I ask unanimous consent that it be printed in the Record.

The article follows:

[From Newsweek, Apr. 27, 1987]

The Opiate of Arms Control

(By George F. Will)

The prudent person's answer to Gorbachev's question—"What are you afraid of?"—is: "You—and perhaps Ronald Reagan." The president who pledged to close the "window of vulnerability" may be opening a barn door of danger and encouraging attitudes that will impede compensating defense efforts.

People are conservative about what they understand: they have the caution that comes from appreciation of complexity, and anxiety about abrupt departures from settled arrangements. The current danger has become acute because of the radicalism at Reykjavik, where Reagan suddenly endorsed dismantling the strategic arrangements that have kept the peace during four decades of technological evolution. For years we have relied on the strategic "triad" of land-, air- and sea-based nuclear forces. The triad was endorsed by the Scowcroft commission, which Reagan endorsed. Yet with the idea of eliminating ballistic missiles, Reagan approved sawing off two legs (land and sea) of the triad. The administration has shelved the idea of eliminating ballistic missiles, but the idea is alive and well in the European theater and cannot easily be confined there.

Elimination of ballistic missiles would place all our strategic eggs in one unreliable basket. All would be carried by air-breathing systems—bombers and cruise missiles. Bombers with their expensive crews and fuel bills are costly components of deterrence. We would need lots of them, and expensive defensive hardware. Soviet defenses against air-breathing systems include hundreds of radars, thousands of interceptor aircraft, tens of thousands of surface-to-air missiles. U.S. defenses are virtually nonexistent. And Congress would not embark on a crash program of costly rectification of defense deficiencies at a time when cuts in nuclear weapons were being hailed as yet another end of the cold war.

Reagan seems to accept the core of the catechism of the antinuclear left, the notion that the threat to peace is technological, not political—the notion that the threat is the existence of nuclear weapons, not the nature of the Soviet regime. Reagan seems to believe that peace necessarily becomes more secure as the number of nuclear weapons declines. But that is false. The lower the levels in any arms-control agreement, the larger the leverage gained from cheating, and cheating is a Soviet constant. (The difference between the number of SS-20s the Soviets say they have deployed and the number they have produced suggests serveral hundred may be hidden.) However, even assuming Soviet compliance with an agreement, withdrawal of the Pershing II's in exchange for the SS-20s would be unwise. It took three years of delicate dealings to produce the allies' decisons to deploy Pershings. The Soviets could redeploy SS-20s in Europe in a few weeks. The Soviets act on national decisions; we react on alliance decisions. Besides, SS-20s deployed east of the Urals could strike London.

The grave danger is not the Pershings-for-SS-20s deal. It is the subliminal message that this is just a first step and that a "nuclear-free world" is possible and desirable. Reagan should stipulate: NATO is committed to integrated nuclear and conventional forces. Gorbachev, with his eye on NATO's more than 4,000 nuclear bombs, artillery shells and short-range missiles, has raised the ante by asking, Why not a denuclearized Europe? That would leave the United States with no "graduated response" to Soviet aggression. Confronting the overwhelming Soviet advantage in conventional and chemical forces, the U.S. choice in a crisis would be to surrender Europe or use strategic weapons. Europeans would reasonably doubt America's readiness to sacrifice Chicago to protect, or avenge Hamburg. We are sleepwalking back to the 1950's when U.S. troops in Europe were a "tripwire" to trigger massive retaliation by U.S. strategic forces. But in the 1950s we had overwhelming strategic superiority. Today we are strategically inferior.

THE SOVIET ADVANTAGE

John Keegan, defense correspondent for The Daily Telegraph of London, notes that in tanks, the best index of raw offensive potential, the Soviets have a three-to-one advantage, "concentrated in a cutting wedge opposite the most tankable terrain in the central region." George Shultz, thinking like an economist, which alas he is, says NATO nations can afford to match Warsaw Pact conventional forces. Yes, but will they? Two generations ago they decided to rely on techological superiority (now gone) rather than civic virtue (now atrophied) for safety. They are not suddenly going to make substantial sacrifices of liberty (heavy conscription) and property (heavy taxation) for conventional forces. So the alternative to nuclear weapons in Eurpoe, which provided cheap deterrence, will be European insecurity, and Finlandization.

The West needs reductions to equal levels not only of intermediate and short-range missiles, but also of conventional forces. In those forces, the Soviet advantage is not only numerical but geographical. However, the time required for reaching agreements grows exponentially as the number of matters being negotiated grows arithmetically. And the West leads the Soviet Union in impatience. Eugene Rostow notes that "A nearly mystical faith in arms control has become the opiate of Western opinion," especially American opinion. From the 1783 proposal to demilitarize the Great Lakes, to the Baruch plan for giving an international agency control of all nuclear energy, and beyond, U.S. policy has been driven by faith in law as the tamer of the world. Henry Kissinger notes an asymmetric result: "No new Soviet weapons program has ever been challenged or stopped by Western efforts. But from the neutron weapon to medium-range missiles in Europe to SDI, the Soviet Union has sought to stop—and has succeeded in slowing down—new Western technology by the simple device of declaring it an 'obstacle' to the 'arms-control process'."

What happened in the United States first as farce may be recurring as tragedy. Despising Eisenhower was the liberals' hobby—until the final hours of his presidency, when he warned against "the military-industrial complex." Reagan, too, may leave office basking in the approval of former despisers. If so, his successors will have to cope with his handiwork, which will include the advancement of two central Soviet goals—the denuclearization of Europe and the stigmatization of nuclear weapons.

HOMELESSNESS ON THE RESERVATION

Mr. DASCHLE. Mr. President, on Thursday, April 9, just before the recess, the Senate passed, without objection, an amendment I offered to the Urgent Relief for the Homeless Act. I would like to take this opportunity to explain my amendment more fully for the record.

The amendment is simple but important. It requires that 1½ percent of the funds authorized under titles III, IV, V, and VII of the homeless bill—funds for emergency shelter, housing, health, and job training programs—be allocated to Indian tribes.

The amendment is necessary because of the bill's language directing the agencies allocating funds under this act to distribute the funds through State and local governments. The trust relationship between the Federal Government and Indian tribes is a very complicated one. While no one intends to exclude Indians from Federal programs such as this one, that has been an inadvertent result of the funding processes of many other programs. This amendment will ensure that homeless people who happen to live on Indian reservations will have access to the same assistance offered other homeless Americans.

The Urgent Relief for the Homeless Act authorizes approximately $410 million through titles III, IV, V, and VII. The 1½-percent set-aside passed by the Senate will make available to Indian tribes approximately $1.05 million for emergency shelter programs, $3.375 million for housing assistance, $1,575 million for health programs, and $150,000 for job training programs. While this money will not eliminate homelessness among native Americans, it will enable tribal governments to strengthen their existing programs to addess this growing problem.

Mr. President, if anyone has any doubt about the need to provide assistance to homeless Indians, I would invite them to join me on one of my trips to South Dakota. There are over 300 homeless people on 8 Indian reservations in South Dakota alone. While this may not seem like a huge number, it is highly significant in a State as small as mine. Moreover, these people do not have the opportunity to move to an urban center as many other homeless people do. They are restricted to the stark conditions on the reservation, and they take shelter in abandoned cars, under trailer home heating ducts, and in the streets.

It is also important to note that the root causes of homelessness—unemployment, a lack of physical and mental health services, poor access to social services, and inadequate housing—are as prevalent on the reservation as anywhere else in the country. If we are to attack these underlying problems, it is necessary to acknowledge tribes as legitimate providers of services to the homeless. With this amendment, we have done that, and we have ensured that homeless people on reservations will be entitled to benefits under the homeless bill.

In closing, I want to thank everyone who supported this amendment. I appreciate the assistance offered by the majority leader, Senators Cranston, Glenn, Proxmire, and Kennedy as well as their respective staffs. Finally, Mr. President, this amendment would not have been possible without the special efforts of Senators Inouye and Evans and the staffs of the Senate Select Committee on Indian Affairs and the House Committee on the Interior.

RECESS UNTIL 11 A.M.

Mr. BYRD. Mr. President, matters at the moment are not such that we can proceed at this particular time to the consideration of legislation, and so I think it best that the Senate stand in recess for a little while until we can work out something. I ask unanimous consent that the Senate stand in recess until 11 a.m. today.

There being no objection, the Senate, at 10:21 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Fowler).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S. 742

Mr. BYRD. Mr. President, I have discussed the following unanimous-consent request with the distinguished Republican leader, who is on the floor, and I am ready to proceed to propound the request.

I ask unanimous consent that when the Senate considers S. 742, a bill relating to the FCC's fairness doctrine, there be a time limitation of 4 hours for debate on the bill to be equally divided between the chairman of the committee, Mr. Hollings, and Mr. Danforth, or their designees; that no amendment to the bill be in order, no motions to recommit the bill with or without instructions be in order, and that there be no time for debate on the motion to reconsider.

Mr. President, I also ask unanimous consent that out of the 2 hours under the control of Mr. Danforth, 1 hour be under the control of Mr. Packwood.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader. I hope that shortly we will be able to proceed to the consideration of this measure. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, let me indicate to the distinguished majority leader, we are going to try to accommodate all Senators because if it starts piling up around here, then we will be wondering why we are not out on Friday evening sometime.

Mr. BYRD. I thank the leader.

Mr. DOLE. It is my hope that we may be able to move to this bill after the policy luncheons, and I will be visiting with both Senators Packwood and Stevens. There is another complication just arisen that I think would help us get to it this afternoon.

Mr. BYRD. Yes.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order until 12 o'clock noon and that they may introduce bills and resolutions as in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FAIRNESS IN BROADCASTING ACT

Mr. BYRD. Mr. President, with the concurrence of the distinguished Republican leader, I ask unanimous consent that at 2 o'clock p.m. today, the Senate proceed to the consideration of S. 742, a bill relating to the Federal Communication Commission's fairness doctrine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Republican leader.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

FAIRNESS IN BROADCASTING ACT

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed to the consideration of S. 742, which the clerk will report.

The assistant legislative clerk read as follows:

A bill, S. 742, to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that insure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Missouri, our ranking member, Senator DANFORTH, will be in momentarily. In drawing up this bill, in just a few words, what we really have is a codification of a doctrine found necessary and worthy over the many years since we brought in the Communciations Act. Specifically to the point, it requires that we have rebuttal time to broadcast editorials, that we have quasi-equal time for supporters of candidates and reply time for attacks on persons' honesty and integrity.

It has given balance to the broadcast media on the premise that, of course, the broadcast media, the airwaves themselves, belong to the American public. The opposition has always taken the position that, "Look, we put our money into this, we developed it, and it belongs to us. We are like newspapers." The truth of the matter is they are not like newspapers. You can go in and organize a newspaper any time you want to, if you have the money. You can have all the money in the world. And the State of Delaware, the very first State in our Union, has yet to get a broadcast license because of the scarcity or lack of availability for broadcast licensing. Anyone can only look to their own hometown and see, yes, that while we have increased the number of radio stations, the number of TV stations is still limited.

So to allow other than the station owner to be heard in this public media, we have more or less postured the broadcaster himself in the role of a trustee somewhat like you and I as Senators here on the floor. We have the office of the U.S. Senator for a trust of some 6 years. They have it for a trust of some 5 years. But it is a trust. I do not own this office. Of course, the broadcaster does not own the station. And the fairness doctrine is more or less established and has been accepted throughout the land. In fact, it has had a tremendously good influence on editorials of newspapers, the journalists themselves, because they have gone to op-ed pages to give balanced views now to their particular editorial comment.

It has been found worthy and not burdensome. In the initial days it was thought, heavens, we cannot talk because if we talk we then have to give up time to another to counter those particular views. But the experience, of course, has been otherwise. We have "60 minutes," Ted Koppel, and we can name program after program as controversial as you can possibly imagine, that have come to the fore. The responsible stations over the land, rather than getting lockjaw, have been expressing their opinions and offering equal time. It has all been to the public good.

A recent decision in our circuit court of appeals indicated that the fairness doctrine had not been codified. We thought back in 1959 it had been codified, treated it as such and they said no, the Congress had ratified but not codified the fairness doctrine itself.

Along came our distinguished chairman of the Federal Communications Commission, who has just retired now, Mr. Mark Fowler, who definitely had the view that what we should do is abolish the fairness doctrine in the pellmell race for deregulation.

We had it in the airline industry. I hope you have not had my experience because it has upped my cost, lowered my service, and wrecked my daily habits in that I spend more time in Charlotte, NC, than I do in South Carlina, waiting on a connection and paying for it through the nose so the long-term hauler down to Miami, FL, let us say from Washington, will get there an hour-and-a-half earlier while I am paying for his flight.

What happened in airline deregulation is 75 to 80 percent of the medium- and small-sized airports in the towns and communities in America have come to subsidize the long haul to Las Vegas.

I do not think that was in the public interest, and I think the public is beginning to feel that more keenly. But be that as it may, like pellmell, like the sheepdog that tasted blood, now they want to go ahead and deregulate everything. This particular doctrine has been established over the years. We want to try to shortstop any kind of administrative ruling that would do away with what we thought at all times had been codified.

Mr. President, never, to my knowledge, has any member of this body ever qustioned whether the fairness doctrine is an explicit requirement of the Communications Act. We have always known that it is. Why? Because Congress itself placed the fairness doctrine in section 315(a) of the act back in 1959. Ask Senator PROXMIRE. He played the crucial role in codifying the fairness doctrine.

Now, we are faced with a ruling by Judge Bork of the U.S. Court of Appeals in the TRAC case that says just the opposite is true—that we never codified the fairness doctrine in 1959, that it is only part of the general public interest standard, and that the FCC can repeal it without our approval.

This decision is just plan wrong. It is distorted. It is illogical.

But, I would not be so concerned if I believed the current FCC could deal fairly and properly with this matter. I have no doubt it will not. Over the past 6 years, the FCC Commissioners have demonstrated unequivocally that they are neither reasonable nor enlightened on the issue of the fairness doctrine. Rather, the Chairman and his fellow Commissioners approach this issue with closed minds and misguided views. They have only one goal: Repeal the fairness doctrine and do not let the facts stand in the way.

Let me elaborate further on this FCC's actions regarding the fairness doctrine, and you will see why we have a problem.

First, this FCC began its tenure by promptly voting to find the fairness doctrine unconstitutional and recommending that Congress repeal it. It was only after this vote that the FCC decided it better open an inquiry to gather the facts about this issue. Shoot first, and ask questions later.

Second, the FCC concluded its inquiry by finding—not surprisingly—the fairness doctrine to be unconstitutional, but it also found that since the fairness doctrine is an explicit part of the Communications Act, it was up to Congress to make the final decision. The Commission then, however, turned right around and said it really did not mean for Congress to be the arbiter of this issue. The Commission used its discretion to make the inquiry a final agency decision subject to court review. Thus, the courts—not Congress—would be the arbiter of this issue.

Third, while the FCC decided it should do a fairness doctrine inquiry, it did not have the intellectual honesty to do it correctly. It never examined whether there were alternative ways of administering and enforcing the fairness doctrine so as to lessen any concerns. It took an act of Congress to achieve this, and the FCC has until the end of this fiscal year to complete this study.

Fourth, despite an act of Congress, the FCC took its time—more than 3 months after the legislation was signed into law—before it initiated this study into the alternatives. At the same time, the FCC took only 6 days after the recent appeals court decision in Meredith to begin an inquiry into whether the FCC should find the fairness doctrine not in the public interest or unconstitutional. The FCC acted despite the clear intent of Congress that the Commission take no action regarding the fairness doctrine until it completes the study mandated by law.

Fifth, the FCC was under no mandate of the court to begin its inquiry in such a short time. The Meredith decision had yet to become effective. In fact, this decision did not become effective until just a couple of weeks ago.

The Commission's relentless and misguided vendetta against the fairness doctrine is truly astounding. Under this regime, statutory language and congressional intent are not taken seriously. We have reached the point where we all know what the Chairman and the Commissioners will do with fairness doctrine—repeal it. That is why S. 742 is now before this body. This legislation, which passed the Commerce Committee by a 14 to 4 vote, would preserve the fairness doctrine by making it an explicit requirement in the Communications Act.

Over the past 6 years, I have heard time and again the arguments of those who seek repeal of the fairness doctrine: The spectrum is longer scarce; the broadcast marketplace is competitive; the fairness doctrine chills speech. The facts, however, belie these claims.

The Government's oversight of the broadcast industry and the establishment of the fairness doctrine rests on four fundamental conclusions:

First, a valuable public resource, the electromagnetic spectrum, remains scarce relative to demand; broadcast channels are limited, despite the introduction of new video and audio services;

Second, Congress in the communications Act has chosen a system where a select few are licensed to utilize the broadcast spectrum in exchange for a commitment to operate in the pubic interest as public trustees;

Third, the doctrine has permitted those who do not own broadcast stations to have an opportunity to participate in important public debate and has provided the public with a greater range of views upon which to make informed decisions; and

Fourth, the doctrine is no more than good journalistic practice that does not chill the speech of broadcasters.

The American system of broadcasting is unique. In the 1920's and 1930's for radio and in the 1940's and 1950's for television, the FCC, with the approval of Congress, developed a system of broadcasting that depended generally on a limited number of full power stations. Congress could just as easily have mandated alternative uses of the broadcast spectrum to produce a greater number of broadcast stations, akin, for example, to cellular radio, although at far less power. Congress could have also decided that this spectrum could be used for a video programming service provided by common carriers under tariff. Under such a scheme, the licensee would have had no control over content. It is also possible that Congress could have required sharing of these frequencies, as is often done in the private radio field. Finally, Congress could have severely restricted or prohibited renewal of licenses or the ownership of licenses. In each of these theoretical examples, there would have been the opportunities for a far greater number of people to broadcast, albeit with the likelihood of a much smaller audience. Instead, it was concluded that the public interest would be best served by fewer stations with greater power each under the control of a single owner. While the opportunity for members of the public to air their views was thereby limited, broadcasters were required by statute to act as trustees for all the public in exchange for the valuable privilege conferred gratis by the grant of a broadcast license.

As part of this obligation to serve the public, broadcasters must adhere to the fairness doctrine. The doctrine serves as a surrogate for other methods of licensing that would have permitted more people to own stations. In effect, it permits nonowners to become temporary licensees and the public to receive additional views. By codifying the fairness doctrine, the committee intends to preserve this original allocation of rights and responsibilities.

It is indisputable that the Government needs to control the electromagnetic spectrum. In the early days of broadcasting when there was no such control, people established stations with little or no regard to their effect on other operators. The result was chaos. It was clear that Government oversight was essential to prevent interference and permit the operators and the public to have a clear signal.

The Government's oversight of the spectrum not only extends to preventing interference within a service but to allocating spectrum to prevent interference among services. In making these spectrum judgments, the Government faces an extraordinarily difficult task. The prime spectrum was the first occupied and is now the most crowded. There are virtually no open bands in the first 1000 MHz of the spectrum, even though many users still want access.

In parcelling out this prime territory, the Government's aim has been to ensure that each service was in the best interests of the public. Broadcasting, telephones, safety and rescue services, and business uses have taken precedence. In each instance, the Government has established rules for the use of the spectrum concommitant with the type of service offered: Public trustee rules for broadcasters; obligations to service all at tariffed rates for common carriers. Where the Government permitted the spectrum to be licensed to many people and where each license served only a limited number of people, the Government generally eased its requirements that a licensee serve as a fiduciary for the public at large.

To have a better grasp of this oversight of the spectrum, one should look at the example raised at the March 18 hearing by Senator PACKWOOD. The Senator asked whether the fairness doctrine should be applied to a newspaper transmitted for publishing via satellite, since the transmission involves use of the spectrum. While this transmission involves spectrum, it is spectrum operated by a common carrier that must permit anyone to have access to it at tariffed rates. The sending of the newspaper is comparable to any telephone conversation, where there are few restrictions on the speaker's message and where the licensee has no control of the message's content. It should also be noted that the newspaper being transmitted goes from one point to about 10 specifically designated locations; it is not sent unfettered to the general public. This transmission, in addition, takes little time, freeing the same spectrum for many other users.

There are two other considerations that need to be accounted for in adopting regulations for the use of spectrum in the public interest. First, the regulation must be effective. It should accomplish the purpose for which it was designed. If not, it should be amended or be replaced. Second, the regulation should be narrowly tailored so as to impose the minimal burden on the licensee. While this poses problems in a nationwide scheme of spectrum regulation, the Government still has a duty to fashion its regulations in conformity with this objective.

The underpinnings for Government control of the spectrum are firm. Its rulings have been upheld time and time again by the courts. They have proven to be of great use to the public. Let me now turn to the rationale for the fairness doctrine and demonstrate why its remains sound.

SPECTRUM SCARCITY

While we have seen greater use of the spectrum, we have also seen tremendously greater demand. Experience has shown that the hardest fought battles at the FCC are about spectrum. The result is that scarcity continues. One FCC official put it best when he said about the spectrum,

> They (users seeking spectrum) don't want a lot. The problem is, there isn't a lot left.

The FCC, in fact, has used the scarcity rationale to justify recent actions. For example, in the 1984 FM subcarrier proceeding, the FCC stated:

> * * * the mandate of Section 301 that we provide for the use of channels authorizes the Commission to allocate the Nation's scarce spectrum resources. In attempting to satisfy that mandate, the public's need for new or additional services must be balanced against the limited spectrum available.

The broadcast community also acknowledges this fact. In a recent speech, the president of the National Associations of Broadcasters prominently noted that the spectrum remains scarce.

The fact of the matter is that you just cannot walk in to the FCC and obtain a license to operate a television or radio station in a major market. There are very few available. In the top 50 markets, there are only about 10 full power, albeit UHF, commercial television channels available. All toll, there are 136 commercial television channels vacant. A similar situation exists for radio.

Not only must the gross number of stations be viewed in context of the demand, it also must be viewed in the context of the actual market served. It is, for example, misleading to state that a market has competition because there are a large number of radio stations. The reality of the radio market is that people rarely turn the dial. Over a short period—the time an issue may be important—people listen to, on average, less than 3 radio stations. In addition, almost all people in a market listen to their few stations on most days. In sum, it is clear that there are well-defined submarkets for radio with loyal, intense, and significant audiences. In light of this fact, comments about gross numbers somehow being equated with competition have little meaning.

The FCC and opponents of the fairness doctrine also cite new methods of transmitting information—"new technologies"—as another factor that undercuts the scarcity rationale. We reject those arguments for several reasons. First, scarcity is not a matter of the absolute number of broadcast outlets or new forms of electronic media; as long as more people seek licenses to use the spectrum than can be accommodated there is scarcity. Second, as noted above, the arguments ignore the fact that broadcasters are statutorily obligated to serve as public trustees, granted the use of a valuable resource, and, in return, can and should be subject to modest requirements to assure that thesir trust is exercised in the public interest. Third, we disagree that scarcity is a thing of the past, even in absolute terms. Of these new technologies, cited by the FCC, only cable television has even begun to reach a significant number of households, and a great deal of what cable offers and what its audience watches is retransmitted conventional television stations.

The opponents of the fairness doctrine regularly argue that it is newspapers that are truly scarce, not broadcast stations. They base this on the fact that the number of daily newspapers in this country has decreased significantly over the past 30 years, that few cities have more than one daily newpaper, and that it is very difficult to start a new daily newspaper. While comparisons between the broadcast media and daily newspapers may seem relevant to the question of the appropriate scope of Government control over broadcast licensees, in fact, they have little validity.

Comparisons of broadcasting outlets and daily newspapers completely ignores the Government's essential and long-established role in allocating and licensing spectrum, including the broadcast frequencies. As was discussed above, the American system of broadcasting is an artificial construct resulting from this Government control. There did not have to be such a system; in fact, nothing required the creation of broadcasting at all. Video programming could have traveled into our homes by wire, as with cable television. Competition for this spectrum has been fierce. Many spectrum users and potential users would want these broadcast frequencies and use them extensively. As a tradeoff for the unique system of broadcasting our Government created, licensees have certain obligations. So long as potential licensees have no alternative media to use, these obligations need to remain in effect.

In contrast, there are no similar, Government created limitations to entry into the newspaper field. No Government license is required. While the current economics of the daily newspaper market are such that it is difficult today for more than one daily to exist in each market, anyone can freely enter. That is what the Washington Times did. By comparison, entry into broadcasting is limited by a physical scarcity of spectrum that is allocated solely by the Government. In the same market in which the Washington Times was able to begin publishing only a few years ago, for instance, there are no open broadcast frequencies.

To demonstrate further that there are few, if any, alternatives to holding a broadcast license, one should examine the committee's 1985 hearings on the Clean Campaign Act, legislation concerning the use of broadcasting during election campaigns. Throughout these hearings, the committee heard testimony that broadcast media and other media were not comparable, that election campaigns were largely run with broadcast advertisements, and that this was where between 50 percent and 90 percent of a candidate's funding was spent. The most telling statement about this fact was made by Curtis Gans, vice president, and executive director of the Committee for the Study of the American Electorate, who said:

> * * * television is not simply another means of communication. It is to conventional means of communication what nuclear weaponry is to conventional weaponry.

While this evidence may be seen as support for broadcasting's importance or effectiveness, that is not why it is mentioned and supportive of the committee's finding. Rather, it establishes a rationale for the tremendous demand to hold broadcast licenses and helps explain why all the alternatives given by the Commission in its 1985 fairness doctrine report are not comparable in fact.

THE FAIRNESS DOCTRINE ENHANCES SPEECH

At the March 18 hearing on S. 742, Charles Ferris, a former Chairman of the FCC, articulated the beauty of the fairness doctrine:

> It furthers First Amendment Principles, because it requires more information * * * the only remedy under the Fairness Doctrine, if you go through the process * * * is: Go out and cover the story some more, more information; do not let it be one sided, do not let it be out of balance.

An examination of the day-to-day workings of the fairness doctrine demonstrates that Mr. Ferris is correct. Rather than operating to restrict speech, the fairness doctrine increases speech on issues of public importance. The fairness doctrine has effectively served the substantial Government interest recognized in Red Lion and League of Women Voters in guaranteeing that the public receives contrasting viewpoints on controversial issues of public importance and has also vindicated the interests of nonmedia speakers in airing their viewpoints. The Supreme Court, based upon 20 years of experience with the doctrine, found this to be the case in Red Lion, as did the Federal Communications Commission in its 1974 fairness report.

No material changes in circumstances have undermined these conclusions. While the fairness doctrine does not confer upon any particular group or individual a right to air their views, both the courts and the Commission have recognized that broadcasters should, as one means of complying with fairness doctrine obligations, allow speakers to present their own views directly to the public. For example, the Commission has stated that:

> As a public trustee [the broadcaster] must present representative community views and voices on controversial issues which are of importance to his listeners * * * and this means also that some of the voices must be partisan. A licensee policy of excluding partisan voices and always itself presenting views in a bland inoffensive manner would run counter to the "profound national commitment that debate on public interest issues should be uninhibited, robust, and wide open."

At its heart, the fairness doctrine is no more than good journalistic practice. It is just for this reason that many broadcasters support it. One prominent television journalist, Fred W. Friendly, put it best in a statement to the Commerce Committee:

> Let me assure you that I am opposed to all prior restraints or any FCC review on a program by program basis. But I think we've seen over the past five years (since 1979) that the fairness doctrine is no longer the chilling threat that broadcasters screamed about. It is true that in the 1960's and the 1970's zealots at the FCC tried to execute the doctrine as though it were a law with sharp teeth * * *. But in 1982, the fairness doctrine is once again only a doctrine and one that every responsible journalist should strive for * * *.

I would not dispute that there have been specific instancs when the fairness doctrine has made a broadcaster wary about airing a program or advertisement. But, the times have been rare. In fact, a 1984 study by the National Broadcast Editorial Association showed that the two greatest reasons for not airing editorials were: The time it took and the perceived lack of audience interest. Furthermore, it must be remembered that the doctrine obligates broadcasters to air matters of public importance. Any claims that it inhibits the airing of programs or advertises are therefore questionable.

CONCLUSION

The debate on the fairness doctrine is, at its roots, a debate over Government control over a public resource, the spectrum. Under the current, American system of broadcasting, the FCC has decided to allocate a relatively limited amount of this spectrum and permit each licensee to control the content of what is transmitted over this spectrum. To balance the limited number of opportunities the public has to become licensees and to provide the public with a greater number of voices, the Commission has required these broadcast licensees act as public trustees. The fairness doctrine is a fundamental requirement of this public trust. Without it, the public trust would mean little.

We have clearly demonstrated that the underpinnings of the fairness doctrine remain strong. Scarcity of the spectrum, few alternatives to broadcast licenses, the effectiveness of the doctrine, and the deminimus burden on broadcasters, all are as sound rationale as when the doctrine was adopted and when it was upheld by the Supreme Court. It is for these reasons that we need to ensure the continuation of the fairness doctrine. A doctrine that has proven over its history that it enhances speech and the provision of information to the public.

With the FCC's elimination of many of the public trust requirements of broadcasters, there has been a tremendous turnover in the ownership of broadcast stations. In a sense, the risk of having a license taken away by the Commission has been significantly reduced, and consequently, they are being treated somewhat like other commodities. As a result of this great change in ownership, the industry is no longer dominated by those who have had a commitment to serve the public. Many of the new owners are faceless corporations who have regard only for the value of the license and the ability to turn it over for profit, not for the service responsibilities that are entailed.

This is a troubling trend. Along with most of my colleagues, I do not agree with the Chairman of the FCC, Mr. Fowler, that broadcast stations should be treated like toasters. While I have sanctioned much of the deregulatory measures for the broadcast service, I continue to strongly believe that the broadcast marketplace is not so competitive as to relieve broadcasters of their public trust obligations. The fairness doctrine is at the heart of these obligations, a fact noted by the FCC in keeping the fairness doctrine as a safety valve for the deregulatory steps that have occurred so far. The doctrine takes on added importance in this new broadcast environment. For all of the reasons given here, I believe the fairness doctrine must be retained and S. 742 enacted.

Let me commend my former chairman and ranking colleague, Senator DANFORTH. He has worked hard. The chairman of our subcommittee, Senator INOUYE, is momentarily at another hearing. I believe I will try to substitute for him if he would like to come and say a few words on this particular measure. We would be glad to debate it. I know the Senator from Oregon feels very keenly about it, as well as several other of our colleagues, and the Senator from Wisconsin. But we have had this debate momentarily on the floor of the Senate by way of an amendment from time to time.

I think what we ought to do is draw it to a head here in this particular bill, S. 742, and codify the fairness doctrine so everyone will understand it because there is a scarcity of spectrum. The public should be heard. It belongs to the public. It does not belong to the individual broadcaster.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the first thing that should be said in support of the bill that is now before us is that this is hardly radical legislation. It merely codifies what was widely assumed to be a matter of statutory law anyhow. It codifies what has been the practice of the Federal Communications Commission since 1949. The fairness doctrine is not something that is being developed on the floor of the Senate. It is not something that has come to us out of the blue. There is nothing particularly innovative, there is nothing in the least bit innovative about this legislation. This is simply a restatement, a codification, of something that has been in the law now since 1949.

Some people say, "Oh, this is terrible legislation. This is awful legislation that we are about to enact." What is so terrible about putting in the statutes what was assumed to be in the statutes? What is so terrible about putting into the statutes what has been a matter of practice since 1949?

Mr. President, what is the fairness doctrine? The fairness doctrine means two things: First, it means that the broadcast media must cover matters of public importance. Issues of public importance must be covered. And the second thing that it provides is that coverage of matters of public importance must fairly reflect differing viewpoints.

Mr. President, again, is that so terrible? Does that sound so radical? Is this doctrine that has now been with us for 38 years something that is strange? I would submit that there is nothing strange about it; that the broadcast media is an exceptionally important part of our national life. I would venture to say that most Americans get most of their information about what is going on in the world and what is going on in their Government from the broadcast media. Stations are licensed by the Federal Government. You cannot just go out and start a television station. There are a limited number of them. It does not seem to me to be at all unreasonable to say that if a broadcast station holds a license under the Federal Government, it has an obligation to this country to inform the people. That does not seem to be radical to me.

It does not seem to be a strange doctrine that requires that American people should be informed about matters of public importance. Indeed, this country depends on an informed public; it depends on an informed electorate. This was the basic idea going back to the beginning. This is Jeffersonian democracy, that if the American people know the issues, they can make informed decisions about those issues and they can guide those of us who are elected to public office. The only difference is, of course, in Thomas Jefferson's days people got information primarily from the newspapers or primarily from books. People read more in those days than they do today. Now people turn on the television.

We say, "Well, there are numerous sources for information that the American people can avail themselves of. They can go to the newspapers, they can go to news magazines. There are all kinds of television stations. There is public television. There are all kinds of sources of information that the American people can avail themselves of."

But I would ask Members of the Senate, all of whom are politicians, all of whom run for public office, all of whom attempt to communicate as part of their jobs with the public at large—I would ask Members of the Senate, what importance do you give as a Member of the Senate, what importance do you give as an elected public official, to the broadcast media? If a television station in your community announced that it would run a program and that you would be featured on that program, would you treat this as a newspaper interview? If a television station in your community wanted to run a program and you were going to be on that program, would you not consider that to be a major event?

Television is so important, the mass media are so important, to this country, to our ability as public officials to influence and to communicate with audiences. We recognize that as a matter of course. We will drop anything. Ask us to be on a morning talk show, ask us to get up at a quarter of six in the morning in order to go down to a television network for a morning talk show so we can speak for 5 minutes or less to the people of this country. Do we not believe that is important? Do we not believe that is an essential part of our job, that kind of communication? Yes, television is important; yes, the mass media are important—important in the communications of ideas.

The first part of the fairness doctrine says very simply that if a station holds a license, as they all do, that an obligation that goes with that license is to cover matters of public importance. Not just the sports, not just the soap operas, not just the game shows, but that matters of public importance be brought before the American people. Hardly radical, I would submit, but basic Jeffersonian doctrine.

The second part says simply that the coverage must fairly reflect differing viewpoints. Again, the mass media, terribly important in this country, very powerful in this country, is able to address thousands, tens of thousands, hundreds of thousands, millions of people at the same time. What the fairness doctrine says is that differing viewpoints be fairly covered.

Is that not what we want? Is that not what we want as a country, that differing viewpoints be fairly covered? Do we want an ideologically committed media? Do we want a relative handful of people to have that kind of power, that kind of control, to be gatekeepers of the political discussions of this country; to be gatekeepers of the issues and discussions of this country; to be able to say that one side of an issue can be covered but not other sides of an issue?

I do not believe that is what we want. I think that would be a radical decision.

So, Mr. President, I strongly support S. 742. It is sound legislation. It is traditional legislation. It is legislation that is significant to having a well-informed public.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I rise in opposition to S. 742, the Fairness in Broadcasting Act. I oppose this bill because it is not fair to broadcast journalists or to the public they serve. In reporting out this bill, the majority of members of the Commerce Committee have ignored the evidence which calls not for the codification of the fairness doctrine but, instead, for its repeal.

I have worked for many years to extend to the electronic media the full protection of the first amendment guarantees of free speech and free press. As chairman of the Commerce Committee, I held six hearings on the fairness doctrine—three in 1982 and three in 1984. During those hearings, the committee heard from more than 50 witnesses on both sides of the issue. We heard scientists and engineers declare that the electromagnetic spectrum is no longer scarce; we can create many more broadcast outlets than we currently have. We heard constitutional scholars discuss the blurring of print and electronic media; they insisted that Government content controls pose a very real danger to electronically delivered newspapers, teletext, videotex, and various satellite technologies. We also heard small local broadcasters make unmistakably clear that the fairness doctrine chills the exercise of first amendment rights by discouraging the coverage of controversial issues.

The one hearing held by the Communications Subcommittee on March 18, did little to tip the scales in favor of the fairness doctrine. In fact, anyone who examines the entire record, including the FCC's 1985 fairness doctrine report, would have to conclude that the proponents of this bill have failed to satisfy the strict burden of proof mandated by the Constitution for legislative acts that implicate cherished first amendment rights.

The questions posed by S. 742 are basic to democracy and civil liberties in this country. Those liberties can be traced back to the Magna Carta and the English bill of rights. The founders of our country did not want to entrust those liberties to the whims of a minority or to the Federal Government. So our founders protected them by writing them into our Constitution. In 1791, our founders added the first amendment to the Constitution to protect the only forms of communication known to them at the time—speech and press. They did not consider scarcity a viable rationale for Government restrictions. At the time, newspapers themselves were scarce. There were only eight daily newspapers and a handful of weekly newspapers in the entire United States—all of them highly partisan. And yet, the founders chose to protect them.

Regulation of the electronic media began in the 1920's with the rise of commercial radio broadcasting. The Government claimed that it owned the airwaves or, if it did not own them outright, it was the public's fiduciary and it had the right to allocate the use of these airwaves.

In the early days of radio regulation, the number of frequencies that could be allocated to radio stations was presumed to be limited. Therefore, those who received licenses were obligated to act in the "public interest," as that term was defined by the Government. Later, the same rules were applied to television. From that obligation to act in the "public interest" has come a host of rules and regulations which permit the Government to affect the decisions of the electronic publisher.

New communications methods have increased the number of people who can use the spectrum, but restrictions based upon scarcity have not been removed. In 1982 and 1984, the Commerce Committee heard the testimony of several expert witnesses on the communications technologies of the present and the furture. These witnesses questioned the continued validity of the scarcity principle by pointing to technological advances which have allowed us to greatly expand our use of the spectrum. In addition to this expanded spectrum, we have seen the advent of cable TV, and other developing satellite and electronic information services. The notion that the Government must regulate electronically transmitted information because of spectrum scarcity simply ignores today's reality.

The second major issue raised by S. 742 is whether to recognize the testimony of broadcast journalists, the Chairman of the FCC, and others who have presented undeniable proof that the enforcement of the fairness doctrine has a chilling effect on broadcast speech, or to ignore the evidence and continue to stifle the free flow of ideas. In the Commerce Committee;s 1984 hearings, small local broadcasters referred to the fairness doctrine as the "fearness doctrine" because of the ease with which it is used to harass and intimidate them to back away from the coverage of controversial issues.

In addition to the testimony received by the Commerce Committee, the FCC's 1985 fairness report contains a great deal of evidence on the chilling effect of the fairness doctrine. The FCC found that there are substantial burdens associated with the doctrine. It found that broadcasters fear the Government sanctions inherent in fairness enforcement, which includes the possibility of loss of license. The report also revealed that many broadcasters are inhibited from carrying controversial material by the high costs of fairness doctrine litigation.

After reviewing the evidence gathered by this committee in 1982, 1984, and 1987, and the FCC in its 1985 fairness doctrine report, it is clear that far from furthering the discussion of public issues, the fairness doctrine actually inhibits broadcasters from presenting controversial issues of public importance. The doctrine has an unconstitutional chilling effect on speech.

Another issue raised by S. 742 involves the application of the fairness doctrine to cable television. While I find the arguments in favor of applying the fairness doctrine to traditional broadcasters unconvincing, there is no basis for applying the doctrine to cable television or to other cable technologies, which do not even use the supposedly scarce airwaves.

Finally, Mr. President, I would like to share with my colleagues what I see as the future danger of the continued enforcement of the fairness doctrine. Technology is blurring the traditional definitions of communications media. The press, radio, television, and various other forms of communication are now still quite distinguishable, but advances in technology will render these media much, much less distinct to the end user, the consumer.

As the distinction between broadcasting and all other forms of communication disappears, and as the lion's share of all communication is transmitted electronically, the assumption that the first amendment rights of broadcasters must differ from those of other speakers will be impossible to indulge. At that point, one of two things must happen: Either we back off the regulation of broadcasters or we undertake the regulation of print and other forms of communication.

Mr. President, this is what the future holds for us unless we act now to extend to the electronic media the same freedoms we have always accorded the print media. I feel strongly that by ignoring the evidence that scarcity no longer exists, that the fairness doctrine has a chilling effect on the flow of ideas, Congress is endorsing an unconstitutional act, which if it does become law, will ultimately be overturned by the courts as violating the first amendment. I would prefer that Congress correct this situation by rejecting S. 742 and repealing the fairness doctrine. Thankfully, in this country the Federal judiciary is given the power to interpret the Constitution, and thereby, the authority to protect the first amendment rights of all communicators.

If the debate on this issue has taught me anything, it is that both the far left and the far right want very much to continue Federal control of the content of the electronic media. Content control allows them to use the media to further their objectives. And they see nothing wrong with expanding the Government's content doctrines to cover not just broadcasting, but newspapers, data transmissions, satellite communications and other vital sources of information. That is why I believe S. 742 is a betrayal of the spirit and intent of our founders.

The real danger to our liberties arises when these groups achieve political power. As I have stated before, those who control the Government can control the flow and content of the information that is communicated electronically. When it comes down to a choice between speech that is regulated by a Government agency or the dictates of the minds and hearts of the public at large, the choice is a simple one for me to make. On balance, I would rather trust the journalists and everybody else to determine the content of the stories that appear in our newspapers and air on our radio and television shows, than have the Government mandate what we see and hear. For this reason, I urge my colleagues to oppose this bill.

Mr. President, the Senator from Missouri and the Senator from South Carolina are correct when they say this is the codification of what is at the moment an administrative rule. Whether Congress thought at one time or another that they had codified this or not was a moot point in the past because the Court of Appeals has said we did not. It is strictly an administrative rule and the Federal Communications Commission can change it as it wants. Senator DANFORTH and Senator HOLLINGS, as sponsors of this bill, want to make sure it is codified. They want to codify what the Senator from Missouri has characterized as the fairness doctrine. That doctrine says two things: One, broadcasters have to cover controversial issues and cover them fairly, as the Federal Government sees it, as the Federal Government tells them they must cover it.

Let us not make any mistake as to what this power is that we are codifying. I hope that if we do codify it, and I fear that the votes are here to do so; that it goes through the courts and to the Supreme Court and that it is thrown out as an unconstitutional abridgement of the first amendment rights of freedom of speech and of the press.

Under this doctrine, the fairness doctrine, the Federal Government is, in essence, saying to itself we have the right, the power, and the wisdom to tell radio, television, cable, and all other broadcasters what it is they shall program. Do we want them to do an hour or two of children's programs? Tell them to do it. If we want them to do an hour or two of news, tell them to do it. And tell them how to do it, how to cover it, how many minutes to give it, and what emphasis to give each side.

Mr. President, that is a terrible power to put in the hands of Government in this country, any government, conservative, liberal, or otherwise. If I have discovered anything in my 18½ years in the Senate, it is that the philosophical extremes, the far right and the far left, both support the power of Government to use the mass media to achieve their ends. They are not hesitant about it at all. They regard it as a natural corollary when they are in power in Government to be able to tell the news media how to portray the news, that the news is as they see it.

Our founders understood this very well.

We talk about scarcity now. Mr. President, everything is scarce. Newsprint is scarce. There are not enough trees in this world for everybody to print a newspaper if they want to. They are scarce. If you want to talk about scarcity in this country, we have about 1,650 daily newspapers. We have over 10,000 radio stations. We have close to 1,800 television stations, not counting cable.

If there is anything scarce in this country today, it is daily newspapers.

The Commerce Committee had one hearing, half a day of hearings on the subject of the fairness doctrine, four witnesses on each side sitting as a panel of eight across. And that was it. That was the sum total of the hearings.

When I was chairman of the Commerce Committee in 1981 through 1985, we had six long hearings of over 50 witnesses that, by and large, came to a different conclusion than we come to today about the fairness doctrine. The Federal Communications Commission held a long series of hearings and came to a different conclusion about the fairness doctrine, namely, that the fairness doctrine has a chilling effect on broadcasters, it does not achieve its purpose. The effect of the doctrine on broadcasters, and we had broadcaster after broadcaster after broadcaster testify in those hearings, is that when faced with a decision about what controversial issues to cover, they know that they can get in more trouble covering an issue or not covering it right as the Government sees it, than in not covering it at all.

Mr. President, you can talk all you want about the obligation to cover controversial issues. A great many broadcasters simply make the decision: I am not going to touch that issue at all. I am broadcasting in a town of 15,000. I have got nine employees, just hired a young kid out of college, paying her $15,000 a year, and I don't have the money to pay lawyers to defend me before the Federal Communications Commission against the threat of somebody demanding that I observe the fairness doctrine, so I avoid the controversy.

If what you want in this country is diversity, we have got it today on radio.

Do you have any trouble in Washington, DC; New York, Portland, OR; Salem, OR; Medford, OR turning your radio dial or your television dial and getting diversity of opinion: news, weather, classical music, country western, call-in shows, interview shows?

You have got diversity all over the radio dial. You have got diversity all over the television dial. Anyone in this country who thinks that all of radio and television speak with one voice has never gone to the annual convention of the National Association of Broadcasters. The owners of the stations are as diverse as the publishers of newspapers. They have right-wing opinions, left-wing opinions, moderate opinions, single-issue opinions. But there is not a citizen in this country who is deprived today of diversity of opinion without the imposition by law of the fairness doctrine. And I want to emphasize again, Mr. President, that this could just be the start. If we have the constitutional power to impose anything we want on broadcasters.

An example of the kind of thinking that the Federal Communications Commission can use in making licensing decisions was evident in a case almost 10 years ago now involving Simon Geller, a broadcaster in Gloucester, MA. He broadcast classical music all day long. He did not broadcast weather reports, or news, or traffic reports. He did not have any call-in shows. When his license went up for renewal before the Federal Communications Commission, he was challenged. There had not been one complaint with the Federal Communications Commission from any listener who could hear this station in Gloucester, not one complaint about his playing classical music all day long.

Then in the initial proceeding he was challenged by somebody who said, "I will put on traffic, weather, news," and initially Mr. Geller lost his license. The Federal Communications Commission said he was not programming properly, despite the fact that Gloucester gets 40 radio stations, most of which program the weather, the news, and traffic reports. The listeners in Gloucester were not being denied an opportunity for diversity. When the case finally wended its way through the Federal Communications Commission, after practically going bankrupt, Mr. Geller got his license back. But I use this as an example of what the Federal Communications Commission in the wrong hands—and I frankly think it has been in the right hands for the last few years—can attempt to do.

Now, as I indicated, our founders, when they passed the first amendment, understood scarcity. The only kind of communication we had in those days was speech and press. They could not, with all their wisdom, envision electronic communication. That was beyond their camp. And at the time this country was founded there were eight daily newspapers—eight—a handful of weeklies, and this was the principal method of communication. You did not have Time magazines, U.S. News and World Report magazines, Newsweek magazines, New Yorker magazines. You had a few pamphleteers and eight daily newspapers. And those newspapers were partisan, slashing.

They put any paper published today in the United States to shame in terms of rhetoric and meanness. They attacked the founders of this country. And yet our founders regarded it as a necessity that these publishers be allowed to speak and print as they wanted to. They adopted the first amendment and said you cannot in any way, shape or form tell these publishers what to do. That is the same thing our founders would have done with broadcasting. Had it existed at the time, they would not have allowed the Federal Government to regulate what you can say, when you can say it, how you can say it, what you must cover, how you must cover it.

My good friend from Missouri uses the argument that all of us in politics realize the dominance of broadcasting; we will get up at quarter of 6 in the morning to be on a talk show. Any radio station that wants to interview us, we hop, skip and jump down to the studio. That is not quite the truth, I think. In many markets with 10 or 20 or 30 stations, I will wager even my good friend from Missouri has turned down numerous opportunities to appear on radio shows, even television shows. But for the moment let us give him his argument. His argument is this: radio and television are so powerful, so pervasive in our thinking that the Federal Government must tell them what to do, what to say, how to think, how we shall think. It stands the first amendment on its head to say that if broadcasting and television were not powerful, were not important, we would not worry about it, we would not try to regulate them. It is only if they are important and powerful and can communicate ideas that the Federal Government is going to tell them how to communicate those ideas.

Mr. President, there could not be a more pernicious concept in the hands not just of an evil government but even worse, in the hands of governments that are good, that know what people think, that know what people should think, and that are going to use the power of government to have the broadcasters tell people what the government knows they should think.

Do I overdraw the fairness doctrine? Of course I do, because we are only talking about at the moment "the fairness doctrine." You must cover a controversial issue and you must cover it fairly as the Federal Government sees it. But I want to emphasize again that if we have the constitutional right to impose the fairness doctrine, there is no control of broadcasting that we cannot impose. And before the decade is out—we may be there now, but surely before the decade is out we are going to face a very difficult question. That is the question of what do we do about print when it begins to communicate more and more electronically. We are there now with what we call video text. You can subscribe to a service on your television set. You can get certain types of news printed on your set. The full ramification of this power was very, very graphically portrayed by Prof. Robert Shayon when he testified in the Commerce Committee hearings. I asked him a question about the New York Times and Wall Street Journal, although many other big papers do it, transmitting their stories by satellite. That is how they are able to print all over the country. Satellite companies, of course, are licensed and have the right to buy transponder space. The transponder is nothing more than a gadget attached to the side of the satellite that receives the signal and sends it back down, but it is scarce. Everybody cannot have a satellite. Everybody cannot have a transponder.

I asked Professor Shayon if, given the theory of scarcity, the Federal Government would have the right to tell the New York Times and the Wall Street Journal, because they are using the scare spectrum, what they could beam up and what they could beam down. And I specifically said if they beam up a particular story involving the Contras in Nicaragua, and someone does not like their story, could they come and demand that the "other side" be beamed up? And after shilly shallying a bit in his answers he finally said yes.

Mr. President, that is what we are going to come to. Either we are going to come to a situation where the first amendment liberties—and, Mr. President, they are the most critical liberties to the freedom of this country—are going to be extended to broadcasters—and I hope they are—or we are going to go the other way and impose upon the print media, as they become more electronic, the government limitations that we now impose on broadcasters. If that day ever comes, it will be a sorry day for freedom and liberty in this country. And if we pass this bill today, it is a step toward that debacle.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. I thank the Chair. We are awaiting the attendance of the distinguished Senator from South Dakota, who wanted time yielded to him.

Let me say simply that the fairness doctrine is protecting the public's freedom of speech. If you employ the rationale of the distinguished Senator from Oregon, then the failure to give you a license or me a license, having given a license to someone else, is unconstitutional. Let us start there. Let us start at the point of actual licensing of the spectrum. My distinguished colleague assumes that there is an abundance of spectrum and it is all around, but the allocation scheme he does not even want to think about. He just wants to think about the modest requirement of the fairness doctrine and says that the doctrine in and of itself is all of a sudden a horrendous thing that the Supreme Court would immediately kick out. The truth of the matter is if they kick that out, I hope somebody from Delaware brings a particular petition asserting that it is unconstitutional for a sovereign to be denied, under the equal protection clause of the 14th amendment, a license.

Certainly, everybody should be able to get a license. The reasons why they cannot is that there is a fundamental scarcity of spectrum itself, and this is what we are dealing with. We tried it the other way—I should mention it historically, if we have a moment to touch upon it—when Secretary of Commerce Herbert Hoover was in office in the mid-1920s. We just had an open spectrum no regulations. It was the broadcasters who said, "Heavens above, regulate us," because all they had as a result of everybody coming in, on a very limited spectrum was jamming—no one could be heard. So, in order to provide freedom of speech for the public, Congress, in its wisdom, allowed what is now the Federal Communications Commission to be instituted and allocate a limited number of spectrum slots under the megahertz of 1000.

The spectrum is totally jammed at this point. You cannot get a channel for Delaware or hardly anywhere else in this country particularly the VHF channels. They said, "We will allocate them in a limited way, but public trust licensing from time to time."

If the argument of the Senator from Oregon had any validity whatsoever, it would be unconstitutional to limit to 5 years or have anyone question how broadcasters should operate it—whether they use the four-letter words.

I can tell you what happened due to the deregulation. I talked about the aircraft industry. We have it in radio broadcasting because this Senator supported it, because we have 9,000 stations. That does not bring diversity, necessarily, to every community.

If you have 100 stations in New York City, you cannot turn on the radio and get 100 to select from. You get one in the Bronx that addresses local issues. So that diversity argument does not really apply in reality.

Coming right down to it, we have 25,000 complaints now, and you have filth all over the radio, and the FCC has to move back into this field and reregulate where these deregulators are jumping up and down like puppets on a string—deregulate, deregulate, deregulate.

I happen to believe in Government and in regulation, and particularly in the communication field, because we have tried it otherwise. There was total chaos. It is working exceedingly well and is extremely valuable. It does not cost a penny, that license.

That is why we have more broadcasting stations than newspapers. They cannot sell daily newspapers. Organize one and see how many you can sell in a community. They go broke. A broadcast station can beam into everybody's living room, dining room, early morning, night, or whatever. You do not have to bother yourself. You just have to be awake and you can hear. You do not have to study it. Sometimes you turn it on. When I was going to school some students turned on the radio and studied. I could not do that. I tried it. You have those kinds of folks.

The fact is that it is the public's right to freedom of speech that is being protected. That is why we have the fairness doctrine. The fairness doctrine does not have a chilling effect on freedom of speech of the broadcasters. What we are trying to do with that limited spectrum is to provide as much freedom of speech as possible to the public, and therein is the constitutionality of freedom of speech.

If, under the argument of the Senator from Oregon, you are going to take it that he has a license, he owns the license, and there are no requirements because if there are any, it is chilling, why do you have the Government, in the first instance, granting the license? That seems to me to be the fundamental that is ignored by the Senator from Oregon in his presentation here this afternoon.

What we are really trying to do is protect the freedom of speech. I am not going to use the dominance of the market; but there is an element that the Supreme Court made a bad mistake on—and I hope my colleagues will help me—and that is in equating freedom of speech with money, or the failure to equate it, with respect to the decision in Buckley versus Valeo.

The intent of the fairness doctrine in Congress—and I was a Member at the time—was to make absolutely certain that the rich could not buy it. What happened? They came with the Buckley versus Valeo decision and said that is exactly who can buy it, because you limited the freedom of speech.

Broadcasting is in politics—85 percent of your budget and mine. That is how we got here. If you do not have that money to get on television and radio, you do not have a campaign. It is abhorrent. We all resent it. But that is what it was. If you have the money to get on the tube, you have the freedom of speech. If you do not have the money, you have the freedom to shut up. There is not any freedom of speech.

It is time the Supreme Court came into the real world, and we hope Congress will take this one-line constitutional amendment, that Congress is hereby empowered to regulate or otherwise control expenditures in Federal elections. If we had that one-line amendment, we could come back.

In the Presidential race, it would have been limited to $696,000 in a State like South Carolina. Just a couple of years ago, Senator THURMOND and I had to spend $2 million, and it has taken the people out of politics. You have no time to collect money and you have to collect money to get on TV and radio. I guess the distinguished Presiding Officer [Mr. DASCHLE] knows exactly what I am talking about. It is a tragic thing.

But, back to the fairness doctrine: When I speak in a campaign, then the genesis of the equal time provision comes out. We can say: "We bought five 30-second spots, and you're entitled to five 30-second spots." So you can balance that off, and that has worked extremely well.

I yield the floor.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to oppose this measure because I believe it will accomplish the opposite of what is intended.

I paid careful attention, as I always do, to the distinguished Senator from South Carolina, who made some very important points. I think a number of the points he made might be more applicable to campaign finance reform, as opposed to the so-called fairness doctrine.

I do not think there is any Member of this body who is opposed to the intent of the fairness doctrine. However, I think it also might be important to examine whether the fairness doctrine has indeed achieved the goals for which it was intended or whether the opposite effect has taken place. I think a compelling case can be made that the opposite effect has happened because of the fairness doctrine. That is because of the fear of broadcasters, both television and radio broadcasters throughout this country, about having to comply with the fairness doctrine and defend themselves against the suits that are brought, sometimes in a less than serious fashion.

The estimate that we have received from the Radio-Television News Directors Association is that it costs $60,000 for one station to defend itself against one frivolous suit. That is not big money in our Nation's Capital, or perhaps in Phoenix or Charleston, SC; but in Globe, in Willcox, and in Yuma, $60,000 is a significant and sometimes unbearable burden. What are broadcasters going to do when faced with the threat of a frivolous suit? They are going to duck the issue.

Those of us who are not particularly satisfied with the comments or the ventilation of the issues in the media today perhaps might look at some of the reasons. It is not just because of a lack of audiences. A lot of it can be attributed to the fact that there is an evident avoidance of issues which can be viewed as controversial because of the demands which will be made for employment of the so-called fairness doctrine.

How can we assure fairness and the right to respond and ensure that both sides of an issue are ventilated in the media?

I think that is why we have a licensing and relicensing process. One set up to protect the public interest. Every time there is a relicensing procedure, I believe this should be one of the major factors. Whether the television or radio station has given the viewers or the listeners adequate ventilation of opposing points of view should be considered.

The question we faced here is not the necessity of an informed public or the responsibility of radio and TV to achieve that goal. The question is whether this bill promotes that goal. I believe this bill does not achieve those goals and should be rejected.

Mr. HOLLINGS. Mr. President, I am glad to yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, will the distinguished chairman respond to a question?

Mr. HOLLINGS. Yes, I will try.

Mr. MELCHER. I might ask the distinguished chairman, is the fairness doctrine working now?

Mr. HOLLINGS. Yes, it is working now. In answering your question and in commenting on the observation of the Senator from Arizona, there has been only one fairness doctrine case since 1980. And, incidentally, no license has been lifted on account of the fairness doctrine in the history of the doctrine itself. It has worked.

Mr. MELCHER. If the chairman will continue to yield for a question, if the fairness doctrine is working based on—what is it, section 315 of the Communications Act?

Mr. HOLLINGS. That is right.

Mr. MELCHER. What will this add to the doctrine?

Mr. HOLLINGS. It will clarify the actual legal standing of the doctrine. At the present time, the court, at least an intermediate appeals court, found it to be ratified by the Congress but not codified into law. Namely, the Federal Communications Commission itself has the authority under this ruling to repeal it. And, of course, it is looking with an indication that we have from its statements and everything else made, it is looking toward the repeal.

And a majority, I think—I could be wrong—in both Houses; namely, the House and the Senate, want to make sure that the stability is given back to this all-important doctrine that brings about balance, if nothing else, certainly in reporting participation by both sides on all important public issues.

Mr. MELCHER. I thank the chairman.

Mr. President, the fairness doctrine, as I understand it, was adopted in 1949 and has been used since then by broadcasters, and all of us subscribe to the principles of the fairness doctrine.

The chairman of the committee was most gracious in answering my question about the fear that somehow the Federal Communications Commission might not continue to view the fairness doctrine in the same manner as they have over the past 30-odd years. The chairman also said that since 1980 there has only been one lawsuit based on the doctrine.

My concern in asking the question of the chairman was to justify the need to codify what has been successfully used based on the Communications Act of 1934, which has been a doctrine that has been successfully used since 1949. There has been nothing in the report on the bill that would indicate that the doctrine is going to change. And while I recognize that the chairman and members of the committee may have some concern that the Commission might view it differently or might implement it differently or might somehow change the doctrine that would be objectionable to us here in Congress and the public at large, that I believe is a little bit ahead of its time.

I have some concern that passage of the bill, as short as it is, will cause the Commission to look over their regulations and to look over their requirements that they impose on broadcasters. In our State of Montana, our broadcasters are small, both in capital and in viewing public or listening public. To add any degree of new paperwork on them is just another thorn in their side. I would hate to be part of that.

Perhaps, in all fairness, I should say that there is another doctrine that sometimes guides us in how we vote, and that is a rather quaint doctrine that is stated: "If it ain't broke, don't fix it." And perhaps this legislation fits that mold.

There is nothing to indicate that the fairness doctrine is not working and there is very little to indicate that it will not continue to work under the present law as it is. Out of fear that the FCC may be guided to make more requirements of small broadcasters as a result of the passage of this act, I shall vote no on the final passage.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, in order to correct that record, "If it ain't broke, don't fix it," it is broke. I have in my hand the Federal Communication Commission decision and inquiry concerning section 73.1910, whereby they found the fairness doctrine unconstitutional. The FCC felt that they did not have the authority to carry it through since it was an enactment by the Congress.

Now, subsequent thereto, under the 1986 decision, the TRAC case, which is cited in the early part of the report on page 3, the Telecommunications Research and Action Center versus FCC in 80 Fed. 2d 501, the report reads:

> The court concluded that Congress merely ratified the doctrine in making its 1959 amendments to section 315(a) of the Communications Act and that the doctrine stems from the general public interest standard in the act.

Now, the Commission has come along, we saw this—and I do not know who voted for it, but let us say the Congress voted to make an inquiry to see just exactly how the fairness doctrine would be implemented, if it could be done otherwise. And instead of regarding that direct admonition we put into the FCC's appropriations last year, the FCC did absolutely nothing about it and are frank to testify, as Chairman Fowler has before us in the Commerce Committee that he is ready to do away with the fairness doctrine. I thought he would have gotten a ruling by the Commission before he left town.

There is no question, though, that there is that indecision, there is the court ruling, and there is the finding by the FCC that it is broke and that is why we are here, to fix it today.

Mr. PACKWOOD. Mr. President, would my good friend, the chairman, yield for a question?

Mr. HOLLINGS. Yes.

Mr. PACKWOOD. I am curious, if you use scarcity as the rationale for the fairness doctrine, how do you impose that on cable when it is not using this spectrum?

Mr. HOLLINGS. Well, the doctrine of scarcity on cable itself? I do not get the connection.

Mr. PACKWOOD. Let me rephrase the question. Cable is not scarce. You can have as many cable stations as people want to have. Perhaps the local city council says you are only going to have one, two, or three, but it is not scarce in the sense that it uses the spectrum.

How, therefore, can you justify applying these doctrines to a cable company if it does not use the spectrum?

Mr. HOLLINGS. Well, of course, without looking at the particulars, my immediate answer is that it is about as scarce as I know. I cannot find cable in the great city of Washington, DC, where I live. I cannot get cable. You say there is an abundance of it around. I can tell you here and now, there is a sparsity thereof.

Mr. PACKWOOD. Is it scarce?

Mr. HOLLINGS. Scarce? I cannot find it. I cannot get cable. I have been living up here 20 years and cannot get it.

Mr. PACKWOOD. Now you are talking about the kind of scarcity I am talking about. Newspapers are scarce, also.

Mr. HOLLINGS. No, I am talking about cable TV. Do not run to the newspapers.

Mr. PACKWOOD. I understand what you are talking about.

Mr. HOLLINGS. We used to get more newspapers.

Mr. PACKWOOD. Is it scarce because you use the spectrum, and ultimately there is a limited amount of the spectrum and you cannot get it, or is it scarce because, one way or another, people have not brought it or the city has not allowed it?

Mr. HOLLINGS. This is a scarcity of spectrum that you cannot even reach. That, of course, is the initiative of the cable television itself, to take that particular signal that could not be reached by the regular broadcasts, the VHF megahertz telecommunication spectrum. It could not be reached and therefore cable was brought in and adhered to this particular doctrine and it works extremely well.

No one in cable has brought your particular case. You are a good lawyer. Maybe you could go out and bring that case.

But I think you are raising the point that reaffirms our particular position that the fairness doctrine has worked and works extremely well and cable operators are delighted to comply therewith.

Mr. PACKWOOD. Mr. President, I think my good friend has answered my question by not answering it. Cable television does not use the spectrum to broadcast to your home. It goes through a wire. And you can have as many cable companies in the city of Charleston or Portland or Washington, DC, as the local government wants to allow. They are franchised by the local government and the local government can franchise 50 or 100 or 1 or as many as it chooses. But it is not using a scarce spectrum, yet my good friend would apply the same doctrine to cable television.

You sit at home and get your picture on your television set and you are unaware of whether it is coming through the wire or whether it is coming through the air. Proponents of this bill would apply the same fairness doctrine to cable even when there is no scarcity. And this is the fear that I have. Because of their intense desire to make sure that the person that is at home watching his or her television set sees what the Government determines they should see, my good friends want to impose controls on anyone who attempts to reach that home, regardless of whether they use a scarce spectrum or not.

Mr. HOLLINGS. Mr. President, I am glad to yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I rise in support of this piece of legislation. I voted for it in the Commerce Committee. It is a difficult issue.

I supported deregulation of radio and TV some years ago. I think it has worked out well. But what we are doing here is merely codifying and we are not really changing the present situation. In fact, for 38 years we have had this as a doctrine and it has had the effect of law. That is the way it has been interpreted by the FCC. Incidentally, we are holding the authorization hearing for the FCC this afternoon in the Commerce, Science, and Transportation Committee, which I just left to come over here to speak on this issue. The fairness doctrine does guarantee that differing viewpoints be represented. Mr. President, as one who represents Indians, farmers, small businessmen,—a diverse constituency—I am very concerned about this. I think the fairness doctrine has worked out well. I believe it has served our Nation well and we should continue it.

We are not really debating a new doctrine here. We are not putting something new into place. We are continuing to codify what has been the practice and what has worked out very well, and what, to all groups, has indicated a sense of fairness.

Mr. President, I placed some additional views in the Commerce Committee's report when it left the Commerce Committee. At that point I said:

> This legislation is a clarification of the long-standing congressional endorsement of the Fairness Doctrine, a cornerstone of broadcasting professionalism for many decades. It does not impose an undue burden on broadcasters. It does impose a public interest obligation on broadcasters to present balanced views on controversial issues and provides for guidelines to those entrusted to the scarce resource while allowing broad latitude in its interpretation.

Let me say, Mr. President, that I think the broad latitude has been the rule, and it will be the rule. There is great latitude given to our broadcasters under this. Many of our fine broadcasters have had no trouble living with this rule.

> To me, it is disturbing that single issue special groups have been going into small, relatively inexpensive markets to buy air time in an attempt to influence public opinion. Such air time is crafted to appear as news reports but they present facts in a misleading manner.
>
> This Senator believes that without the Fairness Doctrine, groups or individuals with varying viewpoints have no means of responding if they lack financing and organization. Sixty-five percent of the public rely on television as the source of most of their news, while 40 percent rely exclusively on television for news.
>
> The airwaves are a scarce resource which is and must continue to be allocated based on a public interest standard.

Mr. President, I ask unanimous consent that my additional views be placed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Additional Views of Mr. Pressler

This legislation is but a clarification of the long-standing Congressional endorsement of the Fairness Doctrine, a cornerstone of broadcasting professionalism for many decades. Initially articulated by the FCC in 1949, the Fairness Doctrine was presumed by many to have been codified by Congress in 1959. It was not until the recent *TRAC* decision finding that Congress had "ratified" rather than "codified" the Doctrine that the need for this legislation became apparent. The Supreme Court's *Red Lion* decision has clearly established its constitutional legtimacy, and we are now simply restating in unequivocal statutory terms what I believe Congress intended to do nearly three decades ago.

I am not persuaded that the Fairness Doctrine imposes an undue burden on broadcasters. As former FCC Chairman, Charles Ferris, stated before this Committee, "[t]he Fairness Doctrine, reduced to its essentials, is little more than a statement of journalistic ethics." To be sure, it does impose a public interest obligation on broadcaster to present balanced views on often controversial issues. But this obligation is not unduly burdensome. It provides important guidance to those entrusted with a scarce resource, while allowing broad latitude in its implementation.

Given recent trends in the communications industry, the Fairness Doctrine had taken on a new significance. As Mr. Ferris notes, "[i]n this era of deregulation, it is the only remaining safety net left for the public interest standard and our society's expectations that broadcasters will serve as trustees for the public."

A recent practice which is gaining increased popularity in the smaller markets provides one example of why I believe we need to codify the Fairness Doctrine. Many single issue special interest groups have found it very effective to go into small, relatively inexpensive markets to buy air time in an attempt to influence public opinion in their favor. This, in itself, is not necessarily bad. The problem is that these commercial advertisements are often crafted to appear as news reports, and present the "facts" in a very misleading manner. In addition, groups or individuals with varying viewpoints often have no means of responding if they are not as well financed or organized. The Fairness Doctrine is the only means available to guarantee a balanced response. This is a clear illustration of the "safety net" to which Mr. Ferris referred.

States with smaller markets are particularly susceptible to this type of practice because of a single issue group's ability to blanket the State or targeted area at a relatively low cost. Without the Fairness Doctrine, they are emboldened—indeed, even encouraged—to distort the facts on complicated national issues, and present them in a very misleading manner. Opposing groups or individuals often cannot afford to respond by purchasing commercial air time. Many broadcasters in these areas do not maintain national affiliates to cover the issue adequately in their regular news stories, so they escape worry on that front as well. This type of practice serves no public interest. Indeed, it does a disservice to the American public.

There are exceptions to this scenario. One that particularly stands out in my state is KELO TV and radio Midcontinent Broadcasting Company in Sioux Falls, SD. KELO exemplifies the high standard of "journalistic efforts" referred to by Mr. Ferris in his Committee testimony. It has consistently provided full and balanced reporting on both local and national issues of importance to my State, and goes the extra mile by utilizing national affiliate reporters to cover issues in places where it is impossible for them to maintain a permanent presence. If there were more KELOs in the business, I would feel much more comfortable in taking a different position on issues such as this. But it is an unfortunate fact of business life that not all broadcasters can or will operate with the same degree of professional public service responsibility as KELO. Economic pressures encourage a preference for requiring a commercial response to one-sided representations of the issues rather than providing for fuller access to responding viewpoints on local issues. Some stations cannot afford or will not spend the money for a national affilate to cover both sides of controversial national issues.

Opponents of the Doctrine argue that it has a "chilling effect" on broadcasters' desire to cover controversial issues. Doubtless, the requirements of the Fairness Doctrine may weight into broadcaster's decisions on airing controversial issues. But under some circumstances, such as the problem I outlined above, I believe it should. If the issue is presented fairly, the Doctrine imposes no additional burdens on responsible broadcasters. If it is not, it does the viewers a greater injustice to present a distorted view of the issues, and runs the risk of putting even more power in the hands of well financed single issue groups.

Contrary to arguments raised by the Doctrine's opponents, this approach does not violate the letter or spirit of the first amendment. The Supreme Court's *Red Lion* decision has resolved that issue. Broadcasting is the dominant media in today's society. Newspapers and other media do not supply an effective counter-balance to the power—particularly in rural America. For example, as pointed out in Mr. Ferris' testimony, "65 percent of the public [rely on] television as the source of most of their news, while 40 percent rely exclusively on television for news." The airwaves comprise a scarce resource which is and must continue to be allocated based upon a public interest standard. The Fairness Doctrine is the cornerstone of that standard, and should not be repealed until industry changes or technological advancements negate the need for its existence. We have not yet reached that point.

Mr. PRESSLER. Mr. President, let me sum up by saying that we have many fine radio and TV stations in our country. Many set a great example. I think we have the best overall system of broadcasting and fairness in the world. In fact, my staff and I examined the practices of some other countries which I think in part has come about because of the fairness doctrine. I do not think we have to be afraid of it. It is not deregulation.

As I stated, I voted for deregulation of TV and radio some years ago. We are merely continuing the present policy, a policy that our people have confidence in. We are protecting minorities. We are protecting those who do not have the organization or the money to buy time, and we are protecting democracy.

For 38 years this has been the doctrine that we have followed, and I shall vote proudly to continue it today.

Mr. President, I yield back my time.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). Who yields time? The Senator from Missouri.

Mr. DANFORTH. Mr. President, the basic argument of the Senator from Oregon against this bill is a parade of horrible arguments, that is to say, the Senator from Oregon claims that if this bill is passed a variety of things could happen which he believes would be disastrous, and I suppose which all of us would believe to be disastrous. He claims that this is the foot in the door; this is the first step on the slippery slope. He claims that if we pass this legislation we have given Government carte blanche to regulate anything and everything to do with communications; that if we do this, we are telling television stations and radio stations exactly what to say and when to say it, that children's television will be next, that we are telling them how to cover the news, what you must say and when you must say it, and that the next step according to the Senator from Oregon is not just going to be the broadcast media, but it is going to be the print media as well. That is the parade or horribles.

If those horribles all kicked in, if they all took place, 100 Members of the U.S. Senate would come parading over to the Senate floor when the bell rings and everybody, even those of us who have cosponsored this legislation, would end up voting against it.

The parade of horribles argument is the easiest argument to make. Create a straw man, knock over the straw man, and you win. And it is a straw man argument.

Mr. President, I can create my own parade of horribles. My parade of horribles is that a television station is purchased by, say, the Reverend Moon. Is that hard to imagine? Is it hard to imagine the Reverend Moon getting into the business of communications? It is not hard to imagine because the Reverend Moon has already done it. He has bought a newspaper. He has bought a newspaper here in the city of Washington, the Washington Times. It is put out every day. It is heavily subsidized, I am told, by the Unification Church. Why would he do it? Why does he enter the newspaper business? Why does he lose money printing newspapers? In order to communicate his ideology to his public, such as his public is.

So the parade of horribles would be that the Reverend Moon buys a television station, two television stations, three television stations, and uses his television stations to propagandize the American people. That is the other parade of horribles. Is that particularly desirable? I do not think so.

What does the fairness doctrine say? Does it say that the Reverend Moon cannot buy a TV station? No. Does it say that he cannot present his ideas on television? No. The fairness doctrine says only two things. It says that the media must cover issues of public importance. It does not say how to do it. It does not direct exactly what the content is. It does not say that the media cannot run editorials, or present their own ideas. It says you have to cover matters of public importance; second, that when you do so, you have to fairly reflect differing viewpoints. That is what it says.

So, Mr. President, we have two parades of horribles here. We have one, a kind of slippery slope position presented by the Senator from Oregon. A position that claims that if we pass this legislation it is going to apply to newspapers. If we pass this legislation, the Senator from Oregon claims everything from top to bottom is going to be governed by the Federal Government, everything that is said on television, children's television on down, is going to be directed by some bureaucracy in Washington. That is his parade of horribles. Mine is the Reverend Moon parade of horribles; namely, that television will become a vehicle not simply for presenting news and presenting ideas, but for the systematic indoctrination of the public.

I ask which of the two parades of horribles is most likely to come into existence. Hopefully none. But I would say that the least likely is the one that is presented to us by the Senator from Oregon. Why do I say that? Because the fairness doctrine is not some novel idea. This is not an experiment with a new doctrine. We have a track record. We know what the fairness doctrine is. It has been around not for a few years, not even for a decade or two. It has been around for 38 years. We have tried out the fairness doctrine for 38 years. And the parade of horribles has not come into being—the parade of horribles described by the Senator from Oregon.

The scarcity argument is another example of putting up a straw man, and knocking down a straw man. It seems to me that the best arguments in favor of the fairness doctrine have to do with the power of the media, and the idea of the media as a public trust. I do not think the power can be seriously disputed. I do not think that the fact that there are alternative sources of information in any way contradicts the concept of the power of the mass media. Clearly it is a powerful tool. Clearly the medium of television, in particular, is a very powerful tool. Clearly the ability to come into people's living rooms on the screen when people are watching television, 2, 3, 4 hours a day is a powerful tool. Clearly the ability to broadcast the news is a powerful tool.

What makes the system fair is the fairness doctrine. What makes the system fair is that the media is supposed to be balanced; that it is supposed to present more than just one view, that it is supposed to cover the news, not indoctrinate the American people.

That is what tempers the power of the media.

So the concept of power, not the concept of scarcity, the concept of power, to me, is the key to this argument. And also key is the concept of trust; that there are those in this country whose power is not naked power, it is not raw power, it is power that is held by a trustee for the benefit of the public good.

It is not just a matter of trying to manipulate the public, it is a public trust. It is a public trust that is conferred by license. It is a public trust that carries with it certain responsibilities, and those responsibilities are really very few. They do not have anything to do with children's television. They do not have anything to do with specifically how the news is covered. It is a very broad trusteeship, a very broad responsibility. Define it yourself, basically. But do so within very broad parameters, within a very broad basic principle.

That principle is to give adequate coverage to issues of public importance, and when broadcasters present such an issue, they must present ideas that fairly represent differing viewpoints. That is all that is involved. It is not scary. There is nothing scary about it. This is not a new venture out into the field of first amendment violations. This is not something where if somebody wanted to challenge it they could not challenge the fairness doctrine now. It is nothing new. It is nothing novel. It is nothing different. It is nothing scary. It is simply saying that the public deserves to hear issues of basic importance, and the public deserves to have those issues presented in a balanced fashion. That is all the fairness doctrine is. It is not new—it is 38 years old. It is not scary. It is tried and true. It is not based on scarcely, though some people would argue that point. It is based on power and the exercise of power alone.

Mr. PACKWOOD addressed the Chair.

Mr. PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I wish to announce that the administration opposes enactment of S. 742, because the fairness doctrine: First, is unnecessary in light of the dramatic increase in the number of information sources in recent years; second, does not promote, but actually inhibits, the free and open discussion of important and controversial issues; and third, may contravene important constitutional principles by inappropriately restricting the journalistic freedoms of broadcasters.

Mr. President, let me respond to my friend from Missouri.

He said the fairness doctrine requires broadcasters to treat the news fairly, to cover controversial issues, to cover both sides or all sides of an issue. But there is one little phrase he does not add. That is "as the Government sees it."

Maybe my good friend from South Carolina will help me on the name of the case involving a radio station's coverage of strip mining, which was a controversial issue. First, the station did not cover it at all. They did not want to get into it. They figured it was a loser. They got attacked under the fairness doctrine and the FCC said, "You have to cover it." So they covered it. They covered what they thought was fair.

Then they got attacked under the fairness doctrine for not having covered it fairly. They were found guilty by the Government of not having reported the story right, as the Government saw it. That happened, Mr. President.

Simon Geller is not a parade of horribles, Mr. President. That happened. Had the personnel in the Federal Communication Commission not changed and unholy pressure not been brought on them by myself and others, frankly, they were going to take away his license because he was broadcasting classical music all day long, and in the Government's eyes that was not seen as sufficiently serving the public interest.

This fairness doctrine is a toe in the water, because if we have the right to impose the fairness doctrine on broadcasters, and I hope we do not have the right—I hope the court finds it unconstitutional—if we have the right, then we have the right to tell them that they have to program 2 hours of rock, 2 hours of classical, 2 hours of country. Every station has to be diverse.

It is not enough that you can have one station that is all country, one that is all classical, one that is all rock, one that is all talk. They all have to have everything because that is the way we see it.

This bill, Mr. President, involves more than just the codification of the fairness doctrine. It is symbolic of whether or not the Federal Government has the constitutional power to tell broadcasters what they must program, when they must program, how they must report the news, which views they must give, and which views they cannot give. That is a terrible power, a dangerous power, Mr. President, to put in the hands of any government—ours or any others.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. Mr. President, I rise today in support of S. 742, the Fairness in Broadcasting Act of 1987. This legislation would clarify the congressional intent and codify certain requirements of the Communications Act of 1934.

The fairness doctrine was adopted by the Federal Communications Commission [FCC] to ensure that broadcasters cover issues of public importance and fairly reflect differing viewpoints on those issues. The adoption by the FCC of the fairness doctrine reflected the decision of Congress to adopt a broadcast system whereby a select few companies and individuals were licensed to utilize the limited broadcast system in exchange for a commitment to operate in the public interest and as public trustees.

The fairness doctrine has permitted those who do not own broadcast stations the opportunity to participate in important public debate, and has provided the public with a greater range of views upon which to make informed decisions.

The Supreme Court has long held that the fairness doctrine actually advances public debate and first amendment values by requiring a broadcaster to present both sides of a controversial issue.

Although there are more radio and television stations in the United States today than there are daily newspapers, the fact remains that broadcasting frequencies are scarce and there is fierce competition to obtain a station. A small town in Delaware recently had 14 applicants for a broadcast license; when a Jackson, WY, station was up for sale, 3 applicants sought the license.

In contrast to the limited broadcast spectrum, there is nothing—except the financial wherewithal—that prevents a person or a company from starting a newspaper, although many cities cannot support more than one newspaper. For example, when Washington, DC, lost the Washington Star, another group decided to start their own newspaper, the Washington Times. By contrast, there is not a single open broadcasting frequency available in Washington, DC.

Ultimately, the debate on the fairness doctrine is a debate over Government control over a public resource—the broadcast spectrum. To balance the limited number of opportunities, the public must become licensees. And to provide the public with a greater number of views, the FCC has required broadcast licensees to act as public trustees.

The fairness doctrine is a fundamental requirement of the public trust by insuring that when an important public policy issue is aired, all sides are given a fair chance to present their views. Unlike the equal time provision which affects political candidates, the fairness doctrine does not require broadcasters to provide every side of an issue with the exact amount of time in precisely the same time period. Instead, broadcasters simply must ensure that their programming, taken as a whole, presents issues of public importance and does so in a balanced fashion.

As former Chief Justice Burger stated:

> By whatever name of classification, broadcasts are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept. The fairness doctrine plays a large role in assuring the public resource granted to licensees at no cost will be used in the public interest.

Mr. President, I do not believe we can afford to end the responsibility of public broadcasters to maintain their fiduciary responsibility to the public to fairly present both sides of important public issues. For that reason, I strongly support maintenance of the fairness doctrine.

Mr. INOUYE. Mr. President, the bill before the Senate today, S. 742, is very straightforward. It codifies the fairness doctrine, a principle which has served the public interest and been a cornerstone of broadcasting for almost 40 years.

The fairness doctrine is a specific application of the public trustee concept that enhances speech and furthers first amendment principles. It is a reasonable condition on the use of a valuable public resource, the electromagnetic spectrum. Moreover, the doctrine serves to increase speech on issues of public importance. As such, it is no more than good journalistic practice.

As my distinguished colleagues are aware, the fairness doctrine requires broadcasters to afford citizens reasonable opportunities to hear and discuss issues of public importance. Adopted by the Federal Communications Commission in 1949, it requires broadcasters to first, cover issues of public importance and second, fairly reflect differing viewpoints on those issues. The fairness doctrine does not require that broadcasters provide every side of an issue with exactly the same amount of time in the same time period. Instead, broadcasters simply must ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion. Thus, in the real world, if a licensee airs only one side of a controversial issue, he must permit, if requested, members of the public a reasonable opportunity to present an opposing viewpoint.

Mr. President, we are here today because the U.S. Court of Appeals ruled last year in the TRAC case that Congress had never actually codified the fairness doctrine. Although we can debate this ruling and the intention of the 1959 amendments to the 1934 Communications Act, Judge Bork's decision leaves the doctrine as merely a component of the public interest standard administered by the FCC, not as part of the law. The Commission can thus repeal it without congressional approval, something which it has sought to do in recent years. The time has thus come to make the fairness doctrine an explicit part of our Nation's communications law.

Mr. President, a few Senators have suggested that the fairness doctrine violates the first amendment and actually chills free speech. Nothing could be further from the truth. Seventeen years ago, the Supreme Court unanimously upheld the fairness doctrine against first amendment challenge in Red Lion Broadcasting Co. against FCC. The Court held that in the context of broadcasting, the rights of the viewing public to hear contrasting viewpoints on issues of public importance, not the rights of broadcasters, are paramount, and that the fairness doctrine is both a permissible and effective means of vindicating those rights. The fact that far more people are willing and able to engage in broadcasting than can possibly be accommodated by the limited spectrum available justifies a regulatory scheme that requires licensees to serve as trustees and obligates them to present the views of those who are excluded from the airways. Since Red Lion, the Supreme Court has consistently reaffirmed the scarcity and public trustee rationale, while upholding regulation of broadcasters against first amendment attack.

In a hearing on March 18, 1987, the Communications Subcommittee gathered evidence which demonstrates that the doctrine increases debate on issues of public importance. The fairness doctrine has created substantial opportunities for expression by those "who wish to exercise their freedom of speech even though they are not members of the press." While the fairness doctrine does not confer upon any particular group or individual a right to air their views, both the courts and the Commission have recognized that broadcasters should, as one means of complying with fairness doctrine obligations, allow speakers to present their own views directly to the public.

Supporters of the fairness doctrine accept that it may impose a mild burden on licensees. However, we believe that the burden is both necessary and minimal. As the Supreme Court stated in Red Lion, "[it] is the right of the viewers and listeners, not the right of the broadcasters which is paramount." While the Communications Act limits the rights of the viewers and listeners by excluding speakers from the airwaves, it mitigates this damage by enhancing speech through the fairness doctrine.

The Commission and the courts have carefully circumscribed the scope of the doctrine in order to minimize intrusion into the editorial discretion of broadcasters. For example, in determining whether there has been a violation of the fairness doctrine, the FCC does not monitor broadcasts. The Commission only acts if it first, receives a complaint and second, determines that the complaint presents prima facie evidence of a violation. Only a tiny portion of complaints result in any FCC action. In 1986, the

FCC requested only 6 broadcasters to respond to fairness doctrine and political broadcasting complaints even though the Commission received an estimated 5,509 complaints in all. During the past 6 years, only one fairness doctrine complaint has resulted in litigation. In reality, there are very few instances where fairness doctrine complaints result in any action by the FCC or the courts. None of the witnesses at the hearing on March 18, 1987, who presently own or are employed by broadcast stations, have ever been asked by the FCC to respond to a complaint.

Thus, the doctrine can only "chill" broadcasters' speech when they are unwilling to air both sides of an issue. In fact, broadcasters need only fear the consequences of presenting a single side of an issue in their overall programming. A broadcaster who acts according to the standards of his or her profession, on the other hand, has nothing to fear from the fairness doctrine, since it is only applied in the most egregious cases of imbalance. The "chill" argument is thus an attempt to clothe the first amendment language in an economically motivated refusal to fulfill the commitments they gave in return for the free grant of a valuable public resource.

Mr. President, the public interest standard ordained by Congress for broadcasting means that licensees are public trustees with unique public responsibilities. As Judge Burger stated in the 1966 United Church of Christ decision: "The fairness doctrine plays a very large role in assuring the public resource granted to licensees at no cost will be used in the public interest." The point is fundamental: without the fairness doctrine, there is nothing to prevent a broadcaster from grossly abusing the public trust embodied in a broadcast license. If the legal requirement that the Commission grant licensees in the public interest cannot prevent such use of a broadcast facility, the public interest concept means nothing at all.

Mr. President, the time is long overdue for Congress to codify the fairness doctrine. I urge my colleagues to support this bipartisan effort and vote for S. 742 without amendment.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Hawaii for chairing our subcommittee. He is working on the special committee, of course, so he has been going weekends and around the clock and still giving time to the subcommittee work on hearings on the fairness doctrine and other matters. We admire his agilities.

Let me state that the Geller case, if I remember correctly, was back in 1975. It was resolved finally in 1983. But in the 1970's they had rules, Mr. President, about public programming, the weather, news, public service programming requirements. It was not a fairness doctrine case. This individual operator was carrying nothing, as the Senator has indicated, but classical music, not providing any kind of public service programming.

Since then, we in the Congress changed those rules, and so has the Federal Communications Commission. So the Geller case is not a good case to cite here in this particular debate.

The Senator from Missouri is right on target. The fairness doctrine has worked. That is what the Senator from Montana said. That has worked for 40 years now, extremely well. We are only codifying in law what has been found by administrative rules. The threat to it is a finding by the Federal Communications Commission that somehow through strained rationale it is unconstitutional.

Let me move, then, to the matter of the cable television operation which, of course, is a surrogate, Mr. President, of the broadcasting media, itself.

Cable television operators have deliberately integrated their offerings with the broadcasters. That is how they came to be. Of course, as they carry the broadcast signal, which is already subject to the fairness doctrine, they are in compliance. There is only a minimum amount of programming by the cable operators, locally produced material, that is subject to the Fairness Doctrine.

Of course, the Court found in city of Los Angeles versus Preferred Communications in a 1986 decision, the FCC's goal to promote diversity in programming was constitutional. In fact, in United States versus Midwest Video Corp., in 1972, the Supreme Court upheld the application of the FCC's requirements to cable operators carriage of local programming.

Think of the things that the Government comes and tells you to do. The Government tells you to stop at the stop sign for public safety. This is a public interest involved. The Government tells us to file an income tax return, and people brought a lot of so-called spurious income tax cases claiming individuals cannot be required to file returns, and, of course, the Court found the public purpose involved, after the finding by the Congress, itself.

Here we have another case where the Senator from Oregon is contending that it is unconstitutional, just like the FCC.

I think it ought to be clarified.

Momentarily, I have about two more speakers to come to the floor. Unless there is someone who wishes to be heard at this particular moment, I suggest——

Mr. DANFORTH. Mr. President, will the Senator withhold?

Mr. HOLLINGS. I withhold.

Mr. DANFORTH. The Senator from South Carolina indicates that he knows of two more speakers. I know of none. Maybe there are Senators who want to debate this issue. It seems to me that there is a very good likelihood that we can wrap this bill up with a little luck in the very near future. Perhaps if we put in a quorum call now and all those people who would like to participate can come on over, maybe we can end up voting on it about 4 o'clock or so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum?

Mr. HOLLINGS. If the Senator will yield just a moment. I ask unanimous consent that a document about the applicability of S. 742 to cable television be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE APPLICABILITY OF S. 742 TO CABLE TELEVISION

Cable television operators are currently obligated to follow the Fairness Doctrine, and S. 742 makes no change in this requirement. While the application of the doctrine to cable operators may appear to cover a wide range of programming, in effect, it applies in only one key respect: locally originated material ("origination cablecasting", *See* 47 CFR 76.209). Whenever a cable operator originates a local program or inserts local material into programming originated elsewhere, he is obligated to comply the doctrine's requirements.

The application to cable operators rests on three grounds. First, cable television operators have deliberately integrated their offerings with those of broadcasters. Most of the programming viewed by cable television audiences is retransmitted television signals. When these audiences "turn the dial", they do not differentiate between these retransmitted programs and other offerings. Thus, cable television is a surrogate for broadcasting and, from a public interest viewpoint, needs to follow similar requirements.

Second, it is important that any local broadcasts or locally originated programming uphold the purposes of the Communications Act. This viewpoint was best expressed in United States v. Midwest Video Corp., 406 U.S. 649 (1972), where the Supreme Court upheld the FCC's requirement that cable operators originate local programming if they wish to carry broadcast signals. The rationale for this requirement was that the FCC could oversee cable television "with a view not merely to protect but to promote the objectives for which the Commission had been assigned jurisdiction over broadcasting." Id. at 667.

Third, as with its grant of broadcasting licenses, the Federal government has established extensive requirements for cable television systems to ensure the public interest is served. These include elaborate rules for the granting of a franchise to use public resources. The 1984 Cable Communications Policy Act (P.L. 98-549), which contains these policies, has a basic purpose to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public". Congress viewed the affirmative obligations to enhance diversity as a tradeoff for the benefits granted to cable television operators. Moreover, the Fairness Doctrine obligations are directed only toward locally produced material, a very small part of cable television operations, and are a limited intrusion. In balancing these various interests, it is clear they place a minimal burden on cable television operators while forwarding the interests of the public in receiving a greater diversity of views. See City of Los Angeles v. Preferred Communications, 106 S. Ct. 2034 (1986).

In sum, the relatively limited application of the Fairness Doctrine to cable operators can be justified on a number of grounds. The authors of this legislation believe the Fairness Doctrine application here furthers the important goal of enhancing speech and providing additional views to the public.

Mr. DANFORTH. Mr. President, I have no more to say. My suggestion would be that we have a quorum call for about 20 minutes and if nobody shows up we then proceed to vote at that time.

Mr. HOLLINGS. That is good.

Mr. DANFORTH. I suggest the absence of a quorum.

Mr. HOLLINGS. Charged to both sides.

The PRESIDING OFFICER. The absence of a quorum is noted. The time will be charged to both sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have talked with the distinguished chairman of the committee, Mr. HOLLINGS, the distinguished ranking member of the committee, Mr. DANFORTH, and others, and they are all of a mind to set the vote at 4:45 this afternoon, without further debate.

Therefore, I ask unanimous consent that the vote on passage of this bill occur at the hour of 4:45 p.m. today and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL 4:45 P.M.

Mr. BYRD. Mr. President, so far as I can determine, no other Senator wishes to speak. I therefore ask unanimous consent that the Senate stand in recess until the hour of 4:45 today, but I also ask unanimous consent that there be no quorum call before the rollcall vote at 4:45.

There being no objection, the Senate recessed at 3:46 p.m. until 4:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

The Senate continued with the consideration of S. 742.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the vote occurs on the passage of S. 742.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ARMSTRONG (when his name was called). Present.

Mr. BYRD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Kentucky [Mr. MCCONNELL] are necessarily absent.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 31, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—59

Adams
Bentsen
Bingaman
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heinz
Helms
Hollings
Inouye
Johnston
Kennedy
Kerry
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—31

Baucus
Bond
Boschwitz
D'Amato
Dixon
Dole
Domenici
Evans
Garn
Gramm
Hatch
Hecht
Heflin
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
Melcher
Murkowski
Nickles
Packwood
Proxmire
Quayle
Specter
Stennis
Stevens
Symms
Wallop
Weicker

ANSWERED "PRESENT"—1

Armstrong

NOT VOTING—9

Biden
Boren
Bradley
Cranston
Humphrey
Lautenberg
Leahy
McConnell
Simon

So the bill (S. 742) was passed, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fairness in Broadcasting Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite technological advances, the electomagnetic spectrum remains a scarce and valuable public resource;

(2) there are still substantially more people who want to broadcast than there are frequencies to allocate;

(3) a broadcast license confers the right to use a valuable public resource and a broadcaster is therefore required to utilize that resource as a trustee for the American people;

(4) there is a substantial governmental interest in conditioning the award or renewal of a broadcast license on the requirement that the licensee ensure the widest possible dissemination of information from diverse and antagonistic sources by presenting a reasonable opportunity for the discussion of conflicting views on issues of public importance;

(5) while new video and audio services have been proposed and introduced, many have not succeeded, and even those that are operating reach a far smaller audience than broadcast stations;

(6) even when and where new vido and audio services are available, they do not provide meaningful alternatives to broadcast stations for the dissemination of news and public affairs;

(7) for more than thirty years, the Fairness Doctrine and its corollaries, as developed by the Federal Communications Commission on the basis of the provisions of the Communications Act of 1934, have enhanced free speech by securing the paramount right of the broadcast audience to robust debate on issues of public importance; and

(8) the Fairness Doctrine (A) fairly reflects the statutory obligations of broadcasters under that Act to operate in the public interest, (B) was given statutory approval by the Congress in making certain amendments to that Act in 1959, and (C) strikes a reasonable balance among the first amendment rights of the public, broadcast licensees, and speakers other than owners of broadcast facilities.

SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.

(a) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting before subsection (b) the following new subsection:

"(a)(1) A broadcast licensee shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(2) The enforcement and application of the requirement imposed by this subsection shall be consistent with the rules and policies of the commission in effect on January 1, 1987.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendment to the Communications Act of 1934 added by this Act shall take effect upon the date of enactment

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FARM DISASTER ASSISTANCE ACT

Mr. BYRD. Mr. President, for the information of Senators, the Senate will be on the acreage diversion bill tomorrow, the Winter Wheat Program legislation. And it should be on that legislation by no later than 10:30.

I have discussed this with the distinguished Republican leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1157 with the understanding that there will be no more rollcall votes today, that there will be no action on the bill today, and that action on the bill will begin tomorrow at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The Senate proceeded to consider the bill.

Mr. BYRD. Mr. President, does the able Republican leader have anything else he would like to lay before the Senate?

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I believe we have cleared three nominations on the Executive Calendar, Calendar Nos. 85, 86, and 87, if they are cleared on the Democratic side.

Mr. BYRD. Mr. President, I thank the leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under The Judiciary and Department of Justice, Calendar Nos. 85, 86, and 87.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that those nominations be considered en bloc and confirmed en bloc and that a motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

James B. Zagel, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

DEPARTMENT OF JUSTICE

D. Michael Crites, of Ohio, to be U.S. Attorney for the Southern District of Ohio.

William J. Jonas, Jr., of Texas, to be U.S. Marshal for the Western District of Texas.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 12

Mr. BYRD. Mr. President, on behalf of Senators NUNN, CRANSTON, WARNER, and MURKOWSKI, I ask unanimous consent that Calendar No. 34, S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All Volunteer Force, be sequentially referred to the Armed Services Committee for a period of time not to extend beyond June 1, and if that committee has not reported by that date, that it be automatically discharged from further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF SANTA FE NATIONAL HISTORIC TRAIL

Mr. BYRD. Mr. President, I am informed by the Republican leader that Calendar Order No. 91, H.R. 240, has been cleared on the other side of the aisle and is ready for action.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 91, H.R. 240.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 240) to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

The Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, the Santa Fe Trail was the first of the great trails opening up the western frontier. From its opening in 1821, the trail served as a major commercial highway. It runs from Franklin, MO to Santa Fe, NM, with a little over half the 900-mile route falling within the present boundaries of Kansas and extending near the communities of Independence, Lenexa, Olathe, Gardner, Baldwin City, Overbrook, Burlingame, Council Grove, Hillsboro, McPherson, Lyons, Great Bend, Pawnee Rock, Larned, Dodge City, Garden City, and Lakin.

Unlike its predecessors, the California and Oregon trails, the Santa Fe Trail began in the United States and ended in a foreign country, Mexico. The 25 years that Mexico controlled the western end of the trail are generally considered as the most exciting years of the trail's existence. This period is marked by many significant events marking the travels of those farmers, miners, ranchers, and settlers who pushed toward the Pacific with their dreams of a better life.

Whether it was harrowing Indian battles or the numerous weather disasters that several caravans experienced, the trail was filled with excitement and danger for those who traveled West.

The Mexican War brought the Southwest under United States rule and the character of the Santa Fe Trail changed. A more varied type of traveler appeared on the trail. U.S. Army soldiers, Government officials, religious missionaries and emigrant families were added to the mix. Forts sprang up along the trail to protect travelers from Indian attack and mail and stagecoach service was begun.

When the railroads came in the 1870's, each successive railhead that advanced westward shortened the Santa Fe Trail. In 1879, the train that reached Las Vegas left only 65 miles by wagon to Santa Fe. In February 1880, the trains finally closed the gap and newspapers in New Mexico's capital boldly proclaimed "the Santa Fe Trail passes into oblivion."

Today we have the opportunity to designate the Santa Fe Trail a national historic trail. The trail had a long and important place in our national historical development. This legislation will allow future generations to follow for themselves the path our forefathers traveled west.

Mr. BINGAMAN. Mr. President, I am pleased to urge the passage of H.R. 240 designating the Santa Fe Trail as a National Historic Trail.

This bill, introduced by my distinguished colleague from New Mexico, Congressman RICHARDSON, was passed by the House of Representatives on March 10, 1987 and has been favorably reported by the Senate Committee on Energy and Natural Resources, on which I serve. A similar bill, which I cosponsored, was also introduced in the Senate by the distinguished Senator from Kansas, earlier this year.

Both the House bill and the Senate legislation would grant historical status to the 950 mile Santa Fe Trail. The famed intercontinental passageway to the West began near Old Franklin, MO, and ran through Kansas, Oklahoma, and Colorado, to Santa Fe, NM. The trail followed two routes into New Mexico, one passing through Raton to Cimarron, Taos, Fort Union, La Junta (now Watrous), Las Vegas, across the Pecos River through Glorieta Pass into Santa Fe. The other route carried travelers into eastern New Mexico to the Canadian Cross, through Wagon Mound, La Junta (Watrous), Las Vegas, the Glorieta Pass, and into Santa Fe.

The trail, opened in 1821, became one of the great trans-Mississippi pathways to the American West. It was once the major overland route between the central United States and the Western frontier.

This celebrated overland route is rich in historic and cultural value. It not only played a central role in the expansion of the West, but it was a major thoroughfare for commerce between the United States and the Republic of Mexico.

The historic trail designation would help to preserve the trail and be a spur to increased tourism in New Mexico and elsewhere along its route. According to the New Mexico Economic Development and Tourism Department, the trail designation would mean an additional $160,000 for the travel industry annually in northeast New Mexico, particularly in economically depressed Colfax, Mora, and San Miguel Counties.

The designation would also be a great distinction for the trail and the State, since National Historic Trail status is shared by only two other trails in America—the Oregon and California Trails. The legislation complies with the National Trails System Act, which requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan before requesting funding.

The legislation is also carefully crafted not to disturb the land rights of individual landowners. The bill, as drafted, insures that no private land would be appropriated for the trail without the consent of the landowner. In addition, before acquiring any easement or entering into any cooperative agreement with a private landowner, the Secretary would be required to notify the landowners of any potential liability for public injury from physical conditions that may exist on the landowner's land.

The Santa Fe Trail is the last major overland wagon road to be considered for National Historic Trail designation. I feel it is particularly deserving of this distinction. Passage of this bill would preserve and protect the trail. It would bring needed tourism to rural areas of New Mexico and other States. And it has strong local community support.

I encourage my colleagues to support this worthwhile legislation.

Mr. DOMENICI. Mr. President, the Santa Fe Trail was the first of the great trans-Mississippi pathways to the West. Founded in 1822, it was used primarily as a route for commerce between Missouri and Santa Fe, in what was then Mexico.

During its history, the trail originated at several different points in Missouri until travelers finally settled upon Independence, MO as the staging point. From there it traversed southwest across Kansas before branching off near Fort Dodge. The mountain branch then proceeded through Colorado, and the Cimarron Cutoff passed through the Oklahoma panhandle. The two braches rejoined near Fort Union in what is now New Mexico and the trail continued to Santa Fe from there.

For over 50 years, the Santa Fe Trail served as a commercial, military, and migration route to the Southwest. It played a pivotal role in the opening and development of the area that eventually became New Mexico. It effectively linked the Spanish and American cultures and fused them into a distinct culture with customs that still exist in New Mexico today.

Many of the forefathers of present-day New Mexicans originally traveled to New Mexico over the Santa Fe Trail. General Kearny led his army, which brought New Mexico under United States rule in 1846, along the Santa Fe Trail. The Battle of Glorieta Pass, which was the turning point of the Civil War in the Southwest, was fought along the trail in northeastern New Mexico. At Glorieta Pass, Union forces stopped the advance of Confederate forces from Texas toward Denver. The trail fell into disuse after 1880, when the Atchison, Topeka, and Santa Fe Railroad reached Santa Fe.

While short, scattered segments remain where original rail ruts can be seen, most of the trail has been obliterated by weather and development. It is estimated that over 90 percent of the trail route is currently in private ownership.

In 1976, the Santa Fe Trail was studied for inclusion in the National Trail System. At that time, there were only two categories of national trails: national scenic trails and national recreation trails. The study found that, while the trail did not qualify for designation as a national scenic or recreational trail, it was of national significance and should be recognized in some manner.

The finding of nonsuitability as a scenic or recreational trail was based upon the number of incompatible developments along the trail, the lack of public ownership, and the fact that long stretches of the trail traversed dry, unvarying terrain. Rather than Federal designation as a component of the National Trails System, the study recommended that short segments of the route which possess scenic and historical features be recommended for recreation development or historical commemoration by Federal, State, or local agencies.

It should be noted that, at the time of the study, Congress had yet to create the National Historic Trails, and the trail consequently was not evaluated for designation as a National Historic Trail. The conclusions reached in the 1976 study under criteria applicable to national scenic and recreation trails, therefore, are not necessarily applicable to the suitability of the Santa Fe Trail as a National Historic Trail.

In 1978, Congress created the new category of National Historic Trails. The purpose of the National Historic Trails is to preserve and promote an appreciation of the historic resources of our Nation by the designation of routes which played an important role in our history.

National Historic Trails—there currently are five of them—follow as closely as possible and practical the original trail route. The historic routes are identified and protected for public use and enjoyment. Only the parts of an historic trail that are on federally owned land are provided Federal protection. The Santa Fe Trail is eligible for designation as a National Historic Trail since its primary importance is of an historic nature.

Last year, a bill was to designate the Santa Fe Trail as a National Historic Trail was introduced in the House. That bill was strongly opposed by local ranchers and other private interests because it would have allowed the Federal Government to acquire private land along the trail by condemnation. The private landowners were also concerned about their potential liability to visitors and the ability of the Secretary of the Interior to expand the trail without further congressional action.

These concerns were well founded. The loss of land, plus the increased cost of doing business related to those liability questions, would be unnecessary burdens to add to the livestock industry, which is already reeling from low beef prices and falling land values.

Fortunately, the bill was amended in committee to address these concerns, and the modified version was passed by the House. Although the modified version was introduced in the Senate last year, there was inadequate time to enact the bill into law before the final adjournment of the 99th Congress.

The Santa Fe Trail bill which we have before us today is identical, except for some technical changes, to the modified bill from the 99th Congress.

This bill designates approximately 950 miles of the Santa Fe Trail as a National Historic Trail. In addition, the bill states that the Federal Government can acquire lands along the trail only with the consent of the landowner. This overrides the provision of the National Trails System Act that provides that the Park Service can acquire up to 125 acres per mile by condemnation.

It also states that the Secretary of the Interior, prior to entering into a cooperative agreement or acquiring an easement in the trail, must inform the affected landowner of the landowner's potential liability for injuries to the public which occur on his property.

Establishment of the trail would allow visitors from all over the Nation to experience the trail. They will be able to hike along short sections of the trail and retrace the path of the pioneers. They also will be able to learn about the history of the trail and its significance in our history through displays and exhibits at National Park units along the trail, such as Fort Union and Pecos National Monuments.

It will cost approximately $100,000 to establish the trail. Ongoing operation and maintenance expenses are not expected to be significant.

I would like to point out that this bill has the support of the New Mexico Cattle Growers' Association, which represents a number of the land owners along the trail in New Mexico.

Mr. President, designation of the Santa Fe Trail as a National Historic Trail will increase the opportunities of visitors to the areas along the trail to learn more about the trail and its place in the history of our country. It will spur tourism and boost the economy of surrounding regions. This bill also will commemorate a part of our history that was pivotal in linking our Nation together.

I am proud to be a cosponsor of this bill and encourage all the Members of the Senate to support this measure.

Mr. ARMSTRONG. Mr. President, the Santa Fe Trail's contribution to American history is secure, and I am pleased to join my colleague Senator KASSEBAUM and my colleague in the House, Representative BROWN of Colorado, in formally recognizing the Santa Fe Trail for National Historic Trail status.

The Santa Fe Trail is important to the Nation for the lands it opened to the country, the courage and vision of the trail's pioneers in the face of contrary opinion and considerable dangers, the adventure and tales the Trail added to our national lore, and the bridge it provided us to the Spanish speaking peoples to our south.

Villa Real de la Santa Fe de San Francisco de Asis held claim throughout the 17th century as the most isolated, civilized city in the world due to its location in the middle of an unexplored continent and inaccessibility by water. The capital of the New Mexico province was founded in 1609 on the upper Rio Grande River by the Spanish just 2 years after the settlement of the Jamestown Colony in Virginia's tidewaters and served primarily to educate local Indian populations. Situated 1,000 untraveled miles from Louisiana and 1,500 miles from Mexico City, supplies were far and few between. At best, a supply train would come every 3 years, but 6 or 7 years would usually lapse between new supplies.

The Santa Fe Trail we are honoring today encompasses the 950-mile overland route from Missouri to Santa Fe that started with a journey by William Becknell in 1821. Known as the "Father of the Santa Fe Trail," Becknell may actually share establishment of the trail with several others. All the early travelers benefited from the Iturbide Revolution in Mexico in 1821 that ushered out the Spanish and brought a more lenient policy towards international trade.

Becknell's group, numbering only five, left St. Louis on October 1, 1821, arrived in Santa Fe on November 18, and returned to St. Louis in the early spring of 1822. Once back in St. Louis, Becknell quickly organized a trading party of 21 men and this was the first commercially successful trade trip to Santa Fe.

Not until 1824 did the lucrativeness of the Santa Fe trade become firmly established and the travel on the trail begin in earnest. For the next 20 years the trail enjoyed a million dollar a year business. Caravans left Missouri with hardware, dry goods, and textiles and returned from Santa Fe with furs, skins, gold, and silver. Trade was slowed by the Mexican American War, although some trade revived to supply American military posts along the route. The final end of the trade would not come until 1879 when the Atchison, Topeka, and Sante Fe Railroad passed near Santa Fe.

The route known as the Santa Fe Trail established by Becknell and the other early travelers traversed through the five current States of Missouri, Kansas, Oklahoma, Colorado, and New Mexico. There were two principal branches to the Trail: "The Mountain Branch", the original trail pioneered by Bucknell which followed the Arkansas River into present day Colorado to near La Junta and then south over Raton Pass and down to Santa Fe; and "The Cimarron Cutoff", a shorter route that cutoff from the Arkansas River near present day Cimarron, Kansas and travelled a more direct route to Santa Fe.

The Santa Fe Trail had a particularly important role in the development and exploration of Colorado because of the fur trade conducted from Santa Fe. The demand for beaver pelts in eastern markets made furs as essential element to the commerce along the Santa Fe Trail. When the Santa Fe Trail came into being, the center of the fur trade had moved south to the southern Rockies and much of it centered in Taos near Santa Fe. From Taos trappers could hunt in several directions, including many of the rivers and valleys of southern and western Colorado. Some trappers, hoping to get closer to their source and eastern markets, would spend their winters at posts on the Arkansas River near the present day sites of Pueblo, La Junta, and Las Animas.

The Santa Fe Trail is an important part of our past, but the history of the Santa Fe Trail is still alive along the trail today. In Trinidad, CO, a Santa Fe Trail Council has been formed with representatives from all the trail States. There work includes symposiums, raising funds for markers, and as an information center on the Santa Fe Trail.

Although historic designation is very timely and appropriate in view of the Santa Fe Trail's role in the development of the West, I wanted to bring to the Senate's attention of an annual observance of the Santa Fe Trail's place in history.

Santa Fe Trail Day will be celebrated for the 53d consecutive year this Friday, April 24, in Las Animas in Southeastern Colorado. And although the Santa Fe Trail has been romanticized in movies and books, the theme for the 53d Santa Fe Trail Day is "Broken Axles and Saddle Sores" which probably captures a more realistic view of the hardship of traveling this trail more than 100 years ago.

Santa Fe Trail Day is a communitywide event in Las Animas and has become a much anticipated annual spring rite. Las Animas is the seat of Bent County, named after Charles and William Bent who constructed the "Citadel of the Santa Fe Trail", Bent's Fort, in 1833. This institution is part of not only the lives of local citizens, but is ingrained in those who were born and raised in Southeastern Colorado and who now live elsewhere.

What makes Santa Fe Trail Day even more unique is that the entire event is sponsored by the Las Animas High School Student Council. Although the Chamber of Commerce, civic organizations and local governmental entities get heavily involved, it is the students of Las Animas High School who run the show. For the past 53 years on the last Friday in April these students have paid tribute to their region's history by sponsoring this tradition.

This year's Grand Marshall of the Santa Fe Trail Day parade is Bill

Setchfield, a respected local businessman and community activist who hails from one of Bent County's oldest families. The settlement of Colorado's Arkansas Valley by families such as the Setchfields began with the establishment of the Santa Fe Trail in 1821.

So, Mr. President, while the Senate will be considering official historic status for the Santa Fe Trail, I wanted my colleagues to know that the proud history of this Western pioneer highway has been commemorated annually for 53 years in Las Animas, CO. Historic Trail designation will follow an already established tradition in Southeastern Colorado.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on third reading and passage.

The bill (H.R. 240) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL INDEFINITELY POSTPONED—S. 410

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 24, S. 410, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT DESK—H.R. 1846

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 1846, when received from the House of Representatives, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S.J. RES. 98

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Joint Resolution 98 be star printed to reflect the following changes which I send to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUAL SHOPS

Mr. DOLE. Mr. President, the issue of "double-breasting" or "dual shops" has received some publicity lately as a result of the reintroduction of S. 492, the "building and construction industry labor law amendments of 1987," and its counterpart in the House, H.R. 281.

Recently, I received a letter from Labor Secretary Bill Brock stating the administration's view of the proposed legislation, and I thought my colleagues would be interested in what Secretary Brock had to say.

The letter states that the administration strongly opposes the proposed legislation. Secretary Brock notes that the legislation would do two things. First, it would deny construction company owners the ability to operate two separate construction businesses, one subject to a collective-bargaining agreement and one not subject to such an agreement. Second, the proposed legislation would prohibit a unilateral repudiation of a "pre-hire" agreement.

Secretary Brock points out that requiring the terms of a collective-bargaining agreement to be applied to employees of a nonunionized company violates the right of employees to have a voice in deciding who, if anyone, should represent them with their employer. He concludes that the proposed legislation would "disturb fundamental underpinnings of a law which has served us well."

On the second point, the ability of one party to repudiate a pre-hire agreement, Secretary Brock notes that a recent National Labor Relations Board decision makes the legislation unnecessary. On the other hand, he also notes that the legislation would go further and establish a presumption that a union has majority status, rather than giving employees covered by a pre-hire agreement "the right to decide, through an NLRB-conducted election, whether they wish to continue to be represented by a union."

It is probably inevitable that issues involving labor relations become emotional ones. However, that does not relieve us of the responsibility to do what is right, based upon a full analysis of the impact of both present law and proposed changes. I believe Secretary Brock has added significantly to the debate, and I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, April 10, 1987.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR BOB: S. 492, the "Building and Construction Industry Labor Law Amendments of 1987," would prohibit "double-breasting" in the construction industry. The Administration strongly opposes this legislation and supports current law and enforcement procedures as provided through the National Labor Relations Act.

S. 492 is a two-part bill. The first part would make it illegal for construction company owners to operate a double-breasted, or dual shop, company. A dual shop consist of two separate operations using two different labor procedures. One operates under the terms and conditions of a collective bargaining agreement, and the other operates with no such agreement. This dual arrangement is legal as long as—and only as long as—the two entities meet the National Labor Relations Board's standards for separateness. If the relationship is determined to be insufficiently separate, current law requires that the two operations be treated as one, with the terms of the collective bargaining agreement applied to employees of both entities.

Under S. 492, however, dual shops could not exist. The terms of the collective bargaining agreement of the unionized company could be applied to the employees of the non-unionized company without conducting a separate election. Normally, all employees have a voice—through their vote—to decide who, if anyone, will represent them before their employer. S. 492 would disturb these fundamental underpinnings of a law which has served us well.

The second part of the bill would prohibit a unilateral repudiation of a pre-hire agreement. A pre-hire agreement, unique to the building and construction industry, is one by which an employer and a union enter into a collective bargaining agreement although the employees to be hired have not had an opportunity to select or reject the union as their bargaining representative. In its recent Deklewa decision, the NLRB held that pre-hire agreements cannot be unilaterally terminated during the term of that agreement. However, unlike the legislation which would permit the union to enjoy a presumption of majority status, the NLRB held that employees covered by a pre-hire agreement would have a right to decide, through an NLRB-conducted election, whether they wish to continue to be represented by a union. This right to an election could be exercised by the employees at any time during the term of the pre-hire agreement, or upon its expiration. Thus, individual employee rights are protected by the NLRB ruling.

In sum, the NLRB's decisions, as affirmed by the courts, confirm that our labor laws are working as they should to assure a balance among the interests of employers and employees. S. 492 would upset this balance and would be an unfortunate precedent for other industries as well.

S. 492 should be defeated.

The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress, and that enactment of S. 492 would not be in accord with the program of the President.

Very truly yours,

WILLIAM E. BROCK.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1987, the Secretary of the Senate, on April 15, 1987, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received on April 15, 1987, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I am pleased to transmit herewith the 21st Annual Report of the National Endowment for the Humanities covering the year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

NOTICE OF CONTINUATION OF DECLARATION OF A NATIONAL EMERGENCY IN NICARAGUA—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Nicaraguan emergency is to continue in effect beyond May 1, 1987, to the *Federal Register* for publication. A similar notice was sent to the Congress and the *Federal Register* on April 22, 1986, extending the emergency beyond May 1, 1986.

The actions and policies of the Government of Nicaragua continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. If the Nicaraguan emergency were allowed to lapse, the present Nicaraguan trade controls would also lapse, impairing our Government's ability to apply economic pressure on the Sandinista government and reducing the effectiveness of our support for the forces of the democratic opposition in Nicaragua. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed in the process of dealing with the situation in Nicaragua.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to Section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Spain on Social Security which consists of two separate instruments. The Agreement was signed at Madrid on September 30, 1986.

The U.S.-Spain Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, the Federal Republic of Germany, Italy, Norway, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Spain Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1987, the Secretary of the Senate, on April 15, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 93. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990.

MESSAGE FROM THE HOUSE

At circa 4:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1963. An act to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine reclamation, Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 93. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990.

The following bill was placed on the calendar by unanimous consent:

H.R. 1963. An act to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The President pro tempore [Mr. STENNIS] reported that, pursuant to the authority of the order of the Senate of February 3, 1987, that he had signed the following enrolled bill and joint resolution on April 14, 1987, during the adjournment of the Senate:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1023. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to amend the Older Americans Act and the National School Lunch Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1024. A communication from the Chief, Program Liaison Division, Department of the Air Force transmitting, pursuant to law, a report on its intention to file a draft environmental impact statement on the proposed final deployment of the Ground Wave Emergency Network; to the Committee on Armed Services.

EC-1025. A communication from the Executive Director of the Securities and Exchange Commission transmitting, pursuant to law, a draft of proposed legislation requesting authorization of appropriations; to the Committee on Banking, Housing, and Urban Affairs.

EC-1026. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal the Salmon Vessel Buy-Back Program; to the Committee on Commerce, Science, and Transportation.

EC-1027. A communication from the Comptroller of the Currency transmitting, pursuant to law, the Office's 1986 report on the processing of consumer complaints; to the Committee on Commerce, Science, and Transportation.

EC-1028. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fy 1988; to the Committee on Commerce, Science, and Transportation.

EC-1029. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1986 annual report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-1030. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the provision to Chad of emergency military assistance; to the Committee on Foreign Relations.

EC-1031. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report providing projections of Federal investment spending and a review of public civilian investment needs; to the Committee on Governmental Affairs.

EC-1032. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for the Emergency Food and Shelter Program for fy 1988; to the Committee on Governmental Affairs.

EC-1033. A communication from the Deputy Assistant Secretary of Agriculture transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1034. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the Commission's 1986 Government in the Sunshine Act report; to the Committee on Governmental Affairs.

EC-1035. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the Commission's 1986 Freedom of Information Act report; to the Committee on the Judiciary.

EC-1036. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on an order granting defector status to an alien; to the Committee on the Judiciary.

EC-1037. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the Commission's 1986 Freedom of Information Act report; to the Committee on the Judiciary.

EC-1038. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to include U.S. Bankruptcy Judges and U.S. Magistrates in the judicial retirement system now applicable to territorial district judges; to the Committee on the Judiciary.

EC-1039. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the Department's Freedom of Information Act report; to the Committee on the Judiciary.

EC-1040. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a report on the new Institute of American Indian and Alaska Native Culture and Art Development; to the Committee on Labor and Human Resources.

EC-1041. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a review and evaluation of alcohol, drug abuse and mental health services block grant allocation formulas; to the Committee on Labor and Human Resources.

EC-1042. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Endowment Challenge Grant Program; to the Committee on Labor and Human Resources.

EC-1043. A communication from the Administrator of Veterans Affairs transmitting a draft of proposed legislation to authorize him to take certain administrative actions; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 10, 1987, the following reports of committees were submitted on April 15, 1987:

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Con. Res. 48. An original concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, 1990, 1991. (Rept. No. 100-40).

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Report on Legislative Activities of the Committee on Environment and Public Works During the 99th Congress (Rept. No. 100-41).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 853. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes (Rept. No. 100-42).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendments:

S. 1041. An original bill to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles, and for other purposes (Rept. No. 100-43).

By Mr. CHILES, from the Committeee on the Budget, without amendment, and without recommendation:

S. Con. Res. 49. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

S. Con. Res. 50. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

S. Con. Res. 51. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 778) to authorize a star schools program under the grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purpose (with minority views) (Rept. No. 100-44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 90. A bill to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes (Rept. No. 100-45).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GARN, Mr. LEVIN, and Mr. MCCAIN):

S. 1042. A bill to amend the Trade Act of 1974 to take into account the injury caused by subsidized excess capacity to produce nonagricultural, fungible goods, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GARN, Mr. LEVIN, and Mr. MCCAIN):

S. 1043. A bill to amend the Bretton Woods Agreements Act to limit the use of the compensatory financing facility of the International Monetary Fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. HEINZ:

S. 1044. A bill to provide for medicare coverage of influenza vaccine and its administration; to the Committee on Finance.

S. 1045. A bill to appropriate additional amounts for fiscal year 1987 for the National Institute on Aging; to the Committee on Appropriations.

By Mr. SHELBY (for himself, Mr. Helfin, and Mr. Kerry):

S. 1046. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

By Mr. JOHNSTON (by request):

S. 1047. A bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. Hollings, Mr. Danforth, and Mr. Packwood):

S. 1048. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S. 1049. A bill to suspend temporarily the duty on lasamid; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. Glenn):

S. 1050. A bill to temporarily suspend the duty on certain stuffed toy figures; to the Committee on Finance.

S. 1051. A bill to suspend temporarily the duty on stuffed dolls and toy figures; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. Heinz):

S. 1052. A bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. Rockefeller, Mr. Mitchell, and Mr. Specter):

S. 1053. A bill to waive certain time limitations imposed under the Trade Adjustment Assistance Program for certain workers whose employment terminated between 1981 and 1986, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. Bumpers, Mr. Weicker, and Mr. Dodd):

S. 1054. A bill to amend the Trade Act of 1974 to allow watches to be designated as eligible articles for purposes of the generalized system of preferences; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 1055. A bill for the relief of Julieta Rabara Rasay; to the Committee on the Judiciary.

S. 1056. A bill for the relief of Imelda Villanueva Locquiao; to the Committee on the Judiciary.

S. 1057. A bill for the relief of Ronilo Ancheta; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 1058. A bill to amend the Internal Revenue Code of 1986 to allow a deduction of at least $15,000 for interest paid or accrued on indebtedness incurred to acquire a 50 percent or more ownership interest in a corporation; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1059. A bill to terminate the application of certain Veterans' Administration regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care; to the Committee on Veterans' Affairs.

By Mr. SASSER (for himself and Mr. Gore):

S. 1060. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to deduct either State and local sales taxes or State income taxes; to the Committee on Finance.

By Mr. TRIBLE (for himself, Mr. Armstrong, and Mr. McConnell):

S. 1061. A bill relating to enforcement of the restrictions against imported pornography; to the Committee on the Judiciary.

By Mr. CRANSTON (by request):

S. 1062. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees; to the Committee on Veterans' Affairs.

S. 1063. A bill to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; to the Committee on Veterans' Affairs.

S. 1064. A bill to amend title 38, United States Code, to extend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

S. 1065. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to provide on call pay to certain civil service health-care personnel; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. Bingaman, Mr. DeConcini, Mr. Garn, Mr. Levin, and Mr. McCain):

S. 1042. A bill to amend the Trade Act of 1974 to take into account the injury caused by subsidized excess capacity to produce nonagricultural, fungible goods, and for other purposes; to the Committee on Finance.

S. 1043. A bill to amend the Bretton Woods Agreements Act to limit the use of compensatory financing facility of the International Monetary Fund, and for other other purposes; to the Committee on Foreign Relations.

MINERALS AND MATERIALS FAIR COMPETITION LEGISLATION

Mr. DOMENICI. Mr. President, I am going to introduce a bill today on behalf of myself, the junior Senator from New Mexico, Senator Bingaman, the senior Senator from Arizona, Senator DeConcini, and the senior Senator from Utah, Senator Garn.

I assume that before the day is out that a number of other Senators might desire to cosponsor this bill. I found that this was the most convenient time. So perhaps before the day is out we will ask consent that others who want to join in it be added as if they were original cosponsors.

This particular bill has to do with unfair competition in minerals and related materials and we call it the Minerals and Materials Fair Competition Act.

Basically, Mr. President, the U.S. copper producers have made substantial gains in their attempts to increase productivity and to reduce costs. Competitiveness seems to have many definitions, but it is clear that the ability of our industries to compete in the world market is a function not only of the rules of business in the United States but also the rules of business in other countries.

The playing field, in other words, is not level. Copper producers in the United States are at a terrible disadvantage trying to compete with foreign countries willing and able to subsidize excess capacity to produce copper.

The Minerals and Materials Fair Competition Act approaches the problem on several fronts. Sections 210 and 301 and the antidumping and countervailing duty provisions are amended and negotiation objectives are changed. The United States participation in multilateral development banks is addressed and significant changes are made with reference to the approach that they must take before they can lend additional money to produce significant new capacity where a glut already exists. The bill's language, I stress, is generic. It covers copper, potash, and other commodities similarly affected. They each face the same challenge in trying to compete with subsidized excess capacity.

The trade situation we face has caused considerable damage to the industries in the State of New Mexico and throughout the United States. Clearly it is time to deal with the unfair practices of our trading partners and to take steps to improve enforcement of our trade agreements.

This bill would amend our trade laws to ensure domestic industries are adequately defended against the effects of subsidized overcapacity in other countries. The bill also provides for changes to the Bretton Woods Agreement. These would ensure that U.S. representatives to multilateral development banks oppose funding or support of plans to develop excess world capacity for the production of minerals and materials.

I am particularly concerned about the practice of foreign governments subsidizing excess capacity to produce goods like copper, potash, and other minerals. Over the years, our domestic producers have worked hard to reduce their costs and to increase their productivity. However, we cannot expect them to compete with foreign-government subsidies.

These fungible goods are especially vulnerable to such unfair practices because they are essentially identical, regardless of their source. They are truly world commodities, traded in world markets. Subsidized excess capacity overseas leads to high worldwide inventories and low prices. Such conditions make it impossible for our producers to compete in the near term and to raise capital for future operations.

I ask unanimous consent to include in the Record at the conclusion of my remarks a related Wall Street Journal article. It is entitled "Glutted Markets, A Global Overcapacity Hurts Many Industries; No Easy Cure Is Seen" and it was in the March 9, 1987 issue. It provides an excellent discussion of this subject, and I urge my fellow Senators to review it.

Mr. President, certain provisions in the bill will carry this concern through to our objectives in trade agreement negotiations. Taken together, the provisions in the legislation provide for comprehensive and consistent treatment of the unfair practice of subsidizing excess capacity. To address this problem in a more limited way would be ineffective.

This legislation will establish the opportunity for our industries to compete in domestic and world markets. It is not designed to, nor would it, provide protection for the U.S. industries.

The mining industry is the backbone of much of our Nation's industrial base. Throughout the past two decades, the industry has suffered from unfair foreign competition, dumping by foreign producers, and a general lack of support at home. If we fail to come to the aid of the Nation's basic industries, we will unnecessarily jeopardize the strength and well-being of our country.

Mining employment in New Mexico is only half what it was just 5 years ago. Total employment over the same period has grown by more than 10 percent. To say the mining industry is in trouble is a terrible understatement.

The copper industry is one that has been severely injured. Copper is classified as a strategic and critical commodity vital to the national defense. Copper continues to be a critical component in electrical and construction applications. The shutdowns in U.S. copper capacity, and those currently threatened, will make us more dependent on foreign-produced copper.

Imported refined copper reached a record of more than half a million metric tons in 1986. This is an increase of 10 to 20 percent, compared to recent years. It is particularly significant because the apparent consumption of copper has grown very little during the same period.

The industry has responded to the world market conditions by taking steps to reduce costs and increase productivity. They have done this by consolidating (through mergers and shutdowns) and changing technology to increase productivity (throughout the process of mining, milling, and smelting). Our industry is competitive in the real sense of that word. It still struggles to compete with unfair foreign government practices.

The current trade laws need to be strengthened. The legislation I am introducing will do this on several fronts and in a concerted way. There are many examples of where our current laws have failed to produce the desired results. There are similar examples of situations where actions of U.S. representatives to the multilateral development banks have been contrary to the needs of our own industries, and to the economic laws of supply and demand.

The copper industry sought import relief in 1984, under section 201 of the trade law. Despite a unanimous finding in the industry's favor by the International Trade Commission, the President decided to deny relief.

In testimony before the Finance Committee on April 2, Ambassador Yeutter cited opposition by copper fabricators as the primary reason for denying relief. I would like to know how long we can maintain a viable fabricating sector without a domestic source of raw materials. There are innumerable examples of this type of manufacturing moving off our shores, including lead and zinc production.

In fact, it is already happening. We are being absolutely naive to believe copper fabricators will be immune to this in the future. Over the past 5 years, imports of refined copper have nearly doubled while domestic refining has fallen by a similar amount. How can we not believe it?

Employment in the U.S. copper industry totaled an estimated 9,800 in 1986, compared to more than 30,000 as recently as 1981 and 15,000 in 1984.

In New Mexico, one copper company is the largest single employer in the State's varied manufacturing sector. Phelps Dodge Corp. employs 2,159 people in the mining and smelting of copper. That is 8 percent more than the next largest employer and twice the number employed by the fourth largest employer.

This is a very important industry to New Mexico and to the Nation. Employment is only the tip of the iceberg. The contributions to the economy go beyond the payroll totals. The economic impact in 1985 related to Phelps Dodge's operations in New Mexico totaled $220,364,000. The payroll accounted for 32 percent; construction expenditures, 32 percent; utilities purchases, 23 percent; taxes, 5 percent; and other purchases, 8 percent.

More recently, U.S. potash producers petitioned the International Trade Commission and the Department of Commerce for relief from Canadian dumping of potash in the United States market. On March 23, the Commission announced its findings regarding injury and the threat of injury to the domestic producers. The Commission ruled unanimously in favor of the petitioners.

The Commission found the U.S. potash industry has been injured. Between 1984 and 1986, U.S. potash production dropped 26 percent, shipments fell 55 percent, and the workforce declined 23 percent. At the same time, as the size of the U.S. market held steady, the Canadians increased their production capabilities and their share of the United States market.

The Commission also found that Canadian potash was being sold in the United States market, at prices below those of United States producers for most products.

The petition now is in the hands of the Department of Commerce to determine if and to what extent dumping has occurred. It is my sincere hope that if the Department of Commerce determines that dumping has occurred, relief will be granted.

Free trade and fair competition do not exist in today's world markets. We must make our laws work for us and penalize those who pursue unfair practices. The legislation I am introducing would tighten the procedures for the United States Trade Representative and the President is cases like this one. It would require them to act more promptly and responsibly toward U.S. industries injured by such unfair practices.

For all those who would argue these unfair practices are acceptable or even preferable because the consumer benefits from lower short-term prices. I ask you to consider our experiences with dependence on imported oil. Does anyone really believe the price of oil will remain at current low levels after we have allowed our domestic oil industry to whither and die? We are faced with essentially the same situation in other critical minerals and materials.

The trade deficit problem will be mitigated somewhat by the provisions in this legislation. More importantly, the domestic minerals and materials industries will be provided with the opportunity to compete. At the same time, the risks associated with import reliance will be reduced.

Mr. President, basically, it seems that copper and other commodity producers in the United States do their very best to become competitive. They change their way of doing business, they modernize, they even use new techniques. And yet we find in this world market that a product like copper must compete with production from around the world.

And we find a foreign country, even when there is a glut in the market, will go out and borrow in the world market, the World Bank will participate, they will subsidize and increase capacity in a foreign country. Often, they do not have a capitalistic system, do not have a bottom line of profits and losses, and continue to increase capacity. This creates the so-called glut issue.

Obviously, we need some generic way to deal with that. This is another one of those issues where you need a concept, a new concept of what unfair trade practices are.

If we stay with the old, simple definitions of dumping, selling at below cost, they will not solve the problem. What we need is a new order of things in the world marketplace for a decade or so, so that demand for these commodities will catch up with the productive capacity that already exists. This will address the glut situation without doing away with competition. We want it to be competitive so that our consumers and the consumers in the world get the best possible prices under those circumstances.

We think, after months of study and evaluation by experts, that we have something that our Finance Committee ought to seriously consider with reference to materials of this type. That is nonagricultural fungible commodities in the world marketplace, that are very similar from country-to-country. Basically the methods of financing and subsidizing capacity are very different from country to country, and the United States needs some tools in order to be able to compete.

There is a separate section of the bill, Title V, which I have introduced which clearly should be referred separately. And I only call it to the attention of the Parliamentarian, because I am also introducing it as a separate bill, so that it could be referred to the Foreign Affairs Committee.

Mr. President, I ask unanimous consent that the text of the bills, and a summary of the provisions of the Minerals and Materials Fair Competition Act and a document provided by an American copper company indicating the innovative changes that have occurred in the industry be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minerals and Materials Fair Competition Act of 1987".

TITLE I—ACTIONS AGAINST UNREASONABLE TRADE PRACTICES

SEC. 101. ACTIONS REQUIRED TO BE TAKEN BY THE PRESIDENT IN RESPONSE TO CERTAIN DETERMINATIONS.

(a) In General.—Subsection (a) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Subsidized excess production capacity cases.—By no later than the date that is 21 days after the date on which the United States Trade Representative makes an affirmative determination under section 304(c)(1) with respect to any nonagricultural, fungible goods of a foreign country, the President—

"(A) shall impose by proclamation or Executive order a limitation on the quantity of such goods that may be entered equal to the quantity of such goods that entered during a representative period occurring before the period in which the acts, policies, and practices that are the subject of such affirmative determination were engaged in by the foreign country, and

"(B) may take such other actions described in subsection (b) or (c) that are necessary to offset such acts, policies, and practices.".

(b) Comments.—Paragraph (1) of section 301(d) of the Trade Act of 1974 (19 U.S.C. 2411(d)(1)) is amended by inserting "by interested persons" after "presentation of views".

(c) Entered.—Section 601 of the Tariff Act of 1974 (19 U.S.C. 2481) is amended by adding at the end thereof the following new paragraphs:

"(11) The term 'entered' means entered, or withdrawn from warehouse, for consumption into the customs territory of the United States.

"(12) The term 'customs territory of the United States' means the States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 102. UNREASONABLE PRACTICES.

Paragraph (3) of section 301(e) of the Trade Act of 1974 (19 U.S.C. 2411(e)(3)) is amended to read as follows:

"(3) Unreasonable.—

"(A) In general.—An act, policy, or practice is unreasonable if the act, policy, or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair and inequitable.

"(B) Inclusions.—Acts, policies, and practices that are unreasonable include, but are not limited to, any act, policy, or practice which—

"(i) denies fair and equitable—

"(I) market opportunities, or

"(II) opportunities for the establishment of an enterprise,

"(ii) fails to provide adequate and effective protection of intellectual property rights, or

"(iii) provides, directly or indirectly, any subsidy (including the provision of funds on terms inconsistent with commercial considerations) to increase the capacity to produce a nonagricultural, fungible good for which the existing worldwide production capacity (or a reasonable expectation of future worldwide production capacity) significantly exceeds existing worldwide demand (or a reasonable expectation of future worldwide demand).

"(C) Special rule.—Any act, policy, or practice described in subparagraph (B)(iii) shall be treated as burdening or restricting United States commerce if such act, policy, or practice threatens to have an adverse impact on United States commerce.".

SEC. 103. OBTAINING INFORMATION FOR INVESTIGATIONS.

Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended by adding at the end thereof the following new subsection:

"(d) Obtaining Information.—

"(1) In general.—In the course of any investigation initiated under subsection (b)(2), the Trade Representative shall direct to the foreign countries relevant to the investigation such inquiries as the Trade Representative considers appropriate for the purpose of obtaining information relevant to the determinations and recommendations required under section 304.

"(2) Verification and use of best information otherwise available.—The Trade Representative may request that the foreign country furnishing information in response to an inquiry under paragraph (1) provide such documentation, or permit such verification, of the information as the Trade Representative considers appropriate. If any information requested under paragraph (1)—

"(A) is not furnished in a timely manner,

"(B) is furnished in incomplete or inadequate form, or

"(C) is not documented or verified to the extent considered sufficient by the Trade Representative;

the Trade Representative may disregard all or any part of such information, and instead utilize the best information otherwise available for purposes of making the determination and recommendations required under section 304.".

SEC. 104. TIME LIMITATION ON RECOMMENDATIONS IN EXCESS PRODUCTION CAPACITY CASES; PUBLICATION.

Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended by adding at the end thereof the following new subsections:

"(c) Determination and Recommendations Concerning Subsidized Excess Production Capacity.—Notwithstanding any other provision of this section, in the case of an investigation initiated under section 302 with respect to a petition alleging that a foreign country is engaging in an act, policy, or practice described in section 301(e)(3)(B)(iii), the Trade Representative shall, by no later than the date that is 8 months after the date on which such investigation is initiated—

"(1) make a determination of whether the foreign country is engaging in such act, policy, or practice, and

"(2) if the determination under subparagraph (A) is affirmative, recommend actions that the President should take under section 301 to eliminate such acts, policies, and practices.

"(d) Publication.—The Trade Representative shall publish in the Federal Register each determination and recommendation made by the Trade Representative under this section, including the facts and reasons upon which the determination or recommendation is based.".

TITLE II—NEGOTIATING OBJECTIVES

SEC. 201. MULTILATERAL AGREEMENT REGARDING SUBSIDIES FOR EXCESS PRODUCTION CAPACITY.

(a) In General.—Chapter 1 of title I of the Trade Act of 1974 is amended by inserting after section 104A the following new section:

"SEC. 104B. NEGOTIATION OBJECTIVE REGARDING EXCESS CAPACITY TO PRODUCE NONAGRICULTURAL, FUNGIBLE GOODS.

"A principal negotiating objective under section 102 of this Act shall be to obtain an agreement as part of the General Agreement on Tariffs and Trade that imposes sanctions against the provision, directly or indirectly, of government subsidies (including the provision of funds on terms inconsistent with commercial considerations) to increase the capacity to produce a nonagricultural, fungible good for which the existing worldwide production capacity (or a reasonable expectation of future worldwide production capacity) significantly exceeds existing worldwide demand (or a reasonable expectation of future worldwide demand).".

(b) Conforming Amendment.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to item 104A the following new item:

"Sec. 104B. Negotiation objective regarding excess capacity to produce nonagricultural, fungible goods.".

TITLE III—RELIEF FROM IMPORT COMPETITION

SEC. 301. DETERMINATIONS OF INJURY.

(a) In General.—Subparagraphs (B) and (C) of section 201(b)(2) of the Trade Act of 1974 (19 U.S.C. 2251(b)(2)) are amended to read as follows:

"(B) with respect to the threat of serious injury—

"(i) a decline in sales in the domestic industry concerned;

"(ii) a higher and growing inventory in the domestic industry concerned (whether maintained by domestic producers, importers, wholesalers, or retailers);

"(iii) a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

"(iv) an increase in the worldwide capacity to produce the article under investigation if—

"(I) the article is a nonagricultural, fungible article, and

"(II) such increase is likely to result in increased imports of the article into the United States or a reduction or suppression of the price of the article in domestic or worldwide markets;

"(C) with respect to substantial cause—

"(i) an increase in imports (either actual or relative to domestic production),

"(ii) a decline in the proportion of the domestic market supplied by domestic producers, and

"(iii) an increase in the worldwide capacity to produce the article under investigation if—

"(I) the article is a nonagricultural, fungible article, and

"(II) such increase has had, or will have, the effect of decreasing or suppressing the price of the article in domestic or worldwide markets;".

SEC. 302. DETERMINATIONS OF RELIEF BY THE PRESIDENT.

Subsection (c) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252(c)) is amended to read as follows:

"(c)(1) In determining what actions to take under section 203 and the method and duration of such actions, the President shall—

"(A) consult with the interagency trade organization established pursuant to section 242(d) of the Trade Expansion Act of 1962, and consider the recommendations and written analyses of such organization or members of such organization with regard to the subject of such determination, and

"(B) take into account, in addition to such other considerations as the President may consider relevant—

"(i) a written analysis, which the Secretary of Labor shall prepare and submit to the President with respect to each affirmative determination made by the Commission under section 201(d)(1), on—

"(I) the potential impact on domestic employment of various remedies available to the President, and

"(II) the extent to which workers in the domestic industry have applied for, are receiving, or are likely to receive, adjustment assistance under chapter 2 or benefits from other manpower programs,

"(ii) information and advice, which the Secretary of Commerce shall provide to the President with respect to each of such affirmative determinations, on the extent to which firms in the industry have applied for, are receiving, or are likely to receive, adjustment assistance under chapter 3,

"(iii) a written analysis, which the Secretary of Commerce shall provide to the President with respect to each of such affirmative determinations, on—

"(I) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States), and

"(II) competition in the domestic markets for such articles;

"(iv) a written analysis, which the United States Trade Representative shall prepare and submit to the President with respect to each of such affirmative determinations, on the probable effectiveness of import relief as a means of promoting adjustment or modernization in order to improve competitive abilities;

"(v) the efforts being made, or to be implemented, by the domestic industry to adjust to import competition, and other considerations relative to the position of the industry in the United States economy; and

"(vi) the efforts being made by firms in the domestic industry to provide retraining to workers in the industry.

"(2) In preparing the written analyses required under paragraph (1), the Secretary of Labor, the Secretary of Commerce, and the United States Trade Representative shall solicit, receive, and evaluate comments from interested parties. These written analyses and any other recommendations, comments, or analyses submitted to the President by members of the interagency trade organization established under section 242 of the Trade Expansion Act of 1962 shall be made available to the public at the time they are submitted to the President.".

SEC. 303. EXPANSION OF RELIEF OPTIONS.

(a) In General.—Subsection (a) of section 203 of the Trade Act of 1974 (19 U.S.C. 2253(a)) is amended—

(1) by striking out "or" at the end of paragraph (4),

(2) by redesignating paragraph (5) as paragraph (6), and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) enter into multilateral negotiations to prevent or remedy the injury, or threat of injury, if the injury or threat of injury is not susceptible to unilateral solution by the United States, including injury or threat of injury from excess worldwide capacity to produce such article; or".

(b) Commission Recommendations.—Paragraph (1) of section 201(d) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (A), and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) if the Commission determines that the serious injury, or threat of serious injury, cannot be remedied by unilateral actions by the United States, recommend that the President enter into multilateral negotiations to prevent or remedy the injury, or threat of injury,".

(c) Conforming Amendments.—Subsections (e) and (g) of section 203 of the Trade Act of 1974 (19 U.S.C. 2253) are each amended by striking out "(5)" each place it appears and inserting in lieu thereof "(6)".

SEC. 304. EVASION OF REMEDIES.

(a) Recommendations by the Commission.—Subsection (d) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251) is amended by adding at the end thereof the following new paragraph:

"(3) In making recommendations under paragraph (1), the Commission shall consider the potential for significant evasion of the remedies described in section 203(a) and shall include in such recommendations any means that could be used by the President to prevent such evasion.".

(b) Actions by the President.—Section 203 of the Trade Act of 1974 (19 U.S.C. 2253) is amended by adding at the end thereof the following new subsection:

"(l) If the President determines, during the period in which relief provided under subsection (a) is in effect, that an article not subject to the relief has had the effect of supplanting, in whole or in part, the injury to the domestic industry caused or threatened by the imports subject to the relief, the President shall take any combination of actions described in subsection (a) with respect to the article that is necessary to prevent such evasion.".

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

SEC. 401. MATERIAL INJURY.

(a) Price Effects.—Clause (ii) of section 771(7)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended—

(1) by striking out "and" at the end of subclause (I),

(2) by striking out the period at the end of subclause (II) and inserting in lieu thereof ", and", and

(3) by inserting after subclause (II) the following new subclause:

"(III) excess worldwide capacity to produce the merchandise has had an effect on reducing or suppressing the price of the merchandise in the United States.".

(b) Threat of Injury.—Clause (i) of section 771(7)(F) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(i)) is amended—

(1) by redesignating subclauses (VII) and (VIII) as subclauses (VIII) and (IX), and

(2) by inserting after subclause (VI) the following new subclause:

"(VII) excess worldwide capacity for producing the merchandise that is likely to result in increased imports of the merchandise into the United States or reduction or suppression of the price of the merchandise in United States and world markets,".

SEC. 402. SUBSIDIES BY ENTITIES FUNDED BY GOVERNMENTS.

Subsection (a) of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671(a)) is amended—

(1) by striking out "or" at the end of subparagraph (A),

(2) by adding "or" at the end of subparagraph (B), and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) an entity (including any multinational or regional lending institutions) funded in whole or in part by contributions of such a country,".

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. COMPENSATORY FINANCING FACILITY OF THE INTERNATIONAL MONETARY FUND.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"USE OF THE COMPENSATORY FINANCING FACILITY OF THE FUND

"SEC. 51. (a) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present proposals to the Executive Board of the Fund at the earliest practicable time to ensure that countries experiencing a shortfall in export earnings from non-agricultural fungible commodities, as determined under policies of the Fund regarding the use of its compensatory financing facility, may not borrow from the compensatory financing facility if such shortfall was produced by declining prices of a non-agricultural fungible commodity in surplus on world markets, unless the borrowing country enters into an agreement with the Fund to adjust production and not to add further to excess capacity and to take other necessary action to stabilize the market for such commodity.

"(b) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against the provision of any loans or other financing assistance from the compensatory facility of the Fund to countries producing surplus commodities before the Executive Board completes action that would implement the provisions of subsection (a).".

SEC. 502. REPORTING REQUIREMENT.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, and at intervals of 90 days thereafter until a date 3 years after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the President and to the Congress a report—

(1) listing all appraisal reports which have been circulated during the preceding 90 days within the international financial institutions described in subsection (c)(2) for project assistance which would establish or enhance the capacity of any country other than the United States to produce a commodity for export, if—

(A) such commodity is in surplus on world markets or is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative; and

(B) such assistance will cause substantial injury to United States producers of the same, similar, or competing commodity; and

(2) describing requests by any of the major copper producing countries for assistance from the International Monetary Fund.

(b) INSTRUCTIONS.—The Secretary of the Treasury shall instruct the representatives of the United States to international financial institutions described in subsection (c)(2) to take into account, in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to (1) minimize any projected adverse impacts on such sectors or markets of making such loans, credits, or utilization of resources and (2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) DEFINITIONS.—

(1) For purposes of paragraph (2) of subsection (a), the term "major copper producing countries" refers to Chile, Indonesia, Papua New Guinea, Peru, the Philippines, Zaire, and Zambia.

(2) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(d) CONFORMING AMENDMENT.—Section 50(a) of the Bretton Woods Agreements Act is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"USE OF THE COMPENSATORY FINANCING FACILITY OF THE FUND

"SEC. 51. (a) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present proposals to the Executive Board of the Fund at the earliest practicable time to ensure that countries experiencing a shortfall in export earnings from nonagricultural fungible commodities, as determined under policies of the Fund regarding the use of its compensatory financing facility, may not borrow from the compensatory financing facility if such shortfall was produced by declining prices of a nonagricultural fungible commodity in surplus on world markets, unless the borrowing country enters into an agreement with the Fund to adjust production and not to add further to excess capacity and to take other necessary action to stabilize the market for such commodity.

"(b) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against the provision of any loans or other financing assistance from the compensatory facility of the Fund to countries producing surplus commodities before the Executive Board completes action that would implement the provisions of subsection (a).".

SEC. 2. (a) Beginning 90 days after the date of enactment of this Act, and at intervals of 90 days thereafter until a date 3 years after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the President and to the Congress a report—

(1) listing all appraisal reports which have been circulated during the preceding 90 days within the international financial institutions described in subsection (c)(2) for project assistance which would establish or enhance the capacity of any country other than the United States to produce a commodity for export, if—

(A) such commodity is in surplus on world markets or is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative; and

(B) such assistance will cause substantial injury to United States producers of the same, similar, or competing commodity; and

(2) describing requests by any of the major copper producing countries for assistance from the International Monetary Fund.

(b) The Secretary of the Treasury shall instruct the representatives of the United States to international financial institutions described in subsection (c)(2) to take into account, in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to (1) minimize any projected adverse impacts on such sectors or markets of making such loans, credits, or utilization of resources and (2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c)(1) For purposes of paragraph (2) of subsection (a), the term "major copper producing countries" refers to Chile, Indonesia, Papua New Guinea, Peru, the Philippines, Zaire, and Zambia.

(2) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(d) Section 50(a) of the Bretton Woods Agreements Act is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

SUMMARY OF PROVISIONS—THE MINERALS AND MATERIALS FAIR COMPETITION ACT

TITLE I—ACTIONS AGAINST UNREASONABLE TRADE PRACTICES

Establishes subsidization of excess capacity to produce non-agricultural fungible goods as an unreasonable practice.

Requires the President to take action following an affirmative determination by the United States Trade Representative in such cases.

Directs the Trade Representative to obtain, verify, and consider information relevant to the determination being made.

Requires the Trade Representative to make a determination within 8 months of initiation of the investigation. And, if the decision is affirmative, to recommend actions the President should take.

Requires the publication in the Federal Register of the Trade Representative's determination and recommendations.

TITLE II—NEGOTIATING OBJECTIVES

Establishes a principle negotiating objective to obtain an agreement in GATT negotiations that imposes sanctions against the subsidization of excess capacity.

TITLE III—RELIEF FROM IMPORT COMPETITION

Establishes that an increase in worldwide capacity that is likely to lead to increased imports in the United States or the reduction of prices constitutes a threat of serious injury.

Establishes that an increase in worldwide capacity that has had or will have the effect of reducing prices constitutes substantial cause of injury.

Requires the Secretary of Labor to provide the President with a written analysis with respect to effects on domestic employment of various remedies and the extent to which adjustment assistance is or may be provided to workers in the domestic industry.

Requires the Secretary of Commerce to provide the President with information and advice regarding the extent to which firms in the industry are or may be receiving adjustment assistance. Also, requires a written analysis be provided with respect to the effects of import relief on consumers and competition in the domestic market.

Requires the Trade Representative to provide the President with a written analysis with respect to the probable effectiveness of the relief, efforts of the domestic industry to adjust to the import competition, and efforts to provide retraining to workers in the industry.

Requires the President, in determining what relief to grant, to consult with the interagency trade organization and to consider the written analyses of the Trade Representative and the Secretaries of Labor and Commerce.

Requires the Trade Representative and the Secretaries of Commerce and Labor to solicit, receive, and evaluate comments from interested parties as a part of their analyses.

Expands relief options to include the use of multilateral negotiations to prevent or remedy the injury or threat of injury from excess worldwide capacity.

Requires the International Trade Commission to consider the potential for significant evasion of the remedies and to recommend actions to prevent such evasion.

Authorizes the President to take actions to prevent evasion against the same or like articles.

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

With respect to material injury, establishes the price effect of excess worldwide capacity reducing prices, and the threat of injury due to excess worldwide capacity that is likely to increase imports into the United States or reduce prices.

Includes subsidies provided by multinational or regional lending institutions as subsidies by entities funded by governments.

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

Restricts to use of the Compensatory Financing Facility (CFF) to ensure that CFF funds are used to add to excess capacity or to produce surplus commodities.

Requires the Secretary of the Treasury to report to the President and to the Congress regarding proposed project assistance that would contribute to excess capacity and be harmful to U.S. producers.

Instructs our representatives to multilateral development institutions to consider the market conditions for such goods and avoid actions that would adversely impact such sectors or markets.

REMARKS ON THE COPPER INDUSTRY FOR SENATOR DOMENICI'S OFFICE

During the past year the United States domestic copper industry has begun to show signs of life following a period in which it teetered on the brink of extinction—indeed, a number of metals analysts who follow the industry for their clients were predicting its demise as a significant contributor to our country's economy.

This crisis came about as a result of two major changes in the world copper market: (1) During the early 1970s major copper mines in Chile and in central Africa were nationalized by their governments. Unlike a private owner which must make a profit to stay in business, a government that owns a mine generally operates it without regard to whether it makes a profit or a loss; the mine becomes an instrument for that government's political and social objectives. Such mines do not respond to market conditions when supply exceeds demand; instead, they keep producing at full capacity, increasing the oversupplies, driving prices even lower and delaying improvement in prices once demand catches up with production. These are the very policies practiced by those countries since they expropriated the copper mines. As a result it is only recently that world inventories of copper have declined to a pont where improvement in copper prices may be hoped for. (2) The second fundamental change contributing to the copper industry's depression has been a slowing of the rate of growth of consumption of the metal, traceable to the introduction of substitute materials in applications where copper formerly was used exclusively, along with users' ability to get by with less copper in applications where substitutes can't be used.

These two developments have produced basic changes in the copper markets that will affect the domestic copper industry for years to come. Reflecting the pervasive effects of these fundamental supply-demand shifts, the companies competing in the domestic copper industry have changed dramatically in recent years. For example, of the top twenty copper mines in the U.S. in 1976, ten have changed ownership in whole or in part in the ensuing ten years, and ten of the top twenty, including some that were sold, are currently shut down. The change in the domestic copper smelting picture has been just as acute. There were sixteen primary copper smelters operating in the U.S. in 1976; today only seven of those sixteen are operating, with an eighth scheduled to reopen later this year.

As the rules of the game have changed in the copper industry, the companies that formerly competed in that industry have reacted in different ways. Many companies have sold their interests in copper and have diverted their resources to other industries. Those that remain appear to continue to believe that the domestic copper industry has a future and want to be a part of that future. To do so they have cut costs in existing operations, developed new low-cost copper resources, and generally found better and cheaper ways to produce their copper.

Typical of the latter is Phelps Dodge Corporation. Phelps Dodge first mined copper in New Mexico in 1912, and opened its pit mine at Tyrone in 1968 and its Hidalgo smelter south of Lordsburg in 1976. On January 1, 1987 Phelps Dodge expanded its presence in the state by purchasing the interest formerly owned by Kennecott in the Chino Mines Company in Grant County. Phelps Dodge now owns or has a majority interest in mines in New Mexico that in 1986 supplied nearly one-fourth of all of the copper produced in the United States.

Today's Phelps Dodge is much different from the company that existed as recently as three years ago. In 1984 Phelps Dodge mined about 20% of the copper produced in the United States; this year its mines will produce nearly half of the copper mined in the U.S. In 1984 Phelps Dodge lost $267.8 million from its operations and from write-offs as a result of closing uneconomic parts of its operations and selling some interests not directly related to its core copper business; in 1985 and 1986 it recorded profits of $29.5 million and $61.4 million. These results were achieved despite the depressed Comex spot price for copper which hovered around 61 cents a pound during each of those three years. (In terms of constant dollars 61 cents approaches the lowest price received for copper since the great depression of the 1930s).

Phelps Dodge achieved profitability by investing its resources in those operations whose unit costs could be lowered to make money in a world where copper sells for less than 65 cents a pound; operations that had no chance to be profitable in that world were shut down. Some of the things Phelps Dodge did to lower unit costs at its operation properties include:

Tailing disposal facilities at its Tyrone mine in Grant County were expanded to allow the mine to operate continuously. Concentrate production was increased by 40% at little increased cost;

A solvent extraction/electrowinning plant to recover copper from low-grade rock was constructed and then expanded at Tyrone to produce 35,000 tons of copper per year at a cost of less than thirty cents a pound;

The company's Hidalgo Smelter south of Lordsburg in Hidalgo County was overhauled and equipment was added to produce oxygen-enriched air. This resulted in reduced emissions to the atmosphere, reduced energy consumption, increased efficiencies and lower unit costs;

The Morenci, Arizona mine was converted from a rail haulage operation to a modern truck haulage operation, lowering unit costs there;

The Company is constructing a large solvent extraction/electrowinning plant at Morenci which will produce 50,000 tons of electrowon copper per year at costs comparable to those realized by the Tyrone plant;

It made staff reductions of 45% at its New York Headquarters and its Western General Offices, reducing overhead by $10 million;

It installed a computerized system to dispatch trucks at all its mines to achieve maximum haulage efficiencies.

It is studying the feasibility of constructing a solvent extraction/electrowinning plant at Chino to further reduce its unit costs.

Phelps Dodge also credits its return to profitability to the enthusiasm and cooperation of all its employees in increasing productivity and lowering unit costs. New production records were set in 1985 and broken in 1986. In appreciation for their contributions to the Company's recovery, the Company has twice in the past eighteen months paid each hourly employee in its copper production operations a surprise bonus equivalent to twenty hours pay.

As a result of these and other changes already made Phelps Dodge's unit production costs were one-third lower in 1986 than they were in 1981.

The magnitude of Phelps Dodge's contribution to New Mexico's economy is illustrated by the following statistics:

Of all of New Mexico's manufacturing and mining companies—Phelps Dodge:

Is the largest employer;

Ranks second in total payroll;

Ranks first in expenditures for utilities;

Is the fourth largest customer of other New Mexico businesses;

Ranks third in the amount of taxes paid to state government; and

Ranks first over the past three years in spending on construction in the state.

In Grant and Hidalgo Counties Phelps Dodge pays more than half the property taxes and gross receipts and compensating taxes received by those Counties.

Phelps Dodge's total economic impact in New Mexico in 1986 in terms of direct and indirect contributions to the state's economy amounted to three-quarters of a billion dollars.

What Phelps Dodge Means to New Mexico

PHELPS DODGE PROFILE

Phelps Dodge Corporation, the largest domestic copper producer, mines about one-third of the nation's copper. Phelps Dodge smelts and refines most of its own product and treats material for others contractually. The company is also a leading producer of continuous cast copper rod and magnetic wire. The company produces silver, gold and molybdenum as copper mining by-products, and conducts metal and minerals exploration worldwide. Phelps Dodge also has related mining and manufacturing interests on several continents.

NEW MEXICO OPERATIONS

With the recent acquisition of Chino Mines from Kennecott, Phelps Dodge is now New Mexico's largest industrial employer, supplying the state with a total of 2,159 jobs. Phelps Dodge has a particularly strong presence in Grant and Hidalgo Counties. The company employs 1,660 workers at the Tyrone and Chino mining operations in Grant County—representing over 20 percent of that county's total jobs. Phelps Dodge also employs 499 workers at its smelter in Hidalgo County—more than 27 percent of that county's total jobs.

Phelps Dodge's Tyrone operation, which employs 728 workers, produced over 125,000 tons of copper contained in concentrate or precipitates, 30 percent of the company's total production in 1985. The solvent-extraction electrowinning (BX/EW) technology, that is designed to extract low grade ore, produced 35,000 tons of efficiently mined copper in 1985. This was the second operating year capacity was doubled. Also at the Tyrone facility, production hit a record and unit costs tumbled mostly due to SX/EW technology. Though the Tyrone ore body will be depleted in the early 1990's, SX/EW production will continue there for many years. Phelps Dodge, in the meantime, expanded its tailings disposal facilities in 1984 to achieve enhanced output and improved unit costs by changing to a continuous operating schedule.

Phelps Dodge also operates a large smelter in Hidalgo County. This plant underwent a $27 million refurbishing project, and it smelted at a record 169,000 tons of copper in 1984. Other plant investment included a $10 million project to relocate from Morenci, Arizona, an oxygen enrichment plant that improves energy and pollution control efficiencies benefitting unit production costs.

Recently, in late 1986, Phelps Dodge purchased from Kennecott two-thirds interest (Mitsubishi has a one-third interest) and is principal operator of New Mexico's Chino Mines which currently mines 145,000 tons of copper annually and now employs 932 workers. In effect, acquiring the Chino Mines doubles Phelps Dodge's investment and economic impact in New Mexico.

ECONOMIC IMPACT

Phelps Dodge has about a quarter of a billion dollar direct impact on New Mexico's economy. Dollar figures include the combined operations of Phelps Dodge and the recently acquired Chino Mines. The company's total payroll, which was $70,534,000 in 1985 and rose to $71,043,000 in 1986. * * * Phelps Dodge bought $19,715,878 in goods and services from New Mexico businesses in 1985.

The total amount paid by Phelps Dodge in state and local taxes in 1985 was $10,015,945, of which over a third went towards property taxes in Grant and Hidalgo Counties. The company paid property taxes in Grant County amounting to $2,453,468 in 1985 and $2,810,952 in 1986. In Hidalgo County, the company paid property taxes of $678,432 in 1985 and $626,258 in 1986. Phelps Dodge accounts for about half of all property taxes paid in each of these counties. The majority of taxes paid by Phelps Dodge, therefore, benefit even parts of New Mexico where Phelps Dodge does not have facilities, so the enter state gains from Phelps Dodge mining activity.

The direct payment to Phelps Dodge's employees, suppliers, construction workers, and to government entities also have a ripple or indirect affect on New Mexico's economy. The total impact of Phelps Dodge's operations on the New Mexico economy is on the order of three-quarters of a billion dollars.

PHELPS DODGE COMPARED

The Bureau of Business and Economic Research at the University of New Mexico conducted a survey of large industrial firms in New Mexico. As the table below indicates, Phelps Dodge is New Mexico's largest industrial employer. Based upon the survey of industrial employers, Phelps Dodge had the state's 2nd largest payroll in 1985. The company also ranked 1st in the amount paid to New Mexico utilities and was 1st in expenditure on new construction based upon a three year average from 1983-85. Phelps Dodge ranked 4th in purchasing goods and services from New Mexico businesses and was 3rd highest in payment of total state and local taxes in 1985 of which over one-third of total taxes paid were property taxes in Grant and Hidalgo Counties.

MAJOR NEW MEXICO INDUSTRIAL AND MINING EMPLOYERS

Company	Location	Employment
1. Phelps Dodge	Tyrone	2,159
2. Honeywell-Sperry	Albuquerque	2,000
3. General Electric	Albuquerque	1,650
4. Transportation Mfg. Co.	Roswell	1,005
5. L'Eggs Products	Masilla Park	900
6. Albuquerque Publishing Co.	Albuquerque	900
7. Utah International	Fruitland	883
8. Intel Corporation	Albuquerque	743

[From the Wall Street Journal, Mar. 9, 1987]

Glutted Markets: A Global Overcapacity Hurts Many Industries; No Easy Cure Is Seen—Among Those Hit Are Autos, Steel, Computers, Chips; Some Chemicals Recover—One Winner: The Consumer

Raise the subject of America's industrial problems, and you hear a lot of complaints. You are told that much of U.S. industry is performing sluggishly because Americans don't want to work anymore or have forgotten how; that foreign rivals are competing unfairly through government machinations, ridiculously low wages or both; that the U.S. just hasn't surmounted the legacy of an overvalued dollar.

But all this emphasis on what is going wrong in the U.S. and in its relations with trading partners—especially Japan, with its mercantilist drive to export—tends to obscure a world-wide problem: Many major industries, all around the globe, are burdened with far too much capacity.

"Overcapacity is a world-wide problem, and it's getting worse," says Lester Thurow, an economist at the Massachusetts Institute of Technology. "We're still investing as if the world economy were growing at 4 percent a year instead of the actual rate of about 2 percent."

DEMAND SLUGGISH

While a lot of automated capacity has been added, effective demand has been sluggish. Knocking many buyers out of the market have been the debt burdens in Latin America, the political and economic slide of much of Africa, and the torpor of most Communist economies.

Even then, the forces of supply and demand should, theoretically, produce prices that clear the markets. But they seem not to be doing so, or are working only slowly and painfully, partly because of protectionism, government subsidies and other forms of political interference with the process of economic adjustment. In many industries, moreover, declining prices have rendered some high-cost facilities uneconomic.

Not everyone is rattled by the overcapacity, however, Marvin Runyon, a former Ford executive who runs Nissan's plant in Smyrna, Tenn., says: "You read that we're putting too much capacity in place, but that's the way it has to be in a competitive industry. I say hooray for the American consumer, because somebody is going to have to do things better than somebody else. The consumer will benefit."

MANY INDUSTRIES AFFLICTED

Whether good or bad, overcapacity is obvious in many industries. Among them:

Autos.—Roger Vincent, an expert at Bankers Trust Co., estimates that world automotive demand stands in the "low 30 millions" of vehicles annually, while capacity "is in the low to mid-40s." By 1990, capacity should rise to the mid-40's, he says, and demand won't grow very much. Thus, world overcapacity could expand to about 15 million units from about 10 million currently, he believes.

Steel.—Estimates vary, but most economists calculate the annual global overcapacity at 75 million to 200 million metric tons—compared with total capacity of 570 million tons in non-Communist countries and 455 million tons in industrialized nations. John Jacobson, an economist at Chase Econometrics, figures that only if the entire U.S. steel industry shut down would demand equal supply in the non-Communist world.

Computers.—Although no figures on the industry's capacity use are published, most computer makers are clearly being plagued with overcapacity. The problem is reflected in declining orders and intense competition.

Semiconductors.—In the U.S. and Japan, which together account for 87 percent of global chip making, the equipment-use rate—the best measure of overcapacity—skidded from nearly 100 percent in 1984 to about 60 percent in 1985. However, Dataquest, Inc., a market-research firm, says it is now back up to roughly 70 percent and rising.

Heavy Equipment.—Makers of farm and construction equipment are buried in overcapacity, but, surprisingly, some countries, especially South Korea, are nonetheless believed to be planning more plants.

Textiles.—in the textile industry, cheap-labor foreign competition is causing the howls. Overcapacity lingers on as more and more mills are built in less developed nations, with more and more mills in the U.S. thus turned into surplus capacity.

REBOUND IN CHEMICALS

However, some once-glutted industries have got supply and demand back into balance. For example, much of the chemical and plastics group has cut capacity and expanded sales, and the glut of a few years ago has been largely cured.

Looking at many troubled industries, Joseph L. Bower, a Harvard Business School professor, attributes much of the excess capacity to "country after country building world-scale facilities." Newly industrializing countries have ample reason for fostering development, of course. They want to create industrial jobs at a time of rapidly expanding populations, of an influx into the cities and of rising educational levels, which create labor forces sufficiently skilled for factory work. The weakness in many commodity markets also encourages the idea that any hope for economic growth lies in industry.

Industrialization has been rapid, Mr. Bower adds, "because technology and capital are now highly mobile—it's staggering how fast they can move around the world nowadays." No longer, he says, is the game played by "just four or five good players." He urges that American companies "understand that we've moved from Ivy League football to the Big Ten."

Many economists trace the overcapacity back to the booming early 1970's, when many manufacturers saw tremendous growth in demand ahead and expanded accordingly. Other analysts go back much further. Jay W. Forrester, also of MIT, traces the problem—which he thinks will get worse—largely to "the big buildup of capacity during and after World War II." He recalls that "the idea took hold that more capital plant was invariably desirable," and building it was facilitated by "the enormous forced savings that had accumulated during the war years."

Also greasing the path to industrial overcapacity are plentiful supplies and low prices of many raw materials—an incentive for marginal manufacturers to keep producing and for newcomers to enter the game. The gluts affect a wide range of commodities. For example, producers of nickel and molybdenum, both used in producing steel, are operating at roughly 70 percent to 75 percent of capacity world-wide, estimates Robin Adams, the president of Resource Strategies Inc., a consulting firm in Exton, Pa. The copper industry is operating at a little over 80 percent of capacity, he adds.

The stage for the commodity gluts was set in the inflationary 1970s, when price shocks stimulated investment in production capacity in many commodities. But in many cases, demand hasn't grown to meet the increased production.

PRESSURE TO PRODUCE

Moreover, many debt-laden countries increased the output of commodities to avoid spending precious foreign exchange on imports. Others invested in commodity-producing capacity to generate export cash regardless of price. Many countries "only had one option, and that was to produce more. So we didn't follow the normal corrective path," says Donald Ratajczak, the head forecaster at Georgia State University. Copper, for example, has responded slowly to reduced demand.

Oil is abundant, too. The Organization of Petroleum Exporting Countries is producing less than 15.8 million barrels of oil a day, compared with capacity of nearly 30 million. However, the surplus is mainly in crude oil—both in the ground, in production capacity, and above it, in inventories. In petroleum refining, much of the overcapacity has been trimmed back U.S. refineries are operating at about 80 percent of capacity, a relatively high level, and as gasoline demand rises, processing facilities may be approaching their effective limits.

But the oil-service sector remains awash in red ink. After the collapse in petroleum prices last year, oil companies slashed exploration and production spending by 40 percent to 50 percent. This year, spending remains depressed. Thus, only 25 percent of the U.S. drilling-rig fleet is active, and manufacturers of oil-field equipment have several times the capacity currently needed.

Here is a detailed look at the overcapacity problems in major industries.

AUTOS

Automotive experts agree that the industry suffers from vast overcapacity worldwide and that Japan, like North America and Europe, will soon be hit as it builds more U.S. plants. But they disagree about the extent of the overcapacity: some measure cars, for example, and others measure all vehicles.

Ford, which gauges capacity quite differently from Bankers Trust, estimates 1985 world-wide overcapacity at 3.8 million cars and trucks, and it believes that by 1990, world-wide excess capacity will rise to six million units, 5.7 million of which will be aimed at North America.

The principal force behind the projected increase is the expansion of Japanese auto manufacturing. The Japanese, having pushed aggressively into the U.S. auto market, are reacting to the voluntary export restraints and the threat of more American protectionism. "The building of Japanese plants in the U.S. wasn't motivated by economics," Bankers Trust's Mr. Vincent says. "It was motivated by concern over future protectionism."

As a result, the auto glut bedeviling the U.S. industry is being worsened. Starting in 1989, Daihatsu Motor will be producing cars in Canada, thus becoming the last of Japan's nine auto makers to put an assembly plant in North America.

JAPANESE AUTO MAKERS

A comprehensive listing of Japanese companies that build cars in North America or are planning production:

Company and year	*Total Capacity*
Honda of America, Marysville, OH—1986	220,000
Nissan Motor Mfg. U.S.A., Smyrna, TN—1986	65,690
Toyota Motor Mfg. U.S.A.:[1]	
Fremont, CA—1987	50,000
Georgetown, KY:	
1988	75,000
1989	200,000
Mazda Motor Mfg.[2] Flat Rock, MI:	
1988	135,000
1989	240,000
Diamond Star Motor,[3] Bloomington-Normal, IL—1989	182,400
Daihatsu Motor,[4] Valcourt, PQ—1989	37,200
Isuzu-Subaru, Lafayette, IN—1990	240,000
Suzuki/GM, Ingersoll, ONT—1990	200,000

[1] Joint venture with General Motors.

[2] Joint venture between Mazda and Ford.

[3] Joint venture between Mitsubishi Motors and Chrysler.

[4] Joint venture with Bombardier.

Meanwhile, other players keep getting into the game. In the wake of the success of South Korea's Hyundai Excel, Kia Motors of Korea is planning to export cars and vans world-wide by the end of this decade. Yugoslavia is exporting its Yugos to the U.S. and Malaysia plans to send its Proton Sagas here next year. Thailand and Taiwan also are trying to export.

"Newly industrialized countries all want auto companies so they can have steel industries and reasons to build roads and purchase technology from the outside world," says Susan Jacobs, the manager of automotive research at Merrill Lynch Economics Inc.

However, she also attributes the excess capacity to sluggish world-wide demand. In addition, she says, new plants were built to make the small cars that became popular during the energy crisis of the 1970s and to enter new market niches, such as that for light trucks.

Japan hasn't had more automobile startup companies than Europe or the U.S. Mr. Vincent says. "It's just that they all managed to survive"—with government help. Other nations have done much the same, However. The U.S. government saved Chrysler. And Donald Petersen, Ford's chairman, notes the heavy French subsidies for Renault and American Motors and says he expects the two French producers, Renault and Peugeot, to survive "as long as there is a France."

Japan and South Korea also have stimulated their auto industries by closing their home markets to outsiders and encouraging exports. Moreover, the Japanese also have helped South Korea develop its auto industry. Mr. Vincent believes that the Japanese are saying. "It's inevitable, and why not be part of it?"

Mr. Vincent notes that in the past, American auto companies, looking forward to the next auto-buying boom, often created excess capacity. If the market grew, "you are bailed out by higher demand; otherwise, you get stuck with overcapacity—which is what has happened to some companies." he says.

But the patterns have shifted. Ford reacted to flatter demand by changing its philosophy—keeping capacity tight, forgoing some sales but betting that lower capacity would cut costs and keep it profitable when demand fell. But until recently, General Motors keep more capacity running than its sales warranted. Now, however, GM also is closing more plants.

James P. Womack, the research director of the international motor-vehicle program at MIT, believes that apparent world overcapacity might not be as large as it seems because "some plants are dedicated [to a certain type of vehicle] and can't be switched from product to product." While the Japanese have built flexible plants that can make more than one vehicle, he says "the North American philosophy has been not to complicate matters by mixing products"—a policy that aggravates the over-capacity.

STEEL

The global glut of steel reflects poor investment decisions in the 1970s, dwindling use of steel in industrialized economies, burgeoning production in industrializing countries, and high financial and political barriers to closing mills.

Anticipating shortages, steelmakers in Europe and Japan greatly expanded capacity in the 1970s, and U.S. producers modernized existing mills. Not only did scarcity never come, but consumption fell sharply in industrialized countries. Between 1970 and 1980, according to the World Bank and International Iron and Steel Institute, capacity in industrialized nations climbed 14 percent to 485 million metric tons, while consumption dropped 8 prcent to 334 million metric tons.

Yet despite mounting evidence of a "phony boom," steel executives "just wouldn't give up the illusion that the market was headed up," says Hans Mueller, a steel-industry consultant.

Plunging consumption in industrialized nations, which is expected to continue into the 1990s, reflects the maturation of their economies. Construction of railroads and highways has largely been completed. And in other big steel markets—autos and containers, for example—alternative materials are increasingly supplanting steel. Donald F. Barnett, a World Bank consultant, calculates that had U.S. steel usage since 1960 matched the growth in gross national product, steel consumption in 1985 would have been some 70 percent higher.

Faced with excess capacity, European and Japanese steelmakers, in particular, have turned to export markets. But there they are increasingly finding limits. U.S. producers have won import curbs, and less developed countries, though consuming more and more steel, are producing much of it themselves.

Some, moreover, are becoming major exporters, penetrating traditional European and Japanese export markets. In 1976. Brazil, for instance, produced 7.3 million metric tons of steel products and exported a mere 264,000 tons. Today, it is the world's fifth-largest non-Communist steelmaker, and it exported 40 percent of the 17.3 million tons it produced in 1985.

Rapid growth in steelmaking capacity may have as much to do with nationalism and industrial prestige as economic growth. Today, Zimbabwe and Qatar have steel industries. "Every industrializing country wants an airline and a steel mill," Chase's Mr. Jacobson says. "It's something that planning ministers push for."

Capacity has fallen modestly among industrialized nations since 1980, and the reductions are continuing. In the U.S., steelmaking capacity (including recently announced cutbacks) is being slashed to 111.9 million short tons from its 1977 peak of 160 million tons. Even with the cutbacks that have been carried out, the U.S. industry is operating at only 55 percent of capacity, Georgia State's Mr. Ratajczak estimates.

In Japan, all five major steelmakers are cutting production capacity, although only one. Nippon Steel, has specified its plan in terms of crude steel-production capacity: it is cutting back to 24 million metric tons annually from 34 million tons.

Louis L. Schorsch, a consultant at McKinsey & Co., expects future mill closings to be much more difficult. In the U.S., many steelmakers, saddled with huge unfunded pension liabilities, are reluctant to shut even unprofitable plants because they can't absorb the cost of paying off workers and other expenses. Chase Econometrics estimates the total cost of closing a mill at $75,000 per employee. "Given an average of 4,000 employees per plant," Mr. Jacobson says, "we estimate that a typical integrated-plant closure today would cost over $300 million."

Mr. Barnett adds: "So far, steelmakers have closed mostly old plants that hadn't been in operation anyway. Now, they've got to get rid of relatively modern capacity that can still make a satisfactory product. The hard part is just beginning."

COMPUTERS

Seduced by huge sales gains during the 1983-84 boom, computer companies expanded rapidly. Most "invested in growth rates that aren't materializing," says Ulric Weil, a Washington-based securities analyst. "Demand just didn't develop." According to Commerce Department figures, factory orders for the office equipment and computer industry plunged 15 percent in the two-year period ended in 1986.

A good barometer is International Business Machines, which accounts for 40 percent of the world's computer sales. Last year, IBM's revenue rose only 2 percent to $51.25 billion, and profit slumped. This isn't the type of growth IBM anticipated. In the past five years. IBM spent more than $20 billion on plant and equipment, says Steven Milunovich, a First Boston analyst. * * *

Nevertheless, many computer makers expanded in the fight for sales. "People who participated in niches in the past want to expand and provide complete systems for their customers," says David Penning, the director of manufacturing automation service at Dataquest. For instance, he adds, some personal computer companies now make work stations, while some computer makers best known for mainframes make personal computers.

Technological advances have aggravated the overcapacity. With more power being stored on silicon chips, computer companies can make smaller, more powerful machines. "Any given square footage of plant can produce a lot more stuff in terms of horsepower," Mr. Well says. The minicomputer market is being squeezed from two sides: on the lower end, by more powerful personal computers, and on the upper end, by lower prices on computers with the power once associated with mainframes.

The emergence of manufacturers in the Far East, especially those in Japan and South Korea, has compounded the overcapacity problem for U.S. computer makers. Last year, the U.S. computer and parts trade deficit with Far Eastern countries soared 77 percent to $5.3 billion, according to the Commerce Department. Japan's exports to the U.S., ranging from parts to portable personal computers to supercomputers, surged 43 percent to $4.75 billion last year.

Moreover, countries that had primarily produced peripherals are exporting full machines now, says Tim Miles, a program manager in the department's Office of Computers. "The South Koreans began penetrating the U.S. market in terminals and other areas," Mr. Miles says. "Now, they're producing complete PC systems."

Not all computer makers have been suffering, however. Some companies, such as Tandy Corp., which makes personal computers, and Digital Equipment Corp., a minicomputer maker, have grown rapidly, primarily because of revamped product lines. Moreover, the pressure on the industry would be reduced by any pickup in sales. Already, there are signs of rebounding volume in personal computers.

SEMICONDUCTORS

The glut in the semiconductor industry eased last year, as orders picked up from a disastrous 1985, but most chip makers remain deeply troubled. The roots of the problems are twofold: Huge miscalculations of future demand and Japanese producer's targeting practices, under which they ignored market conditions while aggressively pursuing market share.

The introduction of the personal computer early this decade spawned a sudden surge in demand for chips. Global chip consumption jumped from about $15 billion in 1982 to $29 billion in 1984. Thus, chip makers rushed to add capacity to meet growing, apparently insatiable demand. Japanese chip makers' capital spending rose a total of 116 percent in 1983 and 1984, while U.S. chip-company spending doubled in 1984. World-wide capacity to produce chips increased about one-third in 1984 alone.

Then, when falling personal computer sales sent global chip demand plummeting about 14 percent to 25 billion, in 1985, chip companies started losing big money. Dataquest says the chip industries in Japan and the U.S. each lost about $1 billion last year.

Moreover, Japanese producers exacerbated the industry's overcapacity problems by continuing to add production and slash prices on certain products right through the slump. Taking advantage of their lower-cost capital, patient stockholders and government research assistance, the Japanese drove U.S. producers out of some major commodity markets by drastically underselling them.

Indeed, the U S. government found that Japanese companies "dumped" certain chips in the U.S. and other markets, and the U.S. may soon penalize them if they don't raise their prices. Japan's Ministry of International Trade and Industry, trying to save a semiconducter trade pact signed last summer, has told Japanese chip makers to cut production 10 percent.

HEAVY EQUIPMENT

Plunging demand has blighted the farm equipment industry with huge world-wide overcapacity. The glut has persisted despite sharp cutbacks in number of factories producing tractors, combines and other agricultural equipment.

Sales have consistently trailed even the most pessimistic forecasts. In retrospect, that isn't surprising. The world is awash in food. A few years ago, fears of shortages, embargoes and price gouging led many food-importing countries, such as Japan, to give agriculture a high priority. Many nations imported new agricultural technology that now has borne fruit.

The global surplus of food and feed grains is expected to surge to a 13-week supply this year; an eight-week supply would be ample. The U.S. has more than a one-year supply of wheat, enough for both exports and domestic consumption.

With farmers in dire financial trouble, the business of supplying them with new equipment is as dead as last year's cornfield. World-wide tractor output fell to 120,000 units last year from 230,000 in 1979. For larger equipment, the declines have been even sharper. Manufacturers produced 20,000 over-100-horsepower tractors last year, down from 80,000 in 1979.

"The downturn has been so dramatic that no one has done anything about cut back," says John Ruth, Massey-Ferguson's president. He says he doesn't know of any additions to industry capacity anywhere in the past five years. Because of high costs, some U.S. facilities were among the first to close, with part of their production moving to existing foreign plants.

Mr. Ruth sees further cutbacks in capacity needed for anyone to make a profit. But for now, companies are playing an industry-wide game of chicken. No one wants to get out of the business so that rivals can make money again.

In construction equipment, too, demand is down, but, suprisingly, capacity is still rising.

In the late 1970s, construction-equipment sales surged, and plants were operating at close to capacity even through Japan was working hard to build a construction-equipment industry. But from 1960 to 1983, demand plunged 70.7 percent beaten down by reduced demand for coal as well as a decline in world-wide construction activity. Construction was hurt in part by declinng oil profits and international-debt problems.

Now, demand has recovered a bit, but the industry is still running only at about 60 percent of capacity. Nevertheless, some countries are planning to expand even more. Industry analysts expect South Korea soon to begin an assault on the market. "Korea is a big emerging threat," says Frank Manfredi, the publisher of Machinery Outlook, an industry newsletter. "Everyone is expecting them to come into the market like gangbusters." Other countries that have added capacity in construction equipment are China and Italy.

"It's ironic that even though sales have been lousy, there's more capacity in the industry than there was five years ago," says Mitchell Quainn, a securities analyst at Wertheim Shroder & Co. "It's almost as if every country wants to have its own bulldozer manufacturer."

TEXTILES

Seeking crucial foreign exchange and jobs for surging populations, many developing nations are producing textiles and apparel at rates far above domestic demand. Building a textile industry "is the first thing that a developing nation does" as it moves toward industrialization, says Ron Levine, a Commerce Department official. He notes the abundance of raw materials and such countries' cheap labor.

Cheap labor is at the heart of the over-capacity problem cited by the U.S. industry. For six years, foreign producers have flooded the American market with goods, principally apparel fabrics and finished garments, and forced the domestic industry to shrink dramatically to survive.

Arriving in the U.S. last year were some 12.7 billion square yards of imports, 17 percent more than in 1985 and more than double the 1980 level. "Imports have achieved a successively increasing share of the [U.S.] market," says Donald R. Hughes, the chief financial officer at Burlington Industries, the nation's largest publicly held textile concern. In six years, imports have taken 55 percent of the total market, up from about 25 percent in 1980, he says.

"Historically, the level of increase in [U.S.] demands has been about 1 percent annually. Yet imports have been growing at a rate of 15 percent," he adds.

Domestic textile leaders blame the Reagan administration's trade policies for the surge in imports. And the drop in the dollar hasn't slowed the imports because most of them come from Asian nations with currencies pegged to the dollar.

The glut of imports has forced the domestic industry to reassess its basic structure and make sweeping changes. Domestic companies have closed dozens of plants—at a cost of about 700,000 jobs—and installed high-tech equipment designed to make mills more efficient and versatile. They also are emphasizing marketing and customer services, and some analysts see domestic retailers and garment makers gradually shifting back to buying from U.S. sources because of improved quality and quicker deliveries.

CHEMICALS

Chemical companies have scrapped scores of plants in recent years, spurring a long-awaited growth in plant-capacity use. Last year, chemical-plant use rates rose to an estimated 80.5 percent from 66 percent five years ago, according to the Chemical Manufacuturers Association. The trade group expects plant use to reach 82.3 percent this year, Myron Foveaux, a spokesman, says.

The wave of plant closures reflects retrenchment from the industry's building boom in the mid-1970s. The recessions of the early 1980s convinced many chemical producers that the industry was awash in capacity, says Sano Shimoda, an analyst at Anantha Raman & Co., of Parsippany, N.J. Total U.S. chemical-plant capacity fell 3 percent between 1984 and 1986, he estimates.

The retrenchments were especially successful in plastics. During the 1960s and 1970s, plastics appeared to be one of the most promising growth industries. Plastics were replacing glass, paper, metals and other materials in applications ranging from plumbing to auto parts. Chemical manufacturers, oil and gas producers, and tire makers built plastics plants. Few old facilities were shut down.

Demand did grow, but not as fast as forecast. By 1960, there was overcapacity for many plastics, and prices plunged. Some companies pulled out of the business, and most others halted plant construction. In both Europe and North America, some old plants were closed. Gradually, the cutbacks and rising consumption brought supply and demand for some common resins in better balance.

Polyvinyl chloride illustrates the trend. U.S. capacity more than doubled between 1965 and 1974, dipped briefly during the 1973–75 recession and then doubled again. By the end of 1983, U.S. capacity was about 6.5 billion pounds a year, up from two billion in 1965. But although PVC has grown rapidly in pipe, siding and other construction applications, no major plan has been built since 1983, and U.S. PVC plants are running at close to 90 percent of capacity. In Europe, there still is some overcapacity, but some plant closings are planned. Worldwide capacity is likely to be tight for five years or so, according to Richard Roman, the manager of marketing research for the Geon Vinyl division of B.F. Goodrich.

Among the large-volume resins, polystyrene, used for many inexpensive molded products, now is in the tightest supply. Down Chemical, a major producer, is running its polystyrene plants at about 94 percent of capacity, "right at the ragged edge of what we can do," a spokesman says.

In contrast, the fertilizer industry, suffering along with the farmers, is still in trouble. Between 1984 and 1986, capacity reductions reached 7 percent, but plant-use rates are still only 74 percent, Mr. Shimoda says.

By spurring demand for chemicals, lower oil prices have helped U.S. chemical producers increase plant use. Mr. Foveaux says. Cheaper oil, along with chemical producers' sweeping cutbacks in personnel and productivity gains stemming from development of improved chemical catalysts, has enabled the companies to reduce plant break-even points to 70 percent from 75 percent five years ago, Mr. Foveaux says. "It's still not ringing bells, but, as a whole, the industry is much better off," he adds.

Although some small specialty chemical plants are likely to be built soon. both Messrs. Foveaux and Shimoda expect U.S. basic-chemical production to shrink further. "Profitability is improving, but people are still very hesitant to build." Mr. Shimoda says.

THE OUTLOOK

In view of the problems, what is the outlook for American companies struggling in industries with global overcapacity?

Noting that "manufacturers have sharply reduced, operating costs and restructured their industries," Alan Greenspan, a New York consultant, says, "We still have problems because the real cost of capital is too high. That slows the replacement of obsolete capacity." He adds:

"Funds are diverted away from research, away from long-term projects. The emphasis is on high-tech investments that pay off fast—and become obsolete quickly. There's no incentive for the sort of investments that would bring back the Rust Belt. Economic policy really does matter."

Saying that "a variety of industries still have huge readjustment problems . . . associated with the excess capacity," Karl Brunner of the University of Rochester adds:

"If we want to be competitive in the world, we have to stand back and let the adjustment take place. We can't protect these industries from change, any more than we protected the Pony Express riders of a century ago. We have to improve our use of resources and our productivity.

"Sure, it would help if we could distribute more products overseas to people who need them. But we aren't going to solve the U.S. auto industry's problems by selling more cars to Africa in the next decade. We have to begin with adjustments here at home. We have to mitigatge the hardships for the people caught in these adjustments, but we can't let that stand in the way of the adjustments being made."

Defining Overcapacity Is a Very Tricky Proposition

Industrial overcapacity is a little like pornography: You may know it when you see it, but defining it precisely is a slippery proposition.

"Capacity is an ambiguous term. What is 'excess'?" comments Alan Greenspan, a New York economic consultant. "Excess capacity doesn't mean anything without cost considerations."

He adds: "Capacity can be called excess only when it doesn't fit its environment. When capacity doesn't fit, we get rid of it and replace it with capacity that does." He says a lot of obsolete, high cost or redundant industrial capacity "should be written down, but companies haven't done it."

Statistics on overcapacity are tricky partly because the problem is strongly affected by the business cycle. A plant unneeded during a recession may become a productive asset again during an economic boom; in a boom, prices rise, and high-cost productive capacity may be competitive. Figures also are scarce because many industries turn out such a wide range of products that overcapacity can't be quantified on an industry-wide basis. And many companies, fearful of divulging information useful to competitors, don't want to disclose date on capacity and operating rates.

The Club of Rome's Notorious Forecast

Amid the current global glut of industrial capacity, the gloomy, limits-to-growth forecasts put out by the Club of Rome experts in the early 1970s are widely viewed as being off by 180 degrees.

Perhaps a fairer estimate would be that they were off only 120 degrees.

For one thing, their most explicit forecasts concerned the year 2100 and not the 1980s. On the other hand, the forecasts were presented in a way that strongly implied that the problems were imminent.

Moreover, the analysts weren't discussing industrial capacity per se. "The Club of Rome people were talking about physical quantities. There was so much iron, so much oil in the world, and at the rates of consumption then existing, the world's resources would be used up," explains Alan Greenspan, a New York economic consultant. But he adds: "What they didn't anticipate was our capacity for downsizing. When oil prices rose in the 1970s, we showed we could build smaller cars that used less energy."

Donald Ratajczak, the head forecaster at Georgia State University, agrees. Citing energy as "the most dramatic example," he says the price-induced drop in consumption goes far beyond cars. "In 1972," he says, "it cost us almost 1 percent growth in energy consumption to create 1 percent growth in GNP [gross national product]. Now, we can create a 1 percent growth in GNP with almost no incremental growth in energy consumption." Plastics or cheaper metals have been substituted for copper in many applications, silver usage in photographic film has been cut dramatically, and so on.

However, Jay W. Forrester, an economist at the Massachusetts Institute of Technology and an early participant in the Club of Rome, disagrees that the current overcapacity negates the study's warning of "limits to growth." The study, he says, involved "a much longer-term view, that industrialization was pushing up against the environment, as manifested today by such increasing problems as industrial-waste disposal and falling water tables." He also warns that "the long-range problem with oil supplies hasn't gone away."

● Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleagues of the Senate Copper Caucus in introducing the Minerals and Materials Fair Competition Act of 1987. This important legislation addresses the strategic threat to our domestic minerals industry by foreign competition.

DOMESTIC COPPER INDUSTRY

Mr. President, the domestic copper industry has been absolutely devastated. In 1981, the industry was at its peak, employing over 90,000 people, with total production exceeding $10 billion. There were over 25 major mines in operation, 17 smelters, and 22 refineries.

Since then, the domestic industry has declined dramatically. Domestic and world production began to ebb in 1979, and dropped even further during the 1982 recession. The price of copper also peaked in 1980, then plummeted over 50 percent by the end of 1984. However, despite the decline in consumption and price, copper production in the rest of the world continued to increase.

The impact of imports on our domestic copper industry has been severe. Imports of refined copper now account for 25.3 percent of total U.S. consumption, and imports from our three major competitors have increased significantly since 1985: Canadian imports are up 56 percent, imports from Peru, 39 percent, and imports from Chile, 7.8 percent.

As foreign imports have risen, U.S. production has dropped. In 1982, domestic mine production fell to its lowest levels since the 1960's, and the United States lost its position as the world's leading copper producer. From March 1981 to January 1983, 28 domestic mines closed or cut back production, and total U.S. utilized mine capacity stood at 65 percent. At the end of 1982, about 42 percent of the total copper workforce had been laid off.

However, the domestic copper industry is fighting back, with a commitment to increasing its competitive position with lower production costs and increased technological efficiency. U.S. production costs in general have declined from 92 cents in 1982 to 61 cents per pound today.

NEW MEXICO

In New Mexico, we have one major producer, Phelps Dodge, operating two mines and one smelter. Phelps Dodge recently acquired Kennecott, thereby becoming New Mexico's largest industrial employer. The copper industry in New Mexico now provides over 2,250 jobs, a significant increase over 1982, when most of the industry in the State was shut down. Capital expenditures of $70 million on new technology have made the State's operation one of the most efficient in the United States and reduced significantly the production costs of copper produced in New Mexico.

LEGISLATION

But the situation in the U.S. copper industry remains critical because of unfair, subsidized foreign competition, and the legislation we introduce today attempts to deal effectively with the problem. The bills' four major components.

First, it calls for specific action against unreasonable trade practices. It makes subsidization of excess capacity an unreasonable practice. It also requires the President to act against such subsidization.

Second, it sets negotiating objectives. It establishes as a principal objective of GATT to obtain an agreement that imposes sanctions against the subsidization of excess capacity.

Third, it provides relief from import competition. It requires the Secretary of Labor to supply the President with an analysis of the impact of imports on domestic employment and the remedies available to the domestic industry. It requires the Secretary of Commerce to assess the extent to which import relief affects consumers and competition in the domestic market. It requires the U.S. Trade Representative to provide the President with an analysis of the probable effectiveness of potential relief and the efforts to retrain domestic workers. It expands relief options to include multilateral negotiations to prevent or remedy the injury or threat of injury from excess worldwide capacity. It also, authorizes the President to act to prevent evasion of the remedies.

Fourth, it establishes new antidumping and countervailing duties. It establishes the price effect of excess worldwide capacity, and the threat of injury from this excess capacity. It also characterizes subsidies by multinational or regional lending institutions as subsidies funded by governments.

Another important aspect of this problem is the role of International Financial Institutions. Legislation is being introduced separately on this issue.

The legislation being introduced today is a comprehensive approach to dealing with the growing problem of unreasonable trade practices against our domestic copper and other mineral industries. My colleagues and I are only seeking to insure fair competition. I believe this legislation does that.

I urge support for this legislation.●

● Mr. DECONCINI. Mr. President, I want to take a few moments today to speak about copper—more precisely—the survival of our domestic copper industry and its ability to compete internationally on the uneven playing field forced upon it.

Copper is a vital metal, essential to any industrialized economy. Key industrial sectors which use copper include building construction, electrical and electronic products, industrial machinery, transportation and consumer products. Copper also has many defense applications, and because of its military importance, is classified as a strategic and critical commodity. Copper is designated as one of four "controlled materials" whose central management has been essential to past mobilization efforts.

Since 1982, the U.S. economy has gone through and emerged from a painful recession. Copper demand has likewise recovered, and commodity experts project a healthy growth rate for copper in the domestic economy. Unfortunately, overproduction from government-owned and subsidized producers in the Third World, and elsewhere, has kept copper prices close to depression era levels in real terms. The market-motivated producers, primarily in the Western United States, have been forced to curtail production, close mines and lay off workers in an attempt to bring world supply and demand into balance.

Despite tremendous accomplishments in improved production and cost control, the U.S. copper industry, once the world's largest, continues to be deeply troubled. Approximately, 50 percent of domestic copper mine capacity that has been in place in 1982 is now shut down, and most of the companies probably never will reopen. The decline of the U.S. copper industry has been felt most severely by those who lost their jobs. In 1981, the domestic industry's mines, mills, smelters, and refineries, employed nearly 45,000. The real tragedy can be found in the shattered lives of thousands of copper workers and their families because, today, over half of those jobs have been lost, creating devastation to rural areas in the West where the copper industry was the focus of the economy.

Although the U.S. demand for copper and copper products is regaining strength, this demand increasingly is being satisfied by imports. Refined copper imports, which as recently as 1979 represented only about 10 percent of consumption, have surged to a present level of more than 25 percent of present consumption and, according to the Department of Commerce, will reach nearly 36 percent in 1989.

In 1984, 11 domestic copper producers filed a petition before the U.S. International Trade Commission (ITC), under section 201, the so-called escape clauses of the Trade Act, alleging that refined and blister copper imports were causing significant injury. The ITC, in a unanimous decision, found that imports were a substantial cause of serious injury to the domestic industry. Although their finding of injury was not disputed, the President chose not to act on the ITC recommendations and provide temporary relief to the industry.

Despite that setback, the domestic copper industry was determined to survive. U.S. producers embarked on a vigorous program of modernization. By closing unprofitable mines and implementing cost saving measures, the domestic industry has lowered production costs by over 25 percent between 1981 and 1985, according to the U.S. Bureau of Mines. In today's market, some of our domestic producers have begun to report modest profits and others hope to reach that position in the near future. However, these valiant efforts could be turned to naught if, during the next economic downturn, the world finds itself awash in excess copper.

The current state of the U.S. copper industry is a direct result of the changed structure of the copper industry worldwide. Throughout the 1950's and 1960's American companies controlled a large percentage of foreign copper production. But this was changed by a wave of nationalizations, particularly those that began in Chile in 1969, and today over 40 percent of free world copper production is under the ownership or effective control of the governments of less developed countries (LDC's). In two major economic recessions since those nationalizations, it has become clear that these State-controlled copper properties are not run under economic principles of supply and demand. Instead, they continue to maximize production: both to maintain full employment and in the misguided belief that maximizing production will maximize foreign exchange revenues. Operating in this manner hurts the entire industry by creating worldwide surpluses that demonstrably drive prices to destructively low levels. Such an operating philosophy leaves to the private sector alone, largely in the Southwestern United Sates, the task of curtailing production in an attempt to match reduced demand, which in turn forces a disproportionate share of mine shutdowns and worker layoffs onto the private sector.

The irony of this record is that it is made possible, to a considerable extent, by support mechanisms that our own Government has helped put into place in a misguided effort to aid and assist developing countries—mechanisms such as the IMF, with its Compensatory Financing Facility (CFF), the International Finance Corporation (IFC), and other MDB's. Notwithstanding the crisis in the world copper industry, these multilateral institutions have continued business as usual, financing shortfalls in export revenues of LCD's copper through the CFF and approving loans for the development of still more production capacity (through the MDB's).

Most major U.S. copper mines are, we believe, generally cost competitive with the mines of the rest of the world. It is true, however, that domestic mines face much higher labor costs and incur pollution control costs of 10-15 cents per pound which are not incurred by most foreign mines. Millions of dollars have already been invested by domestic copper producers to comply with stringent U.S. air, water and waste regulations.

Our trade laws are designed to determine injury and provide a remedy to a domestic industry suffering from problems related to import competition. However, they do not adequately address the problems faced by producers of fungible commodities, such as copper. It is for these reasons that I and others have sponsored a series of amendments to our trade laws to address these conditions and provide a fair and flexible response to a difficult trade problem. Legislation introduced today by my distinguished colleague and friend, Mr. DOMENICI, entitled the "Minerals and Materials Fair Competition Act of 1987", of which I am pleased to be an original cosponsor, will help restore balance between worldwide capacity and demand for copper.

Our legislation would amend section 301 of the 1974 Trade Act to allow the administration to respond promptly to complaints in which foreign governments are contributing to the global oversupply of a nonagricultural fungible commodity.

The amendment would establish a new basis for action under section 301 by amending the definition of "unreasonable practice" to include:

> Any act, policy, or practice which provides directly or indirectly, moneys on terms inconsistent with commercial considerations to increase capacity of fungible good, except agricultural commodities, if (a) this subsidized capacity would contribute to a world oversupply of that good, or (b) existing world capacity (or reasonable expectation of future world demand) for that good.

It also amends section 201 to allow the ITC, in the event that injury is found, to recommend that the President enter into multilateral negotiations to resolve problems of global oversupply, in lieu of tariffs or quotas. It would also permit the President to implement such action.

Under the General Agreement on Tariffs and Trade [GATT], there is currently a code of conduct which seeks to discourage the use of subsidies but it does not address the subsidization of excess capacity. In an attempt to seek a long-term solution to this problem, a third amendment would seek to establish under GATT a new multilateral code of conduct, with an appropriate enforcement mechanism, to discourage the subsidization by governments of expanded production of a nonagricultural fungible product that would contribute to oversupply conditions.

It would further require the Secretary of Treasury to instruct the U.S. directors of multilateral lending institutions to oppose any assistance for the production of any commodity already in global oversupply.

Let me repeat—despite several encouraging reports, the condition of the U.S. copper mining industry is still critical. While the industry's competitive position has improved, it still faces competition from subsidized production in the international marketplace. If the current overcapacity of copper becomes a chronic condition, it would permanently cripple the U.S. copper industry, resulting in supply and price dislocations, not only here but throughout the world.

The loss of a viable domestic copper industry would be a tragedy if measured only in terms of lost jobs and economic depression in several of our Western States. It would be a major disaster if measured in terms of the strategic integrity of the nation.

I believe the amendments we are suggesting are constructive and would serve to broaden the framework of our trade laws. These amendments would assist future administrations in dealing with global overcapacity problems without mandating tariffs, quotas, or other protectionist measures.

Mr. President, it is my sincere hope that the amendments we are proposing today will be seriously considered and included in the context of any Omnibus trade legislation debated by the Congress this year. This legislation provides the only hope for a stable and secure domestic supply of this strategically important material.●

By Mr. HEINZ:

S. 1044. A bill to provide for medicare coverage of influenza vaccine and its administration; to the Committee on Finance.

S. 1045. A bill to appropriate additional amounts for fiscal year 1987 for the National Institute on Aging; to the Committee on Appropriations.

SENIOR CITIZEN HEALTH LEGISLATION

Mr. HEINZ. Mr. President, this morning I am introducing two bills. Both of them have to do with the health of Americans and for the most part, although not entirely so, the health of senior citizens.

The first is legislation to include in Medicare influenza coverage. I start with this bill first because, notwithstanding all the strengths of the Medicare program, that program contains a major flaw. It does almost nothing to prevent illness. It does a good deal to treat illness. For that reason, I am introducing legislation to provide Medicare coverage of influenza vaccination and for the administration of that.

I am pleased to be joined in this effort by Congressman Regula, Congressman Pepper, and 116 of their colleagues in the House of Representatives.

The Medicare Influenza Coverage Act I am introducing today is of vital importance to the health of millions of Americans. The Immunization Practices Advisory Committee [ACAP], which advises the Centers for Disease Control [CDC] above vaccine policies, recommends annual influenza vaccination for persons who have a high risk of severe complications if they contract influenza. The high-risk group includes persons with chronic heart, pulmonary, renal, and metabolic diseases or chronic anemia; those with conditions compromising the immune mechanism; and individuals older than 65 years.

The Medicare Program does not reimburse currently flu vaccinations. Medicare does pay, though, for vaccination agaisnt pneumonia and hepatitis. The number of deaths from these two diseases combined are far below the influenza-related death rate. From 1971 through 1978, influenza resulted in an annual average of 16,000 deaths and 15 million days of work loss. Ninety percent of influenza-related deaths occur among those over 65 years of age. An OTA study published in the Journal of the American Medical Association on June 17, 1983, estimated that during the period 1971-78, a vaccination increased the days of healthy life for a person 65 or older quite substantially. Furthermore, the OTA study found that annual flu vaccines during that period for persons who were 65 and older, saved about $6.6 million in net medical costs. These savings occurred with only a 22-percent vaccination rate.

Mr. President, seldom is the evidence supporting legislation so convincing. Medicare coverage of influenza vaccinations will not only save thousands of lives every year, but will also save millions of dollars which would otherwise be spent in medical treatment caused by epidemic influenza. This legislation facilitates the practice of preventive medicine. The benefit to our Nation's health alone is worth the change; the savings to Medicare are a bonus. I urge my colleagues to support this legislation.

Mr. President, I am pleased to introduce legislation to increase the appropriation levels targeted for Alzheimer's research.

Mr. President, some years ago, I was forcefully reminded of the tragedy of Alzheimer's disease at a September 1983 hearing of the Senate Special Committee on Aging, which I chaired.

Our hearing emphasized with powerful clarify, that Alzhemier's disease kills with a two-edged sword. While it destroys the minds and then the bodies of its victims, too often it also kills the spirit of the caretaker as well. We need to blunt both edges of this sword—and the obvious first step is to determine a cause and cure.

Today, an estimated 1.5 million Americans suffer from severe dementia. Their lives are an irreversible path into darkness, a path that begins with simple forgetfulness and progresses to total loss of the ability to communicate, profound changes in personality, and finally, to death. An additional 1 to 5 million have mild or moderate dementia, and require assistance with daily living.

By the year 2000—just 13 years from now—the Office of Technology Assessment estimates a 60 percent increase in the number of people with severe dementia. Unless cures or means of prevention are found for the common causes of dementia, 7.4 million Americans will be affected by the year 2040—five times as many as today.

Public awareness of the problems posed by dementing illnesses is recent. Up until the past few years, grandmother's forgetfulness, Uncle Henry's wanderings—classic symptoms of Alzeheimer's—were written off as part of the "aging process." With increased public awareness has come increased attention to dementia as a disease, not an inevitable process—on the part of health professionals. Professional recognition of the problems posed by dementia, in turn, is reflected in increased funding for biomedical research and training.

Federally funded research on dementing conditions has increased from $3.9 million in 1976 to an estimated $67 million in 1987. Federal funding has been supplemented by support from nongovernment organizations and foundations such as ADRDA, the American Federation for Aging Research, and the John Douglas French Foundation on Alzheimer's Disease.

Estimates about the financing of care—including costs of diagnosis, treatment, nursing home care, and lost wages—for those with Alzheimer's disease and other dementing disorders range from $24 to $48 billion each year. And, as America's population ages, these costs and related social ramifications are expected to increase dramatically.

However, dramatic breakthroughs within the last couple of years offer hope for families suffering through the terrible effects of dementia, and for those families yet to suffer. But to build on the progress we have made recently, we must increase the current funding levels directed toward Alzheimer's research. It is the intent of this legislation to do just that.

In 1984, the Department of Health and Human Services established five Alzheimer's Disease Research Centers of Excellence. Five more have been opened since then. These centers are designed to pool resources for established investigators working on basic clinical and behavioral studies of Alzheimer's Disease and related disorders. The centers are a source of funding for new research projects and a training ground for scientists and health care providers. Originally, each of these 10 centers was to be funded at $1 million per fiscal year.

Presently, the total budget for all 10 centers is $8.5 million. We need an additional $2 million to bring funding up to the $1 million goal. An additional $0.8 million would go toward clinical trials of experimental drugs, including THA, which appears to have some startling success in restoring memory functions among some severely demented individuals.

Let me stress that, as we stand on the brink of remarkable breakthroughs in research, Federal dollars are more critical than ever.

Mr. President, I ask unanimous consent that the text of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. MEDICARE COVERAGE OF INFLUENZA VACCINE AND ITS ADMINISTRATION.

(a) IN GENERAL.—Section 1861(s)(10)(A) of the Social Security Act (42 U.S.C. 1395x(s)(10)(A)) is amended by striking the words "vaccine and its administration." and inserting therein "and influenza vaccine and their administration.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to items and services furnished on or after October 1, 1987.

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to any other amount appropriated for the National Institute on Aging under any other provision of law, there are appropriated $2,800,000 for the National Institute on Aging for fiscal year 1987, of which $2,000,000 shall be available for centers under section 445 of the Public Health Service Act and of which $800,000 shall be available for clinical trials to test promising drugs to arrest the progression of, that treat, Alzheimer's disease and related dementias.

By Mr. SHELBY (for himself, Mr. HEFLIN, and Mr. KERRY):

S. 1046. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

RELIEF OF JOHN H. TEELE

● Mr. SHELBY. Mr. President, today I am introducing legislation that would ask congressional intervention on behalf of Mr. John H. Teele. I am pleased that my distinguished colleagues, Senator HEFLIN and Senator KERRY, are joining me as original cosponsors of this relief legislation.

To reiterate the facts as presented in the decision of the Comptroller General, this claim involves Mr. John H. Teele, who was employed in the private sector and resided in Chelmsford, MA. Mr. Teele applied and was selected for Federal employment with the U.S. Missile Command, Department of the Army. The Redstone Arsenal in Huntsville, AL was to be Mr. Teele's first duty station in his position as an electronics engineer. In good faith, John Teele relocated himself, his wife and four children to Huntsville based on travel orders which were issued on April 29, 1985, by the Department of the Army. Upon reporting for duty and submitting his travel voucher claim, it was administratively determined that John Teele's travel orders contained erroneous information, as the purpose for this travel was a first duty station move in a manpower shortage position, not an employee move as a result of a transfer from one official duty station to another for permanent duty. Although unfamiliar with the laws governing travel and relocation expense reimbursements, John Teele was, I believe, unintentionally misled by the Department of the Army to his financial detriment.

Mr. President, I urge my colleagues to take swift action to correct this injustice, hardship and unjustified economic loss suffered by Mr. Teele. I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay John H. Teele of Huntsville, Alabama, out of money not otherwise appropriated, the sum of $12,692, in full satisfaction of all legal and equitable claims of said John H. Teele, arising against the United States for losses sustained by the above that resulted from the erroneous advice given him by the Department of the Army.

SEC. 2. No part of the amount appropriated in this Act, in excess of 10 percent thereof, shall be paid to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed $1,000.●

By Mr. JOHNSTON:

S. 1047. A bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

MODIFICATION TO CONVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

● Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of the Interior, I send to the desk a bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Assistant Secretary be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved in Public Law 94-241 (90 Stat. 263), is amended (effective November 3, 1986) by adding at the end of such section (without numerical designation) the following language:

"For the purposes of this section, a person who was born in the Trust Territory of the Pacific Islands (Trust Territory) is considered to have been a citizen of the Trust Territory on November 3, 1986, and not to owe allegiance to a foreign state, if (1) one parent of such person was born in the Trust Territory, and (2) such person took no affirmative steps to acquire or preserve foreign nationality after his or her eighteenth birthday."

SEC. 2. The reference to "all persons" in section 301 of the Covenant referred to in section 1 of this Act shall be construed to refer to any person and his or her child.

"SEC. 301. The following persons and their children under the age of 18 years on the effective date of this section, who are not citizens or nationals of the United States under any other provision of law, and who on that date do not owe allegiance to any foreign state, are declared to be citizens of the United States, except as otherwise provided in section 302:

"(a) all persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this section, and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

"(b) all persons who are citizens of the Trust Territory of the Pacific Islands on the days preceding the effective date of this section, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; and

"(c) all persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this section, who although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 25, 1987.

Hon. GEORGE BUSH,
President of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To modify section 301 of the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America,* and for other purposes." The Covenant was approved with the signing of Public Law 94-241 on March 24, 1976.

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

It was generally assumed by those who drafted the Covenant and those who voted in the related 1975 Northern Mariana Islands plebiscite that pursuant to Covenant section 301 (text enclosed) virtually all persons born in the Northern Mariana Islands who were citizens of the Trust Territory, or citizens of the Trust Territory of the Pacific Islands who had resided in the Northern Mariana Islands for five years would qualify for United States passports upon termination of the trusteeship agreement with the United Nations.

It was understood at that time that the exception in section 301, relating to persons who owe allegiance to any foreign state, would not affect any persons other than those who had taken affirmative steps to acquire or preserve a foreign nationality. The draftsmen of the Covenant apparently were also unaware of section 1 of title 53 of the Trust Territory Code denying Trust Territory citizenship to persons who at birth acquired another nationality.

After the termination of the Trusteeship Agreement, when inhabitants of the Commonwealth of the Northern Mariana Islands applied for United States passports, it appeared unexpectedly that a substantial number of inhabitants of the Trust Territory had married citizens of foreign countries. Pursuant to the nationality laws of a number of these foreign countries, the children of these marriages acquired the citizenship of such foreign country at birth. Those children, accordingly, were and are not entitled to United States passports under Covenant section 301, because they owe allegiance to another nation, and because, having acquired a foreign nationality at birth, they are not citizens of the Trust Territory. It is estimated that this complication affects 1,000 to possibly 5,000 persons, a substantial percentage of the Commonwealth's population.

The attached draft bill would remedy this problem by adding to Covenant section 301 a new paragraph specifically stating that a person born in the Trust Territory will be considered a citizen of the Trust Territory not owing allegiance to a foreign state if (1) such person has one parent who was born in the Trust Territory, and (2) such person has not taken affirmative steps to acquire or affirm foreign nationality after his or her eighteenth birthday.

This modification would have the effect of entitling to United States passports all persons born prior to the termination of the trusteeship in the Northern Mariana Islands, and those born in Micronesia who complied with the requirements of section 301(b), even if they had acquired a foreign nationality at birth, as long as such person did not take any affirmative step to acquire or preserve a foreign nationality after his or her eighteenth birthday. The bill would also correct the problem presented by section 1 of title 53 of the Trust Territory Code. This proposal would not affect the other requirements of section 301.

It should be noted that under Covenant section 303, a person born in the Commonwealth of the Northern Mariana Islands after the termination of the trusteeship is entitled to the benefits of section 301, even if only one parent qualifies for those benefits.

Section 2 is designed to clarify a potential misunderstanding by stating specifically that children under the age of 18 years are entitled to the United States passport, even if only one parent qualifies for such a passport under Covenant section 301.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

Rick Montoya,
Assistant Secretary.●

By Mr. INOUYE (for himself, Mr. Hollings, Mr. Danforth, and Mr. Packwood):

S. 1048. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

● Mr. INOUYE. Mr. President, I am introducing today legislation to reauthorize the Federal Communications Commission for fiscal years 1988 and 1989. The level of funding for fiscal year 1988 is $107,250,000 for the amount for fiscal year 1989 is $109,250,000. The amount for fiscal year 1988 is the same as the President's request. It represents an increase of approximately $5 million over the fiscal year 1987 budget. This additional amount is necessary to fund increases in compensation and benefits, to fund new positions to assist in the collection of fees, and to permit the reallocation of a monitoring station. This legislation also includes a 2-year extension in the travel reimbursement program, which permits private parties to reimburse Commission employees for certain travel expenses.

Since the last time the Congress reauthorized the Commission, it has engaged in a vast number of proceedings. The Communications Subcommittee intends to scrutinize closely Commission actions in regard to the new access charge plan, they must carry rules, the third computer inquiry, and the satellite television scrambling report. The subcommittee also will question the Commission concerning important pending actions, such as the "preference" inquiry and the deregulation of dominant common carriers.

Before 1981, the FCC had a continuing authorization. The Congress initiated a biennial authorization so that it could better oversee the many significant actions of the Commission. I believe this process has worked well. The Communications Subcommittee will hold a hearing on this bill on April 21 at 2:30 p.m. We will then consider whether any amendments are needed and try to move this legislation ahead promptly.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Communications Commission Authorization Act of 1987".

AUTHORIZATION OF APPROPRIATIONS

Sec. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 6. There are authorized to be appropriated for the administration of this Act by the Commission $107,250,000 for fiscal year 1988 and $109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989.".

(b) The amendment made by subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1987.

TRAVEL REIMBURSEMENT PROGRAM

Sec. 3. Section 4(g)(2) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)) is amended in subparagraph (D), by striking "1987" and inserting in lieu thereof "1989".●

By Mr. CHAFEE:

S. 1049. A bill to suspend temporarily the duty on lasamid; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON LASAMID

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would suspend temporarily the duty on lasamid. Lasamid is a chemical is used in the manufacture of furosemide, a widely-used potent diuretic, primarily prescribed in the the treatment of patients who have suffered from congestive heart failures.

Furosemide is currently sold in the United States by Hoechst-Roussel Pharmaceuticals Inc. [H-RPI] and by several other generic drug companies. However, the only company which manufactures furosemide in the United States is H-RPI's parent, Hoechst Celanese Corp. All other furosemide sold in the United States is imported.

Hoechst Celanese produces furosemide in my State of Rhode Island by a process which involves the intensive treatment of the precursor chemical lasamid. There are no known American producers of lasamid, and its only use is as a precursor to the production of furosemide. Since there are no domestic producers of lasamid, no domestic interests would be adversely affected by this bill. By elminating the duty on lasamid, this U.S. producer will become more competitive with foreign producers, thereby benefiting the American workers who manufacture this product. It will also contribute to keeping down medical costs, by reducing costs to produce a major drug relied upon by many Americans.

I introduced similar legislation in the last Congress. Although there was no objection to the duty suspension, the measure was never enacted. Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LASAMID.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"907.81	2,4 Dichloro–5–sufamoyl benzoic acid (provided for in item 406.56).	Free	No change...	On or before 12/31/90"

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. CHAFEE (for himself and Mr. GLENN):

S. 1050. A bill to temporarily suspend the duty on certain stuffed toy figures; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON STUFFED TOY FIGURES

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would temporarily suspend until December 31, 1990, the duty on certain stuffed toy figures of animate objects not exceeding 25 inches in either length, width, or height.

Major toy companies in the United States import their line of stuffed toy animals because there is no significant domestic manufacturer of these items. Since there is no domestic production, no domestic interests would be adversely affected by this bill. Furthermore, elimination of duty on stuffed toy animals will result in lower consumer prices for children's toys.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN STUFFED TOY FIGURES.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"912.32	Stuffed or filled toy figures of animate objects (except dolls) not having a spring mechanism and not exceeding 25 inches in either length, width, or height (provided for in item 737.30 or 737.40, part 5E, schedule 7).	Free	No change...	On or before 12/31/90".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. CHAFEE (for himself and Mr. GLENN):

S. 1051. A bill to suspend temporarily the duty on stuffed dolls and toy figures; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON STUFFED DOLLS AND TOY FIGURES

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would renew for 5 years a previous suspension of the duty on stuffed dolls, certain toy figures, and the outer covering or skins of such dolls and figures.

The previous duty-free treatment for these items was enacted in January 1983 and expired at the end of 1985. I introduced legislation in the last Congress to reinstate the suspension, and although there was no objection to suspension, the legislation was not adopted. The bill I am introducing today would thus have a retroactive application.

Major toy companies in the United States import their line of stuffed dolls, toy figures, and outer skins because there is no significant domestic manufacturer of these items. The outer skins that are imported are then filled and assembled here, providing jobs for U.S. workers.

Since there are no significant domestic manufacturers of these items, no domestic interests would be adversely affected by this bill. In addition, elimination of the duty on stuffed dolls, toy figures, and the outer coverings of dolls will result in lower consumer prices for children's toys.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUFFED DOLLS AND TOY FIGURES.

Items 912.30, 912.34, and 912.36 of the Appendix to the Tariff Schedules of the United States are each amended by striking out "12/31/85" and inserting in lieu thereof "12/31/90".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in item 912.30, 912.36, of the Appendix to the Tariff Schedules of the United States (as amended by this Act) that was made-

(1) after December 31, 1985, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 1052. A bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA; to the Committee on Energy and Natural Resources.

NATIONAL CENTER FOR THE UNITED STATES CONSTITUTION ESTABLISHMENT ACT

Mr. SPECTER. Mr. President, I am introducing today legislation to authorize the establishment of the National Center for the U.S. Constitution. This Center would be a permanent legacy of this year's national celebration of the bicentennial of the Constitution. The Center would focus national attention of the history and importance of the Constitution long after the bicentennial celebration is over.

The National Center for the U.S. Constitution would be located at a site in Philadelphia, where the document was debated, written, and signed. The Center's key functions would include:

Presenting exhibits, elaborating on the history and contemporary significance of the Constitution; directing a national program of public education on the Constitution, issuing traveling exhibits commissioning radio and television programs, and furnishing materials for schools; functioning as an intellectual center, drawing both academic and practitioners for debate and advice for the Center's exhibits and public education programs; and creating archives for programs on the bicentennial of the U.S. Constitution.

Mr. President, the National Center will be the only institution in the country dedicated to disseminating information about the Constitution, through existing networks, on an authoritative but nonpartisan basis. The Center will serve all sectors and groups; it will reach out to Americans in every State and territory and to school children, working people, and academics.

Creation of the National Center for the U.S. Constitution would not be a long-term financial burden for the Federal Government. The National Center eventually would be funded and operated by a uniquely qualified private nonprofit organization. This initiative is endorsed by Independence National Historical Park, Philadelphia's We The People 200 Committee, the Committee for a National Center for the U.S. Constitution, and the Pennsylvania Humanities Council.

As ranking minority member of the Judiciary Subcommittee on the Constitution and member of Philadelphia's We The People 200 Committee, I strongly believe that this bicentennial year provides an invaluable opportunity for all Americans to rediscover the unique provisions of the U.S. Constitution.

The three branches of our Federal Government are planning to participate in ceremonies throughout 1987. The U.S. Congress currently is planning to commemorate in Philadelphia on July 16 the 200th anniversary of the Constitution's "Great Compromise"—the decision during the Constitutional Convention to organize the Congress in two independent bodies.

Executive branch officials, including the President, are considering joining foreign officials in ceremonies and a parade in Philadelphia on September 17 to commemorate the 200th anniversary of the signing of the Constitution. The parade is expected to be the largest in the history of the Nation. U.S. Supreme Court Chief Justice William Rehnquist also is planning to participate in Philadelphia's bicentennial ceremonies on October 2, 1987.

Mr. President, this year will bring a heightened national awareness of the Constitution and our constutitonal government. By establishing the National Center for the U.S. Constitution, we can ensure that appreciation of one of history's greatest and most enduring political documents continues to increase in years to come.

We spend millions of dollars each year on programs to promote democracy in countries throughout the world. What better way to strengthen this effort than through a National Center to continue promoting after 1987 the drafting and signing of the most important political document in the history of the world?

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for the United States Constitution Establishment Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) 1987 is the bicentennial of the signing of the United States Constitution;

(2) commemoration of the Constitution's bicentennial includes events planned by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;

(3) bicentennial activities include important educational and instructional programs to heighten public awareness of the Constitution and the democratic process; and

(4) educational programs for the Constitution should continue after the bicentennial is over.

(b) Purpose.—It is therefore the declared policy of the Congress to provide—

(1) the necessary resources to develop a national resource center to undertake educational programs on the Constitution; and

(2) exhibits of, and an archives for, programs on the bicentennial of the United States Constitution.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) Establishment by Secretary of the Interior.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish a National Center for the United States Constitution (hereafter in this Act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on an authoritative but nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) Functions of the Center.—The functions of the Center shall include—

(1) serving as a center of exhibitory and elaborating on the history and contemporary significance of the Constitution, through use of the most advanced presentational techniques;

(2) directing a national program of public education on the Constitution, issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services;

(3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual advisement for the Center's exhibits and public education programs; and

(4) creating archives for programs on the bicentennial of the United States Constitution.

SEC. 4. ACQUISITION OF SITE FOR CENTER.

The Secretary is authorized to provide a site, including necessary structures, for the Center by—

(1) using an existing structure or modifying an existing structure for use; or

(2) constructing a new structure to house the Center.

The Secretary may acquire such land as is necessary to provide a site for the Center.

SEC. 5. OPERATION OF THE CENTER BY A PRIVATE NONPROFIT ORGANIZATION.

The Secretary is authorized to make grants to, enter into cooperative agreements, contracts or leases with private nonprofit organizations which shall operate the Center as provided in this Act.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as are necessary to establish and operate the Center.

By Mr. HEINZ (for himself, Mr. Rockefeller, Mr. Mitchell, and Mr. Specter):

S. 1053. A bill to waive certain time limitations imposed under the Trade Adjustment Assistance Program for certain workers whose employment terminated between 1981 and 1986, and for other purposes; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE IMPROVEMENT

● Mr. HEINZ. Mr. President, worker education and job training are an integral part of the current debate about American competitiveness. From the administration, from the Congress, from all sides, we hear talk about the need to improve these efforts because, unfortunately, our training programs—Trade Adjustment Assistance and the Dislocated Workers Assistance Program under JTPA—have failed to reach most of the displaced workers they were designed to help.

The real tragedy is the broken promise of Trade Adjustment Assistance. Under TAA, workers are supposed to receive extended unemployment compensation and retraining to help them begin a new career. This is particularly important to manufacturing workers whose plants not only are closed, but in many instances demolished, eliminating any chance that another company might reopen them and again provide work.

Trade Adjustment Assistance has been criticized for covering only a small fraction of displaced workers. There is a reason for this. We have placed so many restrictions on worker training and assistance under TAA that many workers can not get into the program. For instance, a displaced mineworker who was laid off several times in the early 1980's, and finally separated last year, is ineligible because the Department of Labor considers the first separation—usually a brief layoff—as the separation for TAA eligibility. Thousands of workers who experienced layoffs and recalls are caught by this trap in the law. In many cases, they have received little or no assistance. Many remain destitute.

If a worker was on layoff for more than 26 of the 52 weeks before separation, he is denied cash assistance under TAA, and must survive during training on whatever resources he may have. Often he has nothing. If he opened up unemployment insurance claim during a brief layoff, his eligibility for TAA begins upon the completion of the benefit year for that claim.

If a worker did not enter training within 210 days of separation or plant certification, he is again denied training. This may sound like a lot of time, but countless workers were laid off in the last recession while their plants remained open. It was not clear that they would not be called back, nor were they notified when their plant was certified. Thus, they were unaware of their eligibility, and have been denied training.

The program currently is out of training money. Workers who want to enter training cannot, and by the time we provide more money, their eligibility for training may be ended. This has happened before.

We can't compete in international markets with our first team—our skilled workers—permanently sidelined. For that reason, I am introducing legislation to provide training to workers who did not receive TAA benefits for which they were eligible.

There will be costs associated with this legislation. But, let me emphasize that if we are serious about retraining our work force, we must make some provision for those who have been denied training.

Mr. President, on Sunday, April 12, the Washington Post published an article on the benefits of retraining in the Pittsburgh area. I ask unanimous consent that the article appear in the RECORD at this point.

Mr. President, the legislation I am introducing will accomplish two things:

First, it will allow TAA-eligible workers who have not received their benefits, and who enter approvable training programs, to receive Trade Adjustment Assistance while they are enrolled in training.

Second, this bill will require the Department of Labor to notify TAA-eligible workers of their benefits, both by mail and by publication in general-circulation newspapers.

This legislation is only fair. We made a promise to trade-impacted workers that the Government would fund training and education services for them for up to 2 years, to help them rebuild their careers. That promise is broken.

Mr. President, I ask that the bill be published in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CERTAIN TIME LIMITATIONS.

(a) IN GENERAL.—The provisions of sections 223(b) and 231(a)(1)(B) of the Trade Act of 1974, and of subsections (a)(2) and (b) of section 233 of such Act, shall not apply with respect to any worker who became totally or partially separated from adversely affected employment (within the meaning of section 247 of such Act (19 U.S.C. 2319)) during the period that began on August 13, 1981, and ended on April 7, 1986.

(b) TRAINING REQUIREMENT.—

(1) Any worker who is otherwise eligible for payment of a trade readjustment allowance under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 by reason of subsection (a) of this section may receive payments of such allowance only if such worker—

(A) is enrolled in a training program approved by the Secretary under section 236(a) of such Act,

(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a training program approved by the Secretary of Labor under section 236(a) of such Act, or

(C) has received a written statement certified under paragraph (3) after the date described in subparagraph (B).

(2) If the Secretary of Labor determines that—

(A) a worker—

(i) has failed to begin participation in the training program the enrollment in which meets the requirement of paragraph (1), or

(ii) has ceased to participate in such training program before completing such training program, and

(B) there is no justifiable cause for such failure or cessation,

no trade readjustment allowance may be paid to the worker under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 on or after the date on which such determination is made until the worker begins or resumes participation in a training program approved under section 236(a) of such Act.

(3) If the Secretary of Labor finds that it is not feasible or appropriate to approve a training program for a worker under section 236(a) of the Trade Act of 1974, the Secretary of Labor shall submit to such worker a written statement certifying such finding.

SEC. 2. NOTIFICATION OF TRADE ADJUSTMENT ASSISTANCE TO WORKERS.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended—

(1) by striking out "The Secretary" in the first sentence and inserting in lieu thereof "(a) The Secretary", and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The Secretary shall provide written notice through the mail of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by a certification made under subchapter A of this chapter—

"(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment before such certification, or

"(B) at the time of the total or partial separation of the worker from the adversely affected employment, if subparagraph (A) does not apply.

"(2) The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under subchapter A in newspapers of general circulation in the areas in which such workers reside.".

(b) SPECIAL NOTICE.—The Secretary of Labor shall publish notice of the benefits available under chapter 2 of title II of the Trade Act of 1974 by reason of section 1 of this Act in newspapers of general circulation in areas in which workers who are likely beneficiaries under such chapter reside.●

By Mr. MITCHELL:

S. 1058. A bill to amend the Internal Revenue Code of 1986 to allow a deduction of at least $15,000 for interest paid or accrued on indebtedness incurred to acquire a 50 percent or more ownership interest in a corporation; to the Committee on Finance.

INVESTMENT INTEREST LIMITATION LEGISLATION

● Mr. MITCHELL. Mr. President, I am today introducing legislation to correct a problem with the new investment interest restrictions enacted in the tax reform bill. This legislation will reinstate the language of prior law section 163(d)(7) allowing a deduction for interest expenses incurred to acquire a 50 percent or more ownership interest in a corporation.

This subparagraph was repealed in the tax reform bill as part of the new limitations on deductions for investment interest expenses. Under prior law section 163, deductions for interest on debt incurred to purchase or carry property held for investment were generally limited to $10,000 per year, plus the taxpayer's net investment income. Section 163(d)(7) provided an additional $15,000 of annual deductions for interest expenses incurred to acquire a 50-percent interest in a corporation or partnership.

In the Tax Reform Act, the investment interest limitation was made more restrictive by, among other things, removing the $10,000 minimum amount. In addition, subsection (d)(7) was repealed thus removing the special rule for 50-percent-owned businesses.

Although there was a 50-percent-ownership test in prior law, this exception from the investment interest limitation was not based on any distinction between indebtedness incurred to operate a trade or business and indebtedness incurred to carry an investment. Instead, it was simply an ownership test; as long as a 50-percent interest was held, the exception would apply.

By its terms, section 163 applies to investment interest incurred to carry property held for investment whatever the character of that investment. The restrictions also apply to debt incurred to purchase stock in a corporation owned and operated by the taxpayer. The material participation of the taxpayer in the business is not relevant because it is the ownership of the stock as an investment that triggers the application of the investment interest limitation; not the degree of participation in the business by the owner of the stock. No such limitation applied to the same interest held directly in a partnership.

The effect of the prior law was thus to discourage entrepreneurs from taking on debt to acquire and actively run a business. That was tolerable as long as section 163(d)(7) at least permitted an exception for up to $15,000 of annual interest deductions. That was of benefit to modest borrowings to purchase small businesses.

The Federal income tax system should promote, not discourage, the formation of active business enterprises by individuals. However, the denial of interest deductions on debt incurred to acquire a corporation will make it more difficult for entrepreneurs to begin in business. Of course, with a little tax planning, individuals may structure a transaction in such a way as to utilize the interest deductions by placing the debt in the business or setting up the business as a passthrough entity.

But I see little reason for the tax system to encourage this kind of subterfuge and tax avoidance planning that forces taxpayers to structure transactions for tax reasons over business purpose.

More importantly, the abrupt repeal of the exception for debt used to acquire a controlling interest in a corporation imposes an unfair retroactive effect on legitimate business transactions entered into under prior law. For that reason, I believe this issue needs to be addressed in legislation this year. I do not propose to dismantle the new investment interest limitations in the bill which are a cornerstone of tax reform. This bill is simply a minor adjustment that reinstates section 163(d)(7) for qualifying debt held as of the enactment of tax reform. I hope the Finance Committee will give serious consideration to this proposal.

I ask unanimous consent that a copy of the legislation be placed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF ADDITIONAL $15,000 INVESTMENT INTEREST DEDUCTION ON INDEBTEDNESS TO ACQUIRE CORPORATION.

(a) GENERAL RULE.—Section 163(d) of the Internal Revenue Code of 1986 (relating to limitation on investment interest) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) SPECIAL RULE FOR INTEREST ON INDEBTEDNESS OF 50-PERCENT OWNER TO ACQUIRE CORPORATION.—

"(A) IN GENERAL.—In the case of a 50-percent owner of a corporation, the amount allowed as a deduction under this chapter for investment interest for any taxable year shall not be less than the sum of—

"(i) the amount determined without regard to this paragraph and without regard to any investment interest described in clause (ii)(II), plus

"(ii) the lesser of—

"(I) $15,000 ($7,500 in the case of a married individual filing a separate return), or

"(II) the investment interest paid or accrued during the taxable year on indebtedness incurred or continued in connection with the acquisition of such corporation or partnership.

"(B) 50-PERCENT OWNER.—For purposes of this paragraph, the term '50-percent owner' means a taxpayer who holds 50 percent or more of the total value of all classes of stock of a corporation. For purposes of this subparagraph, stock held by the spouse or children of an individual shall be treated as held by the individual."

(b) CONFORMING AMENDMENT.—Section 163(h)(6) of such Code is amended by striking out "subsection (d)(6)(B)" and inserting in lieu thereof "subsection (d)(7)(B)".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the amendments made by section 511 of the Tax Reform Act of 1986.●

By Mr. MOYNIHAN:

S. 1059. A bill to terminate the application of certain Veterans' Administration regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care; to the Committee on Veterans Affairs.

VETERANS' ADMINISTRATION REGULATIONS

● Mr. MOYNIHAN. Mr. President, I rise today to offer legislation to rescind certain Veterans' Administration regulations pertaining to beneficiary travel. Specifically, I refer to those provisions published in the Federal Register on March 12, 1987, which became effective on April 13, 1987. Under these regulations, reimbursement for beneficiary travel to and from VA facilities will be drastically curtailed. Whereas, previous regulations allowed veterans reimbursement for travel to and from VA facilities so long as prior authorization was requested and the individual facility had sufficient funding, the new regulations take the flexibility out of the program and allow travel reimbursement only in cases where specialized modes of transportation are medically indicated, travel is to and from compensation and pension examinations, and that travel in excess of a 100-mile radius from the nearest VA medical care facility.

This is, of course, a cost-saving measure brought on by the necessity of controlling the budget and misplaced priorities as we scramble here in Washington to cut, and cut again. But in return for making accessibility that much more difficult to our eligible veterans, the VA foresees a savings of approximately $90 million. That is, travel reimbursement is expected to drop from $100 million per year to $10 million. Mind, in a large State like New York, where approximately 1,915,000 veterans reside, medical care is accomplished at only 12 medical centers. In California, the State with the largest veterans population, there are 10 medical centers. Travel is very much a part of a veterans ability to obtain the benefits he or she rates. And as I travel around New York I am often reminded that this is a program our veterans want.

I do not think anyone in this body requires a discussion of what this Nation's veterans have done, indeed, all but a few Members of this body are veterans themselves; some know all too well the cost of conflict. Let me just say, that as we move to control spending, veterans benefits is not where I would choose to look first, or at all. Therefore, I introduce this legislation today to rescind the new regulation. And should such a rescission directly threaten the quality of medical care we offer our veterans, then I would urge the Committee on Veterans' Affairs and the Senate to consider a supplemental appropriation to the Veterans' Administration budget so that we might continue beneficiary travel at an estimated cost of $90 million.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding any other provision of law, on and after the date of the enactment of this Act, the final regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care, published and discussed on pages 7575 through 7577 of volume 52, number 48 of the Federal Register (dated March 12, 1987), shall no longer be in effect.●

By Mr. SASSER (for himself and Mr. GORE):

S. 1060. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to deduct either State and local sales taxes or State income taxes; to the Committee on Finance.

INTERNAL REVENUE CODE AMENDMENT

● Mr. SASSER. Mr. President, today, along with my junior colleague, Senator GORE, I am introducing legislation to rectify one of the glaring inequities in the 1986 tax reform bill; the elimination of the deduction for State and local sales taxes.

Now, some of my colleagues will argue that eliminating the sales tax deduction was done in the name of fairness. Let's explore that point a bit. No other State or local tax deduction was touched in the tax reform bill. You can still deduct your State income tax, for example. And if you happen to live in a State which has no sales tax, you aren't affected at all. Where's the fairness in that approach, Mr. President.

The elimination of the sales tax deduction was blatantly unfair, particularly to States such as Tennessee which rely on sales taxes for much of their revenue. Sales taxes account for more than 50 percent of the revenue collected in Tennessee. And most of these tax dollars go to support public education in Tennessee.

There are those who have attempted to justify eliminating the sales tax deduction by arguing that Tennessee and other States should not rely so heavily on sales taxes for revenue. Mr. President, that argument not only misses the point of tax equity, it raises a very serious question about our Federal system. Should the Federal Government dictate to the States what their tax policy will or will not be? To do so would undermine a State's authority to establish its own fiscal policy. Yet, exactly this type of Federal intrusion into State affairs lies at the heart of the repeal of the sales tax deduction.

Let me also underscore the economic importance of the sales tax deduction. Before its elimination, this was the most used deduction among itemizing taxpayers. Some 33.5 million taxpayers claimed the sales tax deduction in 1983. In my home State of Tennessee, the sales tax deduction was worth $585 per itemizing household in 1985.

The legislation I am introducing today would restore a sense of fairness to our Tax Code. it would also pull the Federal Government out of the business of setting State fiscal policy.

Basically, this legislation allows taxpayers who itemize a choice when deducting State and local taxes. Under my bill, individuals are allowed to deduct either their State and local sales taxes, or their State and local income taxes, but not both.

Mr. President, nothing could be fairer than this proposal. My bill is certainly much more equitable than singling out sales tax States for discriminatory treatment as was done in the 1986 tax reform bill. If we are truly interested in a fair tax system, we will no longer single out the sales tax as was done last year. We will move toward a system which seeks to treat all taxpayers in a similar manner. My legislation does just that. I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of this legislation appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) Repeal of Provision Eliminating State and Local Sales Tax Deduction.—

(1) In general.—Section 134 of the Tax Reform Act of 1986 is hereby repealed.

(2) APPLICATION OF INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if such section 134 (and amendments made by such section) had not been enacted.

(b) Election to Deduct State Income Taxes or State and Local Sales Taxes.—

(1) In general.—Paragraph (4) of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended to read as follows:

"(4) At the election of the taxpayer, either—

"(A) State and local income taxes, or

"(B) State and local sales taxes.".

(2) Conforming amendments.—

(A) Paragraph (3) of section 164(a) of such Code is amended by striking out "State and local, and foreign" and inserting in lieu thereof "Foreign".

(B) Section 164(b)(2)(D)(ii) of such Code is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(4)(B)".

(C) Paragraph (5) of section 164(a) of such Code (as designated by section 1432(a)(1) of the Tax Reform Act of 1986) is redesignated as paragraph (6).

(D) Paragraph (4) of section 164(b) of such Code (as designated by section 1432(a)(2) of the Tax Reform Act of 1986) is redesignated as paragraph (6).

(E) Paragraph (5) of section 164(a) of such Code (as added by section 516(b)(2)(A) of P.L. 99-499 (the Superfund Amendments and Reauthorization Act of 1986)) is redesignated as paragraph (7).

(F) Paragraph (a) of section 164 of such Code is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, any tax (not described in the first sentence of this subsection) which is paid or accrued by the taxpayer in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.●

By Mr. TRIBLE (for himself, Mr. Armstrong, and Mr. McConnell):

S. 1061. A bill relating to enforcement of the restrictions against imported pornography; to the Committee on the Judiciary.

RESTRICTIONS AGAINST IMPORTED PORNOGRAPHY

Mr. TRIBLE. Mr. President, I am introducing legislation today that will strengthen the Government's ability to penalize the importation of obscene material into the United States. This measure is identical to a proposal authored by my friend and colleague from the House, Representative Frank Wolf.

Current law empowers the U.S. Customs Service to seize obscenity and child pornography upon its entry into the United States. That seizure mechanism is an important element of the effort to curb the importation of hardcore pornography.

The Congress has taken several steps to buttress this effort. We have enacted legislation toughening penalties against child pornographers, and the Department of Justice has reported an increase in its prosecution of child porn cases. The Department has also created a task force to help coordinate Federal prosecutions of obsecenity cases.

Nevertheless, I believe that the hand of the Customs Service and the Justice Department can be strengthened further, and the legislation I am introducing today would do so.

The existing forfeiture mechanism requires that obscene material seized by customs be turned over to the U.S. Attorney in the district in which it is seized. This places a disproportionate burden on that U.S. attorney to try cases involving imports of obscenity.

This proposal would alter the seizure mechanism to provide an option of forwarding the seized material to the U.S. attorney's office in the district to which it was addressed, a move that would accomplish two important goals.

First, it would more evenly distribute the burden of prosecuting obscenity cases, rather than keeping it concentrated in a few particular districts. And second, it would permit the community standards of a greater number of venues to be brought to bear on obscenity prosecutions.

This legislation is a cost-effective means of improving the Government's ability to prosecute obscenity cases. It is an overdue step in the Government's effort to help curb the spread of hard-core pornography, and to limit the impact of such materials on families and on the Nation generally. I urge my colleagues to join me in sponsoring the bill, and I ask unanimous consent that a copy be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Tariff Act of 1930 (19 U.S.C. 1305) is amended as follows:

(1) The second paragraph of subsection (a) is designated as subsection (b) and the following side heading, appropriately indented, is inserted before "Upon" at the beginning of the paragraph: "(b) Enforcement Procedures.—".

(2) The second sentence of subsection (b) (as redesignated by paragraph (1)) is amended to read as follows: "Upon the seizure of such book or matter, such customs officer shall transmit information thereof to the United States attorney of the district in which is situated either—

"(1) the office at which such seizure took place; or

"(2) the place to which such book or matter is addressed;

and the United States attorney shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized.".

(3) The following new subsections are added at the end thereof:

"(c) Notwithstanding the provisions of subsections (a) and (b), whenever a customs officer discovers any obscene material after such material has been imported or brought into the United States, or attempted to be imported or brought into the United States, he may refer the matter to the United States attorney for the institution of forfeiture proceedings under this section. Such proceedings shall begin no more than 30 days after the time the material is seized; except that no seizure or forfeiture shall be invalidated for delay if the claimant is responsible for extending the action beyond the allowable time limits or if proceedings are postponed pending the consideration of constitutional issues.

"(d) Upon motion of the United States, a court shall stay such civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter.".

By Mr. CRANSTON (by request):

S. 1062. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary actions

on certain probationary title 38 health care employees; to the Committee on Veterans' Affairs.

AUTHORITY FOR CERTAIN DISCIPLINARY ACTIONS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1062, a bill to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1062

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4106(b) of title 38, United States Code, is amended to read as follows:

"(b) Appointments under section 4104(1) of this title shall be subject to a probationary period of two years. The record of performance of each person serving under such appointment may be reviewed at any time during that period by a board or boards appointed in accordance with regulations issued by the Administrator. Procedures governing the review of employee performance during the probationary period shall be established in regulations issued by the Administrator. The board(s) shall recommend to the Chief Medical Director, or designee, action consistent with the ability of the employee, as determined by the board(s), to perform efficiently. The Chief Medical Director, or designee, may accept, reject, or modify the recommendation of the board(s). If the Chief Medical Director, or designee, takes action not recommended by the board(s), a statement of the reasons therefor shall be prepared and made part of the record."

VETERANS ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF
VETERANS AFFAIRS,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill "To amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

This proposal would clarify the authority of the Chief Medical Director or designee to accept, reject, or modify recommendations made by Professional Standards Boards as a result of their reviews of the performance of probationary medical professionals. Currently, the Chief Medical Director, who is the official responsible for the operation of the Department of Medicine and Surgery, plays no substantive role in this review process. This provision would clarify the intent of Congress that the Administrator has the power to prescribe by regulation both the procedures to be followed by the Board and the circumstances in which Board proceedings may be initiated and that final action in the review process should be taken by the Chief Medical Director.

Also, this provision would authorize these Boards to recommend corrective action other than the requirement in section 4106 that an employee be removed for unsatisfactory performance. This proposal would provide flexibility to allow the reviewing body to tailor its recommendations to fit the particular circumstances of each case.

There are no costs anticipated from the enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF THE BILL

This bill would clarify and expand the authority of the Chief Medical Director under 38 U.S.C. §4106(b). That section establishes the probationary period for certain employees in the Department of Medicine and Surgery and requires periodic review of the performance of those employees. The employees affected are physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded function dental auxiliaries.

The authority of the Chief Medical Director to accept, reject or modify the findings and recommendations of Professional Standards Boards appointed pursuant to this section would be clarified.

Current practice under this section is in doubt because of the literal language of the statute and a court decision in the Federal Court of Appeals for the Eighth Circuit severely limiting the Chief Medical Director's discretion. The proposal would not limit an employee's rights but would clarify that the Chief Medical Director is the decisionmaker rather than the Professional Standards Boards. The function of the Professional Standards Boards would be to make findings and recommendations such as do disciplinary boards appointed under 38 U.S.C. §4110.

In addition, the provision would authorize corrective action other than removal when an employee, upon review, is found not fully qualified and satisfactory. The law now speaks only of removal upon such a finding. This limitation can color a Board's action when an employee is not performing satisfactorily because of unsuitable assignment or other reason. Under this proposal, the Board and the Chief Medical Director would have discretion to take action with regard to such an employee which could utilize available skills and abilities rather than terminating a potentially useful employee or retaining an employee when performance in his or her position at the time of review is marginal.

By Mr. CRANSTON (by request):

S. 1063. A bill to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS ADMINISTRATION TORT CLAIMS AND HOSPITAL COST COLLECTION AMENDMENTS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1063, the proposed Veterans Administration Tort Claims and Hospital Cost Collections Amendments of 1987. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed section-by-section analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1. (a) This Act may be cited as the "Veterans Administration Tort Claims and Hospital Cost Collections Amendments of 1987".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HOSPITAL COST COLLECTIONS

SEC. 101. Section 629(b)(2)(B) is amended by inserting "within 6 years from the last day on which care or services for which recovery is sought are furnished to the veteran by the Administrator under this chapter" after "third party".

TITLE II—TORT CLAIMS

SEC. 201. Section 4116 is amended by adding at the end thereof the following new subsection:

"(f) for purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including the conduct of clinical studies and investigations) while in the exercise of such person's duties in or for the Department of Medicine and Surgery.".

SEC. 202. Subchapter II of chapter 3 is amended by adding at the end thereof the following new section:

"§ 223. Administrative settlement of claims under the Federal Tort Claims Act

"Notwithstanding the limitations contained in section 2672 of title 28, United States Code, the Administrator may consider, ascertain, adjust, determined, compromise, and settle any claim for money damages against the United States cognizable under the Federal Torts Claims Act or section 4116(f) of this title to the extent delegated by the Attorney General; *provided*, that no such delegation may exceed the settlement authority delegated by the Attorney General to the United States Attorneys in accordance with title 28, Code of Federal Regulations."

SEC. 203. The table of sections at the beginning of chapter 3 is amended by adding as the last section listed under Subchapter II thereof the following:

"223. Administrative settlement of claims under the "Federal Tort Claims Act.".

VETERANS ADMINISTRATION,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes." I request that this measure be referred to the appropriate committee for prompt consideration and enactment.

The measure is designed to clarify the statute of limitations applicable to suits brought by the United States to recover its costs of VA health care pursuant to 38 U.S.C. § 629. It would also expand the immunity from personal liability for VA health care personnel to that afforded health care personnel of other agencies. Finally, the measure would remove a statutory limitation on the authority of the Administrator to settle administrative tort claims under the Federal Tort Claims Act.

Under the provisions of 38 U.S.C. § 629, the United States may recover from crime victims' programs, automobile reparations and workers compensation laws, and health insurance plans, the cost of medical care furnished by the Veterans Administration for nonservice-connected disabilities. The statute authorizes the United States to file suit in order to enforce its right to recover, but contains no specific statute of limitations in which a suit must be brought.

For lack of a specific limitations period in the statute, the Government has argued that the 6-year statute of limitations applicable to actions by the United States founded upon an express or implied contract is applicable. The proposed bill would both establish a 6-year statute of limitations and designate the day on which the statute begins to run: the last day of treatment for which recovery is sought.

There are no costs to the VA appropriations account associated with the proposal.

The measure would also amend section 4116 of title 38, United States Code, which relates to the immunity of Veterans Administration medical personnel from personal liability for medical malpractice.

Section 4116 currently immunizes VA medical personnel from suits arising from medical malpractice by substituting the United States as the sole defendant under the Federal Tort Claims Act (FTCA), sections 1346(b) and 2671-2680, title 28, United States Code. The FTCA excludes the Government from liability, however, in situations where the act giving rise to the claim constitutes assault, battery, libel, slander, abuse of process, malicious prosecution, false arrest, false imprisonment, misrepresentation, or deceit. These are the so-called "intentional torts" excluded by section 2680(h), title 28, United States Code. Some courts have held that where, in a medical malpractice case, State law would characterize the tort as one of those excluded by section 2680(h), the allegedly responsible VA physician is not immunized by section 4116 and the suit must proceed against the physician in his or her individual capacity with the prospect for personal pecuniary liability.

The draft bill would extend the same degree of protection to VA health care personnel as is currently afforded similar personnel in other agencies. If enacted, the measure would permit claims against the United States under the FTCA arising out of negligent or wrongful acts of VA personnel furnishing medical care or treatment in or for the Department of Medicine and Surgery even though the act or omission complained of might constitute one of the torts otherwise excluded by section 2680(h).

The cost of this measure would be minimal since the problem it would alleviate arises in only a limited number of cases in certain jurisdictions.

The next section would remove the current $25,000 limitation on the Agency to settle administrative tort claims under the Federal Tort Claims Act.

The authority of all Federal agencies to settle administrative tort claims under the Federal Tort Claims Act (FTCA) is currently limited to $25,000 by 28 U.S.C. § 2672. Because the limitation on settlement authority is contained in a statute, it can be increased only through legislation. The Department of Justice has in the past proposed legislation to raise agency settlement authority to $50,000, but no proposal has been included in the Department's legislative programs since 1983. The $25,000 limitation is now 20 years old, and an increase in agency authority is long overdue.

In 1984, the Administrative Conference of the United States, in considering a study of agencies' handling of tort and other monetary claims, recommended that "Congress should systematically raise ceilings on all agency authority to settle claims where inflation has rendered obsolete the present levels." Given the inflation that has occurred since the establishment of the $25,000 limit, the need for an adjustment is obvious if agencies are to continue to dispose of major claims. This is especially true of medical malpractice claims filed with the Veterans Administration. The expertise developed by our attorneys through years of investigating such claims warrants entrustment with significant settlement authority.

On December 19, 1985, the General Counsel wrote to the Assistant Attorney General of the Civil Division urging that the Department of Justice propose and strongly support a legislative increase in settlement authority. Justice has since advised that it has no objection to this proposal.

The proposal would permit the Administrator to settle administrative tort claims to the extent delegated by the Attorney General. Settlements in excess of the delegation would continue to be subject to approval by the Department of Justice.

There are no costs to the VA appropriations account associated with this proposal since all administrative tort claims settlements in excess of $2,500 are paid by GAO out of the judgment fund.

The Office of Management and Budget advises that it has no objection to the submission of the bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

SECTION-BY-SECTION ANALYSIS

Section 101 of the bill provides for amending 38 U.S.C. § 629 to clarify the 6-year statute of limitations for the United States to sue and to specify an accrual date.

There is no statute of limitations in the current law; however, 28 U.S.C. § 2415 is the statute setting forth the period of limitations generally for the United States to bring suit in actions arising in tort (3 years) or contract (6 years). Because of uncertainty as to the nature of the Government's right of action, it is unclear whether a 6-year or 3-year limitations period would apply.

The United States has the right to recover its cost of health care furnished under circumstances creating a tort liability by virtue of the Federal Medical Care Recovery Act, 42 U.S.C. § 2651, *et seq.* The 3-year period in which suit may be brought in these cases is governed by 28 U.S.C. § 2415(b), the limitations period in which the United States must bring an action on a claim sounding in tort. Section 629 of title 38 authorizes the VA to recover the cost of medical care under crime victim, no-fault, and workers compensation laws, and health-care contracts. For lack of a specific limitations period in the statute, the Government has argued that the 6-year statute of limitations applicable to actions by the United States founded upon an express or implied contract is applicable. 28 U.S.C. § 2415(a).

Additionally, there is uncertainty as to when the statute of limitations begins to run; *i.e.*, first or last day of treatment. Section 101 of the bill specifies the time in which suit could be brought by the United States, noting that the action accrues on the date of completion of VA treatment giving rise to the claim.

Section 201 of the bill would amend 38 U.S.C. § 4116 to extend protection to VA health care personnel from suits alleging commission of certain so-called "intentional" torts during medical care or treatment.

Section 4116 currently immunizes VA medical personnel from suits for medical malpractice by substituting the United States as the sole defendant under the Federal Tort Claims Act (FTCA).

The FTCA, at 28 U.S.C. § 2680(h), excludes, however, certain so-called "intentional" torts; *e.g.*, assault, battery, libel, slander, false imprisonment, etc. Some courts hold that where State law characterizes the act complained of as one of the excepted torts, the VA employee is not immunized and suit proceeds against him or her individually. The most common example is where State law treats an action for lack of consent to a medical procedure as sounding in battery.

The draft bill would waive the FTCA exclusions, permitting suit against the United States where the acts complained of arose in the course of medical treatment. The VA medical care provider would thereby be immunized from personal liability.

If enacted, the scope of immunity for VA medical personnel would be essentially the same as that enjoyed by personnel of other agencies whose more recent immunity statutes anticipated the problem this draft bill is designed to eliminate.

The costs are minimal since the problem only arises in a limited number of cases in certain states.

Section 202 is designed to remove the current $25,000 limitation on the Agency to settle administrative tort claims under the Federal Tort Claims Act and replace it with such monetary authority as may be delegated to the Administrator by the Attorney General. The current limitation is contained in section 2672 of title 28, United States Code, and applies to all agencies. Only a few of the agencies, however, handle a large volume of major tort claims such as those sounding in medical malpractice, and the settlement value of most such claims exceeds $25,000.

Because the limitation on settlement authority is contained in a statute, it can be increased only through legislation. The Department of Justice has in the past proposed legislation to raise agency settlement authority to $50,000, but no proposal has been included in the Department's legislative programs since 1983.

The $25,000 limitation is now almost 20 years old, and an increase in agency authority is long overdue. The United States Attorneys' settlement authority, which is delegated by the Attorney General through regulation, has increased from $20,000 to $200,000 since 1975. There is no reason to suppose that an increase in settlement authority would lead to a corresponding tendency toward unwarranted higher agency settlements. Indeed, comparisons between agency settlements and those achieved in litigation indicate that, even with regard to medical malpractice claims for personal injury or wrongful death, agency negotiated settlements tend to be lower. Administrative resolution of claims should be encouraged both as an advantage to the claimant in terms of a speedier recovery and as more economical to the Government.

In this context, it is anomalous to have agencies limited to $25,000 authority while United States Attorney offices have been delegated authority of $200,000. This large differential between agency and U.S. Attorney authority is productive of litigation, higher settlements, and increased costs.

In 1984, the Administrative Conference of the United States in considering a study of agencies' handling of tort and other monetary claims, recommended that "Congress should systematically raise ceilings on all agency authority to settle claims where inflation has rendered obsolete the present levels." Given the inflation that has occurred since the establishment of the $25,000 limit, the need for an adjustment is obvious if agencies are to continue to dispose of major claims. This is especially true of medical malpractice claims filed with the Veterans Administration. The expertise developed by Veterans Administration attorneys through years of investigating such claims warrants entrustment with significant settlement authority.

On December 19, 1985, the VA General Counsel wrote to the Assistant Attorney General of the Civil Division urging that the Department of Justice propose and strongly support a legislative increase in settlement authority.

Justice has since advised that it does not oppose the current VA proposal.

Section 202 would permit the Administrator to settle administrative tort claims to the extent delegated by the Attorney General. Settlements in excess of the delegation would continue to be subject to approval by the Department of Justice.

There are no costs to the Veterans Administration appropriations account associated with this proposal since all administrative tort claim settlements in excess of $2,500 are paid by GAO out of the judgment fund.

By Mr. CRANSTON (by request):

S. 1064. A bill to amend title 38, United States Code, to extend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

ALTERNATIVE CARE AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1064, the proposed "Alternative Care Amendments Act of 1987." The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provision of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1064

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Alternative Care Amendments Act of 1987".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) Paragraph (3) of subsection (f) of section 620 is amended by striking "1988" and inserting in lieu thereof "1991".

(b) The Veterans' Health Care Amendments of 1983 (Public Law 98-160, 97 Stat. 993) is amended in section 103(c) by striking "1988" and inserting in lieu thereof "1991".

SEC. 3. (a) Subchapter II of chapter 17 is amended by adding at the end the following new section:

"§ 620B. Contract treatment for veterans with chronic psychiatric disabilities

"(a)(1) The Administrator may contract for care, treatment, and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for any veteran described in section 612(a)(1)(B) or section 612(f)(1)(A)(ii) who is suffering from a chronic psychiatric disability.

"(2) Before furnishing such care and services to any veterans through a contract facility, the Administrator shall approve (in accordance with such criteria as the Administrator may prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Administrator may not contract for care, treatment, and rehabilitative services under subsection (a) of this section after September 30, 1991.".

(b) Not later than March 31, 1991, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation of the program authorized by this section.

(c) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 620A the following new item:

"620B. Contract treatment for veterans with chronic psychiatric disabilities.".

OFFICE OF THE ADMINISTRATOR,
VETERANS AFFAIRS,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to exend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities" with the request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would extend one of VA's alternative care pilot programs and create authority for a new one. VA's authority to operate the adult day health care pilot program expires on September 30, 1988. This bill would extend that program until September 30, 1991. The bill would also authorize the VA to establish a pilot program to provide contract treatment in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to eligible veterans with chronic psychiatric disabilities.

Currently, VA has limited alternatives for placing veterans with chronic psychiatric problems who no longer need inpatient psychiatric care. Often, such veterans are simply discharged and seen as outpatients.

Outpatient care is frequently not intensive enough to meet such patients' needs, however, so that these veterans eventually return to the VA in need of inpatient care. Other psychiatric patients are deemed to be appropriate for discharge to community nursing homes. Few nursing homes are staffed or equipped, however, to care for psychiatric patients. Nursing homes thus often refuse to accept these patients or return them to the VA when they are unable to care for them. Finally, VA health care providers may find it necessary to retain a patient in the VA hospital as an inpatient when other alternatives are unavailable. This prevents other eligible veterans from obtaining needed hospital care.

This new pilot program would give VA another placement option by permitting VA to discharge eligible patients with chronic psychiatric conditions to halfway houses with which the VA would contract. Veterans in halfway houses would receive needed treatment for their chronic psychiatric disabilities in an environment less restrictive than a hospital psychiatric unit. In addition, we believe this pilot program would permit VA to reduce the average length of stay for inpatients with psychiatric disorders. Finally, it would be less expensive than hospital or nursing home care and probably more successful than simply releasing these patients directly into the community.

This draft bill would also extend authority for VA's adult day health care program. Public Law 98-160 gave VA authority to establish a pilot program to furnish eligible veterans with adult day health care at VA facilities and through contract facilities. VA is also required to conduct a study of the provision of this care under this authority and to report its results to the Committees on Veterans Affairs by February 1, 1988. In this report, VA must include a recommendation with respect to continuing or terminating the adult day health care program.

VA has been furnishing adult day health care in VA facilities under this authority since the summer of 1985, and soon will commence a randomized control study of the care provided. We anticipate that this rigorously designed study will begin in the spring of 1987 and continue through fiscal year 1990 in order to obtain sufficient information for the final report. With the promulgation this spring of authorizing regulations, we anticipate also beginning to provide adult day health care through contract facilities.

With these phases of the program just coming on line, VA's experience by February 1988 with the provision of adult day health care will likely be too limited a basis on which to provide data on medical efficacy and cost-effectiveness or on which to recommend whether this authority should be extended permanently. In our judgment, however, adult day health care remains a very promising alternative to institutionalization, and we urge that this authority not be permitted to expire. Extending the authority to provide adult day health care until September 30, 1991, would allow VA sufficient time to obtain the information needed for the study and the report to Congress.

We expect no additional cost to result from enacting the provision authorizing contract halfway house care for veterans with chronic psychiatric disabilities. We project that extension of authority for the Agency to operate the adult day health care program until September 30, 1991, would be $20.176 million over the three year period, with costs of $7.132 million for each of the first two fiscal years and $5.912 million in the third. Funding for this program is contained in the President's 1988 budget.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF PROPOSED BILL

Section 1(a) of the draft bill states the bill's title: "Alternative Care Amendments Act of 1987".

Section 1(b) of the draft bill provides that an amendment of a section or other provision of law made by this bill shall be considered as an amendment of a section or other provision of title 38, United States Code, unless otherwise expressly provided.

Section 2(a) of the draft bill would amend 38 U.S.C. § 620(f)(3) to extend by three years the VA's authority to provide adult day health care to eligible veterans in VA and contract facilities. Currently, the law provides that this authority will expire on September 30, 1988. Enactment of this provision would result in a cost of $20,176,000 over the three year period.

Section 2(b) would amend section 103(c) of Public Law 98-160 (the Veterans' Health Care Amendments of 1983) to extend by three years the date by which the Administrator is required to report to the Congressional Committees on Veterans Affairs on the results of the VA's study of the medical efficacy and cost-effectiveness of furnishing adult day health care.

Section 3(a) would amend chapter 17 of title 38 of the United States Code to add a new section 620B to authorize the VA to contract with halfway houses and other facilities to provide care to eligible veterans suffering from chronic psychiatric disabilities. Veterans eligible for this care would be:

Veterans with service-connected disabilities rated at 50 percent or more, 38 U.S.C. § 612(a)(1)(B), and

Veterans eligible for hospital care under 38 U.S.C. § 610 who have been furnished hospital, nursing home, domiciliary care, 38 U.S.C. § 612(f)(1)(A)(ii). The limitations set forth in section 612(f)(1)(A)(ii) on the provision of medical services to these veterans would not apply, however, to this contract authority.

This new authority would require the Administrator to approve the quality and effectiveness of the program operated by a contract facility before referring a veteran there. In addition, authority to contract for halfway house care under this new authority would expire on September 30, 1991. Enactment of this provision would not result in any additional costs to the Government.

Section 3(b) of the draft bill would require the Administrator to report to the Congressional Committees on Veterans' Affairs findings and recommendations pertaining to the operation of this new alternative care pilot program. The report would be due no later than March 31, 1991.

Section 3(c) would amend the table of sections at the beginning of chapter 17 of title 38, United States Code, to reflect the addition of section 620B.

By Mr. CRANSTON (by request):

S. 1065. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide on call pay to certain civil service health-care personnel; to the Committee on Veterans' Affairs.

ON CALL PAY FOR CERTAIN HEALTH-CARE PERSONNEL

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1065, a bill authorizing the Administrator of Veterans' Affairs to provide on call pay to certain civil service health-care personnel. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed section-by-section analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1065

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4107 of title 38, United States Code, is amended by deleting the period at the end of subsection (i), inserting a semicolon in lieu thereof, and adding the following:

"(j) Notwithstanding any other provision of law, a health care employee, or employee providing services incident to health care, employed pursuant to title 5 or section 4104(3) of this title, who is officially scheduled to be on call outside his or her regular hours or on a holiday designated by Federal statute or Executive order shall be paid at a rate equal to ten per centum of the hourly overtime rate for services in excess of his or her regularly scheduled duty for each hour of such on call duty, except for such time as he or she may be called back to work."

VETERANS' ADMINISTRATION,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We transmit herewith a draft bill "To amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to provide on call pay to certain civil service health-care personnel" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

The draft bill addresses a serious problem the Veterans Administration (VA) experiences in ensuring that certain health-care support personnel, such as x-ray, laboratory, operating room and other technologists and technicians, appointed pursuant to title 5, United States Code, or section 4104(3) of title 38, United States Code, are available in medical emergencies or for unforseen medical needs which occur outside their regular duty hours. To assure that these employees are available on an "on-call" basis, the VA must place them in a "standby" duty status whereby they are physically confined status to their duty stations, and pay them standby duty premium pay mandated by section 5545 of title 5, United States Code, whether or not they are actually called back to work. However, while employees "on call" are subject to being called back to work outside regular tours of duty, their physical movements are not confined to a designated duty station, but they may arrange for others to respond to call or leave a telephone number by which they can be reached should their services be required. Civil service employees are not paid while "on call"; if called back to work, they receive overtime pay for the time actually worked. (A minimum of two hours overtime pay must be paid, regardless of the actual time worked.)

Not only does the Administrator lack authority to require civil service employees to be "on call," but the lack of pay for this duty means these employees have very little incentive to voluntarily agree to hold themselves "on call." Thus, this approach has been unsuccessful in achieving the needed coverage. As a result, VA has had to resort to standby duty pay to assure the availability of these employees in the event they must be called back to work outside their regular duty hours.

Although standby duty ensures the availability of employees, it is very expensive. The rate of standby premium pay, which becomes part of each paycheck the employee receives during the period that the employee has the recurring standby obligation as a regular part of the workweek, is at least 5 percent, and can be as high as 25 percent, of the basic rate of pay. Furthermore, standby premium pay is computed on an annual basis. Based on the current General Schedule, standby duty could thus add as much as $6,000 in annual payroll for each of the VA employees affected.

The VA's lack of authority to place civil service health-care employees "on call' to respond to medical emergencies or unforseen medical needs contrasts unfavorably with its authority to impose those duty requirements on title 38 registered nurses. Section 4107 of title 38 authorizes VA to schedule these title 38 health-care personnel on an "on call" basis individually as the need arises. In addition, it authorizes a pay rate of only 10 percent of the hourly overtime rate those employees ordinarily receive, rather than the higher rate for title 5 standby rate. Moreover, under the title 38 "on call" authority, employees receive premium pay only for each hour of actual "on call" status. This different treatment of health-care employees paid under title 38 and title 5 creates an anomaly between VA and the private sector where, we believe, health-facility managements may schedule all health-care employees as needed at substantially the same pay rates.

The draft bill would solve these problems by authorizing the Administrator to pay "on call" pay to civil service healthcare personnel in the same manner that this pay is provided to title 38 registered nurses. Under this bill, VA could schedule these health-care personnel "on call" as necessary without instituting costly standby pay or relying on the cooperation of VA employees to meet patient care needs.

(Under 38 U.S.C. § 4107(f), the VA has the authority to pay "on call" pay to employees appointed under 38 U.S.C. § 4104(3) in the same manner as it pays "on call" pay to registered nurses only when necessary to recruit or retain this section 4104(3) employees. This current authority does not extend to the circumstances which the draft bill addresses, i.e., assuring the availability of these employees outside their normal duty hours.)

In summary, we believe that the draft bill, if enacted, will provide VA clear authority to meet its patient care responsibility in a more cost efficient manner.

No increased costs are associated with the draft bill's enactment. Cost savings are estimated to be 1.1 million dollars.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Thomas K. Turnage,
Administrator.

Section-by-Section Analysis

The bill would amend section 4107 of title 38, United States Code, by adding a new subsection (j) authorizing the Administrator to provide "on call" pay to Civil Service health-care employees appointed pursuant to title 5, United States Code, or section 4104(3) of title 38, United States Code, in the same manner that this pay is provided to title 38 registered nurses, under subsection 4107(e)(8). Such pay would be computed on the same basis as it is for the title 38 health-care employees, who receive "on call" pay at 10 percent of the overtime hourly rate of pay for each hour of "on call" duty, except for such time as they are called back to duty, when they receive regular overtime pay.

The intent of the proposed bill is to provide the Administrator authority to require these civil service health-care employees to remain available for "on call" duty as necessary and to pay them the same rates of pay that are paid to title 38 registered nurses, who may be required to remain "on call" as necessary, instead of standby premium pay under section 5545 of title 5, which is more costly. (Although section 4104(3) employees are appointed under title 38 and may be paid under certain title 38 pay authorities, these employees are Civil Service employees and must be paid standby premium pay under section 5545 of title 5, United States Code.

The VA authority under 38 U.S.C. § 4107(f) to pay title 38 "on call" pay to these employees is limited to situations where the VA has difficulty recruiting or retaining these employees, and does not extend to the circumstances addressed by this section, i.e., assuring the availability of these employees outside their normal duty hours.)

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. Moynihan, the name of the Senator from Nevada [Mr. Reid] was added as a cosponsor of S. 33, a bill entitled the "Social Security Trust Funds Management Act of 1987".

S. 39

At the request of Mr. Moynihan, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 49

At the request of Mr. Moynihan, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 49, a bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to establish as a priority the conveyance of surplus Federal property for use as correctional facilities to alleviate the shortage of prison space resulting from the increase in drug crime convictions.

S. 51

At the request of Mr. Hatch, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 81

At the request of Mr. Metzenbaum, the names of the Senator from New York [Mr. Moynihan], and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's disease and related dementias home and community based services block grant.

S. 104

At the request of Mr. Inouye, the names of the Senator from Illinois [Mr. Dixon], the Senator from North Dakota [Mr. Burdick], the Senator from Rhode Island [Mr. Chafee], the Senator from Nevada [Mr. Reid], and the Senator from Arizona [Mr. McCain] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 123

At the request of Mr. Inouye, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 249

At the request of Mr. Dodd, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 261

At the request of Mr. Matsunaga, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 261, a bill to authorize the establishment of a Peace

Garden on a site to be selected by the Secretary of the Interior.

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 407

At the request of Mr. GARN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Dakota [Mr. PRESSLER], were added as cosponsors of S. 407, a bill to grant a Federal charter to the Challenger Center, and for other purposes.

S. 476

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 492

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. HARKINS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Ohio [Mr. METZENBAUM], were added as cosponsors of S. 492, a bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

S. 508

At the request of Mr. LEVIN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 508, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 523

At the request of Mr. HELMS, the name of the Senator from South Carolina [Mr. HOLLINGS] was withdrawn as a cosponsor of S. 523, a bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse peronnel actions as are afforded to Federal employees under title 5, United States Code.

S. 549

At the request of Mr. HOLLINGS, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 549, a bill to remedy injury to the U.S. textile and apparel industries caused by increased imports.

S. 589

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 589, a bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution.

S. 590

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 590, a bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes.

S. 604

At the request of Mr. PRYOR, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 703

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 718

At the request of Mr. MATSUNAGA, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 718, a bill to eliminate discrimination with regard to mental illness under Medicare.

S. 778

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 778, a bill to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 794, a bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs.

S. 797

At the request of Mr. METZENBAUM, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 797, a bill to require the Attorney General to collect data and report annually about hate crimes.

S. 818

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. WILSON], were added as cosponsors of S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 835

At the request of Mr. WILSON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 835, a bill to improve the safety of imported raw agricultural commodities produced with pesticides, and for other purposes.

S. 880

At the request of Mr. DURENBERGER, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New York [Mr. MOYNIHAN], were added as cosponsors of S. 880, a bill entitled the "Superconductivity Competition Act of 1987."

S. 957

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 957, a bill to name the postbaccalaureate achievement program under subpart 4 of part A of title IV of the Higher Education Act of 1965 as the "Ronald E. McNair Post-Baccalaureate Achievement Program."

S. 959

At the request of Mr. GLENN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 959, a bill to amend the Older Americans Act of 1965 to strengthen and improve the provisions relating to State long-term care ombudsman programs, and for other purposes.

S. 983

At the request of Mr. DANFORTH, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], and the

Senator from South Dakota [Mr. PRESSLER], were added as cosponsors of S. 983, a bill to provide for the establishment of rural enterprise zones, and for other purposes.

S. 1009

At the request of Mr. SYMMS, his name was withdrawn as a cosponsor of S. 1009, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 1010

At the request of Mr. CHAFEE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Hawaii [Mr. INOUYE], were added as cosponsors of S. 1010, a bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid, capitated basis.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from West Virginia [Mr. BYRD], were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 48

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. QUAYLE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week".

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE JOINT RESOLUTION 107

At the request of Mr. SPECTER, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Arkansas [Mr. PRYOR], were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. SYMMS, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 115, a joint resolution making an urgent supplemental appropriation for emergency assistance to the Polish independent trade union organization NSZZ "Solidarnosc" for the fiscal year ending September 30, 1987, and for other purposes.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the names of the Senator from Maine [Mr. COHEN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution to endorse the national certification of teachers in elementary and secondary education in the United States.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution expressing the sense of the Congress regarding the imposition of charges for outpatient care provided in medical facilities of the uniformed services to retired members of the Armed Forces, dependents of retired members, and dependents of members serving on active duty.

SENATE RESOLUTION 174

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate condemning the Soviet-Cuban build up in Angola and the severe human rights violations of the Marxist regime in Angola.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 1987, at 2:30 p.m. to mark up defense industry and technology portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 21, 1987, at 2:30 p.m. to hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 21, 1987, at 9:30 a.m. to conduct a hearing on "Mine Safety: The Wilberg Incident."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Tuesday, April 21, 1987, at 2:15 p.m. in order to continue hearings on legislation introduced in the 100th Congress relating to credit cards.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BASEBALL AS DIPLOMACY

● Mr. DECONCINI. Mr. President, springtime invokes many images, none more prevalent than baseball. Definitely the game of the season, it conjures feelings of camaraderie, relaxation, and friendly competition. Recently, however, I was made aware of another possible dimension of the sport, that of diplomacy.

Mr. Vince Askey, the executive director of Sports Promotions International, recently presented me with the USA/Australia Baseball Exchange, a program designed for "young amateurs to use the platform of sports to experience a better understanding of other nations and their people." Through this program American high school and college baseball players travel to Australia to compete with various teams from down under. Several of Arizona's youth have participated in this program, including Bob Lovellette, Josh Raymond, Tommy Leon, Chris Baniszewski, Fred Combs, Mark Norris, Frank Pezzorello, Don Roh, and Randy Meeker. I am proud that these Arizona athletes have been able to participate in such a worthwhile program.

In addition to expanding their athletic exposure, and hence improving their overall skill and knowledge of the game, these young men represent a microcosm of American diplomacy. Through friendly interchange, conversations, and shared experiences, both American and Australian youth can gain a deeper understanding and empathy for their respective cultures and countries. We have recently experienced through the America's Cup race how much fun and interchange can be accomplished through friendly competition with our Australian counterparts.

Mr. President, education breeds tolerance. By allowing our future leaders to experience and learn about different cultures through programs such as this, we may be providing the future of the United States with responsible representatives who will have a deeper understanding and tolerance of various ideologies and philosophies. The fun and good memories of their trip to Australia will be long lasting for these athletes, and the positive impact of this type of person-to-person exchange can only be beneficial to relations on the macro level. From this perspective, it is encouraging that Mr. Askey's organization is attempting to take a future team to the Soviet Union.

It is for these reasons that I support the USA/Australia Baseball Exchange and Sports Promotions International. This type of investment is strengthening U.S. relations with its allies is commendable, and I thank Mr. Askey for bringing the program to my attention.

Mr. President, I ask that the attached article be inserted in the RECORD.

The article follows:

AUSTRALIA TRIP HELPED DONS' NORRIS

(By Bob Snider)

Mark Norris took a baseball trip "Down Under." But for the moment, he's very much "on top."

Norris is the leading pitcher and one of the top hitters on Coronado High's baseball team. The senior right-hander has come a long way—and traveled all the way to Australia—to become one of the state's better prep hurlers.

Norris was one of three Arizona players invited to play on the USA Eagles West team on a tour of Australia Dec. 26 to Jan. 7. Norris, pitching and playing shortstop, saw more action than any other player on the team. He compiled the third-highest batting average (.423) on the squad and pitched 10 innings, allowing three runs and striking out eight batters.

"That was the best 12 days or so I've ever had," said Norris. "We played good teams. The average age (of the Australians) was about 22. Some were 30."

The tour was spent mostly in Brisbane and Sydney, too cities which Norris found "very similar to the U.S. The only difference was the way people talked. And everything is left-handed down there, which is weird."

Norris said he began to improve as a pitcher while working last summer with Kendall Carter, a Coronado High product who had a shining pitching career at Arizona State.

"He really started to help me change speeds, and then I had a pretty good winter," said Norris. "I've really worked hard on my split-finger fastball, my change-up and the placement of my fastball—getting it on their hands."

Among Norris' achievements so far this season has been a one-hitter and a two-hitter against rival Saguaro. "I'm glad I got them, I know everybody on their team," said Norris, noting that the Sabercats are coached by Bill Berger, a former Coronado assistant.

Entering Friday night's game at Camelback, Norris' earned run average was near 2.00. He's averaging a strikeout per inning while allowing one walk every two innings.

"I like getting ground balls. The last two starts I've had there's only been one ball to the outfield," said Norris. "A lot of power pitchers in high school strike out a lot of hitters and then they get 'roped' in college."

But Norris is no "junk ball" pitcher. His fastball has been clocked at 86 mph.

"I still like throwing my fastball," he smiles. "If I get it in on their hands, they're not going to hit the ball."

Norris, who hit .360 his sophomore year and .370 his junior season while playing shortshop, is batting .500 as a senior. But he's doing that as a pitcher or designated hitter.●

THE STORY BEHIND THE STORY

● Mr. ARMSTRONG. Mr. President, earlier this year, I met with a sincerely concerned group of constituents from my home State who had read news articles that stated the United States Government was funding police training in El Salvador. The articles went on to state that "99 percent of the 434 political prisoners arrested in the first 8 months of 1986 reported having been tortured." The clear indication was that United States aid was going to the same people who were perpetrating human rights abuses against the citizens of El Salvador.

As you can imagine, I was deeply disturbed by the articles. Therefore, I wrote to the Department of State to request a full report on the matter. To put it mildly, I was astonished at the response I received.

According to the Department, not only was the article misleading, but it appears to have been an intentional attempt by a suspected Marxist infiltrated so-called human rights organization to lie to the American public. I am sure that my constituents are not the only ones who are sincerely concerned about human rights, but who are being intentionally misled by elements that do not support democratic reform in El Salvador. While the evidence provided by the State Department is a bit lengthy, I urge my colleagues to read the details. I am sure they will be as surprised and as resentful as I was upon discovering the real story.

I ask to include the State Department letter and report in the RECORD.

The material follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, March 10, 1987.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate.

DEAR SENATOR ARMSTRONG: I am replying to your letter of January 28, 1987, in which you requested the Department's views on why it believes funding of police training in El Salvador is necessary.

Enclosed for your information is a copy of the Administration's most recent notification to the Congress of its intent to provide police training to El Salvador under Section 660(d) of the Foreign Assistance Act of 1961, using already allocated Military Assistance Program funds. The notification provides the Administration's justification for the training, which is a continuation of training provided in FY 1986, pursuant to the same statute. I would note that Congress itself approved the amendment to Section 660 of the Foreign Assistance Act of 1961 which provides for police training only to the security forces of El Salvador and Honduras.

As part of the notification to Congress, which was transmitted, as required by law, to the Chairmen of the authorizing committees of the House and Senate, the Secretary certified that progress in several areas of human rights had occurred during the preceding six months. Prior to the the Government's certification, the Department reviewed the "study" by the non-governmental Human Rights Commission of El Salvador (CDHES) which claimed that 99 percent of the security detainees were tortured and determined that it lacked credibility. Our position is based upon our Embassy's monitoring of the situation, the complete lack of any corroborating evidence of such a level of mistreatment, and the lack of credibility of the CDHES. We were particularly incensed by the unfounded allegations that U.S. personnel were involved in overseeing the torture.

We have observed that some mistreatment and prisoner abuse occurs during police detention, but that it is not widespread nor is it a deliberate or systematic practice of the Salvadoran Government. Our conclusion accords with that of the United Nations Special Representative for Human Rights in El Salvador, in his 1986 report to the U.N. General Assembly, and other independent observers.

The suggestion that U.S. Government-financed police training results in torture is completely unfounded. The Salvadoran police forces' widespread and systematic human rights abuses prior to President Duarte's 1984 election are well known. The dramatic improvement in respect for human rights by the armed forces since his election has been widely hailed. The police and military forces now receive regular training, financed partially by the U.S. Government and partially by the Government of El Salvador, in community relations and human rights (information sheet enclosed). The public security forces have dismissed 1,806 members over the past two years for crimes against the public, including mistreatment of prisoners. The courts have opened cases against 201 for the most serious violations. We believe the professionalization of the security forces, encouraged by our police training, also has a great deal to do with the much improved human rights perspective.

Finally, according to intelligence reports and guerrilla defector testimony (enclosed), the CDHES has been infiltrated by the Marxist FMLN guerrillas and now serves as an FMLN front organization, disseminating disinformation about the elected Government. The FMLN itself demanded the release of arrested CDHES members, among others, in exchange for the kidnapped director of civil aviation whom the guerrillas had held hostage for 15 months. Although the CDHES "study" was sent unsolicited to major U.S. media, including news organizations with resident reporters in El Salvador, few U.S. publications gave it enough credence to report on it. The very overstatement of the case, claiming that 99 percent of all prisoners are tortured and that U.S. military advisors oversee such torture, undermines the "study's" credibility. The U.N. Special Representative likewise discounted the report, noting that many of the security prisoners he interviewed said they had not been mistreated.

I hope you will have the opportunity to review the enclosed documents. I would be happy to arrange a briefing by a Department officer if you so desire.

With best wishes,

Sincerely,

J. Edward Fox,
Assistant Secretary, Legislative and Intergovernmental Affairs.

The Secretary of State,
Washington.

Certification by the Secretary of State To Make Available Assistance to the Public Security Forces of El Salvador

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended, I hereby certify, under the authority delegated by Presidential Determination 86-2, that the Government of El Salvador has made significant progress during the six-month period preceding this determination in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

This certification shall be reported to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after this notification is made to the Congress, as required by law.

This certification shall be published in the Federal Register.

George P. Shultz.

November 22, 1986.

Factsheet: Human Rights Training for Security Forces

On November 20, 1986, in a ceremony presided over by President Jose Napoleon Duarte, the Salvadoran National Police inaugurated a 26-week course of instruction in which thousands of military and police officials will receive human rights training. Defense Minister Gen. Eugenio Vides Casanova, Armed Forces Chief of Staff Gen. Adolfo Blandon, and Salvadoran Conference of Bishops President Mons. Marco Rene Revelo also participated in the ceremony.

The Director General of the National Police (PN), Col. Rodolfo Revelo, said that over the next six months every member of the almost 6,000-man PN will receive 48 hours of training on various aspects of human rights. The National Guard and Treasury Police will also participate in the program. Instruction will be given by representatives of the International Committee of the Red Cross (ICRC), the Salvadoran Red Cross, the Catholic Church, and the Government Human Rights Commission.

In his remarks, President Duarte recalled how he had been a victim of human rights abuse by the authorities, but noted that the Armed Forces—which include the three public security forces—were now committed to professionalism and the elimination of abuses. The President praised the security forces for their consistent restraint in the face of numerous actions by the Marxist guerrillas designed to provoke violent repression. Duarte emphasized that the Armed Forces and the Government are united in their goal of making respect for human rights a tenet of the Salvadoran democratic system.

The program is the latest demonstration of the Salvadoran Government's commitment to eliminate human rights abuses by the police and armed forces. Examples include the following: The creation of the Governmental Human Rights Commission, which has elicited the cooperation of the military and investigates abuses from its several regional offices; the thorough house-cleaning of the security forces' leadership carried out by Presidents Magana and Duarte; the naming of a Vice Minister of Defense for Public Security to bring the security forces under a unified structure accountable to the Ministry of Defense, the promulgation of strict rules of engagement for Air Force bombing; the promulgation of clearly defined arrest procedures to eliminate abuses in cases of persons suspected of guerrilla activities; a training program in which more than a dozen Catholic priests and ICRC representatives regularly give human rights training to military units; and the government's open cooperation with independent human rights monitors such as the Inter-American Human Rights Commission and the U.N. Special Rapporteur on Human Rights.

JUSTIFICATION FOR DETERMINATION TO PROVIDE ASSISTANCE TO PUBLIC SECURITY FORCES OF EL SALVADOR

Section 660(d) of the Foreign Assistance Act of 1961 authorizes the President to provide assistance to public security forces of El Salvador, upon determination that there has been significant progress during the proceding six months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the nonviolent expresson of their political views, or prolonged detention without trial. The authority to make this determination has been delegated to the Secretary of State by the President.

HUMAN RIGHTS OVERVIEW

During the past six months, the Salvadoran Government has continued its program to eliminate human rights abuses by extremists of both the far left and the far right. This is strongly demonstrated by the continued reduction in the level of political violence. Between January and July 1986, according to press reports monitored by our embassy, there were 151 civilian deaths due to possible political violence by the left, the right, abusers of authority, unidentified assailants, and civilians caught in crossfire in military actions. This compares with 205 deaths due to political violence during the same period of 1985. A large proportion of the apparently politically motivated murders were apparently committed by the guerrillas. It is possible, given the circumstances of the incidents, that some of the deaths were criminally rather than politically motivated. Similar progress is expected in the July 16 to November 16 period; the reports are still being analyzed.

The government of President Jose Napoleon Duarte is committed to protecting the civilian population as much as possible from the violence of the internal conflict. In September 1984, President Duarte issued stringent rules of engagement for the use of aerial firepower, intended to reduce as much as possible the loss of civilian lives. These guidelines have been effective. Although guerrilla sources have alleged that "indiscriminate bombing" has taken place near civilian populations, we are unaware of any claim, even by the rebels' clandestine radio stations, of civilians killed by aerial bombs during 1986, even though major military operations with heavy air support have occurred during this period.

The FMLN, however, continue and are increasing their practice of indiscriminate placing of guerrilla fabricated, pressure-detonated or wire-tripped land mines and booby traps in roads, trails, and fields. In addition to killing and injuring military personnel, the explosions kill or maim innocent civilians. From January through July, the press reported 53 civilians killed and 172 wounded by these devices. Many of the victims were children, and many lost a limb. Although El Salvador's respected Archbishop Monsignor Arturo Rivera y Damas has repeatedly called upon the guerrillas to cease this practice, indiscriminate land mine warfare is now the major source of civilian deaths and injuries in El Salvador.

The guerrilla organziations have continued their periodic "traffic bans" during which the insurgents set up roadblocks, burn vehicles which try to transit the roads, machinegun private vehicles and passenger buses which do not heed their signal to halt, and rob and sometimes murder civilians who do stop. The latest traffic stoppage was initiated August 24, 1986.

TORTURE, INCOMMUNICADO DETENTION, PROLONGED DETENTION WITHOUT TRIAL

Very few allegations of physical abuse have been brought against the public security forces during the past six months. Most allegations involve sleep or food deprivation, standing for long periods of time, forced exercise, threats, and "psychological pressure," rather than the gross physical abuse previously alleged. Salvadoran law calls for immediate notification of family members, the governmental Human Rights. Commission (CDH) and the International Committee of the Red Cross (ICRC) whenever a detention occurs. All parties agree that compliance by the security forces is excellent. The committee of political prisoners, an FMLN support organization in Salvadoran prisons, has made a number of allegations of torture while in police custody. Examinations and interviews by neutral human rights monitoring organizations have not revealed credible evidence to support the allegations. There have been no verifiable allegations of physcial torture in police custody during the six-month period covered by this report.

Incommunicado detention under Legislative Decreee 50, which covers "State of Emergency" crimes against national security, may last no more than eight days, at which time the ICRC, the CDH, and the Archbishopric's Office of Legal Aid and Human Rights (Tutela Legal) have access to the detainee in private interviews. In a substantial number of cases these organizations are permitted access before the eighth day. Prompt notification to these organizations of detentions has greatly reduced claims of persons "disappearing" after arrest. Though the security forces try to contact the families of arrestees, sometimes the telegram carriers cannot locate the address given by the arrestee. In these cases, the organizations which receive notification can pass on the notification when contacted by the family, or sometimes locate the family themselves.

Inadequate investigative skills and facilities have led in the past to prolonged detention before trial and, in some cases, to abuse of prisoners to obtain confessions. Because of a shortage of trial judges, antiquated procedures, and statutory anachronisms, prolonged detention is still a problem for many prisoners. The Salvadoran government's Revisory Commission is addressing the problems of procedures and statues in its ongoing work. There are now three Decree 50 judges, instead of just one, who are working to reduce the backlog of state of emergency cases.

Archbishop Rivera y Damas noted in a September 29, 1986, interview on Salvadoran televison that human rights were now "truly respected" although he added that under wartime conditions individual violations still do occur. Although isolated abuses of authority by individual military, security or rural defense force personnel remain an area of concern, arrests and prosecutions in such cases now occur. In February 1986, for example, four members of a civil defense unit in San Ramon, a suburb of San Salvador, were arrested for the murders of three brothers which they allegedly committed in late January. In May, a soldier was arrested and turned over to the courts for the rape of a young girl near Nejapa, San Salvador Department. In July, two municipal policemen from Mexicanos, San Salvador Department, were convicted of two 1983 murders.

Under the Duarte Administration, investigation and prosecution of past abuses has continued. Witnesses were presented in the Romero case in 1986, though the court did not consider their evidence conclusive; the Las Hojas case was kept open past its July deadline by the presentation of new evidence; the triggermen in the Sheraton case were convicted last February and new evidence was presented by the government on November 10 in a move to reopen the case against the alleged intellectual author of the crime. The Special Investigative Unit's most publicized operation was the May 1986 excavation of the well in Armenia, where local civil defensemen are alleged to have thrown the bodies of a number of their victims between 1980-1982. With local residents and TV cameras recording the events, SIU personnel were lowered some 150 feet into the dry well and excavated several meters of earth and debris, locating four human skulls and other bones, some of which were identified on the scene by dental fillings and other physical evidence. This evidence, together with new testimony provided by local residents impressed with the professionalism of the SIU, has enabled the reinstatement of charges against the defendants.

The most politically significant prosecution undertaken by the Duarte Administration in 1986 is the kidnapping-for-ransom case in which several well-known Salvadorans, including active-duty army officers and a former officer against whom charges had been dismissed in the Sheraton case, have been detained or are the subjects of arrest warrants. The case has reached the first instance (trial) level of the Decree 50 court system.

DETENTION OF PERSONS FOR NON-VIOLENT EXPRESSION OF VIEWS

As noted in the previous report, interviews with high officials of the Revolutionary Democratic Front (FDR), political arm of the guerrillas, are frequently broadcast in Salvadoran radio stations and paid advertisements by the FDR and other groups opposed to the government. Peaceful strikes and anti-government demonstrations proceed without interference from the authorities. Restrictions on freedom of press, which were not being enforced in any case, were removed from the state-of-emergency legislation in May. Many publications, including those of the nation's universities, frequently publish polemical attacks against the government. San Salvador's University of Central America (UCA) magazine, ECA, recently published a long article by Joaquin Vallalobos, leader of the Guerrilla Peoples Revolutionary Army (ERP).

Ten members of ostensible human rights groups were arrested between May 20-29, partly on the basis of information collected by the police, and partly on the basis of statements by the first arrestee, identified herself as a member of the National Resistance (political arm of one of the guerrilla groups fighting the government), and detailed in public and in private the organizations' ties to the guerrillas. The detainees were arrested as members of guerrilla groups, not for membership in these "human rights" organizations, which three of the ten arrestees asserted were infiltrated and manipulated by the insurgency. Allegations that the detainees were tortured or "brainwashed" into making the confessions are without foundation. Though under police protective custody, they have complete freedom of movement. Two of the three, without security force escorts or presence, in October 1986 attended an informal Embassy-sponsored discussion by an American journalist, Salvadoran labor leaders, U.S. Embassy officers, and the director of the Tutela Legal. It was clear from their conversations that they were speaking of their own free will.

DESCRIPTION OF ASSISTANCE

Counterterrorism operations in El Salvador combine police and military techniques. The close relationship between counterterrorism and the fight against guerrilla insurgents is demonstrated by the armed left's clear capacity to use materiel and training in their urban campaign, their ability to mass forces, their ability to plan strategically and tactically, and the priority placed on the terror campaign in a national strategy to destabilize the government.

In response to the terrorist threat, which combines elements of guerrilla warfare with open criminality in urban and rural areas, training was provided during FY 1986 to more than 2,000 members of the Salvadoran public security forces. This training, primarily by Salvadoran cadre under the supervision of U.S. military trainers, focused on paramilitary skills in an effort to upgrade the capability of the security force personnel to meet safety and effectively the terrorist threat. Training included instruction on human rights presented by Salvadoran chaplains, lawyers and psychologists. The training has begun to prepare the security forces to face the existing terrorist threat. Significant progress to date has been noted in professionalism, notably in awareness of the rights of innocent citizens and the international norms for human rights.

In addition to the training, 85 crew cab trucks and 25 heavy duty police cars with associated spare parts support and radio equipment were provided. Additional handheld radios with repeaters were also supplied. To support the vehicles, a military trainer was provided to upgrade the vehicle maintenance capability of the security force shops.

Approximately $3.1 million was used for the counterterrorism support provided in FY 1986. The majority of this, approximately $2.5 million, was from previously unobligated FY 1984 and 1985 Foreign Military Sales credits. The remainder, mainly trainer costs, came from FY 1986 MAP funds.

Assistance program in fiscal year 1987

The program for FY 1987 is intended to parallel and complement the assistance provided in FY 1986. Training will continue to focus heavily on paramilitary skills to provide the public security forces the basic capability to serve as an effective deterrent to terrorist activity and guerrilla insurgent action. These forces will have the capability to counter successfully the threat in a manner consistent with accepted human rights practices, protection of citizens and internal discipline. All three factors will continue to be emphasized as an integral part of all instruction programs.

Salvadoran cadre will again provide most of the instruction under the supervision of U.S. military trainers. U.S. participation is primarily monitoring and ensuring that program goals are met. The security forces are developing self-sufficiency in training and will be able to continue in the future with professional police training modeled on U.S. standards. Training will involve both active security force personnel and training for recruits. Additionally, refresher training emphasizing critical skills will be conducted for some personnel previously trained during FY 1986.

The training curriculum

Basic skills: Public relations/human rights, physical fitness, personal hygiene, weapons marksmanship, weapons maintenance, first aid, individual movement techniques, use and maintenance of radios, reporting procedures, prisoner handling, challenge and password, map reading/land navigation, and vehicle maintenance.

Advanced techniques:

Target discrimination, to ensure maximum safety to civilians and fellow public security forces in congested areas and in rural operations with heavy cover;

Counterambush techniques, to permit greater security while patrolling in both urban and rural environments;

Roadblock security and conduct, to permit safer and more effective control of streets and highways, a prime terrorist target;

Safe entry of buildings, to improve techniques in raids on safehouses, headquarters and other terrorist strongholds;

Urban search techniques using cordon procedures, to permit rapid response and seizure of persons fleeing or in hiding; and

Rappelling techniques for egress from a helicopter, to permit insertion of forces at key points in a coordinated operation, to ensure that discovery of unexpected guerrilla strength can be met with a rapid response.

As a means to link the distinct areas of the counterterrorism training and the related security force training accomplished through the Department of State's Anti-Terrorism Assistance Program, continued training programs oriented towards basic patrolman skills are considered essential. Two or three civilian personnel, with extensive knowledge of day-to-day precinct operations, may be used to conduct this area of training.

Equipment

In coordination with this training, the following equipment will be provided under the FY 1987 Military Assistance Program:

Transportation equipment: Two-ton dual cab pickup trucks; heavy duty patrol vehicles, outfitted to standard; police specifications; and vehicle spares and test equipment.

Communications equipment: Repeaters, fixed; repeaters, mobile; vehicle radios; hand-held radios and associated equipment; and communications test equipment.

Weapons: 12 gauge shotguns for use in patrol vehicles and 9mm pistols for use as sidearms.

Equipment is helping to meet the transportation (patrol) requirements for the three largest cities, San Salvador, Santa Ana and San Miguel, where the greatest urban threat exists. Communications, so vital to an effective counterterrorist program, are being provided at a minimum, effective level to permit the security forces to conduct patrol and defensive operations and to better provide security for the Salvadoran populace.

Moreover, Salvadoran public security force officials are constant targets for both terrorists and common criminals. Since the Zona Rosa murders, 33 public security personnel have been killed and 60 wounded in terrorist incidents. The guerrillas possess advanced weapons such as the M-16 assault rifle. The public security forces defend themselves and the public using the G-3 rifle and the outdated Argentine 9MM submachine gun, both ill-suited for in-city use. Acquisition of standard 12 gauge shotguns and pistols would vastly improve the ability of the public security forces to defend themselves while minimizing the risk to bystanders. Suitable weapons training should also be provided.

Funding

Not more than $6.8 million of MAP funds will be devoted to training and equipment costs of which not more than $5.6 million will be devoted to equipment, divided almost equally between transportation and communications items and including a limited number of defense weapons. Approximately $0.5 million is marked for U.S. trainers in-country. The remaining funds will be used as necessary to support the police academy and scientific laboratory.

Assistance provided to the security forces in FY 1986 and that projected for FY 1987 will only meet the most pressing needs. Actual needs would require funding at levels more than three times the amounts we have been able to provide out of scarce security assistance resources.

CDHES AND COMADRES ARRESTS

Luz Janet Alfaro Pena (alias Michelle Salinas), a leader of the non-governmental Human Rights Commission (CDHES), was arrested by the Treasury Police on May 20 on suspicion of membership in a terrorist organization. After her arrest, she confessed to membership in the guerrilla Armed Forces of National Resistance (FARN) and agreed to cooperate with authorities. Based on her testimony, the Treasury Police made nine further arrests:

Ana Vilma Alfaro Pena (alias Ana Elena Ortiz), a sister of Luz Janet and a member of the CDHES, was arrested May 25 on suspicion of membership in the FARN. She has also agreed to cooperate with authorities and is now under police protection.

Reyna Isabel Hernandez de Castro (alias Deysy or Ivet), a member of the CDHES, was arrested May 25 on suspicion of membership in the FARN. She was consigned to the courts on June 9 on charges of collaborating with a terrorist organization. Mrs. Castro is now awaiting trail in Ilopango prison, where inmates can receive visitors.

Herbert Ernesto Anaya Sanabria (alias Jacinto Morales), a member of the CDHES, was arrested May 26 on suspicion of membership in the guerrilla People's Revolutionary Army (ERP). He was consigned to the courts on June 9 on charges of membership in a terrorist organization. In an interview with a governmental Human Rights Commission (CDH) representative on June 4, he complained that the police had forced him to stand in one place for four days and did not permit him food, sleep or water, pulled his hair, clapped him on the ears and kicked him twice in the chest. The CDH saw no bruises on Anaya's chest, but noticed swollen feet. Mr. Anaya refused an offer of an examination by a CDH doctor. He is now awaiting trial in Mariona prison, where prisoners can receive visitors.

Maria Teresa Tula de Canales (alias Laura Pinto), a leader of the "Committee of Mothers" (COMADRES), was arrested May 28, on suspicion of membership in the FARN. On June 6, she told a CDH representative that she had not been physically mistreated. On June 9, she was charged in the courts with belonging to a terrorist organization. On June 10, she told a CDH doctor that she had been hit twice on the back, forced to do exercises to the point of exhaustion, and that cold water had been thrown on her. She also alleges that, prior to her May 28 arrest, she was kidnapped on May 6, beaten, raped, and cut with a knife, and then freed on May 8. Mrs. Canales did not visit a hospital after the incident, either for treatment or to obtain medical evidence of rape. While skeptical of her claim, we do not dismiss it out of hand. Our Embassy in San Salvador will monitor developments. She is now awaiting trial in Ilopango prison.

Gregoria Paice (alias Elvira or Fina), a leader of a COMADRES offshoot, was arrested May 29 on suspicion of membership in the guerrilla Popular Liberation Forces (FPL). She was considered to the courts on June 9 on charges of membership in a terrorist organization. Miss Paice is now awaiting trial in Ilopango prison. She complained of gastritis to a CDH doctor who visited her on June 10.

Rafael Antonio Tereson (alias Enrigue Campos), a member of the CDHES, was arrested May 29 on suspicion of membership in the insurgent Communist Party of El Salvador (PCES). He was consigned to the courts on June 10 on charges of being an active terrorist. He is now awaiting trial in Mariona prison.

Dora Angelica Campos (alias Violeta), a member of COMADRES, was arrested May 29 on suspicion of membership in the FARN. She, like the Alfaro Pena sisters, has agreed to cooperate with the police and is currently under their protection.

Reynaldo Leonidas Blanco Rojas (alias Raul Iraheta), a member of the CDHES, was arrested May 29 on suspicion of membership in the FPL. He was consigned to the courts on June 10 on charges of being an active terrorist. He is now in Mariona prison awaiting trial.

Miguel Angel Rogel Montenegro (alias Anibal Aragon), a member of the CDHES, was arrested May 29 on suspicion of membership in the FPL. He was also consigned to the courts on June 10 on charges of being an active terrorist. He is now awaiting trial in Mariona prison.

Miss Alfaro Pena held a press conference on May 30 in which she stated that those arrested were members of guerrilla organizations charged with spreading disinformation on human rights and diverting food and supplies to guerrillas in the field. Miss Alfaro Pena also claimed some church officials leaders had winked at such tactics, in apparent sympathy with the guerrillas.

On June 4, Dora Angelica Campos joined Miss Alfaro Pena in denouncing her former co-workers. Both met the diplomatic corps on that day, repeating the charges originally made by Miss Alfaro Pena. Either could have asked for international assistance on that occasion if she had been under duress. Mrs. Campos held her own press conference on June 6, reiterating charges of guerrilla control of the CDHES and COMADRES and naming members of various church denominations as guerrilla members or sympathizers. In a television interview in San Salvador on June 12, Mrs. Campos gave more background on her work in COMADRES. She stated that she had joined COMADRES in 1984 in hopes of finding her husband, who had disappeared; she later learned that he had been a guerrilla leader who was murdered by another insurgent.

Ana Vilma Alfaro Pena also agreed to cooperate with authorities. In an interview with a Salvadoran newspaper on June 14, she confirmed that she has been a member of the FARN. Her job in the CDHES was to prepare false reports of human rights violations, in order to discredit the government.

EL SALVADOR

STATUS OF IMPRISONED "HUMAN RIGHTS WORKERS" AS OF JANUARY 9, 1987

Joaquin Antonio Caceres, who at the time was the press secretary of the non-governmental Human Rights Commission of El Salvador (CDHES), was legally arrested by the Salvadoran National Police on November 8, 1985. He was consigned to the military courts on November 12 on charges of membership in the Armed Forces of National Resistance (FARN), one of the five guerrilla groups attempting to overthrow the democratically-elected government of El Salvador by force of arms. He was transferred to Mariona Prison in San Salvador, where he was visited on November 16 by a U.S. Embassy human rights officer. He stated to the officer that he was in good health, but claimed that he had been struck twice in the head and choked between the time of his arrest and his arrival in National Police Headquarters shortly thereafter. He said he had not requested a medical examination by the prison doctor and did not plan to do so. The Embassy officer could see no bruises or other obvious signs of mistreatment. The National Police deny they mistreated Mr. Caceres.

The police allowed a representative of the International Committee of the Red Cross (ICRC) to visit Mr. Caceres on November 12, a departure from standard procedures, which generally do not permit the ICRC or other agencies to visit prisoners until they have been in custody for eight days.

In January 1986, Mr. Caceres filed a habeas corpus petition before the Salvadoran Supreme Court. The Court found on May 30, 1986 that there were sufficient grounds to continue his detention and returned the case to the trial court.

Mr. Caceres has never been issued a release letter by the Salvadoran government, but on November 21, 1986 the government did issue release letters for 11 disabled ex-guerrilla combatants as a humanitarian gesture. At one point Mr. Caceres was erroneously reported to be one of the eleven. He was not on this list, however, and has received no release letter. Mr. Caceres is still in Mariona Prison.

CODEFAM (Committee of Families for the Freedom of Prisoners) member Reina Isabel Hernandez De Castro and CDHES members Herbert Ernesto Anaya Sanabria, Miguel, Angel Rogel Montenegro, Rafael Antonio Terezon Ramos, and Reynaldo Leonidas Blanco Rojas were legally arrested by the Treasury Police between May 26 and May 29, 1986. In accord with standard procedure, the ICRC and the Salvadoran government's Human Rights Commission (CDH) were promptly notified of the arrests. The five were consigned to the courts on June 9 and 10 on charges of membership in various terrorist organizations, including the Popular Liberation Forces (FPL), the People's Revolutionary Army (ERP), the FARN, and the Salvadoran Communist Party (PCS), all members of the Farabundo Marti National Liberation front (FMLN), the guerrilla umbrella group attempting to overthrow the government of El Salvador. Ms. Hernandez De Castro is incarcerated in the Women's prison in Ilopango, a suburb of San Salvador, and the men are in Mariona Prison just north of San Salvador.

Salvador Martel Recinos: Martel was a prison escapee who was recaptured and sent back to Mariona Prison in May, 1986, about the same time the CDHES members were arrested. To our knowledge Martel is not a member of the CDHES. Paid advertisements taken out by the CDHES to denounce the arrests of its members did not mention Martel.

According to several defectors from the guerrilla movement, the CDHES, of which most of these detainees are members, simply serves as a front for the FMLN. Miguel Castellanos, who defected from the FPL in 1985, identified the CDHES as a front group. Luz Janet Alfaro (Alias Michelle Salinas), who at the time of her arrest by the Treasury Police on May 20, 1986, was director of "Relations" for the CDHES, defected and described the FMLN's infiltration and manipulation of the CDHES and other groups in El Salvador. Her information was confirmed by her sister, also a member of the CDHES, and by Dora Angelica Campos, Director of the "Committee of Mothers" (Co-Madres), after they were also arrested and defected in late May. All three identified themselves as members of the National Resistance (RN), the political arm of the FARN.

The CDHES opposed the free and fair elections that brought the Duarte administration and the current legislature and mayors to office. The CDHES condoned the FMLN's kidnapping in 1985 of popularly-elected mayors as somehow, in their distorted view, justified by the Geneva conventions. The CDHES could not bring itself to condemn the FMLN's September, 1985 kidnapping of President Duarte's daughter or the FMLN's October, 1985 kidnapping of Col. Omar Napoleon Avalos (Avalos is still being held) or even to urge their release. According to Ms. Alfaro's revelations, the CDHES fabricated statistics and stories of "human rights violations" by the government, presenting them as fact to visiting groups and international organizations, including the United Nations, and diverts to the FMLN assistance which is sent from abroad for displaced persons. We do not believe that the CDHES is a credible source of information on the human rights situation in El Salvador.

NORTH DAKOTA RESOLUTIONS

● **Mr. BURDICK.** Mr. President, I ask that the attached resolutions passed by the North Dakota Legislature be printed in the CONGRESSIONAL RECORD.

The resolutions follow:

HOUSE CONCURRENT RESOLUTION NO. 3032

A concurrent resolution expressing appreciation for the contributions made by community action agencies on behalf of the low income population of this state and urging the Congress of the United States to continue funding the community services block grant program

Whereas, over 80,000 residents of North Dakota live on annual incomes below the poverty level; and

Whereas, community action agencies provide a broad range of services and activities to help the poor secure employment, attain education, manage available income, obtain and maintain adequate housing, obtain emergency assistance, overcome obstacles to self-sufficiency, and participate in the affairs of the community; and

Whereas, each community action agency has a board of directors composed of democratically elected representatives of low income persons, elected public officials or their designees, and representatives of local business, education, religious, civic, and charitable organizations; and

Whereas, community action agencies in North Dakota have completed 10 or more years of service to the low income population and communities of this state: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That the Fiftieth Legislative Assembly expresses its appreciation on behalf of the citizens of North Dakota for the valuable contributions made by the boards of directors, employees, and the many volunteers associated with Community Action Opportunities, Inc., of Minot, Dakota Prairie Community Action Agency, Inc., of Devils Lake; Quad County Community Action Agency of Grand Forks; Southeastern North Dakota Community Action Agency of Fargo; Community Action Region VI, Inc., of Jamestown; Community Action Program VII, Inc., of Bismarck; and Community Action and Development Program, Inc., of Dickinson; and be it further

Resolved, That the Congress of the United States is urged to continue funding the community services block grant program which is an essential source of funding for community action agencies; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation and to the chairpersons of the boards of directors and executive directors of community action agencies in the state.

HOUSE CONCURRENT RESOLUTION NO. 3064

A concurrent resolution urging the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission

Whereas, the rights of the citizens of the United States to economic freedom, domestic tranquility, and prosperity without excessive interest and taxation should not be abridged nor denied by any private corporation using any debt instrument or note as a basis for credit and currency; and

Whereas, by passage of the Federal Reserve Act of 1913 [38 Stat. 251; 12 U.S.C. 221], Congress established the Federal Reserve System, which is composed of a Board of Governors, 12 regional Federal Reserve Banks and member banks, the Federal Open Market Committee, and several councils; and

Whereas, the Federal Reserve System operates on a fractional reserve banking basis and possesses wide discretionary authority to issue federal reserve notes, determine the cost and availability of money and credit, and to direct and influence the monetary policy of the United States; and

Whereas, the termination of fractional reserve banking and the establishment of the United States Monetary Commission would ensure an equitable and sound monetary policy: Now, therefore, be it

Resolved, by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United

States and to establish the United States Monetary Commission; and be it further

Resolved, That the legislation provide for the initiation of the United States Treasury Credit Monetary System, and grant the United States Treasury, when authorized by the United States Monetary Commission, the sole and exclusive power to create all money and establish the value thereof; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.●

WORLD POPULATION AWARENESS WEEK IN THE STATE OF RHODE ISLAND

● **Mr. CHAFEE.** Mr. President, the Governor of Rhode Island, Edward D. DiPrete, recently proclaimed the week of April 19 through April 25 as World Population Awareness Week in Rhode Island. I commend Governor DiPrete for this gesture of humanity.

The world in which we live is fast approaching the limit on its resources due to the tremendous increase in human population. Today's leaders can no longer stand still and watch our most precious resources, such as water, arable soil and energy reserves, be wasted away and used improperly.

Mr. President, the citizens of the United States have to start living their daily lives more carefully before it is too late. One day, we shall wake up and have no water to satisfy our thirst or no food for those who are hungry. We have taken for granted, for too long, the resources of which people in other parts of the world have been deprived.

Mr. President, I ask that Governor DiPrete's proclamation designating World Population Awareness Week in Rhode Island be printed in the CONGRESSIONAL RECORD.

The proclamation follows:

PROCLAMATION

Whereas, during the week of April 19-April 25, 1987, the citizens of the State of Rhode Island will observe World Population Awareness Week; and

Whereas, Rhode Islanders are sensitive to the recent great increase in human numbers and recognize that the growing population has caused a need for development of extensive new resources; and

Whereas, the people of the Ocean State have a great concern for all those who have endured deprivation of nourishment, relief or adequate facilities; and

Whereas, the prosperity of America has enabled the citizens of this nation to be among the most capable of assisting, providing and devising ways and means to sufficiently deal with the growing world population;

Now, therefore, I, Edward D. DiPrete, Governor of the State of Rhode Island and Providence Plantations, do hereby proclaim April 19-April 25, 1987 as "World Population Awareness Week" in the State of Rhode Island and call on all citizens to join with me in taking cognizance of the burdens of those who suffer due to overpopulation.●

"DAYS OF REMEMBRANCE"

● **Mr. LEVIN.** Mr. President, on April 26, Shaarit Haplaytah, an organization of survivors of the Nazi Holocaust era, will hold its annual Detroit area commemoration at the Jewish Community Center in West Bloomfield, MI.

This year marks the 44th anniversary of the heroic Warsaw ghetto uprising and the 42nd anniversary of the liberation of Auschwitz by allied forces. Shaarit Haplaytah's program will focus on these events and will also include a special tribute to Oscar Schindler, a German Catholic industrialist who singlehandedly saved thousands of Polish Jews from death in the gas chambers.

At this point, 40 some years after the Holocaust, there is nothing we can do for the millions who died in Hitler's death machine. Nothing in our power can change events that transpired decades ago. The one thing that we can do is to remember—and to encourage other people to remember—the murder of millions of innocents. We do that both to impart a lesson—the lesson encapsulated in the words "Never Again"—and also to bring a form of living to those millions who can only live in our memories. To forget would be a crime against the victims and against ourselves.

I am glad that this year's commemoration will coincide with the anniversary of the Warsaw ghetto uprising. Just as it is of vital importance that we remember all the victims of the Holocaust, it is also incumbent upon us to pay special tribute to those heroes who fought against the Nazi hordes and held them off for 40 days, who withstood the Nazi onslaught longer than several countries. The outnumbered and outgunned heroes of the Warsaw ghetto remain an important symbol for all people who struggle against those who deny them their freedom or even their right to live.

Oscar Schindler is also an important symbol. What was it that made this one man risk his life to save thousands and thousands of Jews? How could one have predicted that he would be one of those who would say "no"—who would refuse to participate in mass murder. And more than that, that he would save the thousands who were fortunate enough to appear on one of Schindler's lists. We should study this man, this life. In it lies part of the secret of what makes us human.

I am pleased to salute Shaarit Haplaytah for its Memorial Academy. It is doing its part to ensure that the Holocaust is never repeated—not for Jews, not for any people—and that its victims of all backgrounds are never allowed to be forgotten.●

OUR DWINDLING ENERGY SUPPLY

● **Mr. HECHT.** Mr. President, "Competitiveness." It is the new Washington buzzword. Candidates gearing up for the 1988 elections are looking at competitiveness as the big issue.

But, while competitiveness is the buzzword, everyone seems to be ignoring the key ingredients in America's ability to compete—our dwindling energy supply. The simple fact is that without an adequate supply of energy we cannot compete.

As a member of the Senate Energy Committee, I have watched as witness after witness has warned us about our disappearing energy resources. Secretary Hodel warned us that he would not be surprised to see gas lines return before 1990. Our domestic oil supply will run dangerously low by the year 2000. We are more dependent today on foreign oil than at anytime in the past 20 years. Our natural gas is not unlimited and the use of coal has been battered by the increasing alarm over acid rain.

To all of the statistics and warnings, Americans seem to be burying their heads in the sand. We have no national energy policy and no leadership to create one.

An adequate energy supply is the key to competitiveness. Without energy we will be a bankrupt industrial empire. We have 2, 3, or at the most, 5 years to create a definitive national energy policy if we hope to compete in a future world economy.

In my opinion, the key to our future energy supply is the increased use of nuclear power. Nuclear is a terrifying word. The accidents at Three Mile Island and Chernobyl charged the hysteria surrounding the use of nuclear power and now the politically safe position is to ignore the word all together.

But, ignoring nuclear power will not solve the problem. We cannot provide jobs by ignoring it. We cannot heat our homes or run our factories by ignoring it. The future demands that we address the potential of nuclear power.

France understood this dilemma in the early 1970's. The country started a nuclear program that will soon make it 75 percent nuclear. In fact, France will soon be exporting nuclear power to countries that are too hypocritical to build their own nuclear plants.

The nuclear debate in this country during recent years has centered on the disposal of nuclear waste. Nevada has been targeted as a possible site for burying nuclear waste.

But, just as we have been shortsighted in creating a national energy policy, we have also jumped the gun in moving toward deep geological storage. That, in fact, may not be necessary.

I have just returned from a trip to Europe with other members of the Senate Energy Committee. At my urging, the committee went to study nuclear waste disposal methods in Europe. We found some exciting prospects for handling nuclear waste in a far more effective way than presently proposed for the United States.

France reprocesses its nuclear waste and in the process removes 99 percent of the plutonium. Less than 10 percent of the original volume remains. France keeps its reprocessed waste at surface facilities cooling down for 40 to 50 years. This makes it easier to handle and safer to store. The entire amount of nuclear waste in France from the 1950's to the present is presently stored in an area no larger than a basketball court.

The largest construction sites in the World are at La Hague and Marcoule. These new facilities will offer products and services encompassing the entire nuclear fuel cycle, from uranium mining and enrichment to reprocessing and waste management. When they are finished, France and Europe will be dominant in the field of energy and, with that, every aspect of manufacturing.

Energy is America's key to the future. It is our key to compete. To create an adequate energy supply we need a national energy policy. In creating that policy we must consider nuclear power. As part of our consideration, our focus on the disposal of nuclear waste should shift away from deep geological storage and toward:

First. The reprocessing of nuclear waste.

Second. Treating industrial and military waste the same—something we do not do today.

Third. Using retrievable storage facilities during the next 40 to 50 years just as France has done.●

WORLD POPULATION AWARENESS WEEK

● Mr. NUNN. Mr. President, the State of Georgia has joined with over three dozen others around the country in officially designating the week of April 20–25 as "World Population Awareness Week."

I am proud that my State's citizens are among those who are helping to promote understanding of this critical issue and who are willing to pitch in to find solutions. They will do just that at a number of conferences and public discussions scheduled for this week at Albany State College, the University of Georgia, and a range of other locations. These meetings will coincide with thousands of others across the Nation.

The commitment evidenced in these efforts and in the proclamation issued by Gov. Joe Frank Harris gives me reason to hope that we will strengthen our resolve to address this intimidating problem. I am pleased to be a cosponsor of Senate Joint Resolution 69 to designate the week of April 20–25 as World Population Awareness Week, and I ask that Governor Harris' proclamation be printed in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK

Whereas: The world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas: Rapid population growth causes a wide range of grave problems in the developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion and economic stagnation; and

Whereas: Fifty percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if maternal health programs could be substantially expanded; and

Whereas: Some 500 million people in the developing world do not have access or means to needed family planning services; and

Whereas: The United States has been the leading advocate of the universally recognized basic human right of couples to determine the size of their families; now therefore:

I, Joe Frank Harris, Governor of the State of Georgia, do hereby proclaim the week of April 19–25, 1987, as "World Population Awareness Week" in Georgia, and call upon all our citizens to reflect upon the consequences of overpopulation.●

ECONOMISTS WRONG AGAIN: THE INCREDIBLE SHRINKING DOLLAR DOES NOT CURE ALL ILLS

● Mr. HEINZ. Mr. President, I have previously taken the floor to discuss the problem of the contemporary trading system and, more specifically, the myths which I feel obstruct an objective discussion of the changes in the system that are necessary. I say myths plural—quite a few exist, but today I would like to address the fallacy that the incredible shrinking dollar is going to solve all of our economic ills.

In that regard I want to bring to Senators' attention data which sheds an interesting light on the economists' theory that as the dollar becomes weaker against the currency of a foreign country, the prices of the products of that country should rise in the United States. This may well seem the logical conclusion; it is, however, not the correct conclusion.

For example, in January 1985 when the exchange rate of yen to dollars was 254 to 1, the average price for Japanese 11-inch color television sets was $184. By December 1986 the dollar had declined all the way to 162 yen. If our economists are correct, we should expect to see a higher price for the same Japanese television sets. This did not occur. In fact, the price actually went down a dollar to $183; 19-inch Japanese color televisions display a similar trend. During October and November 1986, as the yen was dropping from 254 to 162, color television prices actually dropped as well from $274 to $219 in October and to $205 in November.

No matter what economists may have predicted, it is obvious that an increase in the value of the yen is not reflected in the pricing of Japanese television manufacturers' products in the United States. The Japanese are masters of the tactic of capturing market share. They get it and they hang on to it—literally at any cost. They have proved that they are willing to sacrifice profit share in the interests of market share. If Americans continue to hold on to the false belief that a shrinking dollar will solve our foreign trade problems, then it is we in the United States who will end up making all the future sacrifices.

Mr. President, I ask that charts further detailing these price developments be printed in the RECORD.

The material follows:

JAPANESE 13" CTV IMPORTS

Month	Units (1)	Customs value ($) (2)	Monthly [1] average ($) (3)	Monthly [2] exchange rate (yen to $) (4)	Converted [3] monthly average (yen) (5)
January, 1985	42,232	$7,778,342	$184.18	254.18	46,814.87
February	44,808	8,246,759	184.05	260.48	47,941.34
March	41,626	8,541,196	205.19	257.92	52,922.60
April	29,135	5,899,207	202.48	251.84	50,992.56
May	42,970	8,104,960	188.62	251.73	47,481.31
June	35,610	6,514,949	182.95	248.84	45,525.28
July	58,263	10,953,390	188.00	241.14	45,334.32
August	27,330	4,973,545	181.98	237.46	43,212.97

JAPANESE 13" CTV IMPORTS—Continued

Month	Units (1)	Customs value ($) (2)	Monthly [1] average ($) (3)	Monthly [2] exchange rate (yen to $) (4)	Converted [3] monthly average (yen) (5)
September	39,714	7,216,748	181.72	236.53	42,982.23
October	38,482	6,959,143	180.84	214.68	38,822.73
November	40,839	6,730,266	164.80	204.07	33,630.74
December	48,935	9,307,688	190.21	202.79	38,572.69
January, 1986	22,388	4,202,874	187.73	199.89	37,525.35
February	31,223	5,603,529	179.47	184.85	33,175.03
March	41,277	7,559,749	183.15	178.69	32,727.07
April	42,186	7,103,649	168.39	175.09	29,483.41
May	55,578	10,206,954	183.65	167.03	30,675.06
June	64,769	11,255,411	173.78	167.54	29,115.10
July	69,594	12,129,638	174.29	158.61	27,644.14
August	23,854	4,076,509	170.89	154.18	26,347.82
September	14,320	2,422,657	169.18	154.73	26,177.22
October	30,089	4,668,263	155.15	156.47	24,276.32
November	46,834	8,771,517	187.29	162.85	30,500.18
December	22,384	4,105,471	183.41	162.05	29,721.59

[1] Cell 2 divided by cell 1.

[2] Monthly average exchange rate issued by the Federal Reserve Bank of New York.

[3] Cell 3 times cell 4.

Source: EIA General Import Report CTV. Report No. MS-142-M Supplement General Imports (U.S. Commerce), January, 1985–November, 1986, December (IM145X).

ROBERT GLADSTONE WILSON, SR., M.D.

● Mr. HOLLINGS. Mr. President, there will be much cause for celebration down on top of Edisto Island, SC, this Sunday, April 26, 1987, as friends and family gather to celebrate the 95th birthday of Robert Gladstone Wilson, Sr. A distinguished physician, enlightened gentleman, skilled marksman, and, by his own reckoning, a great cook, Dr. Wilson is an esteemed patriarch not only to three generations of his own progeny, but also to the entire Edisto Island community where he has been a fixture for some 50 years.

He was born in 1892 between Cleveland administrations and in the shadow of Mount Mitchell, NC. The son of a country doctor and a strong, God-fearing Baptist mother, he grew to a ramrod straight 6½ feet tall as he stalked the Black Mountains of North Carolina honing his hunting skills.

Following in his father's footsteps, he decided on a career in medicine. His studies took him to Chapel Hill and then on to Penn where he earned his M.D. and married his beloved Elizabeth. When she asked early on that he call her anything but "Mom" and suggested that "Turtle Dove" might suit for romantic occasions, he dubbed her forever "Mom" and called her "my little mud turtle" in moments of tenderness.

After medical school, Dr. Wilson returned to the mountains of North Carolina where he commenced more than five decades of service as a distinguished physician, specializing in treatment of the ear, nose, and throat. First as country health officer for Buncombe County, NC, and later in private practice in upstate New York, he adhered always and strictly to his Hippocratic oath. He thus remained vigilant throughout his career to keep his skills sharp and his knowledge current. No patient in need of his help was ever turned away for lack of funds.

Dr. Wilson was first introduced to the charms of the low country and Edisto Island in the late 1930's. Drawn by her haunting beauty, her rich history, a plethora of quail and marsh hens, and, most of all, by her colorful, warm people, Dr. Wilson has had a house "down pon top Edisto" for 50 years and it has been his home for over 20.

As he reaches the midpoint of his 10th decade, Dr. Wilson can usually be found at home on his bluff overlooking the wide sweep of St. Pierre's Creek, the peaceful marsh beyond, and the live oaks draped with moss in the distance. For friends, and especially for Dr. Wilson's children, grandchildren, and great-grandchildren—he calls the last group his "varmints"—a pilgrimage to Edisto to be with "Grandpaw," to go crabbing off his dock, to dine at his table, and to talk with him of his youth or Iranscam, remains a source of great joy and enduring memories.

Dr. Wilson, the Edisto community, your adoring family, and your friends everywhere join me in saluting a fine gentleman on his 95th. We wish you the happiest of birthdays and pray for many more to come.●

AFGHANISTAN: LETTERS FROM THE STATE OF MARYLAND

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a U.N. report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Maryland and ask that they be printed in the RECORD.

The letters follows:

DEAR SENATOR HUMPHREY: My husband and I want you to know we support you in your efforts to bring the presence of the Soviets in Afghanistan to public attention.

This is a hideous war against people who present no threat to the Soviets.

If enough people are outraged by this massacre, we feel sure the Soviets will pull out. We need to constantly bring this to public attention.

Sincerely,

KATE CURTIS and RON HOLYFIELD,
Chaptico, MD.

DEAR SENATOR HUMPHREY: If all I have been hearing and reading in the papers is true, I cannot imagine how we can close our eyes to a situation that may be as bad, if not worse than what occurred in Nazi Germany. The fact that the United States has gathered facts supporting the massacre of people by the Soviets is beyond belief. I can't believe that the American public doesn't take any action toward this.

I would like to know what we, the American people, can do to help these Afghans try to convince Russia, if Russia is the culprit, to quit slaughtering these people who have literally no means to defend themselves.

Are there facts available to support the allegations made? If so, advise me and I will try to get my friends to get behind the drive to stop such population devastation.

Sincerely,

KIM GABRELS,
Towson, Maryland.●

DETROIT REMEMBERS THE HOLOCAUST

● Mr. RIEGLE. Mr. President, in 1943, the desperate occupants of the Warsaw Ghetto in Poland waged a courageous yet unsuccessful battle against their Nazi captors. Two years later, in 1945, Allied forces opened the gates to freedom for the few survivors left at the Nazi extermination camp at Auschwitz. To commemorate the respective anniversaries of these two important events, the Metropolitan Detroit area has designated April 26 through May 3, 1987, as a period reflection and remembrance for the victims of the Nazi Holocaust.

Commencement of the week of remembrance will be marked by the annual Memorial Academy on Sunday, April 26. This citywide event pays tribute to the millions of Jews and other innocent peoples slaughtered by the Nazis. It is organized by the Shaarit Haplaytah—survivors of the Nazi genocide—in cooperation with the Jewish Community Council, the Holocast Memorial Center, the Greater Detroit Interfaith Roundtable of Christians and Jews, the Ecumenical Institute, and the Jewish Community Center.

The members of the Shaarit Haplaytah deserve our deepest respect for their dedication to preserving the memory of victims of the Holocaust. As survivors of unspeakable horrors, these men and women are traumatized by their personal recollections. Yet, every year, they force themselves to relive their experiences so that the world will not forget the universal lessons associated with the Nazi Holocaust.

Like the victims of Auschwitz, the martyrs of the Warsaw Ghetto uprising inspire us to educate our children and future generations about the Holocaust so that mankind will never again experience such atrocities.

To emphasize the universal nature of its efforts, the Memorial Academy customarily honors a non-Jewish individual, group, or nation for humanitarian efforts during the war years. This year, the honoree is Oscar Schindler, a German Catholic industrialist who sheltered at least 1,500 Jews from the Nazis in the Area of Cracow, Poland. He expended his personal fortune in bribing officials and in organizing a labor camp which served as a front for his work in saving so many Jews from Auschwitz.

Mr. President, today we pay tribute to the Shaarit Haplaytah for its continuing efforts to remind the world that the Holocaust was not simply a crime against the Jewish people, but a crime against all humanity. We must pledge to work with Shaarit Haplaytah and all other concerned citizens to illuminate this issue, to remind ourselves about it, to dedicate ourselves to making sure not only that history is clear about what happened in the Holocaust, but also to put ourselves in a stronger position to resist the evil forces that bring about events such as this.●

NATIONAL URBAN AFFAIRS COUNCIL TO MEET IN NEW JERSEY

● Mr. LAUTENBERG. Mr. President, I want to call attention to the annual conference of the National Urban Affairs Council, which is being hosted this week by the New Jersey chapter.

The National Urban Affairs Council was founded 17 years ago by professionals of major corporations to focus on urban issues. NUAC provides a forum for the exchange of issues and information between corporations and the urban communities in which they are located. The organization promotes the educational growth and economic development of minorities and disadvantaged people, and works to promote better cooperation between the public and private sectors.

The New Jersey chapter of NUAC was founded in 1984 by State Senator and Newark Councilman Ronald Rice. Since the chapter's founding, over 35 New Jersey companies have become members. I want to also recognize the contribution of the current chapter president and general conference chairman, Marvin Johnson.

NUAC chapters have sponsored programs such as adopt-a-school and adopt-a-student; scholarship and achievement awards for youth; job fairs; community and school role model programs; career and guidance workshops and information exchange programs.

NUAC members are in strong positions to influence their companies' policies through interaction with senior management. Their interest in the urban community and their promotion of economic development make them valuable citizens who can serve as the link between America's business and urban communities. It is the continuation of this public-private partnership that will create opportunities for our urban residents and make our cities prosper.

Mr. President, the National Urban Affairs Council continues to make an important contribution to the education and economic opportunities of minorities and the disadvantaged in our Nation's cities. I am pleased to recognize their achievements and hope to have an opportunity to meet with them later this week.●

SENATE JOINT RESOLUTION 43: NATIONAL DAY OF REMEMBRANCE FOR THE VICTIMS OF THE ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, April 24 marks the 72d anniversary of the Armenian genocide of 1915-23, which resulted in nearly half of the world's Armenian population being massacred in their ancestral homeland.

We are all familiar with this tragic chapter in mankind's history, just as we are all aware that there are those who oppose this resolution and deny that this tragedy ever took place. We should all wonder about the ultimate purpose of this denial.

The genocide has been well-documented. In fact, a resolution passed by the U.S. Senate in 1920 stated that hearings had, "clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered." President Theodore Roosevelt wrote in 1918 that, "the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it." One must also ask: "If failure to act is to condone, then what is the deliberate failure to remember?"

This resolution calls for a day of remembrance not of vengeance. It does not condemn the Turkish people or the present Turkish Government for the actions of a private government. In fact, some Armenians who survived the genocide did so with the aid of brave Turkish families who provided food and shelter.

Yet, there are those who would rather not be reminded of this tragedy. Sadly, Orwell's vision of history being rewritten for the convenience of current geopolitical strategy has become a modern-day reality. What will future historians say of this practice?

George Santayana's dire warning—that those who do not learn from history are doomed to repeat it—has proved all too true. We have not learned from our mistakes, and history has been repeated. The Armenians were the first people to suffer genocide in this century, but not the last. The Ukrainians under Stalin, the Jews under Hitler, and the Cambodians under Pol Pot offer mute testimonials to the price of ignoring history. I pray that there will never be more names added to this ignoble list.

This is why it is so important to remember. This is why we must never forget the lessons of the past, no matter how uncomfortable they make us. We must bravely confront the horrors of our past and vow to learn from our mistakes. Let us not let the tragedy visited upon the Armenians, and others, ever happen again. Let us remember.●

LETTERS FROM GOVERNORS SUPPORTING THE LINE ITEM VETO

● Mr. HUMPHREY. Mr. President, I have been receiving letters from Governors across the country who support the line-item veto. As you know, from time to time, I have been bringing some of these letters to the attention of my colleagues. During the Easter recess, I received two such letters—from Governor Bill Clements of Texas and from Governor Edwin Edwards of Louisiana.

As Governor Clements points out, "there is a desperate need to curb spending at all levels of government, and the line-item veto is an excellent tool to use in meeting that need." I don't think there is a Member of this body who would agree with this first assertion. While there are some who disagree with the second, several Senators join Senator EVANS and myself in agreeing 100 percent. For this reason, S. 402, which was introduced in January, currently has 33 cosponsors.

Governors Clements and Edwards are just two of the many Governors who support the line-item veto. As the Senate begins to consider reform of our budget process, I would urge my colleagues to keep their thoughts in mind.

Mr. President, I ask unanimous consent that the letters which I received from Governor Clements and Governor Edwards appear in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF TEXAS,
Austin, TX, April 13, 1987.
Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: I heartily endorse S. 402, which would provide the President with limited line-item veto authority as proposed by you and Senator Dan Evans.

There is a desperate need to curb spending at all levels of government, and the line-item veto is an excellent tool to use in meeting that need. Its availablity and the threat of its use provide a method with which to influence legislative action. Because the President, like the Governor, has no significant budgetary powers, line-item veto power would be a key method to exercise some control over the amounts and purposes of expenditures. Enclosed are my veto messages for 1979 and 1981, which clearly show the ability to isolate unneeded projects or expenditures, while approving the balance of the appropriation.

The line-item veto works extremely well for the State of Texas, largely because our General Appropriations Act appropriates funds for agencies by subdividing the total appropriation for that agency into several secondary sums, which may also be subdivided. This provides the ability to be more selective in choosing items for veto.

If I can provide any further information or assistance, please let me know. Good luck in your efforts.

Sincerely,
WILLIAM P. CLEMENTS, Jr.,
Governor.

STATE OF LOUISIANA,
Baton Rouge, LA, March 26, 1987.
Hon. GORDON J. HUMPHREY,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: Thank you for your letter of March 6, 1987 relative to your proposed legislation on line-item veto authority of the President. I am entirely supportive of any measure that gives the Chief Executive the necessary power in order to avert financial chaos.

During my administration, I have not been a freewheeling "vetoer", but I have judiciously exercised the authority granted me by our Constitution when I felt that certain expenditures were not in the best interest of the state. Since in the final analysis the Governor assumes the responsibility in times of crisis, it is my opinion that he should be given every tool to manage the crises properly.

Kindest regards.

Sincerely,
EDWIN W. EDWARDS,
Governor.●

THE ANNIVERSARY OF THE BAY OF PIGS

● Mr. CHILES. Mr. President, April 17 marked the 26th anniversary of the Bay of Pigs and the attempt by those who participated to bring about the liberation of Cuba. Today, I would like to commemorate this important date and honor the sacrifices made by the men of the 2506 Brigade. Their courage and sense of duty in the face of difficult odds are worthy of our highest praise.

The Bay of Pigs began on a Monday morning in April 1961—1,400 men undertook a risky invasion with the goal of liberating the Cuban people. This goal was never realized. Three days later 114 men had died, and 1,189 men had been taken prisoners. Our newly elected President was thus embarrassed, and a Cuban dictator was still in power.

However, we must not fail to remember the heroes of the 2506 Brigade. They fought for what they believed in and lost their lives as a result. They stand as examples of the Cuban people's love for freedom, their willingness to fight for democratic principles, and their vow to restore liberty to their enslaved homeland. Twenty-six years after the Bay of Pigs, the desire is just as strong that Cuba should be free. The liberation of Cuba was not attained, but the battle which began on that day 26 years ago continues today.

Historians have well documented what occured on that day in Playa Giron. Political scientists have analyzed the decisionmaking process and the flaws which marked this effort. Pundits have volunteered their interpretation of the events which followed and the events which never unfolded as a result of the Bay of Pigs.

As I have on past anniversaries of the Bay of Pigs, I would like to recall the words of Jose Marti:

> Every man of justice and honor fights for liberty whenever he may see it offended, because that is to fight for his integrity as a man. And the one who sees liberty offended and does not fight for it, or helps those who offend—is not a whole man.

These words are certainly applicable to the men of the 2506 Brigade. Twenty-six years ago they proved themselves to be, in Jose Marti's words, whole men.●

ECHENTILE RECOGNITION DAY

● Mr. MOYNIHAN. Mr. President, in Norwich, NY, this May 16 will be "Echentile Recognition Day." One of my constituents, Mr. George Echentile, for whom this celebration is planned, has long been an outstanding and devoted member of the community. A longtime resident of Norwich, he is the founder of the Norwich swimming program. During his many years as coach, he has helped mold countless young people into fine athletes. He has twice been selected Norwich Teacher of the Year, and on Saturday, March 7, 1987, he was inducted into the New York State Section IV Athletic Association Hall of Fame, the first swimming coach ever to be so honored. For his longstanding association with such organizations as the City Recreation, the YMCA, State Elks, NYC Fresh Air Fund, the Special Olympics, the March of Dimes, and the Swim-a-thon, I take pride in joining his many friends in congratulating him on this most deserved honor.●

INFANT MORTALITY

● Mr. KERRY. Mr. President, the issue of infant mortality in the United States is often overlooked by us all. The fact is, however, that the U.S. infant death rate is the highest of all industrialized nations and in many cities in our Nation it exceeds those of developing nations. Budget cuts through the 1980's in key human service and women and infants programs have only exacerbated this appalling situation.

The U.S. Conference of Mayors Task Force on Hunger and Homeless is chaired by Raymond L. Flynn, mayor of the city of Boston, and is well known to us all. With the help of the Children's Defense Fund, the National League of Cities has prepared the American Crisis of Infant Mortality: Issues and Recommendations. I want to publicly thank Mayor Flynn for his leadership on this and other issues that affect our Nation's poorest and most helpless people. I ask that his report be printed in the RECORD.

The report follows:

THE AMERICAN CRISIS OF INFANT MORTALITY: ISSUES & RECOMMENDATIONS

(Presentation of Mayor Raymond L. Flynn to the National League of Cities Congress-Cities Conference

In concert with the Children's Defense Fund, the City of Boston has developed a series of recommendations based on a comprehensive analysis of the recent rise in the rates of infant mortality in America's cities. Sadly, in the wealthiest nation on earth, it is again necessary to turn our attention to infant mortality.

Last month, the Children's Defense Fund once again reminded us that the social safety net has gaping holes when it comes to the health and welfare of this nation's women and children. At that time they noted that infant mortality rates in six of the 22 largest cities in the United States had increased during 1984. In addition to Boston, other cities registering an increase were the District of Columbia, Detroit, San Antonio, Milwaukee, and Cleveland.

That report also noted that this country had fallen to a tie for last place among the industrialized nations of the world in terms of infant mortality. In countries such as Hong Kong, Australia, Japan and Spain infants have a greater chance of survival than those babies born in the United States. For non-White Americans this situation is even more critical. In many of our nation's cities the minority infant mortality rates exceed those of a developing nation.

INFANT MORTALITY: THE MOST SENSITIVE INDICATOR

Infant mortality rates are widely accepted as indicators of a community overall health and well being. Unfortunately even the City of Boston—which is distinguished internationally for its system of health care and our advanced medical commitment to combating infant mortality—was one of the six cities with an increase from 1983 to 1984. The infant mortality rate rose from 11.5 to 11.7 deaths per thousand live births.

The 1985 data for the City of Boston indicated an increase in infant mortality from 11.7 to 15.4 deaths per thousand live births. At this time, preliminary examinations of the 1986 figures suggest that Boston's novel prenatal outreach program—the Healthy Baby Program—is beginning to put the rate back on the downward trend it was on prior to the intensive period of federal cutbacks in the early years of this decade.

CAUSES

Low birthweights are indicators of high infant mortality rates. Inadequate nutrition and poor prenatal care are two major causes of low birthweight. While the medical profession has improved its ability to save these infants, progress towards reducing the number of low birthweights has been slow. Infants born under these conditions are 40 times more likely to die within the first year of life. If they survive, their lives are often complicated with a wide range of long term health problems. Early prenatal care can reduce the incidence of low birthweights by as much as two-thirds.

In addition, every dollar spent for prenatal care can save over $3 in the first year of life by reducing the need for hospital stays among infants. Over a lifetime, that same dollar saves up to $11 in total medical expenses because fewer children are born with permanent health problems.

Millions of low-income mothers and children are deprived of prenatal care because they have no health insurance. Between 1978 and 1984, the number of Americans without health insurance increased by one-third or 9 million persons.

While the White House has been cutting maternal and child health programs, the need for those programs has been clearly increasing. Medicaid access for poor and near-poor families declined from 65 percent to 46 percent between 1975 and 1985. During this time, unemployment and poverty rates were on the rise, thereby reducing people's opportunities for access to health insurance.

POVERTY & INFANT MORTALITY

This evidence points to the most prevalent factor contributing to the rise in infant mortality rates: POVERTY. The number of women and children living in poverty is at its greatest level in over 20 years. In 1979, programs such as public assistance and unemployment insurance were successful in lifting 1 out of 5 families out of poverty. By 1985 that rate had dropped to 1 in 9, retaining 458,000 families in poverty.

Other program cuts and restrictions contributing to these rates are important to note. In 1976, the Federal Aid to Families with Dependent Children (AFDC) program benefits provided in 46 states equal to 75 percent of the poverty level for a family of three. In 1986, this was true in only eight states. In more than half of the states, AFDC benefits are denied if both parents are present in the home. The average net income of a family receiving AFDC has decreased 40 percent due to the failure of benefit levels to keep place with inflation.

Another program affected by inflation and subsequent cut backs is the Food Stamp program. Between 1982 and 1985 $7 billion were cut from that program. Dr. J. Larry Brown of the Harvard School of Public Health and a member of the City of Boston Mayor's Commission on Hunger, in his recently published article, "Hunger in the U.S." (Scientific American, February 1987), cited nutrition program reductions and their massive impact on worsening hunger for poverty-stricken families. At a time when the federal government recognizes that 33.4 million Americans are living in poverty, only 19 million are receiving Food Stamps.

In addition to the Food Stamp program, the Supplemental Food Program for Women, Infants and Children (WIC) served only 40% of all eligible women and children in 1986. When it comes to poverty, Washington has given a new meaning to the phrase, "women and children first."

INFANT MORTALITY AS A HOUSING ISSUE?

Additionally, federal funding for the creation of new affordable housing declined by 75% from $33 billion to less than $10 billion between 1981 and the present.

Declining housing supports may seem unrelated to rising infant mortality until one talks to the female single parent who choose among the rent bill, the food bill, or the cab fare as the one that gets paid out of her meager income. These are the families whom the staff of Boston's neighborhood-based health centers see everyday. These centers are the delivery point for the City's Healthy Baby Program which operates with a $1.1 million appropriation from the City of Boston. This program was instituted in the latter part of 1985, when we first became aware of the renewed rise in infant mortality.

The Healthy Baby Program provides prenatal care, public health nurses, nutritional counseling and benefits advocacy to pregnant women in target neighborhoods with high infant mortality rates. During its first full year of operation Healthy Baby reached more than half of the pregnant women who gave birth in the target areas. In addition it provided over 12,000 home visits to the 1,800 women enrolled in the program during this period. Healthy Baby is successful in part because it utilizes the networks and resources of community health centers.

Outreach is an important component of the Healthy Baby Program. Once a woman has sought services at a community health center, she will be assigned a public health nurse and an advocate. This staff reflects the linguistic and cultural diversity of the people they serve.

In Massachusetts, through the leadership of Governor Michael S. Dukakis and the state legislature, we have supplemented funding for the WIC program and provided through the Healthy Start Program, subsidized prenatal care to low income pregnant women who are ineligible for Medicaid and do not have private health insurance.

The combination of Healthy Baby and the state-funded initiatives is making an impact. As noted previously, preliminary statistics available from the City's Department of Health and Hospitals indicted that infant deaths declined in 1986, which was the first full year of implementation of these various programs. For this reason, programs such as Healthy Baby which provide outreach and prenatal care to high risk individuals, and Healthy Start which increases health care coverage, should be considered for implementation on a national level.

Many of the initiatives for which we are seeking your support would increase resources and programs available to community health centers.

Clearly the federal government needs to reclaim the role it has abdicated in providing programs and financial assistance to low income women and their children. Specifically, I ask your consideration of the following recommendations.

RECOMMENDATIONS

Out of the experience of governments on the state and local level, and through that of national, private organizations such as the Childrens Defense Fund, some effective measures have been proposed and implemented. It is timely for national organizations such as the National League of Cities to urge Washington, to implement these effective programs at the national level. The following short list is by no means exhaustive. But it includes ideas that, if executed with proper funding, would go a very long way toward giving American infants the chance they deserve for a full and happy life.

1. Support of S. 422

This bill is the Medicaid Infant Mortality Amendments of 1987 whose-cosponsors include Senators Edward M. Kennedy and Bill Bradley. This bill, if enacted, would give states the option of providing health care coverage for pregnant women and infants whose income equals between 100 and 185 percent of the official poverty level. It also would expand health care coverage for poor young children.

2. Increase Support for Community Health Centers

Funding for the Maternal and Child Health block grant as well as funding for Community Health Centers programs should be expanded to allow development of health services in all medically underserved areas.

3. Implement Prenatal Outreach through the Public Health Service

The federal government should provide additional funding for the Public Health Service with specific emphasis on more effective outreach efforts to pregnant women and children for prenatal care. All early indications from the Boston experience with the Healthy Baby Program are that this approach can be very effective in reducing the rates of infant mortality.

4. Full Funding for WIC

The federal government also should provide full funding of the WIC program to ensure that all those who are qualified for this program, which provides nutritional supplements and counseling, receive its services.

CONCLUSION

In conclusion, it is clear that a rise in the rates of infant mortality is a vital indicator that our federal domestic policy is shortchanging the most vulnerable people in our nation: poor women and infants. It is troubling that in the wealthiest nation in the world mayors and others must fight to make the health and well being of newborns a national priority.

An America that is not alarmed by increases in the rate of infant mortality is an America that has lost its vision of true greatness. A nation that is undisturbed by the weak but still piercing cries of the struggling newborn is a nation in danger of sinking into a deep quagmire of apathy.

Especially as a National League of Cities looks to the elections in 1988, we must be vigilant in our advocacy for those who, because of handicaps or income or other circumstance, cannot be heard without our help.

During the past few months much has been said in our nation's capital about welfare reform. I welcome and support this national discussion. I am also concerned however, because some of the proposals under consideration make little mention of the fact that so many families in America do not have income sufficient to feed themselves, clothe themselves, and put a roof over their heads. We rightfully encourage our low income citizens to seek economic opportunity but at the same time—especially on the heels of the CDF's findings on increases in infant mortality—we must as a society provide at least a minimal income security for these families.

Rising infant mortality rates illustrate a tragedy that is occuring nationally. It is a tragedy whose script was written in the lines of the federal budgets that blunted three decades of progress in improving the health status of our citizens.

We welcome the support and leadership of the National League of Cities in urging the Congress and the President to address this critical issue.●

NEW RESTRICTIONS IN SOUTH AFRICA

● **Ms. MIKULSKI.** Mr. President, I rise today in outrage at the latest assault on human rights in South Africa. The South African Government has made it illegal for any person to call for the release of political detainees held without charge.

Last month I introduced legislation calling for the immediate release of all the children detained under state of emergency regulations. I stand in alliance today with my sisters and brothers in South Africa who have called the new restrictions "draconian and horrofic." Archbishop Desmond Tutu described the government's actions as "power gone utterly crazy."

The new restrictions would prohibit: participation in "any campaign, project or action" aimed at accomplishing the release of the detainees; "the calling, either orally or in writing * * * upon the government to release" the detainees; the exhibition in public of any clothing, sticker, or poster "protesting against or disapproving of" detentions; the attending of any gathering protesting detentions; and "the performance of any act as a symbolic token of solidarity with" the detainees.

U.S. Ambassador to South Africa Edward Perkins said the new restrictions "point to the erosion of fundamental liberties in this country. Freedom of assembly and the freedom to speak out * * * are in serious jeopardy."

This latest step by the South African Government is repugnant. It authorizes the arrest of parents who protest the detention of their children. It even authorizes the arrest of entire church congregations that wish to pray for the detainees.

I find it difficult to believe the South African Government would take such steps rather than heed the voices of moderation. These steps only move that country further away from where it must go. I urge my colleagues to stand with me in support of my legislation and to deplore these new restrictions.

Mr. President, the violence in South Africa must end. The detentions must end. Apartheid must end.●

THE PROPOSAL TO ISSUE A COMMEMORATIVE STAMP TO HONOR GEORGE CLINTON OF NEW YORK

● **Mr. MOYNIHAN.** Mr. President, I rise today to speak in support of the issuance of a stamp commemorating the 250th anniversary of the birth of a distinguished New Yorker, George Clinton. George Clinton served as Vice President of the United States under Presidents Thomas Jefferson and James Madison, from 1804 to 1812. As the first Governor of New York, he played a major role in the formation of the State. Not least was he a leader in the military struggle to gain independence from Great Britain.

It is appropriate that we take note of his contributions to this country as the bicentennial of the U.S. Constitution approaches. In his earlier public years, Clinton was fiercely critical of the institution of government that replaced the Articles of Confederation. Like many Jeffersonian Democrats, he feared an oppressive Federal power. He was, however, a staunch supporter of the Bill of Rights and went on to become an enthusiastic supporter of the Constitution both at home and abroad.

Mr. President, I am happy to report that there is renewed interest in George Clinton's life, in part spurred by the fact that on July 26, 1989, the 250th anniversary of his birth will be observed in my own State of New York.

There is an active effort underway in New York to issue a commemorative postage stamp in honor of Vice President Clinton. This movement is spearheaded by the Militia Association of New York, a group comprised of 4,000 commissioned and warrant officers who are members of the 36,000-member New York army and air national guard, the New York guard, and the State naval militia.

The militia association supports the Vice President Clinton stamp proposal because Clinton was first a patriot and defender of the Republic. He was a member of the Colonial Militia of New York, and as a young lieutenant participated in the campaign to capture Montreal from the French during the French and Indian War. He became a brigadier general in both the New York State militia and the Continental Army, a member of the Continental Congress and, in 1977, when he was elected New York's first Governor, Clinton became the first commander in chief of the New York State Militia.

The proposal for a Vice President Clinton postage stamp was first publicized on March 4, 1984, when Maj. Peter C. Kutschera of Orange County, NY, suggested the idea in a postage stamp column he writes for the Middletown Times Herald-Record, a daily newspaper of some 90,000 circulation in southeastern New York State.

Inspired by the encouragement of Major Kutschera, the State legislature of New York in March 1984, and again this past month, passed a joint resolution urging the Postmaster General of the United States to authorize the issuance of such a postage stamp to coincide with the celebration of Clinton's 250th birthday celebration.

The proposal has earned substantial support from a number of historical and philatelic organizations in New York State. The Militia Association of New York will mount a nationwide campaign this spring for the Vice President George Clinton postage stamp and I urge my colleagues to join me in the effort to interest the citizens stamp advisory committee of the U.S. Postal Service in issuing such a stamp.

Proponents of the Vice President George Clinton stamp are asking that the first day of issue ceremony take place in the uptown Kingston, NY, post office, across the street from the Old Dutch Church where Vice President George Clinton is buried and is honored by a statue.

The citizens' stamp advisory committee will deliberate on the 1989 stamp program this year, and it is crucial that this proposal receive public attention at this time, and that expression of public support be duly forwarded to Postmaster General Preston R. Tisch for his consideration.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today it stand in recess until tomorrow morning at 10:30 a.m.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order tomorrow there be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., and that Senators may be permitted to speak therein for up to 5 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **DOLE**. Mr. President, will the distinguished majority leader yield?

Mr. **BYRD**. Yes. I am happy to yield.

Mr. **DOLE**. As I understand, we have now moved to the agriculture bill that is on the calendar. That might take probably all day tomorrow, and maybe part of Thursday. Does the majority leader have any indication at this time what might follow on after the agriculture bill has been disposed of?

Mr. **BYRD**. Mr. President, I thank the Republican leader. I am advised that indeed it will take a day or maybe even a day and a half or more to complete action on the winter wheat bill. I would anticipate that beyond that legislation the Senate would proceed at some point hopefully to take up the star schools bill. It may be that we can get a time agreement on that legislation.

The budget resolution will be called up at the conclusion of action on the winter wheat legislation, or on Thursday or Friday in any event, or if I am advised to the contrary by the chairman of the Budget Committee, Mr. CHILES, I will get back to the leader and apprise him and apprise other colleagues.

I am discussing this with the chairman of the Budget Committee. Today I was informed that it was his feeling that we ought to get started on the budget resolution this week. There are 50 hours, I believe, on the resolution. Obviously, we will be on that into next week.

I thank the Republican leader.

There will be rollcall votes on the winter wheat bill of course, and amendments throughout tomorrow and Thursday. And then, if we can get a time agreement on the star schools program legislation—I am advised that should not take long; perhaps a couple of hours—then that would put us, I think, in pretty good shape to begin our discussions of the budget.

However, if there is a change now in the schedule, as I have laid it out, I will talk with the leader, and we will act accordingly.

Mr. **DOLE**. I think it is fair to indicate to our colleagues, though, that there will probably be a session on Friday. Is that correct?

Mr. **BYRD**. Yes. There will be a session on Friday. We may have other legislation that will require votes or we may be on the budget resolution, which could require votes. Certainly, there will be considerable debate on it. But I imagine there will be amendments, too. But there will be a Friday session. I would count on votes, and inasmuch as we are not having rollcall votes on Mondays, Senators should be advised that there will be business on Fridays. There will be rollcall votes on Fridays, and there will be rollcall votes henceforth on Tuesdays, possibly during the morning hours.

Mr. **DOLE**. I thank the majority leader.

Mr. **BYRD**. I thank the able Republican leader.

Mr. President, let me add a postscript to my response to the Republican leader's question. There are some nominations on the calendar which have been on the calendar some time. And I make specific reference to the first nomination under Department of State on the executive calendar, Arnold Lewis Raphel, of New Jersey. That nomination has been on the calendar since February 24. I think I should state that at some point, if there is no other business before the Senate, it would be my intention to move, of course after informing the Republican leader, to take up that nomination. There could be some debate of course on it. The Senators would certainly have a right to debate it. But I do not think that nomination should be on the calendar too much longer. So I mention it today so that all Senators may be apprised of the likelihood of action on the nomination sooner rather than later.

Mr. **DOLE**. That would also apply as I understand to Calendar No. 78 and 79.

Mr. **BYRD**. Yes. It would. The only reason I singled the first nomination out is that it has been on the calendar since February 24. The two that have just been mentioned by the Republican leader have been on the executive calendar since March 31. So they are two eligible for consideration at a fairly early date. But I do want to alert Senators who may have holds on one or more of those nominations that, while those holds have been respected, I think the time has come now when the Senate ought to take action one way or another on the nominations.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. **BYRD**. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to, and at 5:25 p.m. the Senate recessed until Wednesday, April 22, 1987, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 15, 1987, under authority of the order of the Senate of February 3, 1987:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. James J. Lindsay, [redacted], U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 5137 and 1370.

To be vice admiral

Vice Adm. Lewis H. Seaton, Medical Corps, [redacted]/2100, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. James H. Webber, [redacted]/1444, U.S. Navy.

IN THE ARMY

The following-named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624, title 10, United States Code. The officers indicated by asterisk are also nominated for appointment in the Regular Army in accordance with section 531, title 10, United States Code:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Armondo, Angelo A., [redacted]
Arnot, Dave, [redacted]
Baker, Stuart W., [redacted]
Ball, Michael B., [redacted]
Bandy, Lewis C., [redacted]
Berezuk, Gregory P., [redacted]
Bettencourt, Richard P., [redacted]
Blair, Hal R., [redacted]
Blum, George J., [redacted]
*Browning, Larry J., [redacted]
Burchett, Floyd R., [redacted]
Chaffee, Dennis L., [redacted]
Chaffee, John L., [redacted]
Cherry, Robert N., Jr., [redacted]
Church, Bobby R., [redacted]
Clarke, John H., [redacted]
Clayton, William T., [redacted]
Crain, Joe C., [redacted]
Curry, Donald C., Jr., [redacted]
Daniels, William L., [redacted]
*Dawson, Dan H., Jr., [redacted]
Dean, Henry D., [redacted]
Dennis, Richard A., [redacted]
Durkan, John P., Jr., [redacted]
Evenden, James J., [redacted]
Fisher, Martin J., [redacted]
Foley, Brian P., [redacted]
Fullerton, Terrence D., [redacted]

Gardner, Joseph E., III, [redacted]
Georgoulakis, James M., [redacted]
*Gerber, Frederick O., [redacted]
Glenn, John F., [redacted]
Gower, Daniel W., Jr., [redacted]
Grassia, Philip G., [redacted]
Hamilton, Emma D., [redacted]
Hathaway, Thomas K., [redacted]
Heckert, John E., [redacted]
Heckert, Robert J., Jr., [redacted]
Hernandez, Samuel I., [redacted]
Hitchcock, Frederick G., [redacted]
*Hooper, Ruth L., [redacted]
Hopkins, James H., [redacted]
Jackson, Jermone L., [redacted]
Jeffers, John H., Jr., [redacted]
*Kornegay, Robert L., Jr., [redacted]
Korte, Don W., Jr., [redacted]
*Lawyer, Phillip G., [redacted]
Leisher, Kenneth W., [redacted]
*Lieberman, Michael M., [redacted]
Liebmann, Robert E., [redacted]
Little, James S., [redacted]
Loader, Michael B., [redacted]
Lott, Charles M., [redacted]
Luckett, Larry W., [redacted]
*Malloy, Wilbur, W., [redacted]
Martinez, Phillip T., [redacted]
Mayes, Tommy W., [redacted]
McCormick, Roscoe, [redacted]
McDonald, Frank G. III, [redacted]
McMichael, Lee N., [redacted]
*McNair, John N., [redacted]
Mervis, Stuart A., [redacted]
Milhous, Wilbur K., [redacted]
Molnar, Edward A., [redacted]
*Moore, Charles A., [redacted]
Moran, Errol L., [redacted]
Moul, Michael J., [redacted]
Neary, Richard S., [redacted]
Novier, Frank H., [redacted]
Olsen, Lamont G., [redacted]
Olson, Calvin J., [redacted]
Opio, Roger M., [redacted]
*Patterson, Bruce D., [redacted]
Phillips, Edward P., Jr., [redacted]
Pigford, Joe N., [redacted]
Piper, Llewellyn E., [redacted]
*Post, John B., [redacted]
Potyk, Roger P., [redacted]
*Price, Gary H., [redacted]
Primeaux, Larry E., [redacted]
*Quinn, Robert E., [redacted]
Randol, Doyle E., [redacted]
Richter, Paul V., [redacted]
Romo, Michael W., [redacted]
Ryder, John T., [redacted]
Salzman, Diana L., [redacted]
Scovill, John P., [redacted]
Sebastian, Henry A., [redacted]
Sikora, Robert G., [redacted]
Smeltzer, Paul T., Jr., [redacted]
Smith, Lee T., [redacted]
Staresnick, Peter L., [redacted]
Starrett, Patrick D., [redacted]
Stinson, Karl R., [redacted]
Stone, Steven J., [redacted]
Swenson, Gerald B., [redacted]
Turner, Gilbert F., [redacted]
Ursone, Richard L., [redacted]
Vervack, Larry P., [redacted]
Vonloewe, Helmut, [redacted]
Walker, Johnny M., [redacted]
Wallace, John R., [redacted]
Watson, Charles V., [redacted]
Webster, Horace K., [redacted]
Weinschenk, Carl J., Jr., [redacted]
Wenk, John D., [redacted]
Whitmire, James C., [redacted]
Zimmer, Bolko G., [redacted]
Zurcher, John W., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Beattie, Bonita L., [redacted]
Brandenburg, Joe W., [redacted]
Cunningham, Daryl D., Jr., [redacted]
Emerson, James B., [redacted]
Hendricks, Thomas F., [redacted]
McCarty, Barbara B., [redacted]
Petersen, Linda S., [redacted]
Rousey, James L., Jr., [redacted]
Turcotte, Judith M., [redacted]

VETERINARY CORPS

To be lieutenant colonel

Baze, Wallace B., [redacted]
Brown, Larry D., [redacted]
Dutton, Ronald E., [redacted]
Hartke, Larry W., [redacted]
Heisey, Gregory B., [redacted]
*Hicks, Robert G., [redacted]
Roy, Ronald D., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Alexander, Linda L., [redacted]
Alfino, Joyce, [redacted]
Allen, Willian P., [redacted]
*Anderson, Billie R., [redacted]
Bechtold, Dianne M., [redacted]
Bell, Deborah A., [redacted]
*Bell, Jane L., [redacted]
Bell, Karen A., [redacted]
Bolt, Barbara J., [redacted]
Bopp, Deborah A., [redacted]
Boyle, Kim A., [redacted]
Boyle, Virginia A., [redacted]
Brooks, Raymond R., [redacted]
Brown, Janet R., [redacted]
Brown, Kathleen A., [redacted]
Buczynski, Ronald J., [redacted]
Burgess, Molly C., [redacted]
Buzonas, Patricia M., [redacted]
*Callich, Marianne W., [redacted]
Campbell, Kathleen M., [redacted]
Cannon, Cheryl A., [redacted]
Carter, South L., [redacted]
*Castellan, Deborah M., [redacted]
*Clark, Elizabeth M., [redacted]
Cochran, Maureen C., [redacted]
*Connelly, Lynne M., [redacted]
Daake, Dean R., [redacted]
Demarais, Alice L., [redacted]
*Dreflak, Barbara A., [redacted]
Farace, Wendy L., [redacted]
*Feeney, Sharon E., [redacted]
Fletcher, Linda L., [redacted]
Foerster, Kristin S., [redacted]
Frank, Robert L., [redacted]
Galante, Christine M., [redacted]
Gaskill, Mary E., [redacted]
*Gelsthorpe, Joanne C., [redacted]
*Gifford, Karen A., [redacted]
Girling, Allan J., [redacted]
Green, Barbara M., [redacted]
Griggs, Rosemary, [redacted]
*Gunnels, Edith P., [redacted]
Gurney, Cynthia A., [redacted]
Hentges, George P., [redacted]
Hoge, Linda J., [redacted]
Hunt, Barbara J., [redacted]
Hutchison, Janet M., [redacted]
*Israel, Judith L., [redacted]
*Ivey, Hazel I., [redacted]
Jackson, Brendel J., [redacted]
Jackson, Judith N., [redacted]
*Jacques, Rita C., [redacted]
*Johnson, Mildred, [redacted]
Kading, Steven E., [redacted]
Kilianhoffer, Cheryl L., [redacted]
*Klapperich, Daniel J., [redacted]
Klar, Angela V., [redacted]
*Lafond, Patricia E., [redacted]
Lanam, Jon P., 398 40-3131
Leal, Dora A., [redacted]
Leggett, Carla J., [redacted]
*Lofswold, Darla D., [redacted]
Lopezrosario, Julio, [redacted]
Martin, Gerald K., [redacted]
Martin, Joyce A., [redacted]
McClelland, Gail K., [redacted]
McClenney, Lucretia M., [redacted]
McDermitt, Janet M., [redacted]
McNeil, Marian R., [redacted]
Morgan, Cheryl L., [redacted]
*Morlando, Benny J., [redacted]
*Munn, Annie R., [redacted]
Nairn, Angelina E., [redacted]
*Newton, Donald H., [redacted]
Nieves, Wilfredo, [redacted]
Norton, Dena A., [redacted]
O'Donnell, Jayne P., [redacted]
*O'Glivie, Claudia A., [redacted]
Oldridge, Janice M., [redacted]
*Olejnik, Donna J., [redacted]
Pieniadz, Carol J., [redacted]
Podgornoff, Willa C., [redacted]
Prost, Marilyn J., [redacted]
Reineck, Carol I., [redacted]
Rich, Irene A., [redacted]
Roach, Linda K., [redacted]
Roehr, Kathleen M., [redacted]
Sarran, Sue F., [redacted]
Sgambelluri, Janice A., [redacted]
Sheldon, Vicky M., [redacted]
Shine, Sarah C., [redacted]
*Siebert, Kathleen E., [redacted]
*Sikorski, Michael S., [redacted]
Smith, Margaret L., [redacted]
Smith, Patricia K., [redacted]
Sparks, Glenn E., Jr., [redacted]
Spontak, Janet F., [redacted]
Srsicstoehr, Kathleen M., [redacted]
*Steinmetz, Maryann T., [redacted]
Summers, Thomas M., [redacted]
Sutton, Glenda J., [redacted]
Synovec, Ellen C., [redacted]
Thorpe, Linda J., [redacted]
Tiernan, Helen S., [redacted]
Tijerina, Maria D., [redacted]
Tondini, David E., [redacted]
Tracy, Kathleen M., [redacted]
Tushbant, Gwendolyn W., [redacted]
Uttech, Mary J., [redacted]
Vaiani, Cheryl J., [redacted]
Walker, Debra J., [redacted]
Wedeking, Cheryl A., [redacted]
Whitehurst, Cynthia J., [redacted]
*Williams, Bertha N., [redacted]
Williford, David L., [redacted]
Wills, Deborah H., [redacted]
Yaws, Jane A., [redacted]
Zarr, Gary D., [redacted]

IN THE ARMY

The following-named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624, title 10, United States Code:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

William V. Adams, [redacted]
Thomas G. Bowe, [redacted]
Waldo W. Brooks, [redacted]
Larry T. Brown, [redacted]
Donald P. Decort, [redacted]
Estel E. Elkins, [redacted]
Russell S. Estey, [redacted]
Edward Forthingham, [redacted]
John P. Galligan, [redacted]
Lester M. Goo, [redacted]
Harry Gruchala, [redacted]
Harian Heffelfinger, [redacted]
Scott Isaacson, [redacted]
James V. Anthony, [redacted]
William C. Jones, [redacted]
Thomas R. Keller, [redacted]
Calvin Lederer, [redacted]
Theodore Littlewood, [redacted]
James F. Nagle, [redacted]
John J. Pavlick, [redacted]

Walton Pedersen, [redacted]
Wayne H. Price, [redacted]
Thomas A. Pyrz, [redacted]
Vincent Reilly, [redacted]
Ronald M. Riggs, [redacted]
Donald A. Rogers, [redacted]
Michael Schneider, [redacted]
Gregory E. Smith, [redacted]
Stephen D. Smith, [redacted]
Eugene A. Studer, [redacted]
John G. Thomas, [redacted]
David W. Wagner, [redacted]
Chris Wittmayer, [redacted]
William Woodruff, [redacted]

IN THE ARMY

The following-named officers, for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL CORPS

To be colonel

Maynard C. Sandberg, [redacted]

CHAPLAIN

To be major

John L. Ghee, [redacted]

IN THE NAVY

The following-named Lieutenants in the staff corps of the Navy for promotion to the permanent grade of lieutenant commander as indicated pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law.

MEDICAL CORPS

To be lieutenant commander

Ernesto Alberto Diaz-Ordaz
Frederick Gennaro Panico, Jr.

SUPPLY CORPS

To be lieutenant commander

Major Doyal Bursey, Jr.

IN THE NAVY

The following-named commanders in the staff corps of the Navy for promotion to the permanent grade of captain, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS OFFICERS (210X)

Allen, James William
Andrus, Kenneth L.
Artman, Lee Eric
Berdecio, Eduardo Tavol
Blair, Timothy Pierce
Briggs, Jackie Robert
Cotelingam, James D.
Dejesus, Antonita V
Donovan, Julia Theresa
Dy Rosalia Flores
Ebbeling, William L.
Espiritu, Roger Fermin
Galloway, John Alexande
Ghosh, Bimal Chandra
Gillespie, Cameron Alex
Hagan, Joseph Michael
Hargrove, Charles Bento
Henderson, Joseph Vanwi
Johnson, Donald Robert
Jung, Byung Il
King, Monroe James
Ledbetter, Elizabeth K.
Lovan, Wendell D.
Martel, Paul Robert
Mason, Dan Edison
Mateczun, Alfred Joseph
Mehl, Raymond G.
Miremadi, Arjang Kamjan
Mullen, Barry Lee
Navins, John Paul
Navoy, Joseph Francis
Negronrivera, Luis Albe
Noel, Kenneth Robert
Norris, David Michael
Ober, Vincent Hilles, Jr.
Pentzien, Robert Jay
Pessoney, John T.
Prentice, Peter S.
Sanders, Bill Elliott
Schwartz, Henry Jesse C.
Shakir, Mohamed K. M.
Snyder, David Allen
Soballe, Peter Warren
Sohn, Steven Samuel
Sutphin, John Everett J.
Tinana, Andres Merluza
Wagner, Glenn N.

SUPPLY CORPS OFFICER (310X)

Biel, Jeffrey Donald
Brasher, Kenton Clark
Carstanjen, Jan Hendrik
Chiomento, Thomas Vincent, Jr.
Cohan, Lawrence Louis
Collette, Robert Lloyd
Collins, Ralph, Jr.
Curry, Merril Dunn
Edgerton, Donald Kenneth
Grove, William Earle
Hendricks, Ross Franklin
Holley, Dewey Arnold
Jones, James W.
Lynn, Gary Dexter
Major, Samuel James, Jr.
McMeans, Edwin Walter
McNabnay, James Richard
McQuinn, Dale Eugene
Moore, Richard Snowden, Jr.
Moser, Paul Donald
Nelson, Thomas Russell
Nordwall, Marvin Raymond
Ott, Gene Franklin
Perry, William Kurtz, Jr.
Smith, Jay Schuyler
Townsend, David Alvin
Trimpert, Eugene Charles
Vroman, Richard Donald, Jr.
Williams, Fred Alan
Wilson, Richard Davis
Wise, William Allen

CHAPLAIN CORPS OFFICERS (410X)

Dobes, George E.
Ellis, Larry Hoyt
Gnall, Julian Michael
Hiers, Homer Thomas, Jr.
Howe, Merlen Floyd
Jackson, Colon Stonewall, Jr.
Kelley, James Frederick
Markham, Leonard Edward
Mintjal, Frank Delano
Putt, Kenneth James
Rimmer, Charles Stephen
Shoberg, Lawrence Arvid
Smith, Ignatius Edward

CIVIL ENGINEER CORPS OFFICERS (510C)

Ayres, Larry Lee
Burke, William Francis, III
Hamm, Edward Roger
Hoyt, Ronnie Allan
Johnson, Allan William
Moeller, Robert Lewis
Mohsberg, Sidney A., III
Moyle, Allan Leroy
Rice, Richard Hardwicke, Jr.
Shelton, Michael William
Taylor, Robert Adell
Tomiak, Walter Wayne
Waters, William Allen
Wynn, Alfred Lee

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS (250X)

Clum, John Peter
Fessler, E. Anthony
Gallagher, Stephen Barr
Guy, David Ansley
Henriksen, John R.
Hewett, Peter Augustine
Jones, Robin A.
Misiaszek, Peter Edward
Mollison, Richard M.
Orr, James Earl, Jr.
Schiff, Richard Benjami
Smith, Roger A.
Thomas, Arthur Ralph
Uris, Richard Blair
Wylie, Peter Caldwell
Zimmerman, Richard Edwa

DENTAL CORPS OFFICERS (220X)

Auclair, Paul Lionel
Beaudry, Robert Joseph
Cecil, James C., III
Fraleigh, Edward Magrud
Frankel, Richard Lee
Fullerton, William Lloy
Golden, Daniel Patrick
Gray, Jonathan Loomis
Hall, Ellis Herbert, Jr.
Hendrickson, Dean Alan
Hitchner, Larry J.
Innes, Joseph Crist
Isaacson, James Harold
Lange, Walter Marcus Jr.
Linville, Robert B.
Maroney, William Franci
McGuire, Dennis John
Moore, Paul Robert
Nappen, Dennis L.
Parker, Michael Winfiel
Peterson, Burke Brent
Phillips, Charles C., III
Sanders, John Joseph
Smith, Millard Bedford
Spann, Charles Earl
Stuller, Charles Bernar
Towle, Herbert Jere, III
Vinton, Jeffrey Ralph
Waytena, James Richard

MEDICAL SERVICE CORPS OFFICERS (230X)

Aitken, John Robert
Chitwood, Carl Steven
Coolbaugh, James Camero
Durfee, Paul John
Freed, Stanley H.
Jones, Thomas Newton
Kafer, Sallee Pittman
Kellogg, William Fredri
Koehn, Galen Roy, Jr.
McCarty, James Edwin, Jr.
Mullins, Frank Arthur, J.
Nazzaro, John Thomas
Norvell, Robert Dayton
Potts, James Conrad
Santana, Frederick Jose
Thomas, Jerry Alan
Vosloh, David Lee
Walker, Richard Ives

NURSE CORPS OFFICERS (290X)

Crist, Margery Weitzel
Grace, Roberta Jane
Henderson, Rebecca Robe
Holman, Diane M.
Orourke, Amoret B.
Peace, Velia Decicco
Peterson, Carol Ann
Rist, Susan Elizabeth
Robinson, Ida Marie
Sattazahn, Mary Della
Sherrard, Marcia J.
Smith, Maureen Moloney
Stokes, James Edmond
Sulcer, Bert Reid, Jr.
Willhelm, Patricia Ella

HEALTHCARE PROFESSIONAL (26XX)

Duny, Marshall Sol
Eversmann, Donald Frank
Feris, Mary Margaret
Harrell, James Howard

Haws, Virtus Paul, Jr.
Iczkowski, Marcel Denni
Irgens, Terry Richard
Kelly, John Price
Phillips, Harold Edward
Rawley, Anne Jordan
Shephard, James Edison
Straughn, William R.
Truran, Paul Frederick

LIMITED DUTY OFFICER (SUPPLY) (651X)

Ritzel, Charles James

Executive nominations received by the Senate April 21, 1987:

DEPARTMENT OF JUSTICE

Charles W. Larson, of Iowa, to be U.S. Attorney for the northern district of Iowa for the term of 4 years vice Evan L. Hultman, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Lawrence A. Skantze, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Bernard P. Randolph, [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Winston D. Powers, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Spence M. Armstrong, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Michael P.C. Carns, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Buford D. Lary, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. George L. Monahan, Jr., [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Springer, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Maxwell R. Thurman, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3034:

To be vice chief of staff

Lt. Gen. Arthur E. Brown, Jr., [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Claude M. Kicklighter, [redacted] U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1987:

THE JUDICIARY

James B. Zagel, of Illinois, to be U.S. district judge for the northern district of Illinois

DEPARTMENT OF JUSTICE

D. Michael Crites, of Ohio, to be U.S. Attorney for the southern district of Ohio for the term of 4 years.

William J. Jonas, Jr., of Texas, to be U.S. Marshal for the western district of Texas for the term of 4 years.

EXTENSIONS OF REMARKS

THE DRUG WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RANGEL. Mr. Speaker, in the closing days of the 99th Congress, you spearheaded a bipartisan legislative initiative to curtail drug abuse in America, the Anti-Drug Abuse Act of 1986. President Reagan signed H.R. 5484 into law, as Public Law 99-570, with great fanfare at an elaborate signing ceremony on October 27, 1987. Many of us in the Congress thought that at long last the President had made a serious commitment to curtailing drug abuse in America. When the President's budget for fiscal year 1988 was unveiled in January, we saw that we were badly mistaken.

Funding for drug abuse education was cut back from $250 million under the bill to a proposed level of $100 million. Funding for assistance to State and local governments for fiscal years 1988 and 1989, which was $230 million annually, was zeroed out. Funding for drug abuse treatment and prevention programs was effectively cut in half when a decision was made to spend $262 million over 2 years, instead of $241 million in fiscal year 1987.

Just how serious a problem is drug abuse in America today? The Select Committee on Narcotics estimates that there are 4 to 6 million regular users of cocaine; 20 to 25 million regular users of marijuana; and 600,000 heroin addicts in America. The select committee also estimates that in 1986, 150 tons of cocaine, 12 tons of heroin, and between 30,000 and 60,000 tons of marijuana entered the United States.

Mr. Speaker, an article from the March 15, 1987, edition of the New York Times entitled "In Reagan's Drug War, Congress Has the Big Guns" describes the dismay across the country, here on Capitol Hill, and even within the administration itself, over the President's proposed fiscal year 1988 budget for drug programs. I ask that it be inserted into the CONGRESSIONAL RECORD at this point.

The article follows:

[From The New York Times, Mar. 15, 1987]

IN REAGAN'S DRUG WAR, CONGRESS HAS THE BIG GUNS

(By Bernard Weinraub)

WASHINGTON.—It was to be, in President Reagan's words, " a national crusade against drugs, a sustained, relentless effort to rid America of this scourge by mobilizing every segment of our society against drug abuse." Now Congress is threatening to take Mr. Reagan at his word.

Urine testing, an antidrug measure that the Administration strongly favors, would be extended to millions of workers on airlines, railroads, buses and trucks under a bill swiftly approved last week in a 19-to-1 vote of the Senate Commerce Committee. Though a provision requiring random testing faces strong opposition and, if it passes, certain challenges in the courts, several senators said they shared the Administration view that such tests are the "only real deterrent" to drug use.

But legislators also plan to press for a tactic less welcome at the White House this year: spending money.

Last year, before the November elections, Congress approved $3.96 billion in new spending for drug eradication, interdiction, rehabilitation, treatment and education. This year the President proposed spending $3.03 billion, a reduction of more than $900 million. To achieve the cut, he proposed virtually eliminating a Justice Department program for assistance to state and local law-enforcement agencies and nearly halving spending for education and treatment.

Numerous Republicans, as well as Democrats, are not only disturbed that the President wants to reduce Federal antidrug spending in 1988, they also are perplexed that the Administration seems to be undercutting programs that have broad support around the nation.

"Cities of all sizes, in all regions, are engaged in a war against inner-city pushers and international traffickers, and we are losing," Joseph P. Riley, the mayor of Charleston, S.C., said last week. Mr. Riley, president of the United States Conference of Mayors, was one of 50 mayors, police chiefs and other officials from 25 Eastern cities who met in Miami last week to discuss new ways of dealing with their drug problems.

Even some Administration officials were dismayed at the proposed cuts, especially in light of last year's rhetoric. "This has foolishly placed the Administration in a ridiculous posture," said one Education Department official, who said the cuts were made by the Office of Management and Budget in its efforts to reduce the deficit, as mandated by law.

Some Republicans on Capitol Hill blame the handling of the drug issue on the White House's preoccupation late last year with the escalating Iran-contra affair. "Look at that White House, look at that disarray," said one key Republican legislative aide. "This is just another example. It's a mystery how the President's people put together their budget."

Such Administration spokesmen as Attorney General Edwin Meese 3d defend the cuts. The critics of the 1988 budget, Mr. Meese said in a speech in January, are "mistakenly or deliberately mispresenting the facts" that some of the money appropriated last year was to be used for one-time capital expenditures, such as helicopters, for state and local law-enforcement agencies; some was for "start-up" assistance to help municipalities begin education programs. He said that "the proper Federal role in combating drugs has received continually increasing support" since Mr. Reagan took office.

But Senator Alfonse M. D'Amato, the New York Republican who is a member of the Appropriations panel on Labor, Health and Human Services and Education, said, "We're going to get the major share of these cuts restored." Mr. D'Amato and others said they would focus on restoring money for several key programs.

Federal spending for drug law enforcement in this fiscal year reached $3.048 billion. The Administration has proposed spending $2.468 billion in the fiscal year 1988, a reduction of $580 million.

Assistance for state and local enforcement efforts would drop from $238 million to $5 million under the Reagan budget.

Funds for Customs Service drug law enforcement would drop from $553 million to $425 million.

Spending for antidrug education would fall from $200 million to $100 million.

Expenditures to prevent drug abuse would be cut by $184 million, from $505 million to $321 million.

Treatment programs for drug users would be reduced by $211 million, from $455 million to $244 million.

It is unclear if the White House will fight Congress on the issue. But several Administration officials said that they doubt President Reagan's aides would risk compounding the embarrassment of having sought cuts by fighting Congressional efforts to restore spending.

Representative Charles B. Rangel, the Manhattan Democrat who heads the House Select Committee on Narcotics Abuse and Control, said, "The recent events clearly displayed publicly what many of us knew privately. The President does not focus on serious, complex matters, and it could be the President seriously believes that comic books and slogans like 'Just Say No' will win this, it won't."

THE $1.5 BILLION SALES TAX LOOPHOLE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, at a time when our States have been confronted with severe cuts in Federal assistance and are searching for funds to support necessary programs and services, they are losing more than $1.5 billion in annual sales tax revenue. Those States with a sales tax obligate their main street businesses to collect the tax at the time of sale and remit the revenue to the State.

But, as a result of a 1967 Supreme Court decision—National Bellas Hess—the States are limited in their ability to collect the taxes from out-of-State firms. Although mail order firms and other direct marketing businesses actively solicit business within the State, they may not be required to collect the taxes due on the sales. Although the consumer remains legally liable for payment of the tax, the States' costs of collection far exceed actual revenue and is, in any case, practically impossible.

The beneficiaries of this Supreme Court decision are the out-of-State mail order sellers and direct marketing industry. These firms have a marginal price advantage equal to the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax rate of the State of the consumer. Buyers are encouraged to pass by main street businesses and purchase from out-of-State firms. As more customers shift their purchase patterns, States sales tax collections will futher decline and force the States to increase the sales tax rate to try to offset the lost revenues.

I recently introduced the Interstate Sales Tax Collection Act of 1987 (H.R. 1242). This bill would require retailers to collect sales and use taxes on interstate sales and remit the revenues to the States of the consumers. It would also require such retailers to file information returns with the IRS to assist the States in collecting these taxes. But, so that truly small businesses are not unduly burdened, only those businesses with more than $5 million in annual gross sales nationally and who actively solicit business in the State could be required to collect the State taxes.

I hope you will support the Interstate Sales Tax Collection Act of 1987 as it will restore an important source of State revenue and put all retailers on equal footing.

A TEAM PLAYER'S QUIET REVOLUTION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, Karen Diegmueller, a reporter with Insight magazine, recently wrote an extremely interesting and in-depth piece on one of President Reagan's most effective Cabinet Secretaries. This quiet gentleman, one of the three original Cabinet officials still faithfully serving the President, is the quintessential team player—a man, whose accomplishments are only surpassed by his loyalty to the President. His name is Samuel Riley Pierce, Jr., and he is the Secretary of Housing and Urban Development, and the ultimate Reagan revolutionary.

As the longest serving Secretary in HUD's history, Mr. Pierce has consistently met this adminstration's spending requirements—reducing HUD's budget from $31.9 billion in 1981 to $10.2 billion for fiscal year 1988—while still meeting America's housing needs.

Through innovative program development and implementation Secretary Pierce has continued to keep Americans the best housed people in the world. These innovative programs have included a housing voucher program so people of low- and moderate-incomes do not have to accept substandard housing as their only housing alternative—to shifting a number of the Federal Housing Administration functions to the private sector in order to streamline FHA insurance processing and collection on defaults. In addition Secretary Pierce has carefully developed and promoted business opportunities between American housing and construction companies and the Soviet Union.

Due to Mr. Pierce's extraordinary courage to do what had to be done during these budgetary deficit times, his impact on the future of America's housing will be felt throughout the Nation for years to come.

Mr. Speaker, I insert the text of the article in the CONGRESSIONAL RECORD:

[From Insight Magazine, Apr. 6, 1987]

A TEAM PLAYER'S QUIET REVOLUTION

SUMMARY

Samuel Pierce, the Secretary of Housing and Urban Development, is a team player and a firm believer in the need to reduce the size of government. His actions have angered many in housing and in Congress. Still, Pierce is proud that he has been able to cut his own agency while helping the most needy.

Reminiscent of the old Uncle Sam military recruiting posters, Samuel R. Pierce Jr. sits on the edge of a desk, arm extended, finger pointing. In the background of the poster, peering over his shoulders, are photos of Ronald Reagan and George Bush. The image could not be clearer: The head of the Department of Housing and Urban Development is a team player.

Pierce unquestionably has taken to heart the Reagan credo that the size of the federal government should be reduced, though he has not always squared with those in the administration who would like to get out of the housing business altogether.

"He may fight for his position behind the scenes. No one would ever know he felt that way once he left that room." says his executive assistant, Deborah Gore Dean.

Ironically, the ultimate team player does not know how or does not care to play the game in the nation's capital. He eschews the cocktail party circuit, refuses to court the media and has spurned many of the housing groups that made up the core of HUD's constituency and contributed to policy development in the past. "I think people resent it because they can't put a finger on him," Dean says.

Pierce plucks a sheet of canary yellow legal paper from the floor by his chair, quinting behind his glasses as he tries to decipher his scribbling. "Since, I've been here, true, we have taken care of assisted housing for the needy. We have been interested in housing across the board," he says casually.

Almost imperceptibly his tone changes. The speechmaker picks up where the casual conversationalist left off. "We want America to be the best-housed nation in the world," he intones. "We want our housing industry to be the strongest in the world." Again, there is the subtle shift. The HUD secretary leans back in his chair and relaxes as he describes the resurgence of the building industry during the Reagan years. "We have contributed to this boom," says Pierce, launching into a recitation of what he regards as his agency's largely ignored accomplishments during the past halfdozen years.

Since Pierce took over the department, the nation's secondary mortgage market has been infused with pension fund capital and securities in the Government National Mortgage Association pool of mortgages, called Ginnie Maes, have been placed on the international market. (Ginnie Maes are sold to investors to encourage financing for housing.) American businesses are embarking on a venture that could net them billions of dollars from Soviet construction projects. He has pushed a project that can cut as much as 20 percent from construction costs by eliminating unnecessary regulations and initiated a program to reach more minority businesses.

Without saying so, this is the secretary's way of refuting the unflattering moniker of "Silent Sam" that some have given him. "I don't think they're justified because . . . I have accomplished what I wanted to accomplish. I wanted to reduce the size and cost of government and continue to take care of the most needy. I believe I've done it."

No one would argue with Pierce's assessment that the agency has gone through a retrenchment during his tenure, the longest of any HUD secretary. Indeed, he has carried out Reagan's platform perhaps better than any other Cabinet member. Plaudits trickle in: "If every other Reagan appointee had achieved what Pierce has, the deficit crisis would be over," editorialized the Longview (Texas) News in February.

Ever dapper, never flamboyant, Pierce's persona and image do not always jibe. His desk, credenza and conference table are cluttered, and there are so many plaques on the walls it is doubtful another could be squeezed in. Among them is the Alexander Hamilton Award for distinguished service of the highest order as general counsel at the Treasury Department. Yet Pierce seems remarkably uncluttered and self-effacing; he laughs readily, often at his own expense.

Pierce credits his father for instilling in him the dedication to public service. "He used to tell us you need a certain amount of money but don't get hung up on money. It's much more important to try to do smething for people." Pierce, who earned a six-figure salary as a private attorney, has been in and out of public life for 30 years. His wife, Barbara, is a semiretired research physician.

During Pierce's tenure at HUD, the budget has been more than halved from $31.9 billion in 1981 to $14.2 billion this fiscal year, and the president has submitted a $10.2 billion budget for the coming fiscal year. Full-time employees have been reduced from 15,613 in 1980 to 11,178 as of December. Were it not for Congress, the budget would have shrunk more.

Some of Pierce's staunchest foes are in Congress, most notably Texas Democrat Henry B. Gonzalez, chairman of the House Banking, Finance and Urban Affairs Subcommittee on Housing and Community Development. At the annual budget go-rounds, heated exchanges have taken place between Democrats and the ordinarily congenial Pierce

The deepest cuts have been in the housing programs for the poor, though Pierce hastens to point out that his agency assists 1.1 million more households than it did before he arrived. Under his administration, the construction of public housing has been virtually halted, and housing authorities have sued the administration to get HUD to free up operating funds authorized by Congress.

What worries housing groups most is what will happen when the owners of subsidized housing become eligible to pull their stock out of the public domain, which they can do after 20 years. As many as 900,000 public housing units could revert to private housing over the next 10 years. "They really collapsed all of the housing programs they could," says Robert McKay, executive director of the Boston-based Council of Large Public Housing Authorities.

As substitutes, the department has touted rehabilitation grants and rent vouchers as the way to assist low-income families and give them a free hand in choosing where they live. Pierce, who follows a 1981 Rand Corp. study that says it is affordability, not availability, that is the key problem for low- and moderate-income households, supports limited new construction.

His basic philosophy is that first and foremost the federal budget deficit must be wiped out. "It's dangerous to us, it can cause economic chaos," he says. "It's been the president's position that we should try to cut our budgets. People may say that others are not doing it or somebody else isn't doing it or one department isn't doing it. I take pride in the fact that I have."

Even those who do not always agree with Pierce credit him with saving programs that would otherwise have gone by the wayside: the Community Development Block Grants and the Urban Development Action Grants (which channel funds into economically depressed urban areas), the Federal Housing Administration mortgage insurance program and Ginnie Maes. "I think the pressure [to cut programs] has come from the administration," says Kent W. Colton, executive vice president of the National Association of Home Builders of the U.S. "Within that context, he has done his best."

Pierce laughs at the notion that he personally has made a significant difference to the Reagan administration. But he concedes that he may have saved a program or two. "I think there may come a time when we do not need FHA, but the time is not now. So I've fought for it." As for Ginnie Maes, "I'm not against privatization, but it's got to be done in the right way at the right time. We're not there."

He takes pride in initiating an exchange with the Soviets. In May, Pierce will be in the Soviet Union when more than 100 U.S. companies participate in a construction and technology exhibition in Moscow for the first time in 30 years. "It helps us with our balance of payments because we do business with them," says Pierce. "It helps with our relationship with the Soviet Union. When you work together on something like housing and construction, that's a friendly area to work in. You're not talking about how many bombs you can have."

Pierce shrewdly sidesteps the question of whether he and Reagan disagree on any issues. "The president agrees with my general approach. There are certain things he likes best and I don't blame him. If he could have his druthers, he would like every American to own their own home. No matter how much you like it, we really can't do it. We can help." A program cosponsored by Rep. Jack Kemp, a New York Republican, that helps public housing tenants buy their homes is one initiative that the secretary says can work for a limited number of families.

Kemp and the secretary go back to when Pierce represented some professional football players, including Kemp, in their negotiations with team owners in the days before players were organized. Pierce represented the Rev. Martin Luther King Jr. and other black civil rights leaders in the landmark 1964 First Amendment case, the New York Times Co. vs. Sullivan, which set the standard of libel for public officials. His clients were sued for libel over statements in an advertisement in the newspaper that criticized actions by the Montgomery, Ala., Police Department.

It was a way for Sam Pierce, the eldest of three sons born to a successful small-business owner on Long Island, to participate directly in the civil rights movement. While other blacks marched in rallies and demonstrated, Pierce was practicing law, becoming the first black to be offered a partnership in a major New York law firm and the first black to serve on the boards of major corporations. "That's one of the reasons I couldn't spend the amount of time on the civil rights movement as many people did, because I was busy going this way," says the administration's sole minority Cabinet member. "I always felt as though in the long run blacks will have to achieve in the world of business and professions and so forth. It doesn't stop with just being able to go and sit in restaurants."

Some people are puzzled by the secretary's actions. "In a sense, he has done a disservice to fair housing," says Martin E. Sloane, executive vice president of the National Committee Against Discrimination in Housing. "He is a very smart man and I thought he had some gumption, but he hasn't displayed any gumption at all." What irritated Sloane was Pierce's withdrawal of support from agreed-upon amendments to strengthen fair housing legislation after Attorney General Edwin Meese II sought a different remedy.

For his part, Pierce swears he'll see a stronger fair housing law enacted before he leaves the agency or "I'll break my neck trying."

GOV. GEORGE CLINTON COMMEMORATIVE STAMP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, George Clinton, who was the first Governor of New York State and who served as Vice President of the United States under Presidents Thomas Jefferson and James Madison, from the years 1804 to 1812, is a nearly forgotten figure in the annals of American history.

This is an unfortunate occurrence because he was a most significant figure, having been a major political force in the establishment of New York State as a political entity, and in the military effort to gain independence from the British Crown.

His life is symbolic, in this Bicentennial year of the U.S. Constitution, in that in the earlier public years, Governor Clinton was a fierce critic of the formation of the government of the United States as we now know it. At that time he expressed the fear held by many Jeffersonian Democrats of an oppressive Federal power.

But he was a staunch supporter of the basic tenets of the Bill of Rights and went on to become an enthusiastic backer of the American Government, both at home and abroad.

I am now happy to report to you that there is renewed interest in the life of Governor Clinton, in part spurred by the fact that on July 26, 1989, the 250th anniversary of Governor Clinton's birth will be observed in his resting place, Ulster County, NY.

There is an effort underway in New York State to achieve a commemorative postage stamp in honor of the memory of Governor Clinton. This movement is being undertaken by the Militia Association of New York, a group comprised of 3,600 commissioned officers who are members of the New York Army and Air National Guard, the New York Guard and the State Naval Militia.

This is a totally dedicated, defense-minded organization comprised of citizen-soldiers from around the Empire State. They are backing the Governor Clinton stamp proposal because George Clinton was foremost a patriot. He was a member of the Colonial Militia of New York, and as a young lieutenant participated in the campaign to capture Montreal from the French during the French and Indian War. He was to become a brigadier general in both the New York State Militia and the Continental Army and, in 1777, when he was elected New York Governor, Clinton became the first State Commander In Chief of the New York Militia.

The concept for a Governor Clinton postage stamp was first publicized on March 4, 1984, when a constituent of mine, Peter C. Kutschera of Johnson, NY, suggested it in the stamp column which he writes for the Middletown, NY, Times Herald-Record, a daily newspaper of good repute and of some 90,000 circulation in the mid-Hudson Valley region.

Since that time, largely through Major Kutschera's efforts, the State Legislature of New York, in March 1985, passed a joint resolution, urging the Postmaster General of the United States to issue such a postage stamp, coinciding with the 250th Clinton birthday celebration. This proposal was subsequently endorsed by two of my esteemed colleagues, Congressmen HAMILTON FISH, Jr., and JACK F. KEMP.

It has also been endorsed by a number of organizations in New York including the Sullivan County Philatelic Society, the Minisink Stamp and Cover Society, and the Office of the Historian of the City of Kingston.

The Militia Association of New York is expected to mount a nationwide campaign this spring for the Governor Clinton postage stamp and I heartily urge my colleagues to join in this effort to interest the Citizens' Stamp Advisory Committee of the U.S. Postal Service in issuing such an adhesive.

We are asking that the first day of issue ceremony for this stamp be held in the uptown Kingston post office, across the street from the Old Dutch Church where Governor Clinton is buried and a statue stands in his honor.

The Citizens' Advisory Committee will deliberate on the 1989 stamp program this year, and it is crucial that this proposal receive widespread public and official backing at this moment, and that the proposal is duly forwarded to Postmaster General Preston R. Tisch for his consideration.

AIR SUPPORT FOR ARMY MANEUVER FORCES

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DENNY SMITH. Mr. Speaker, one of the most pressing problems facing military strategists today is that of providing air support for ground forces. Weapon systems produced to address this problem have at times been ineffective, or extremely costly, or both. In times of growing concern over rising deficits and military efficiency, there is an increased need for an effective system of air support that is not prohibitively expensive.

Today I would like to introduce into the CONGRESSIONAL RECORD an article recently published by Mr. Chuck Myers, a former Director of Air Warfare at the Department of Defense. Mr. Myers has extensive knowledge of defense system evaluation and is uniquely qualified to assess the methods of protecting our combat troops. His article, "Air Support for Army Maneuver Forces," clearly outlines a system for close air support that is feasible, effective, and cost efficient. Anyone who deals with defense issues will find Chuck's insights invaluable.

[From Armed Forces Journal International, March 1987]

AIR SUPPORT FOR ARMY MANEUVER FORCES

(By C.E. Myers, Jr.)

The Army's proposed budgets for Fiscal Years 1988-1989 include $799 million for research and development money for a new light helicopter experimental (LHX) and $573 million for a new Forward Area Air Defense System (FAADS), which wags call "son of DIVAD." That $1.4 billion is just a downpayment on two still relatively undefined systems that the Army estimates will eventually cost $50 to $60 billion. In addition, the Army last fall solicited proposals for a separate, new helicopter—or fixed-wing aircraft—optimized for antihelicopter air-to-air combat, the Advanced Counter-Air Fighter Aircraft (ACAF) system. (That's a role skeptics say LHX's scout/attack version can't fill because of the relatively low speed the Army has specified for it.)

Instead of spending $50- to $80-billion on these three systems, the Army and Congress should look at a new option: the "Mud Fighter," a single system that could perform most missions of all three at one-fourth the cost of LHX, FAADS, and ACAF.

The turbulence, agony, and expenditures associated with the Army's effort to provide airborne fire support for and air defense of its maneuver forces suggests one or all of the following possibilities:

The problem is mysterious;

The problem is new and unique;

In-hand technology is lacking;

There is no operational experience base; and/or

Options to solve the problems are bureaucratically constrained.

Tactical air power is supposedly an effective source of timely firepower augmentation for maneuver forces—at least it has been on some occasions. Once upon a time, the same pilots and aircraft simultaneously provided fire support and counterair. An example was the Army Air Corps' barrier to German Army attacks against General Patton's right flank as he raced through France. In today's DoD language, the pilots of those P-47s and P-51s were performing close air support (CAS), battlefield air interdiction (BAI), and counterair in direct support of an important ground action. Then, as now, CAS and BAI were coordinated with the ground commander's scheme of maneuver. The difference between CAS and BAI was and is the doctrinal and commonsense requirement for a forward air controller (FAC) to clear pilots to release ordnance or fire their guns in close proximity to friendly troops or vehicles. The FAC was and is usually a pilot serving a tour as an air liaison officer with ground forces. This effective arrangement is the product of the insight and tactical understanding of two pragmatic generals, namely Omar Bradley and Elwood "Pete" Quesada.

Today, all three missions could be performed by organic Army aviation units. Further, there is evidence that they could be performed more effectively in 1995 than in the past and for one-third the cost of the Army's proposed LHX and FAADS.

Since the Key West Agreement of 1948, there have been more studies of how to provide ground forces effective air support and forward area air defense than there have been studies of how to distribute wealth equitably through income tax reform—and with equally dismal results. Some insight into the mission need may be gained by asking an Army or Marine Corps infantry company commander what he wants and his order of preference for fire support.

He will say: (1) he wants it when he asks for it, and he doesn't want it when he hasn't asked for it; (2) he wants it where he wants it; (3) he wants it to kill or suppress the enemy; and (4) he does not want it to injure his troops. His order of preference for fire support, according to a panel of about 15 combat veterans, is:

(1) Organic (from own resources),

(2) Artillery,

(3) Naval gun fire, and

(4) Aviation: organic (armed helicopters) or remote (tactical air's "fast movers").

How does he feel about air defense for his infantry forces? First, his experience of being attacked by airplanes has been limited to being bombed and strafed by "friendly" air forces (not as uncommon as one might expect). Generally, the damage done by bombing and strafing against his troops was not heavy, particularly if they were dug in. Attacks against his vehicles were much more serious. He would prefer not to be attacked by any aircraft, although he recognizes that other ground forces seem to endure air attacks and fight successfully in spite of them. He suggests that, compared to enemy artillery and armor, air attacks aren't so bad. He says he needs all the firepower he can get and would not, if given a choice, trade ground combat power and supplies for specialized air defense systems which include men who eat, drink water, and bleed, but contribute little in a fight. He'd prefer not to be harassed by either air force, but recognizes that he may have to endure attacks with or without the presence of dedicated air defense hardware.

How do tactical fighter pilots feel about air defense of forward-deployed ground forces? There is a consensus which states that the most important characteristic of an air defense system is the degree to which it is proliferated. For instance, the 11,000 small-caliber guns of a Soviet motorized rifle division are seen as a much more worrisome threat than the 16 sparsely distributed quad 23 mm radar-directed, selfpropelled air defense systems. This view should have some influence on the Army regarding air defense for maneuver forces. Pilots of attack aircraft, polled as to which air defense element is the most threatening, replied: enemy fighter/interceptors. Their reasons for concern included the potential omnipresence of that threat and enemy fighter presistence once contact is made. When dealing with ground-based air defenses, attack pilots can dictate their exposure duration; this is not the case with enemy fighters, which are unlikely to disengage until they are low on fuel or interrupted by opposing fighters.

The Air Force's existing A-10 force, which will evaporate before the year 2000, constitutes the best close air support capability in the world (in spite of the fact that the airplane is three times larger than it should be and exhibits sluggish combat maneuvering performance). The legacy of the A-10 program is:

A cadre of pilots who appreciate the ground commander's environment and problems and are good at their trade;

A highly reliable anti-armor gun; and

A hundred million rounds of depleted-uranium 30 mm ammunition which, in live-fire test flown by A-10 pilots, has killed hundreds of combat-configured tanks.

The challenge for DoD leadership is to channel this legacy into a form which can be fully exploited for support of Army ground maneuver forces. Many tactical air advocates cling to the hope that USAF will eventually recognize the importance of the CAS mission and create a dedicated airplane to replace the A-10. But, contrary to rhetoric, USAF financial and force plans portray a declining interest in direct support of ground combat forces. Air Force historical and doctrinal interests have, since 1945, been heavily oriented to nuclear strike and conventional bombing, a "win the war from the air" doctrine which has emphasized all-weather nuclear strike, airfield attack, and deep interdiction.

Meanwhile, the Army is performing close air support with a large force to attack helicopters. Unfortunately, because of constraints which evolved from the 1948 Key West Agreement, or DoD "pie cutting," the Army has been constrained from using optimal aircraft and has referred to the activity as "aerial fire support." Officers who experimented with armed helicopters at Ft. Rucker, AL, in 1958 were doing the best they could in response to the need for "organic," mobile fire support. If they had been offered a thousand A-1 Skyraiders, they would have enthusiastically extracted the most from them and may have created a base force of appropriate CAS aircraft.

Now the Army is struggling to cope with an emerging air-to-air threat in the terrain flight environment (between the mud and 300 feet). The need for a low-altitude, battlefield air-to-air capability evolves from visions of encounters with enemy helicopters and fighter aircraft. The Army perspective rightfully includes the need to cope with enemy combat helicopters and other aircraft which may interfere with air and ground maneuver operations. Given likely budgets, it may be impractical to equip all divisions with sufficient firepower and air defense assets to cope with peak battle requirements.

An attractive alternative would be a system which can be time-shared as needs shift across an Army corps sector.

One analysis of battle requirements, coupled with the preliminary design exercise, yields an organic Terrain Environment Counter-Air and Anti-Armor System (TECAAS) which provides and affordable and cost-effective, single-pilot aircraft to exploit the potential of air-mobile and ground maneuver forces. Studies suggest the following mission-essential criteria, with priority given to the anti-armor task.

MISSION-ESSENTIAL CRITERIA

Pilot expertise and dedication to the mission;

Communication and understanding between pilots and troops;

Basing that maximizes connectivity and minimizes C^2 burden;

Tactics that minimize susceptibility to IR/radar air defenses;

Aircraft size that minimizes detection and P_h (probability of hit) from barrage fire;

Aircraft propulsion configuration that minimizes IR signature;

Extraordinary agility (high thrust-to-weight ratio, low wing-loading, high roll rate);

Good slow-speed maneuver and flying qualities (100 kts);

Aircraft that can sustain combat maneuver without loss of energy;

Aircraft with quick re-attack capability;

Maximum speed (400 kts) to provide rapid transit to battle area;

Excellent cockpit visibility (forward, side, aft, down);

Minimum vulnerability to small arms (7.63 through 14.5 mm);

Cockpit armor (forward/below and side);

Pilot escape for nap-of-earth flight;

Good crash survivability for pilot;

Battle damage repairable structure;

System fully supportable from forward-located grass fields;

Aircraft footprint compatible with grass field operations;

Take-off and landing distance less than 1,000 ft.;

Weapons employment that do not inhibit employment of best tactics;

Weapons effective at eyeball target identification range;

Acceptable weapons impact pattern (no gross errors);

Anti-armor weapons with war-relevant inventory;

Weapons with proven antitank kill capability;

Weapon cost low enough to permit liberal use in training;

Squadron-size units moveable to 5-ton trucks;

System cost low enough to buy large inventories (including combat replacements).

An initial conceptual design exercise for an aircraft/weapon mix which could satisfy the mission-essential criteria for TECAAS compared the following options: helicopter, tilt-rotor, fixed-wing turbojet, and fixed-wing turboprop. Vectored thrust (ála AV-8) was eliminated in early screening due to cost, fuel consumption, and vulnerability. The fixed-wing configurations showed advantages in ability to shift attacks from one location to another because of high cruise speed (350+ kts), forward-base maintainability, reliability, aero-agility, life-cycle cost, IR signature, vulnerability to small-caliber guns, offensive air combat maneuver and kill, initial and proficiency training burden, pilot escape, peacetime flying safety, and rapid worldwide deployment. The virtues of helicopters and tilt-rotors were: take-off and landing distance, slow-speed flight capability for night attack, and the pop-up and look tactic for scouting.

Among fixed-wing options, the turboprop (particularly with modern propeller technology) dominated by a wide margin because of advantages in low fuel consumption, which translates into increased mission time and/or reduced logistics burden, acceleration, deceleration, rate of climb, take-off and landing distance, and air combat capability against helicopters compared to turbofanjet and turbojet aircraft.

Industrial designers came to the same conclusions during the 1966 A-X predesign exercise. These results were, however, dismissed by Air Force decree. A lot has happened in the propulsion area during the past 20 years. It is no longer a sign of obsolescence to display a propeller, especially if it is called an unducted fan, which Boeing, McDonnell Douglas, and Airbus Industries hail as the engine of the 1990s.

TECAAS would evolve as a very small (under 8,000-lb gross take-off weight), modern, unducted-fan, fixed-wing, single-seat aircraft constructed around a reduced-size version of the GAU-8 30 mm antiarmor cannon. It would benefit from the inventory of ammunition purchased for the A-10. Modern turboprop and materials technologies could combine with an existing weapon to yield Mud Fighters which, in the hands of dedicated pilots who live and fight in the terrain environment, could defeat anything on the future battlefield, including the most advanced tanks. Mud Fighter performance and lethality, in the hands of experts, would be more than a match for any imagined helicopter or jet fighter flown by pilots foolish enough to challenge such aviators in the battlefield terrain flight environment. Costing less than $4-million each, the Army could field a war-relevant force of thousands—with a back-up force of equal depth to be held in a war reserve, three-day-storage status. For less than the projected cost of LHX, FAADS, and ACAF, the Army could have it all: Mud Fighters, appropriate light helicopters, and proliferated air defense weapons.

The potential to simultaneously reduce out-year budget requirements while substantially improving the conventional warfighting capability of ground forces warrants a DoD-sponsored industrial design exercise followed by competitive prototyping and concept evaluation. The amount recently allocated just for LHX, an unproven and not fully defined concept, would be more than enough to fund a TECAAS exercise, including construction and testing of competitive prototypes.

Why is it so easy? Because it does not challenge technology. It is a case of utilizing in-hand technology to create a very simple flying machine which exploits a well-proven weapon in a form that is easily employed by high school graduates.

There is a precedent: the last time we put a lot of points on the board, in 1944, we coupled off-the-shelf technology with off-the-shelf people flying P-47s and P-51s to support Army maneuver forces.

THE 70TH ANNIVERSARY OF THE WOODHAVEN COUNCIL OF THE KNIGHTS OF COLUMBUS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ACKERMAN. Mr. Speaker, 70 years ago, a group of men gathered together in Woodhaven, Queens County, NY, in order to start a new branch of a respected service organization. Thus, people dedicated to the principle of charity and sharing added another chapter to the Knights of Columbus. Now, the Woodhaven Council is preparing to celebrate its 70th anniversary, as its members reflect upon the tremendous efforts and the countless contributions they have made to the community.

Through the years, these Knights of Columbus have actively supported many civic activities, including the Woodhaven-Richmond Hill Ambulance Corps, local Boy Scout and Girl Scout troops, and other community organizations. These selfless people have also delivered baskets of food to needy families in the Woodhaven area at the Christmas season.

Through good times and bad, the Woodhaven Knights have carried on the tradition of helping those in need. For example, several years ago, in a joint effort with other local organizations, the Knights were able to raise $5,000 to help defray the costs of a liver transplant for a young neighborhood boy.

Leading the Woodhaven Council is the grand knight, Richard Buyokas, who has served in that post since July 1986. He is aided by the deputy grand knight, Lawrence Wollney. Together, these leaders and their board of officers have made a tremendous difference in their community by caring about their neighbors. Their hard work and dedication truly reflect the spirit of the Knights of Columbus.

Mr. Speaker, I call now on all my colleagues in the U.S. House of Representatives to join me in congratulating all the past and present members of the Woodhaven Council of the Knights of Columbus as they celebrate their 70th anniversary, and in extending our best wishes for the next 70 years.

A BEAUTIFUL ROSE BLOOMS ANEW IN UPSTATE NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KEMP. Mr. Speaker, On May 2, 1987, Rose Hill Mansion will receive the national historical landmark certificate and plaque from the U.S. Department of the Interior, National Park Service. The elegant country estate of Rose Hill sits majestically on the shore of Seneca Lake and reflects the social and cultural environment that prevailed in Geneva during the 1840's and provides visitors with a rare view of early 19th century America.

The property was named for Robert S. Rose, a Virginian who emigrated to central New York in 1802. This farmer and lawyer became a member of the New York State Assembly and then a Member of Congress between 1823–27. Rose founded the New York State Agricultural Society in 1832. William Kerley Strong bought the Rose Farm and built the Rose Hill Mansion in high Greek revival style. It was completed in 1839 in time for President Martin Van Buren to make a special visit along with Strong's long-time friend, Secretary of State William H. Seward.

In 1850 the farm and mansion passed to Robert J. Swan who became a master farmer in New York State. His grandson, Waldo Hutchins, made possible the restoration of Rose Hill which began in 1965 as a memorial to his mother, Agnes Swan Hutchins. The restoration was supervised and directed by Merrill Roenke, Jr. Decorated with graceful wood and plaster moldings, Rose Hill is furnished in the empire style popular during the Greek revival period. Rose Hill is owned and administered by the Geneva Historical Society.

I am extremely proud of this architectural gem, and proud that I was able to assist in its designation as a national historical landmark. I encourage my colleagues and all visitors to the Finger Lakes to visit Rose Hill, one of

America's finest examples of Greek revival architecture.

DESTROYING THE MYTHS SURROUNDING PERSONS WITH A CANCER HISTORY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, the American Cancer Society reports that one out of every four persons in this Nation with a cancer history face discrimination and prejudice in the workplace. This tragic injustice takes many forms, yet it is almost always based on the irrational myths, misconceptions, and prejudice our society has toward the disease itself—cancer.

Merely saying aloud the word "cancer" evokes fear in the hearts and minds of many. Yet has anyone stopped to think that one out of every two persons diagnosed today as having cancer will be cured? Has anyone recognized that by 1990, 1 out of every 1,000 children reaching the age of 20 will be childhood survivors of this disease? Tragically, our society is not advanced or enlightened in this area, and the result is the widespread unfair employment practices that now exist for those with cancer, or a cancer history. Our Nation can no longer afford to sit back and permit employment discrimination against persons simply because they were unfortunate to have once had cancer, and lucky enough to have conquered it.

However, it is my hope that our society is growing more enlightened each day. I was very heartened by the recent Supreme Court decision in the School Board of Nassau County versus Arline Case. The majority wrote that handicapped individuals may not be denied jobs or other benefits because of the prejudiced attitudes or ignorance of others. Such a belief must not only apply to those who are handicapped, but those with other health conditions as well.

In writing for the majority, Justice William J. Brennan, Jr., wrote:

> Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment.

Unfortunately, most persons with cancer do not suffer from actual physical limitations as a result of the disease, but continue to be victimized and stigmatized by our society. It is time for us here in Congress to take action once again and ensure that persons with a cancer history are free from discrimination in the workplace, especially when that discrimination is a direct result of public ignorance about the disease.

I have introduced legislation, H.R. 1546, to outlaw employment discrimination against persons on the basis of cancer history. I ask each of my colleagues to give this legislation careful attention and consideration. In the past, Congress has taken that firm step toward preventing discrimination against all persons. It is now time to take that step again and ensure equal rights and equal protections for the millions of Americans in this Nation with a cancer history. Unless we enact H.R. 1546, we will simply permit, and may even encourage, unjust treatment and unfair employment practices against those with a cancer history.

TRIBUTE TO RICHARD WEAVER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I rise today to recognize a gentleman who has used his expertise for the betterment of the community. Mr. Richard Weaver has served as the director of planning and development for the city of Santa Fe Springs, CA, for 30 years. In order to recognize Mr. Weaver's accomplishments, the Santa Fe Springs, CA, Chamber of Commerce has named him the 1987 Business/Professional Citizen of the Year.

As the first director of planning and development, Mr. Weaver has served the city council and the city manager. He has been involved in virtually every development within the city. The Flood Ranch and Heritage Corporate Center developments are two of his most notable accomplishments.

Prior to working for the city, Mr. Weaver worked as the director of planning in Baldwin Park. He also served on the Long Beach planning staff as well as the Los Angeles County Regional Planning Commission.

Mr. Weaver holds a bachelor of arts degree in sociology and planning from the University of Texas. In addition, he has a masters degree in public administration from the University of Southern California.

He is an active member of the American Institute of Certified Planners. He is also a present and past board member of the California Planners Foundation. Mr. Weaver is the president and a board member of the League of California Cities.

With Mr. Weaver's distinguished career in mind, it comes as no surprise that he is the recipient of such a prestigious award.

A FAIR CHANCE FOR ALL CHILDREN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. CLAY. Mr. Speaker, recently, the National Association of Social Workers met at Oakwood College in Huntsville, AL, in conjunction with National Social Work Month. The theme of this conference was "Children in Poverty: Is a Fair Chance Too Much to Ask?" I was very pleased to read the outstanding address given at the conference by the Honorable Clarence E. Hodges, Deputy Assistant Secretary, U.S. Department of State. I am happy to take this opportunity to share Mr. Hodges' remarks with my colleagues.

A FAIR CHANCE FOR ALL CHILDREN

(By Clarence E. Hodges)

I am pleased that the National Association of Social Workers chose as the theme for National Social Work Month, "Children in Poverty: Is a Fair Chance Too Much to Ask?"

A Black male born today has a life expectancy of 66 years. A white female born today has a life expectancy of 79 years. A national literacy study has revealed that the average Black teenager is five times more likely to be functionally illiterate than the average white teenager. The average income of a Black college graduate is equal to that of the average white high school graduate. For every five Black women eligible for marriage, there is only one eligible Black male. Problems of drug abuse, homicide, and AIDs are killing Blacks at a much higher rate than the general population. Black teenage girls are six times more likely to give birth out of wedlock than whites. There are more Black males in prison than in college. This is not true for any other group—only Black males.

I have come here to say there is something rotten; there's something stinking in a society that allows these inequities to abound in the midst of affluence and wealth.

I have come here to say there is something rotten; there is something stinking in our political system, in our state legislatures, in our governors mansions, in the halls of Congress and at the White House where these kinds of inequities have produced a welfare system that rewards weaknesses in individuals and penalizes human strengths. There is something rotten; I declare unto you, my friends, there is something stinking and if nobody else does, you and I must seek to expose it and root it out! A fair chance for all our children is not too much to ask.

Any political system that can have 100 members in the United States Senate and not a single Black is defective. And when that same Senate exempts itself from equal employment opportunity laws, there is something rotten and that body cannot reasonably be expected to solve the problems of inequity while it symbolizes gross inequities.

But I cannot stop there. If the perpetrators of social problems do not solve those problems, the victims of these social problems must join hands and resources and stand up against those forces that would deny our children a fair chance. The Black leadership of this country from religion, from civil rights organizations, from academia, from politics, the professions, especially social workers, from business, the entertainment and sports industries with ordinary people of good will, can join together and turn the tide against drug abuse, illicit sex, the breakup of family, irresponsible parent-hood, meaningless violence, inferior education, and racial discrimination in housing, education, employment, and politics. The determination of Booker T. Washington, the courage of Winnie Mandella, the vision of Martin Luther King, Jr. and the love of Corretta Scott King should daily reassure us that we can, we can, Oh yes we can overcome!

We've heard much about the efforts of Mr. Gorbachev to turn the economy around in the Soviet Union. I've been there and I've seen what the absence of competition produces—mediocrity. I've seen more hope in the eyes of freedom fighters in poor Nicaragua and Soweto than in the faces of those who have no hope of change behind the iron curtain. If Gorbachev can turn that big bear around against much opposition and if young Blacks can smile at the military might of South Africa and envision the day when the rough places shall be made smooth, the crooked shall be straightened and the oppressed shall be free then we can acknowledge the full value of all children—all human beings—fight tirelessly for a fair chance for all.

WHAT CAN WE DO?

Education is a key. We must stress the value of education from the pulpit to the pool hall. We must find resources to give scholarships that will inspire and build self-esteem. Every Black church in the United States can give at least one scholarship for at least $100. Every social club, every block unit, every home demonstration or home-making club, every Black business from beauty shops to liquor stores, every Black union, every bowling league or softball team, and even student associations can give scholarships to encourage and inspire youth on the fringes to get back in the game of life and go for the gold: The money will be important but more important than the amount will be the self-esteem generated in that young mind which is tempted to give up because nobody seems to care. Teachers who inspire confidence and self-esteem must be recognized and rewarded. Those who destroy self-esteem must be replaced. The building of self-esteem is more important than dispensing information. We must keep and strengthen all our Black colleges.

Jobs are essential for youth and adults. If the youth are helped to master the realities and difficulties of the world of work at an early age, they will be better prepared to secure and keep jobs as adults. Those who can must give jobs to aspiring youth if only part-time or even if they don't pay well. And for all those who finish high school, junior college or above, there must be tireless efforts to let them know of every possible job opportunity. They must be coached and prepared for interviews. We must show those in school that it pays to stay in school. They must see consistent success stories of education and hard work paying off. Every organization named above along with individuals who have jobs, and individuals who are retired can effectively join in this effort. We need to promote a philosophy that encourages the taking of less desirable jobs until more desirable jobs are available. We must communicate to all that movement in the right direction is more important than one's present location whether professionally, economically, or politically. It is not necessary to start at the top as long as you have opportunities to move toward the top.

Family is important. When others give up on your family members, it is up to you to help rebuild their self-esteem. Families can show love to those family members who don't deserve love. Families know the strengths as well as weaknesses of members and can emphasize one's strengths in order to build his or her confidence and success. Harsh words, the silent treatment, physical punishment, reminding of past mistakes, doubts about one's ability and intentions are counterproductive. Warmth and reassuring positive attitudes and statements make family members successful at home, in school, and on the job. Worse than the nuclear melt-down at Chernobyl is the family melt-down in Black America. We need a massive and comprehensive rescue program that will involve every Black institution and resource.

There are many other importrant aspects from extended family to church, school, and community organizations, and every group that supports the development of youth. Tutoring and help with homework can take place in non-traditional places. Communities can learn to stick together on these support issues just as communities cooperate in crime-watch programs. The two-party political system must be used for all benefits available in both political parties. Split-ticket voting, rewarding friends and punishing the opposition, going for the top, and making campaign contributions must become active aspects of our political philosphies and actions.

THE HOW

If the Egyptians could build the pyramid without our modern technology, we can build a human support pyramid with our modern technology. The pyramid concept or "chain letter" method can be used for involving the masses in saving the masses. One group (or individual) can start the ball rolling by adopting a human development project such as scholarships, job watches and referrals, big brother type programs, etcetera and then ask two or more other groups to do something similar, with each doing and then asking some others to do likewise. Theoretically the desired population can be reached with pyramid chains of commitment and problems can be solved. Start a project and ask at least two other groups to start projects that include asking at least two other groups to start projects that include them asking at least two more groups to start projects after which they are to ask at least two other groups and on and on and on and on. National organizations could monitor, promote generally, and reward successes.

There are 100 reasons not to act in a linking pyramid fashion. Excuses are readily available. It's easy to serve as an island. But full commitment, as opposed to partial commitment, demands comprehensive cooperative efforts that can make permanent gains for the masses. Let's join hands together and give all children a fair chance.

DR. JACK PARTIN IS RETIRING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues, the retirement of Dr. Jack Partin, assistant superintendent, Educational Services, Ventura Unified School District.

Dr. Partin is a highly respected educator who has had a significant impact on the educational programs that have been offered to this community's students. Throughout his tenure Dr. Partin has been recognized for his commitment to students, innovativeness and leadership. Needless to say, Jack will be missed.

Jackson L. Patin received his education at Whitman College, receiving a B.A. and M.A. in teaching in 1951. He also received his Ed.D from the University of Southern California in 1969. He was awarded a General Administration Life Diploma, Secondary School Administration Life Diploma, General Secondary Life Diploma and General Elementary Life Diploma.

Dr. Partin began his teaching career in 1951 at Carmichael Junior High School, Richland, Washington, going from there to Walla Walla High School, Walla Walla WA; Franklin High School, Stockton, CA; De Anza Junior High School, Ventura CA, becoming assistant principal of that school in 1961; principal of Cabrillo Junior High School, Ventura in 1966; principal of Ventura High School in 1977; and, from 1974 to the present, he has served as assistant superintendent, Educational Services, Ventura Unified School District.

Dr. Partin has been associated with many educational and civic organizations including: Ventura Administrators Association, Phi Delta Kappa, Association of Supervision and Curriculum Development, National Association of Secondary School Principals, Association of California School Administrators and Ventura Downtown Lions Club.

The Partin family includes Jack, his wife Lorraine, and children Cheryl, Randall, Bradley and Melanie. I ask that you join me in offering best wishes for a very happy retirement to Dr. Partin and his wife.

OSTEOPOROSIS: THE SILENT THIEF

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Ms. SNOWE. Mr. Speaker, on March 27, 1987 I sponsored an osteoporosis briefing for congressional members and staff in conjunction with the National Osteoporosis Foundation. Dr. William A. Peck, founding president of the National Osteoporosis Foundation and a leading authority in this disease, presented information on the causes, effects, and treatments for osteoporosis.

Osteoporosis means, literally, "porous bone." It afflicts an estimated 24 million Americans, mostly women. About 25 percent of women will develop osteoporosis. This disfiguring and debilitating disease affects half the women in the United States over 45 years of age and 90 percent of women over 75. Osteoporosis is the major underlying cause of bone fractures in postmenopausal women and older persons in general. The causes of osteoporosis are not known and treatment remains controversial. As a consequence, experts agree that prevention is essential to decreasing the prevalence of osteoporosis in our country.

Known as "the silent thief," osteoporosis robs the skeleton of its resources—often for decades—until the bones are so weak that they cannot withstand normal stress. Osteoporosis is the most common skeletal disorder in the world and is second only to arthritis as a leading cause of musculoskeletal morbidity in the elderly. While everyone loses bone tissue with age, postmenopausal white women are at greatest risk of the disease particularly if they are slender, have a family history of osteoporosis, or have a history of low calcium intake, inadequate physical activity, excessive smoking, or heavy alcohol use.

In general, women have a smaller skeleton and smaller reserve of bone mass than men so that with earlier onset, the effects of this disease can be devastating. In fact, by the time a woman with osteoporosis reaches her 80's, she can have lost up to two-thirds of her bone mass. Indeed, osteoporosis poses an enormous threat to public health and has been estimated to cost between $7 and $10 billion a year.

While the effects of osteoporosis are generally felt in the later years, prevention has lifelong dimensions. In the earlier years, adolescents need increased calcium intake to produce heavier and denser bones to prevent later fractures. In the middle years, especially during menopause, diet, exercise, and in some cases, medication can slow the loss of bone mass. During the later years, when the risk of falls and fractures increases, prevention takes the form of removing environmental hazards that may lead to falls.

Falls are the leading cause of accidental death in those over age 65. According to researchers at a National Institutes of Health workshop held in February 1987, early detection and treatment of osteoporosis could prevent some of the more than 210,000 hip fractures that occur each year in the United States. Hip fractures are associated with more deaths, disability, and medical costs than all other osteoporotic fractures combined.

Several issues were highlighted at the osteoporosis briefing in March. First, the critical need for research on bone disorders, especially osteoporosis. Second, the existing controversy over the types of treatment that are most beneficial and the risks associated with the treatment. Third, the lack of Medicare reimbursement for some tests which measure bone loss. And, finally, the recognition that the rising costs in this country from fractures due to osteoporosis could be curbed by prevention.

It is for this latter reason that I introduced H.J. Res. 127, "National Osteoporosis Prevention Week," in February. By designating the week of Mother's Day, May 10 through May 16, 1987, as "National Osteoporosis Prevention Week," we in Congress can provide the leadership to develop a national recognition of the importance of prevention in dealing with osteoporosis. I urge you to join me in cosponsoring this important commemorative.

TOM SQUITIERI HONORED FOR SERIES ON CAMBODIAN REFUGEES

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ATKINS. Mr. Speaker, the American involvement in the war in Southeast Asia ended 12 years ago this month, but its legacy is still with us—in the American families who still don't know the fate of the unaccounted for M.I.A's, in the continuing tensions in that part of the world, and in the thousands of refugee families, many of whom are still divided. It is not a happy story, but it is one that is important for us to recognize and above all, remember.

Last fall, Tom Squitieri of the Lowell Sun wrote a series of articles about the problems of the refugee community in Lowell, MA, and in the border camps. The remarkable series, titled "No Refuge: Broken Lowell Families on the Border of Despair of Thailand," explores the trauma and agony not only of those families living on the edge of despair in Thai refugee camps but also their relatives who have made it to the United States and wish desperately to be reunited with their families. The pain of separation from their homeland is doubled by the additional pain of separation from their families.

On April 22, the Overseas Press Club will honor Tom Squitieri with the Madeline Dane Ross Award for the foreign correspondent in any medium showing a concern for the human condition. Tom's work demonstrates that journalism's reportorial and moral zeal can be the very best way to illuminate public affairs. What particularly makes this a great achievement isn't Tom's writing, which is talented, or his thinking, which is insightful, but the combination of two other qualities—thorough reporting and humanity. The Lowell Sun is a relatively small paper, but their commitment to this important issue and to their community has proven award winning. Both Tom and the Sun have made efforts worthy of recognition, and I'm pleased that the Overseas Press Club has chosen this important body of work to honor.

SPEAKER WRIGHT ADDRESSES SOVIET PEOPLE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HOWARD. Mr. Speaker, I was privileged and honored this past week to join you on an historic congressional leadership delegation visit to the Soviet Union.

Throughout the trip we were very mindful of the fact that as Members of Congress we are legislators and not negotiators. However, with you as the chief spokesman, I feel we accomplished a great deal to further the cause of peace and brotherhood between the people of the Soviet Union and the United States.

You were offered the opportunity to address the Soviet nation on television April 18. This was further evidence of the desire of Mikhail Gorbachev to improve relations with the United States and open avenues of communication to his own people.

Your stirring words were a testament to the power of speech and diplomacy to reach the hearts of individual citizens and thus make a difference in world peace. I would like to include your remarks in the RECORD so that our colleagues will also have the opportunity to read and benefit by them.

REMARKS OF HON. JIM WRIGHT, SPEAKER, U.S. HOUSE OF REPRESENTATIVES, ON SOVIET TELEVISION, APRIL 18, 1987

My fellow citizens:

You may think it strange that I address you as "fellow citizens." I am a citizen of the U.S.A., after all. And you are citizens of the U.S.S.R.

But there is a sense in which we are fellow citizens. We are citizens of the world. And the world is becoming a much smaller place. Science and technology have shrunk the planet earth. It took Christopher Columbus 56 days to cross the Atlantic Ocean. I covered the same distance last week in six hours.

To express this fact in the most dangerous way, my home town in Texas is only 40 minutes away by Soviet Intercontinental missiles from Vladivostok. And so, in that sense, you and I do live in the same neighborhood.

We can make it a less dangerous neighborhood. If combustible explosives were stored near our houses, yours and mine, or if ravening wolves were let loose in our children's playground—or if deadly poisons were left lying around within the reach of our infants, you and I would want to do something about it, wouldn't we?

We'd get together and insist, for the benefit of our families, that those hazards be removed and safety precautions be taken.

Well, that in a way, is what your government and our government are trying to do in our nuclear arms reduction talks which have been underway in Moscow this past week.

And that is what I am doing in Moscow. My name is Jim Wright. I am the Speaker of the U.S. House of Representatives. I am here, along with twenty lawmakers of my country, at the invitation of your Secretary General Mikhail Gorbachev. We have met with Mr. Gorbachev and other members of your government.

These Soviet leaders have answered our questions with candor and honesty, as we have tried to answer theirs.

We have been impressed by the sincerity of Mr. Gorbachev, by his desire to turn over a new leaf in the book of our relationship, and by his commitments to a better world for all of us and for our children—Soviet children and American children—innocent victims of the hostility and fear which we, their parents, unconsciously pass on to them.

Surely it is time for a new beginning in international relationships. Many centuries ago, an ancient Greek named Aristophanes walked among the ruins of the once-beautiful Greek temples destroyed in the Peloponesian Wars. Out of the anguish of his soul for the senseless loss of his fellow citizens and of the treasures of his homeland, Aristophanes uttered this prayer:

"From the murmur and subtlety of suspicion
With which we vex one another,
Give us rest;
Make a new beginning
And mingle again the kindred of the nations
In the alchemy of love;
And with some finer essense of forebearance
Temper our minds."

We have a great deal in common, citizens of the Soviet Union and of America. Both of our countries were born in revolution. Both continue to strive—in different ways—to achieve a better life for our people. Our two great countries have never been at war against each other. We strove together to overcome the wicked Nazi tyranny in the Great Patriotic War—in which I was then a young lieutenant flying combat missions in a Liberator bomber.

On Wednesday morning my colleagues and I visited the burial places of the heroes of your country, and I laid a wreath in the early mist of an April morning at the Tomb of the Unknown Soviet Soldier. It came to my mind that 20,000,000 of Russia's finest young people—in the bloom of their youth, with futures before them—gave up their lives that this country of yours might live. Just so, classmates and beloved friends of mine perished in that war. I looked upon the faces of the handsome young Russian guards who keep watch at that sacred place, and I thought what a tragic loss if men and women of my generation should fail the generation of these younger people and their hopes for peace and a better life.

You see, I am the presiding officer of our U.S. House of Representatives. We are the ones who must levy the taxes and appropriate the money for everything our government does. We have just last week concluded our annual budget process for the American nation, and I am convinced that there is something tragically wrong in both of our countries.

This year the United States will spend almost $300 billion—that's equal to about $200 billion rubles—on machines of destruction and unproductive implements of military power. Your country will spend a similar amount on the same things. What waste that is for both of us—when human wants go unmet and legitimate needs unfulfilled in both our countries.

There are young people in our country who will not get to go to college because we have spent so much on weapons and have not left enough for student loans and grants.

In both of our countries, there are hospitals that will not be built—medical research that will not be undertaken—lives that will not be saved—because we each must spend so much on military power. And much of that bill—in our country at least—we are sending to our children and our grandchildren.

Every day this year 40,000 people die somewhere in the world of hunger and malnutrition. And every day the nations of the world will spend $2.5 billion—much more than enough to feed and clothe them—on weapons and wasteful means of destruction.

Just think: the cost of one submarine would build 125,000 modern flats for 125,000 families—a city the size of Tula.

Our former American President Dwight D. Eisenhower, who was Commander-in-Chief of Allied Western forces in World War II, looked back upon the waste of war and said:

"Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone, it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

And so my colleagues and I have journeyed to Moscow in this season which some of us regard as holy since it commemorates the life of one who taught that the noblest work of man is to feed the hungry and clothe the naked and care for the sick and the unfortunate.

We have come to seek, along with the leaders of your great country, a new beginning. We have different economic systems, but that should not prevent us working together.

From the beginning of time, people have found it easy to work together when they have a common purpose or a common enemy.

Today, the nations of the world hold 60,000 nuclear warheads with a total destructive capacity one millions times greater than the bomb that destroyed Hiroshima. Between us, our two nations, we hold enough destructive power to end civilization itself.

In these circumstances, it seems to me that we do have a common enemy—and the enemy is war itself. We have a common purpose, and the common purpose is peace.

As a token of our friendship, I'd like to send you a little personal gift. It has no great material value, but I would like to send you a little remembrance as a sentimental expression of our will to work together.

Here is my address—Jim Wright, The Capitol, Washington, D.C., U.S.A.

If you will write me a little note and tell me that you saw this program, I would like to send you one of these little pins that I am wearing in my lapel. It contains small replicas of the flags of our two nations flying side by side.

If you will write a note to me at this address, I'll be glad to send you this little emblem with my personal best wishes.

I know that you of my generation love your children just as I love mine. You of both older and younger generations love your country just as I love mine.

And so I offer this wish for your children and for my children—and for their children: may they live in peace.

UPCOMING ELECTIONS IN MALTA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORNAN of California. Mr. Speaker, while visiting the Mediterranean island of Malta, I emphasized the importance of political stability to my hosts in order that they might create a sound investment climate and general prosperity. I also took the opportunity to underscore to them my belief that free and open elections will be an important aspect of America's economic cooperation with Malta.

Malta is now on the eve of elections, Mr. Speaker which will determine the island's future for the next 5 years. The last election was controversial because the Nationalist Party received 51 percent of the popular vote. Yet in spite of the island's system or proportional representation, the incumbent Socialist Party grabbed a three-seat majority in the 65-member parliament. Since that election there has been precious little political stability in Malta.

I am particularly concerned, Mr. Speaker, about the close relationship between the Government of Libya and the Government of Malta. In fact, in 1984 the two countries signed a treaty of friendship and cooperation. Early in 1986, the Maltese Government twice called an emergency meeting of the United Nations Security Council to protest American actions against the Qadhafi dictatorship. Maltese Prime Minister Bonnici boasted to the New York Times that he gave advance warning to Qadhafi about the April 15, 1986, United States retaliatory strike on Libya.

Americans reject these actions by the Maltese Government. We had hoped that this government would work together with the Western World in ridding the world of terrorism. Yet, Malta's foreign policy toward Libya reflects the imposition of a pro-Libyan tilt by the island's Socialist government leaders. The Maltese Government's pro-Libyan policies do not coincide with the interests of the Maltese people themselves. The Maltese are culturally very European, steeped in British, Italian, and Christian traditions. Malta's foreign policy with respect to Libya reflects instead the imposition of a pro-Libyan tilt concocted by the island's Socialist government leaders.

For these reasons, Mr. Speaker, I think the United States Congress must take this opportunity to articulate our strong desire that the Malta election of 1987 be fully free, democratic and universally perceived as such. We must also convey to the Maltese authorities our objection to any enhancement of relations between the Government of Malta and Libya. The fighting in northern Chad has shown the world how ready Qadhafi is to intervene in a country with force to provoke instability and anarchy. Qadhafi's terrorist strategies make him unworthy of the friendship of the people of Malta. Let's encourage the Maltese to register their distaste with this dangerous association.

STAR-LEDGER: OUR COUNTERTERRORISM POLICY MUST BE REAFFIRMED

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. COURTER. Mr. Speaker, at the heart of the Iranscam mess was an unspoken repudiation of our national policy on counterterrorism, a policy which held that dealmaking represents a failure of courage—brought on by sympathy for one victim—which only encourages future hostage taking.

The Newark Star-Ledger does well to argue that the avowed policy was a good one, and that the need now is for returning to it. One might go still further: An uncompromising public stance against terrorism was one of the finest legacies of the Reagan years. It was a new, even revolutionary view which was so well and so consistently represented that it in fact became the orthodox view. To let it linger now, discredited by Iranscam, would be to do the American public and our democratic allies a grave disservice.

Since it is determined action, more than new laws, which are most needed, I hope that the President will heed the advice of voices like the Star-Ledger's and demonstrate in speech and action that we will once again take a hard and sure stance—the only proper one—against this variety of modern barbarism.

The column follows:

[From the Newark Star-Ledger, Apr. 18, 1987]

FIGHTING TERRORISM

Until the Iran-contra scandal, President Reagan in his public pronouncements never once wavered from his rigid doctrine on terrorists. He would steadfastly declare that he would never, ever deal with them because to do so would only invite more inhumane terrorism.

The policy was particularly applicable to terrorists who were holding Americans and other nationals as hostages in their efforts to effect the release of members of their own underground organizations who had been taken prisoner for murderous acts of terrorism against innocent persons.

Violating that effective, no-nonsense presidential policy was a grievous error of the arms-for-Iran misadventure for which Mr. Reagan was properly chastised by the Tower commission.

The commission, headed by former Republican Sen. John Tower of Texas, rejected the White House suggestion that the administration entered into the arms talks as an overture to improving relations with moderates in Iran.

Virtually from the outset, the commission found, the Iran gambit was "a series of arms-for-hostages deals," precisely the kind of blackmail the President said he would never pay.

The evils of delivering weaponry for hostages, as spelled out in the commission's report, sounded ironically reminiscent of the President's own warning on the subject, once expressed so confidently and now a hollow whisper.

Arms-for-hostages deals, said the commission, "could not help but create in incentive for futher hostage taking." What's more, the deals threatened to upset the military balance of the Iran-Iraq war and, perhaps most lamentable of all, the arms deals "rewarded a regime that clearly supported terrorism and hostage taking."

President Reagan may have allowed his understandable compassion for the hostages to induce him to compromise on his strong stand against dealing with terrorists. But the ultimate result of that compromise is to place even more lives in jeopardy.

The President should waste no time in reinstating the doctrine against deals with terrorists and serve notice on would-be hostage takers—as well as his White House aides—that never again will he permit that policy to be breached.

TRIBUTE TO THE LATE LT. GOV. RUTH MEIERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, on March 19 of this year, North Dakota's Lt. Gov. Ruth Meiers, the first woman in State history to win election to that office, died of cancer. Her passing has left a terrible void, because it's awfully hard to say goodbye to one who is exceptional in every way.

Yet, even as we mourn her passing, we take solace in our conviction that Ruth Meiers' immeasurable contributions to the people she served have secured a place for her in the collective memories of North Dakotans for generations to come.

Ruth Meiers believed that public service was both a duty and an honor. A third generation farmer and rancher, wife, mother to four sons, and a full-time social worker, Ruth Meiers could have left it at that. But she didn't. She became the director of her county social service board. She served five terms in the North Dakota Legislature—her last term as a committee chairman. In 1984, as a 58-year-old grandmother, Ruth was drafted by her party to run for the office of Lieutenant Governor. The office truly sought the woman.

Many called her victory a giant step for women. Surely, it was that and more. For a little over 2 years, she served as Lieutenant Governor with a dignity and courage that were her trademark. She was an inspiration to hundreds of women who aspired to a political career; she was a fighter for those whose cause desperately needed a champion—children at risk, the elderly, the mentally and physically handicapped.

In the fall of 1986, Ruth Meiers became ill with what was later diagnosed as inoperable lung and brain cancer. Her courage had been put to its greatest test. She responded with predictable grace. Appearing on the CBS Morning News, she encouraged young people to say no to cigarette smoking.

Now Ruth Meiers is gone. But left behind is a strong legacy of statesmanship, and in time, that legacy will help fill the void.

SEA WORLD OF SAN DIEGO, CALIFORNIA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, I am very proud to announce that Sea World of San Diego, CA, has been chosen for honors by the President's Committee on Employment of the Handicapped. Sea World will be awarded the 1987 Large Employer of the Year for their tremendous work in providing employment opportunities for disabled persons.

I know that Jan Schultz, president of Sea World, must be thrilled by this outstanding recognition of the accomplishments the Sea World park has achieved.

Mr. Speaker, the Sea World recreational park is being honored not only for their personnel policies which encourage opportunities for applicants with physical and mental disabilities, but for two very innovative and successful programs.

For the past several years, Park Operations Director Mike Dagnais has worked with the Associated Retarded Citizens of San Diego to create a training program to integrate individuals with mental disabiities into a realistic work environment. This exciting program trains the participants at Sea World's marina facility in all aspects of park operations, including working with the "stars" of several of Sea World's aquatic shows. The program trainees are monitored throughout the program and those demonstrating certain abilities are eligible for placement at the park.

The California Department of Education and the city school system of San Diego are also participating with Sea World in a special education project. Joy Grijalva, manager of the education department at the park, coordinates a workability program for area special education high school students. The students are matched with jobs they have an interest in, such as public relations, personnel recruiting, entertainment, and merchandising. They learn the particular skills on the job and, at the end of the training period, are eligible for full or part-time employment.

The first program, which has run for several years, and the newer special ed project have both contributed much to the success and popularity of Sea World. These programs have also benefited park visitors with various disabilities. For example, small modifications that have been made in park facilities to accommodate the trainees, such as wheelchair ramping and event seating, are used by the public, as well.

Mr. Speaker, the understanding and dedication of the entire Sea World family, from President Jan Schultz throughout the organization, are most certainly the reasons Sea World has been chosen as 1987 Large Employer of the Year. With this award, the President's Committee on Employment of the Handicapped has recognized two significant American values; our sense of community and our sense of compassion. I am very proud to add my praise for Sea World's exceptional accomplishment.

NICOLE TINGUS CHOSEN AS HARRY S. TRUMAN SCHOLAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, I wish to take this opportunity to call to the attention of our colleagues the splendid academic achievements of Miss Nicole Tingus, of Orange County, NY. Nicole's achievements have recently led her to be 1 of 106 college undergraduates to be selected nationwide as a 1987 Harry S. Truman Presidential scholar.

Nicole was selected from an applicant pool of over 100 students at Cornell University in Ithaca, NY, by a Truman Scholarship Selection Board to represent Cornell University. Nicole then competed with over 2,000 students from throughout the Nation through an extensive application process. Out of 2,000 applicants, Nicole was one of 200 semi-finalists selected in January 1987 to be interviewed by a regional panel convened in New York City. After an intensive review of her academic and leadership abilities conducted by this panel, Nicole was selected as 1 of the 4 finalists from New York State.

Those of us who are aware of Nicole's background, however, were not surprised in the least to learn of Nicole's selection. The daughter of George P. and Georgia N. Tingus—who are renowned community leaders and businesspeople in the Middletown, NY region—Nicole graduated with honors from the Minisink Valley High School. She attended Skidmore College in Saratoga Springs, NY, for 1 year, where she achieved the highest honors on the dean's list. As a transfer student to the Industrial and Labor Relations College of Cornell University, Nicole maintained a summa cum laude scholastic rating.

In addition to her excellent academic record, Nicole continues to develop her musical talents in the fields of piano, voice, and ballet. This talented young lady plans to make a career in the practice of law in the public service sector.

Mr. Speaker, as most of our colleagues are well aware, the Truman Scholarship Foundation was established by the U.S. Congress as the official federal memorial to honor the 33d President of the United States. The foundation awards are supported by the Harry S. Truman trust fund in the Treasury of the United States. Scholarships are awarded to students from colleges or universities across the Nation who have demonstrated exemplary academic achievement and possess potential for leadership in government and related public service areas. The scholarship is awarded to students who will be juniors in the 1987–88 academic year and is renewable for a duration of 4 years, including 2 years of graduate study.

On Sunday, May 10, Nicole Tingus and her family will travel to Washington to join with the 105 other 1987 Truman scholars at an awards ceremony to be held at Gaston Hall, Georgetown University. I hope to be on hand to join in congratulating Nicole for a job well done for this hard earned deserving recognition which is being bestowed upon her and the other Truman scholars.

Mr. Speaker, may I add that, as a long time friend and admirer of the entire Tingus family, may I state how honored I am to have been invited to participate in this latest recognition of excellence to be bestowed upon a member of this outstanding family.

A BUDGET PROCESS THAT NO LONGER WORKS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DENNY SMITH. Mr. Speaker, as a member of the Budget Committee, I rise in strong opposition to the Democratic budget that was adopted by the House of Representatives. I objected to this measure because, by Chairman GRAY's own admission, it does not meet the Gramm-Rudman target deficit figure of $108 billion. This document is flawed in its numbers, its economic assumptions, and its vision of the proper role of the Federal Government. But, more than all that, I opposed this measure because it was formulated through a process and an atmosphere that will forever prevent us from addressing the paramount issue of our time, the economic future of this country and our role in the world as we enter the 21st century.

We have lost control of the budget process here in the Congress. It has become an exercise in politics, not policy. We have replaced substance with rhetoric. We spent a great deal of time and effort on this resolution, but it will be ignored by the leadership of this body as past budget resolutions have been ignored. The deficit, although reduced slightly from past years, will still be too high and prevent economic recovery in Oregon, the Pacific Northwest, and the entire country.

In each of the past few years, I have offered an across-the-board freeze on all Federal spending as a way to control our deficit. In retrospect, I should have offered a freeze resolution in the Budget Committee this year. As the attached document indicates, an across-the-board freeze with an allowance for new entrants into the Social Security System would have produced a deficit of $141.5 billion. But this deficit would at least be based upon real numbers, not the smoke and mirrors of the Democratic alternative.

In addition to addressing the deficit problem, the freeze would allow us the opportunity to examine the main issue in the budget debate, the proper role of the Federal Government. Regardless of which budget alternative was offered, the House of Representatives only debated how much we were spending on a particular program. No one took the time to ask whether or not the Government should be playing a role in the program in the first place. Unless this question is seriously considered by the Members of this Congress, we will never be able to get control of our budget process, our Federal deficit, or our national debt.

Adoption of the first concurrent budget resolution is only half the battle. The Congress must strictly adhere to the spending ceilings that have been proposed in this resolution through strong reconciliation during the appropriations process. The majority party can no longer consider the enactment of a budget resolution as a mere technicality in the way of its spending practices. The majority party can no longer continue the process of waiving points of order to exceed the spending limits of this resolution when it suits them. To do otherwise will make this process more of a sham than it already is.

I decided to run for Congress because I was frustrated by the inaction on a $668-billion budget and $78-billion deficit. That frustration has grown over the past 6 years as those numbers have grown to $1.04 trillion and $130 to $140 billion respectively. I have the honor and privilege of working with many highly qualified colleagues who share my concerns over this issue. Unfortunately, numbers prevent us from being heard. Not the numbers in the budget, the numbers in this body. It is time for the majority to include us in the process, not use us only when it's to their advantage. Only at that time will we be able to address the challenges facing us and assume the responsibilities that have been conferred upon us by the people. There is no better time to take this step than during the historic 100th Congress.

[Outlays in billions of dollars]

Title	Democrat freeze	Demographic changes [1]	1987 one-time reductions [2]	1988 base changes [3]	Other changes [4]	Revised budget
National defense	279.60		3.00			282.60
International affairs	13.80	(0.60)	1.90			15.10
General science, space and technology	9.50					9.50
Energy	3.70	(.70)	2.10			5.10
Natural resources and environment	13.85	.15				14.00
Agriculture	30.20	.06		(.37)		29.89
Commerce and housing credit	8.70	(2.35)	2.00	(.43)		8.35
Transportation	25.35	(.25)	2.20			27.30
Community and regional development	7.30		.10	(.52)		6.88
Education, training, employment and social services	30.30	.45	.40			31.15
Health	40.30	.46		(.55)	.80	41.01
Medicare	73.65	1.30	.20		5.65	80.80
Income security	124.20	4.70				128.90
Social security	207.95	6.30				214.25
Veterans benefits and services	26.20					26.20
Administration of justice	8.05	.05				8.10
General government	6.65					6.65
General purpose fiscal assistance	1.70	(.15)				1.55
Net interest	133.60		1.30		4.90	139.80
Allowances	.40					.40
Offsetting receipts	(35.15)					(35.15)
Total	1,009.85	9.42	13.20	(1.87)	11.35	1,041.95
Revenues	900.50					900.50
Deficit	109.35					141.45
G-R-H target	108.00					108.00
Needed reductions	1.35					33.45

[1] This column reflects changes in caseloads, population growth and trust fund receipts.

[2] This column reflects one-time outlay reductions from loan asset sales and payment changes.

[3] In some instances fiscal year 1988 spending declined from fiscal year 1987, this column reflects the lower base.

[4] These changes are due to Medicare/Medicaid utilization costs and increased interest payments.

HONORING ELIZABETH GRILL AND HELENE PETISCHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to two of the finest teachers of the Presentation of Blessed Virgin Mary School in Jamaica, Queens County, NY. After more than two decades of dedicated service to the school and the community, both Mrs. Elizabeth Grill and Mrs. Helene Petischan will be retiring from the teaching profession.

Elizabeth Grill has taught at the Presentation School for 22 years. While she has instructed nearly all the primary grades, she is especially recognized for her outstanding 12 years with the kindergarten. In addition to her pedagogical responsibilities, Mrs. Grill serves as the language arts coordinator, and directs the student volunteers. She and her classes have been counted on to offer outstanding contributions to the school's annual International Day, which includes special foods and dances from many countries around the world.

Helene Petischan has been with the Presentation School for 21 years, after teaching the elementary grades in her native Germany. Mrs. Petischan is the school's science coordinator, and is known for the superlative projects the students at BVM have entered in both the school's own science fairs, and in the city-wide competitions.

In 1986, both of these fine women were nominated for Teacher of the Year of the National Catholic Association. Such an honor surely reflects the outstanding performance that Elizabeth and Helene have demonstrated in both secular and religious instruction.

In celebrating the retirement of these two fine teachers, a dinner will be held at the George Washington Manor in Roslyn, NY, on May 8. The principal of Presentation of BVM, Sister Patricia Koehler, and the pastor, Monsignor Thomas O'Brien, will lead the tributes. The teachers will be awarded gifts for their decades of tireless devotion to the school, and to the thousands of children who have had the pleasure and good fortune of being their students.

Mr. Speaker, I call now on all of my colleagues of the U.S. House of Representatives to join me in honoring Elizabeth Grill and Helene Petischan, as these two outstanding teachers reach their retirement from the Presentation of BVM School. Their excellence and devotion to their profession stand as an example for others to follow.

HIS WORDS BECAME A NATION'S PLEDGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KEMP. Mr. Speaker, I rise today to commend the Mount Morris New York Rotary Club for honoring Francis Bellamy with the erection of a 50-foot illuminated flagpole and a landscaped memorial monument. The Mount Morris Bellamy Days celebration will culminate on May 30. Francis Bellamy was the author of the Pledge of Allegiance to our flag which is recited by over 45 million school children each weekday in the continental United States and in the U.S. Government schools serving our military and Government service dependents abroad. Additional thousands of fraternal and service organizations begin their meetings with the Pledge of Allegiance each week.

Mindy Fetterman in the Rochester Times-Union wrote:

HIS WORDS BECAME A NATION'S PLEDGE

On a hot August night in 1892, in the Boston editorial offices of a patriotic youth magazine, a man born in Mt. Morris and graduated Phi Beta Kappa from the University of Rochester wrote 23 words, which today are as familiar to Americans as any ever written.

I pledge allegiance to My Flag and to the Republic for which it stands; One Nation indivisible, with Liberty and Justice for all.

The pledge was altered in 1923 to read "the Flag of the United States of America;" President Dwight Eisenhower added "under God" in 1954.

In 1957, Mt. Morris native Francis Julius Bellamy was proclaimed author of the Pledge of Allegiance by the Library of Congress and the U.S. Flag Association. He had died in Tampa in 1931.

In a wave of nationalistic fervor in the 1890s, Bellamy and his associates at the *Youth's Companion* magazine had done much to shape the patriotic rituals still observed today.

Along with the pledge, Bellamy and his boss, James Bailey Upham, are credited with pushing to have the U.S. flag flown daily in front of every schoolhouse in the country and for Columbus Day to be a national holiday.

Bellamy's papers—including letters signed by President Theodore Roosevelt and evidence of his claim to authorship—are stored in the Rare Books section of the University of Rochester's Rush Rhees library. Over the course of his career, he was a Baptist minister, magazine editor and an advertising copy writer. He also was graduated from the Rochester Theological Seminary.

The occasion on which the Pledge was composed was the 400th anniversary in 1892 of Columbus' landing in the Americas.

Bellamy was appointed by state superintendents of education as chairman of a committee to put together a Columbus Day program.

According to Bellamy's writings, he and Upham discussed the need for a more impressive salute to the flag than the then-popular pledge: *I give my hand and my heart to my country—one nation, one language, one flag.* They decided that salute was "too juvenile, lacking in dignity," he wrote.

As Bellamy remembered the incident, he closed himself in his office for two hours and contemplated American history; "I . . . tried to pass our history in review. It took in the sayings of Washington, the arguments of Hamilton, the Webster-Hayne debate, the Civil War. After many attempts the whole of that pictured struggle reduced itself to three words: "one nation indivisible."

He had already chosen "allegiance" instead of "loyalty"; "pledge" as a better word for school children than "vow" or "swear"; and "my flag" to make the pledge individual, he said in the UR article.

He reviewed the American issues—present and future—which "always would be issues to be fought for." He considered the slogan of the French Revolution, "Liberty, Fraternity, Equality," but rejected "fraternity" as too remote and "equality" as a dubious word, he said.

"What doctrines, then, could everybody agree upon as the basis of Americanism?" he asked. " 'Liberty' and 'justice' were undebateable . . . and if they were exercised *for all,* they involved the spirit of fraternity and equality. So that final line, 'with liberty and justice for all,' came with a cheering rush."

On Oct. 12, 1892, 13 million school children repeated the Pledge for the first time. Since then, countless more have learned it in school where repeating the pledge daily is required by law in almost all states, including New York.

Because the phrase "under God" is still included, children may chose not to recite the Pledge for religious reasons.

EDUCATION IS THE KEY TO TRANSFORMING OUR WORKPLACE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, last week, an article appeared in the Washington Post discussing the problem of workplace literacy—a problem recently highlighted as the debate surrounding "U.S. competitiveness" continues. As author of legislation, H.R. 1342, to establish these much-needed workplace literacy programs, I commend this article to the attention of my colleagues. If we are truly to transform the American workplace, through the improvement and expansion of work practices, then we must ensure that our workers have the skill and knowledge necessary to adapt to these changes. H.R. 1342 will assist in developing programs simultaneously addressing adult literacy, basic skills, and intellectual development in the workforce. As illustrated in this article, it is legislation needed now.

THE NEW CUTTING EDGE IN FACTORIES: EDUCATION

WORKERS LACKING MATH SKILL FEAR FOR JOBS

(By Barbara Vobejda)

YPSILANTI, Mich.—Lavester Frye works at an assembly table eight hours a day building automobile horns, setting a metal plate on a metal dish with one hand, adding a tiny ring with the other.

In the 22 years he has worked at the Ford Motor Co., it never really has mattered that he didn't finish high school. He always has had jobs like this one, jobs that depend more on his hands than his mind.

But Frye has been told that his job soon will become more complicated. To improve productivity, the company is phasing in an intricate statistical system of quality control.

The news made Frye feel nervous and unprepared, and when he looked at the charts he would be expected to keep under the new system, he was even more troubled by what he saw: decimal points. "A long time ago at school, I had decimals, but it faded out of my mind," he said.

On this factory floor, amidst the assembly lines, the huge hulking furnaces and the din of metal on metal, the ability to put a decimal point in the proper place suddenly has become a ticket to a job.

Like thousands of other workers across the country, Frye is experiencing firsthand the transformation of the American workplace in pursuit of competitive advantage. He also sees—and feels, painfully—that, in this race to keep up with other countries, a critical and often missing factor is education.

In the national debate over declining U.S. competitiveness, education is perhaps the word most often uttered. Plant supervisors blame schools for turning out undisciplined workers whose bad habits drive down productivity. Corporate executives complain that job applicants can't read or write.

Educators warn that American students lag far behind their international counterparts in math skills, signaling trouble in the next generation of technicians. Also, looming ahead, social scientists say, is a massive, problem-ridden underclass of high school dropouts that will drain the economy in welfare costs and lost productivity.

Education matters in this new global race because the work force matters more than machinery, more than capital, more than technology.

"Human resources—that's what gives you the competitive edge," said Pam Spence, training coordinator at the Ford plant. "Everybody's buying the high-tech equipment . . . . The only competitive edge we'll have over anyone else is our human assets."

The quality of education, experts agree, is increasingly the most important single determinant of the quality of America's work force, from the high-technology laboratories that rely on engineers with graduate degrees to the Rust Belt industries retraining workers in a struggle to revive. The skills and deficits of the employees determine productivity; an auto worker confused over decimal points slows output and probably overlooks defective products.

"Education is the foundation. If you have a weak dollar and you solve the deficit problem and all those ducks fall into place and you have a poor education system, you're still not going to compete," said Harley Shaiken, a professor who specializes in work and technology at the University of California at San Diego.

Ford's efforts to improve productivity are typical of many employers; the company is automating, introducing more sophisticated quality control and enhancing employee participation in management. And in the low-slung, red-brick building that houses the Ford plant here, there is plenty of evidence that a lot of the workers simply aren't up to it.

Les Walker came to work at the plant four decades ago as a 17-year-old high school dropout. "If you could read or write a little bit, you could get a job," he said of the booming postwar period when he was hired. "Now there's so much change . . . ."

Walker inspects the valves on shock absorbers that will be built into Ford bumpers. Soon, "statistical process control," which is designed to pinpoint and correct defects in manufacturing, will be introduced to his section of the plant. He'll need to use math skills he hasn't needed before and never learned in school; fractions, division, averaging and decimals.

When Frye and Walker complete their afternoon shift at 3, they and several others gather in a converted office off the factory floor, hunching over high school books around a cafeteria table. They have volunteered for free courses, arranged under a 1982 United Auto Workers-Ford agreement, to prepare for the high school equivalency test. They also have taken instruction in computers and basic reading and math.

As the assembly line gears up for the second shift, Frye, 48, learns how to figure a percentage. Walker, 56, scratches out ratios and proportions.

These workers, most of whom could retire in a few years, would not lose their jobs if they failed to learn statistical process control. But they know job promotions depend on their ability to adapt, and many of them believe that they will be better, more productive workers if they learn the new systems. They don't want to be left behind.

"I want to be prepared when it gets here," 55-year old Daniel Hughes said of the new technology.

Hilton H. Schaarschmidt, who uses a computer to distribute automobile parts to be assembled by other workers, summed up his choices after more than two decades in the factory. "If I can't work the computer, someone else can; I would be back out on the [assembly] line," he said. "I don't want to be back out on the line."

Three-quarters of today's work force will still be working in the year 2000, so the training and retraining of current workers is critical in reviving the nation's standing in the world economy. Many believe that the next 10 or 15 years will be the period of the most intense global competition.

"We're going to make it or break it with these workers," said Pat Choate, director of policy analysis at TRW Inc., and a noted author on the subject of American competitiveness.

But for the long term, competitiveness must rely on the quality of education being offered in elementary and secondary classrooms, to youngsters still years away from their first paycheck.

"A failure in basic education in 1987 will be extremely difficult to rectify because of the very large scale and intense kinds of technological changes we know will be taking place in the future," University of California professor Shaiken said.

American schools, however, are doing "very poorly" in supplying a broad basic education, Shaiken said. "Many students graduate from high school without any grasp of basic math or reading skills. To the extent that continues, then competitiveness is just something you talk about."

Recent studies comparing the mathematics test scores of American schoolchildren to their international counterparts support Shaiken's pessimism. While Japanese schoolchildren finished first or second in most categories, American scores ranked in the middle in comparisons of eighth-grade arithmetic and algebra skills for 20 countries. U.S. achievement dropped even lower, to the bottom quarter, in geometry and measurement. There was similar low performance among American 12th-graders in algebra and calculus.

"In school mathematics, the United States is an underachieving nation and our curriculum is helping to create a nation of underachievers," according to the Second International Mathematics Study, released this year.

While most experts put heavy emphasis on education as a competitive strategy, there is a minority viewpoint, based primarily on productivity statistics, that plays down education as a factor.

"I don't think we have strong evidence at all that losing competitiveness is due to the lack of a well-educated populace," said Thomas G. Sticht, a San Diego consultant who has studied the link between literacy and productivity and participated in a recent Department of Education study of literacy. The loss of manufacturing jobs to workers overseas, he said, is due to the availability of cheap labor—not to higher educational levels abroad.

"That has nothing to do with the fact that somebody can't calculate a percentage," he said.

Henry Levin, a Stanford University professor in education and economics, agrees that education is overrated as a factor in competitiveness. He asserts that most newly created employment in this country requires relatively low-level skills in service sector jobs, such as clerical work or jobs in the electronics component industry. Few of the new positions are for engineers or highly educated technicians.

And while the sophisticated products of an increasingly high-tech economy may be designed by a few highly skilled engineers, the real profits will come when the product is produced and sold. That will not require a highly sophisticated work force, Levin said.

"It's easy to talk about education as the problem . . . [but] what is it about education that's going to make a difference?" he asked. "Education is part of the solution, but it's not as crucial a solution as people make it to be."

Down the road from Ford's Ypsilanti building, executives at a new Mazda plant in Flat Rock, Mich., say they have a very clear idea of how education can make a difference.

They want their new employes to be able to work in teams, to rotate through various jobs, to understand how their task fits into the entire process, to spot problems in production, to trouble-shoot, articulate the problem to others, suggest improvements and write detailed charts and memos that serve as a road map in the assembly of the car.

For the Japanese-owned company, it adds up to a management philosophy modeled on the Japanese concept of kaizen, roughly translated as "improvement." That means that every employe, executive to custodian, is expected to help find ways to build "the best car at the lowest price."

"The plant of the past required individuals . . . to perform a task within very specific parameters, very routine," said David Merchant, vice president for personnel at the Mazda facility. "The plants of the future, which are the plants of today, require people to do a lot more than that . . . . Education is important in terms of preparing people to do that."

Merchant is overseeing an extraordinary effort to create a work force—mostly American—that matches the Japanese philosophy. In preparation for its assembly line to open this fall, the company is sifting through more than 96,000 applicants to fill 3,100 hourly positions, using what it says is the most complex hiring process in the United States or Canada.

Applicants are given a two-hour written test in reading, writing and math. They are interviewed at length, asked to undergo a medical exam and given a two-step "assessment." Before they complete the process, successful applicants may have been in the pipeline for two months and will have spent up to six hours being observed in discussion groups and another six hours at a simulated team assignment, assembling an automobile part, for example.

The company, which every week tests 600 applicants and interviews and assesses more than 100, has been "a little disappointed" at the number of applicants who lack the basic math and language skills, but nevertheless has found plenty of qualified people to hire, Merchant said.

Compare that handpicked batch of fresh employes to the work force at Ford, where the average hourly worker has more than 17 years on the job. Financial hard times, largely due to foreign competition, have cut the company's hourly work force nearly in half. The remaining workers are those with the most seniority, hired at a time when little attention was paid to educational skills and the rule of thumb for hiring was, as one union official said, "FBI" friends, brothers, in-laws.

At Mazda, there has been no need to offer remedial programs in reading, writing or math to the hundreds of workers who have so far been hired. But Ford and other long-time employers have found that before they can retain, they must help substantial numbers of employes become literate.

"It's pretty hard to give somebody computer training if they don't have the three Rs," said Mark Dillon, a spokesman for American Crystal Sugar Co. in Moorhead, Minn.

As his company added computerized testing equipment to its sugar manufacturing process, it became clear that some employes were unable to read and write and could not be trained without remedial courses. but fewer than two dozen employes signed up for the literacy classes the company began offering. "It takes a pretty big person to say, 'I have to learn to read,'" Dillon said.

FIGHTING U.S. FUNCTIONAL ILLITERACY

"Functional illiteracy" among American adults often is cited as one of the biggest obstacles in the nation's efforts to improve productivity. While 95 percent of young adults are literate, there are large numbers who fail at more complicated tasks required to function effectively in most jobs.

A recent survey by the National Assessment of Educational Progress reported that only 43 percent of Americans in their early 20s could decipher a street map, for example.

Donald Fronzaglia, director of personnel for the Polaroid Corp., said his company became aware of the literacy problem years ago when a supervisor was investigating why the rate of scrap—material discarded as unusable—had gone up significantly in one section of the plant.

When the supervisor asked an employe to demonstrate how he was cutting film into sections, he found that the worker couldn't read a tape measure and was throwing away large sheets of film that could have been cut into usable pieces. The supervisor eventually discovered that other workers lacked similar basic skills.

Polaroid has introduced literacy programs, also aimed at preparing workers to participate more in problem-solving on the production line. "We believe the people closest to the problem are in the best position to understand what went wrong," Fronzaglia said. "People who don't have [basic] skills may repeat the same error."

Aside from the challenge of retraining those on the job, there is the problem of the growing number of Americans who, largely because of poor skills, will never find work or will end up moving from one menial, low-paying position to another. The financial drain on society created by this group—in welfare, drug problems, urban crime and incarceration—will have increasingly serious implications for the nation's economic health and competitive position, according to several recent studies.

A report by the National Alliance of Business warns of the dramatic change in the worker pool looming ahead over the next 10 to 15 years.

"Most striking will be the growth of less-well-educated segments of the population that have typically been the least prepared for work," the report said. "The number of minority youth will increase while the total number of youth of working age will decline. The number of high school dropouts will rise as will the number of teen-age mothers."

The report urged businesses and government to improve education, training and retraining. "No [economic] sector can afford a growing underclass that cannot get or keep jobs. . . ."

Despite the dismal predictions, economist Choate and many others argue that the immediate challenge is preparing those already on the job for the changing workplace. "Most of us still think education is for kids," he said, "[but] it's today's adults that face the intense competition." It is their performance that will determine competitive success, "not tomorrow's kids."

At Ford's Ypsilanti plant, UAW local president Bob Bowen echoes the concern for today's work force and the critical need for flexibility. "If you have an educated person, they can adapt to the change," he said, proudly listing fellow workers who have signed up to take high school courses in makeshift factory classrooms. "The only way we can be competitive is to have the best workers."

ARNOLD BARTLETT LEON 1987 RESIDENTIAL CITIZEN OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I rise today to commend the recipient of the 1987 Residential Citizen of the Year, Mr. Arnold Bartlett Leon. This distinction is awarded each year by the Santa Fe Springs, CA, Chamber of Commerce.

Mr. Leon begins his busy day at 5 a.m. If you would go to the Neighborhood Center's Senior Citizens' Nutrition Site, you would find Mr. Leon preparing coffee and readying supplies for the participants in the program.

Afterward, Mr. Leon goes to work at a local donut shop for several hours each morning. He has generously refused monetary compensation for his efforts at the coffee shop. Rather he has asked for donuts so that he can take them to a local senior citizens center. Mr Leon captures his altruism accurately when he explains that his hobby is "serving the city of Santa Fe Springs in anyway possible."

Mr. Leon has been recognized on numerous occasions for his community service, which entails over 10,000 hours of volunteer time. In 1986 he was named the "Outstanding Hispanic of the 63d Assembly District." In 1980 he was named "Senior Citizen of the Year in Los Angeles County." In 1978, Mr. Leon was recognized by the Salvation Army as "Distinguished Citizen of the Year."

Mr. Leon is involved with the Senior Citizens Outreach Companion Program and the Senior Citizens Advisory Committee. He also serves as the chairman of the Santa Fe Springs Senior Citizens Social Club and as the president of the Abraham Lincoln Senior Citizens Club. In addition, he was appointed to the social services advisory committee by the city council.

Mr. Leon's involvement is not limited to senior citizen programs. He also works with the Catholic Youth Organizations Summer Day Camp Program and the Santa Fe Springs Child Development Center.

He and his wife Natalie celebrated their 50th wedding anniversary on April 1, 1987. He has four grandchildren and three great grandchildren.

Mr. Leon's record of service speaks for itself. He is indeed most deserving of the distinction of "Santa Fe Springs 1987 Residential Citizen of the Year."

THE FIRST EASTER HOLIDAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. CLAY. Mr. Speaker, as we celebrate the Easter season, I am pleased to share the work of a very talented young author from St. Louis, Miss Shawnta Creason. Shawnta is a sixth grade student at Webster Middle School in St. Louis. Her story, "The First Easter Holiday," is an outstanding work and I encourage Shawnta to continue to develop her special talent.

THE FIRST EASTER HOLIDAY

(By Shawnta Creason)

This is a story which was brought to life many years ago. It is a beautiful spring day. The sun was shining, birds were singing, flowers bloomed and everything was fine. Everyone was happy except for one rabbit, Evil the Rabbit.

Evil hadn't always been evil. In fact, he used to be the kindest little rabbit in Bunnyville. Before he became mean, Evil was named Easter. His mother had told him that that name would bring him luck. His name became Evil when he was a young bunny. A mean bunny pushed Evil off a swing and made Evil cry. The bully bunny just chuckled and hopped away. And Evil swore to be mean.

But this day, Evil was at his castle, a dark, gloomy place on top of the highest hill in Bunnyville. Evil was about to sit down to a wonderful meal he had fixed for himself when he heard a knock at the door. Evil slowly walked to the door, already wishing he'd never gotten up. He opened the door and saw nothing, until he looked down. There at his feet sat a basket filled with grass and candy. But the most important thing in the basket was an egg. This egg was decorated with every color of the rainbow. Alongside the egg was a note that said:

> Please care for my egg. Here is everything it needs:

Grass to keep him warm,
Goodies for him to eat . . .
And you to keep him full of love.

Evil was so touched that he began to cry. No one had ever trusted him like this before. As he cried, a tear dropped onto the egg. As soon as it hit, the egg cracked and hatched. Out came a beautiful white rabbit.

From this day, Evil was again called Easter, and so was his new white rabbit. And now everyone celebrates Easter in the same way that Little Easter was born—with baskets with grass in them, filled with candy . . . And, oh! Don't forget the eggs!

ST. JOHN'S REGIONAL MEDICAL CENTER TURNS 75

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues, the diamond anniversary of the St. John's Regional Medical Center of Oxnard, CA.

On May 19, the actual birth date of this hospital, a celebration will be held to commemorate 75 years of continuous and outstanding service to the community.

St. John's Regional Medical Center was founded in 1912 under the sponsorship of the Sisters of Mercy. Currently, five of the sisters serve at the facility.

The stated purpose of St. John's is to continue Christ's healing mission, strive to enhance the quality of life by preventing illness, restore health, alleviate suffering, and care for the dying in a Christian environment. Health care services are offered in accordance with the ethical and religious directives for Catholic healthcare facilities.

Keeping pace with the changing healthcare market and the needs of a growing Ventura County requires the same initiative, creativity and flexibility demonstrated by the early Sisters of Mercy when they brought their mission of mercy to the American frontier in 1854.

I ask that all of you join in wishing St. John's Regional Medical Center a very happy 75th birthday with a warm feeling that it will continue to provide many more years of service to the people of Ventura County, CA.

WORLD POPULATION AWARENESS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Ms. SNOWE. Mr. Speaker, the State of Maine has joined with more than 35 other States around the Nation in designating the week of April 20–25 as "World Population Awareness Week."

I believe that overpopulation is a serious international problem. Continued rapid population growth, primarily in less developed countries, diverts resources from investment, compounds development problems, and strains the agricultural resources of the world. Over the years, the United States has had a strong humanitarian commitment to dealing with the problems of overpopulation, which threaten most seriously the poorest countries of the world.

I am proud that my State's citizens are among those who are helping to forge a wider understanding of the complex issues related to world population growth. In concert with many thousands of citizens around the country, the citizens of Maine will gather at a range of conferences and forums to be held that week and grapple with the difficult challenge of planning for responsible world growth. In Maine, such meetings will take place at Bowdoin College, the University of Southern Maine, the University of Maine at Farmington, and many other locations.

I am pleased to have joined with many of my colleagues in the House in supporting House Joint Resolution 148 to designate the week of April 20–25 nationally as World Population Awareness Week. Furthermore, I commend Gov. John McKernan, Jr. for his efforts and ask that his proclamation be printed in the RECORD.

STATE OF MAINE PROCLAMATION

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health problems could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families,

Now, Therefore, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby proclaim the week of April 20–25, 1987 as World Population Awareness Week throughout the State of Maine, and I call upon all Maine citizens to reflect upon the consequences of overpopulation.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 25th day of March in the Year of our Lord One Thousand Nine Hundred and Eighty-Seven.

JOHN R. MCKERNAN, Jr.,
Governor.

VITAL URBAN PROGRAMS NEED TO BE PRESERVED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. MAZZOLI. Mr. Speaker, I salute the noble efforts made by Budget Committee Chairman BILL GRAY to preserve strong, vital urban components in the fiscal year 1988 budget—such as the Community Development Block Grant Program and the Urban Development Action Grant Program. I am pleased that the House saw fit to approve the committee's plan.

In this regard, I would like to commend to the attention of my colleagues the following testimony presented earlier this year before the House Subcommittee on Housing and Community Development by the Honorable Jerry Abramson, mayor of the city of Louisville, who is a cochair of the U.S. Conference of Mayors' task force on the reauthorization of community development block grants.

Mayor Abramson has been a forceful and articulate advocate of urban programs both at home and here in Washington. His testimony is as follows:

PRESENTATION TO THE U.S. HOUSE SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

(By Jerry E. Abramson, mayor of Louisville)

Mr. Chairman, members of the sub-committee: Thank you for the opportunity to testify this morning. My name is Jerry Abramson. I am Mayor of Louisville, Kentucky and I am testifying today on behalf of my city and the U.S. Conference of Mayors, for which I am co-chair, along with William J. Althaus, Mayor of York, Pennsylvania, of a newly created Task Force on Reauthorization of the Community Development Block Grant program.

The U.S. Conference of Mayors strongly supports this subcommittee's bill, H.R. 4, because it will begin to address our nation's urgent need for a national housing policy. We anticipate with great excitement the passage by Congress of this nation's first omnibus housing bill in six years.

The broad outlines of this housing and community development bill are consistent with the policy of the U.S. Conference of Mayors. As recently as January 22, during our annual Mid-Winter Meeting, we re-affirmed this policy.

Specifically, the Conference of Mayors strongly supports the continuance of the following programs: Community Development Block Grants, Urban Development Action Grants, Assisted Housing Programs, Section 312 Loans, Housing Development Action Grants and Rental Rehabilitation Grants.

Furthermore, we urge you and your House colleagues to persevere in your efforts to retain the spending provisions contained in H.R. 4. The Senate bill dealing with these programs includes spending provisions that are significantly lower than the House Bill:

	Billions
Assisted housing:	
H.R. 4	$11.9
SB	7.5
CDBG:	
H.R. 4	3.4
SB	3.0
UDAG:	
H.R. 4	300
SB	225

We at the Conference of Mayors are cognizant of the spending limitations placed on the federal budget by Gramm-Rudman.

We are also aware that the House Budget Committee is looking for ways to cut programs that benefit this nation's urban infrastructure. The Community Development Block Grant program would seem to be a likely target in such circumstances.

But I urge the members of this subcommittee to fight hard for H.R. 4, and I implore each of you to seek support for this bill from all of your colleagues in the House and Senate. Nothing less than the future of our nation's cities is at stake.

That last statement may sound hyperbolic, but one need only look at the record to see that it is not. An examination of the effects of federal policy of the last several years on the nation's urban infrastructure shows that this policy is shortsighted and must be amended.

Since 1978 federal financial aid to cities and programs that directly serve urban populations has been cut by approximately 68%. Details of these budget cuts and how they have affected cities are included in the U.S. Conference of Mayors annual report, The Federal Budget and the Cities, which I submit for the record.

Some of those budget cuts were appropriate, and cities have adjusted to them. For example, the replacement of the CETA program with the Job Training and Partnership Act (JTPA) forced cities to begin using the reduced federal job-training funds for the specific purpose intended—job training—instead of using the funds to create additional government clerical jobs, which was often the case under the CETA program.

Other federal budget cuts, especially last year's decision by the Reagan Administration and the Congress to eliminate the General Revenue Sharing program, were not appropriate and have had a profound fiscal impact on cities all across the country. Some local governments are shutting off street lights, cutting back on police and fire protection, and cutting other essential services as a result of the loss of revenue sharing.

Still other federal budget cuts, while not always having an immediate effect on city government budgets, have resulted in increased demands on city budgets from local agencies.

The most obvious example of this is the federal cut in public housing funds and other housing programs.

Our nation's public housing stock is in an advanced state of deterioration. Maintenance programs, so badly needed to halt the decay, have been subjected to sharp budget cuts. Many public housing apartment buildings are in such an advanced state of decay that they are beyond renovation and require demolition. As a result, the number of public housing units available for low-income housing is decreasing significantly.

At the same time the federal government has lessened its commitment to public housing, the availability of private low-income housing also has declined.

Over the last decade, the number of rental households earning under $10,000 annually increased by three million. During the same period the number of rental units affordable to these low-income households declined by two million.

The 1986 Tax Reform Act also is now contributing to the nation's shortage of low-income housing. Regardless of the appropriateness of the tax shelters involved, there's no question that tax reform has eliminated or greatly curtailed most federal tax incentives for the private investment in low-income housing development.

And most of the existing privately owned, federally assisted housing will be at risk over the next decade as long-term contracts for federal subsidies begin to expire, with the owners likely to opt out of low-income occupancy requirements.

Other federal budget cuts, in such programs as Aid to Families with Dependent Children, have contributed significantly to the problem by reducing the income available for housing.

Because of these actions, there are waiting lists to get into public housing in cities all across the United States. In Louisville we have more than three thousand families waiting to get into public housing. In other cities the waiting list has as many as 10,000 families.

With no hope of securing affordable housing, the people on the waiting lists turn to their city governments for assistance. Or they simply give up and join the growing ranks of the homeless, another problem that is placing additional financial strain on local government budgets.

The result of all these federal budget cuts is that cities are faced with greater demands for services with fewer funds to provide those services. And local tax increases aren't necessarily the answer because many states, including Kentucky, have enacted referenda provisions on tax increases which, in effect, make such increases impossible.

This discussion is an important part of my testimony in support of H.R. 4 because the Congress should not, and must not, make budget decisions in a vacuum. The Congress should make its decisions in light of previous federal action that has placed cities under tremendous financial strain.

Another program addressed in H.R. 4 that has been affected by federal budget cuts is the Urban Development Action Grant program. If ever there was a program that fits the phrase "public-private partnership," the UDAG program is it.

UDAG's have been a critical element in urban development since the program's inception, with more than 2,400 projects funded in over, 1,000 cities. These projects involve the public and private investment of more than $26 billion, while creating or maintaining nearly 500,000 permanent jobs.

In Louisville three vital development projects were possible only because of the UDAG program—the Galleria shopping and office complex, the Broadway Project (phase 1) and Station House Square apartments.

The Urban Development Action Grant program is an essential part of urban development and it should be funded at the $300 million level included in H.R. 4.

The Community Development Block Grant program is perhaps one of the least appreciated and most misunderstood of all urban programs among members of the Congress. I would like to take a few minutes to explain in some detail just how important this program is to urban areas.

The Community Development Block Grant program has been one of the most successful programs in the revitalization of our nation's cities. It is a program that exemplifies the federal-urban partnership that has served our cities, and our nation, extremely well for many years.

The Community Development Block Grant program should be reauthorized by the Congress at the level of funding provided for this bill—$3.4 billion. And the Congress shoud reauthorize the CDBG program under existing objectives, which include the provisions that 51% of the funds should benefit low- and moderate-income families; the funds should be used to eliminate slum and blight; and, the funds can be used in emergencies.

I have a specific reason for asking that the CDGB program be reauthorized with these objectives, because they address one of the greatest misconceptions about the Community Development Block Grant program, a misconception that is causing some in the Administration and the Congress to consider eliminating the flexibility cities now have in spending CDBG funds. This misconception is that cities do not use CDBG funds to provide for human needs.

I could address this issue by citing hundreds of examples of how cities do appropriate CDGB funds to provide human needs services to low and moderate income people.

Instead, let us take a look at how the reauthorization of CDBG funds fits in with our basic national urban agenda. I submit to you that this country's urban agenda includes four basic precepts: 1) job creation; 2) helping people help themselves to remain independent; 3) improving the urban housing stock; and, 4) providing a "safety net" for those most in need.

Some specific examples can demonstrate how CDBG-funded programs address these basic precepts of the urban agenda.

Job Creation—two important aspects of job creation are job training and providing citizens with the flexibility to get out of the house and work.

One Louisville program receiving CDBG funds is the Home Builders Institute, a job training and placement program. Jobless individuals are trained in basic construction skills by rehabilitating dilapidated houses. CDBG funds provide construction materials and pay a portion of the supervisor's salary. This relatively new program has rehabbed houses and trained and placed 90 workers in permanent, full time jobs.

CDBG funds also are used in Louisville to subsidize day care for children of working, low income, single-parent families. 164 children are able to attend qualified day care programs because of this subsidy. Without it many of the single parents would have to quit work and accept welfare because they could not afford day care costs on their low incomes. It would cost far more to pay welfare than day care for these families.

Helping People Help Themselves To Remain Independent—One could call this the "pay me now or pay me later" precept of the urban agenda. There are countless examples of this type of CDBG-funded program in every city. Two in Louisville include:

Project Warm, which provides free basic weatherization services to low-income elderly and disabled home-owners and renters. Each year Project Warm serves about 600 clients, people who, without this free weather-stripping and insulation, would likely lose their utility-service due to unpaid bills and, perhaps, even their very homes.

The Emergency Repair Program is just what its name implies. Everything from new roofs to furnace repairs to plumbing repairs are provided to low-income elderly and disabled homeowners. Without such repairs, many of the homes would become uninhabitable and many recipients of this service would likely join the ranks of the homeless. Another example of such a program is in Birmingham, Alabama:

In Birmingham, CDBG funds permitted the Alabama Goodwill Industries to move into a larger fully accessible building. The relocation allowed the Goodwill Industries to expand its services so that now the agency serves 1,722 handicapped and disabled men and women from the Birmingham area through work evaluation, work adjustment training, on-the-job training, sheltered employment and job placement assistance.

Improving The Urban Housing Stock—There is no more essential human need than providing adequate shelter. Again there are limitless examples of how cities use CDBG funds to address this third precept of the urban agenda. Let me cite a few that involve major housing developments for moderate and low income families.

In Cleveland, Ohio CDBG funds were used to build the first-market rate rental housing with a low & moderate income component (183 townhouse and garden apartments) in an area called Hough, one of the city's most deteriorated neighborhoods. The Hough, which lost 65% of its population and 49% of its housing between 1960 and 1980, now has affordable housing for its low and moderate income residents.

Louisville has a similar development that involved CDBG funds. The Phoenix Hill neighborhood was a pocket of blight and poverty just east of the downtown area. The development of 240 market-rate garden apartments was the first significant investment in Phoenix Hill in decades. The project is a great success, with a mix of moderate and low income individuals and families now living there.

Another major housing initiative in Louisville made possible by the use of CDBG funds is the Algonquin Neighborhood Project, which involves a partnership of the City, a state housing agency, mortgage companies and private investors. 87 dilapidated, uninhabitable single-family homes will be renovated and sold to low and moderate income families. Those with incomes as low as $12,000 will be able to purchase these homes, with mortgage payments being an average of twenty dollars a month less than the current rental rates for similar houses in the same neighborhood.

Each of these housing developments includes a mix of moderate and low income housing. In some of the proposals now being discussed regarding the future of the CDBG program, these projects would not be eligible. At least one proposal would restrict CDBG funds for only the lowest income people. That would result, in my judgement, in cities creating new pockets of low income housing with perhaps the same result as today's public housing projects. The mix of moderate and low income housing has proven far more successful in developing a cohesive neighborhood atmosphere.

Providing a Safety Net For Those Most In Need—when we fail to provide enough jobs, adequate housing and self-help programs, this precept of the urban agenda is the last chance for our society's most oppressed people. CDBG funds are vitally important in providing this assistance:

In Louisville CDBG funds provided renovation money to open a day shelter for the homeless. This shelter provides laundry facilities, personal care items (soap, shampoo, etc.) and counseling services seven days a week. When the day shelter opened in April of 1986, 75 homeless people began using it each day. Today, that number has grown to 250 people per day.

In Sacramento, California CDBG funds are used to support a program that helps homeless families, the fastest growing segment of the homeless population. The program works to locate homeless families in emergency shelters and then continues its efforts to see that the families remain together and eventually rejoin the mainstream of society.

In Providence, Rhode Island CDBG funds provide 90 percent of the operating budget for the Hartford Park Community Center, a local human service provider located in a public housing project. The Center provides breakfast and dinner programs for senior citizens, recreation programs for children, as well as emergency clothing and crisis counseling for area residents.

The reauthorization of the CDBG program, and continued discretionary use of those funds by each individual city, is essential if the traditional federal-urban partnership is to continue.

The program is so essential to cities that the U.S. Conference of Mayors and cities across the country are designating the week of April 11-18, 1987 as National Community Development Week. News conferences, seminars and other special events are being scheduled to highlight the importance of the CDBG program to cities and their citizens.

The federal-urban partnership was established because of the well-documented fact that state governments are dominated by the interests of suburban and rural areas. When budget cuts come at the federal level, state governments merely pass them on to the cities. That pattern has been well-established during this decade.

I've already mentioned how federal budget cuts have begun eroding that partnership. Now there is another ominous cloud on the horizon.

I'm referring to a report last year by a private commission headed by Senator Daniel Evans (R-Washington) and former Virginia governor Charles Robb that proposed a major welfare reform plan. That proposal has now been introduced in the Congress and is being considered by the House Ways and Means Committee.

If this welfare reform bill is enacted, the federal government would assume about 90 percent of the costs of Medicaid and Aid to Families with Dependent Children, while state governments would assume responsibility for financing a number of federal programs, such as mass transit, urban development, waste water treatment and low-income housing programs.

The result is that cities would be put at the mercy of state governments, and that means city governments would end up assuming more and more financial responsibility for those programs. The U.S. Conference of Mayors estimates this transference would cost local governments about $7 billion annually.

I believe it is appropriate to look at H.R. 4 within the overall perspective of the federal-uban partnership. That partnership is essential to the well-being of our nation's cities and, therefore, essential to the well-being of our nation.

But the partnership is being threatened by federal action that is severely undermining the fiscal integrity of our major urban areas.

There is a very real danger that, if not checked now, federal budget cuts to urban areas will result in the future of our cities being mortgaged in exchange for nothing more than the need to meet Administration budget targets, unrealistic and arbitrary budget targets that were devised in the time-honored tradition of using blue smoke and mirrors.

Our cities deserve better. Our cities have earned more consideration than that.

Thank you.

TRIBUTE TO JoANNE MEDEIROS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FRANK. Mr. Speaker, on April 4 at Worchester State College, ceremonies were held to induct new members into the College Athletic Hall of Fame. Among those chosen was JoAnne Medeiros, a native of Fall River, MA. JoAnne grew up in the Hillside Manor Housing Complex in Fall River and graduated from B.M.C. Durfee High School. While at Durfee, she excelled in a number of sports and upon graduation entered Worchester State College. I would like to share with you the remarks spoken about JoAnne's achievements as she was inducted into the Worchester State College Athletic Hall of Fame.

JoAnne Medeiros

JoAnne Medeiros, your exceptional athletic ability and competitive drive combined to distinguish you as the most outstanding all-around female athlete in Worchester College history.

You were instrumental in leading the College to its only National title in basketball in 1980. You were named Most Valuable Player in the regional and national Association of Intercollegiate Athletics for Women (AIAW) tournaments in 1980. You were named an All-American in basketball in 1981 and 1982. You were selected as the Most Valuable Player of the Eastern Association of Intercollegiate Athletics for Women (EAIAW) all-region team for four straight years from 1979 through 1982. You were also named to the EAIAW all-region softball team for four straight years.

You earned 12 varsity letters while playing field hockey and volleyball for two years and basketball and softball teams and you are the College's second all time leading scorer in basketball with 1,239 career points.

You were a candidate for the Pan American softball team in 1979 and were named to the ASA all-region first team in softball in 1979. You were an outstanding softball pitcher and catcher.

You were honored for your undergraduate achievements by selection to Who's Who in American Colleges and Universities and you were named the Worchester State College Athlete of the Year in 1981.

You went on to join the college coaching ranks as an assistant softball coach at Clark University in 1984 and were the head coach of Clark in 1985. You also served as an assistant softball coach at Worchester State College in 1986.

You are currently a Residential Coordinator at the Evergreen Center in Milford, MA.

JoAnne Medeiros, it is with great pride that we induct you into the Worchester State College Athletic Hall of Fame.

A TRIBUTE TO ANGELA GARVEY, HONORARY MAYOR OF SAN PEDRO—1986

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding community leader in my district, Mrs. Angela Garvey. Mrs. Garvey is being honored as the outgoing honorary mayor of San Pedro at the April 23 banquet to culminate the 1987 San Pedro Honorary Mayor's race. The dinner is an exciting annual event sponsored by the San Pedro Peninsula Chamber of Commerce.

Angela Garvey is deeply involved in a broad array of civic endeavors and organizations in and around San Pedro, She is a member of Harbor Lights—Los Angeles Police Department, a Harbor Division police organization; the San Pedro Christmas Parade Committee; San Pedro Clean Up Committee; and the San Pedro Chamber of Commerce. In addition, she is a past member of Leopold Bogdan Mandic Croatian Choir at Mary Star of the Sea Parish, has served ably as block captain of the area Neighborhood Watch Program, and has performed volunteer work for the Little Sisters of the Poor, as well as other civic organizations.

Mrs. Garvey is the wife of prominent San Pedro dentist Dr. L.C. Garvey, whose dental practice was first established in 1927, and has been located at 13th Street in the heart of San Pedro since 1935.

Mr. Speaker, Angela Garvey is no stranger to awards, commendations, or other forms of official recognition. Not only was she sponsored for honorary mayor by the San Pedro Kiwanis Club, she also has received a certificate of commendation for her dedicated work toward the betterment of our community from Councilwoman Joan Milke Flores, and a certificate of merit for her volunteer efforts from the Los Angeles Human Relations Commission.

It pleases me to have the opportunity to pay tribute to an outstanding citizen such as Angela Garvey, on this festive occasion. My wife, Lee, and I salute her for all she has done on behalf of our community, and wish her and her husband all the best in the years ahead.

THE RAPE OF TIBET

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, John F. Avedon wrote an outstanding article which was printed in the Washington Post last month. In it he details the substandard living conditions that the average Tibetan must endure, and the horrifying measures of population control which the Chinese have taken against the people in the ancient and mystical country of Tibet.

Mr. Speaker, the Chinese Government is committed to maintaining it's one child policy in Tibet. For anyone who challenges that claim and believes that China does not support coercive forms of population control, I offer this horrifying article.

[From the Washington Post, Mar. 29, 1987]

THE RAPE OF TIBET

(By John F. Avedon)

On Feb. 18, two Tibetans were executed in Lhasa for "serious economic sabotage." Three more have been sentenced to die and 30 given terms at hard labor. Similar crimes, last mentioned in the spiritual pollution campaign of 1983, were the pretext for executing dozens of Tibetan dissidents and imprisoning thousands more. Tuesday is the 28th anniversary of the Dalai Lama's arrival in India, a refugee from his revolt-torn land. While he and the 100,000 compatriots who followed him into exile continue to voice Tibet's desire for freedom, their time, like that of all Tibetans, may be running out.

Under the cloak of liberalization, Beijing has adopted a final solution for Tibet: the rapid Sinocization of the country via widescale immigration. The fact that there are now at least 1 million more Chinese in Tibet than Tibetans has produced massive unemployment, a 300 percent inflation rate and a two-class society, sharply divided along racial lines.

The average Tibetan earns $110 a year. He is among China's and the world's poorest citizens. He lives in a dilapidated house often lacking running water, heat or electricity. His life expectancy is 40 years; one in six of his children dies in infancy. Of the five survivors, only one completes primary school; the rest must labor in the fields.

In contrast, the recently arrived Chinese settler lives in a modern "new town," earns triple a Tibetan's salary, receives sufficient medical care and diet to render his life expectancy 25 years longer and has a guaranteed place for his children in Tibet's schools, up to two-thirds of which are reserved for Chinese only.

But the new Chinese society is not merely displacing Tibet's ancient culture. It is actively destroying it. The harsh face of Chinese rule includes thousands of forced abortions and sterilizations of Tibetan women each year. The common method for both procedures, recounted from all across the country, is by injection. In Chamdo, Tibet's third-largest city, there have been numerous reports of fetuses thrown out in the storm drains and garbage bins of the People's Hospital. In Lhasa, many Tibetan women have heard their newborns cry, only to be told later that the infants died at birth. In Tibet's case, unlike China, the population is thin. These acts clearly have a political motive.

They come, however, within a well-worn context. As a direct result of the Chinese invasion, 1.2 million Tibetans—one-seventh of the population—have died, 6,254 monasteries have been destroyed and an estimated $80 billion in precious metals, religious art and statuary extracted. To secure its dominion, China still keeps roughly 20,000 Tibetans in the region's 84 prisons. Given current conditions, an argument could be made for considering all of them political prisoners. Those arrested for "antistate activity," though, number 3,000 to 4,000. Of these, Amnesty International has publicly adopted three, including Tibet's most famous dissident, the Buddhist monk Geshe Lobsang Wangchuk. Perhaps a simple comparsion best describes Tibet today. Inside Tibetan prisons there is one guard to every four prisoners. Outside, in the country at large, there is one Chinese soldier for every 10 Tibetans. Is Tibet itself one great prison?

China's population transfer has been adopted in large measure to relieve the People's Liberation Army of its police duties in Tibet. But the problem has arisen: How will the new Chinese community support itself on the barren plateau? The answer is: us.

In 1986, almost 30,000 tourists visited Tibet, well on the way to China's projected 100,000 tourists a year. They exulted in the most rarified air on earth, marveled at the Potala, seat of the exiled Dalai Lama, and enjoyed Tibetans' native kindness beside their nervous Chinese overlords. What most people failed to recognize is that the money they paid to see the 160 rebuilt monasteries did not go to Tibetans. Instead, it directly subsidized the purveyors of Tibet's destruction, 32,000 of whom are already working in Lhasa's service sector.

One irony is a communist regime's selling the supposedly antique society that its creed has pledged it to erase. Another is Beijing's use of Tibetans to sponsor, through the tourist trade, their own demise. But perhaps the greatest question is this: Given the three wishes of our China policy—a less than optimal counter to the Soviets, checkered democratization and an ambivalent opening of its marketplace—why do we remain so soft on human rights in the People's Republic of China? Is it something in China or ourselves that we still refuse to see?

GILMAN COMMENDS ROTARY INTERNATIONAL, DISTRICT 721

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of the House the good works of Rotary International, District 721. I had the great pleasure and privilege to deliver the keynote address at the District Conference Rotary International, District 721 which was held on March 27, 28, and 29 in Callicoon, NY. It was truly a delight to be associated with this fine special organization and its members.

I would like to congratulate District Governor William E. Vines for all of the planning and hard work which made this district conference such a great success. Seven hundred people attended the conference and shared in the fellowship and spirit of service that is the essence of Rotarians International. I know that Governor Vines was especially pleased by the fact that 52 clubs and 9 past district governor's participated in the conference.

It should be pointed out that the purpose of this gathering was to further advance the many worthy projects sponsored by Rotary International. A major focus was the challenge of "Polioplus," a major effort by Rotary to raise money to wipe out this dreaded disease in the Third World. I am proud to serve as the honorary chairman of a walk-a-thon to be held on May 9 in Orange County, NY, that will raise money toward this goal.

Finally, Mr. Speaker, I would like to point out by way of tribute to District Governor Vines and his fellow Rotarians that out of 447

Rotary International districts, District 721 ranks 47th in contributions to this worthy cause. I know that my colleagues will want to join with me in saluting the Rotarians of Rotary International, District 721 for their worthy contributions.

SUPPORT VOCATIONAL EDUCATION PROGRAMS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, in the administration's fiscal year 1988 budget, all Federal funding for vocational education was eliminated. In addition, the fiscal year 1987 budget proposes to rescind 50 percent of the funds already appropriated for vocational education programs. These proposals are not only inconsistent with the research and facts in this area, they are inconsistent with previous budget statements issued by the administration. At a time when our Government is finally recognizing that education holds the key to this Nation's future, we receive a vocational education budget from the administration that is unwarranted, unprecedented, and quite frankly, unbelievable.

Consider, for example, that 80 percent of our youth participate in some vocational education. Consider that workers with relevant school provided vocational training required less on-the-job training and were more productive on the job than those occupants of the same job in the same firm with no such vocational training. Consider that nearly 27 percent of our Nation's ninth graders will fail to receive a high school diploma, thus lacking the basic skills and knowledge necessary to be a productive member of the work force. Consider all of these facts, but most importantly, remember that merely 3 years ago, Congress reauthorized the Carl D. Perkins Vocational Education Act—the foundation of educational and vocational opportunities for working men and women designed to assist them in entering and remaining in the work force as productive members of society. Reauthorization of this act represented a Federal commitment to training and retraining youth and adults to respond to current and future labor market needs. It is a commitment that must be strengthened and expanded, if we are to continue to remain "competitive." Any other action, especially the administration proposal, is irresponsible at best.

I urge all of my colleagues to express their continued support for adequate levels of funding for vocational education and job training programs and oppose any rescission of these critical funds. I am proud to have joined as an original cosponsor of legislation expressing these views and recognizing the vital role vocational education has, and will continue to play in this Nation. I ask my colleagues to do the same.

TRIBUTE TO ARTHUR HERNANDEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual that has worked tirelessly on behalf of veterans. On May 2, 1987, Mr. Arthur Hernandez will be installed as commander of the Military Order of the Purple Heart, West Covina Chapter No. 392.

Arthur Hernandez served in the U.S. Army during World War II, and was assigned to the 184th Infantry Regiment, attached to the 7th Infantry Division. PFC Hernandez earned the Military Occupational Specialty of Rifleman No. 745, and in combat, was assigned the duty of first scout; on many occasions he infiltrated enemy territory on reconnaissance patrols ahead of the front lines, and although twice wounded in the battle of Okinawa, he remained in front line action until the island had been secured.

A distinct honor to him is the Military Qualification of the Combat Infantry Badge. He was awarded the Bronze Star Medal, the Purple Heart Medal with one Oak Leaf Cluster, World War II Victory Medal, American Campaign Medal, and the Army Occupation Medal. He was honcrably discharged from active duty on June 27, 1946.

Among his many activities is serving as adjutant and commander in the West Covina Chapter No. 392 Military Order of the Purple Heart, which he considers one of our country's most exclusive veterans organizations.

For many years he has been an enthusiastic participant in the masonic fraternity, and is now an inspector for the Grand Lodge of Free and Accepted Masons of California and Hawaii.

Mr. Hernandez is married to Anita Hernandez, they have two sons and seven grandchildren. His sons, Bill E. Hernandez and Fred A. Hernandez both served in the Armed Forces of the United States of America.

Mr. Hernandez recently retired after many years of dedicated service with the Los Angeles Unified School District.

Mr. Speaker, I ask that my colleagues join me in commending Arthur Hernandez on his outstanding contributions to advancing the rights of veteran's and extend him best wishes for continued success in future endeavors.

ORRIN P. CHASE RETIRES FROM SOUTHERN CALIFORNIA GAS CO.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, it is my pleasure to rise today to honor a fine and dedicated employee and civic leader from my district, Mr. Orrin P. Chase.

O.P. is retiring next month after 36 years with the Southern California Gas Co. He began his career as a serviceman in 1951 and through the years worked his way up the organization becoming special investigations representative in 1959, branch office supervisor in 1966, local manager in 1970, and attaining his present position, district manager, San Luis Obispo, in 1978.

Born in New Hampshire, O.P. attended Kennet High School, New England Aircraft School, and the California Aeronautical Institute. He also served 2 years in the U.S. Navy.

Very active in the community, he was a member of the Santa Maria Valley Developers, Inc.; Lompoc Valley Economic Development Association; Santa Maria Valley YMCA; Santa Maria Rotary Club; Central Coast United Way; Highland Park Kiwanis Club; Control Coast Hot Jazz Society; San Luis Obispo Rotary Club; Santa Maria Valley Chamber of Commerce; and the Salvation Army advisory board.

In appreciation for his many services, O.P. has received many awards including the Sam Collar Memorial Award for Distinguished Service—Santa Maria Valley YMCA, 1975; Citizen of the Year—Santa Maria Valley Chamber of Commerce, 1977; and a listing in Who's Who in the West, 1980–81.

Orrin and his wife Shirley have two children, Jeff and Susan. They enjoy fishing, bowling, and traveling in their motor home and they plan to spend more time in these activities in retirement.

I ask that you please join me in wishing O.P. and his family a happy, healthy, and productive retirement.

A SALUTE TO JULIUS ERVING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. STOKES. Mr. Speaker, on April 19, 1987, Julius Erving of the Philadelphia 76ers played his last regular season professional basketball game at the Capital Center in Maryland. This game closed the career of one of the most admired athletes in professional sports.

"Dr. J" has, throughout his career, demonstrated only the highest level of sportsmanship, commitment to community, athletic talent and class. I ask my colleagues to join with me in saluting an outstanding athlete and a fine American on his retirement from professional basketball.

Mr. Speaker, on the occasion of Julius Erving's retirement from professional basketball, I would like to submit for the RECORD an article from the March 30, 1987 Cleveland Plain Dealer.

The article follows:

ONE LAST HOUSE CALL—DR. J MAKES FINAL AREA APPEARANCE

(By Bill Livingston)

This is the last time around for Julius Erving, but you will not find the sorrowful beauty of ruins in his game. Time has altered Erving's style, but it has not erased it.

Erving, the man who will be forever remembered as Dr. J, and his Philadelphia teammates make their last visit of his final professional season to the Coliseum tonight.

Before a broken finger interrupted his season, Erving, 37, was both a starter and a contributor. Erving was activated for last Friday's game with New Jersey and is expected to play against the Cavs tomorrow night.

He is like the work of an old master, to borrow a metaphor from the essayist Richard Selzer, which is not finished until time and toil have had their way with it. The colors are more muted now, but the effect is even more dramatic.

Would Mona Lisa, for instance, smile as mysteriously in her freshly rouged and lipsticked youth as she does now, after all she has seen through the years?

Testimonials to Erving will pour in from throughout the basketball world, of course, as he prepares to say goodbye. And it is entirely appropriate that the National Basketball Association saves some kind words and thoughts for him, because in a lot of ways, he saved the league.

THE MERGER-MAKER

The year was 1976. The pro basketball war between the NBA and American Basketball Association had ranged since 1968. Salaries were out of sight. The NBA had the bigger cities, network television contracts and better arenas.

The ABA had the Doc. He was enough.

The rest of the world knew about him mainly from the legendary Sports Illustrated cover story that called him "the net-ripping, backboard-shaking, mind-blowing Dr. J."

And there were occasional rumors of Erving's slam-dunk contest with David Thompson in the final ABA All-Star Game (1976.) To basketball fans nationwide, it was like medieval Venice, hearing rumors of the spices and treasures that lay at the end of the Silk Road.

We are always more curious about something that is new and strange. The clamor of basketball fans nationwide to see this jumping fool from another planet (for such was hype) led, almost as much as the fiscal sense of the owners, to the great merger agreement 10 years ago.

All of the best players from the ABA—Artis Gilmore, David Thompson, James Silas, Ron Boone, Larry Kenon, George Gervin, Bobby Jones, John Williamson, Dan Issel, Brian Taylor, Moses Malone, Caldwell Jones and their like—could then be enjoyed by everyone.

The merger, certainly, would have happened without Dr. J. But not as quickly. And for basketball fans who missed the chance to see a player such as Donnie Freeman in his glory, the only pity is that Erving came along too late.

THE FRANCHISE-MAKER

To understand where Erving is, you have to know where he has been.

When sold to the 76ers by impoverished former Nets owner Roy Boe on the eve of opening day in 1976, Erving didn't bring with him the most savory reputation.

At one point, Milwaukee owned the NBA rights to him, but he agreed to contract terms with Atlanta . . . and even played a couple of exhibition games with the Hawks. After that adventure, the courts ordered him back to the ABA.

His actions indicated nothing less than that he was the rankest of mercenaries.

Furthermore, joining the 76ers of 10 years ago hardly figured to be a pleasant experience. George McGinnis, acquired one year earlier, was the darling of the fans. With such other offensive weapons as Lloyd Free (as he was known then), Joe Bryant, Doug Collins and Darryl Dawkins clogging the roster, there weren't enough basketballs to go around.

Frankly, many skeptics expected Erving to put in a year or so in Philly and then, with the New York Knicks at the peak of their spending spree, to leap into a pile of Manhattan cash that would put J.P. Morgan's bank to shame.

But just as there is a pure, sound basketball player beneath the flash and funk of the Doctor's style, so there was a gentleman beneath the greed.

Erving threw himself part and parcel into Philadelphia life. He owns the Coca-Cola Bottling Co. in the city, for example. It is the fourth-largest black-owned company in the country. He is a viable force in the city's business and sporting spheres. He has become a Philadelphia institution, right up there in local fondness with Bobby Clarke, Ben Franklin, William Penn and the boys.

He certainly has returned more loyalty to the franchise than it has given him. Philadelphia flirted with the idea of trading him in 1985 and was so slow to sign him after last season, Erving considered at length a lucrative offer from the Utah Jazz.

Had he gone to Utah, of course, he would have made a great mistake. With Utah, there was the danger he would come off as Brigham Old or somebody. With Philly, he can be an elder statesman with dignity.

THE MEMORY-MAKER

Erving's place in technical basketball history, of course, is secure. He is the most flamboyant and exciting open-court player in the game's history.

He brought breadth to a vertical game. He didn't invent the dunk, but he did turn it into an art form. Virtuosity came to depend as much on hang-time and finesse as on height and force. Wilt Chamberlain dunked. Julius Erving danced on a dream.

In a sense, he was the final evolutionary step in the process begun by Elgin Baylor. The great Lakers forward's double pumps his reverse drives, his incredible ability to work hangtime to death, all of that set the stage for the Doctor.

The intermediate step was provided by Connie Hawkins, who, also played out his best years in the obscurity of the ABA. Hawkins had the same mammoth hands that added another dimension to Erving's game, but was on his last legs by the time he joined Phoenix in the late 1960s.

And it was the vast hands—shaking with him is like sinking your hand into a pillow—that made Erving a mythic character on the court.

Yes, he could dunk by taking off from a toenail inside the foul line. But the springs in his legs weren't unique. Edgar Jones, for example, could flatout get up there, too.

"Those hands give Doc an extra weapon," Collins, now the Chicago Bulls' coach, once said, "He can get angles and do things that other people never dream of."

Two memories, showing that the Doc's hand was always quicker than your eye and that nobody on this planet ever jumped like he could;

Game Six, 1977 NBA finals, Philly vs. Portland. The ball rolls loose after a 76er's basket. No one knows how. No one will care after what happens next.

Erving scoops it up at midcourt (Erving is usually the last Sixer back on defense at this stage of his career) and breaks in alone on Portland center Bill Walton.

Remember that Walton is having the greatest single season any center, including Wilt Chamberlain in 1967, has had. Walton has created his own legend by skying somewhere to the north of reality and dunking right in Kareem Abdul-Jabbar's goggles earlier in the playoffs.

But at Portland's defensive end of the floor, nothing goes over Walton unless it's powered by a small plane.

Erving jukes left, right, shimmies into the lane. Walton windmilling his arms and gathering spring for the block . . . and then, wham, Doc explodes upward and stuffs it right in the famous vegetarian ear of Walton.

If it had been a penalty shot in hockey, it would have been Bobby Hull against Jacques Plante. Baseball, Nolan Ryan against Reggie. I was there. I still tingle thinking about it.

Game Four, 1980 finals, Philly vs. Lakers. "What Julius does," Magic Johnson said years later, "is leave an impression on your mind. I'm still talking about the move he made in the 1980 finals. You know, the one where he went up on one side of the basket, crossed under and laid it in on the other side."

I got out my game story from that afternoon's contest.

I can still see him curving around Mark Landsberger as he leaves the floor on the right college foul-lane marker.

Kareem rushes over "slinging those long old arms of his around," as Dr. J said later.

Erving bends around him, too, flying beneath the basket with half of his airborne body out of bounds. "At this point, he could have ordered a soft pretzel from a concessionaire, with lots of mustard on it," my story read.

Erving curlicues back toward the floor, still walking on air, remember, and wrenches up a reverse layup.

An instant later, he collides with Jim Chones on the left college foul-lane marker and tumbles to the floor, "a dark angel folding his wings," as I said at the time.

"When that shot went in," the 76ers' trainer said later, "it was like New Year's Eve."

"Whew," Magic said. "He gives you memories."

THE LEAGUE-MAKER

"There was a period when the NBA had lost a lot of credibility," said Dick Motta, the Dallas Mavericks' coach. "Our game was great, but some people in it weren't stepping forth with the best image.

"The college coaches were knocking us. We had some drug scandals. We had lots of contract disputes and we had basically lost our TV contract (championship-round games as late as 1981 were shown on a tape-delay basis.)

"We had more teams losing money than making money. We had owners suing each other. We had players boycotting All-Star Games."

The product on the floor itself, make no mistake, was saved by the introduction of Magic Johnson and Larry Bird into the league in the same epochal season of 1979-80. Each has won three championships since.

Commissioner David Stern, a brilliant merchandiser, helped at the business end, too.

But Erving saved the league, in Motta's opinion, in the public relations end.

"Julius stepped forward as probably the best ambassador—whether it be black or white, it was an advantage to the league at the time that he was black—and participated in all the charities, talked positively, acted positively with his life and his game," Motta said. "We all jumped on his coattails and rode them."

It wasn't just the charity work, though Erving always has been a willing spokesman for any good cause.

And it wasn't just the incredible example to youths of Erving's attaining his college degree, 15 years after leaving the University of Massachusetts, last spring.

It was the personal example of class and character he set for his teammates, for all his colleagues, really, that set Erving apart. What he did while swooping and dive-bombing the net was less important, finally, than how he handled himself after he came down.

He would become the NBA's Winston Churchill, offering in war, resolution; in defeat, defiance; in victory, magnanimity.

He was caught in one of history's bitter little jokes. The 76ers' best chance for a title came in the 1970s, when Erving was a tiger. But the team was too divided then.

When they finally won, in 1983, after three losses in the finals, he was so old, he was calling himself a "role player."

Some role player.

Rather we should think of him as we would a ripening masterpiece, one that is acquiring tonality and weathered nuance through the years.

Marking his place as a true professional, for example, he expanded his game as the years went on. He picked up an entirely new skill and became a far better outside shooter near the end than he was at the beginning of his career.

His defense, now that he was not called on for so much offense, became stronger.

And he finally would make the Havlicekian switch to the backcourt, proving his versatility.

That improved jump shot, that enhanced defense, in fact, led him to win his lone NBA championship in storybook fashion.

He scored seven straight points in the final 2:01 of the clinching game against the Lakers in 1983.

"I would like to give thanks to the Creator," Erving said before entering his team's locker room, where the champagne spewed. "And not only for the times we were victorious, but for the times we lost. Those times built our character as men. Without what happened then, we wouldn't be the same now."

THE LOVE-MAKER

"This is what would have happened if Ernie Banks had ever gotten to the World Series," former 76ers General Manager Pat Williams said after Erving at last won his championship. "The whole world wanted this to happen to him."

But as Erving said outside that riotous locker room four years ago, it wasn't just the triumphs, but also the tragedies that forged him. For he isn't the most popular player of his time because of his coronet, but because of his kind heart.

He has lost on the court, missing the last shot of the seventh and last game against Milwaukee just last year, for example. When he lost in the finals in 1982, it became too much for him and he wept, he would admit later, for the first time since his brother had died of lupus years ago.

He probably was surprised by that because he always tried to take whatever happened in basketball with relative calm.

"My playing career is a grain of salt," he once said, "when compared to reality, to tragedy, to family, to friends."

And so it was that he missed a game last season so he could remain in Philadelphia to deliver the eulogy at the funeral of Dave Zinkoff, the team's public address announcer for most of its history.

Here is what Erving said at that funeral:

"To know him was to love him, and I truly loved this man. I knew him for only nine years. I laughed with him, cried with him, shared with him, dined with him, chauffered with him, received advice from him, pleaded with him, plotted with him, exchanged stories with him, learned from him, hugged him, kissed him and told him I loved him without shame, embarrassment or hesitation.

"David was my grandfather, father, brother and son all rolled into one giving, sharing person who cannot and will not be replaced, ever. He left us, after showing us the way to live our lives."

There usually is a barrier between athlete and reporter. But at the risk of the adversarial relationship, I will say that the fine words could as easily apply to Erving himself.

Who loves ya, baby? We all do. Because you gave us canvases to last our lifetimes.

TRIBUTE TO BROTHER VINCENT WEBB

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BROWN of California. Mr. Speaker, I wanted to share with you today the words of one of my constituents, Brother Vincent Webb, SVD: "For as long as I am able, the joy of serving somebody gives me reason to live."

This Sunday, April 26, 1987, friends of Brother Vincent Webb will gather at the Divine Word Seminary in Riverside, CA to celebrate his 50th anniversary with the Divine Word Missionaries. This will be a unique celebration because Brother Vincent is a unique man: Brother Vincent Webb was the first black man in the United States to become a religious brother in a Catholic faith community.

Brother Vincent was born April 7, 1908, in Arkansas. His conversion to the Catholic faith began when he grappled with the issue of segregated churches in the South. When he moved to Toledo, OH, at the age of 17 a white coworker invited him to mass. He began to study for the priesthood in 1928, but turned instead to helping a Jesuit priest start a mission for blacks in Toledo. "Some days I got something to eat and some days I didn't," he recalls.

The Divine Word Missionaries offered the first opportunity for blacks in America to train for the ministry, and Brother Vincent professed his vows with the order on May 6, 1937. Brother Vincent is being honored for his 50 years of service to the Divine Word ministry; he has become a legend at the seminary in Riverside, where he has lived for the past 25 years. At the age of 79, Brother Vincent still rises at 3:30 a.m. to pray and to serve meals to the religious community—over 30,000 meals a year!

Mr. Speaker, I want to join Brother Vincent's many friends in honoring him for his humor, his generosity, and his love. His friendship and advice have helped many young people to discern God's call for their lives. The many people whose lives he has touched have been blessed, and we thank him for his daily example of Christ's love made manifest on earth.

SHARING THE BURDEN OF LATIN DEBT

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FUSTER. Mr. Speaker, I would like to share with you and my colleagues in the House an excellent op-ed article the Governor of Puerto Rico, Rafael Hernández Colón, published in the New York Times of April 16, 1987 entitled "Sharing the Burden of Latin Debt."

The exchange of debt for equity approach the Governor of Puerto Rico advances in his article could help prevent the outcome he feels is coming about as a result of the ravages of the current debt problem. He indicates that:

> The result is that democratic politicians in the debtor nations are increasingly trapped between the demands of a dissatisfied population and an international community that provides neither markets not debt service relief.

The Governor's warning to Washington, Mr. Speaker, is that "democracy in Latin America could be in grave danger if the debt problem is not brought under control." Many of my colleagues share his view and so do I.

Growth through equity is a possible way out of the tangle of problems that keep getting more complex and intractable with the passage of time. I hope we can do something about it before the "breaking point" is upon so many of our friends and allies in the community of nations.

SHARING THE BURDEN OF LATIN DEBT

(By Rafael Hernández Colón)

SAN JUAN—Puerto Rico is America's vantage point for the Caribbean and Latin America, a bridge between North and South. We would therefore be remiss if we failed to warn Washington that democracy in Latin America could be in grave danger if the debt problem is not brought under control.

Latin America owes more than $360 billion to banks and governments in the industrialized world. The interest payments are huge. United States banks appear determined not to extend new loans to Latin America—in 1986 banks actually took in more money from the region than they loaned—so there is little hope that the flow of money out of the region will reverse itself.

Puerto Ricans see both sides of the story. We understand why banks have called for austerity measures, yet the fact is that such difficult and politically unsettling measures have been in place in almost every country of Latin America for the last three years. The result is that democratic politicians in the debtor nations are increasingly trapped between the demands of a dissatisfied population and an international community that provides neither markets nor debt service relief.

Any resolution must contain certain key ingredients. There must be some relief in the amount of money debtors are paying to service the debt. At the same time, Latin nations must be more flexible in accepting equity investment in exchange for debt. Distrust of foreign investments may have been understandable in the past, but foreign investors of the late 1980's are not the same as those of the early 1950's. Simultaneously, commercial banks will have to raise their sights above narrow accounting concerns to become partners in imaginative solutions that can involve equity as well as cash repayments.

One innovative proposal was recently set forth by the Philippine Finance Minister, Jaime Ongpin, asking creditors to accept a financial instrument called Philippine Investment Notes in lieu of dollars. As an incentive to the banker to accept them, the notes would be worth more in local currency than the dollar value of the interest he would have ordinarily received. The banker could then sell the notes for dollars to private investors, who would turn them in for full face value in pesos. These pesos would in time be used to fund equity investment in the Philippines.

This is just one idea. But whatever the chosen debt for equity scheme, the concept is the same. Debt, which is a drain on both the country and the bank, is transformed into productive new investment. And all the players gain. The country saves precious foreign exchange by paying in notes; the banker unloads unproductive debt; the investor receives local currency at a discount. Above all, ordinary citizens will see debt service payments, which they are making vast sacrifices to meet, begin to return to their country as investments in goods and jobs, breaking a dangerous cycle of despair that could conceivably lead to total debt repudiation.

Banks and debtor nations alike must recognize the political and financial dexterity of ideas that permit repayments to go forward without badly damaging the popular base and long-term growth prospects of a country. Equity programs would require a concession from debtors as well, because it would make them open their economies to foreign investment, bringing higher growth rates and fuller employment.

For too long the debt crisis has been viewed by Washington as simply a financial program. Treasury Secretary James A. Baker's 1985 plan for a concerted program of further infusions raised hopes, but the expanded commercial bank lending he foresaw—the essential piece of the puzzle—never fully materialized. Washington must now be ready to support mechanisms that reduce debt service burden and enhance long-term growth through equity.

The case of Puerto Rico demonstrates that even a small Caribbean island can achieve expansion and employment through substantial private investment. Had we faced the pressures of an impossible debt burden, Puerto Rico would never have achieved its success in economic and social development. Yet we also share a cultural and religious heritage with the rest of Latin America. And what we see happening there worries us. For many nations the breaking point is fast approaching.

TRIBUTE TO OUR COAST GUARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, I rise to pay tribute to the U.S. Coast Guard, especially those who were responsible for the dramatic and heroic rescue of the 37 Russians who were stranded aboard a drowning vessel's heaving deck just 210 miles off the coast of New Jersey. After discussing this matter recently with a number of my constitutents, I believe that these valiant Coast Guard members are deserving of a special tribute.

The daring helicopter crews, led by Lt. Keith Comer, LCDR. Gary Poll, and Capt. Richard Hardy, braved 50-mile-an-hour winds and seas of up to 25 feet. Using their trained skills, they managed to stage one of the most remarkable rescues in Coast Guard history.

All of the Soviet crew was rescued as the 482-foot ship was listing 40 degrees to port, rising and plunging in the sea with winds gusting up to 50 miles. Among the Russians rescued were three women and one small infant.

Mr. Speaker, I urge my colleagues to share in expressing our Nation's feelings of gratitude, thankfulness, and respect for these brave men, already noted by the Soviets. Courageous men like these who risk their lives to protect and serve our Nation, as well as other nations which need our help, are deserving of our praise. Their efforts should not go unacknowledged. We commend them for a job well done.

THE OLD AND YOUNG AREN'T FOES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, as an original Member of the House Select Committee on Aging, I have had numerous occasions to hear testimony from William R. Hutton, the executive director of the National Council of Senior Citizens.

Mr. Hutton has proven himself not only to be a leading advocate for the rights of our Nation's elderly, and also has, on several occasions, displayed his talents in print. I am proud at this time to include for the record a recent article Mr. Hutton submitted to the New York Times on generational equity. I believe this article will be of interest to all who are concerned with the rights and welfare of not only our Nation's young people, but our Nation's older adults.

[From The New York Times, Apr. 8, 1987]

THE OLD AND YOUNG AREN'T FOES

(By William R. Hutton)

WASHINGTON.—Under the misleading rubric of Americans for Generational Equity, a new pressure group is framing public-policy questions as if there were competition among the generations.

Although the organization, which was created by Senator David Durenberger, Republican of Minnesota and which has been called "granny-bashers" and the "yuppie lobby," claims to be working for increased fairness and cooperation between the generations, it promotes divisiveness, not equity. The organization's solution to the problem of poverty among the young is to attack programs that help the old. This strategy poses a danger to needy citizens of all ages.

The organization's generational equity thesis is based on several factual errors and misconceptions. The facts are these:

1. Older Americans are not a group of affluent idlers taking money out of the pockets of younger workers or women and children on welfare.

Even though senior citizens are in better financial shape than they were 10 or 20 years ago, thanks in large part to such insurance programs as Social Security and Medicare, there still are large pockets of poverty among the elderly, particularly among Hispanics, blacks and other women.

Critics of Social Security and other insurance programs for senior citizens often use discriminatingly lower indexes of poverty for the elderly and ignore the large number of near-poor who are just over the poverty line, which is $4,775 for a single person over 65.

If accurate statistics on poverty are used, our most needy seniors constitute not 12.4 percent but 21.2 percent of the whole population. No other age group has so many needy people. Even those outside of the most needy group cannot be considered well off. The average monthly Social Security payment for a retiree is merely $488; for many elderly people, the sum is much lower.

2. Redistributing resources between generations does not guarantee fair treatment for poor citizens of any age.

Clearly, our society should be doing more to address the shameful growth of poverty among children. But Social Security and Medicare are not responsible for this poverty, nor are any of the other assistance programs that have helped the elderly, as a recent study by the nonpartisan Congressional Budget Office makes clear.

The cuts in social programs assisting the young, the study shows, directly result from the enormously rising defense spending and from tax loopholes.

3. Social Security and other senior assistance programs do provide tangible economic returns.

Without the economic independence that Social Security provides for most older people, the burden of support would fall largely upon younger family members. At precisely the time that adults are struggling to rear and support their children, the responsibility for dependent parents would create enormous family stress, not to mention substantial costs. Were it not for Social Security, poverty rates among children would more than triple.

Social Security is beneficial to younger generations through the valuable survivors' benefits and payments for disabled young workers. Then, too, by encouraging older workers to retire in exchange for compensation, Social Security opens up job opportunities for younger workers.

In our highly interdependent society, it is both normal and expected that individuals experience personal needs that only other individuals and social institutions can meet. In the course of a lifetime, people generally both give and get assistance. These bonds link everyone as a society.

With this understanding, senior citizens' organizations have worked successfully with

advocates of the family and children for years to achieve better living standards for needy citizens of all ages. Now, however, lobbyists for the so-called intergenerational equity can upset this balance and cooperation in one fell swoop.

While most major polls and studies indicate little evidence of conflict between age groups, the work of these intergenerational "reformers" may make such conflict a self-fulfilling prophesy.

TESTIMONIAL IN HONOR OF JULIUS GIUS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues, the testimonial dinner honoring one of my personal friends who is the editor of the Ventura County, CA, Star Free Press. Tribute is being paid to Julius for his many years of consistent and positive involvement in Ventura County affairs.

Julius Gius was born in Fairbanks, AK, in 1911 and arrived in Ventura County in 1960. He quickly became an involved and influential member of the community. He has edited the Ventura County Star Free Press since coming to Ventura and has served on many boards for the past 27 years.

His many civic duties have included his being a trustee of the Community Memorial Hospital since 1962; a member of the Ventura Rotary Club since 1961, receiving their Paul Harris fellowship; a member of the board of directors of the Ventura County Symphony Association for over 25 years; a director of the former Community Chest and of the present Ventura County Community Way; 1985 chairman of the Boy Scout sustaining fund drive; and 1985 chairman of the YMCA capital campaign fund for a swimming pool. In addition, he created the Star Free Press "Bell Ringer Campaign" which has raised over $250,000 for the Salvation Army's work in Ventura County. Julius has been a member of the Boy Scout Golden Condor Committee from 1981-87; honored by the Ojai, CA, festivals for continuing support of that organization; and a member of the American Society of Newspaper Editors for the past 38 years. As a member of the Society of Newspaper Editors, he was chosen as one of 15 members to represent them in the Soviet Union.

Julius has been married to his wonderful wife Gail for 46 plus years. The couple have a son Gary and a daughter Barbara. They also have five grandchildren. He enjoys playing a little golf and travels as much as possible.

As you can see Julius richly deserves this testimonial for all that he has given to Ventura County. Please join with me in extending the very best wishes of the House to a very important man in my community, my friend Julius Gius.

COMMENDING THE 10TH ANNIVERSARY OF PHILADELPHIA ELECTRIC CO.'S YOUTH DEBATE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FOGLIETTA. Mr. Speaker, this coming Saturday, April 25, marks the 10th anniversary of Philadelphia Electric Co.'s Youth Debate on Energy. I want to commend Philadelphia Electric Co., and in particular the Energy Education Advisory Council, for sponsoring what is universally recognized as a major educational resource and a true public service in the Philadelphia community.

The Youth Debate on Energy has become an important forum for the discussion of one of the most important, continuing issues this Nation faces—utilization of energy resources. This event has been responsible for exposing thousands of Philadelphia area high school students to the importance of a workable energy policy in the United States, and to the difficulty of achieving such a policy.

This year's debate topic is especially timely. The students will debate whether the Federal Government should impose a $5 per-barrel tax on imported oil. As all of us who serve in this Chamber are aware, this is a highly complex and hotly contested issue. Clearly, the debate's participants will further develop their skills for research, analysis, and critical thinking.

I do not exaggerate when I say this Youth Detate on Energy Program is important. The generation that has been making this Nation's energy decisions, our generation, was woefully unprepared when, in 1973, the Organization of Petroleum Exporting Countries cut off this Nation's oil supply.

Forms like the Youth Debate on Energy shake us out of complacency. By having the students of today address the difficult and controversial energy problems confronting us now, we ensure that the next generation of energy decisionmakers will be better prepared to meet the challenges and controversies of the future.

Debate, as it is used and practiced, develops the ability of people to govern themselves. It is no accident that free speech and freedom of assembly, the raw ingredients of debate, are enshrined, along with religion, in our Constitution's first amendment. We as a people hold dearly to the belief that, in Thomas Babington Macaulay's words, "Men are never so likely to settle a question rightly, as when they discuss it freely."

So, when young people become involved in a program like Philadelphia Electric Co.'s Youth Debate on Energy, it is not just an academic exercise, it is an advancement of our ideals to a new generation.

The Youth Debate on Energy is a difficult undertaking. On this, the 10th anniversary of the program, I want to recognize and congratulate Philadelphia Electric Co., the members of the Energy Education Advisory Council, and the high school participants over these past 10 years, from whose energy and hard work we all benefit.

JACKIE ROBINSON: A MAN FOR ALL SEASONS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DELLUMS. Mr. Speaker, last Wednesday, April 15, marked the 40th anniversary of Jackie Robinson's first appearance in a major league baseball game, as the starting first baseman for the Brooklyn Dodgers. It was a landmark event in the history of America's race relations but, sadly, events of recent weeks and months document that we still have a long way to go to achieve equity and fairness in baseball, much less society at large.

Jackie Robinson ought to be remembered as much more than a great baseball player who deservedly belongs in the Hall of Fame at Cooperstown. He was a great athlete but, more important, he was a man who spent an all-too-brief life trying to get this Nation to live up to the ideals professed in our Declaration of Independence, that all are created equal.

He was born youngest of five children on January 31, 1919 in Cairo, GA. A year later his mother, Mallie, seeking a better life for her children, took them to Pasadena, CA. But the heavy hand of race prejudice prevailed even in the Golden State at that time. For example, in 1936, when a local judge ordered the Pasadena public swimming pools to be desegregated, the city government retaliated by purging all blacks from the city payroll. One of the victims was Mack Robinson, Jackie's older brother, who had just returned from the 1936 Berlin Summer Olympics where he had won a silver medal in the 220-meter dash, finishing second to the immortal Jesse Owens.

It was in southern California, first at junior college and then at UCLA, that he honed the incredible skills that made him probably the finest all-round athlete of his era—or any era in the history of modern sport. Most ardent baseball fans can cite his 10-year major league career statistics, starting with lifetime batting average of .311 and a 1949 Most Valuable Player Award year that included a .342 batting average championship with 124 runs-batted-in. However, many people do not realize, or have forgotten, that baseball may have been his least proficient sport. If you would not believe, then consider some of his other athletic achievements while an undergraduate student at UCLA during the years 1939-1941:

1. As a basketball player he twice led the Pacific Coast Conference (now the PAC-10) in scoring. One opposing coach called him the best basketball player in the United States;

2. As a football halfback he averaged 11 yards per carry in his junior year, leading the editor of Sports Weekly to write: "He is probably the greatest ball carrier on the gridiron today.";

3. He was the NCAA long-jump champion in 1940;

4. In between college baseball games, he also managed to win the Pacific Coast intercollegiate golf championship;

5. Playing during the segregated era of tennis, he reached the semifinals of the National Negro Tennis Tournament;

6. Contrary to the recent incredibly insensitive remarks by Mr. Alex Campanis, former vice president of the L.A. Dodgers, about blacks lacking sufficient buoyancy to be good swimmers, he was also a UCLA swimming champion at a variety of distances.

But it is Jackie Robinson, the crusader for equal opportunity that I admire even more. When he was called into military service shortly after the attack on Pearl Harbor, he applied for Officer Candidate School [OCS] at Fort Riley, KS. Despite his college background and high test scores, he was rejected for admission. He protested this racist discrimination to a fellow black soldier stationed there—Joe Louis, then heavyweight champion of the world. Louis informed Truman Gibson, a black adviser to the War Department. They responded by reversing this racist policy at Fort Riley, thus initiating the eventual desegregation of all the Armed Forces.

After receiving his commission as an Army second lieutenant, Robinson was made morale officer for the black troops at Fort Riley. He immediately attempted to increase the number of seats for black troops and their dependents at the segregated Post Exchange [PX]. His efforts were successful, but not before he had engaged in a telephone shouting match with a ranking white officer who, thinking Robinson was white, said: "How would you like to have your wife sitting next to a nigger?"

He was barred from playing on the Fort Riley baseball team, which was segregated. In retaliation, he refused to play for the post football team which was integrated, even after a colonel ordered him to play. As a consequence, he was soon transferred to Fort Hood, TX.

While serving at Fort Hood, on July 6, 1944, 1 month after the D-Day invasion of Normandy to liberate western Europe, and 11 years before Rosa Parks refused a similar racist command on a Montgomery, AL bus, Lieutenant Robinson was ordered by a military bus driver to get to the back of the bus where the colored people belong. Knowing that the War Department had recently ordered the desegregation of military buses, he vehemently refused, even though the Military Police and the base provost marshal sided with the driver. As a consequence he was court-martialed for insubordination and threatened with a dishonorable discharge. He persisted in his rights—and he won acquittal on all charges. The Army was afraid to put up any longer with a racial crusader, so they gave him an honorable discharge in November 1944.

Ironically, his consistent display of courage in the face of adversity made him Branch Rickey's prime candidate for launching baseball's great experiment. Rickey told him he had been selected because: "I want a player with guts enough not to fight back" when subjected to racial slurs and deliberate attempts to injure him. By mutual consent, Robinson agreed to remain silent for 3 years, in order to gain acceptance as a professional peer, thus prying open the door for other talented black players. We can only imagine what he suffered and what he endured during that period. The personal toll was immense, both to his pride and to his health; there is no doubt in my mind that it contributed to his early death at the relatively young age of 53.

Long after he left baseball, Jackie Robinson continued to speak out for the cause of racial equality and social justice. Although one of its leading spokesmen and fund-raisers, in 1967 he angered the black establishment by resigning in protest from the NAACP because of its domination by a clique of the Old Guard and its failure to include younger, more progressive voices. In 1969 he declined an invitation to an old-timers game at Yankee Stadium because, as he wrote:

> My pride in my blackness and my disappointment in baseball's attitudes requires that until I see genuine interest in breaking the barriers that deny access to managerial and front office positions, I will say no to such requests.

However, in 1972, he relented, in order to commemorate the 20th anniversary of his historic entry into major league baseball. On October 15 of that year, at Riverfront Stadium in Cincinnati, he threw out the first pitch to open the second game of the World Series between the Cincinnati Reds and the Oakland Athletics. Nine days later he was dead of a heart attack.

Fifteen years after his death, and 40 years after he broke the color barrier in major league baseball, Jackie Robinson leaves behind a legacy of courage and commitment to make this world a better place for all in which to live and love. Yes, he was truly a credit to his race—the human race. For that I will always honor and respect him.

WORLD POPULATION AWARENESS WEEK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LEVIN of Michigan. Mr. Speaker, I am very pleased that the State of Michigan has joined with at least 35 others in a bipartisan effort to declare the week of April 20 through 25 as "World Population Awareness Week."

World Population Awareness Week will be marked in Michigan, as it will in other States, by a series of forums and conferences. These gatherings—to be held in Michigan at Ferris State College, Kalamazoo College, and the University of Michigan in Ann Arbor, among other places—are designed to promote a broader understanding of the harmful impact of high population growth rates on the socioeconomic development of many developing nations.

It is important to encourage this understanding both within developing and industrial nations. It is important so that individuals are able to implement their desires about family size. It is important in order that peoples throughout the world are advised of the implication of rapid populations growth rates for the well-being of their own families and the nation in which they live. There is no single or simple approach in meeting this challenge so that a week set aside for awareness takes on added significance.

I am very pleased that Michigan is a part of this effort and I am proud to join my colleagues, Senators CARL LEVIN and DONALD RIEGLE, in supporting House Joint Resolution 148 and Senate Joint Resolution 69 to designate the week of April 20-25 nationally as World Population Awareness Week.

I insert Gov. Jim Blanchard's proclamation in the RECORD:

PROCLAMATION OF THE STATE OF MICHIGAN

Governor James J. Blanchard hereby issues this Executive Declaration in Observance of April 20-25, 1987, as "World Population Awarness Week."

The world's population has reached 5 billion and is growing at an unprecedented rate of 87 million a year. Rapid population growth causes or intensifies a wide range of grave problems in our developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion and economic stagnation.

Fifty percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year around the world could be prevented if voluntary child spacing and maternal health programs were substantially expanded.

Some 500 million people in our world want and need family planning but do not have access or means to such services. The United States has been a leading advocate of the Universally recognized human right of couples to determine and size and spacing of their families.

Therefore, I, James J. Blanchard, Governor of the State of Michigan, do hereby declare April 20 through 25, 1987, as World Population Awareness Week in Michigan. I encourage all citizens to reflect upon the consequences of overpopulation, and to join me in commemorating this important observance.

Given under my hand on this nineteenth day of March in the year of Our Lord one thousand nine hunderd and eighty-seven and of the Commonwealth one hundred and fifty-one.

JAMES J. BLANCHARD,
Governor.

GIFTED EDUCATION PRESS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, Gifted Education Press is a newsletter published of gifted and talented education. I recently had the pleasure of reading this newsletter, and wish to commend it to the attention of my colleagues. I also wish to recognize the fine work of its publisher, Maurice D. Fisher.

As our Nation becomes increasingly aware of the critical importance of education, and the need to fully develop the potential of each and every citizen, we must expand and strengthen our commitment to educational programs. Nowhere is that more apparent than in the area of gifted and talented education. "Gifted students need to be challenged by courses of study which recognize their specific learning needs and encourage them to strive for excellence," begins one article in the newsletter. The article continues by discussing gifted and talented students as those who have the ability to "think critically, question and evaluate new ideas, conduct meaningful studies, and imagine, create, and explore new areas of thought." These abilities define precisely the kinds of contributions our Nation desperately needs. Perhaps Maurice Fisher put it best in another article when he wrote, "The essence of education for the gifted is to allow students to discover the worlds others have seen, then use these discoveries to open and view new perspectives on their own."

However, the need for a strengthened Federal commitment for gifted and talented education was best described in an article outlining the need for developing a rigorous curriculum for the gifted. As my colleagues read part of the article printed below, I urge support for my bill, H.R. 543, to provide more effective and more specific educational services to our Nation's gifted and talented students—students who could very well hold the key to the future of our Nation, and that of the entire world.

> Much too frequently, one answer for teaching gifted students in school is to simply give more work, or insist on the completion of tasks and assignments at a faster rate. Another approach educators take with these students is the "bread and circus" one, where the gifted are kept busy with activities which are more entertaining than educational. Both approaches widely miss the mark of what gifted students should expect and receive from an educational program.

The article continues with an essay to graduating seniors:

> It is possible that you may become the best-informed generation in history—quantitatively. It is also frighteningly possible that you could turn out to be one of the worst educated generations—qualitatively. There have been times when far fewer people were educated, but when those few received an education in depth unmatched today. You could be cursed with information without wisdom, with data without direction. You could wind up programming machines without knowing the implications of their use, for naively handling instruments more sophisticated than yourselves.

ROBERT ROYSTER RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the retirement of Robert "Bob" Royster as district manager for the Pacific Gas & Electric Co.

Bob was responsible for one of the most diversified local office service territories in the Pacific Gas & Electric system. The territory includes the communities of Santa Maria, Guadalupe, Solvang, Buellton, Lompoc, and Nipomo Mesa, where PG&E serves more than 48,000 customers.

Bob began his Pacific Gas & Electric career in 1951 as a map draftsman. Following a 2-year leave of absence for Army service in Korea, he resumed his career in San Francisco as a senior map draftsman and progressed to engineering estimator, commercial sales representative, and power engineer.

In 1969 Bob was appointed division marketing supervisor in Salinas, part of the company's Coast Valleys Division. Five years later he was named Paso Robles manager in the same division. In April 1980 Bob was promoted to Santa Maria district manager.

Bob is a graduate of Heald College in San Francisco with a bachelor of science degree in civil engineering and has completed numerous career-oriented courses both through Pacific Gas & Electric and outside the company.

For years, Bob has been active in the United Way of the central coast, last year he was general campaign chairman. He is also active in the Elks Club, Rotary Club, Chamber of Commerce Military Affairs Committee, Taxpayers Association, Salvation Army, Junior Achievement, Valley Developers, and Santa Maria Valley Republicans.

Bob and his wife, Marita, have two children, Linda of Salinas and James who is with the U.S. Army based in Germany.

Although Bob is retiring from PG&E, he will continue to serve the community, and next July will become executive director of the Santa Maria Developers Association. On behalf of the Members of the House, I'd like to convey my congratulations to Bob Royster upon his very successful career, and to wish him well in his new one.

AMENDMENT TO THE STATE DEPARTMENT AUTHORIZATION BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RICHARDSON. Mr. Speaker, I will be introducing an amendment to the State Department authorization bill which points out the deplorable human rights abuses in two countries whose ideologies encompass the left and right of the political spectrum—Ethiopia and Paraguay, respectively.

Ethiopia is ruled by Chairman Mengistu Haile-Mariam who exercises absolute power over the majority of Ethiopians. The ability of the Mengistu regime to maintain itself in power is based on the conviction of most Ethiopians that it is prepared to take whatever steps are necessary to continue in power. Ethiopia's record on human rights remains deplorable. Ethiopians have no civil or political freedoms and no institutions or laws to protect their human rights. Over 1 million Ethiopians have fled the country, many preferring life in refugee camps. There were reliable reports in 1986 of the execution of approximately 60 political prisoners in October 1985. None of the executed is known to have been granted a trial, much less an appeal, and the Government has never acknowledged the executions nor attempted to justify them.

Similarly, the authoritarian government of Paraguay has an equally sorry record. As in past years, there were credible charges that police authorities had tortured and physically abused prisoners. The state of siege provision of the Constitution, in effect almost without interruption since 1929, provides for detention of individuals without trial for an indefinite period of time. The police forces regularly arrest and hold persons arbitrarily, citing variously the state of siege authority, Paraguay's "antisubversive" statute, or, as was the case in most of the detentions which occurred in 1986, offering no rationale.

Mr. Speaker, these human rights abuses year after year are inexcusable. I have taken the liberty of selecting countries from different political idiologies to emphasize the point that the United States cannot tolerate this kind of inhumane action on the part of any government. For this reason, I am requesting that my amendment be adopted as a token of our outrage over these events, and to emphasize that we will continually speak out against governments such as Ethiopia and Paraguay that feel they can torture and maim other human beings. I urge my colleagues to adopt this amendment.

MR. FOWLER'S MARKETPLACE

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. SWIFT. Mr. Speaker, it was like a scene out of an old Lucy show. The pompous Gale Gordon, swathed in dignity and high dudgeon, makes a grand exit statement and then marches determinedly out a door—right into the closet.

For the past 6 years Mark Fowler has been chairman of the Federal Communications Commission. For those 6 years he has preached and pounded the point that the marketplace provides all the answers to mass communication questions. For 6 years he has demolished regulations that he stoutly claimed interfered with the American public's ability to choose for itself what it wished to hear and see on America's airwaves. For 6 years he's denounced the view that there is an appropriate role for Government in defining some parameters to the public interest.

But last Friday, in his last day in office, Mark Fowler marched proudly to the exit door of his tenure at the FCC, planted his foot firmly on the banana peel of self righteousness, and took a pratfall worthy of Chevy Chase.

Mark Fowler's last act—inconsistent with everything he's asserted these many years—was to save us from ourselves. It seens that after assuring anyone who would listen to him that the marketplace worked perfectly and a perfect world would leave it alone to do its magic, Mr. Fowler's last act was to endorse—worse yet, advocate—massive intrusion of the Commission into programming policies of every broadcasting station in the Nation in order to protect people from aberrations of the vaunted marketplace.

In recent years there has been an unfortunate demonstration of some people's affinity for naughty words and adolescent smut. In response Fowler led the Commission far beyond merely setting Government parameters for minimum service to the public into what is clearly Government censorship of program content itself.

I've never agreed with Mark Fowler that there is no place for reasonable regulation that would benefit both the people and the industry. The Howard Sterns of broadcasting—who confused shock value with wit and smarmy innuendo with humor—are an embarrassment. They are the worst American broadcasting has to offer. But their very existence demonstrates one weakness in the unfettered marketplace theory, and Mr. Fowler has now acknowledged that in the most articulate of ways—by his actions.

Yet the smut jockeys are not the only things that a Commission might conclude need attention. For example, in a fever of deregulatory passion the Commission swept away a little rule about which no one had ever raised any concern at all. The rule said that if you choose to buy a broadcasting station you were accepting a special responsibility contained in the 1934 law to serve in the "public interest and necessity." Therefore, you could not traffic in licenses—buy a station like a pork belly and then trade it off quickly for whatever profit you could glean without a moment's thought for the public.

That anti-trafficking rule served the public well. Since its removal by the Commission the public interest has suffered. Mr. Fowler's major defense for his actions—made most recently in a fervid statement to broadcasters at their Dallas convention last month—was that the action has increased, not their service to the public, but the value of the Government licenses. The only logical implication of such a remark is that broadcasters should now cash them in.

There are other examples. But the point is that Mr. Fowler, who has had one central virtue during his stay at the Commission—the virtue of consistency—has reversed himself in his last grand act. In doing so, he abandoned his central principle and changed the entire debate.

It's like the punch line of the old joke: "We've established what you are, Madame. We are only haggling now about the price." We have established that you are a regulator, Mr. Fowler. We are just haggling now about the type.

In the next few months Congress will be presented with some significant communications legislation. There will be issues like a statutory fairness doctrine, an anti-trafficking bill, and one to reassert the long-time congressional mandate for broadcast license holders to serve the public interest even as they make good profits.

As these issues are debated, reasonable people will disagree as to their need and merit. But presumably we will no longer hear Mr. Fowler's voice raised to defend the purity of the marketplace as the final, best, and only arbiter of the pubilc good.

A TRIBUTE TO MR. GAIL W. RECTOR, MICHIGAN'S CULTURAL TREASURE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. PURSELL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a cultural treasure and outstanding community leader from Michigan's Second Congressional District, Mr. Gail W. Rector, president of the University Musical Society in Ann Arbor. I make this tribute on the occasion of his retirement set for June 30, 1987.

After serving the University Musical Society for 11 years as its executive director, Mr. Rector was elected president of the organization in 1968. His belief in the values of hard work, honesty, and integrity have led to the cultural enhancement of his community, State, and Nation.

Mr. Rector was born on Valentine's Day, 1918 in North Platte, NE, where he lived throughout his early life.

In the autumn of 1937, he enrolled in the University of Michigan School of Music, receiving a "technical assistantship" from the University Musical Society. In 1940 he received his bachelor of music degree and continued at the university for another year before being drafted into the U.S. Army in October 1941.

Discharged as a first lieutenant in October 1945, Mr. Rector again enrolled at the University of Michigan, this time in business administration. His affiliation with the University Musical Society began that year, 1945, and he soon became full-time assistant to the president of the society, Charles A. Sink.

Mr. Rector left Ann Arbor to become assistant manager of the Boston Symphony Orchestra and executive secretary of the Berkshire Music Center—the school of the Boston Symphony at Tanglewood. For 3 years he was involved in more than 500 concerts in Boston, Tanglewood, across the United States, and 1 foreign tour in 1954 which he visited 13 countries, including the Soviet Union.

In August 1957, Mr. Rector returned to Ann Arbor to accept the position of executive director of the University Musical Society.

When Mr. Rector retires, he will have engaged top-ranking artists and organizations from all over the world for presentation in approximately 1,500 concerts. Under his leadership, the society's program has expanded from 26 concerts in the 1957 season to more than 70 in recent years.

In addition to the 108-year-old Choral Union Series and the 93-year-old world-renowned Ann Arbor May Festival, Gail Rector instigated additional series during his tenure, including, chamber arts, Asian, guitar, debut and encore recitals, and with the opening of the Power Center for the Performing Arts in 1971, the Choice Series with its added dimension of dance.

Recently, Mr. Rector helped to launch the Ann Arbor Summer Festival, a joint artistic venture which he coordinated in its first 2 years, 1984-85, and continues to serve on its board of trustees. More recently, his expertise was utilized by the University of Michigan-Flint to revive its "Spotlight Concert Series" for 1985-86. Beginning September 15, 1986, he assumed the additional duties of artistic programming consultant for the renovated Orchestra Hall in Detroit.

The numerous awards and honors bestowed on Gail Rector, include; being named an Ann Arbor Ambassador by the Ann Arbor Conference and Visitors Bureau and the Annie Award from the Washtenaw Council on the Arts, given for "Excellence in Service to the Arts."

Those who know Gail Rector will tell you that he gets things done—and pulls no punches. All those around him have benefited greatly from his wisdom, ability, and abiding commitment to his profession and community.

Today, I would like to call attention to all that Gail Rector has done for the cultural advancement of Ann Arbor, the State of Michigan, and our great Nation. On the occasion of his retirement, I offer my warmest wishes for continued good health and success in all his future endeavors.

A TRIBUTE TO AMERICA'S TEACHERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, today, I wish to pay tribute to one of our Nation's greatest resources, America's teachers. I want to express my strong support for House Joint Resolution 204, designating May 5, 1987, as National Teacher Day. As a senior member of the Education and Labor Committee and one who has long been concerned with the future of the American educational system, I fully believe support and recognition of our teachers is richly deserved—and long overdue.

The quality of American teachers has been called into question in recent years. A recent article in the Washington Post argues that the decline in American competitiveness abroad is due, in part, to our Nation's inferior educational system. American students are lagging behind their Asian counterparts in many areas, especially mathematics and science. Some would use this article as an example of the failures of American teachers. I point to it as further proof of how America has failed her teachers.

America has failed her teachers in resource allocations. In fiscal year 1987, for example, the administration's budget proposal allotted $14.5 billion for education—a decline of 12 percent in just 1 year. At the same time, defense spending has increased to $312 billion—a rise of 6 percent. It is time for our Nation to make an appropriate commitment to education, and in turn, demonstrate the importance of our educational system. If we fail to make this commitment, and this spending trend continues, will our future generations even have the ability to calculate these computations?

America has also failed our teachers financially. Teaching is the lowest paying profession that requires a college degree. A person graduating from a 4-year college with a teaching degree can expect to earn a minimum mean salary close to $3,000 lower than some one with a liberal arts diploma. That teacher's salary will be half that of a classmate receiving a degree in engineering. Aren't those entrusted with the education of our Nation's children worth more? It is high time we provide our teachers with the financial incentives necessary to attract, and retain, their services.

Despite these determents, combined with long hours, frustration, and a lack of recognition, American employs thousands of teachers—men and women dedicated to improving the lives of our children, and ultimately the Nation as a whole. House Joint Resolution 204 provides our country the opportunity to properly thank, and recognize these professionals for their worthwhile contributions. I urge each Member to join on this legislation and applaud America's teachers on May 5. The time has come for us to honor these individuals who are far too often taken for granted.

KELLY GERDICH WINS NATIONAL DAR AWARD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GAYDOS. Mr. Speaker, I am extremely proud to announce to my colleagues in the Congress of the United States that a young lady from the 20th Congressional District of Pennsylvania has been selected as the winner of a national essay competition sponsored by the National Society, Daughters of the American Revolution.

The young award winner is Miss Kelly Gerdich, a daughter of Mr. and Mrs. Michael Gerdich of McKeesport, PA, and a seventh grade student in Cornell Middle School.

Kelly is scheduled to receive her award this week during a program at the Constitutional Congress of the National Society, DAR.

The ceremony will be the culmination of an effort that began when the Queen Alliquippa Chapter of the DAR sponsored the essay contest on the local level in the McKeesport area. It was open to private, parochial, and public school students in grades 5 through 8. Each entrant was required to submit a handwritten composition of 600 to 1,000 words on the topic: "A Letter to the Editor, Sept., 1787".

According to the rules, each student assumed the role of 1 of the 39 signers of the U.S. Constitution and wrote a letter urging the ratification of that document. Judging of the entries was based on historical accuracy, adherence to the subject, organization of material, originality, interest, neatness, spelling and punctuation.

After winning the local contest, Kelly, who had chosen Ben Franklin as her character, went on to capture the State competition among seventh graders. Her success there led to her entry in the national DAR on the national level.

Mr. Speaker, in this year of the 200th anniversary of the Constitution, I think it would be appropriate if all Americans did as President Andrew Johnson suggested back in 1866 and which Kelly Gerdich of McKeesport, PA, has done today:

> The time has come to take the Constitution down, to unroll it, to reread it and to understand its provisions thoroughly.

Kelly has brought national recognition to her hometown. Her accomplishment is a source of pride for her, her family, her friends, her school, and the city of McKeesport. In offering formal congratulations to her, I know I speak for the Members of Congress who have great love, respect, and admiration for the Constitution of the United States and who are sworn to uphold it.

THE SAD FACTS OF THE LATEST BUDGET ACTION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. COBLE. Mr. Speaker, a constituent of mine from High Point, NC, recently telephoned my Washington office after listening to a radio account of this body's latest budget action. His comments, laced with frustration, centered on one glaring feature of the recently passed budget resolution: an $18 billion tax increase. Why, he demanded to know, in this era of trilion-dollar budgets and congressional pay raises, does this body persist in maintaining that the taxpayers are not pulling their weight? Mr. Speaker, this is a question which millions more are asking nationwide.

We all know the sad facts. As has been the case for the past 7 years, the Budget Committee leadership failed to negotiate with minority members adequately. This produced a legislative format offering little in the way of serious deficit reduction. Accordingly, I voted against all the budget alternatives brought to the House floor.

We began with a "sequester budget" as a base. This is what we would get failing to pass any substitute amendments. The across-the-board cuts would have gutted the military, significantly reduced health and veterans' benefits, and hampered the ability of our law enforcement personnel to carry out their duties. This unamended base represented nothing more than an attempt to make the committee package look good by comparison; it was a scare tactic to grant support for an $18 billion tax increase.

The first amendment considered was the President's budget. The President is on-target by calling for spending reductions and not tax increases to pare the deficits. However, while our security needs compel us to support the Armed Forces, the President's budget was still skewed too heavily in favor of defense. All institutions—including the military—must contribute to our deficit-reduction efforts.

The second substitute offered, the "debt-buster" budget, was notable for its reliance on a return to the gold standard. I commend its sponsor Representative DANNEMEYER, for his commitment to a novel and idea-driven budget package. However, such a radical change at this time is inappropriate, if only because its effects have not been fully debated and understood.

The Dymally amendment, considered next, surpassed even the committee package in its adherence to a dismantle-the-Armed Forces and tax and spend philosophy. The less said about this alternative the better.

Which brings us to the committee package. If the sequester budget was the rock in the budget deficit, this was the hard place, with those of use serious about deficit reduction caught in between. The committee budget featured devastating defense cuts; an expansion of many domestic programs; nearly $4 billion in reconciled savings that can only be attained by selling assets which the majority party has rejected in the past; $25 billion-worth of accounting gimmicks; and—worst of all—at least $18 billion in unspecified tax increases.

This budget sideshow highlights the need for reform—real reform based on discipline. Because of some legislative restraint exercised in the past, including passage of Gramm-Rudman, the deficits are pointed on a downward path. But this trend will not continue if we abandon self restraint and return to tax-and-spend policies. Congress can no longer continue to waive the Budget Act—as it did 106 times in the 99th Congress—in an attempt to appropriate beyond our means. We must meet spending ceilings; avoid the use of continuing resolutions; perform our budgetary and appropriation tasks on time; and, above all, avoid tax increases.

I am convinced that my friend in High Point, along with millions of other taxpayers, concur with these beliefs.

A TRIBUTE TO JIM HENSON

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DYSON. Mr. Speaker, I rise today to salute Mr. Jim Henson, accomplished airline pilot, successful entrepreneur, and generous patron of higher education.

At a time when most institutions of higher education are experiencing stringent budget limitations, Mr. Henson has made a generous donation to the cause of higher learning. This donation to the University of Maryland Eastern Shore will greatly enhance the institutional capacities of the university. The gift of $2 million will provide a fund for full scholarships for undergraduate students and fellowships for graduate students. This donation will be shared among approximately 20 scholars, who will receive up to $25,000 in grants each.

Mr. Henson directs Henson Aviation, which operates in Maryland's Eastern Shore. He has demonstrated his business savvy through the impressive success of his company, and he now shows his genuine concern for the Eastern Shore community with this donation, the largest gift ever made to a historically black college.

Through his generous donation to the University of Maryland Eastern Shore, Mr. Henson has made a lasting contribution not only to the university by enabling it to offer greater educational opportunities, but also to the community at large for furthering the vital cause of higher education.

So, Mr. Speaker, Mr. Henson's scholarship fund enhances our children's ability to meet the most important challenges of the future. For this reason, I salute Mr. Henson, who stands as a source of great pride to his family, friends, and all in Maryland's First Congressional District.

TRIBUTE TO DR. TIM LEE CARTER, DOCTOR AND STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, I would like to join my colleagues in expressing our deep sense of loss in the death of Dr. Tim Lee Carter. I regret that I missed the special order on April 7; however, I would like to extend my condolences to Mrs. Carter and to Dr. Carter's family. We will all miss Dr. Tim Lee Carter—yet he lived a full life, a model life, a life dedicated to the service of his fellow men and women and his country.

I was pleased to have served in this great body alongside this kind and gentleman for 12 years. His dedication to improving the health of our citizens serves as an example for all. He was truly a country doctor, concerned with the needs of each and every individual. His legislative legacies attest to this. Whether it be strides in providing preventive medicine for the poor and for children, providing assistance for victims of black lung, supporting biomedical research or pushing the idea of catastrophic health insurance, his emphasis and his goals centered around the individual.

I wonder if we would have come as far as we have today, if not for Dr. Carter's constant pushing for increased research for a cure for cancer. President Reagan could not have chosen a better man to head the American Cancer Advisory Group.

We are grateful that Dr. Carter shared his life with us. He will be greatly missed.

SYLVIA BERNSTEIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. WAXMAN. Mr. Speaker, on June 14, Valley Beth Shalom in Encino will hold a gala dinner to honor Sylvia Bernstein. Ms. Bernstein is the immediate past president of Valley Beth Shalom. She represents well one of those ever-thoughtful, hardworking, and dedicated individuals who has done much to enrich and improve our community.

Sylvia Bernstein is formerly a native of New York City and a graduate of Cornell University. She has long displayed the qualities of leadership and charity which she has fully and admirably demonstrated.

Active for many years in the Women's League for Conservative Judaism, Ms. Bernstein served on the executive committee of the Pacific Southwest Branch as a national board member and an accredited discussion leader. She serves the Los Angeles Jewish Federation Council as a member of the advisory committee of the Council of Jewish Life, cochairing the Commission on Outreach to Jews by Choice, and is a recent appointment to the San Fernando Valley Board of Directors of the Jewish Federation Council. She is currently the executive director of the National Institute for Jewish Hospice.

Ms. Bernstein also finds time to serve on the advisory board of the Union of American Hebrew Congregations Programs for the Challenge of Shalom and on the Los Angeles Mazon Committee.

An active member of Valley Beth Shalom, Sylvia served as sisterhood president for 3 years, as chairman of the congregational board of directors, and has been a member of Achei Nefesh Havurah for 15 years.

In addition to the 1987 Valley Beth Shalom Woman of the Year Award, Ms. Bernstein has been the recipient of the Woman of Achievement Award from the State of Israel Bonds, the Chai Ay Olam Award from the Valley Beth Shalom Sisterhood, and was corecipient—with her husband, Maynard—of the Merit Award from the University of Judaism.

All who have known and worked with Sylvia Bernstein are unanimous in their admiration of her. I ask the Members to join with me in congratulating Sylvia Bernstein, her husband Maynard, and children Howard, Linda and Rachel, and their families on this very special occasion in recognizing Sylvia's many contributions to our community and in wishing her continued success and fulfillment in all her endeavors.

IN HONOR OF MAURICE ZOLMAN SILTON

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of the late Maurice (Morrie) Zolman Silton, an exceptional man who regrettably passed away last week at the age of 80. Maurice has always held a very special place in my family's heart. He was a dear friend and was the obstetrician who brought me into the world 43 years ago. Maurice also delivered one of our colleagues, Howard Wolpe, and to mark his passing I would like to share a glimpse of his past with the other Members of this body.

Maurice was born in Boston, MA, on May 6, 1906. He graduated from Harvard University and attended Rush Medical School at the University of Chicago. In 1931, Maurice moved to California where he interned at County Medical Hospital and later met his wife, Hilda Stremling. Maurice served his country in the Navy during World War II and obtained the highest rank a Naval/Medical officer could earn.

Maurice enjoyed a highly successful medical career in private practice as an obstetrician and gynecologist. He has brought a countless number of children into the world in several generations—in my own family, he also insured the delivery of my nephew and niece, Josh and Mieke Schechter. And I know he took great pride in following their accomplishments as they grew and developed. At one time, Maurice served as the head of the OBGYN unit at Cedars Sinai Hospital. In addition to his demanding career, Maurice always made extra time for community endeavors. He was a philanthropic man who truly cared about other people. He was especially active with the University of Judaism, the Jewish National Fund and the Los Angeles County Medical Association. At the time of his death, Maurice still served as a volunteer at the Venice Family Clinic.

He was a warm and loving husband, father, and grandfather and is survived by his wife Hilda, his three children Naomi Bradpiece, Merna Zilton-Goldstein and Robert Marvin and his six grandchildren, Theodore, Paul, Melissa, Justin, Stephanie, and Douglas.

Maurice was an extraordinary American and a special friend, and I ask the leadership and Members of the U.S. House of Representatives to join me in mourning his passing. He was a wonderful human being and will be missed greatly by all of those lucky enough to have known him.

FIFTIETH BIRTHDAY OF BROOKLYN COLLEGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mrs. BOXER. Mr. Speaker, as an alumna of Brooklyn College of the City Universtity of New York, I am pleased to recognize the 50th birthday of the beautiful campus that was built during the Great Depression to house what has become one of our most highly respected public institutions of higher learning.

In 1937, when Brooklyn College moved from the bustle of downtown Brooklyn to a new, 26-acre campus of tree-lined paths and Georgian-style buildings, it was only 7 years old—a mere infant compared to the great old colleges of the East. But since then, it has earned a reputation as an outstanding liberal arts institution whose graduates have excelled in business, government, the arts, and education.

Educators have praised the college's innovative Core Curriculum, established under the college's president, Robert L. Hess. For example, in November 1984, the National Endowment for the Humanities released a report hailing Brooklyn College as a "bright spot" in American higher education. And in April 1986, an article in Time magazine placed Brooklyn College among "a cadre of fast-climbing colleges * * * now challenging the Nation's elite schools."

Most recently, a 1987 report by the Carnegie Foundation for the Advancement of Teaching said that Brooklyn College is one of five colleges and universities most frequently cited by academic deans as an institution where the liberal arts curriculum is succeeding; it was the only institution in the group.

It is the success of the Brooklyn College's distinguished alumni that provides the most striking testimony to the quality of the institution. Among her more prominent graduates are Stanley Cohen, of the class of 1943, winner of the 1986 Nobel Prize in physiology or medicine; legal authority, Alan Dershowitz, 1959; historian, Oscar Handling, 1934; the late novelist Irwin Shaw, also of the class of 1934; film director, Paul Mazursky, 1951; and 1983 American Book Award winner, Gloria Naylor, 1981.

Publicly acknowledged affection for one's alma mater has its place in American life. In his speech defending the charter of Dartmouth College, Daniel Webster said, "It is a small college, but there are those of us who love it." At a few years shy of 60, Brooklyn College is a young college, but there are many who love it, and many more who praise it.

TRIBUTE TO ANGELO COSTELLO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to bring to your attention Mr. Angelo Costello of Swoyersville, PA who is being honored with a certificate for humanitarian services for his many special achievements as a member of the Swoyersville Lions Club.

Recently, Mr. Costello was unanimously endorsed by the membership and its board of directors for the high office of district governor of District 14-H for the 1985-86 years. He meets the qualifications for this office as covered under article IV section 7 of the Lions international constitution and by-laws.

Costello is an active member in good standing of the Swoyersville Lions. He has 31 years perfect attendance and has served in all offices of his club. He has represented his club on the regional eye bank for 26 years having assisted in 18 eye enucleations, obtaining approximately 600 eye pledges.

Costello served as zone chairman; deputy district governor, being appointed to a cabinet position for 17 years; Youths Exchange, 1969-77; Care chairman, 1972-73; Dep DG, 1973-74; District Eye Bank co-chairman, 1974-76; District Eye Bank chairman, 1976-80; Beacon Lodge coordinator, 1980-81; Regions 5 and 6 Eye Bank chairman, 1982-83; District Eye Bank co-chairman, 1982-1985.

Costello also served on the international election committee in 1982. He was honored as "Lion of the Year" in 1978 and he received the coveted District Governor Appreciation from DG Meneguzzo in 1977-78 for his dedication for the establishment of the 14-H cabin at Beacon Lodge Camp for the Blind.

Costello received the International President Certificate of Appreciation in 1982 for dedicated Lionistic service. Costello has attended 10 international conventions, 3 State conventions and most district conventions as a delegate of his club. His civic activities include president, Swoyersville Senior Citizens (2 years), president Italian Riunita Society for Mutual Benefits; he served the Lions Club for 36 years in various capacities; member 3rd Degree, Knights of Columbus Assumpta Council 3987; and 6 years as secretary Holy Name Society of St. Anthony of Padua Church in Exeter, PA.

Costello was also honored with a Citation of meritorious service from the Swoyersville American Legion, Post 3987. He served with the Armed Forces in WW II spending 3 years in the ETO. He is a successful building contractor, 30 years and served as president of the Northeast Building Contractors in 1969-71.

Angelo and his wife, Pat, 55 Chestnut St., Swoyersville, have one son, Mark, his wife Jo-Ann and two grandsons, Michael and Jesse.

Mr. Speaker, it is indeed an honor to take this opportunity to draw the attention of my colleagues in the House of Representatives to the accomplishments of Angelo Costello.

TRIBUTE TO JULIUS ERVING AND MIKE SCHMIDT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BORSKI. Mr. Speaker, history was made this past weekend in the persons of Julius Erving and Mike Schmidt, two of the truly great athletes of this century. I rise to pay tribute to these two men not only because they are outstanding athletes but because they are outstanding citizens as well. Both have demonstrated that greatness includes hard work, devotion to family, and concern for the community.

On Friday, Julius Erving, our own Doctor J of the Philadelphia Seventy-Sixers, scored his 30,000 career point. Only two other players in professional basketball have soared to that height. Four times, he has been named Most Valuable Player. In 1983, he led the Sixers to a championship. With his extraordinary talent, Doctor J changed the way the basketball is played. Off the court, Julius Erving has been a leader too. A devoted family man, he has also given of himself to a host of charitable activities, most notably the Special Olympics. This is his last season on the court. Doctor J, we'll never be able to fill your shoes.

The other Philadelphia legend that I want to pay tribute to is Michael Jack Schmidt. On Saturday, Mike Schmidt hit his 500th career home run. That achievement put his name in the record books alongside baseball immortals like Aaron, Ruth, Mays, Mantle, and Williams. Clearly, he is one of the greatest baseball players ever. I think Reggie Jackson said it best about Schmidt. He said: "For a long time, this guy, I don't think, got credit for being a great player. Five hundred home runs for a guy like Mike Schmidt will be a brand of greatness. It's like 'I'm not the best, I'm not the most, but when they call the greatest of all time, I've got a ticket to the party. That's what he deserves.' " Mr. Speaker, Mike Schmidt also deserves our thanks for the example that he has given his millions of young fans.

Both of these men are champions. I simply want to say thanks for the contributions they have made to sports and to say thanks for the excitement they have given to so many of us who thrilled to watch them.

WHOOPEE!

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. JACOBS. Mr. Speaker, welcome to April 21, 1987.

The balance sheet shows that the U.S. Government lacks $2.23 trillion of having two nickels to rub together.

That's the bad news.

The good news is that high income citizens are scheduled to get another walloping tax cut next year.

Whoopee!

LEGISLATION TO CORRECT THE "NOTCH" IN SOCIAL SECURITY

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. WORTLEY. Mr. Speaker, I rise today to introduce a sensible piece of legislation to correct a problem created by this very legislative body. My bill, will correct the "notch" inequity in the Social Security law. This legislation is similar to my bill from the 99th Congress, H.R. 732. The new bill does not make retroactive payments to seniors, but offers corrective action after Social Security is completely off-budget in 1991 as stipulated by Gramm-Rudman.

So often, I hear my colleagues say that we cannot affort to correct this problem because it would be a budget buster. With my bill, we have the opportunity to take corrective action without worrying about the budget because this legislation will not go into effect until the Social Security Trust Fund stands on its own.

Correcting the "notch" inequity is an expensive project no matter how you approach the situation. However, I am offering a solution that you can support because we save in the retroactive payments, and we wait until the trust fund is no longer a part of the budget. I encourage my colleagues to take a careful look at this approach. This Nation's seniors deserve an answer.

A CONGRESSIONAL SALUTE TO THE BOROUGH OF LENHARTSVILLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the borough of Lenhartsville, PA. On May 31, 1987, the borough will be celebrating its 100th anniversary.

Lenhartsville was incorporated on May 31, 1887. Throughout its history, the borough has stayed close to its small-town roots. With approximately 200 residents, Lenhartsville is one of the smallest boroughs in the Commonwealth of Pennsylvania. However, despite

Lenhartsville's small size, the residents have great pride in their heritage and the beauty of the surrounding countryside. The influence of the Pennsylvania Dutch is strong in Lenhartsville. The entire population remains strongly committed to dedicated hard work and community service.

In recent years, Lenhartsville has been able to promote growth while retaining its friendly small-town atmosphere. Much of this success can be attributed to the foresight and leadership of the borough council. The current mayor, Richard Kunkel, and president of council, George Peters, are at the forefront of this effort. The council is rounded out with the invaluable assistance of Richard Gillner, Irvin Merkel, Donald Wisser Herbert Wisser, Kenneth Snyder, Kerry Fink, Roy Hein, and William Seidel. I commend these outstanding individuals and the entire citizenry of Lenhartsville on the occasion of the borough's centennial. I know that my colleagues will join me in honoring the borough and in wishing all its citizens continued success and good fortune in the years to come.

SPIRIT OF EXCHANGE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RITTER. Mr. Speaker, April 21 is the day marked for the celebration of the 50th anniversary of the Exchange Club of Allentown, PA. William C. Wodtke, Jr., national president of the National Exchange Club is the guest of honor for this important moment.

The "Spirit of Exchange" is an admirable statement of a noble and profound philosophy at the heart of the Exchange Club. In a few words, "It's your willingness to give of yourself, unselfishly, for the welfare of your fellowman without any thought of return or reward other than the satisfaction and happiness that one derives from helping others."

The Allentown Club has carried this statement of inspiration into the realm of practical affairs on the national, State, and local levels. Crime Prevention Week, the honor of God and religious faith in the Nation, the golden deeds of high and low estate individuals and freedom shrines all comprise national projects which live out the "Spirit of Exchange."

On the State level, Pennsylvania is boosted and honored through the special treatment of "out of State" guests, motoring through the Lehigh Valley. Another aspect of the "Spirit of Exchange" is manifested through the Pennsylvania Junior Republic in its support of a school for the training of delinquent boys at Grove City, PA. These two activities demonstrate the wide scope the club employs in living out its philosophy.

Locally, the club plants trees and flowers in the city and Lehigh County. American citizenship is fostered, crippled children are entertained at Christmas, underprivileged children, over 2,000 enjoy Fresh Air Fund summer vacations, senior high school scholastic achievement is recognized for 47 years, aviation has been promoted, youths are honored for service to school, church, and community, youths work in conjunction with the county sheriff to appreciate law and needy children are supplied several thousand pairs of shoes over the years.

Mr. Speaker, I submit it could not be more appropriated for the U.S. Congress to honor and recognize this Exchange Club. The vision of this organization creatively and practically mirrors the living out of our cherished American ideal of peace and freedom through the practice of unselfish virtue.

CONGRESS AND ARMS CONTROL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BERMAN. Mr. Speaker, last year President Reagan characterized legislation that addressed the SALT II Treaty, nuclear testing, the strategic defense initiative, antisatellite weapons, and chemical weapons as "a reckless assault upon the national defense of the United States." That is a serious charge. It merits a thoughtful, reasoned response, particularly because similar legislation is already under consideration by the 100th Congress.

Our distinguished colleague from Florida, Dante B. Fascell, chairman of the Committee on Foreign Affairs, has just provided us with such a response. His article, entitled, "Congress and Arms Control," has been published in the spring 1987 issue of Foreign Affairs. In this illuminating article, Chairman Fascell challenges the President's view about the role of Congress in the arms control process. Chairman Fascell demonstrates that Congress has a constitutional responsibility to debate, modify, and approve or disapprove such defense policies as the modernization of America's intercontinental ballistic missile force, the funding for and direction of the strategic defense initiative, the preservation of the ABM Treaty, the testing of antisatellite weapons, the numerical limits on U.S. strategic weapons, the testing of nuclear warheads and the production of new nerve gas weapons.

In fulfilling this constitutional responsibility, Congress keeps four principles in mind, which Chairman Fascell discusses with refreshing clarity in this article. First, any proposed international agreement or proposed weapons system must enhance the national security of the United States. Second, arms control should be used as an instrument to prevent an uncontrolled nuclear arms race. Third, arms control is premised on mutual deterrence until a more convincing rationale is adopted. Fourth, the technological reliability of weapons systems must remain a top priority in consideration of any arms control policy.

Chairman Fascell discusses in some detail each of the five "arms control amendments" of August 1986. The chairman's analysis is an important contribution, because the points he raises in his article bear directly on how similar amendments will be viewed this year. In the conclusion of his article, Chairman Fascell calls for a bipartisan arms control policy and "a renewed commitment by administration officials to strive for achievable objectives in their negotiations with the Soviets, rather than belabor surreal proposals which many believe mask the intentions of those who see no future in arms control."

I submit the full text of Chairman Fascell's article to be printed at this point so that our colleagues may benefit from his insightful views on the role of Congress and arms control.

The article follows:

Congress and Arms Control

(By Dante B. Fascell)

The executive and legislative branches of the United States government have arrived at a historic crossroads: more than at any time since the advent of nuclear weapons, the future of arms control will depend to a large extent on whether the President and Congress can reach consensus on the requirements of national security. Neither can go it alone.

Unfortunately the legacy of 1986, when congressional initiatives on arms control were condemned by the Administration, hangs thickly in the halls of Capitol Hill. Following the summit at Reykjavik, members of Congress watched with concern as President Reagan faced his last chance to achieve meaningful agreements with the Soviet Union. There simply is not much time left for the Reagan Administration to create and implement a bipartisan arms control policy which commands the respect of the American people as well as that of the Kremlin. Yet the opportunity for such a policy exists: in February General Secretary Mikhail Gorbachev offered to delink the issue of European-based intermediate nuclear forces (INF) from a space and strategic agreement, and the President wisely moved to submit a draft INF treaty at the Geneva negotiations.

The task of forging a common policy will be made no easier by those who continue to believe that Congress has no role in the fateful business of arms control. Every year Congress is confronted, even by some of its own members, with the argument that the president requires total flexibility to negotiate with the Soviets and to gain agreements compatible with U.S. national security. The argument typically stresses that the Constitution empowers the president, and only the president, to conduct the nation's foreign affairs and, hence, to administer the arms control agenda. An interventionist Congress is criticized as stripping the president of his negotiating leverage and endangering the national security if it mandates restrictions on the administration's weapons procurement programs, or if it calls for negotiations on specific issues, such as nuclear testing. In short, Congress runs the risk of being accused of waging an unconstitutional grab for power.

Protecting the separation of powers while at the same time building a bipartisan consensus on arms control is no mean feat. But both objectives were realized in the 1960s and 1970s. In fact, it has been only during the last seven years, beginning with the withdrawal of the second Strategic Arms Limitation Talks (SALT II) Treaty from Senate consideration in early 1980, that the consensus forged between the executive and legislative branches and between Republicans and Democrats has unraveled. Traditional congressional support of and collaboration with the executive branch on arms control initiatives was a meeting of the minds, not an admission that the president's arms control agenda was his constitutional prerogative, or that Congress had no business asking tough questions, challenging funding requests for weapons programs, and mandating the strictest requirements of compliance with treaty law. In 1981, when the Reagan Administration entered office, disdainful of past arms control efforts, and launched an ideological attack against the "evil empire," the stage was set for a dangerous breakdown in a consensus that for some 25 years had been the guardian of a democratic commitment to American security and to world peace.

The argument, then, that Congress must defer to the president on all arms control issues must be rejected. Especially in light of the spectacle at the Reykjavik summit, where the President's astonishing perception of national security diverged widely from congressional mandates, the 100th Congress would be evading its constitutional responsibility if it were to leave the security of the country strictly in the hands of the executive branch. The modernization of America's intercontinental ballistic missile force, the funding for and direction of the Strategic Defense Initiative (SDI), the testing of antisatellite weapons, the numerical limits on U.S. strategic weapons, the testing of nuclear warheads and the production of chemical weapons—all are the business of Congress to debate, modify and approve or disapprove. And, finally, the compliance of the United States and the Soviet Union with treaty obligations is also the business of Congress.

II

The president's responsibility to conduct the nation's foreign policy and to make treaties has never been one devoid of checks and balances, or one executed in a vacuum. Congress may encourage, though not dictate, the commencement of negotiations with foreign powers. Congress determines the amount of resources that the U.S. government is prepared to dedicate to the building and limiting of nuclear arms. That determination inevitably influences the negotiating process. One need only review the last 20 years to recognize the critical role Congress has played in the development of weapons systems which are at the heart of the U.S.-Soviet nuclear arms negotiations. For example, congressional votes have been decisive in determining the fate of the Safeguard antiballistic missile system, multiple independently targetable reentry vehicles (MIRVs), the B-1 bomber, the cruise missile, the MX missile, the Midgetman missile, binary chemical weapons and SDI.[1] Congress also passes final judgment on arms control agreements. Whether an agreement is submitted as a treaty, requiring the approval of two thirds of the Senate, or as a congressional-executive agreement, requiring the approval of the majority in both the Senate, and the House, the fact remains that there is a critical legislative role that must be honored in the making of arms control agreements.[2]

The executive branch, of course, asserts that Congress should not interfere with presidential decisions on arms control issues. Citing constitutional injunctions that the president shall conduct foreign policy, make treaties and serve as commander in chief of the armed forces, some conclude that the only business of Congress is to approve presidential edicts on the arms control agenda. Under this approach, the 99th Congress was expected simply to sanction the Administration's abandonment of the numerical sub-limits set by the SALT II treaty, its unilateral revision of the interpretation of the Anti-Ballistic Missile (ABM) Treaty of 1972, its determination to build the flawed Bigeye chemical bomb, its continuance of nuclear weapons testing and its ambitious plans to deploy SDI.

Clearly, this "King George" approach is not what the Founding Fathers envisaged; nor is it embodied in the Constitution. The Supreme Court has long held that certain provisions of the Constitution confer broad power on Congress to prescribe the limits of military procurement and to impose appropriate conditions on defense policy. Article I of the Constitution empowers Congress to acquire or to limit arms for the nation. No arms, including strategic arms, can be purchased, tested, serviced, maintained, manned or otherwise paid for except pursuant to legislation. Congress has the constitutional responsibility to "provide for the common Defense and general Welfare of the United States," to "raise and support Armies," to "provide and maintain a Navy" and to "make rules for the government and regulation of the land and naval forces." Justice Robert H. Jackson declared in *Youngstown Co.* v. *Sawyer* (1952) that the Article I power gives Congress "primary responsibility for supplying the armed forces." "Congress alone," he wrote, "controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." The annual defense authorization and appropriations bills are ample evidence of congressional performance of these constitutional duties.

In my view, during 1986 Congress faced up to its constitutional responsibility. Several arms control initiatives were passed by the House of Representatives in August 1986, and each of these provisions which eventually emerged from the conference talks with the Senate in October conformed to a fundamental principle in the arms control process. Those initiatives and principles will assume an even larger role in the 100th Congress.

III

The principles which typically have guided Congress in considering arms control issues are four in number. First, any proposed international agreement or proposed weapons system must enhance the national security of the United States. Administration views on what constitutes the "national security" carry much influence on Capitol Hill, but because no administration is infallible its decisions do not, and should not, go unquestioned. Every member of Congress will want to examine any bilateral accord with the Soviet Union on its merits; few would blindly accept or reject an agreement. Nor are many members mesmerized by the sense of security so often promised with each new weapons program, e.g., increased numbers of missile warheads or exotic technologies such as SDI.

In the name of national security, administrations, particularly the current one, have been known to take extraordinary liberty with democratic processes to implement whatever policies they deem to be in the best interest of the nation. But what is argued as being in the national interest cannot be accepted at face value, especially in light of recent revelations of the private agenda of rogue masterminds of intrigue sitting in the White House basement. Indeed, although far removed from the nuclear arms talks, the covert sale of military arms to Iran and the apparent illegal diversion of funds from those sales are the latest evidence of the means by which the executive branch is capable of promoting an arrogant, ill-conceived notion of national security. It was precisely to avoid this kind of abuse of power that checks and balances were written into the Constitution.

In the field of arms control, nothing better exemplified the dilemma which often confronts Congress than the Reagan-Gorbachev talks at Reykjavik (October 11-12, 1986). These discussions almost achieved significant reductions in nuclear strategic systems, only to be squandered with surreal visions of a disarmed world.[3] President Reagan's surprising proposal to eliminate all American and Soviet strategic ballistic missiles within ten years was apparently based on, among other presumptions, the argument that the United States then would be adequately defended by space-based strategic defenses. In my view this approach unwittingly endangers the national security of the United States. It is inconceivable that the United States could adopt as a policy objective the elimination of America's entire ballistic missile arsenal based almost entirely on the unproven hypothesis that SDI will be cost-effective, will function effectively and will be deployable within the next ten years. As former Secretary of Defense Robert S. McNamara told the House Subcommittee on Arms Control, International Security and Science in January, "Until there are inventions that have not yet been imagined, a defense robust and cheap enough to replace deterrence will remain a pipe dream." This is only one example of why Congress has no choice but to try to hold the Administration accountable to one standard of national security.

The second principle which guides congressional examination of arms control issues is the historic mandate of arms control itself—to prevent an uncontrolled nuclear arms race. Congress has never taken the position that production of certain new weapons systems is inherently undesirable or that modernization is not in many instances essential. But it is determined that an arms buildup that achieves no stabilizing purpose be avoided. An administration must prove its case each time it seeks budget authorization from Congress. This is what the Constitution wisely requires.

For six years Congress has supported the Administration's modernization and buildup of American nuclear and conventional forces. The United States has insisted on strategic parity, even when this quest for parity has required a buildup to match Soviet efforts. Congress, however, has consistently conditioned its restrictions on the Administration's more ambitious and questionable arms building programs with the requirement that such programs remain within defined limits of testing and production as agreed with the Soviet Union. If Moscow violates those standards of compliance, then Congress has seen to it that the executive may follow suit. But efforts to achieve overall superiority over the Soviets in nuclear weaponry have been opposed by a bipartisan congressional majority. Through the power of the purse, Congress is constitutionally empowered to limit or encourage the research, development, testing and production of nuclear arms. It will continue to use that power, in particular whenever the executive seeks to convert "modernization" into "superiority."

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[1] See *Fundamental of Nuclear Arms Control*, report prepared for the Subcommittee on Arms Control, International Security and Science, Committee on Foreign Affairs, House of Representatives, by the Congressional Research Service, Library of Congress, December 1986, pp. 397-404.

[2] *Ibid.*, pp. 387-396.

[3] See *The Reykjavik Talks: Promise or Peril*, report of the Subcommittee on Arms Control, International Security and Science to the Committee on Foreign Affairs, House of Representatives, January 1987.

The third principle of arms control—mutual deterrence—has been challenged by the President's vision of a space-based strategic defense, one which would be "shared" with the Soviet Union. It is sometimes forgotten that we have been at this juncture before. The Nixon Administration determined in the early 1970s that it would not attempt to shield the United States with a land-based, antiballistic missile defense system. The rationale, first advanced by Secretary McNamara, was that an endless competition would erupt between ABM defensive systems and new and proliferating offensive weapons developed to outsmart and overwhelm such defenses. What the ABM systems promised—strategic defenses—would spawn the very threat—offensive weapons—which ABM systems were designed to make obsolete. Thus the United States and the Soviet Union in 1972 agreed to persist with the unsettling but rational policy of mutual deterrence, which promised to dissuade either side from launching a nuclear attack by maintaining a threat of mutual annihilation. It is this strategy which first encouraged each side to place limits on the buildup of their respective nuclear arsenals and, during the Carter and Reagan Administrations, to propose radical reductions in both the number of launchers and the number of warheads.

This rejection of a shift to a defensive strategy was, and remains, embodied in the 1972 Anti-Ballistic Missile Treaty between the United States and the Soviet Union. The Reagan Administration has proposed to reverse this course by articulating a new interpretation of the ABM treaty which opens the door to testing in outer space, and thus to SDI. Congress has neither abandoned the treaty obligations of the United States nor thrown overboard the doctrine of mutual deterrance. Congress has a duty to insist that the case for a major shift in strategic nuclear strategy be convincingly made by the Administration and that it obtain bipartisan support (neither of which has occurred).

That support will not be forthcoming if the Administration continues to insist on its reinterpretation of the ABM treaty as a vehicle by which to dismantle the doctrine of mutual deterrence. The Administration's tactics in this respect encroach on the Senate's constitutional responsibility to approve only one text of a treaty as the law of the land. The executive branch has no constitutional power to unilaterally reinterpret treaties.

Congress also would have to be convinced that such a fundamental reversal of the nuclear equation will not be implemented under circumstances which would allow the Soviets to overwhelm America's defenses. Interestingly enough, Secretary of Defense Caspar Weinberger expressed this very concern to President Reagan in a letter dated November 13, 1985: "Even a probable [Soviet] territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed."

Finally, the fourth principle which influences congressional thinking about arms control concerns the technological reliability of weapons systems. It would be quixotic to approve funding for production of weapons systems which are unproven or are likely to be defective or to be based in a manner that invites their own destruction. When the Department of Defense persists in seeking funding for weapons systems which do not meet commonsense criteria for technological reliability, then it is incumbent upon Congress to scrutinize and sometime to restrict or otherwise regulate the development of such weapons. Not only is that Congress' constitutional duty, it makes for a more reliable national defense. This is amply demonstrated in the binary chemical weapons production program, the wisdom of which Congress has not finally accepted, and which it therefore has not fully approved. Congress is determined to avoid boondoggles like the Divisional Air Defense gun (DIVAD), an antiaircraft weapon system which, after expenditure of $1 billion on actual deployments, never worked properly.

IV

"The House defense bill is a reckless assault upon the national defense of the United States." President Reagan leveled this charge on August 15, 1986, shortly after the House approved five "arms control" amendments to the Defense Department authorization bill for fiscal year 1987. The Administration's rhetoric sought to portray these amendments as dangerous impairments to the national defense, but I believe they reflected genuine congressional concern about national security, the avoidance of an arms race, the doctrine of mutual deterrence and the technological reliability of the country's weapons systems.

The first of these amendments prohibited funds for conducting nuclear tests above a very low level—one kiloton—unless the president certified to Congress that the Soviet Union had tested above one kiloton, tested outside any designated area, or rejected reciprocal in-country monitoring arrangements. This was the first congressional effort to require the cessation of nuclear weapons testing. Previous measures had been nonbinding legislation calling on the Administration to negotiate a ban on nuclear test. Although the Senate did not adopt the House amendment in August, the issue had been placed squarely before the administration and would become a key component of the conference bill which emerged in October.

This nuclear testing amendment reflected frustration over the administration's apparent indifference to negotiating any further restrictions on nuclear weapons testing. Before 1981, every president since Eisenhower advocated and worked toward an end to the escalation of the arms race through a mutual, verifiable and comprehensive test ban. What President Reagan's predecessors recognized was a simple truth—that the arms race depends for its lifeblood upon the testing of more sophisticated nuclear weaponry. A mutual agreement to halt such testing could assist in preventing the introduction of new, destabilizing weapons. As long as the Soviets are not leapfrogging the United States with technologically superior nuclear weapons, only zealots in quest of an unattainable strategic superiority see any point in creating dazzling new weapons of mass destruction.

On this issue, the Reagan Administration stood logic on its head and sent out confusing signals. First, the Administration argued that a mutual test ban was unverifiable. When it became clear that nuclear weapons testing could, in fact, be monitored, the Administration's rationale quickly shifted. It claimed that testing was needed to ensure the safety and reliability of America's existing nuclear warheads. As Congressman Richard Gephardt (D-Mo.) noted during the debate on the amendment, "This is a hollow excuse, for the vast majority of reliability checks are mechanical and we have never conducted more than one or two explosive tests a year." In the end the Administration frankly admitted its real rationale: that the United States must test in order to "modernize" its nuclear weapons arsenal.

The nuclear testing amendment was a logical extension of House Joint Resolution 3, which passed both Houses of Congress in 1986 and was incorporated in the 1987 defense authorization bill. This legislation urged Mr. Reagan to request the ratification of two nuclear testing limitation treaties that had been signed in the 1970s, but which were never submitted for ratification, and urged the President to propose to the Soviet Union the resumption of negotiations on a comprehensive test ban treaty. Since the Soviets were, at the time observing a unilateral moratorium on nuclear weapons testing, the nuclear testing amendment passed by the House was an attempt to call the Soviets' bluff and test the Administration's resolve to enter into serious negotiations.

If the Administration had been serious about seeking a test ban, then its opposition to the nuclear testing amendment defies explanation. The amendment provided numerous safeguards for the United States. First, it permitted testing if the Soviets violated the testing ban with an explosion about one kiloton. This provision would encourage continuance of the Soviet moratorium on testing, an objective that is manifestly in the interest of national security. Second, the amendment assisted verification efforts by requiring that tests occur only within designated areas of Soviet or U.S. territory. If any Soviet tests occurred outside the designated areas of the Soviet Union, then the Administration would be free to resume testing. Third, as a further assist to verification, the amendment required that the Soviet Union accept and implement reciprocal in-country monitoring arrangements for 1987. If the Soviets refused, then the Administration again could ignore the amendment and resume testing.

Following House passage of the nuclear testing amendment in August, the prospects for Senate adoption of identical language during the hard-fought conference deliberations were diminished when Mr. Reagan suddenly announced that he would travel to Reykjavik for talks with Soviet General Secretary Mikhail Gorbachev. Considering his opposition to all of the arms control amendments, President Reagan pulled off a political coup. After taunting Democratic members of Congress with the prospect of being perceived as the spoilers of a superpower "pre-summit," the President's supporters succeeded in transforming binding language into nonbinding provisions in two amendments and modifying the terms of two others. Congressmen came under unprecedented pressure not to "tie the President's hands" for the forthcoming talks at Reykjavik. The Administration argued, for example, that nuclear testing was going to be a major topic of discussion there. In conference between the House and the Senate, House members agreed to withdraw the nuclear testing amendment, provided that the nonbinding language of House Joint Resolution 3 was strengthened with a last-minute agreement by the President to submit to the Senate "as a first order of business for the 100th Congress" the unratified Threshold Test Ban Treaty of 1974 and the unratified Peaceful Nuclear Explosions Treaty of 1976.

Unfortunately, there appears to have been no discernible understanding at Reykjavik on how to proceed toward talks on nuclear testing. In fact, it appears that the two principals, Mr. Reagan and Mr. Gorbachev, hardly discussed nuclear testing. Many in the House feel that they were taken advantage of when they agreed to withdraw the nuclear testing amendment from the conference bill in expectation that achieving a nuclear test ban would be the top priority at Reykjavik. It is no wonder that the Administration's credibility on this issue was severely damaged.

Now Congress is confronted with obstructionist tactics by the Administration in connection with both the unratified test ban treaties and with pursuing talks with the Soviet Union on further limiting nuclear weapons testing. During the 100th Congress efforts will continue to steer the Administration back to a policy which encourages both the White House and the Kremlin to achieve a total cessation of nuclear testing.

V

The second arms control amendment of 1986 limited funding for the SDI program to $3.1 billion during fiscal year 1987. This was substantially less than the Administration's original request of $5.4 billion. Earlier, the Senate had approved a $3.95-billion SDI program, partly on the basis that SDI should be programmed for the defense of American missile bases and not as an "umbrella" defense of the population.

SDI has been the subject of constant and controversial debate in Congress since its public unveiling in 1983. Although majorities have always been mustered to support SDI research, there has never been and there continues to be no majority support for development, testing or deployment of SDI components or systems. The debate over SDI funding has responded to the well-known fact that the Soviet Union is engaged in similar research for its strategic defense. It would be foolish if the United States did not match Soviet research with its own vigorous program. But there is a quantum conceptual and strategic leap from the research of a strategic defense and the actual development, testing and deployment of its components and systems.

Proponents of SDI continue to argue the point which the Reagan "revolution" was supported to have disabused us from believing—that merely by throwing money at a government progam miracles would occur. The research on SDI did not merit an expenditure of $5.4 billion in fiscal year 1987.[4] The Administration failed to offer convincing evidence that the additional $2 billion it requested was anything more than an attempt to promote dubious "research" projects before their time. The fact that little effort was needed in either chamber to reach a compromise SDI budget of $3.5 billion reflects a belief shared by most members of Congress that the Administration's request was much too high for a responsible research program. In any event, the funding approved by Congress represented more than a 20-percent increase over 1986 spending on SDI, while the entire federal budget increased by less than three percent in 1987. Thus in percentage terms, the increase in SDI funding in 1987 was seven times greater than the overall increase in all federal spending. The approved budget also reflected congressional interest in assuring that SDI work be conducted within the confines of the traditional interpretation of the ABM treaty.[5]

Since the 1986 budgetary battle on SDI, three developments have given rise to new concerns on Capitol Hill. First, the American delegation at Reykjavik appears to have insisted on the Administration's revisionist interpretation of the ABM treaty. This interpretation would permit the development and testing of a space-based antiballistic missile defense system. Such a unilateral interpretation is a radical reversal of the last 13 years, during which the U.S. government had supported the traditional interpretation which prohibits the development and testing of a space-based ABM system. The Administration has attempted to have it both ways on the ABM treaty. The revisionist interpretation is touted by some U.S. officials as the correct legal reading of the treaty text and negotiating record. But in response to the overwhelming dissent of members of Congress, former negotiators of the treaty and legal scholars, the Administration has held since October 1985 that the operative policy of the U.S. government will be to conduct SDI research in accordance with the traditional interpretation.[6] All testing programs under SDI have been officially described as meeting the requirements of the traditional interpretation.

The utility of the revisionist interpretation is that it purports to allow the Administration to break out of the ABM treaty when it decides to step beyond the research of SDI to the development and testing of SDI components and systems. By reinterpreting the treaty, the Administration has replaced the original script, clearly approved by the Senate in 1972, with one that suits the President's vision of strategic defense. At Reykjavik, the United States was willing to agree not to withdraw from the ABM treaty for ten years, but on the apparent condition that during that period the development and testing of SDI components and systems be permitted. The American delegation thus would have codified the revisionist interpretation in a new agreement with the Soviets. This fundamental shift in American strategic defense policy occurred without any prior consultation with Congress, which had explicitly reminded the administration of its support for the traditional interpretation. Until Congress is prepared to launch a development and testing program of SDI components and systems (at an estimated cost of scores of billions of dollars), it will have to maintain a vigilant watch over the ABM treaty to ensure that no administration either violates or rewrites its provisions.

The second development which has concerned many in Congress is how the American delegation at Reykjavik transformed the rationale of SDI. Congress has funded SDI as a research program to determine whether an advanced strategic defense system is scientifically and technologically possible, whether it is deployable, and whether it will do the job of protecting the United States from a ballistic missile attack by the Soviet Union.

In Iceland, that logic was turned upside down. In the talks at Reykjavik's Hofdi House, SDI suddenly was transformed from a research program into a deployable system, albeit one which does not yet exist. The American delegation negotiated as if SDI were a certainty. The elimination of America's most important deterrent, its ballistic missile arsenal, was almost bartered away for a presumption that SDI not only could be deployed, but that it would work. Moreover, the administration argued for the deployment of SDI even after the supposed elimination of all ballistic missiles, the very threat SDI is intended to confront. U.S. officials argued that the country would still need SDI as an "insurance policy" to protect against Soviet cheating and against the stray missile that a madman might hurl at us. Evidently, no one thought to mention that land-based strategic defenses, at substantially cheaper cost, might do a better job, or that verification of Soviet compliance should continue to be of the highest priority.

SDI is a hypothesis on a piece of paper. To bargain away America's deterrent shield today for the hypothesis that SDI will be cost-effective, functional and deployable sometime in the near future, not to mention within ten years, would be the height of folly. If ever there were a case made for congressional oversight of the arms control agenda, the Administration created it at Reykjavik.

The third development related to SDI is the Pentagon's recent efforts to persuade President Reagan, and ultimately Congress, to approve early deployment of a partial space-based strategic defense. This raises so many concerns that the future of SDI now, more than ever, requires the utmost congressional scrutiny. It was only last October that the American delegation at Reykjavik proposed delaying deployment of SDI for at least ten years. The Pentagon now has undermined the Administration's diplomatic position with its new effort to deploy SDI rapidly so that, in the words of Attorney General Edwin Meese, SDI cannot be "tampered with by future administrations."

In my view, the Pentagon's rush to judgment on SDI is a politically motivated scheme only superficially based on the national interest. The proposal would cause the United States to unilaterally abrogate the ABM treaty. Premature deployment of SDI would cost the U.S. taxpayer untold billions of dollars during the critical years when the budgetary constraints on Congress will be most severe. More important, there is abundant evidence that premature deployment of SDI will not achieve its strategic objective and would only stimulate Soviet efforts to overwhelm the leaky "umbrella" being proposed by the Administration. Be it arms control or deficit spending, the buck stops at the President's desk and on Capitol Hill.

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[4] Total SDI funding was $1.612 billion in FY 1985 and $2.943 billion in FY 1986.

[5] Section 216 of the National Defense Authorization Act for fiscal year 1987 sets forth the congressional finding that "the Secretary of State declared on October 14, 1985, that 'our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations.'" Congress also declares in Section 216 "(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the [ABM treaty] . . . and (2) that action by the Congress in approving funds in this Act for research on [SDI]—(A) does not express or imply an intention on the part of Congress that the United States should abrogate, violate, or otherwise erode such treaty; and (B) does not express or imply any determination or commitment on the part of Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty."

[6] See *ABM Treaty Interpretation Dispute*, Hearing before the Subcommittee on Arms Control, International Security and Science, Committee on Foreign Affairs, House of Representatives, Oct. 22, 1985.

VI

The third House arms control amendment of August 1986 sought to limit the deployment of launchers for ICBMs, of SLBMs carrying MIRVs, and of heavy bombers equipped for airlaunched cruise missiles, to the deployment levels permitted under the unratified SALT II treaty (1,320). The House approved the amendment, which prohibited the obligation or expenditure of funds for deployments beyond this limit unless the president certified to Congress that the Soviet Union had deployed strategic forces in excess of the SALT II limitations.

This amendment was a particularly critical one. Earlier in the summer of 1986, the House had approved by a strong bipartisan vote of 256 to 145, nonbinding legislation calling on the President to continue adherence to the sub-limits of the SALT II treaty. This legislation was unavoidable in light of Mr. Reagan's declaration of May 27 that beginning in the autumn of 1986 the United States would no longer adhere to the SALT II limitations. The House amendment, which passed in August, was intended to convey to the White House the message that to abandon the SALT II limitations was not in the national interest. Congressman Howard Berman (D-Calif.) aptly noted on the House floor. "If the United States needs a higher aggregate of nuclear weapons over the coming months and years, it will only be because the Administration has created that need by allowing the Soviets to build more weapons of their own. This doesn't make strategic sense."

And yet the SALT II amendment was attacked by Administration supporters as unconstitutional, as an effort by the House unilaterally to engraph a treaty into statute law without going through the ratification process embodied in the Constitution. The House majority was chastised for trying to micromanage the strategic arms negotiations in Geneva. The Administration asserted that Soviet violations of other SALT II provisions (such as the alleged modification of the Soviet SS-13 ballistic missile to create a prohibited "new" ICBM, as well as the encryption of telemetry on missile test flights by the Soviets) justified American violation of the SALT II provisions, and that any such decision was the President's alone to make.

An unratified treaty may express a present or past presidential policy, and the President may have sole power to negotiate, renegotiate or abandon it. If a congressional mandate happens to coincide with a former presidential policy expressed in the unratified treaty, then that is certainly not unconstitutional and it has nothing to do with the President's treaty-making power. The House determined a benchmark for weapons production, and in this case it conformed with the sub-limits set forth in the SALT II treaty.

Critics of such congressional "interference" sometimes point to Section 33 of the Arms Control and Disarmament Act, which prohibits any action "under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States." The House amendment in question did not create any international obligation to limit "armaments." The limits it mandated were to be authorized by further legislation, namely the amendment itself.

The Administration and its allies in the Senate killed the SALT II amendment during conference deliberations in October. Again their major argument was that the amendment would tie the President's hands during the hastily called Reykjavik talks. Nonbinding language was adopted instead, expressing "the sense of the Congress that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sub-limits of the SALT II treaty as long as the Soviet Union complies with such sub-limits." But even this was to no avail. Compliance issues pertaining to the SALT II treaty apparently were not discussed at Reykjavik, and by late November the 131st heavy bomber had been equipped with cruise missiles and was operational, thereby clearly exceeding the salt II sub-limits.

The 100th Congress will return to this issue. In an age threatened by nuclear annihilation, an arms control agreement that constrains nuclear arms (such as the SALT II treaty) is better than no agreement at all.

VII

The one arms control amendment that survived the October conference intact was the long-standing ban on antisatellite weapons (ASAT). The House prohibited the secretary of defense from carrying out a test of ASAT against an object in space until the President certified to Congress that the Soviet Union has tested a dedicated ASAT against an object in space. The one-year prohibition expires on October 1, 1987. This is the fourth consecutive year Congress has banned ASAT testing and, consequently, production and deployment.

Continuing the ASAT weapons ban reaffirmed congressional belief that an agreement between the United States and the Soviet Union on banning ASATS would represent a major step toward averting a costly and destabilizing arms race in space. Since enactment of the first ASAT ban in 1983, the Soviet Union has not tested any ASAT weapon. Congressman Lawrence Coughlin (R-Pa.) explained that "the Soviets have a crude and unreliable [ASAT] system, which has failed in 11 of the 20 tests conducted with it to date, including all six tests of a more 'advanced' heat-seeking version. The United States, on the other hand, has an ASAT that is relatively more advanced but only partially tested."

The logic behind this amendment is compelling. The United States relies on a vast array of satellites for communication, intelligence-gathering and early warning of a Soviet attack. In fact, for military purpose alone the United States is far more dependent on satellite technology than the Soviet Union. In the event of SDI deployment, space-based technology would become the all too critical link in U.S. strategic defense. Breaking the mutual moratorium on ASAT testing would invite the Soviet once again to test ASATs which could knock out U.S. satellites and accelerate development of their ASAT technology. A continuation of the ban on ASAT testing remains a top priority of Congress in its 100th session.

VIII

The final arms control amendment prohibited spending funds for procurement of binary chemical munitions, including the Bigeye bomb, or for the establishment of a production base for such munitions. The House amendment also prohibited the United States from removing its unitary chemical munitions stored in Western Europe unless they are replaced with binary chemical munitions stationed on the soil of at least one European member nation of NATO, a responsibility which no NATO member in Europe has yet agreed to shoulder.[7]

The current U.S. stockpile of chemical weapons in Western Europe is an integral part of NATO's deterrent against Soviet use of chemical weapons in Europe. The Administration's plan to withdraw these weapons from Europe and base new ones solely in the United States, thousands of miles from the European battlefields where they would be needed, amounts to unilateral dismantling of NATO's chemical deterrent. The chemical weapons amendment assured that the United States would not waste money on a program costing some $3 billion in the next few years. The General Accounting Office has continued to uncover testing failures, technical and structural deficiencies, and structural flaws within the binary weapons program which clearly demonstrate that the Bigeye binary bomb is not even ready for operation tests, let alone production.[8]

During conference deliberations in October 1986, the strict prohibitions of the House-approved amendment were loosened. First, the conference agreed to prohibit funding for the Bigeye bomb production program and Bigeye components during fiscal year 1987 and to prohibit final assembly of the Bigeye bomb through fiscal year 1988. Second, the conference provision authorized funding for the production of the 155-mm chemical artillery shell but prohibited final assembly through fiscal year 1987. Third, the conference declined to authorize the $15.4 million of fiscal year 1987 funds requested for Bigeye production facilities, and it limited the fiscal year 1986 funding to $90 million, subject to certification by President Reagan that the production of the Bigeye is in the national interest and that all design, planning and environmental requirements for such facilities have been met.

While not as conclusive as many members of Congress would have liked, the House-Senate conference position reaffirmed congressional opposition to funding a weapons system that does not work, is not proven safe for NATO troops, needlessly adds billions of dollars to the deficit, unilaterally eliminates the present chemical deterrent in Western Europe, and undermines efforts of the superpowers to negotiate an arms control agreement that bans chemical weapons.

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[7] Binary chemical weapons contain two relatively harmless agents which, when mixed together after firing, become lethal nerve gas. The Bigeye bomb is a 595-pound aircraft-delivered binary chemical weapon.

[8] See *Bigeye Bomb: An Evaluation of DOD's Chemical and Developmental Tests,* U.S. General Accounting Office, May 1986; *Chemical Warfare Review Commission Did Not Comply With the Federal Advisory Committee Act,* U.S. General Accounting Office, January 1987.

IX

Each of these arms control amendments of 1986 will be pursued again during the 100th Congress. Despite the obvious need to work toward a consensus with Congress on the nation's arms control policy, the Administration once again has thrown down the gauntlet. It was understandable that President Reagan, in his State of the Union message this year, would call on Congress to support his negotiating stance with the Soviets. But then he warned: "Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage." By likening legislative mandates to the Soviet negotiating position, the President distorted reality. There is considerable concern in Congress about whether some of the Administration's surreal proposals for complete nuclear disarmament and premature deployment of SDI would damage U.S. national security and undercut the leverage American negotiators will need in future talks with the Soviets.

What, after all, is the Reagan Administration's arms control policy? That is the question which for more than six years has mystified Congress. The bureaucratic infighting which has marked the Administration's policymaking has never been resolved. Members of Congress have had to try to make sense out of an unending barrage of conflicting, contradictory and ambiguous signals from the executive branch (not to mention from the Soviets). When positions change hourly, depending on who is speaking for the Administration, the nation's security suffers. In comparison, Congress has maintained a fairly consistent approach to arms control and the national defense. The arms control amendments demonstrate congressional support for long-standing arms control objectives. Congressional approval of unprecedented defense budgets during the Reagan Administration speaks for itself.

Threatening to veto arms control legislation which has broad-based, bipartisan support in Congress is not a constructive strategy for the President to pursue. The Administration will need to speak with one consistent and well-informed voice. There must be a renewed commitment by Administration officials to strive for achievable objectives in their negotiations with the Soviets rather than belabor surreal proposals which many believe mask the intentions of those who see no future in arms control. As with any policy, the way to win congressional approval is to consult fully with Congress and to pay heed to the concerns raised by those men and women who also represent the interest of the American people. The Reagan Administration's partisan approach to the national defense and to arms control, which was acutely reflected during the 1986 election campaign, may have needlessly alienated members of Congress without whose support the Reagan era will continue is precipitous fall from grace.

The 100th Congress thus faces its most difficult session on arms control. Arms control cannot be premised on defense systems which are flawed or nonexistent. The American people deserve better. They deserve a comprehensive, bipartisan policy supported by the Administration and by Congress.

That bipartisan policy is within reach. In my view, Congress would support: (1) deep cuts in strategic offensive weapons of the magnitude (30-50 percent) discussed at Reykjavik and previously at Geneva; (2) a negotiated end to nuclear weapons testing; (3) an efficient level of research on SDI without committing the nation to premature deployment; (4) mutual adherence to the longstanding interpretation of the ABM treaty; (5) mutual compliance with the SALT II treaty limitations; and (6) prevention of a destabilizing race of antisatellite weapons and of lethal chemical weapons.

If consensus within the Administration and between the President and Congress could be reached on these issues, then a unified American government would confront the Soviets with a formidable arms control policy.

Reciprocal measures by the Soviets are essential. That is why Congress safeguards arms control legislation with conditions that permit the lifting of legislated restrictions on nuclear weapons in the event the Soviets violate the constraints being observed by the United States

To see the majority votes in the House last year on arms control legislation as political assaults on the Administration is simply wrong. They were a sincere, bipartisan effort to preserve and enhance the national defense. The arms control amendments reflected the fact that Congress has a constitutional duty to ensure that the funds it appropriates for the defense of the nation ultimately will provide the best security money can buy.

SENATE—*Wednesday, April 22, 1987*

(Legislative day of Tuesday, April 21, 1987)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Let us have a moment of silence remembering Tyrone Davis, one of our doorkeepers, whose 7-year-old son was killed by a truck yesterday.

The heavens declare the glory of God; and the firmament sheweth His handiwork. Day unto day uttereth speech, night unto night sheweth knowledge.—Psalms 19:1-2.

Father in Heaven, there are many things on our hearts: many needs, many concerns. But preeminent in our thoughts is to express appreciation for this beautiful day: the warmth of the Sun, the profusion of color, the fragrance of the invigorating air. Thank you, gracious God. Forgive us for being so quick to complain when the weather is contrary. Forgive us for so easily taking for granted common benefits.

We lift in prayer to Thee those today who are in special need physically: Senator Paul Tsongas, Senator Jeremiah Denton, and Ambassador Arthur Burns. May they and their loved ones be conscious of Your healing presence, Your comforting love—and Lord if there be any among us who are hurting today, about whom we do not know, we pray for Thy special measure of blessing upon them. In the name of the Great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. I ask unanimous consent that my own time and that of the Republican leader under the standing order be reserved for later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The distinguished Republican leader.

Mr. DOLE. Mr. President, as I understand it, my time has been reserved.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I thank the distinguished majority leader for reserving my time.

BICENTENNIAL MINUTE

APRIL 22, 1861: THE MASSACHUSETTS REGIMENT IN THE SENATE

Mr. DOLE. Mr. President, on April 22, 1861, 126 years ago today, the Senate Chamber was occupied by the young recruits of the 6th Massachusetts Regiment heading South to face Confederate troops. Soldiers were housed in the Capitol throughout the early days of the Civil War following President Lincoln's calling up to 75,000 State militia volunteers. Quarters for such a large contingent were difficult to find in Washington and, at times, the Capitol housed as many as 3,000 troops.

The 6th Massachusetts Regiment arrived in Washington by train a little after 5 p.m. on April 19. They marched, along with throngs of cheering well wishers, to New Jersey Avenue and then to the Capitol. Despite the warm spring weather, the soldiers still wore their heavy winter uniforms and knapsacks, and "presented a thoroughly soldierly appearance" entering the rotunda by the east portico, they were directed to their quarters in this very Chamber, where they collapsed. The soldiers had been exhausted by the preceding 24 hours. In Baltimore, they had been pelted with bricks and paving stones by angry mobs of southern sympathizers. In the mob's wake, 30 soldiers were injured, and 10 citizens and soldiers were left dead.

No food awaited the soldiers when they arrived in this Chamber. They had to wait well into the night for a meal. Grateful for any place to rest, the soldiers used the cushioned chairs in the gallery, the floor of the Senate Chamber, and the couches in the surrounding rooms as beds. During their stay, the Chamber was filled with a smell of bacon, and the men cut chunks of meat from large slabs hanging in the marble room and roasted them in the fireplaces. Throughout the remaining days of April and into May, the 6th Regiment could be seen each day marching through the city streets. The Washington Star commented that the boys from Massachusetts found their Capitol quarters more than adequate.

TRADE AND JAPAN

Mr. DOLE. Mr. President, today the Senate Finance Committee started to meet on the trade bill. In addition, as everyone knows, there are a number of Japanese officials in the city right now. I am certain former Foreign Minister Abe will be meeting—if he has not already—met with the majority leader.

I think we are in a dilemma of sorts. Japan is a good and important friend; and there should be no mistake about that.

But there must also be no mistake about the fact that Congress is united behind the President on the semiconductor retaliation.

Japan has made repeated promises on trade, and the President has had no choice but to insist on compliance.

But Japan is only a piece of the overall problem. The trade problem also has to do with budget deficits, global debt, exchange rates, and economic growth. The administration is to be applauded for trying to broaden the focus on overall competitiveness.

Proposals that focus on particular countries, or particular industries, may solve some short-run problems, but they are not long-term solutions.

We have got to think beyond short term.

The bill, which the Finance Committee begins to draft today, will have far-reaching consequences. The provisions of such a bill must be thought out in a careful and deliberate way.

Therefore, the Finance Committee must approach legislation in a bipartisan way. We must work together as Republicans and Democrats. And we must work with the administration, not against it.

In recent weeks, confidence in our economy has been shaken. The American people are concerned about the gyrations in the stock market, about the prospects of rising interest rates, about the return of inflation, or the onset of recession.

The trade deficit is connected to all these things. In my view it can be solved only if Congress shows the will, and the statesmanship, to do so.

I have been advised that the House sometime this week or next, will take up the trade bill. I also am advised that the majority leader indicated earlier that the Senate will try to complete action on a trade bill before the Memorial Day recess.

If that is the case, then I think we have our work cut out for us, because many of the provisions will be highly controversial. Whether it is the so-called Gephardt amendment offered by our colleague in the House, Congressman GEPHARDT from Missouri, or whatever it may be, there are very strong feelings about the direction we should go.

I think the American people want us to be more aggressive. They want us to move against unfair trade practices. They believe in access. They believe in open markets. They believe in these principles as long as the countries who ship goods into our country also provide us access where we are competitive, and if their markets are open.

I hope that we can come together in a bipartisan way on meaningful trade legislation. I would guess, if something like the Gephardt amendment were adopted, it would cause great concern not only to many of my colleagues on both sides in the Senate, but to the President. And I would hope that we will have a trade bill when we complete this session, not just some political issue for 1988.

Mr. BYRD. Mr. President, I wish to underscore what the distinguished minority leader has said with reference to our problems with the Japanese. I hope that the administration will stand firm on the position that it has taken regarding semiconductors. All too long now have we listened to promises. And we have seen smiles, and there is nothing wrong with these. Smiles and promises are all very well and good. But we have not seen substance. And I think we have to understand that the Japanese are going to be superior in supplying high technology to the world if we are not careful. And when that happens, then we are going to be depending upon the Japanese for the sophisticated technology needed to operate our weapons systems.

We are not just talking about trade. We are not just talking about the economy. We are talking about national security. And the time has come for us to have stiff, stiff backs, with steel in those backs. It is time to say exactly what we mean and mean exactly what we say. Smiles and promises are not enough. So I would urge the administration to beware of promises. We have to understand the Japanese society, its history, and the Japanese people. All too often we use Western logic based on our understanding of terms and we think that the Japanese understand these terms as we do.

The Japanese may say, "We don't have any quotas. Our tariffs are low. Ours is an open market." So if we judge their "open market system" by our traditional interpretation of those words, then we will be misled.

We have to understand that the Japanese society is an homogeneous society; that there is a highly structured, very conservative, traditional export-oriented system; that theirs is a highly protectionist, mercantilist system; and, that there is a desire among the Japanese to keep foreign products out of their markets. If these products cannot be kept out one way, they will do it another.

A good example is the soda ash case. In Japan, it costs a great deal of money to produce soda ash. It is highly energy intensive which means that it is very costly. The United States was not only able to produce but also to transport soda ash to Japan at a cost that would be $50 to $75 a ton under that of Japanese production costs. Normally, off-loading facilities would charge perhaps $20 a ton, if we were to off-load soda ash in Antwerp or Cape Town, but when it comes to unloading in Japan, there is only one facility. Guess who is in control of the port facilities there?—the soda ash people. So the price for off-loading soda ash at the Japanese port facilities was raised to $75 a ton or whatever figure needed to create a "level playing field" for Japanese soda ash.

And Japanese users of soda ash were threatened if they bought too much from foreigners.

So the Japanese have many ways for keeping American goods out of Japanese markets that are out of the normal trade barrier rubic. The sooner we learn a little more about, and study a little more about, and reflect a little more about, Japanese history and its traditions, the sooner we will become realistic in our dealings with Japan.

The occupation authorities after World War II required that the Japanese not spend more than 1 percent of their GNP on defense. If the United States spent only 1 percent of its GNP on defense, we would not have any Federal deficit and we would have $200 billion additionally to invest, to make productive investments, not just holes in the ground for missiles.

We are not only providing security for ourselves, but we are providing security for the Japanese and for many other free nations.

After World War II, we looked upon that country as an underdeveloped country so we encouraged the Japanese to invest and to export. But the Japanese have developed an export-oriented system, a very protectionist system, and we have to look for ways to encourage the Japanese to dismantle the trade barriers which are built into the very fabric of that society.

Japan is no longer an infant-industry country. The Japanese have become accustomed to the special treatment we once afforded them and think it is a matter of right, that the United States should continue to make concessions for infant industries that are no longer infant industries. The four tigers of the Far East—Hong Kong, Taiwan, Singapore, Korea—have been fashioning their systems after the Japanese system, a protectionist system, to "keep others out of their domestic markets but export to the world."

We must become more realistic about our own trade posture. We can no longer deal in promises and smiles. The American economy is suffering today because we are living in the past. We must demand reciprocity.

I do not like the word "protectionist." It is a bad word. But my unemployed coal miners, my unemployed steelworkers, glass workers, leather-goods workers, and shoe workers do not care what word you use.

I am not afraid of the word "protectionist." I am not afraid of it because I am speaking for the people who sent me here. Those who are working today in the steel companies in West Virginia, the coal mines of West Virginia, and the glass companies in West Virginia are worrying about whether they are going to get their pink slips and when.

Yes, we are our brother's keeper, but not to the extent that we are obligated to keep our brothers. Our way of dealing in post World War II and in the years immediately following, have to be changed. But first of all, we need to understand the lexicon and the words being used and the interpretations thereof. We need to look beyond the traditional, formal trade barriers and understand what is really being done to keep our products out of Japanese markets.

The issue of semiconductors is a matter of national security. If there ever were a time for this administration to stand firm and stand pat and stand like a stone wall, it is now. I hope the administration will not weaken, and I hope it will not succumb to promises. We cannot afford to be slaves to any country when it comes to our weapons systems and the high technology, the superhigh technology, on which those weapons will have to depend.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for 5 minutes each.

THE SENATE AGENDA

Mr. BYRD. Mr. President, while awaiting the arrival of a Senator or Senators who may wish to speak during the period for morning business, the order having been gotten to provide that Senators may speak during such period, I should state that the Senate at 11 o'clock this morning will proceed to the consideration of the bill H.R. 1157, which would provide for an acreage diversion program for winter wheat. Numerous amendments I hear are in the wings. Whether or not they will all be called up remains to be seen. There will be rollcall votes undoubtedly throughout the day. I would expect the Senate to stay on this measure until circa 6 o'clock, 6:30, this late afternoon, and then, if the bill has not been finished, I would expect to go over until tomorrow on it. I do not propose to stay in until midnight or 11 o'clock or 10 o'clock working on the bill. So I hope that we will be able to make progress, and the more progress made on the bill today the less will remain to have to be done on tomorrow. If the bill is not completed today, then the Senate will be back on the bill tomorrow.

Following the action of the wheat acreage bill, I expect that the Senate will proceed to take up the budget resolution. There are some other bills on the calendar which I hope can be disposed of by unanimous consent, if they can be cleared through all Members of both sides of the aisle in the meantime. There is the legislation on the star schools program. I hope that we will be able to develop a time agreement on that measure so that it can be called up at some point where it is advantageous to take the opportunity to utilize the time of the Senate in such a productive way.

The budget resolution, of course, is under a built-in time agreement by law. There are 50 hours for debate on that resolution. Obviously, that resolution, when it is called up on tomorrow at some point, or on Friday, will not be completed this week. Rollcall votes will occur on that resolution.

Senators should be on notice that there will be a session on Friday. I should not have to say this any more because we are now about to go into the fifth month of the year, and legislation is on the calendar. We have very important, major, heavy stuff, if I may use that word, on which to work in the ensuing days and weeks. Committees are continuing to meet. There will be other legislation on the calendar.

So we have the budget resolution that is coming forward. The House will complete action on the supplemental appropriations bill this week. Next week the House will take up the trade legislation, which means that following the budget resolution on this side the Senate should then be prepared to take up the supplemental appropriations bill. In the near future, following that I should think the Senate should be able to go to the trade legislation.

So we have big legislation that is confronting us, and again I say this means work on Fridays as well as on any of the preceding days of the week with the exception of Mondays.

There will be no rollcall votes on Mondays from now into the distant future. This does not mean that the Senate may not be in on Mondays. There will not be rollcall votes, unless perchance there should be something in the way of a surprise, unforeseen, an emergency, or a requirement that there be rollcall votes. I do not anticipate such, and the only times when there might be such a rollcall vote would come in the event that the Senate needed to have a vote on adjourning or recessing or having the Sergeant at Arms request the attendance of absent Senators. So it is pretty much an unlikelihood.

However, we will have business on Fridays. I hope Senators will not bother themselves to come to me and ask me if we are going to have votes on Fridays, because they very well need to save themselves of that trouble. We can expect votes on Fridays.

We have a lot of work to do; and, as I say, we are moving into the busy, busy midspring legislative period, and there is heavy, heavy stuff on our platter.

Mr. President, having said that, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin [Mr. PROXMIRE] is recognized.

WHY THE PROSPECTIVE ARMS CONTROL AGREEMENT WITH U.S.S.R. IS GOOD NEWS

Mr. PROXMIRE. Mr. President, the House delegation to the Soviet Union, led by Speaker JAMES WRIGHT, to their credit, has hailed the prospective arms control agreement with Russia. They agree with Secretary Schultz and the Reagan administration that a significant arms control agreement with the Soviet Union is in the works—in fact, has become more likely every day. This would be a good thing politically for the Reagan administration. It would also be a good thing for our country, period.

It is heartening that there is no evidence of partisanship on this developing arms control advance. Democratic leaders obviously know that the conclusion of an arms control agreement later this year would benefit the President and his Republican Party politically. But they also know that the way it is taking shape, it would provide the first superpower agreement for the actual reduction of nuclear weapons. They know that for this reason it constitutes a crucial precedent. They know that it provides the basis for building future agreements for mutual arms reduction.

As a member of the House delegation that just visited the Kremlin observed, if the most conservative Republican administration in many years can agree with the Soviet Union to reduce and perhaps even to eliminate certain kinds of weapons, that provides a solid basis for future administrations of either party to build more far-reaching arms reduction agreements.

Now, let's face it. We are not talking about the kind of comprehensive across-the-board freeze on all nuclear weapons that the American people approved in scores of referenda a few years ago. We are not talking about stopping the technological nuclear arms race by a mutual end to all nuclear weapons testing. We are not considering agreements to negotiate a parity with the Soviet Union in the conventional arms that constitute more than 80 percent of the military budgets of both sides. We are considering a far more limited agreement. In fact, the agreement to sharply reduce or eliminate medium-range nuclear arms in Europe and even to toss in short-range nuclear arms and tactical nuclear arms in Europe would not halt or even significantly slow the nuclear arms race. And it does, indeed, strip away from Europe several layers of nuclear defense that some European leaders see as their deterrent against a Soviet sweep into Western Europe led by the great Soviet numerical advantage in tanks, planes, artillery and on-the-spot ammunition.

Nevertheless, the prospective agreement leaves a U.S. nuclear deterrent of overwhelming and undiminished power. Let's face it. Where is the U.S. nuclear strength? It is not and never has been in Europe to any significant degree. It is in the far off United States, separated from the Soviet Union by the two greatest oceans on Earth? No; the American nuclear deterrent is not primarily in America, before or after this agreement. It is not land-based. It is not stationary. It is overwhelmingly sea-based and air-based. Most important, it is just as overwhelmingly mobile. That means it can be anywere and everywhere, including off the coast of Russia or in the air over the Soviet Union. Here is why the imminent arms control agreement between the superpowers does not reduce the credibility of the American deterrent by one scintilla.

If the Soviets should suddenly move their tanks and planes into Western Europe, the NATO conventional forces would resist. If NATO forces did promptly stop the Soviet forces, the United States nuclear deterrent would, of course, be unnecessary. But what happens if they don't? If they don't, the President of the United States would have a number of options. He would have at his command nuclear power on board submarines and bombers that could strike at troop concentrations wherever Soviet troops or armor assembled. It could strike at Soviet cities supplying the troops. It could utterly destroy every Soviet port, staging area, transportation center or other military center. The Soviets, of course, could strike back with their own nuclear arsenal. But if they did, they would know that they, as well as our country, would be dead in a matter of hours. What more impressive deterrence could there be? So the prospective arms control agreement with the Soviet Union would give up no real fragment of nuclear deterrence for the United States or NATO.

What would the prospective agreement gain for peace and security? It would provide the basis on which the two superpowers could build, on the simple principle that we should reduce and eliminate nuclear and conventional weapons down to the lowest point consistent with full credibility for our deterrent. If we can pursue this principle of comprehensive arms control, across the board, for all military weapons—conventional as well as nuclear—we can win a safer world and we can lift much of the immense burden of military spending from both sides.

MALABRE'S GREAT BOOK: "LIVING BEYOND OUR MEANS"

Mr. PROXMIRE. Mr. President, Alfred Malabre is the economics editor of the Wall Street Journal. He has written a book entitled "Living Beyond Our Means." I wish every American could read that book. I wish all who read it would think long and hard about its meaning. It could save this country from undergoing the full and terrible blast of an economic depression that is very likely to hit this country with devastating effect, if we don't mend our ways.

Malabre has the Federal Government and this Congress right in the center of his sights. But that's not all, not by any means. Every Member of the Congress knows that we in Congress have shoved this country into a nightmare of debt in the past 6 years. Too many of us have talked ourselves into believing that with our deficit reduction act—Gramm-Rudman-Hollings—we're on our way out of the nightmare of red ink. Much of the press has helped us deceive ourselves into thinking that we now have the deficits under control. Do we? No way. We all know that we won't come close to meeting the Gramm-Rudman schedule of regularly reduced deficits so that we achieve a balanced budget by 1991. But we have lulled ourselves into believing that we are on the right track.

Some Congressmen seem to believe that we will have steadily diminishing deficits. They believe that, one way or another, the whole bad dream of debt will blow away as time passes. If nothing else happens to blow our troubles away, many Members of Congress believe that a new Presidential administration will, after 1988, persuade us in Congress to hold down spending across the board and raise the taxes necessary to bring the Federal deficits down below $100 billion a year. These dreamers concede that there may be a couple of years of recession and unemployment will rise putting 12 to 15 million people out of work. But that will pass. Then Americans can go back to a better and happier and richer future with more jobs and better pay than ever before.

Well, Mr. President, it's not going to happen that way. As Mr. Malabre documents so well, Congress is only part of the problem. The Federal deficit is less than half the debt problem. Much less. It's not just the Congress that is living beyond the country's means—it's the American people. Over the years, Americans have saved about 5 percent or 6 percent of their income. That's less than the Japanese who save about 20 percent. But it was enough to provide much of the capital our economy needed without borrowing from abroad and without our central bank—the Federal Reserve Board—pouring excessive credit into the economy. But now Americans are not saving 5 percent or 6 percent of their income. In 1986 consumers in this country saved a bare 2 percent of their income. This year is worse. Some experts predict that net savings will drop to zero. Meanwhile, consumer borrowing has hit an all-time high in relation to income. It is higher than the borrowing of the Federal Government. The Federal Government is in hock for about $2.3 trillion. The consumers are now on the cuff for about $2.8 trillion. It gets even worse.

Corporations have now pushed their debt well above $3 trillion. When Malabre finished his book a couple of months ago, he estimated the combined Federal and private indebtedness at about $7 trillion. Today that shocking burden has become an underestimate. Actually, the combined American debt has already exceeded $8 trillion. And it's rising. It's rising very fast.

Is that all that's wrong? No; it gets still worse. Malabre argues that we are paying ourselves too much. We aren't earning our paycheck. And that observation not only applies to Congress; it applies to most Americans. How do we know we are being paid too much? Because the only fair and logical way to pay anyone is according to how much he or she produces. In an efficiently functioning free market system, pay is geared to productivity. The more you produce, the more you earn. Well, pay has increased. Personal income has gone up. But productivity? Productivity has stalled.

Now, in the perfect economic model, this should all shake out as high pay and low productivity accelerates inflation. We theoretically can't consume more than we produce. Inflation takes care of that. We earn more but we lose the advantage of the extra dollars to inflation. Why hasn't that happened this time? Because we are making up the short fall between what we produce and what we consume not by buying in our country but by buying from abroad. The Japanese, the Taiwanese, the Germans, and many other foreigners do much of our work, produce our goods. We consume them. That sounds like a pretty neat trick. How do we do it? We do it by borrowing heavily from abroad. We then buy more—in fact, some $170 billion more last year alone—than we sell abroad. The hard working Japanese and Germans are providing for much of the good life we enjoy. They're also lending us tens of billions of dollars to pay for it.

We're like the family living beyond its means. We're gradually working ourselves into the danger of becoming an international deadbeat. Of course, as time passes and the debt gets bigger, foreign countries will insist on higher interest rates for their loans. Somehow, we will have to begin to work our way out of what could eventually reach a $10 or $12 trillion mountain of public and private debt. Much of it is owed to foreigners. How do we do it? There is one and only one way for a person, a corporation or a country to do this. It is to spend less and produce more, or pay more in taxes.

If historical experience means anything, our huge debt will require Americans to endure the multiple punishments of skyrocketing inflation, soaring interest rates, and heartbreaking unemployment. I'm talking about the agony of a full-fledged depression. That's what it will very likely take to develop the discipline necessary to live within our means.

Of course, if we take the Malabre book to heart, if we cut Federal spending promptly, if we raise what taxes we need to slash the deficit below $100 billion a year within 5 or 6 years, and if the American people, in their own financial management and in the management of their corporations, follow prudent policies, we will suffer a painful drop in our living standards but we might avoid a deep depression. This Senator wouldn't count on that.

A CLEAR AND PRESENT DANGER

Mr. PROXMIRE. Mr. President, the New York Times carried a story on Tuesday, April 21, which should alarm every Senator. That story said that Government bond prices "plunged" because of rumors: That the Chairman of the Federal Reserve Board favored tightening credit, and that Japanese institutional investors planned to boycott the Treasury's next offering "in retaliation for Washington's increase in tariffs on certain Japanese imports."

Markets have always responded to rumors. Panics and runs are an integral part of financial history. What this Senator finds so disturbing about the Times story, however, is what gave the bond market a case of the jitters. It was a rumor not that the Japanese Government might take action, but that private investors in Japan might refuse to buy this Government's debt. When the price of Federal Government bonds plunges because private foreign investors may sit out an auction, it is time for this body to take notice.

Those who buy and sell Government bonds have good reason to be nervous. Last year, foreign investors purchased about 25 percent of new Federal debt. In other words, foreigners financed about 25 percent of our deficit. At the same time, the Federal Reserve Board was cranking up the printing press. Our money supply grew by nearly 20 percent, depending on which measure of money is used.

What happens if foreign investors do stop buying our debt? The Federal Reserve could buy it, but that would mean printing even more money. Inflationary fears, already simmering, would come to a boil. If the Federal Reserve sat on its hands, then bond prices would really plunge. And interest rates would climb rapidly. In either case, this country would be facing a sharp recession, at best, and possibly a depression.

Mr. President, what makes this warning timely is that the Senate will be debating the budget next week. During the course of that debate, we will hear often from the "Yes * * * but" school of budgeting. Yes; we must reduce the deficit, but not at the cost of higher revenues or reductions in domestic or military spending.

That school of budgeting has many adherents. The Senate can muster 35 to 40 votes to raise revenues, or to reduce domestic spending, or to put the brakes on at the Pentagon. That number, of course, is not a majority. The only thing that commands a majority is deficits around $200 billion, even though each of us is dead set against them.

Meanwhile, the Federal debt continues its explosive growth. In 1981, it reached $1 trillion. By the end of the 1980's, it will exceed $3 trillion, even if we avoid a recession.

This debt will become a ball and chain attached to this Nation's legs. If we want to move to take advantage of some new technological breakthrough, or to improve our schools, or even to remake our military, we will have to wonder whether foreign investors will help us pay for it. We are not at that point just yet, but we are well on our way.

Mr. President, I ask unanimous consent that the New York Times article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1987]

INTEREST RATES RISE SHARPLY—REPORT ABOUT VOLCKER VIEW IS KEY FACTOR

(By H.J. Maidenberg)

Government bond prices plunged, in some cases by nearly two points, and interest rates soared yesterday on an unsubstantiated report that Paul A. Volcker, the Federal Reserve Board's chairman, favored tightening credit.

The credit markets were also unsettled by a Tokyo report, also unconfirmed, that Japanese institutional investors would boycott the Treasury's next refunding, in early May.

A weakening of the dollar, which caused a sharp rise in prices of precious metals, also took its toll. The decline in the dollar was small, but money market analysts predicted that currency traders would test the dollar again today, doubting the ability of the central banks to support it at current levels. A lower dollar strengthen inflation and erodes the appeal of dollar-denominated investments to foreigners.

TYPICAL BEFORE A HOLIDAY

The credit markets were shaken last week only to recover on short covering typical before a long holiday weekend. They were worried both by the rise in the prices of precious metals and the belief that the relative stability in the dollar last Wednesday and Thursday was only temporary.

The strongest blow yesterday was in a syndicated column in newspapers by Rowland Evans and Robert Novak that said Mr. Volcker favored tightening credit both to bolster the dollar and to reduce the risk of inflation. The bellwether Treasury long bond quickly soared 18/32, despite the absence of any market guidance from European markets, which were closed for Easter Monday.

A member of the Fed's board, Wayne D. Angell, said yesterday that Mr. Volcker was not at odds with the panel's Reagan-appointed majority about whether interest rates should rise. [Page D23.]

JAPANESE RATE CITED

Earlier in the day, Nihon Keizai Shimbun, the Japanese financial journal, hinted that the Fed might tighten credit in exchange for a further reduction in Japan's discount rate to keep up the flow of Japanese investments to the United States. Other reports circulated from Tokyo that Japanese institutional investors planned to boycott the Treasury's next refunding in retaliation for Washington's increase in tariffs on certain Japanese imports.

Philip Braverman, chief economist at Irving Securities, an arm of the Irving Trust Company, said that "while these reports caused most of the havoc in the bond market today, we ought to be more concerned about the dollar, which the Street believes will be under great strain in Europe Tuesday."

E. Craig Coats Jr., managing director at Solomon Brothers, also dismissed the reports. "Given the wide spreads between what the cash-heavy Japanese institutions can get at home and in Europe and what they can get here, it just doesn't make any sense for them to pass up Treasury paper," he said. "It is just a game of chicken. Obviously, no one planning to participate in a refunding or any other auction wants to let on that they are eager to buy."

As for the market's reaction to the reports, Mr. Coats said that "when a market makes up its mind to go one way or another for any reason, it is never wise to challenge it." He added, "Besides, once the market decided to go lower, buyers vanished and the decline fed on itself."

BUYERS FLEE MARKET

Buyers of corporate and tax-exempt bonds also fled the market, and as a result there were virtually no offerings of new issues in these markets yesterday.

The Treasury long bonds, the 7½'s of 2016, a past favorite of Japanese institutional investors, were offered late in the day at 90 $\frac{11}{32}$, down one point and $\frac{28}{32}$, to yield 8.39 percent, compared with 8.20 percent last Thursday. The market was closed on Good Friday.

Prices of all other Treasury coupon issues were hammered down as well. The 6⅜'s of 1989 fell $\frac{11}{32}$, to 99 $\frac{27}{32}$, to yield 7.02 percent; the 6¾'s of 1991 dropped $\frac{22}{32}$, to 95 $\frac{3}{32}$, and a yield of 7.61 percent; the 7's of 1994 lost $\frac{34}{32}$, to 7.98, and the key long notes, the 7¼'s of 1996, plunged $\frac{47}{32}$, to 93$\frac{28}{32}$, and now yield 8.17 percent.

In Chicago, bond futures were also battered by rumors that a Japanese financial house sold $1 billion of Treasury paper, and the spot June delivery closed down 1 point and $\frac{20}{32}$, at 92$\frac{18}{32}$.

'SLIGHTEST SNUGGLING'

As for the Fed moving to tighten credit, Mr. Braverman said that the spread between bond-equivalent yields of the Treasury 90-day bills, 5.67 percent, and the two-year note, as well as the spread between the six-month bills, 6.24 percent, and the Federal funds, or benchmark overnight lending rate, indicated only the "slightest snuggling of interest rates, which is normal in April and which should evaporate in May." Snuggling means a very slight increase.

The Federal funds rate traded most of the day at $6\frac{3}{16}$ percent and the Fed surprised some dealers by not intervening to reduce this lending rate somewhat.

At yesterday's auction of Treasury bills, the average discount rate on the 90-day issue was 5.77 percent, down from 5.98 percent a week ago. The average rate on the companion six-month bills was 6 percent, compared with 6.08 percent.

Following are the details of the auction:

	3-Mo bills	6-Mo bills
Average price	98.541	96.967
Discounted rate (percent)	5.77	6.00
Coupon yield (percent)	5.95	6.29
High price	98.547	96.977
Discounted rate (percent)	5.75	5.98
Coupon yield (percent)	5.93	6.27
Low price	98.541	96.957
Discounted rate (percent)	5.77	6.02
Coupon yield (percent)	5.95	6.31
Accepted at low price (percent)	71	17
Total applied for	$29,346,010,000	$22,268,330,000
Accepted	$6,622,280,000	$6,605,330,000
New York applied for	$25,406,570,000	$19,046,045,000
New York accepted	$5,778,315,000	$5,699,045,000
Noncompetitive	$1,127,880,000	$764,440,000

Note.—Both these issues are dated Apr. 23, 1987. The 3-mo bills mature July 23, 1987, and the 6-mo bills Oct. 22, 1987.

KEY RATES

[In percent]

	Yesterday	Previous day	Year ago
Prime rate	7.75	7.75	9.00
Discount rate	5.50	5.50	7.00
Federal Funds	6.15	6.05	7.00
3-mo Treasury bills	5.56	(1)	5.88
6-mo Treasury bills	6.01	(1)	5.89
7-yr Treasury notes	7.99	(1)	6.87
30-yr Treasury bonds	8.38	(1)	7.15
Telephone bonds	9.56	(1)	8.88
Municipal bonds [2]	8.56	(1)	7.62

[1] Not available because of the observance of Good Friday.

[2] Municipal Bond Index, the Bond Buyer.

Source. Salomon Bros. estimates for bellwether issues.

DEATH OF FORMER CONGRESSWOMAN EDITH GREEN OF OREGON

Mr. HATFIELD. Mr. President, today, the State of Oregon is mourning the loss of former Congresswoman Edith Green, who passed away last night.

In the 40 years of friendship with Edith, I was always in awe of her strength and her foresight. We shared many common interests, both having backgrounds in teaching and having attended Willamette University and Stanford University. Whenever I think of her, I remember Edith first and foremost as an educator with a tremendous love of learning. Her time in the classroom nurtured her great love of children and teaching and would spark her to become one of education's greatest advocates during her tenure in the U.S. Congress.

From a schoolteacher in Salem, OR, she rose to prominence as a Member of Congress and a champion of education and women's rights. As Oregon's second women to be elected to Congress, Edith was regarded by some as the most powerful woman ever to serve in Congress. As a member of the House Committee on Education and Labor, Edith introduced the first bill to require that men and women receive the same wages for the same tasks. She was a driving force behind legislation to extend the college loans to nonveterans and was the author of the title IX provision which ended discrimination in education on the basis of sex.

Active in the Democratic Party, Edith was the Oregon chairwoman for John Kennedy's and Robert Kennedy's Presidential campaigns, and showed her independent nature when she unexpectedly was chosen as national cochairperson of Democrats for Gerald Ford in 1976. Her style as a political maverick was reinforced when, in 1984, she refused to support the Democratic ticket led by Walter Mondale.

Clearly, Edith was willing to cross party lines to find her candidate, and I was honored to have her chair statewide my campaign for reelection in 1984.

When Edith retired from Congress in 1975, after having served 10 terms, she remained active in community activities and as a spokeswoman for the issues important to her. Far before homelessness grasped national attention, Edith was reaching out to the children of the streets. In 1984, following months of research and planning, Edith opened a facility for runaway and homeless youth in Portland. Overwhelmed by the needs of youth living on the streets, Edith gathered private contributions and the sustained support of the Salvation Army and was able to create Greenhouse, a sanctuary for children. At Greenhouse, youths are protected from the environment of the streets and encouraged to call back their humanity and trust in others. The youths are given free meals and counseling in a nonrestrictive environment.

I am very happy to say that the Democratic leader and the managers of the bill we passed only a few weeks ago on homelessness accepted an amendment which would concentrate upon a comprehensive analysis of the causes behind the explosion of homeless youth on the streets. As I stated at that time, the amendment was offered and accepted in honor of Edith Green for her concern and outstanding leadership on the issue.

I had the privilege of telling her of the amendment's passage only last week when I visited her in the hospital, and I can assure you that she greeted that information warmly, despite very weakened condition.

Edith Green was honored for her service with 29 honorary degrees, has a Federal building and a youth home bearing her name, and was universally admired for her dedication and her spirit.

But when asked how she would like to be remembered, Edith replied that she would like to be remembered for her work on behalf of the Nation's schools and the advancement of opportunities for women.

For those and for her many other contributions, we will always remember Edith Green as a great woman and as a great American.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I share the thoughts and words that have been expressed by the distinguished Senator from Oregon [Mr. HATFIELD].

I served with Edith Green over the years. I was always impressed by her deep dedication, high sense of purpose, knowledge, ability, and humaneness.

The Nation suffers a great loss and the State of Oregon has lost a great citizen.

A WALL STREET LAW FIRM BREAKS RANKS

Mr. STEVENS. Mr. President, these are times of great change in the legal profession. Recently, one of my very good friends and law school classmates led his large law firm in making an historic decision. It was a right decision—one which placed the welfare of the firm's clients ahead of the legal fraternity's unwritten rule against filing suit against another big firm.

George D. Reycraft, after reviewing all the facts and trying to bring about an equitable settlement without litigation, knew what he had to do. The case involved losses allegedly suffered by individuals who invested in a limited partnership controlled by Ivan F. Boesky, who has admitted he was involved in illegal insider trading activities.

In a rare article on the front page of the business section on April 12, entitled "A Wall Street Law Firm Breaks the Ranks," the New York Times has set forth clearly the actions taken by Cadwalader, Wickersham & Taft, one of the largest and most respected law firms of New York City. It has included in a suit filed on behalf of its clients, the limited partnership investors, the law firm of Fried, Frank, Harris, Shriver & Jacobson, another respected law firm of that city.

Mr. President, believing as I do that all the Congress should know about this article, and because it was published during the recent period when we were in recess, I ask unanimous consent that the article to which I refer be printed in full following my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. **STEVENS**. Mr. President, as I said previously, I have known George Reycraft since we studied law together—and in the intervening years I have been proud to call him my friend. That pride increased as I read about this recent action he has taken which is a classic illustration of an attorney's obligation to protect his clients. He is not, as the article indicates, unflamboyant.

A pilot since World War II, George flies his own plane regularly between New York and Florida, where he spends most of his time deep sea fishing. He is a flashy dresser, in my opinion, one who loves to wear red slacks as he relaxes. And he is also a very good tennis player. As the occupant of the chair would know, Mr. Reycraft beats me quite often.

George is, however, as this lawsuit proves, a real bulldog—and those of us who know him well were not at all surprised that he did not refuse to take another large law firm to court. Having spent a substantial period of his career as an attorney in the Anti-Trust Division of the Department of Justice and having practiced law in New York City as a true expert in litigation, George, as the article indicates, "[i]n the end,—decided to proceed because there was a case and there were clients." He is truly a client's lawyer—and sets an extremely high standard for all attorneys in our land.

EXHIBIT 1

[From the New York Times, Apr. 12, 1987]

A WALL ST. LAW FIRM BREAKS RANKS

(By William Glaberson)

Deception. Aiding and abetting a fraud. Conflict of interest. That doesn't sound like the kind of language one member of Wall Street's genteel legal fraternity would use about another.

But one of the charter members of the big-time corporate bar, Cadwalader, Wickersham & Taft, broke the rules of the club last month and sued another: Fried, Frank, Harris, Shriver & Jacobson, the respected financial law firm that represents fallen arbitrager Ivan F. Boesky. Cadwalader increased tensions last week by adding new and more serious allegations on behalf of its clients, disgruntled investors in the $1 billion limited partnership that Mr. Boesky controlled.

Using decidedly ungentlemanly language, the suit claims that Fried, Frank and one of its most influential partners, takeover specialist Stephen Fraidin, took part in a "gross and wanton fraudulent scheme" that contributed to the plaintiffs' losses of tens of millions of dollars. Their investments were battered last year as Mr. Boesky became caught up in the Government's investigation that led to his admission of extensive insider trading abuses.

The plaintiffs are seeking to recover at least $50 million in the suit, which also names Mr. Boesky, his accounting firm, Oppenheim, Appel, Dixon & Company; his investment bank, Drexel Burnham Lambert, and two Wall Street figures who have pleaded guilty to felony charges in the scandal, Dennis B. Levine and Martin A. Siegel. The investors include banks, large companies, private investment firms and such well-known individuals as Martin Peretz, publisher of the New Republic, and Lewis E. Lehrman, the former New York gubernatorial candidate.

Fried, Frank says the suit is baseless and predicts a rapid vindication in court. Said Fried, Frank senior partner Leon Silverman: "The inclusion of our law firm and of one of our partners in the lawsuit is irresponsible. It is revealing that the plaintiffs' counsel refused the opportunity we offered them to examine the facts before filing their lawsuit. We leave it to others to discern the true motivations for including us in this lawsuit. But we intend to defend this litigation and we will win."

Cadwalader's chief litigator, George D. Reycraft, said Fried, Frank's offer to let him "examine the facts" was conditioned on signing an agreement that Mr. Reycraft believed might have prevented him from ever bringing certain claims. He says he wanted to avoid suit but he did not have any choice. "Fried, Frank is a fine firm," he said. "I think they made a mistake here."

By dragging Mr. Fraidin and Fried, Frank into the case, Cadwalader violated the unwritten handsoff rule of the big law firms. Already, there are pro- and anti-Cadwalader camps on Wall Street because the firm broke ranks. Said a top takeover lawyer at another major firm who asked not to be named: "You don't go around suing lawyers, especially when you're dealing with a firm of the reputation of Fried, Frank."

Indeed, the allegations against Fried, Frank put the case in a different category from the handful of others already filed in the Boesky affair by people who believe they were victims of his insider trading. Besides providing the rare spectacle of Wall Street lawyers squabbling in public, the suit raises questions about the increasingly complex—and ambiguous—role that some top firms are playing in takeover deals and other high-stakes investments.

The suit does not claim that Mr. Fraidin actually knew his client was engaging in illegal insider trading. It does suggest, however, that Fried, Frank's lawyers were so anxious to please their valued client that they may have crossed the line between simply giving advice about Mr. Boesky's high-flying business and actually participating in it.

On at least three occasions, the suit says, Fried, Frank lawyers helped solicit investments in Mr. Boesky's partnership. In court, the investors are expected to argue that such sales pitches imposed an extra duty on the lawyers to make sure that the investments were being handled properly.

Mr. Fraidin would not discuss any aspect of the case. Friends say, however, that he was friendly with Mr. Boesky, Mr. Boesky's wife, Seema, and the Boesky family. Both men live in Westchester and saw each other socially, they add.

Mr. Fraidin's friends say that he believed Mr. Boesky was a business genius whose extraordinary financial results were legitimate. If he did sometimes help his friend and client make contacts, they say, he was doing little more than many of New York's deal lawyers do every day.

Mr. Fraidin was the chief lawyer for Mr. Boesky and his businesses for years. The suit charges, among other things, that Fried, Frank was guilty of a "sharp conflict with the interests of its existing client," the Boesky partnership, and of duties the lawsuit claims the firm owed to the investors.

The conflict arose, according to the suit, when Fried, Frank lawyers other than Mr. Fraidin began to represent Mr. Boesky separately in the insider-trading investigation last summer.

A Washington-based partner, Harvey L. Pitt, is Mr. Boesky's chief defense lawyer. Neither Mr. Pitt nor any other Fried, Frank lawyer would discuss the details of the Cadwalader lawsuit.

The suit charges that the firm learned of Mr. Boesky's criminal activities while it remained the lawyer for the partnership and that it had an obligation to tell the limited partners what it had learned so that they could protect their investments.

The investors also claim that Fried, Frank began representing Mr. Boesky in his problems with law-enforcement authorities in August and that the firm continued to be the lawyer for his partnership until October. In November, Mr. Boesky agreed to pay $100 million in a civil settlement of insider trading charges. He also agreed to plead guilty to an unspecified criminal charge.

The lawsuit also alleges that Mr. Fraidin and other Fried, Frank lawyers prepared a prospectus for investors in Mr. Boesky's partnership early in 1986. Until then, Mr. Boesky's arbitrage operations had been conducted on a smaller scale. The prospectus described an ambitious new partnership to be financed by a broad base of investors.

The Fried, Frank lawyers "knew, or should have known" that the prospectus contained false statements, the suit claims, even though the Government's insider trading investigation had not yet centered on Mr. Boesky. The suit charges that the prospectus did not inform investors that Mr. Boesky's extraordinary returns were "a result of trading on "inside information.' " It does not explain how Fried, Frank could have reached that conclusion at that time.

The suit also charges that the prospectus did not include information about prior infractions of the law by Mr. Boesky and some of his senior employees and that it failed to inform investors that Mr. Fraidin was on the board of two Boesky companies. Lawyers commonly serve on the boards of their favored clients. The investors are expected to argue, however, that disclosure would have shown how close Fried, Frank was to Mr. Boesky.

In earlier dealings with potential investors, the suit said, Fried, Frank and Mr. Fraidin gave much more than traditional legal advice. In one instance in 1984, the suit charges, a junior lawyer at Fried, Frank wrote the State Street Bank and Trust Company expressing the law firm's "hope" that the bank would invest with Mr. Boesky. The bank, which is based in Boston, ultimately joined the partnership.

Later, the suit claims, Mr. Fraidin helped change a decision reached by officials of the New York-based Home Insurance Company not to invest with Mr. Boesky because they did not know the controversial arbitrager.

According to the suit, Mr. Fraidin suggested to company officials that "the opportunity to invest with Boesky was a good deal that should not be passed up." Mr. Fraidin, the suit claims, "personally vouched for Boesky's skill and integrity' and set up a meeting for the officials to get to know Mr. Boesky.

The meeting took place last June 19, about two months before Mr. Boesky is believed to have begun cooperating with the Government. At the meeting, sources with knowledge of the case say, were Mr. Fraidin, Mr. Boesky and Home's chairman, Marshall Manley. Home Insurance eventually invested $15 million in the Boesky partnership.

The suit says that one Mr. Fraidin and his firm began encouraging investors to back Mr. Boesky, they incurred additional responsibilities to those who sustained losses after following their advice.

Mr. Fraidin and his partners are not the first lawyers to be drawn into court along with their clients after a major financial debacle.

In 1977, the old-line Wall Street firm of White & Case agreed to settle a long-running dispute with the Securities and Exchange Commission over its handling of information that one of its clients, the National Student Marketing Corporation, was a financial house of cards. The White & Case partner involved, Marion J. Epley 3d, was suspended from practice before the S.E.C. for six months.

Last year, another prestigious Wall Street firm, Rogers & Wells, paid $40 million to settle suits by people who lost $100 million through investments with Ponzi-scheme operator J. David Dominelli, a client of the firm. Investors claimed that Rogers & Wells lawyers overlooked signs of trouble at the Dominelli operation. A California law firm, Loeb & Loeb, played a key role in representing the plaintiffs in the settlement.

Because claims by law firms against each other are considered so unseemly on Wall Street, several suits brought by other Boesky investors have not named Fried, Frank.

A handful of the investors represented by Cadwalader—including the Rapid-American Corporation and the National Can Corporation—refused to be included in the Fried, Frank part of the suit. Some of those who refused to participate have business dealings with Fried, Frank.

According to the lawyers' grapevine in New York last week, other major New York firms refused to handle the suit because some of the investors insisted on naming Fried, Frank as a defendant.

Privately, many lawyers admit that they find such cases threatening because they are afraid of encouraging second-guessing of what are often close judgment questions. Explained one well-known securities lawyer: "We don't like to see this happen because if it happens with one, it can spread."

Even—or perhaps especially—at Cadwalader the decision to sue Fried, Frank was painful. The firms are as alike as any two in the profession's top tier, and many of the senior people have been friends for years.

Cadwalader's George Reycraft, Fried, Frank's Leon Silverman and the lawyer Fried, Frank has hired to defend the firm, Henry L. King of another Wall Street giant, Davis Polk & Wardwell, have known each other for two decades. The wife of one of Cadwalader's senior partners is an associate at Fried, Frank. The daughter of one of Fried, Frank's top lawyers is set to begin at Cadwalader in the fall.

One Cadwalader insider said the connections made everyone think especially hard about the decision to sue Fried, Frank. In the end, however, the lawyers decided to proceed because there was a case and there were clients. "As distasteful as it was—and believe me it was distasteful—it was something we had to do."

THE ACCUSER: "A PLUGGER, A BULLDOG"

George D. Reycraft of Cadwalader, Wickersham & Taft, has become the chief accuser in the suit against his colleagues at Fried, Frank. But he doesn't seem to mind the role. "The only unusual aspect of this case is it's one large firm suing another large firm," he said.

The complexity of the case doesn't intimidate Mr. Reycraft either. It could take years to litigate the claims against all the people Mr. Boesky's investors have sued to make up their millions of dollars in losses. But Mr. Reycraft is known for handling such intricate legal proceedings, relying, other lawyers say, on a deliberate and unflappable approach.

"He is, in the best sense unflamboyant," said Sanford M. Litvack, another big-case litigator who has known Mr. Reycraft since the two worked together in the Justice Department more than 20 years ago. Mr. Reycraft, said Mr. Litvack, "is a plugger, a bulldog. He'll stay after you. If he's got a case, he'll develop it slowly and methodically."

The 62-year-old Mr. Reycraft has specialized in giant corporate cases since he rose to be the top career lawyer in the Justice Department's antitrust division in the late 1950's. There, he worked on the Government's landmark proceeding against E. I. du Pont de Nemours & Company that ended in an order directing the chemical company to give up its 23 percent stake in the General Motors Corporation.

After he left the Government in 1963, Mr. Reycraft went to Cadwalader, where he has been involved in one major case after another. Among other victories, he won a $140 million settlement from the Westinghouse Electric Corporation in 1978 in a case he handled for the Long Island Lighting Company. The Diamond Shamrock Corporation is a client in the Agent Orange case.

The Boesky suit is similar in some respects to an earlier investor case for which Mr. Reycraft is known. In 1981 he won an $80 million verdict against a top accounting firm, Arthur Andersen & Company. Mr. Reycraft charged that the accountants could have prevented huge losses sustained by the shareholders of a mutual fund known as the Fund of Funds. Since then, accountants have been contending with a deluge of legal claims about their professional conduct. Many of them cite Mr. Reycraft's success in the Fund of Funds case as the beginning of their problems.

In Wall Street law firms last week, some people were worrying that the Fried, Frank case could bring that kind of attention to their profession. It is just the kind of attention they don't want.

THE DEFENDANT: A TAKEOVER TECHNICIAN

The lawsuit against his firm may mark Stephen Fraidin for years as Ivan F. Boesky's lawyer. Indeed, during Mr. Boesky's heyday as the man who rode the takeover boom further and harder than just about anyone, Mr. Fraidin used to speak proudly of the connection.

But in the small world of Wall Street's takeover professionals, Mr. Fraidin has long been known for other reasons. In a series of billion-dollar deals and work on behalf of such clients as Procter & Gamble and Burlington Northern Inc., Mr. Fraidin has helped corporate America reshape itself.

At 47 years of age, he is one of the leading corporate lawyers at Fried, Frank, Harris, Shriver & Jacobson, which is often ranked as the third most important takeover law firm in the country after Skadden, Arps, Slate, Meagher & Flom and Wachtell, Lipton, Rosen & Katz.

Mr. Fraidin is a quiet man with an academic manner. An ever-present pipe and rounded glasses complete the image of scholarly reserve. He has spent his entire legal career at Fried, Frank, which he joined after graduating from Tufts University and Yale Law School.

Mr. Fraidin calls himself a technician. "I'm not one of these people who say lawyers make the world go round," he said last week in his sparsely decorated office. He declined to discuss the suit.

Clients say Mr. Fraidin's manner makes him especially valuable. Though he has a keen negotiating style and broad experience in major corporate transactions, he is most comfortable spelling out the options for company managers and letting them make the decisions, they say. Some of his competitors in the takeover bar, they add, sometimes get too involved in business decisions.

Mr. Fraidin has been especially important to Forstmann Little & Company, one of the leading private investment firms in the merger field. Partner Theodore J. Forstmann said he hired Mr. Fraidin after he was impressed with his performance on the opposite side of a deal in 1979.

Mr. Forstmann said Mr. Fraidin has been a key member of his takeover team, working recently on the $2.1 billion takeover of Lear Siegler Inc., the diversified California-based manufacturer. "But in no sense," said Mr. Forstmann, "does he make or break deals for us." For Mr. Forstmann, that is an advantage. "I'm comfortable with a lawyer who understands what his role is."

The uncomfortable question posed by the suit against Mr. Fraidin and his firm is whether he kept sight of his proper role in his dealings with Mr. Boesky, the client who became a friend.

ALABAMA PROCLAMATION FOR WORLD POPULATION AWARENESS WEEK

Mr. HEFLIN. Mr. President, today I would like to submit into the RECORD a proclamation drafted by the Governor of my great State declaring this third week in April as World Population Awareness Week for the State of Alabama.

Alabama has joined with more than 30 other States in advancing understanding of the very serious issues related to world population growth. With world population already at 5 billion and growing by 87 million per year, and with 92 percent of this growth occurring in the poorest countries, population is a subject that we cannot afford to ignore.

At least 34 other States have declared the week of April 20 as World Population Awareness Week. Scholars, public officials, schoolchildren, and citizens of all ages and occupations will recognize this designation through a series of conferences, public discussions, and education forums to be held this week across the Nation. In my home State of Alabama, such events will take place at the University of Alabama at Huntsville, Selma University, and the George C. Wallace Community College, among others.

I would like to commend the citizens of my State for being some of the forerunners in advancing our understanding of this very real world crisis.

Mr. President I ask unanimous consent that the proclamation be printed in the Congressional Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, during the week of April 20 through April 25, the State of Alabama will observe World Population Awareness Week.

Whereas, Alabama, a state whose heritage has given each of us a unique spirit that is recognized around the world—it is sensitive to the recent great increase in human numbers; and

Whereas, World Population Awareness Week alerts all Alabamians to the growing population and the dire need for the development of extensive new resources.

Whereas, Alabamians have great concern for all those who, due to overpopulation, have endured despite deprivation of nourishment, relief, or adequate facilities.

Whereas, Alabama and America are most capable of assisting, providing and devising ways and means to sufficiently deal with the growing world population.

Whereas, people are our world's greatest natural resource, not our minerals, or timber, or farmland.

Now therefore, I, Guy Hunt, Governor of the State of Alabama, do hereby designate the week of April 20 through 25, 1987, as World Population Awareness Week in Alabama and urge appropriate recognition thereof.

FAIRNESS IN BROADCASTING ACT

Mr. METZENBAUM. Mr. President, I received a letter from the American Civil Liberties Union expressing support for the passage of S. 742. I ask unanimous consent that the attached letter from the American Civil Liberties Union be inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Civil Liberties Union,
April 21, 1987.

Senator Howard Metzenbaum,
140 RSOB, Washington, DC.

Dear Senator Metzenbaum: We are writing to express our support for S. 742, a bill to codify the "Fairness Doctrine". The ACLU believes allocation of the electromagentic spectrum poses unique civil liberties issues because both its physical properties and the government's allocation and licensing system make it a "scarce" resource. Since all who wish to broadcast cannot do so, there is an inherent danger that the flow of information can be restricted.

The "Fairness Doctrine" serves two basic First Amendment interests. First, it provides for increased access for a variety of views in the discussion of public controversies. Second, it assures the right of the public, the viewers and listeners, to receive a maximum of information, opinion, and ideas.

We are aware of arguments from broadcasters that they should have an unfettered ability to decide what to air. However, unlike publishers of newspapers or producers of films, radio and television broadcasters have sought and obtained a federal license to operate in the "public interest". The "Fairness Doctrine" does not mandate precise equivalence in the discussion of all views on issues. It is a modest requirement that the licensee simply "afford reasonable opportunity for the discussion of conflicting views and issues of public importance." As such, it affirms the constitutional rights of the public without abridging any legally cognizable interest of broadcasters.

We continue to support efforts to move S. 742 expeditiously through the Senate.

Sincerely,

Morton H. Halperin,
Director.
Barry W. Lynn,
Legislative Counsel.

SAVING THE ALABAMA THEATRE

Mr. HEFLIN. Mr. President, almost 50 years ago in Birmingham, AL, the grand, magnificent Alabama Theatre opened its doors to a very elated and inquisitive audience. Many had never seen or visited a theater so it was all the more a wonder and marvel. I was not present on that special day, December 26, 1927, but I know that the atmosphere must have been charged with excitement, exhilaration, and even curiosity.

On the front page of the Birmingham News, the headline read "Birmingham Gets $1,500,000 Christmas Gift in Alabama Theatre." Calling the theater a "temple of pleasure," News writer, Dolly Dalrymple, described it as a "superb structure, built with an eye for practical things as well as the beautiful, and in its makeup, artisans have pitted their wit and talent against each other, all vying to make each cog in the wheel better than the other and all succeeding in making the perfect whole.

In the years that followed, other theaters were built across the State of Alabama but none as magnificent and magical as the Alabama Theatre which operated for over 50 years until it was closed in 1982.

Today, the Alabama Theatre brings back endearing memories for many Birmingham residents and Alabamians and reminds them of a time when movies were a nickel or a dime and a special outing might include a visit to the Alabama Theatre. Many, like myself, are now rather nostalgic about this special place.

In its heyday, thousands of Alabamians passed through the doors of this majestic show place. I can remember clearly my first visit to the Alabama Theatre. As I entered the lobby, the sight was quite breathtaking—the mirrored walls in the lobby, the luxurious red carpet, the high, altitudinous ceilings trimmed in gold, and of course, the Wurlitzer Organ that stood mightily before the many rows of lavish red seats. It is an event that I shall always remember with great fondness.

Mr. President, I am very pleased to tell my colleagues that this wonderful theater is now being saved. This valiant effort began in 1982 when a small group of people vowed to keep the Alabama Theatre and its Wurlitzer Organ alive. Today that group, the Alabama Chapter of the American Theatre Organ Society, has been joined by Birmingham's Downtown Action Committee and the Birmingham News in a fundraising drive to preserve what many have called the "Show Place of the South."

To return the Alabama Theatre to prominence, the current mortgage holder has agreed to transfer the ownership of the theater to the organ society if the $100,000 in back interest, taxes, and insurance are paid.

I commend the Alabama Theatre Organ Society, the Downtown Action Committee, and the Birmingham News on this endeavor. Their efforts to save such a historic landmark means so much to so many people.

I am very hopeful that the people of Alabama will respond to this fundraising effort to save the Alabama Theatre. Thus far, the drive has been lucrative, and the donations keep flowing in every day.

These groups want to raise enough money not only to purchase the theater but to keep its doors open. What a thrill it would be to have the Alabama Theatre restored to its past state of grandeur—to have new life breathed into this now empty and dormant structure, so Alabamians of all ages could enjoy this glorious architectural treasure.

EDUCATION DEPARTMENT INQUIRY ON UNIVERSITY HEADS

Mr. DANFORTH. Mr. President, according to an article in the New York Times last week, the Department of Education hired a private research firm to dig out dirt to use against college and university presidents. The Department of Education charged its investigators with obtaining examples of misuse of power or funds.

If there were reliable evidence of impropriety or misconduct on the part of college and university presidents, then an investigation might be appropriate. But the investigation turned up virtually nothing. One of the investigators, Elaine Eckels, reported:

> Of all sources pursued for investigating the issues of abuse of power/funds by college and university presidents and facilities and services for students, only the Chronicle of Higher Education yielded usable information. Even the National Enquirer had nothing to add.

This incident is just another example of our Government's recent tend-

ency to attack higher education at every turn.

Last year, we enacted a tax bill which taxed scholarships and fellowships, eliminated the interest deduction for student loans and capped universities' abilities to issue tax exempt bonds. This year, the administration proposed more than $5 billion in budget cuts for education. Now, the Department of Education has hired investigators to dig out the dirt on colleges and universities.

Our colleges and universities are truly our national treasures. Without them, our Nation's future would be bleak, indeed. A special issue of Time magazine this past summer, entitled "American Best," began with the following story:

> Near the end of a 5-day tour of highly automated, high-tech Japanese factories, the American visitor was overwhelmed and feeling a little inferior. Watching a gleaming stereo set moving down an assembly line, he turned to the plant manager and said, "Gosh, even your industrial design is better than ours." "Yes," replied the manager, "but America has treasures that Japan can never hope to possess." "You mean our mineral wealth and bountiful farms?" "No. I was referring to Caltech and MIT."

This story illustrates an important message that we must not forget. Our Nation's future is closely tied to our colleges and universities. Today's buzz word is "competitiveness." These institutions give us our competitive edge. The technological advancements that our educational institutions have pioneered augment our productivity and in turn our competitiveness.

One would think that the role of the Department of Education is to promote excellence in our colleges and universities. Instead, the Department of Education plots to discredit our educational institutions and the reputations of the men and women who lead them.

One of the Department's investigators, Dr. Eckels, described the investigation as a "fun project—a giggly kind of thing." Well, Mr. President, I disagree. This incident is not funny. Sadly, it is typical of what Government is doing to our finest institutions. I believe that the Secretary of Education owes the higher education community an apology. Beyond that, I believe that if this Secretary cannot see his way clear to be supportive of our colleges and universities, then he should be replaced by someone who can.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 16, 1987]

U.S. ASKED INQUIRY ON UNIVERSITY HEADS

(By Leslie Maitland Werner)

WASHINGTON, April 15.—Top officials in the Education Department assigned a private research company last fall to search for examples of university presidents' misusing power or funds and then tried to prevent universities from obtaining information about the inquiry, according to Government documents.

The project, originally undertaken after a magazine requested information last November, has deepened the rift between academic leaders and Education Secretary William J. Bennett, who has led a campaign attacking them in recent months.

According to Bruce Carnes, Deputy Under Secretary of Education, his office asked a research concern, the Applied Systems Institute, which is under contract to the department, to obtain the information for U.S. News & World Report for use in an article.

"PROUD WE SERVE THE PUBLIC"

"We do this all the time, for all kinds of people," Mr. Carnes said. "We normally try to oblige requests for information. I'm proud we serve the public."

Mr. Carnes said the inquiry, which did not focus on any misuse of Federal funds, cost the departments $257.

A senior editor at U.S. News said the department had only told him of states in which controversy had arisen over some higher education expenditures and had not given the magazine information obtained by a research concern.

The American Council on Education an organization representing virtually all the nation's colleges and universities, heard about the inquiry and filed a request under the Freedom of Information Act to learn more about it.

In a letter to the council two months ago in response to the request, the department refused to provide the documents, saying they had been prepared by the research concern to help the department prepare "policy options." The department said the documents were "part of the deliberative process" and were therefore exempt from the information act.

AN APPEAL OF THE DENIAL

In an appeal to the department, the council's lawyer disputed the department's right to withhold the documents, and on March 16 Mr. Bennett's chief of staff, William Kristol, agreed to turn over three memorandums.

One memorandum, prepared last Nov. 20 by Elaine Eckels, a data and policy analyst for Applied Systems Institute, reported: "Of all sources pursued for investigating the issues of abuse of power/funds by college and university presidents, and facilities and services for students, only The Chronicle of Higher Education yielded usable information. Even The National Enquirer had nothing to add."

According to Charles B. Saunders Jr., vice president of the council, the department at first tried "to stonewall it because they knew they had done something wrong."

"The Secretary under law has the responsibility to see that Federal programs are properly administered, but he does not have general authority to supervise the manners and morals of college officials or any other segment of society, much less go on witch-hunts like this," Mr. Saunders said. "It was very possibly a misuse of Federal funds."

Robert H. Atwell, president of the council, said, "Bennett and some of his people have been looking for issues on which to attack colleges and universities."

And Robert M. Rosenzweig, president of the Association of American Universities, said: "It's so silly I don't know whether to laugh or cry. It's embarrassing for a department of the United States Government to behave in this way, but it also makes you angry to have them chasing down dirty stories about institutions of higher education."

Mr. Rosenzweig said that he believed the real purpose of the inquiry was to find "speech material" for Mr. Bennett or senior aides.

"LOOKING TO EMBARRASS US"

Mr. Carnes, the Deputy Under Secretary of Education, asserted that the university representatives were simply "looking for a way to embarrass us" by talking about the incident.

Monroe Karmin, a senior editor at U.S. News, said he interviewed Mr. Carnes last fall for a projected article on college spending that he said has not been written. In the interview, Mr. Karmin said, he asked for specific examples of controversial expenditures by colleges and universities.

But Mr. Karmin said, "The department never gave me information collected by a research firm." All that it provided, he said, were "some general suggestions of states in which questions had been raised about expenditures of funds on education."

Disclosure of the inquiry comes amid increasingly strained relations between universities and the department. Mr. Bennett has accused college presidents of raising tuition to whatever the market will bear without delivering quality education in return.

University presidents have accused Mr. Bennett of distorting facts to deflect criticism from Administration efforts to make major cuts in Federal aid to college students.

MEMORANDUM CITES CASES

One of the documents obtained by the council under its Freedom of Information request was Dr. Eckels's memorandum of Nov. 20 listing alleged abuses that included a charge that a university president "was paid $315,388 when he agreed to leave his position one year early." The memorandum said, "The payment included $130,685 in salary and benefits; $121,155 for an earned sabbatical; $40,000 in transition money to purchase a house, and $23,500 accrued vacation and retirement."

The memorandum also cited a $10,000 fund for reimbursing faculty members for entertaining students at the University of Pennsylvania that had to be replenished with $9,000 after 250 faculty members filed claims for entertaining 3,805 students.

In another memorandum, Dr. Eckels focused on "archaic management techniques," As an example, the memorandum cited a rule affecting the State University of New York, which barred out-of-state travel.

"This led to a situation in which an individual, wishing to travel to New York City, was prohibited from using People's Airlines which landed in Newark, N.J. (about 15 minutes outside of New York City) at a cost of $49.00," she reported. "Instead, in accordance with this regulation, the individual had to fly to La Guardia Airport (about 30 minutes from downtown New York City) at a cost of over $200."

Reached for comment on the inquiry, Dr. Eckels said the project did not constitute "muckraking." but conceded that it was "particularly unusual."

Most request relate to something the "Secretary is taking a stand on" or to "issues the Congress is looking into and the department needs information to respond," she said.

Dr. Eckels said this project was "a fun request" and "a giggly kind of thing."

RECESS UNTIL 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11 o'clock a.m.

There being no objection, the Senate, at 10:51 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORE].

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, has morning business ended?

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

FARM DISASTER ASSISTANCE ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The Senate resumed consideration of the bill.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending order of business is H.R. 1157.

Mr. LEAHY. Mr. President, H.R. 1157 is the Farm Disaster Assistance Act of 1987. I understand there may well be a number of amendments on it. With the distinguished Senator from Indiana here, I would like first to just give some general overview of this legislation for the benefit of all Senators, those who are following it, so that we understand that we are dealing with the Farm Disaster Assistance Act of 1987, with a relatively small, very specific piece of legislation. I mention this because it is my intention as chairman of the Senate Agriculture Committee to oppose any efforts to suddenly write the Farm Act of 1987 here. I prefer everybody to look out the windows and see how beautiful the Capitol is this time of year, note the temperature, how nice and warm it is, and understand that it is not the Christmas season. I do not want to hear of amendments coming down accompanied not only by brilliant staff-written speeches but muted choruses of Jingle Bells. We will not have a Christmas tree bill before the Senate, and it would be my intent to make sure we do not have a Christmas tree bill before the Senate.

Only those amendments—and there will be some—that are of either a technical nature or that will not add to the cost will receive my support because the bill itself is an important one.

The act authorizes urgently needed relief for producers who were inadvertently excluded from the disaster assistance program provided for in the Continuing Appropriations Act of 1987. Let me emphasize "inadvertently excluded." That bill was passed. It was debated. The House and the Senate determined it was necessary. I would like to stay within those confines during the debate on this measure.

Now, let all Senators recall that Congress authorized a $400 million emergency assistance program for those farmers who suffered crop losses as a result of natural disasters during 1986. We intended to help producers who could not harvest as well as those who could not plant. As the law is written, however, eligibility is restricted to producers of 1986 crops. Producers of the 1987 crop—and this is where the problem arose and where the inadvertence came in—producers of the 1987 crop of winter wheat sown in the fall of 1986 for spring harvest are technically ineligible for benefits, though a significant number were prevented from planting. Now, other farmers as well face losses this year due to the lingering effects of the 1986 disasters.

My good friend from Oklahoma, Senator BOREN, recognized this problem. He brought it to the attention of the Committee on Agriculture early in the session. His bill, S. 341, would amend the Continuing Appropriations Act of fiscal year 1987 to make eligible for disaster payments those producers of the 1987 wheat crop who were prevented from planting. The Senate passed S. 341 on January 29, 2 days I believe before the signup for the program ended.

Now, on February 20, before the House completed action on its own disaster bill, the Department of Agriculture began making payments under the program passed last fall. Over 200,000 claims were filed for damages totaling almost $535 million, but because claims exceeded appropriations, claimants were paid 74 cents on the dollar and only on half of their losses. $395 million of generic certificates were issued. That leaves virtually no funds for the wheat producers covered under S. 341.

On March 17, the House passed the bill we are considering today, H.R. 1157. H.R. 1157 and S. 341 share the common goal of offering relief to disaster-stricken winter wheat producers to reflect the true intention of Congress when the continuing appropriations act was passed last fall.

However, the House bill offers a different means to achieve this goal. H.R. 1157 would extend the so-called 50/92 provision of the 1985 farm bill for producers of the 1987 crop of winter wheat and certain producers of the 1987 crop of feed grains. Currently, the 50/92 provision is effective for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice. It allows a producer to plant as little as 50 percent of a crop's permitted acreage when an acreage reduction program is in effect and collect deficiency payments on 92 percent of permitted acreage. As my colleagues can see, a very simple and straightforward provision, at least as farm bill provisions go.

The House bill would temporarily revise the terms of this provision to allow producers of the 1987 winter wheat crop and certain producers of the 1987 feed grains crops to divert from production all of their permitted acreage for those crops and remain eligible for deficiency payments on 92 percent of their permitted acreage. In other words, these producers could choose not to plant any of their permitted acreage, or they could choose to plant up to 92 percent of it, whatever level is feasible for the disaster-stricken farm.

I wish to call to the attention of my colleagues House Report 100-25, which offers a thorough explanation and analysis of the Farm Disaster Assistance Act of 1987. Briefly, the key provision of H.R. 1157 would enable producers of the 1987 crop of winter wheat to receive 92 percent of their deficiency payment without the requirement of planting 50 percent of their base acreage. This provision would permit winter wheat producers who were prevented from planting because of 1986 disasters to collect 92 percent of their deficiency payments.

H.R. 1157 would also enable producers of the 1987 crop of feed grains who are unable to plant their 1987 crops because of the residual damage from 1986 natural disasters, and who are located in a county that was declared a disaster area in 1986, to receive 92 percent of their deficiency payment without planting 50 percent of their base acres.

This latter provision is designed to address a problem affecting relatively few feed grain producers with land adjacent to the Mississippi and the Missouri Rivers. These producers suffered damage to their private levees last year and face a high probability of further losses if flooding occurs this year before repairs are completed.

Passage of the bill would authorize the issuance of additional commodity certificates to cover the full amount of claims submitted by farmers under the program passed last fall, subject to further appropriations.

Finally, H.R. 1157 would extend the program passed last fall to cover harvested hay and straw destroyed by 1986 flooding subject, of course, to further appropriations.

The Congressional Budget Office estimates that the 50/92 provisions of the H.R. 1157 will cost $2 million in fiscal year 1987 and save $27 million in fiscal year 1988. The provision authorizing issuance of additional commodity certificates and the provision authorizing payments for hay and straw are scored at $135 million and $1 million, respectively, in fiscal year 1987. However, both are subject to further appropriations.

Let me emphasize the urgency of this program. As the Senate knows, both the distinguished majority leader, Senator BYRD, and the distinguished minority leader, Senator DOLE, the distinguished Senator from Indiana, Senator LUGAR, and myself spend a great deal of time just before the recess trying to put together a time agreement. We each gave assurances that this matter would be brought up as quickly as possible and today, on the second day that we are back in session, it is before us. We did this because it is urgent. A few farmers have begun planting but many more are going to begin very, very shortly. Some in Oklahoma, Kansas, Missouri, and other States have fields still covered by water. Now, if you are going to offer producers another option that would ease the lingering problems of last year's disasters, then we have to act quickly. It is not something that can wait another month or another month or the month after that.

I emphasize this because I hope that all who are concerned about this particular area will not feel compelled to add on those kinds of amendments that would guarantee either a long and drawn out committee of conference, which would make it impossible to get this relief in time, or would have, even worse, a stalemated conference which would guarantee no relief at all.

Mr. President, 17 amendments to this bill have been submitted to the committee. Few are minimal, no-cost amendments directly relating to this issue at hand. I would be happy to dispose of them quickly, if supported by the ranking member of our committee.

I yield at this time to my friend from Indiana, Senator LUGAR.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman of our committee for his leadership in bringing this legislation to the floor.

As he has pointed out, there are emergency conditions that were created by drought, principally, although the bill his been expanded during the course of Agriculture Committee consideration in the Senate, and more so in the House, to take into consideration matters of high water and damage to apples.

The difficulty with H.R. 1157, as the distinguished chairman has pointed out, is that our committee, in a thoughtful and compassionate way, has tried to deal initially with a very few farmers in a very few States who seem to have missed although the disaster provisions of the general farm bill. It was a noble attempt, and one which I supported, and I support the general thrust of H.R. 1157, which is to the point of trying to give remedy to actual losses by persons who somehow were beyond the pale of the definition of disaster.

Mr. President, the problems of doing this good work is obvious; and it is that, even as consideration of this bill was proceeding and a schedule for the floor was being attempted, many Senators decided that there was a good opportunity to revisit the entire farm bill, in fact, have offered amendments which are very substantial changes in farm policy—amendments on which there have been no hearings, on which research, to say the least, is clouded or ambiguous, on which the costs are obvious, costs running into billions of dollars.

Mr. President, unhappily, some of the amendments are such that Senators, in their attempts to help farmers, but perhaps without a thorough understanding of how farm programs work, may in fact depress current prices on the market.

Farmers who are watching this today will want to watch carefully who is being helped. It is not enough to simply stand on the floor of the Senate and suggest broad revisions to the farm bill, with the general thought that this will be helpful to farmers. when in fact the specific effects are liklely to be disastrous.

I will join the distinguished chairman in opposing such amendments, and I suspect that that opposition may pertain to most amendments, unless there are some of a highly technical nature that pick up one or two more farms along the way that we might have lost thus far.

Mr. President, under current law, a producer must plant at least 50 percent of the farm's historical planted acreage in order to be eligible for Federal price support benefits. That is a reasonable standard: 50 percent because the current law provides that if you plant to least 50 percent, you might be eligible for 92 percent of the deficiency payments, the difference between the loan rate and the target prices for commodities that are covered.

As a result of adverse weather conditions last fall—and we are talking about last fall because the disaster provisions cover 1986—many winter wheat producers were prevented from planting any winter wheat crop.

Mr. President, our research in the committee indicates that this was a fairly narrow group of farmers. Nevertheless, some were prevented by the drought from planting their winter wheat which would be harvested in this year, ideally.

Section 2 of the legislation we consider today would provide that winter wheat producers who did not plant their permitted acreage last fall would be eligible to receive 92 percent of the deficiency payments they would otherwise receive had they planted their full permitted acreage. Producers would be required to put the idled permitted acreage into a conserving use.

That provision introduces the so-called 0/92 concept which the administration has suggested as a reform to the farm bill.

This is not a debate, I would hope, on the general 0/92 proposition. It is a wide-sweeping one. The administration favors a large application of it. In fact, the administration opposed this bill in part because the application of 0/92 is very narrow. It pertains just to those wheat farmers in this bill.

But the concept should be understood by all Senators. It suggests that a farmer proposing to plant 50 percent of his crop as normal history, and therefore being eligible for 92 percent of deficiency payments now, could plant zero, could simply skip the year altogether, and thus not add to the surplus of commodities there when he harvested them.

It is an attempt by the administration to somehow get the stocks down, to bring some economy to the farm program.

When the debate occurs on the 0/92, it will be pointed out by opponents that there is always a problem, in essence, of paying farmers of do nothing; and even if there is an overall benefit in terms of stocks declining, the problem of what minimal effort should be required is there. Furthermore, there will be a question raised, to say the least, by all those who supply farmers.

Most Senators will have heard from persons in the fertilizer business or in any sort of equipment business associated with agriculture. If farmers were to opt not to plant at all, their need for those supplies would decline. In many counties in our country, that can bring a general recession on top of that which is already faced by the agricultural community and the agricultural infrastructure.

Section 3 of the bill would extend the so-called 0/92 option to producers of 1987 feed grain crop, if they were unable to plant as a result of natural disasters experienced in 1986 and were located in a designated disaster area. This is an extension now beyond the first focus of the committee to the winter wheat people, to go to the feed grain people. It is suggested that if there were conditions in 1986—there has to be some tie-back to that year—they, too, would apply for the 0/92 situation.

Federal outlays would be increased as a result of this provision by $2 and $3 million, respectively, during fiscal years 1987 and 1988.

Section 4 of the legislation would authorize the full payment, subject to an appropriation, of disaster loss claims to producers participating in the disaster payment program that Congress approved last year. Claims under the Disaster Payment Program exceeded the $400 million cap appropriated by Congress last year by about $135 million. Payment-in-kind certificates worth $135 million would be authorized to be distributed by this provision.

Here, of course, is the problem with all disaster programs. Congress made a good faith effort to estimate what the obligation of the Federal Government would be and came up with a cap of $400 million. It did not suggest that in every year that would fit the case, but that was all we could spend in that year, given the deficit we had. As we started the consideration in committee, the thought was that we still had some money in hand in the $400 million, and the thought was that these programs could fit underneath that cap.

But as procedures went on and discussion in the House of Representatives concluded it was found that in fact $400 million had been exceeded by at least $135 million.

I would point out as we begin this debate, Mr. President, that payment-in-kind certificates will be used, 135 million of them, to make up this deficiency.

Mr. President, this argument will pertain to some amendments that may come along the trail but it pertains also to this one. Those certificates mean that corn is out there in the market. It means that the current price of corn might be depressed by the fact that that corn is available. We do not know precisely how farmers who receive these certificates will use them but in fact they come out of that corn which is under loan which is sort of on the shelf and away from the current market pricing situation.

To the extent $135 million worth of corn comes out there in the market competing with shipments into the market by farmers, the price of corn is likely to go down as supply and demand affects that.

I make that point Mr. President, $135 million at this point will not break the bank but in my judgment is a depressant on the current price of corn.

Those Senators who are interested in seeing the current price of corn come up will really need to take a look carefully at each use of the payment-in-kind certificates.

The Congressional Budget Office has attributed a cost of $155 million to this provision if the appropriation is approved. I will most likely oppose this additional appropriation unless some reasonable offsetting savings are offered as a part of this effort. Nevertheless, I am willing to support the general thrust of this bill with the higher authorization levels in order to expedite 0/92 disaster assistance to the original producers we were looking at in committee and which our colleagues in the House have identified in the feedgrains and the apple situation in addition.

I point out finally, Mr. President, section 5 would make apple producers afflicted by freezing and hay and straw producers whose production was swept away by flood eligible for the Disaster Payment Program. The Congressional Budget Office attributes a cost of $1.15 million to this section.

I point out, Mr. President, that in committee we tried arduously to get a handle on what hay and straw swept away by floods could amount to. We were assured at least by Senators who were testifying around the table that there were situations in certain localities in which literally hay and straw was swept apparently downstream by floods. In my judgment, it is hard to identify precisely the quantities and values that are involved. But, nevertheless, that is a part of the bill. It is another very small part of the agriculture community apparently not affected by the disaster provisions originally enacted, and therefore, along with the apple growers who suffered a freeze this is included.

Finally, Mr. President, I would suggest that what started as a modest effort to assist farmers who faced adverse growing conditions last year in 1986 might end up as a modest one if Senators are of that mind.

I will work with the distinguished chairman to try to keep the bill in modest proportion. I agree with him that those Senators who are compassionate about the specific individual farmers, and there are not many of them covered by this bill, will try to act speedily to enact this bill without amendments so that the payment-in-kind certificates can get to the farmers who have been afflicted.

If in fact this bill is amended successfully and there are substantial new farm programs involved, it is likely to be a long process and maybe an unsuccessful one with regard to the legislation generally. I am certain Senators will have that in mind, and I look forward to working with the distinguished chairman in trying to expedite the passage of H.R. 1157.

I yield the floor.

Mr. **LEAHY**. Mr. President, I appreciate the comments of the Senator from Indiana. I think it is an area where we are very much in concurrence.

I know that a number of Senators have amendments they wish to offer. I see the distinguished Senator from South Dakota, for example, on his feet. While we do not have a time agreement on this, I suggest that perhaps we might start taking some of these amendments and see how well we can go.

Most Senators indicated to me there are amendments that they are willing to do in very short order.

So I yield the floor to the Senator from South Dakota.

The **PRESIDING OFFICER**. The Senator from South Dakota.

AMENDMENT NO. 148

Mr. **PRESSLER**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 148.

Mr. **PRESSLER**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu thereof "subclauses (II) and (III)".

On page 2, strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and (vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat will not be subject to the 50 percent planting requirement and such producers on a farm may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers on a farm shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph if the producers on the farm are prevented from planting such acreage, if intended for wheat, to wheat for harvest in

> 1987 because of a natural disaster in 1986 and the farm is located in a county in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as a result of such disaster,", and

Mr. PRESSLER. Mr. President, this amendment is for inclusion of spring wheat in the agricultural disaster relief bill. The amendment I am offering will address a unique problem in eastern South Dakota. My amendment would treat spring wheat that cannot be planted in 1987 due to flooding in 1986 the same as feed grains and winter wheat.

Eastern South Dakota suffered severe flooding in 1986. An eight county area in eastern South Dakota was declared a Presidential disaster area last year due to severe flooding. More specifically in Kingsbury County over 15,000 acres of farmland has been flooded by Lake Thompson which has gone from a small lake to the largest lake in South Dakota. Several farms have been flooded entirely and dozens of other farms remain partially underwater. Farmers in this area raise a combination of feed grains and spring wheat. Under the bill we are considering a farmer with land flooded would receive assistance for his feed grain acres but not for his spring wheat acres. My amendment would simply treat spring wheat in the same manner as winter wheat and feed grain.

USDA estimates that this relatively small area of South Dakota is the only area in the country which would have land eligible for assistance under this change. The eight county area plants on the average of between 400,000 and 500,000 acres of spring wheat annually. A very small percentage of this total spring wheat acreage remains flooded from heavy rains last year. The South Dakota State ASCS office estimates that in Kingsbury County which is suffering the most severe flooding approximately 3,000 to 5,000 acres of spring wheat land remains underwater. The eligible acres in the other counties would be substantially less. An estimate of 10,000 total acres of spring wheat land still under water in the area would be on the high side. USDA estimates that 10,000 total acres under this amendment would cost approximately $250,000. That is a very small amount in comparison to the total cost of the bill but it is a huge amount for the farmers in the flooded area.

Mr. President, I hope the Senate will adopt this amendment. The cost is very minimal but it provides significant assistance to South Dakota spring wheat farmers by providing them with the same disaster assistance as winter wheat and feed grain farmers. I urge my colleagues to join me in support of this amendment.

Mr. LEAHY. Mr. President, this amendment is consistent with the underlying bill and it is not the type of amendment I discussed earlier which goes way beyond the scope of the bill.

It provides for those spring wheat producers who are affected by a 1986 disaster and cannot plant.

I consider it a low-cost and reasonable response.

From my point of view, because of the low cost, it does fit in the nature of the bill, and its reasonableness I will not oppose it.

I yield to the Senator from Indiana.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Indiana.

Mr. LUGAR. Mr. President, on our side we follow the reasoning and the logic of the distinguished chairman of the committee. It is apparently wheat that is affected by the same adverse conditions, at least as they pertain to South Dakota, that affected winter wheat in Oklahoma.

Therefore, at least on the basis of that consistency and the marginal number of acres involved, we are prepared to accept the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 148) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX ON FOOD STAMP PURCHASES

Mr. SYMMS. Mr. President, I have an amendment that I wanted to discuss with the leadership of the committee. I did not want to catch them by surprise. I am having it printed up.

I might just describe it here and explain what it is I would like to do with the bill. It is a minor amendment and it deals with the food stamp provision in the farm bill of 1985.

The farm bill contained a provision that prohibited States from charging a sales tax on products purchased with food stamps. It was the intent of the Congress to broaden the purchasing power of food stamp recipients in States that currently collect such a tax. While the provision was meaningful, it has not necessarily been welcomed by the food stamp recipients in all States.

As the law currently reads, States have no option but to require due accounting from the retailers, one for cash sales and one for food stamp sales. This adds an unnecessary stigma to the recipients of the food stamps, plus it is an additional cost for the retailers to deliver these services.

And so what I would like to do—and I have an amendment which would allow for the State—it would allow not require—allow a State to provide food stamp recipients with the cost of the State sales tax up front as they receive their Federal food stamps. This would take the form of a State-issued food stamp and in small denominations. Such a program accomplishes the intent of the current law but avoids the dual accounting stigmatizing effect of the current law.

Let me just explain in my own State of Idaho what has happened. Idaho receives about $40 million a year from the Federal Government in food stamps. What the State of Idaho Legislature did was appropriate $2 million, which would be 5 percent, which is what the sales tax is on groceries in Idaho, to put into the fund to give the people when a person comes in to get 100 dollars' worth of food stamps. In other words, the State would issue them 105 dollars' worth, and they could go purchase their food just like they had in the past.

I know there was some concern by some of the staff on the committee that this might be counted as income. So we add a portion to the bill that provides:

> Notwithstanding any other provision of law, payments received by a household under subparagraph (B) shall not be considered income for purposes of the food stamp program and any other program under which food stamps are not considered income.

So it will not affect the recipient, but it would save the recipient the problem of having to go to a separate checkout line and also save the retailer the problem of setting up a separate checkout line.

I have the amendment. I will send it over.

In Idaho, for example, the State of Idaho had a referendum and it was voted by the public to keep the sales tax on food. So it is the State, it is not just something the legislature had done. It is something 70 percent of the people voted to keep the sales tax on. So we are not going to take the State sales tax off, but it is a matter of being able to account for it.

So if someone comes in and pays $100 for groceries, $49 with food stamps and 51 dollars' worth of cash, then it requires additional accounting and difficulty and expense. It slows up the checkout lines and embarrasses the people that are using food stamps.

I would hope that, if I offered this amendment, the committee could accept it.

Mr. LEAHY. Mr. President, let me, if I might, ask the Senator from Idaho a couple of questions about his amendment.

Mr. SYMMS. I apologize to the chairman. I was coming in here to talk to you and I noticed a lull in the proceedings. I have not offered the amendment yet.

Mr. LEAHY. I understand. I appreciate having a chance to discuss it here.

Would the Senator's amendment allow households to purchase nonfood items with food stamp assistance?

Mr. SYMMS. No; my amendment would comply with the food stamp law. The only difference would be the State of Idaho has appropriated additional moneys out of State general revenues to purchase 5 percent extra food stamps so that they can issue the person 5 percent extra food stamps so that food stamps would only be available to use as they are currently.

In other words, the food stamp recipient comes in to get 100 dollars' worth of food stamps. The State of Idaho will issue them 105 dollars' worth, but the State put that money in. They will get it back because they can collect the 5 percent sales tax. And the legislature agreed that this would be the simplest way to comply with the intent of the Federal law but not confuse the retailers' accounting procedures as well as the embarrassment for those food stamp recipients.

Mr. LEAHY. But the 5 percent refunded could be used for anything. For example, if they wanted to buy alcohol or beer.

Mr. SYMMS. No. They would be getting it in food stamps. In other words, the State would purchase an additional 5-percent value of food stamps.

Mr. LEAHY. Would that affect the household income level for such things as families-with-children programs, or anything of that nature? Would it have any effect on, for instance, AFDC payments or program payments by increasing the income?

Mr. SYMMS. If you notice on page 2 of the amendment:

> Notwithstanding any other provision of law, payments received by a household under subparagraph (B) shall not be considered income for purposes of the food stamp program and any other program under which food stamps are not considered income.

Mr. President, I say to the distinguished chairman, the Senator from Vermont, I think I misspoke myself. The State will have to actually issue these food stamps but it will not cost the Federal Government. They would be small denominations. But the law would comply with the Federal food stamp law on what the food stamps might be used for.

Mr. LEAHY. But that could increase, though?

Mr. SYMMS. No, it would not increase. It is not intended by the author of the language in the amendment to increase the income of any recipient of food stamps. I think the reason for this, again, Mr. President, is that we simply have a unique situation in our State where it has been voted on by the people that we shall have a 5-percent sales tax on food products. Therefore, that is not going to change. But what we have done now by having Congress say that you cannot charge a sales tax on food stamps, Federal food stamps, is we have confused the accounting for grocery stores in Idaho so that they either have to have a separate food stamp line or slow everyone up and embarrass the food stamp recipient. That is the problem.

Mr. LEAHY. If the Senator will yield, I understand his concern. My concern, on H.R. 1157, a bill to provide an acreage diversion program applicable to the producers of the crop of winter wheat harvested in 1987, to add what could be—could be, I am not sure whether it is or not—a significant change in the food stamp law, absent any hearings on this particular issue.

Certainly, the Senator from Idaho raises some questions which convince me that it is something that the Subcommittee on Nutrition should look at. But I would be reluctant to see this go in, because it is obviously going to raise some major questions at a committee of conference should this be accepted. The Department of Agriculture has not had a chance to respond to this in any way whatsoever. I have no idea whether this is something that creates management problems for them or not or for other States.

With so many unanswered questions, I would feel far more comfortable if this could be held back and allow the time for the appropriate subcommittee, the one on nutrition, to look at this issue, have the department have a chance to respond to it; and maybe the National Association of Governors or others who would be involved with it and give them a chance to respond to it.

Mr. SYMMS. Mr. President, I appreciate the chairman's concern. Maybe we could visit with him as the progress on this bill moves forward this afternoon, and I could talk with the chairman more about what I have done.

I have discussed this with the Secretary of Agriculture. They have had their attorneys look at it. They doubt and have told me that they do not think legally they could administratively waive this even though the State of Idaho would be complying with the intent of the congressional action on the 1985 farm bill. But they believe they need language on the floor if they are to comply with this. But they only have until the first of October.

The reason I am interested in this vehicle is we have until the first of October to get this settled or else we have to completely disrupt the food and grocery store accounting procedures in all grocery stores in my State. That is really what I am after.

Mr. LEAHY. If the Senator would yield further, could I suggest this: The Senator has not sent the amendment to the desk yet, and that we would withhold on that. We are going to be on this bill for a few hours I expect. Let myself and the distinguished Senator from Indiana perhaps discuss it with him. I will assure him that he will not be precluded from an opportunity to bring up his amendment if he still wishes to after the discussion. We will make sure there will be no closing out of the bill until he has had a chance to be notified to do it. But let us take a look at it because I must say that I would want to discuss it with the Department. I would want to discuss it with the chairman and ranking member of the Nutrition Subcommittee. I would want to look at some of the implications of it.

As the Senator from Idaho knows, the latest revisions of the Food Stamp Act went through after literally months and months and months of negotiations, and they carefully put in this section that affects that section and so on. I do not want to see us on a totally unrelated bill see the possibility of unraveling of what we worked so hard to create in the food stamp legislation.

Mr. SYMMS. I thank the distinguished chairman very much. I would be happy to visit with the chairman and ranking member.

I might say again to any of my colleagues that are interested in this subject this amendment that I propose that I would like to offer to this bill would only allow a State to do this. It is just a methodology of how to broaden the purchasing power of the food stamp recipient who under current law will now be not taxed on food stamps, but then will be stigmatized because of the necessity to announce their purchase of food with food stamps at the grocery store at the checkout stand in the State which does have a State tax on foods. It happens to be in my State.

What we would like to do is allow a State to do it, but not require them to do it. So I will be happy to discuss this as the day goes on.

Mr. LUGAR. Would the distinguished Senator yield for a question?

Mr. SYMMS. Yes; I am happy to yield.

Mr. LUGAR. As the Senator knows, we have not had hearings on this. We should conduct a public hearing so we understand the provisions. As the Senator has pointed out, the Food Security Act of 1985 stopped the collection of sales tax by States on food stamp receipts, because theoretically there is no limit as to how much States might impose as a sales tax. That general provision was agreed to.

If I understand the Senator's point, the cash registers, the food lines, and the practical marketing efforts in his State are set up to incorporate the State of Idaho's 5 percent sales tax. They will continue that way until at least October 1. At that point, however, if this Food Security Act of 1985 were implemented there would have to be new cash registers.

Mr. SYMMS. It is State law that we collect sales tax on the sale of food, and most of it, of course, is cash and carry—it is all cash—people come in with food stamps today. According to the 1985 farm bill then it would no longer be legal to tax the food stamps. So the State of Idaho has said there is 40 million dollars' worth of food stamps. What we propose is we will buy 2 million dollars' worth of State-backed State-issued small denomination bill food stamps and issue 5 percent extra to each recipient through the health and welfare agencies.

Mr. LUGAR. Is that the method of distribution? I was going to raise the question of where the recipients get the additional 5 percent.

Mr. SYMMS. They get it from the health and welfare offices which are administered by the States. When they go in to get their 100 dollars' worth of food stamps, I am just using that, they would get an additional 5 percent from the State general funds, from the State of Idaho tax dollars. Then the food stamp recipient would have $105, but they would still get their 100 dollars' worth of groceries, and they would not have to give up the money but it would simplify the accounting. The money would make the loop around, and come back into the State.

Mr. LUGAR. The recipient carries into the store the $105; $100 is from Federal and $5 of that theoretically comes from the State of Idaho. At least as far as the cashier is concerned, all of this looks the same.

Mr. SYMMS. Yes.

Mr. LUGAR. Therefore you have 105 dollars' worth, 5 percent sales tax comes out of that, theoretically as the Senator knows it does not quite add up because 5 percent of $105 will not work out to exactly $5, but in any event, that is the concept.

Mr. SYMMS. That is the concept.

Mr. LUGAR. So the Senator's point is, to expedite commercial flow with a lack of embarrassment for recipients in his State, that this type of change is required. And he asserts that the U.S. Department of Agriculture believes that a legislative change is required because the administrative waiver would not cover this situation.

Mr. SYMMS. That is correct. In other words, the general counsel of USDA has advised the Secretary that he did not have the authority to grant this power to the State of Idaho to do it this way to comply with the 1985 Farm Act.

Mr. LUGAR. Has USDA expressed an opinion to the Senator with regard to the efficacy of this amendment and its practicality?

Mr. SYMMS. I have not received an opinion from USDA, I say to the distinguished Senator. They have given me no opinion. They only said no. I tried to get them to do this administratively. But the problem is when you have a lot of attorneys, they generally can figure out a way to say no easier than to say yes. I thought it was a rather unique method.

The leaders of the Idaho Legislature in both parties agreed this was a good way to do it. But if the State wanted to do it, the problem is USDA has to give them approval. This amendment would give them that approval only if they chose to do so. That is the purpose of my amendment.

I say again to my colleagues that I hate to walk in here like this and catch them cold on an amendment like this.

I appreciate their diligence and their questions about it. It is a rather unique way to solve the problem. The Congress, whether it was correct or not, already voted to say that the States could not charge sales tax on Federal food stamps. In my State, there is a sales tax on food.

So it is very embarrassing for that constituent that comes in that has some food stamps and some cash to buy groceries. That is where the embarrassing part is. They get in line and it will stop the line while the cash register person is trying to figure out that they have to pay sales tax on $60 cash and no sales tax on $40 of it, and have to figure it out at the counter. It slows everything up. The person declares they are paying with food stamps. People are generally somewhat embarrassed already to purchase food with food stamps. But it is commonplace. So it is just a fact of life.

So we would like to try to accommodate both sides. That is really the purpose of the amendment. We will discuss it later.

Mr. LUGAR. I appreciate very much the Senator's response to my questions. There are some practical features here that make sense. But I would join the chairman in pointing out that we probably ought to examine the amendment, having had this colloquy. There is still a lingering question as to the applicability to a very modest relief bill for certain farmers caught in a disaster situation of an expansion of the Food Stamp Act.

The Senator understands the predicament of the managers when we extend it that far. But I will suspend judgment and look forward to studying the amendment.

Mr. SYMMS. I thank the Senator.

AMENDMENT NO. 149

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 149.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end a new section as follows:

CONSERVATION RESERVE

SEC. 5. (a) Section 1235(a) of The Food Security Act of 1985 is amended by—

(1) inserting in paragraph (1)(B) immediately before the semicolon: ", or the new owner has been the owner for at least three years since January 1, 1983"; and

(2) amending paragraph (2)(B)(i) to read: "has operated the land to be covered by a contract under this section since January 1, 1985 or for at least 3 years since January 1, 1983; and

(b) This amendment shall be effective in determining eligibility of persons who submitted bids for a conservation reserve contract during the sign up period in February 1987 and thereafter.

Mr. MELCHER. Mr. President, this amendment would clarify certain provisions of the Conservation Reserve Program. It would make clear that owners and operators of a farm who have owned or operated a farm for at least 3 years after January 1, 1983 are not penalized if for financial or other reasons they have temporarily lost ownership or control of a highly erodible farm.

The laws of the various States relating to land ownership, foreclosures, and the right of possession are not uniform. In some States financially distressed owners may lose title to land temporarily on foreclosure but will recover it later by exercising the right of redemption of changing their financial arrangements with the lending institution. In these States, the owner has been considered as technically not eligible for the program because of the change in ownership after January 1, 1985. In other States a producer in the same financially distressed situation may not lose an ownership interest in the land because of a statutory moratorium on foreclosure and thus continues to qualify for the program. The amendment would assure that both categories of financially distressed owners would be treated alike and could qualify for a continuing resolution contract if they otherwise met the terms of the program.

The amendment would also clarify the law with respect to operators. Again, in certain cases, an operator may not have been able to continuously operate the farm because of financial distress or other reasons but has resumed operations once his situation improved. In this case as well, the operator has been considered as technically not eligible because of a break in the operation of the farm after January 1, 1985. The amendment would make it clear that such an operator would be eligible for a continuing resolution contract so long as he has operated the farm for at least 3 years since January 1, 1983 and controls the farm for the contract period.

The section being amended was not included when we drafted the bill in 1985 and then adopted it here in the Senate, in the House, and sent it on to the President. We did not mean that this section dealing with conservation reserve would prevent those types of owners or operators I have just described from qualifying for the program on their overcoming financial or other obstacles and reestablishing the necessary control of the highly erodible fields. We simply could not envision that when we drafted the bill and passed it here in the Senate and in the House. Now it has come to light and we find the Department having to interpret the language as it now stands, having to say to some otherwise qualified people that they are not eligible, the very people who, if it were not for the foreclosure or debt restructuring where they temporarily lost title, would have easily qualified. So this will clarify it.

We are not ruling those people out. They would have been qualified but for the temporary time when they went through the foreclosure or liquidation procedures and title of their property was not actually in their hands.

It does not say that this is going to put the banks in the business or the people holding the mortgage. It just says that if the owner gets title back, though he did not have title for a period of time, if he got it back and he is going to be the operator over the life of the contract, he is eligible.

That is nothing new from what we intended when we drafted the bill and passed it in 1985. This carries out our intent.

This is a good amendment because it will make sure that in those instances, in those States where this is involved, it will take highly erodible land out of production that will be put into the conservation reserve and, therefore, will have no cost involved. In fact, there is probably a savings because they would be bidding on this highly erodible land to see if the Department of Agriculture wants it to go into the conservation reserve. Therefore, it would probably cost the Government less to retire the highly erodible fields into the Conservation Reserve Program than if it would remain in production and the operator continued to produce price-supported commodities and received the regular program payment.

The amendment shall be effective in determining the eligibility of persons who submitted bids in the signup period in February 1987 and, of course, thereafter.

Mr. President, I have discussed this with the General Counsel's Office, which was not aware of the problem. I do not think our particular State of Montana actually has this problem, but other States do, including Iowa. This was brought to my attention after Congressman NEAL SMITH pointed it out in the last few days. The General Counsel's Office has reviewed it and they find no harm in it. I hope the Senate will accept it.

Mr. LEAHY. Mr. President, I listened to the Senator from Montana and, as always, he makes a lot of sense in what he says. My concern, again, comes back to what I stated this morning when we started debate on this bill. That is that the bill before us is of a very particular, very limited, very specific nature, the nature of emergency legislation, which is why it is on the calendar today and why it has moved in well ahead of other matters presently before the Senate.

Even were we to pass it today or tomorrow, it still has to go to conference, and after conference, of course, it has to go on to the President. All of this is taking a great deal of time.

Every extraneous issue that we raise is going to delay that conference. It is going to delay the ability of this emergency legislation to get to the President of the United States for his signature, and it is going to delay the relief we have sought for farmers covered by it.

I just this morning discussed his amendment with the Senator from Montana, having seen it for the first time this morning. We do have legislative packages, farm legislation, coming up in the next few weeks that will be on the calendar, that will go through. I wonder if the Senator from Montana would be willing to hold off on this legislation and let us at least have a hearing in the appropriate subcommittee of the Senate Agriculture Committee, look at this particular issue, and then perhaps have it included as his amendment or a committee amendment, whatever might make the most sense, on another piece of legislation. But I must admit some trepidation to this amendment being added to the legislation at hand, knowing that we are going to have to justify it in the conference committee with the other body and knowing we have not had a hearing of any sort on it.

Mr. MELCHER. Mr. President, if the chairman will yield.

Mr. LEAHY. Of course.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. It is my understanding that rather than delay, the House would welcome this amendment and it might assist in the conference committee. That is my understanding. I do not want to delay the bill if that is inaccurate. It is presented to me as an amendment that will be helpful for several States and if it would be accepted in conference, it might make it a better deal; there will be some more interest in the overall bill itself if it were passed. But if the chairman would wish, I have no objection to having it temporarily laid aside to check this out. I only offer it in good faith to straighten out a problem which I do not believe exists in my particular State. I have not had a chance to check that out. But I do understand the problem does exist in several States and perhaps it would be wise to check around. I do not want to delay the bill. I just think it might help the bill in conference as a matter of fact with the House.

Mr. LEAHY. Could I suggest this to the distinguished Senator from Montana that what we might do, if he is willing, is temporarily set aside his amendment. I can assure him that his rights will be protected. The bill will not be closed out without him having a chance to bring it back. But if we might do that, then we will be able to confer a bit on this amendment. This amendment, like the one before it, is not one that was on the list of anticipated amendments and we have not had a chance to check through it. We could certainly do that in a short amount of time.

Mr. MELCHER. Mr. President, if the chairman will yield to me.

Mr. LEAHY. Of course.

Mr. MELCHER. His suggestion is fine with me, if it is agreeable with the ranking member of the committee on the Republican side.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, while we are still at least in this part of the debate prior to perhaps the amendment being laid aside temporarily, let me just say that the conservation reserve program has been of very great interest to this Senator. I am intrigued by the amendment of the distinguished Senator from Montana for that reason. This is a matter of historical interest and nostalgia. John Block, at the time that he was Secretary of Agriculture, was enticed to come to my farm in Marion County, IN, to announce the administration's program that outlined the fundamentals that were to become legislation adopted by the committee. Part of the concern for Secretary Block at that time, my concern, and I think a concern shared by the chairman of the committee, was that the land stay in the hands of farmers; that it not get into the hands of speculators or other investers who would use this reserve program in ways that were not intended. The intent was clearly that those people farming the land who had reverence for that land, who wanted to see it rebuilt, not wanting it to go into highly erodible land for further extension or to run it down further, would have this option of the reserve.

Now, the Senator from Montana has pointed out an important problem, and that is if farmers we are attempting to assist are denied by various legal actions control of the farm over a period of time and do not hold it for 3 years—and the 3-year requirement was to make certain we had bona fide farmers as opposed to people coming in 3 months after they acquired the land as an investment going into the reserve—then of course the thrust of the program is denied at least in that part.

I share the sentiments of the distinguished chairman that just as in the case of the last amendment which dealt with the Food Security Act of 1985, the Food Stamp Program, the conservation situation is a very complex affair. Nineteen million acres have now been withdrawn from American agriculture, at least temporarily, under this program, a very complex situation. Whether that amendment belongs on this bill eventually the Senate will have to decide. I support the chairman's thought that we might, if possible, defer final decision on that for a moment and try to regroup and see what is to occur with what is still intended to be very modest relief for certain farmers who have had weather problems in 1986.

The PRESIDING OFFICER. Is there objection to the request that the amendment will be temporarily laid aside? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are in the process now of checking out the earlier two amendments. I do not know what other amendments may be pending.

I would strongly urge Senators who have amendments to bring them to the floor. Senator LUGAR and I have assured the Senator from Idaho [Mr. SYMMS] and the Senator from Montana [Mr. MELCHER] that we will preserve their rights to have their amendments considered, if that is what they ultimately seek on this legislation. But I would hope to get the legislation cleared up and on its way to the other body and very soon on its way to the President for signature.

So I strongly urge all Senators who have amendments to bring them to the floor. I understand that some of the amendments proposed or discussed before the recess are not going to be brought up. But if there are any others, let us get them up and head them out.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, earlier I mentioned that we were going to make sure that the rights of the Senator from Idaho and the Senator from Montana were protected to bring up an amendment. I also mentioned to the Senator from Texas [Mr. GRAMM], earlier today, that if he had an amendment to bring up, his rights also would be protected. I yield to the Senator from Texas.

AMENDMENT NO. 150

(Purpose: To ensure that spending authorized by H.R. 1157, does not increase the deficit in fiscal year 1987)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 150:

At the appropriate place in the Act, insert the following:

"SEC. . Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), such that it shall not increase the deficit of the United States Government for fiscal year 1987."

Mr. GRAMM. Mr. President, the distinguished majority leader and I offered exactly the same amendment on the homeless bill. Our objective at that point was to remind Members that that was an authorization bill, that it authorized appropriations and that under existing budget laws, a point of order lies against any appropriation which would increase the deficit this year, since we long ago passed the deficit limit imposed by that law.

This amendment not only makes it clear that we are operating under those existing budget rules but also commits us not to increase the Federal deficit for fiscal year 1987. I am aware that if the authorization in this bill were appropriated, if additional funds were provided for disaster relief, that would raise the deficit. I am also aware that there are numerous amendments that have been drafted and which may be offered, taking on the appearance of what one might characterize as a feeding frenzy, and providing this legislation with an opportunity to be powered by the great engine of pork.

I thought it was important to reinforce the commitment we have made to a balanced budget and to remind our colleagues that when they vote for a big add-on to this bill, that they are simultaneously committing themselves to reduce spending somewhere else to offset it or to pay for it in some other way.

Mr. LEAHY. Mr. President, the Senator from Texas speaks of the feeding frenzy as being a pork barrel. I assume he reached those particular analogies because it is an agricultural bill.

Prior to coming on the floor I had referred to my colleagues and asked them to take a look at the weather outside and realize what time of the year it is. It is not Christmas. We do not want jingle bells.

I tend to concur with the Senator from Texas. I do not want to see this thing get out of hand either.

His amendment reserves existing points of order. It puts the Senate on record as supporting the 1987 target. Certainly, my own opposition to some of the amendments that I have heard may be proposed, amendments that will be very expensive, would be covered in exactly the same way.

I am determined not to allow this bill to become a runaway money train. It is a very specific bill for a very specific reason, well within budget, and I have no intention of allowing it to get out of that, and because of that I have no objection to the amendment of the Senator from Texas.

I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, will the distinguished Senator from Texas yield for a question or two?

Mr. GRAMM. I am happy to yield.

Mr. LUGAR. Would the Senator, who is a student of the budget procedure, explain what would occur in the event that during the course of this bill significant new appropriations were added?

The Senator's amendment, as I understand, would indicate that this money must come from some other account. How would this be determined technically? How would that determination occur?

Mr. GRAMM. There are two stages in the process. For the most part, the bill as written and several of the proposed amendments simply authorize appropriations. What this amendment does is commit the Senate at the second stage, when we appropriate, that we will at that time not only provide the funds for the purposes that we today authorize but that we will also reduce spending in another area or in some other way offset the new expenditures in order to not increase the deficit.

There are some possible amendments that would probably be subject to a section 311 point of order because they directly provide for expenditures and increase outlays.

I would assume that those points of order will be made here today and it will take 60 votes to bring such an amendment up. But, basically, what we have in the pending amendment, I would say to the distinguished Senator from Indiana, is a commitment that we are making as part of this authorization bill. It is a pledge that says while we recognize that this is high priority legislation and as we correct some mistakes that were made in deficiency payments eligibility, when we get around to appropriating the money, if in fact subsequent outlays are called for, that we are going to do it in a deficit neutral manner.

Mr. LUGAR. Could the Senator respond to an argument that might be offered by a proponent of an amendment that has significant dollars attached to it? What if the proponent of the amendment said "I am offering this to help farmers, the farm producers, people who produce corn and wheat and soybeans, and are good people, and I understand that it is going to cost $1 or $2 billion, but they are hurting, and a billion dollars or two would help them. You can take it, therefore, out of the defense budget or out of food stamps or, depending upon where you are in the political spectrum, whatever cause fits your fancy." Who finally makes the determination as to whose program is hurt? In other words, someone who says, "I am for the farmer. I really do not care who else gets hurt in this process. They have to look out for themselves." At what point does justice occur and some equity?

Mr. GRAMM. Let me say that, too often around here justice never occurs, that what happens is every cause generates a following and ends up adding to the problem of overspending. Ultimately, the cost is passed on to the taxpayer, to the working men and women of America and future generations in the form of more debt.

What we are committing ourselves to here is simply support for, this basic position: that the Federal Government is spending roughly $1.018 trillion and surely if all of these spending add-ons that are going to be proposed today are so vital to the Nation, of such high priority, that there must in a $1 trillion-plus budget somewhere be money that is not so vital, and that does not represent such a critical expenditure. What we are doing here is stating that it is our intention when we do come to the point of funding those programs, that they will not be funded just by raising the deficit and they will instead be funded by a reduction of spending in another area or by some other means.

Might I say to the distinguished Senator from Indiana, I think what is therapeutic about this proposal is that if someone proposes an amendment that spends a whole bunch of money, rather than having everyone springing up to say how wonderful it is to help this needy cause, each individual Senator will have to ask himself or herself where is this money coming from? Might this come out of a program that I believe is more important to the future of America and the future of our children? Maybe I ought not to support this. Maybe this is not so important if we have to pay for it.

I think that represents a higher standard than we usually apply here, and I think it is an important standard and it is a standard that every American family, every American business, every private institution has to apply every day—if I want something I have to not spend the money on another purpose to have it. Unfortunately, Government has a power no one else has—it can simply go out and endlessly incur debt without any provision to ever pay it back.

Mr. LUGAR. I thank the Senator, and I commend him for his leadership in the budget area and for this amendment.

Mr. President, I am prepared on our side to accept the amendment.

Mr. LEAHY. We are prepared to accept it on this side.

Mr. GRAMM. Mr. President, I ask unanimous consent that if a rollcall is asked for on this amendment it occur immediately after the first subsequent rollcall that is ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Is there further debate on the amendment?

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur after the first rollcall vote today.

Mr. GRAMM. I thank the Senators.

Mr. LEAHY. Mr. President, I ask unanimous consent that no second-degree amendment be in order to the amendment offered by the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. I thank the Senator. I appreciate it.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope the Senators who have amendments will come to the floor and offer their amendments. May I ask the two managers? Is there some difficulty now in getting Senators to come and call up their amendments?

Mr. LEAHY. Mr. President, I tell the distinguished majority leader that the Senator from Indiana and I have sent out a clarion call to our colleagues to come forth. But it is almost a Biblical reference.

Mr. BYRD. Few are chosen; in this case few showed up.

Mr. WIRTH. Will the distinguished Senator yield? The clarion call was heard by the Senator from Colorado who is here waiting eagerly to offer an extremely important amendment.

Mr. BYRD. Very well.

Mr. LEAHY. Also if the distinguished majority leader would yield further, I would tell him that I would like very much to get this bill completed today. We have a couple of amendments that are out there that have been discussed. We are trying to do some negotiations with the possibility of having the amendments withdrawn or if they are acceptable, to have that done. But we have been working on that for the last couple of weeks, and as the distinguished majority leader knows on a number of them. But I would hope that no Senators think we are going to kind of hold this bill open for the next 2 or 3 days to see if we can pick up new amendments.

We are ready to go forward. As far as I am concerned, everything that I as one Senator want is already there in the bill and ready to go. I would hope that we could clear it up pretty quickly.

Mr. BYRD. Very well. I thank the Senator.

Mr. LUGAR. I would respond to the distinguished majority leader by reiterating what the chairman has said. It seems clear to me the bill can be completed today even though there are amendments that have huge fiscal impacts that need not require a whole lot of debate. They are either going to pass muster in terms of 60 votes or not make it.

It seems to me we have the bill now for the narrow emergency that was the original target of the bill. Almost everything else is sort of a gander at a new farm bill. The chairman and I will oppose extraneous amendments and count upon the distinguished majority leader to help us.

Mr. BYRD. I thank both managers.

Mr. President, I will yield the floor. The distinguished Senator from Colorado [Mr. WIRTH], has an amendment which he will call up. I would urge other Senators who may be listening, their staffs who may be listening, that Senators should be prepared to come to the floor and call up their amendments.

I do not plan to go late today, beyond 6:30 or 7 at the most. We will go back on the bill tomorrow if we have not finished it today. But I would urge that we not utilize time in the wasteful expenditure of quorum calls. So I would hope there would be another amendment ready to be offered as soon as the amendment by Mr. WIRTH is disposed of.

Mr. LEAHY. I thank the distinguished majority leader.

I reiterate one more time, even with all the amendments that we are aware of, even with the list of everybody who wants to speak to it, with the distinguished majority leader wishing to close down shop by 6:30 or 7 today, there is absolutely no reason the Senators could come over here, there is absolutely no reason even if we are to have several rollcall votes today that we could not meet that timetable and have final passage by 6:30 or 7 because we know what the amendments are. And we are ready to go.

Mr. BYRD. I thank the chairman.

The PRESIDING OFFICER. The majority leader yields the floor.

The Senator from Colorado.

Mr. WIRTH. I thank the Chair.

Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 151

(Purpose: To provide that emergency disaster payments made to certain sugar producers be limited to a quantity of acreage determined by a local ASCS committee if the producers did not plant acreage in the 1985 crop year)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 151.

Mr. WIRTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 7 and 8, insert the following new paragraph:

(1) subsection (a)(5)(B)(ii), inserting after "immediately preceding year" the following: "(or, in the case of a producer of sugar beets or sugar cane who did not plant acreage in the immediately preceding year as the result of the bankruptcy of the Great Western Sugar Company, a quantity of acreage determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))";

On page 5, line 8, strike out "(1)" and insert in lieu thereof "(2)".

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following:

(3) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(1) applications for payments with respect to hay and straw referred to in subsection (c)(1), or crops of apples damaged by freezing, must be filed on or before April 15, 1987; and

"(2) applications for payments made by producers described in the parenthetical of subsection (a)(5)(B)(ii) must be filed on or before the date that is 30 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 5, line 18, strike out "(3)" and insert in lieu thereof "(4)".

On page 6, line 10, strike out "(4)" and insert in lieu thereof "(5)".

Mr. WIRTH. Mr. President, I wish to urge my colleages to support this very fair and equitable amendment. My proposal will address a problem arising from the 1986 disaster assistance relief program which Congress approved as part of the continuing resolution, House Joint Resolution 738. Unfortunately, Colorado sugar beet growers were excluded by a fluke of economics from receiving benefits.

Under the Disaster Payment Program of 1986, the acreage used to determine the loss of production for which a grower can receive assistance cannot exceed the acreage planted in the immediately preceding year—in this case 1985.

Unfortunately, Colorado's sugar beet processing facility had earlier declared bankruptcy and was not operating by the spring of 1985.

So with a 1985 acreage of zero, due to no fault of their own, these sugar beet farmers were unable to qualify for any Federal relief after last August's disastrous hailstorm.

On March 7, 1985, this facility, the Great Western Sugar Co. filed chapter 11 bankruptcy, closing its four Colorado plants just prior to Colorado's sugar beet season. As some of you may know, sugar beets must be processed immediately after harvesting to prevent spoilage. Consequently, if a processor is not located relatively close to a grower's farm, beets simply cannot be planted.

At the time, the collapse of Great Western appeared to be the final blow to Colorado's sugar beet industry. From a 1980 high of more than 94,000 acres, plantings in 1984 had declined to 48,300 acres. With the closure of Great Western Sugar earlier in the year, in 1985 Colorado beet planting dropped to virtually zero.

However, in the spring of 1986, a new company, Western Sugar, purchased and reopened beet processing plants in Colorado's Weld and Morgan Counties. With the promise of the purchase of more than 37,000 acres of sugar beets, Colorado's beet industry began the slow climb to recovery.

In yet another misfortune, last August, just as Colorado beet growers were about to harvest their first crop since the bankruptcy of Great Western Sugar, three hailstorms pounded the northern countryside of Colorado. Hailstones as large as baseballs, shredded and destroyed crops waiting for harvest in the fields of Weld, Larimer, Logan, and Boulder County farmers.

Altogether, the USDA estimated that Colorado lost more than $24.3 million in crops, with Weld County—which is located in the heart of our sugar beet growing region—accounting for more than two-thirds of this amount. Weld County farmers lost more than $17.7 million to the hailstorms.

However, since these producers had no 1985 acreages, they are ineligible for any assistance under the Disaster Payment Program.

The amendment that I have offered—and discussed with the leadership on both sides—addresses this inequity by allowing the local ASCS county committee to establish a fair determination of the amount of acreage for which a farmer may receive disaster assistance. This change will only apply to those farmers who did not plant as a result of the bankruptcy of Great Western Sugar. In addition, its cost will be minimal—the Congressional Budget Office estimates it to be approximately $500,000.

Adoption of this modest proposal will insure fair treatment for those among the hardest hit victims of last August's hailstorm—Colorado's beet growers. This help is vital at a time when these sugar farmers are just recovering from the devastation wrought by the bankruptcy of Great Western Sugar Co.

Assistance to these Colorado farmers will help restore this important part of the economy in Weld, Larimer, Logan, and Boulder Counties. I hope, Mr. President, that this amendment will be accepted. I think it does provide a kind of equity to this small group.

The Senator earlier asked how many acres were involved. We are talking in terms of disaster payments for about 600 acres.

So, Mr. President, that is the scope and substance of the amendment which has been reported and read. I hope my colleagues will accept it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am aware of the problem regarding Great Western Sugar. The company did not plant in 1985 because of the bankruptcy of that company. It did attempt to plant, as the Senator from Colorado has said, in 1986. Of course, many suffered disastrous results because of the weather. I am concerned with the Department of Agriculture's interpretation that the emergency disaster provisions prevented these producers from receiving the kind of disaster assistance which I think was intended in the law with respect to raising a crop.

The producers really had two catastrophes: one, the bankruptcy, and, second, the weather. These are things over which they had no control.

Mr. President, I have no objection to the amendment. I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I have listened carefully to the distinguished Senator from Colorado as he explained the situation that occurred during the Great Western bankruptcy and the resulting loss of base for many sugar producers. We have no objection on our side to the amendment and are prepared to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 151) was agreed to.

Mr. WIRTH. Mr. President, I thank the distinguished chairman and the ranking member of the Agriculture Committee for accepting this amendment concerning a situation which occurred in Colorado far beyond the control of the farmers. I appreciate their support very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado has yielded the floor.

Mr. LEAHY. Mr. President, again I would repeat the call the Senator from Indiana, the Senator from West Virginia, the distinguished majority leader, and I have made. We are beating the highways and byways inviting Members to the Chamber and I wish they would come. We will dispose of a couple of other amendments. We will assure Senators they will be protected but then, if there are no further amendments, we could go to third reading and get this bill back to conference. Again I would urge Senators if they have amendments to come forth.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. BYRD. Mr. President, I am sorry to see the patience of our chairman so sorely tried for want of amendments. We all remember the old story about for the want of a nail the shoe was lost, for the want of a shoe the horse was lost, for the want of a horse the rider was lost, for the want of a rider the battle was lost.

What is needed now, as I understand the distinguished Senator, is an amendment. As always, I am loath to impose upon the convenience of our colleagues, but committees have had ample opportunity to meet. Senators have had ample opportunity to have lunch, except for myself and perhaps the chairman. I think it is time, Mr. President, that Senators be alerted to the fact that no amendments are pending and that we do want to get on with action on the bill.

QUORUM CALL

Mr. BYRD. With those remarks, which are intended to be apologetic in nature, I suggest what will be a live quorum, and hopefully we can get Senators to the floor. The manager and the ranking manager will then perhaps have some amendments on which to expend their energies.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 13]

Byrd
Fowler
Graham
Leahy
Wirth

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Oklahoma [Mr. BOREN] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. STENNIS] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—88

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—7

Chafee
Evans
Gramm
Proxmire
Quayle
Wallop
Weicker

NOT VOTING—5

Biden
Boren
Karnes
Kassebaum
Stennis

So the motion to instruct was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

FARM DISASTER ASSISTANCE ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 150

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 150, the amendment of the Senator from Texas [Mr. GRAMM]. The yeas and nays are ordered. The clerk will call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for no more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, this next amendment is supported by me and I am sure by the ranking member of the committee.

The only reason I am proceeding at this point is to urge Senators, if they have amendments on this bill——

Mr. BYRD. Mr. President, I hope Senators will hear what the Senator who is managing the bill is saying.

Mr. LEAHY. I thank the distinguished majority leader.

The Senator from Maine [Mr. MITCHELL] has an amendment coming up right after this vote. Then I would hope that Senators who have amendments would please bring them because if we can finish this bill today, we are going to finish this bill today. We would like to get the bill finished. It is of an emergency nature. We would like to move on.

A number of Senators have been meeting with me and the distinguished Senator from Indiana during the morning as they have for the past 2 weeks. I think we are both determined if we can finish this bill this afternoon we are going to do it. So please do not hold off an amendment thinking the bill may be here tomorrow. It may well not be here tomorrow.

The PRESIDING OFFICER. The Senator from Vermont has yielded the floor.

The question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Oklahoma [Mr. BOREN] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. STENNIS] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—4

Biden
Boren
Kassebaum
Stennis

So the amendment (No. 150) was agreed to.

(The following occurred later:)

Mr. LUGAR. Mr. President, I am advised that a motion was not made to reconsider the vote by which amendment No. 150 was agreed to.

Therefore, Mr. President, I move to reconsider the vote by which amendment 150 was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Conclusion of later proceedings.)

Mr. MITCHELL. Mr. President, I ask unanimous consent that the now pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 152

Mr. MITCHELL. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL), for himself and Mr. COHEN, proposes an amendment numbered 152.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following:

(2) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(1) applications for payments with respect to hay and straw referred to in subsection (c)(1), or crops of apples damaged by freezing, must be filed on or before April 15, 1987; and

"(2) applications for payments with respect to program or nonprogram crops produced in the State of Maine must be filed on or before the date that is 7 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 6, line 9, strike out the closing quotation marks and "; and".

On page 6, between lines 9 and 10, insert the following new paragraph:

"(5) With respect to losses of program or nonprogram crops produced in the State of Maine—

"(A) payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act, as authorized under section 4 of the Farm Disaster Assistance Act of 1987; and

"(B) the total amount of payments made to all producers may not exceed $1,000,000."; and

Mr. MITCHELL. Mr. President, my colleague from Maine, Senator COHEN, is a cosponsor of this amendment. He must go to an Intelligence Committee meeting. I yield to him, and following his remarks, I will make a statement, and then I will ask that the amendment be moved.

Mr. COHEN. I thank my colleague for yielding.

Mr. President, I rise today in strong support of the amendment offered by my colleague, Senator MITCHELL. This amendment corrects an inequity contained in last year's continuing resolution which precluded a number of Maine farmers from applying for disaster assistance to recover from the effects of a severe frost last fall.

Under the terms of the disaster assistance provisions of the continuing resolution, farmers who experienced losses in 1986 had to apply to USDA no later than Janaury 31, 1987. Regrettably, USDA did not notify Maine farmers of their eligibility until 11 a.m. on Friday, Janaury 30—less than 7 hours before the signup period ended. Consequently, many eligible farmers never learned about the program until the following Monday, after the statutory deadline for applying had expired. Senator MITCHELL and I simply see no reason why Maine farmers should be penalized because USDA could not finish the paperwork necessary to announce the program signup in a timely manner.

Our amendment would allow eligible Maine farmers 1 week from the date of enactment of this legislation to apply for disaster assistance to help them recoup their losses as a result of the hard freeze last fall. USDA estimates that no more than 75 farmers will qualify, and that the total cost would not exceed $1 million. Obviously, our amendment would be contingent upon security the necessary funds from the Appropriations Committee.

Senator MITCHELL had the experience of previously being a judge, and he understands the concept of due process. In the due process we have a requirement of reasonable notification when we are talking about a legal process. In this particular case, a number of farmers were given 7 hours' notice that they would no longer be eligible for a program and under any stretch of the interpretation of due process and equitable consideration this would fail.

So I want to commend my colleague for offering the amendment. It does not involve a great deal of money. It corrects an inequity. I urge my colleagues to support it.

I understand that this amendment is acceptable to the managers on both sides, and I strongly urge its adoption.

Mr. MITCHELL. Mr. President, I rise today to offer an amendment to H.R. 1157, the "Farm Disaster Assistance Act of 1987," which will allow deserving Maine farmers to fully participate in the disaster assistance payment program created last year in Public Law 99-500, the 1987 Fiscal Year Continuing Appropriation Act.

The amendment gives farmers in the five Maine counties designated by USDA in January as having suffered a disaster due to excessive rainfall 1 additional week to sign up for the payments.

The amendment is necessary because either through miscommunication or misunderstanding on the part of local and regional offices of the Agricultural Stabilization and Conservation Service [ASCS], Maine farmers were originally given only 8 hours to sign up for the program.

Payments to Maine farmers would be contingent on a prior appropriations bill—as are all payments authorized in H.R. 1157—and would be limited to $1 million in any event.

I am pleased to be joined in this effort by my distinguished colleague, Senator COHEN. We hope this amendment will be accepted by the Senate without a great deal of debate because it is a simple amendment based in fairness.

As my colleagues know, the continuing resolution, in section 633(B) made available $400 million in disaster assistance payments to farmers who lost more than half of their 1986 crop due to drought, floods, or other severe weather conditions.

Farmers who suffered at least 50 percent damage to their crops in counties certified as disaster areas by the Farmers' Home Administration within USDA were given until January 30, 1987, to sign up for the program.

More than 120,000 farmers in 39 States filed claims totaling nearly $535 million. Because that total exceeded the amount appropriated, USDA announced in February that eligible producers would be paid about 74 cents on the dollar. In all, 60 Maine farmers filed claims for $856,000; they have received payments totaling $551,000.

Early in February, a number of my constituents contacted me to express their outrage at the manner in which the Department of Agriculture [USDA] administered the Disaster Assistance Payment Program in Maine.

I think they make a very clear case against USDA. I'd like to walk the Senate through the chain of events which bring Senator COHEN and me to the floor today to offer this amendment.

In a December 29, 1986, memorandum, Dwight Sewell, the State Director of the Farmers' Home Administration advised FmHA's Emergency Division, that Aroostook County, ME, was a potential area to be designated as having suffered a natural disaster by nature of excessive moisture and unusually cold weather.

Mr. Sewell worked in cooperation with the State office of the Agricultural Stabilization and Conservation Service [ASCS] in preparing Maine's application for disaster designation. To the best of my knowledge, all of the necessary documentation for FmHA to designate the county as a natural disaster area was in the hands of the appropriate offices in Washington early in January.

While Maine's designation application was being considered in Washington, no applications were accepted by the ASCS offices in Maine because those offices were operating under the assumption that farmers' applications could not be accepted until the disaster designation had been made.

On January 30, apparently having received no previous communications from USDA regarding the status of Maine's application, ASCS offices received word that they were to begin accepting applications for disaster payments.

At the same time, they were informed that under the statutory deadline contained in Public Law 99-500, all applications for disaster assistance payments had to be completed that same day.

In order to process those applications, ASCS employees called those farmers they could, alerted local radio stations, and kept their offices open until 10 p.m. in order to process applications in the very few hours allotted them.

I was contacted by several farmers who had been out of town and unable to learn of the designation who were thus unable to sign up for disaster assistance payments. They could not understand why they had been given only several hours to sign up for this program.

On February 5, I wrote to Secretary Lyng and conveyed my constituents' displeasure regarding the management of the program in Maine which, as a result of poor coordination, meant that many deserving Maine farmers had been cut off from funds they desperately needed and were eligible to receive. I urged Secretary Lyng to pursue alternatives in an effort to resolve this problem.

Unfortunately, we have been unable to resolve this issue with USDA. I ask unanimous consent to have copies of letters on this subject between me and USDA inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 25, 1987.

DANIEL G. AMSTUTZ,
Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, Washington, DC.

DEAR MR. AMSTUTZ: Thank you for the March 3 response to my criticism of the Department of Agriculture's administration of the Disaster Assistance Payment Program created in P.L. 99-500.

I had two points of criticism. First, the notification of Maine's designation was not conveyed to county Agricultural Stabilization and Conservation Service (ASCS) offices until January 31, which limited signup to seven hours. Second, that county ASCS offices, assuming that applications could not be taken until the designation was made, did not process any applications until January 31.

Your response suggests that USDA feels the timing of the disaster designation was unfortunate, but unavoidable because Maine's request was not made until January 6. You were also certain that area offices were advised that county offices should have taken production data and payment applications if it was anticipated that the county would become eligible for Farmers Home Administration emergency loans. To lessen my concern that Maine's experience with this program was unique, I would appreciate you providing me the following information.

1. The date on which each State's application for disaster designation was made and approved.

2. A copy of all communications from area ASCS officials to Maine ASCS offices regarding this program.

I hope this information can be provided in an expeditious manner.

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.

DEPARTMENT OF AGRICULTURE,
Washington, DC, March 3, 1987.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: Thank you for your letter concerning the administration of the 1986 Disaster Payments Program in Aroostook County, Maine.

We appreciate your interest in this matter and offer the following information in response to your letter.

We did not feel that it was necessary to appraise our Agricultural Stabilization and Conservation Service (ASCS) Offices in Maine of the fact that Governor Brennan had requested a disaster designation because as you point out in your letter, the State ASCS office cooperated in preparing the application for designation.

The Area Offices of the ASCS were advised that county ASCS offices should be taking production data and payment applications if it was anticipated that the county would become eligible for Farmers Home Administration emergency loans by January 31, 1987.

As stated in your letter, the deadline for filing an application for a disaster payment was established statutorily under P.L. 99-500. The statute also mandated that payments must be made to producers within 45 days of making application for payment. Since ASCS began taking applications on January 12, this requirement mandated that payments needed to be made to eligible producers by February 27. In order to meet this requirement, it was necessary that we impose dealines on our field offices. These deadlines included:

1. That the county ASCS office process all applications and transmit the data to the State ASCS office between February 4 and February 9;

2. That the State ASCS office merge and transmit the data to our Kansas City Management Office (KCMO) by no later than February 10;

3. The KCMO was required to merge all the data, for over 120,000 producers in 39 States, determine the proration factor, print the generic certificates, and mail the certificates to the applicable county offices;

4. The county ASCS offices were then required to check and verify all of the certificates and mail them to producers on February 26.

As you can see, these operations do take time to complete and as was stated earlier the time allowed was mandated by the statute.

We agree that the timing of the disaster designation was unfortunate. However, we could not take action on the designation until after Governor Brennan made his request. As you are aware, his request was made in a letter dated January 6 for a disaster that occurred between September 1, 1986, and October 31, 1986.

Thank you for your concern in this matter.

Sincerely,

DANIEL G. AMSTUTZ,
Under Secretary for International Affairs and Commodity Programs.

U.S. SENATE,
Washington, DC, February 5, 1987.

RICHARD LYNG,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: A number of my constituents have contacted my district offices to express their outrage at the manner in which the Department of Agriculture (USDA) has administered the Disaster Assistance Payment Program created in P.L. 99-500, The 1987 Fiscal Year Continuing Appropriation Act.

In a December 29, 1986, memorandum, Dwight Sewell, the State Director of the Farmers' Home Administration advised FmHA's Emergency Division, that Aroostook County, Maine was a potential area to be designated as having suffered a natural disaster by nature of excessive moisture and unusually cold weather. Mr. Sewell worked in cooperation with the State Office of the Agricultural Stabilization and Conservation Service (ASCS) in preparing Maine's application for disaster designation.

To the best of my knowledge, the necessary documentation for FmHA to designate the county as a natural disaster area was in Washington early in January. For reference I have enclosed copies of:

the state FmHA Director's 12/29/86 memorandum;

the required USDA-Potential Natural Disaster Damage Assessment Report (dated 12/31/86);

a 1/6/87 letter of support from then-Governor Brennan; and

a 1/16/87 letter from myself and Senator Cohen urging the expeditious processing of Maine's application for disaster designation and assistance.

Before the necessary paperwork was processed, the state ASCS office received the enclosed USDA "Farm Program Fact Sheet" which indicated that farmers could apply for payments between January 12 and 30. To the best of my knowledge, no applications were accepted by the Maine ASCS before January 30 because that office was operating under the assumption that applications could not be accepted until the country was designated a natural disaster area.

On January 30, apparently having received no previous communications from USDA regarding the status of Maine's application, ASCS offices received word that they were to begin accepting applications for disaster payments. At the same time, they were informed that the deadline for these applications was to be the same day.

I find it difficult to understand how your office could believe that potentially eligible farmers could be contacted and their application completed in the very few hours you allotted them. I notice, by way of the enclosed January 29 letter to Governor McKernan, that the state's application for designation had been approved prior to January 30.

I can not understand why no apparent effort was made on your part to contact your offices in Maine in an effort to apprise them of the state's application in order that eligible farmers could have more than six or seven hours to apply for this assistance. Telephone notification of local ASCS offices on January 29, for example, would have given Maine farmers at least one full business day to apply.

But the problem does not end here. I understand the January 30 application deadline for disaster assistance was established statutorily under PL 99-500. My district office was told that the state ASCS has been notified that all applications for disaster assistance must be processed and forwarded to Washington by February 6 in order to be considered for assistance. This unrealistic deadline, on top of the manner in which applications have been accepted by ASCS is totally unacceptable to me. For anyone to suggest that the best interest of Maine farmers have been met with USDA's administration of this program to this point is, on its face, ludicrous.

Clearly, had any sort of ground work or coordination been laid prior to the actual implementation, much hardship could have been avoided. As a result of poor coordination we now have a situation in which many deserving Maine farmers have been or may be effectively cut off from funds they so desperately need.

I urge you to prepare alternatives that we may pursue in an effort to resolve this problem. I expect that an explanation of your actions will be forthcoming immediately.

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.

Mr. MITCHELL. So now, Senator COHEN and I feel little recourse but to come to the floor with this amendment.

To summarize the amendment again, it gives farmers in the five Maine counties designated by USDA in January as having suffered a disaster due to excessive rainfall one additional week to sign up for payments.

Payments to Maine farmers would be contingent on a prior appropriations bill and would be limited to $1 million in any extent.

ASCS officials in Maine have told my staff that most farmers who were eligible for payments were able to apply on January 30. They estimate that 25 to 30 additional farmers might apply for payments if given this second chance and that $1 million should be more than sufficient.

Senator COHEN and I feel strongly that Maine farmers should have an adequate opportunity to participate in the program. We think we have crafted a modest amendment and we hope it can be accepted by the managers of the bill.

This amendment will allow deserving farmers to fully participate in the Disaster Assistance Payment Program created last year. The amendment is necessary because, either through miscommunication or misunderstanding on the part of local and regional offices of the Agricultural Stabilization Conservation Service, some Maine farmers were originally given less than 8 hours to sign up for the program.

I believe that the amendment has been cleared on both sides and is acceptable and, if so, I will conclude my remarks and move the amendment.

Mr. LEAHY addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had lengthy discussions about this amendment with both Senators from Maine. It is an obvious inequity. This would seem to correct it. I think it is unreasonable for farmers in Maine to be given only a few hours to sign up for the benefits. This amendment seems to take care of what I wish could have been taken care of administratively but apparently cannot. I certainly have no objections.

Mr. LUGAR. Mr. President, I am convinced by the testimony of both Senators from Maine that this amendment is justifiable, and we will support it on our side.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my amendment be in order.

The **PRESIDING OFFICER.** Is there objection?

Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 152) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I ask unanimous consent that my amendment may be in order.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 153

(Purpose: To suspend the application of minimum planting requirements to agricultural producers who were subject to flooding as the result of damage to levees in 1986)

Mr. DANFORTH. Mr. President, on behalf of myself and Senator BOND, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr DANFORTH], for himself and Mr. BOND, proposes an amendment numbered 153.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu thereof "subclauses (II) and (III)".

On page 2 strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and (vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers of wheat shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted wheat acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

On page 3, line 25, insert after "1986" the following: "(including producers on a farm who are, during the normal planting season, subject to flooding on at least 50 percent of the permitted feed grain acreage of the farm as the result of damage to a levee from flooding that occurred in 1986)".

On page 4, between lines 10 and 11, insert the following new sections:

COTTON ACREAGE DIVERSION

SEC. 4. Effective only for the 1987 crop of upland cotton, section 103AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted upland cotton acrege of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of upland cotton shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 upland cotton permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted upland cotton acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph * * *.

RICE ACREAGE DIVERSION

SEC. 5. Effective only for the 1987 crop of rice, section 101AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1441-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted rice acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of rice shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 rice permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted rice acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))".

On page 4, line 12, strike out "4" and insert in lieu thereof "6".

On page 5, line 4, strike out "5" and insert in lieu thereof "7".

Mr. DANFORTH. Mr. President, this amendment would clarify that the provisions of this bill apply to a situation that has been created in our State of Missouri particularly along the Missouri River.

The situation is this: Last October, there was very extensive flooding on the Missouri River. As a result of this flooding, some 350 private levees were damaged or destroyed. Because of a new cost-sharing requirement that has been put in place requiring that local match be provided to fix levees, many of these levees have simply not been repaired.

The concern is that typically, in the springtime, the water rises on the rivers, and that this land is now exposed to flooding. It is dry today but it is virtually certain that the land is going to be flooded within a matter of weeks.

What this amendment would do would be to clarify the intent of the bill now before us that feed grain producers who are open to flooding as a result of last fall's disaster, and who, therefore, are subjected to being wiped out as soon as they plant their crop, are considered to be prevented from planting for the purpose of this bill.

The amendment would also apply this provision for the purpose of this land behind the broken levees. It would provide the 0/92 provisions to spring wheat, cotton, and rice farmers who are vulnerable to flooding.

That is the substance, Mr. President, of the amendment that Senator BOND and I have offered. It is my understanding that the amendment has been cleared with both managers of the bill.

Mr. BOND. Mr. President, I join my distinguished colleague from Missouri, Senator DANFORTH, in offering this amendment which provides assistance to Missouri farmers adversely affected by flooding last fall. The aid will benefit farmers in areas along the Missouri and Mississippi Rivers where flooding occurred due to extensive damage of over 300 privately owned levees. The intent of this amendment is to enact provisions which allow farmers the option of not planting on land which is subject to flooding once again this spring.

Earlier this year, while traveling throughout the State, it became apparent that disaster relief was urgently needed by many Missouri farmers. In response to these farmers, on March 10, 1987, Senator DANFORTH and I introduced S. 697 while Congressman VOLKMER introduced an identical bill in the House of Representatives. This amendment is derived from the original language of S. 697.

This important program enables flood-stricken farmers to be eligible for 0/92 payments on 1987 crops. Under the 0/92 provision, farmers whose land is threatened by flooding due to unrepaired levees will receive 92 percent of their maximum deficiency payment whether or not their crop is planted this year. Another part of this amendment protects farmers from reductions in the acreage bases, thus retaining future commodity program benefits. Furthermore, I reiterate my colleague Senator DANFORTH's statement that Government outlays may actually be reduced as the result of this program.

The implementation of this limited program will greatly benefit affected farmers by terminating the minimum planted acreage provision which currently exists. Under our proposal, farmers will not be forced to incur the operating expenses associated with a minimum acreage requirement, knowing that flood damage is almost assured.

Mr. President, we hope that our amendment will be adopted as quickly as possible for producers of wheat, feed grains, cotton and rice. The longer we wait, the more producers we force to implement unnecessary crop plans. This is truly a case where it is imperative that farmers are made aware of program provisions before making production decisions.

Mr. President, and fellow colleagues, for the reasons described herein, I urge your support of our amendment. This commonsense solution will be extremely beneficial to many Missouri farmers, some of which this assistance will allow to remain in business.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I made some reference to the possibility of this during my opening statement, which the Senator from Missouri may have heard. I feel it is a no-cost amendment, but I also feel it would be impossible for producers, with unrepaired levees, to go ahead and plant knowing that the crops are not protected from flooding. I have no problem with the amendment. I think it is a very sensible one. I think both Senators from Missouri are to be commended for bringing it forth. I see no objection.

Mr. LUGAR. Mr. President, on our side we commend the Senator from Missouri for a constructive amendment. We believe it is technical in nature and no cost. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 153) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 154

(Purpose: To make flood emergency assistance available to Great Lakes communities)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Another amendment now recurs. Does the Senator seek to have it temporarily set aside?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 154.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

"Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) is amended—

"(1) by redesignating subsection (a) as subsection (a)(1); and

"(2) by adding at the end of subsection (a)(1), as redesignated by this Act, the following new paragraph:

"(2) In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

"(A) residential establishments;

"(B) commercial establishments, including the protection of inventory; and

"(C) agricultural establishments, including the protection of crops."

Mr. METZENBAUM. Mr. President, I hope to highlight with this amendment the serious and growing problem of rising water levels on the Great Lakes.

This is an issue of tremendous concern to residents of the Great Lakes States.

During the past 2 years, water levels of Lakes Huron, MI, and Erie have risen higher than at any point in recorded history. Most forecasts indicate that the lake levels will continue to increase, and will not begin to come down until the late 1990's at the earliest.

There is general agreement that the potential for an emergency and extensive flood damage is high.

We have known this for the past 2 to 3 years.

What is the Federal Government doing to help?

Almost nothing.

The Corps of Engineers has the authority to help these communities under the Public Law 84-99, advanced measures program.

However, it has been nearly impossible to get the corps to help.

Public Law 84-99 permits the Army Corps to take action to protect public health and safety against flood emergencies.

In addition, the law permits the Corps of Engineers to help when an area is confronted with an immediate threat of unusual flooding.

The Great Lakes area is facing that threat today.

Yet the corps will not help.

My amendment does not create a new program, nor does it authorize the expenditure of any new funds.

It simply directs the Corps of Engineers to consider a more balanced approach to deciding whether to provide emergency advanced measures assistance.

Why is this needed?

Two years ago, the Governor of my own State of Ohio requested emergency advanced measures assistance to help protect 50 sites from Lake Erie flood damage.

The corps rejected 43 of those sites. Only two small dike projects were subsequently approved and completed.

Communities in other Great Lakes States, including Michigan, New York, and Wisconsin have received the same treatment from the corps.

The administration refuses to spend money to help these communities. Public safety, peoples' homes, their businesses, and farms apparently do not matter to the administration.

Today flooding is common throughout the Great Lakes Basin. On certain days, flood waters extend 15 to 20 miles inland as the lakes back up into the rivers and drainage canals. Many roads are permanently under water. Formerly productive farmlands are now under water. Farmers are spending millions of dollars to pump their fields dry, and to build dikes to keep out the water.

This amendment, would help to give some of these communities the help they need.

It will direct the corps to consider additional benefits in deciding whether or not an emergency flood protection project is justified. It directs the corps to consider the benefit of protecting against crop losses and inventory losses—issues which the corps does not now consider.

Mr. President, I want my colleagues to understand that this is only the first step.

The entire issue of rising Great Lakes water levels has been ignored for too long.

This is a small amendment. We need to do far more.

We need to hold hearings on the issue, and I intend to press for those hearings.

We need to determine whether regulation of the lakes is a viable proposal.

We need to develop a program, something that goes beyond Public Law 84-99, that better addresses the problems of Great Lakes flooding.

This is an issue that is not going to disappear.

This amendment is a small, but crucial first step. I urge my colleagues to support it.

Mr. STAFFORD. Mr. President, I am concerned that the amendment language might be interpreted as providing a way to utilize Public Law 84-99 for the construction of flood control measures that would otherwise be constructed under the corps section 205 small projects authority or projects that would otherwise be subject to congressional authorization.

I would therefore make the following inquiry to the distinguished Senator from Ohio regarding the intent of his amendment: Is it the Senator's intent that his amendment should in any way broaden the corp's emergency authority under Public Law 84-99 to allow projects which are presently interpreted by the corps to not be of an emergency or advanced measure status, to be performed under that authority?

Mr. METZENBAUM. I thank my good friend from Vermont for his attention to this matter and can assure him that the amendment is in no way intended to broaden the corps authority in the way in which he has suggested.

Indeed, as I have stated, the intent of this amendment is merely to ensure that in evaluating the benefits of proposed emergency flood control measures under Public Law 84-99, the corps gives proper consideration to the value of protecting residences, commercial establishments including inventory, and agricultural establishments including crops.

Mr. STAFFORD. I thank the Senator for his assurances.

Mr. METZENBAUM. Mr. President, it is my understanding that the managers of the bill will see fit to accept this amendment.

Mr. LEAHY. Mr. President, I have no objection to this amendment. In fact, I urge Senators to accept it. There is funding in the emergency protection fund to carry out the feasibility studies to determine whether benefits outweigh the costs of certain flood control projects which will protect farmers from flooding along the Great Lakes. I think the Senator from Ohio has brought a sensible and solid amendment to this bill. I would accept it.

Mr. METZENBAUM. I thank the manager.

Mr. LUGAR. Mr. President, our side has not seen the amendment as yet and we would like to study it for a moment, so I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. LUGAR. Mr. President, we have studied the amendment of the distinguished Senator from Ohio and wish to commend him on the amendment. We are prepared to accept it.

The **PRESIDING OFFICER.** Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 154) was agreed to.

Mr. METZENBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. I wish to thank the managers of the bill.

Mr. LEAHY. Mr. President, we have pending before the Senate now the Melcher amendment. Senator MELCHER has very graciously offered to set it aside on several occasions so that amendments which have been agreed to could be brought up. We are also discussing with the Senator from Idaho a food stamp amendment which he has, again as a matter of courtesy, withdrawn while we looked at it, without losing his right, of course, to bring it back up. Absent that, again I urge Senators, if they have amendments to this bill, to bring them forth because there are no other amendments pending. A number of amendments have been submitted on this bill. Some Senators have indicated they would not bring up their amendments to the bill.

I would also note one thing. We know the Secretary of Agriculture has been with Ambassador Yeutter in some negotiations and has been out of town but the Deputy Secretary on his behalf sent me a letter which we have just received, in fact, in the last minute or so, and I would read for my colleagues the last paragraph of it. I read this because I have urged them not to bring in amendments that may expand H.R. 1157 further than it is. It is a long letter in which the Department expresses their concern about H.R. 1157. In fact, they start off the letter by saying, "The Department expressed its opposition to H.R. 1157 when it was enacted by the House. It appears that further amendments will be offered in the Senate to broaden it even beyond disaster legislation." And then they conclude, "To summarize, there is almost nothing in H.R. 1157 which is desirable to the Department. Most of the proposed amendments are poor policy choices and even worse budget choices." They do not totally beat around the bush, Mr. President. "If H.R. 1157 is enacted by Congress in its present form with some of the proposed amendments, it is likely the Department would recommend that the President veto the legislation."

We do not list this in the filing system in my office under ringing endorsements. We do not list it under lukewarm support. We do not even put it on the list of those that may yet be converted. So I would point out that if this legislation gets very broad, it runs a chance of being vetoed and I have got to admit I am probably one of those who would urge the President to do just that.

So, having said that, naturally I am not for foreclosing any amendments; everybody may bring amendments, but let us bring them.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 149, AS MODIFIED

Mr. MELCHER. Mr. President, what is the pending business?

The **PRESIDING OFFICER.** The amendment of the Senator from Montana.

Mr. MELCHER. Mr. President, I send a modification of amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes a modification of amendment numbered 149.

Add at the end a new section as follows:

CONSERVATION RESERVE

SEC. . "Sec. 1235 (a) of the Food Security Act of 1985 should be reviewed by the Department of Agriculture to assure that the provisions relating to exceptions to the 3 year ownership period are implemented in a manner to encourage inclusion of producer owned land in the conservation reserve."

The **PRESIDING OFFICER.** The Senator has a right to modify his amendment and the amendment is so modified.

Mr. MELCHER. Mr. President, it is my hope that, by adding this amendment, the Department of Agriculture will clarify section 1235 so as not to jeopardize those farmers who are attempting to get a conservation reserve contract but find themselves in a bind on whether or not they are actually the owners of the land for the previous 3 years. I have earlier described some of the glitches that have arisen since the 1985 act was passed containing section 1235 and the Conservation Reserve Program.

In discussion with some of the people who have been in a bind on finding out whether they will qualify on the basis of ownership continuously for 3 years, this type of language would seem to clarify that and direct the Department to clarify their regulations.

Mr. LEAHY. Mr. President, I am pleased that we have been able to work with the Senator from Montana on his amendment, to accommodate his concerns on this matter without making legislative changes to the conservation title of the Food Security Act of 1985.

The amendment as modified requires the Department of Agriculture to review its policy relating to exceptions to the 3-year ownership requirement for conservation reserve contracts. The amendment makes no substantive changes to the Conservation Reserve Program.

Specifically, the amendment requires the Department to review the manner in which it is implementing the exceptions to the 3-year ownership period requirement, in order to assure that the Department is encouraging the inclusion of producer-owned land in the Conservation Reserve Program.

Without the modification, the amendment had the potential to allow the inclusion of land in the Conservation Reserve Program that is under the ownership of lending institutions—a policy that was not intended by Congress in the Food Security Act of 1985. With the modification, however, the amendment will encourage the Department to allow owners who may have been displaced by foreclosure but have subsequently regained ownership to enter land into the Conservation Reserve Program. The amendment is designed to encourage the inclusion of only producer-owned land, not land owned by lending institutions.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEAHY. Mr. President, I have no problem with the amendment, with the modification.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Montana for his work in modifying the amendment to a point that we are pleased to accept on our side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Montana [Mr. MELCHER].

The amendment (No. 149) as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I wish to commend the Senator from Montana who has been most gracious today in constantly setting aside his amendment previously so that other Senators could bring up their amendments. It is the typical courtesy shown by the distinguished Senator from Montana and I appreciate it.

I would now note that, with the exception of one amendment, the amendment by the distinguished Senator from Idaho, there are no other amendments presently before us. I hope to work out a disposition one way or the other on the Symms amendment very soon. Then, if no further amendments come up, I would like to see us go to third reading.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that very shortly the distinguished Senator from Michigan will be offering an amendment. I would then hope that we would go to the amendment by the Senator from Idaho on food stamp matters. We would then have no amendments pending.

One more time I urge Senators who may have amendments to come forth. It would appear some of the amendments have been dropped off. It would appear quite possible to go to third reading later this afternoon and wrap this matter up. If we do this I would not want someone suddenly to show up tomorrow morning and say "By the way, how much longer are you going to have the bill on the floor? We have one little technical conforming amendment."

There will not be anything to conform to nor to technically correct.

To use the metaphor sometimes heard around here, I hope that the train is kind of meandering out the station.

So I urge my fellow colleagues to come forth or they may come last.

Mr. LUGAR. Mr. President, I join the distinguished chairman of the committee in encouraging the Senators who have amendments to come forth. We are aware that some Senators may have been preparing amendments, but we have been in that status for about 4 hours. In my own judgment, that is enough time to prepare an amendment.

So I join the distinguished chairman. After we complete a few more of these small technical amendments, I think we ought to move on with the bill and get it off the floor.

Mr. LEAHY. I agree. If Senators have amendments and they are all concerned about the time or something, we would be happy to get a time agreement. I do not think anyone who even mentioned an amendment was talking about needing more than a few minutes anyway. That is not the problem.

It is the intention to try to wrap this bill up by suppertime. I also point out that if we are able to do that then everyone is going to be able to get out of here this evening. I know a number of Senators have commitments. Mine is since I have most of my family in town to be able to go out with my family and have a quiet dinner together. Others have commitments, be they of a family or social nature.

I just want everyone to know we can get out. We can get out if we get the amendments up.

AMENDMENT NO. 155

(Purpose: To modify the emergency disaster asistance program for agricultural producers)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators ARMSTRONG, RIEGLE, and myself and ask for it to be read.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, Mr. ARMSTRONG, and Mr. RIEGLE, proposes an amendment numbered 155.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 6, on line 17 strike out the period and insert in lieu thereof the following: "; (5) inserting in subsection (a)(5)(B)(ii) before the period at the end thereof the following: ', except that, with respect to the 1986 crops only the limitation of acreage planted in the immediately preceding year to sugar beets or sugar cane for harvest contained in this clause or in the regulations implementing the Disaster Payment Program for 1986 Crops to be codified at 7 CFR Part 1477 shall not apply to the extent provided in advance in an appropriation Act, and notwithstanding any other provisions of Public Laws 99-500 and 99-591, applications for payments with respect to crops of sugar beets, and sugar cane that are not subject to the limitation referred to in subsection (a)(5)(B)(ii) of in the regulations implementing the Disaster Payment Program for 1986 Crops to be codified at 7 CFR Part 1477 must be filed on or before May 31, 1987'."

Mr. LEVIN. Mr. President, I have worked on this amendment with the Senators from Vermont and Indiana. I think we have come to a resolution of it.

The current Disaster Payment Program makes disaster payments to producers of major program commodities like wheat, feed grains, and rice based on the amount of acres which were actually planted in 1986. For a number of commodities, such as sugarcane, sugar beets, and peanuts, that was not done.

We have discussed with the chairman and ranking member of the Agriculture Committee whether or not we could cure what seems to be an anomaly to some. We made some progress relative to sugarcane and sugar beets and I am grateful to my friends from Vermont and Indiana.

We earlier today cured a problem that occured in Colorado with some farmers who did not plant sugar beets in 1985 who would not have been eligible for disaster payments in 1986 unless the amendment was passed. We are, in effect, saying now with my amendment, relative to sugarcane and sugar beets, that the 1986 crop level will be used for the 1986 disaster payment, if producers are otherwise eligible for it, rather than using the 1985 level. There is some real equity in that, of course, because the disaster occurred on that 1986 crop.

This amendment does only apply to sugarcane and sugar beets. It is the best we are able to do under these circumstances to meet some of the concerns which have been expressed to me. On the other hand, it also does some substantial equity, at least in the area of sugarcane and sugar beets, making sure the disaster payment is based on the 1986 actual crop rather than on the 1985 crop which, of course, is not the crop involved in the disaster.

I understand the amendment is acceptable to both my colleagues. I thank them very much for their help in getting this amendment drafted in such an acceptable way.

Mr. LEAHY. Mr. President, the Senator from Michigan has made such a persuasive argument that I have nothing further to add to it. I only hope that the debate does not get so extended that I get talked out of this feeling of strong support for the amendment.

Mr. RIEGLE. Mr. President, I wish to thank the Senator from Vermont and also the Senator from Indiana for their consideration and help. I appreciate very much the committee's willingness to accept the amendment.

Mr. President, I rise as a cosponsor, with Senator LEVIN and Senator ARMSTRONG, of this amendment which will correct a problem that has arisen in the administration of the Disaster Payments Program enacted last year.

In September 1986, Michigan experienced unprecedented rains and flooding. By some accounts, it was the largest rainfall that Michigan had received in over 400 years, and it occurred at the worst possible time. Many of our crops most notably sugar beets, dry edible beans, potatoes, were ready for harvest, but still in the fields. Many farmers suffered losses upwards of 100 percent of their entire crop and were facing the loss of their entire operations.

The Congress enacted, as part of the continuing appropriations bill, a Disaster Payments Program. In part, the program provided payments to producers of so-called nonprogram crops. The disaster payments would apply in areas which had been flooded, suffered hail damage, or had been devastated in the drought that afflicted the South during the summer of 1986.

The regulations of the program, however, were written in such a way that a small number of sugar beet and sugarcane producers were discriminated against, despite our clear intent to help all farmers who had suffered major losses due to these natural disasters.

The regulations limited greatly the amount of assistance a farmer could get if he or she increased production or acreage in a certain commodity. Sugar beet farmers in particular are penalized in this provision, since whatever increases they made in production were due to contracts they signed with processing companies, at the direct request of those processing companies.

In Michigan, for example, processors made large investments to increase their capacity to process beets. The processors then contracted for additional acreage, 9,000 new acres in Michigan alone, affecting 195 farmers. The farmers had no independent role in the decision to grow more beets, other than to either accept or decline the contract. That is simply the way that the program works. Thus, they increased production because they relied upon the processors, these farmers took the risk, and suffered greatly because of the floods. And yet, they will not benefit from the program we specifically created to help farmers in their situation.

This amendment will not entail a large increase in outlays for the program. CBO has informed us that in all likelihood the total increase will be less than $11 million.

The intent of this amendment, pure and simple, is to provide equitable treatment to a small number of farmers who by virtue of decisions that were not of their making are not afforded the full benefits of the assistance that we provided last year. And yet, their losses were just as great, in some cases greater, than those suffered by farmers who will benefit from the program.

I hope that this amendment will be accepted by the Senate.

Mr. LEAHY. Mr. President, the statement just made by the senior Senator from Michigan was also so persuasive that it even encourages me further to be in support of this amendment.

Mr. LUGAR. Mr. President, we appreciate the work of the Senators from Michigan in modifying the amendment so that it deals specifically with sugar beets and sugarcane for the 1986 year only. We believe that with this modification the amendment is acceptable and we are prepared to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment (No. 155) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I should note my compliments to the Senators from Michigan and also I should note for my colleagues that this is typical of what has gone on today. There have been a number of amendments similar to the one just offered where Senators during quorum calls, as the Chair has noted, have been meeting with the distinguished Senator from Indiana and myself and others on or off the floor seeking either modifications or changes to original amendments so that we can keep not only the thrust of the basic bill but to keep the cost of this bill within budget restraints.

I compliment the Senators from Michigan and I also compliment the other Senators who have worked with us so far today to do that.

I note this just so people would know the time has been well utilized in doing that.

Mr. President, in keeping with what I said earlier, and with the intent of wrapping up this bill, if we can, by the end of the afternoon, I wonder if there are further amendments to the bill.

I would note that it will be soon my intention to go to third reading. I hope that all staff would notify their Senators—I know the Senator from Idaho has an amendment and I assume that would come over quickly—but I would notify all Senators that it would be my intention to move toward third reading very soon, unless there are further amendments.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 156

(Purpose: To prohibit State participation in the Food Stamp Program if the State collects taxes on purchases of food with food stamps)

Mr. SYMMS. Mr. President, if it suits the manager of the bill, I have my amendment at the desk. I would be happy to call it up.

Mr. President, I have an amendment at the desk on behalf of myself and the senior Senator from Idaho, Senator McCLURE, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and Mr. McCLURE, proposes an amendment numbered 156.

At the end of the bill, add the following new section:

TAX ON FOOD STAMP PURCHASES

SEC. . Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended—

(1) by inserting "(1)" after the subsection designation

(2) in the first sentence, by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), a State may not participate in the food stamp program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with coupons issued under this Act.

"(B) Subparagraph (A) shall not apply if a State agency has implemented procedures, approved by the Secretary, under which food stamp households are promptly paid from State funds, other than funds received by the State under section 16, for the value of any State or local sales tax charged within the State with respect to food stamp purchases.

"(C) Notwithstanding any other provision of law, payments received by a household under subparagraph (B) shall not be considered income for purposes of the food stamp program and any other program under which food stamps are not considered income.".

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished chairman and ranking member of the committee for availing this opportunity to fix a problem that is very important in my State.

I will just state again for the benefit of our colleagues in the Senate what this issue is all about. The State of Idaho is a State that has a sales tax on food. The Congress in the 1985 farm bill passed an amendment which stated that no sales taxes may be charged on food stamps. That put Idaho in the uncomfortable position of having to have two sets of books for all the grocery stores in the State, one to receive cash from regular cash customers and one if they pay in food stamps. This has to be put into effect at the end of October.

We have many, many small communities that have mom-and-pop grocery stores that are not equipped with modern accounting systems that have 20- or 30-year-old cash registers.

In addition to that problem, even in the modern stores, the new supermarket-chain-type stores where they do have the accounting capability to fix these things, it brings a great deal of embarrassment to the food stamp recipient because for the new business machines to work a person has to come up in the line and say, "I'll be paying for this with food stamps" or "I will be paying partly with food stamps and partly without food stamps."

So it brings an additional problem to the person using the food stamps and, in addition, slows down the procedures.

The Idaho Legislature has agreed, and the Idaho Retail Association and the Idaho Health and Welfare Department, that what the State of Idaho would do is appropriate $2 million, which is 5 percent on the $40 million worth of food stamps issued in my State of Idaho. The $2 million will then be converted into additional State food stamps which will be issued to the recipient of Federal food stamps at the same time so that if a person gets $100 worth of food stamps when they go in to get their food stamps, they would then get $105 worth instead. So they go to the grocery store and the intent of the Congress will be met.

I know that some of the opposition to this has been that somehow this might make it more complicated for the administration to administer. I want to emphasize—I know that the good chairman of the committee had some concern about that earlier when we discussed that—that is permissive only. This does not mandate that this happened. If a State came in with a plan that the Agriculture Department thought would be too difficult to administer, the Secretary could simply turn it down and not do it. If the State comes in with a plan that would be efficient, could be administered, then they would have the authority to grant that permission. So it is a permissive only amendment.

I hope that in view of that, the chairman will accept the amendment.

Mr. LEAHY. Mr. President, I ask the Senator from Idaho, would the Secretary of Agriculture be able to do this anyway under present authority? Could not the Secretary of Agriculture accept a program a State might have to make such reimbursements?

Mr. SYMMS. We have been advised by the Secretary that they did not think they have the authority to do that. I can tell from my discussions with some of the middle-level managers of the USDA that there is some resistance from within the administration, not from the top people in the USDA but middle-management level, because this is a new approach to solving the problem.

Mr. LEAHY. That, of course, sometimes happens anyway.

I will tell my friend from Idaho, I have had other Senators discuss, in discussing this bill and an earlier bill, the possibility of making some changes here and there in our various feeding programs, food stamps, and others. I have encouraged them not to do that on legislation that does not bear resemblance to that particular field. I understand the concern of the Senator from Idaho, who was a particular problem in his own State and is looking for a vehicle to take the legislation.

I hope he understands also my concerns as chairman of the committee, our not having had hearings on this, the food stamp legislation having taken months and months and months to mark up, with the conference committees and all, coming about as a series of compromises between both parties and people of varying ideologies within the parties. I have generally resisted opening this unless we have had a hearing on the matter and have had expressions of support from the chairman and ranking member of the subcommittee with oversight.

I wonder if the Senator might be willing, and I think he has raised a valid point on this situation, to withhold his amendment at this time and let me ask the chairman and ranking member of the Nutrition Subcommittee to look into this matter, having hearings, formal or informal, whatever works best, and then give a recommendation back to me. That would be Senator HARKIN and Senator DOLE. Let them give a recommendation back. We are going to have several other vehicles coming up in the very near future.

If they can work out something that appears to make sense and is acceptable, supported by the subcommittee with kind of bipartisan support as is traditional in that subcommittee, then let us put it on another vehicle.

Mr. SYMMS. I appreciate that. Does the chairman have an idea in mind of what vehicle might be available?

Mr. LEAHY. If they take as long as this vehicle has, the chairman may be a little bit hesitant to open the garage door.

The reconciliation bill is coming soon, which will have an agricultural component within it.

Mr. SYMMS. So the reconciliation bill might be the next opportunity.

I want to cooperate with the chairman. I understand I have dropped this on him rather fast.

I would like to have the opportunity to discuss this with the senior Senator from Idaho. He is a joint sponsor of this amendment. Maybe we can temporarily lay this aside. It is the wish of this Senator to cooperate with the committee.

Mr. LEAHY. The Senator has been cooperating.

Mr. SYMMS. My problem is when this does go into effect, there has to be some lead time for preparation. We would like to either know what it is going to be or not going to be.

Mr. LEAHY. My concern is the voluntary nature of the remedy the Senator from Idaho seeks, which is another reason for going to the subcommittee. It is possible they can work this out with the Department of Agriculture administratively. If the Senator wishes to have the amendment temporarily laid aside, of course, that could be done.

The Senator from Minnesota has an amendment which may well come up.

Again, I would hope that we might dispose of it one way or another before too long because, again, if it is possible to reach final disposition today, we will.

Mr. SYMMS. Can the Senator just give me a few moments? I would suggest we temporarily set the amendment aside, if the Senator from Minnesota is ready to proceed. I can then consult with my senior colleague and be ready to work out an arrangement with the chairman.

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment of the Senator from Idaho be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, at the risk of sounding overly repetitious, the distinguished Senator from Indiana and I have been on the floor, with the exception of maybe 10 minutes, since midmorning, and Senators who have had amendments, who have come over here, have been very good; they have met with us; their staffs have worked with us; we have worked out agreements. A number of amendments have been accepted by agreement usually after changes that were proposed either by the distinguished Senator from Indiana or by myself or by the authors of the amendments. We have cleared a lot of amendments. We still have a number of amendments potentially pending. This is my 13th year in the Senate, my 13th year in the Senate Agriculture Committee and I too have been in the position of some Senators where you want to hold your amendment and see how the other person's amendment goes. If the other person's amendment passes, it probably takes care of your problem. If it does not pass, then you want that second bite of the apple by going with your own amendment.

That is fine. But we also have a bill which could easily be completed in the space of a couple hours or could go on long enough for us all to make a career out of it. I prefer the former, particularly because this is not the farm bill of 1987. This is emergency legislation. We have a lot of people out there who are getting a little bit desperate as they look at their checking accounts and they look at their plans for the year and they look at in some instances frankly their whole life and their livelihood and their farm in the balance. We kind of nudge each other a little bit back and forth here, but in fact, this legislation is aimed to keep some good farmers on the land and for them it is a matter of life and death. It is not just a matter of whether we finish today or tomorrow or the next day. But the longer the bill sits out here, the more there will be amendments that come up and many, I tell my friends on both sides of the aisle, I will have to oppose. Even though some of them are pieces of legislation that I like, I will still have to oppose them on this bill. So again, Mr. President, I urge Senators, if they have amendments, bring them forward. We are ready to do business. We are still in a good, open frame of mind, friendly attitude. Take it while it lasts.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, we had a rollcall vote about 3 hours ago, and there were 96 Senators here on that rollcall vote. Now there may be even more Senators present. This is a bill that has been on the calendar for over a month. It was reported on March 19. The distinguished manager of the bill says this is an emergency bill. I wonder why Senators cannot come to the floor and call up their amendments. I see an amendment by Mr. Boren; I see one, two amendments by Mr. Boschwitz; one, two amendments by Mr. Cochran; an amendment by Mr. Symms; an amendment by Mr. Wirth; an amendment by Mr. Conrad; two amendments by Messrs. Dole and Grassley; an amendment by Mr. Domenici; and an amendment by Mr. Helms.

These are amendments we know about.

Today is Wednesday, and we do have other business to transact. I hope that Senators will come to the floor and call up amendments. This would be an excellent time for a Senator to rise at his desk and call up his amendment and have some debate on it and vote on it.

So, Mr. President, I am going to suggest the absence of a quorum, and it will be a live quorum. It is the only way I know to get the attention of Senators. It may not work, but at least Senators will come, and maybe we can find out what remaining amendments there are.

Hopefully, we could reach some kind of agreement that would set a time for final passage of this bill. So, in order to get Senators to the floor and hopefully expedite action on this measure, and perhaps get a time agreement on it, I reluctantly suggest the absence of a quorum. This will be a live quorum, and there will be a rollcall vote in connection with asking the Sergeant at Arms to request the attendance of absent Senators.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Vote No. 14]

Boschwitz
Byrd
Conrad
Daschle
Leahy
Lugar
Melcher
Symms
Karnes

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is necessarily absent.

I also announce that the Senator from Mississippi [Mr. Stennis] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. Kassebaum] is necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 11, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—86

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Warner
Wirth

NAYS—11

Chafee
Evans
Gramm
Johnston
Murkowski
Nickles
Proxmire
Quayle
Wallop
Weicker
Wilson

NOT VOTING—3

Biden
Kassebaum
Stennis

So the motion was agreed to.

The PRESIDING OFFICER. If there are no other Senators wishing to vote, we have 86 yeas and 11 nays. The motion to instruct the Sergeant at Arms is agreed to and a quorum is present.

Mr. BYRD. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. May we have order in the Senate, please? The majority leader is right. Will the Senators in the middle aisle please suspend their comments? Will the Senator from Colorado and the Senator from Michigan confer elsewhere?

FARM DISASTER ASSISTANCE ACT

Mr. BYRD. Madam President, I thank you. As all Senators will note, there are several amendments that are known and are identified and the Senators who are authors of those amendments are present. Ninety-seven Senators voted.

We are not making a great deal of progress. Today is Wednesday, the midday of the week. We were not in Monday, so it may seem like Tuesday, as it has seemed to me a part of the day. But we only have tomorrow and Friday.

Now, there will be a good many Senators who will be asking the question: "Are we going to have votes on Friday?" Now is the time to have the votes. We are not going to be in late tonight. I do not want to go beyond 6:30 and I do not intend to go late except in an emergency. So we are not going to go until 10 o'clock tonight so we finish up at 10 o'clock tomorrow and go out for the week. We are going to be in today until about 6:30, if there are enough votes to keep us here until then, or enough amendments.

Then tomorrow we will be back on the bill. We will still be on the bill Friday if we do not finish tomorrow, and if we do finish tomorrow we have plenty of other work to do.

So I ask Senators if they would be willing now to enter into a time agreement as to a final vote at a certain hour on tomorrow, or if in the alternative they would be willing to enter into time agreements on the amendments that are listed, and if there are any unknown amendments we would like to have time agreements on them too.

Both managers of the bill have been faithful at their posts all morning, and during the afternoon. We have not had very many amendments acted on. Not many Senators have been interested in debating the amendments.

Having said that, I wonder if anybody has a suggestion as to what time we might shoot for a final vote on the pending matter.

Mr. LEAHY. Madam President, if the Senator will yield to me without losing his right to the floor——

Mr. BYRD. Yes.

Mr. LEAHY. Madam President, the distinguished majority leader has said he wants us to go out around 6:30 tonight. Frankly, it has been like pulling teeth getting as many amendments as we have. I would be happy to agree to final passage on the measure at 6:15 this evening, if that is agreeable to everybody else.

If there are others who feel they have amendments and that would give them time, then I would suggest a relatively early time tomorrow, say 1 o'clock or 1:30 tomorrow so that the leader would have the option then of bringing up other legislation, and give those who have to make airplane reservations, for whatever time they leave on the weekend to go back to their States, some idea when they are going.

Mr. BYRD. When? Did the Senator say tomorrow?

Mr. LEAHY. No—this bill, so they know the next bill, and so they know how much time it will take. I would not suggest by any means that we leave Washington at the most beautiful time in the year, and that early in the year on Thursday.

But I would be perfectly willing to agree to final passage at 6:15 today. If that is not adequate time for Members who may have other votes, then I would suggest 1 or 1:30 tomorrow afternoon on this bill.

Mr. BYRD. I see 11 amendments listed on here.

Could we agree to have a half hour on each amendment? That would be 5 hours and 30 minutes; and, therefore, coming in, starting on the measure at 10 o'clock tomorrow, and have a final vote at 3 o'clock or 3:30 tomorrow afternoon with 30 minutes on each amendment.

Mr. DASCHLE. Will the majority leader yield?

Mr. BYRD. I am happy to yield.

Mr. DASCHLE. Unfortunately, I do have an amendment in that regard.

Mr. LEAHY. May we have order, Madam President?

The PRESIDING OFFICER. Does the Senator from South Dakota wish to be recognized? Whose time is the Senator from South Dakota seeking?

Mr. BYRD. I have the floor. I yielded to the Senator for a question.

Mr. DASCHLE. I thank the majority leader for yielding.

I have an amendment. If we are prepared to allocate this time, prior to the time we make any arrangement I would like to accommodate my need to offer that amendment at some point. We may be ready this afternoon, but at any time I would like to add my name to the list.

Mr. BYRD. Would the Senator identify his amendment, and would he be agreeable to a time limit?

Mr. DASCHLE. I would be happy to agree to a time limit. My guess is we could dispose of the amendment within 15 minutes.

Mr. BYRD. Would it require a rollcall vote?

Mr. DASCHLE. I would think not. We are working with the committee and ranking member at this time. As soon as we work out the final details of it, I doubt very much it would require a rollcall.

Mr. BYRD. Does the manager know of other amendments? Could we get an agreement on the amendments now?

Mr. DASCHLE. As I said, if the majority leader will yield further, we are still working out some of the technical aspects with regard to administration of the amendment which should be resolved momentarily. I am not sure if I can ask the ranking member to approve of the amendment at this time.

Mr. BYRD. Very well. I thank the Senator. I thank him for his willingness to call up the amendment today, and to perhaps have a time agreement on it.

Is there another Senator who will call up an amendment this afternoon?

I see on the list, and I hesitate to read the names of the Senators who have amendments but I see most of the Senators on the floor who have amendments.

Mr. SYMMS. If the majority leader will yield?

Mr. BYRD. Yes.

Mr. SYMMS. I have an amendment with the distinguished Senator from Idaho that is temporarily laid aside, that we believe, with the cooperation of the chairman of the committee and Senators LUGAR, DOLE, and HARKIN, we have about arrived at a colloquy that will be able to solve our problem. We would not have to offer that amendment. So I think we are getting close on that.

Mr. BYRD. Very well. I thank the Senator.

Mr. BOREN. Will the leader yield? I have an amendment I believe on the list with regard to cotton qualities that has been impacted by the floods principally in Oklahoma and Texas. This amendment is offered with Senator BENTSEN and others. We are negotiating now.

I understand from the chairman that he might be willing to accept that. The ranking minority member has been looking at it. I understand the Budget Committee does not have a problem with it because it is an authorization with a cap that would have to be subject still to prior appropriation. But I would offer that tonight if the ranking minority member has no problem with it. If not, I would be happy to accept a time limitation on it of 30 minutes to offer it in the morning.

I would say, again, Mr. Leader, that is an authorization only with a cap which would allow treatment for cotton, the same treatment that has been received administratively by other products, and it would require a prior appropriation that would not be appropriating in this particular bill. We would have to have an appropriation later.

I understand the Budget Committee has not lodged opposition to it.

Mr. LUGAR. Let me simply ask a question of the distinguished Senator. Is it a question of a time limit? I apologize for losing track of the floor situation.

Mr. BOREN. I would be happy to offer it immediately if it were agreeable to the ranking minority member. I understand the chairman has no objection. Otherwise, I would be glad to take 30 minutes tomorrow if it is going to require a rollcall.

Mr. LUGAR. I would not be prepared to accept it. If the Senator wished to offer it, that is fine.

Mr. BYRD. Would the Senators be willing to enter into a time agreement on the amendment?

Mr. LEAHY. Madam President, if we are going to go to a time agreement, there is some question about it being accepted, I would recommend 30 minutes evenly divided because I do not intend to take more than 1 minute myself anyway.

Mr. BOREN. I would be happy to accept that time limitation. My problem is Senator BENTSEN is the principal cosponsor, and is unable to be here now. If it is going to demand a rollcall vote, I would prefer to take a 30-minute time limitation tomorrow. He has indicated to me he wished to delay until tomorrow if we were going to have a rollcall vote on it.

Mr. BYRD. Madam President, I do not say this disrespectfully to my friend. Our problem is all these Senators want to wait until tomorrow. I can understand. I say that in a spirit of friendship and understanding. I am not saying it critically of the Senator.

Is there a Senator who will call up an amendment this afternoon?

May I ask my distinguished friend, the Republican leader, who has been on his feet and has been seeking recognition, who may wish to respond to the need for help. I throw that out at this moment, and he has never failed in any of my dire extremities to offer the helping hand.

Mr. DOLE. If the majority leader will yield, I have been visiting with the distinguished Republican leader of the Agriculture Committee, Senator LUGAR. He is ready to vote right now. He is prepared to vote now. But there are some outstanding amendments. I think the Senator from Minnesota may have an amendment. I know the Senator from Iowa would have an amendment. These would be rather major amendments. I am not certain how long they will take.

In addition, there is some work in trying to coordinate some of the amendments and maybe avoid some of the major amendments. In that regard there may be a couple of study amendments which I think could be adopted. All that might obviate the need for a long debate. So even though the time is sort of frittered away today, we have made some progress at least in a couple of areas that might have taken 3 or 4 hours on the floor that now might take 4 or 5 minutes.

I say to the majority leader we are certainly trying to cooperate. We know the urgency, first of all, to get the bill passed; second, to move on to other business.

So if we can check on this side and get time agreements on any remaining amendments, maybe after we dispose of the Boren amendment we would be in a position to give that list to the distinguished majority leader or the managers of the bill.

Mr. BYRD. Madam President, I thank the Republican leader for his helpfulness. I think it is very worthwhile. In the meantime, can we have another amendment while the day is relatively young?

Mr. LEAHY. Madam President, will the distinguished majority leader yield to me to ask a question of the distinguished minority leader?

Mr. BYRD. I yield.

Mr. LEAHY. Madam President, I might ask the distinguished Senator from Kansas, does he think it would be possible for us to reach even a time certain to complete the bill? I want to agree very strongly with what the distinguished Senator from Kansas said earlier, that there have been a lot of negotiations going on. The distinguished Senator from Indiana and I, between votes or quorum calls, have met with most of the Senators who have amendments. We have worked out several of them. Some have been held off. Others have been taken care of based on a letter from myself and the Senator from Indiana to the Secretary of Agriculture, for example. Others have been modified where we have accepted them and saved hours of debate. So the time has been well utilized.

We could probably utilize it better if we know at some point it all comes to a halt.

Does the distinguished Senator from Kansas think that might be possible, to reach a time for a final vote?

Mr. DOLE. I would say it is possible. We might be able to reach that time in the next 30 minutes. I understand there might be amendments on soybeans, on advance deficiency payments for corn and feed grains, and then the so-called decoupling amendment I understand may not be offered. That may save some time. There are still a few of those major amendments floating around.

As I understand, they have some cost and will be opposed by the managers of the bill. I have indicated to those where I am involved if, in fact, the amendments are going to be opposed by the managers, and I do not fault them for doing that, we better make certain we have a zero cost. The worst thing we can do is offer an amendment and lose it. There is still some negotiating room with the administration. The administration can do some of these things on legislation. If we offer an amendment to force an action by the administration and we lose, then it takes all the pressure off the administrative side. So we are, I think, on both sides of the aisle, trying to work out bipartisan amendments.

Mr. LEAHY. If the distinguished majority leader will yield further, if I might add, in support of what the distinguished Senator from Kansas said, it is my intention, certainly, to oppose amendments that are going to add substantial cost to this piece of legislation.

I also know that there are a number of issues where people want to pare down and perhaps reshape. There are things that can be done administratively. I have told Senators on both sides of the aisle that I am willing to work with them, and utilize my own good offices, for whatever they are worth, to encourage the Secretary of Agriculture to do that.

Most of these amendments raise very serious issues which should be addressed. None of them can be addressed to the extent that many of the sponsors want because of cost. But there are administrative ways open to us within the budget. I am glad to work on that.

That still brings us back to the final points: first, can we reach an amendment tonight? If we have some that have to be voted on, is there one that can be voted on tonight? If not, I would urge leaders, if it is possible, to reach an agreement to vote on final passage no later than 3 o'clock.

Let us try to find the ability to vote no later than 4 o'clock tomorrow, if we can reach that.

I know the Senator from Minnesota has a matter. Does the Senator from Minnesota anticipate asking for a rollcall vote on his amendment today? I raise the second point because I know there are Senators who have other commitments around town. If they can be given some idea as to whether or not there will be other rollcall votes, it will be helpful.

Mr. BOSCHWITZ. The Senator from Minnesota does not anticipate asking for a rollcall vote today.

Mr. LEAHY. If I could have the attention of the Senator from Oklahoma, would he be anticipating asking for a rollcall vote today?

Mr. BOREN. I would say we are trying to work out the amendment to avoid a rollcall vote. If not, we would have to have a rollcall. I would hope to do that tomorrow, after seeing if we can work it out. I would be happy, if we do not work it out, to bring it up when we start out on the bill tomorrow.

Mr. LEAHY. It is my understanding if we can work out one that will be acceptable, we will do it today, and otherwise we will do it with a rollcall tomorrow.

Mr. BOREN. That is correct.

Mr. LEAHY. I do not want to seek the prerogative of those who are in better control of the Senate than I, but I would suspect a number of Senators will ask me what will happen. I think there is a good possibility we can reach a time certain for final passage. We are going to take some other amendments tonight. We will take care of a couple of things and perhaps lay down an amendment tonight, but I do not anticipate further rollcall votes tonight on this bill. I say that to those who have been asking questions.

Madam President, I yield the floor.

AMENDMENT NO. 156

Mr. SYMMS. Madam President, what is the pending legislative situation?

The PRESIDING OFFICER. Regular order is the Senator's amendment, which has been temporarily set aside.

Mr. SYMMS. I ask for regular order.

The PRESIDING OFFICER. Regular order is the amendment of the Senator from Idaho.

Mr. SYMMS. I believe I can enter into a colloquy now with the distinguished chairman.

Madam President, my amendment is now pending, but I think we have arrived at a point where I am happy to yield to the chairman.

Mr. LEAHY. Madam President, the Food Stamp Act, as Senators know, allows USDA to approve experimental pilot projects to test program changes. Now, as I said earlier today, I thought Senators SYMMS' proposal should be examined more closely; we had not had hearings on this matter, but that I thought there was a lot of merit in what he was saying. I think one way to handle it is to recommend that the Department of Agriculture examine a proposal from the State of Idaho to conduct a pilot project. Such a project would test the effectiveness of printing State coupons to be used to supplement Federal coupons to pay for the State sales tax. Now, I am willing to sign a letter to the Secretary of Agriculture recommending that the Department carefully consider a proposal to allow the conduct of such a statewide experiment under the demonstration project authority that is now in the Food Stamp Act. The act, as Senators know, allows the waiver of any requirement of the act so long as benefits are not reduced. As of course we discussed earlier today, we went into the whole question of AFC benefits and everything else and I would be happy to sign such a letter provided it is made very clear if we are going to carry out such a pilot program, it be done for the particular problem of Idaho and other States but not to lower or reduce benefits.

I would be happy to join in such a letter. I am sure the two Senators from Idaho and I could work out one that would cover such language and then send that on to the Department of Agriculture. I strongly recommend that. It would be better than going forward with an amendment.

Mr. SYMMS. I thank the distinguished chairman. I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I am prepared to cosign the letter with my distinguished colleagues from Idaho, Senator HARKIN, the distinguished chairman of the Nutrition Subcommittee, and the Republican leader, Senator DOLE. It seems to me that the efforts of today have led to an excellent solution that will be expedited by the USDA. All of us are pledged to work with Secretary Lyng to try to bring relief from this problem. I believe, as a practical matter, it will well serve the people of Idaho if we are successful. So I would join in support of what appears to be a consensus solution to the Symms amendment and commend the Senator for his persistence and his conciliatory attitude.

Mr. HARKIN. Will the distinguished Senator yield.

Mr. SYMMS. I am happy to yield.

Mr. HARKIN. Madam President, I too would join with the distinguished Senator from Indiana and the distinguished Senator from Vermont and also the minority leader, Senator DOLE, in cosigning the letter, if the Senator so desires. I have talked this issue over with the distinguished Senator from Idaho and the problem that they have there is a real problem. Quite frankly, the approach that the Senators are taking seems to me to be a very commonsense approach to this problem, so I am very supportive of having this kind of a pilot project in Idaho. In fact, as chairman of the Nutrition Subcommittee, I am anxious to monitor it to see how it goes. In fact, it makes so much sense to me, it is something we might want to see used in other States which might have similar problems of a sales tax nature. So I again compliment the Senator from Idaho and will be glad to work with him on it.

Mr. SYMMS. I thank my colleagues and my senior colleague from Idaho. I have talked with Senator DOLE. He is not on the floor but he has agreed with what those of us here have arrived at.

Madam President, I ask to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. SYMMS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SYMMS. I thank the Chair.

Mr. LEAHY. Madam President, I have been advised by the distinguished majority leader that rollcall votes are still possible and I do not want to in any way leave the impression that they would not be. I was aware, when I made my earlier statement, of the possibility that we would have had a rollcall vote on the amendment of the Senator from Idaho had it not been worked out. But I made the statement I did knowing that we had worked out the colloquy. But I do not want to leave the impression that any Senator, of course, on a procedural matter or any other matter could not seek the yeas and nays and move for a rollcall this evening.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. I thank all Senators for having worked out the pending Symms amendment. I hope that other Senators who have amendments will be prepared to call them up. The Senate could easily work another hour today without straining itself physically or mentally. I hesitate to ask the Sergeant at Arms to have Senators come back to the floor, but I had understood the distinguished Republican leader to say there would be efforts on his side—and may I say there will be efforts on this side—to reach time agreements on amendments. Hopefully we can get some of those time agreements before we go out. I just want to express the hope that these two managers do not have to sit here for another hour without stimulation of having an amendment before the body. They are entitled to it.

Mr. **HARKIN**. Will the distinguished majority leader yield?

Mr. **BYRD**. Yes.

Mr. **HARKIN**. I thank the Senator for yielding. I am wondering if there are no amendments, why can we not go to third reading?

Mr. **BYRD**. Madam President, if the distinguished Senator will yield, it is not my intention at this moment to be attempting to tell the Chair what the responsibility is, but I am merely responding to the question by the distinguished Senator from Iowa. It is the Chair's responsibility to put the question before the Senate if no Senator rises and seeks recognition. That is not going to happen today, but it is a thoughtful observation. Senators should call up their amendments.

Mr. **LEAHY**. Madam President, will the Senator yield.

The **PRESIDING OFFICER**. The Senator from Vermont.

Mr. **LEAHY**. Madam President, just so everybody will understand, we had at the beginning of this debate, partly because we were working out a number of compromises—in fact, we saved the Senate I believe several rollcalls today by doing that and we probably have a better piece of legislation as a result, but all commitments have been fulfilled to Senators. Certainly we will be back on this bill. It would be my intention, I note for everybody, once we get started on the bill—I understand there will be a couple Senators who will raise amendments. I hope they would come to the floor and start offering them because any time there is no amendment pending, it will be my intention to ask the Chair to put the question to the body.

I have no idea what time the distinguished leader will bring us in, but once we are on the bill I will be here and I will be ready to go. If there is an amendment, we will vote it up or vote it down. Once there is no amendment pending, I will certainly ask the Chair to do what, of course, the rule requires anyway, to put the question to go to third reading. I just want everybody to know, that is all, so nobody says they are surprised. I just want them to know.

The **PRESIDING OFFICER**. The Chair would like to note that we have been attempting to work out a variety of considerations for Senators for 40 minutes. We have deftly, thanks to the Senator from Vermont's managerial ability, resolved the amendment of the Senator from Idaho. The Presiding Officer noted that there were several Senators who were on the floor at 5 o'clock who said they had amendments. The Chair would like to know where those Senators are and whether they wish to offer them this evening and wonder if the majority leader or the ranking minority manager on this bill would like the Sergeant at Arms to call the Senators to see if they would like to present those amendments.

Mr. **BYRD**. Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BOSCHWITZ**. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BOSCHWITZ**. Madam President, tomorrow I will offer an amendment that I would like to speak about for a short time now. My amendment will be to establish a marketing loan on soybeans.

Soybeans has been a crop that has been largely outside of the farm program from the standpoint of not having target prices, from the standpoint of not having set-aside acres. Historically, it has had a loan rate that has been associated with and attached to the market, being the price of 75 percent of the 5-year moving average of the market price, including the top and bottom years, the high year, and the low year.

However, the historic pattern that existed between feed grains and soybeans has been broken. Because of the lower loan rate on corn and because of the use of certificates which have made a marketing loan really the rule with respect to corn, the price of corn has gone down quite a deal. The marketing of corn has improved because of it, to be sure, but the historic relationship between the price of corn and soybeans has been breached.

Historically, soybeans are somewhere between 2.2 and 2.4 times the price of corn. But with the present loan rate, the price of beans is necessarily higher, which will lead to more plantings in beans, which will lead some of our foreign competitors to be more inclined to plant soybeans; and that, of course, will mean that we will have a loss of market share worldwide.

Historically, we have exported well over half of our soybeans. The result will be that the plantings of soybeans will be increased in other parts of the world particularly in South America, and the result of that is that we will begin to lose our industry.

My amendment will also cover sunflowers, and sunflowers indeed have particular problems because they have not been in any kind of program whatsoever.

The result is that due to the decline of loan rates, the price of sunflowers has come down precipitately and without any support at all and farmers rather than losing base have planted feedgrains of wheat, with the result that the sunflower seed crop is going down too much in acreage that the entire industry may not be able to survive, and it is important that we keep at least a million acres of sunflowers in tillage, planted so that that industry can continue, that there be enough sunflowers for the processing industry and also enough sunflowers for the consumers.

But the basic idea that soybeans and sunflowers must now be brought into tandem with other elements with the other major crops of the farm bill is a very important one. If we are not to undermine a very large processing industry that has developed around soybeans, we indeed must make soybeans competitive in this country so that they will not just be put under loan and surrendered to the Government. The cost to the Government of that kind of action would be very severe indeed.

Furthermore, soybeans, Madam President, are the largest cash crop that farmers in this country have and it is important that that be protected; otherwise, we will have a new variety of problems on the farm. One cannot do these things without some cost so that we have some offsetting revenues so that we do not increase the deficit because of it.

Soybeans even now are going down in planting and after this becomes more widespread and before more of the market is lost we want to arrest that trend and we want to bring soybeans, which I say are the largest cash crop of the American farmer, into balance with the other crops. That will be the purpose of my amendment.

The amendment will establish a $5.02 loan on soybeans, and it will be a marketing loan. It also establishes an 8½-cent loan on sunflowers, and that, too, will be a marketing loan, so that the prices will not be set by the Brazilians and the Argentines but that we will be in a position to participate in the world price as well as they. Now they can come in just under our loan, which is quite high and which is at a rate that will encourage them to plant soybeans, and the result of that will be that we will undermine our own soybean processing and soybean growing industries which, as I indicated before, was the largest cash crop that farmers have.

So this is a bill that will have about a dozen cosponsors already and I will say to the distinguished chairman and ranking member of the Agriculture Committee that I will not spend too much time on it tomorrow. I am not quite sure how long some of my colleagues will want to speak about it. I do not think it will be terribly long.

I will be happy to answer any questions that they may have at this time and if none I will wait until tomorrow.

Mr. LEAHY. Madam President, will the distinguished Senator from Minnesota be willing to agree to a time agreement on his amendment of, say, 40 minutes evenly divided?

Mr. BOSCHWITZ. By and large, I do not have any objection to that, but I have about a dozen cosponsors now and I am not quite sure how long they want to speak. I will not be long on the amendment.

Mr. LEAHY. I wonder if maybe then the distinguished Senator from Maine and I might confer briefly in the morning with the distinguished Senator from Indiana and see if it is possible to reach a time agreement.

Mr. BOSCHWITZ. Sure.

Mr. LEAHY. I know when the Senator from Minnesota says that he will speak briefly and expedite it he always does. I have no problem with that. The reason I mention that, I would like to have our colleagues have a pretty good idea where we go because if this turns out to be the first thing we do in the morning and one side is completed, again I want to reiterate if there are no other amendments on the floor and no one is seeking recognition we are going to try to go on to third reading.

So the main reason in talking about a time agreement is just to give that kind of outside parameter warning to our colleagues. But I will wait and confer with the distinguished Senator from Minnesota in the morning.

Mr. BOSCHWITZ. When does the distinguished chairman say we are going to come in in the morning?

Mr. LEAHY. That is going to be up to the leadership, but I will be prepared to go on the bill the minute morning business is over. I do not know. I do not believe an announcement has been made what time we are going to come in. Whatever time it is, we will be willing to go ahead.

Mr. LUGAR. Madam President, will the chairman yield?

Mr. LEAHY. Of course.

Mr. LUGAR. I will ask the chairman and distinguished Senator from Minnesota whether it might be possible to settle upon 90 minutes equally divided. That would be a much more generous period of time. It is a major amendment. I think that a certain 90 minutes debate will give an opportunity for both sides to be heard and for all Senators to have an idea of the context of the debate tomorrow morning.

Mr. BOSCHWITZ. I will be agreeable to a 90-minute time limit equally divided and would not expect to use it all.

Mr. LEAHY. If we do something like that, I wonder if it might also be possible to lay before the Senate the amendment tonight so that would be pending business in the morning. Perhaps we could do this so to protect the Senator's right. I do not know if we lay it before the Senate tonight we will suddenly use up the 90 minutes. If we might get it laid before the Senate tonight, but agree that the 90 minutes would be 90 minutes for tomorrow, whatever time we use tonight will not come off that 90 minutes.

Mr. BOSCHWITZ. The Senator from Minnesota would prefer to lay the amendment down in the morning, if I may.

Mr. LEAHY. The Senator has that right.

Mr. BOSCHWITZ. And I think I have indicated what the amendment will be. It is to be $5.02 marketing loan on soybeans and 8½ cents on sunflowers. We will do it in the morning and we will do so expeditiously.

Mr. MELCHER. Will the Senator from Minnesota yield for a question?

Mr. BOSCHWITZ. Yes, the Senator from Minnesota yields to the Senator from Montana.

Mr. MELCHER. I thank the Senator for yielding. I notice that in the description of the amendment the distinguished Senator stated the loan rate would be $5.07 for the 1988 crop.

Mr. BOSCHWITZ. $5.02

Mr. MELCHER. $5.02. Is that not an increase of approximately 52 cents per bushel in the loan rate, or is it more than that?

Mr. BOSCHWITZ. The loan rate now is less than that amount the Senator just stated. The 1987 crop returns to the 1985 level, which has been reduced both by the Gramm-Rudman bill and also by 5 percent.

Mr. MELCHER. What is the 1987 loan rate for soybeans?

Mr. BOSCHWITZ. It has not been announced.

Mr. MELCHER. What was the 1986 loan rate for soybeans?

Mr. BOSCHWITZ. The 1986 loan rate was $4.77 and then that was adjusted 4.3 percent by Gramm-Rudman.

Mr. MELCHER. So it is approximately $4.58?

Mr. BOSCHWITZ. About, yes.

Mr. MELCHER. That is the 1986 loan rate. The Secretary could reduce that 5 percent, could he not, under present authority, the 1987 crop?

Mr. BOSCHWITZ. That is correct.

Mr. MELCHER. So if you use that 5-percent reduction, we might be talking about a loan rate for soybeans for this year of about $4.35, approximately?

Mr. BOSCHWITZ. No, you would not reduce it from the Gramm-Rudman level. It would not be much different than this year.

Mr. MELCHER. It would not be much different. The Gramm-Rudman would fall out.

Mr. BOSCHWITZ. Gramm-Rudman would bounce back.

Mr. MELCHER. The point of my questions are just what does this add to the Treasury outlay and to soybean producer income?

Mr. BOSCHWITZ. Well, we have to use CBO numbers for that. There certainly would be quite a debate about whether or not it would add or whether it would indeed decline outlays. From the standpoint that if the loan rate is in the $4.50, $4.60 frame, that would encourage more planting elsewhere with the result that there would be more removals and more surrenders, but the CBO does say that there is a cost of about $1 billion.

Mr. MELCHER. How much?

Mr. BOSCHWITZ. About $1 billion.

Mr. MELCHER. $1 billion?

Mr. BOSCHWITZ. Yes, which we have an offset for.

Mr. MELCHER. Pardon me?

Mr. BOSCHWITZ. Which we have an offset for, which I will describe in the morning.

Mr. MELCHER. Then your amendment will contain that offset.

I wonder if the distinguished Senator could advise me what that offset is.

Mr. BOSCHWITZ. Well, the offset will be the sale of some assets, assets that have to do with rural housing loans.

Mr. MELCHER. Sell off some of the paper.

Mr. BOSCHWITZ. Rural Development Insurance Fund loans, right; loans, some of which have been sold off before.

Mr. MELCHER. The Senator has described, I think accurately, the disproportionate pricing in foreign and world markets as compared to soybeans and the Senator has also, I believe, accurately assessed the effect of the lower prices for other commodities resulting in soybeans accumulating here in the United States. However, the Senator is as much aware as I that there have not been any hearings on this proposition.

Mr. BOSCHWITZ. There have not been?

Mr. MELCHER. Have been no hearings this year on this proposal.

Mr. BOSCHWITZ. No. Well, we certainly have discussed this in various hearings that have occurred before the Agriculture Committee. Certainly, I have spoken about the disproportion that has grown between feed grains and soybeans, and many comments have been made before the committee by various members of the agriculture community.

Mr. MELCHER. Madam President, the Senator from Minnesota has been most generous in yielding to me. I just want to conclude by saying that I think this specific matter of the marketing loans for soybeans indeed should have a hearing and we should let everybody, pro and con, have their position and so state it and let the record show.

I think it is a little bit unfortunate to be finding ourselves in a position of getting ready to vote on a major amendment which may be the result if we had hearings on the specific question and might be what the committee would like to do.

But, I have had some interest in the matter, not parochial, not parochial because our State of Montana does not produce soybeans, but I have had an interest in the matter of what happens to soybeans in relationship to the world price of corn and the world price of wheat and the world price of other commodities. The Senator earlier spoke about the relationship between soybeans and sunflowers. And I recognize that relationship. However, sunflowers are a rather modest crop here in the United States.

But when the amendment is presented to the whole Senate tomorrow, we lack the advantage of having gone through the hearing procedure and allowing the administration to make their case. They already have that discretion to implement the marketing loans for the soybeans if the Secretary should wish to do so. I think we are at a disadvantage at this particular time for consideration of the amendment—and the debate tomorrow may bring those points out—the disadvantage that exists right now for lack of more detailed consideration within the Senate Agriculture Committee on this subject.

(Mr. ROCKEFELLER assumed the chair.)

Mr. BOSCHWITZ. I thank my friend from Montana. As he knows, there is presently discretionary authority in the 1985 farm bill to utilize the marketing loans on soybeans. And the Secretary of Agriculture, I believe, has even said that he would like to do something for soybeans because he recognizes the relationship between the prices of not only oil seeds but also feed grains, and that that relationship has been breached.

Furthermore, I would say that the farm bill has utilized marketing loans, mandated marketing loans in a couple of cases, rice and cotton, as the Senator knows, as well as allowing them discretionary authority of the Secretary. And so that there has indeed been considerable consideration on the part of the committee on marketing loans with respect to soybeans and certainly with respect to other crops.

I would say also to my friend from Montana that while hearings would be nice, time is also of the essence. And one of the reasons we asked that this bill be brought up at this time, and we have been quite insistent that the bill be brought up expeditiously, is the fact that most of the major soybean growing areas are in the process of planting or are going to plant pretty quickly; that having hearings becomes academic, or makes the entire consideration academic with respect to the 1987 year; and that hearings I think would not be a fruitful endeavor in this regard.

I presume the Senator from Montana has some sunflowers; is that correct?

Mr. MELCHER. Mr. President, in response to the Senator from Minnesota, we have had sunflowers, not of any consequence in acreage. We are more likely to have safflower in Montana.

Mr. BOSCHWITZ. What has happened I am sure to Montana's sunflower growers is that they have reverted to the wheat where there is a program because the sunflower prices have been so weak. And due to the weakness in the other crops, and without a program to rely upon, your sunflower growers and ours as well, and those in North Dakota and South Dakota have, by and large, shifted to other crops. The result of that is that the entire sunflower processing industry is about to collapse, and people who have expansive investments in processing will lose that.

Quite aside from that, the whole infrastructure of the sunflower business—which is certainly good for our country, particularly because of the nature of sunflower oil, the pure nature of it, the low-fat nature of it that I know the Senator from Montana is so familiar with—and the industry is worth preserving. And the cost of that part of this amendment is quite nominal.

Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, there is one other point that ought to be made in relation to shifting to soybeans. Soybeans like wheat and corn are available for export in a number of our export expansion programs. It has been apparent to me, and I think to others in the Senate, that there has been a lack of diligence on the part of the administration to utilize these export enhancement programs. While one of the programs is actually called the Export Enhancement Program, I am using the word "enhancement" in a much broader term than the statement I just made.

We have a rather detailed title in the 1985 farm bill that allowed more discretion and more authority for the Secretary of Agriculture, and the AID missions through the Secretary of State to expand our exports of surplus commodities. It is unfortunate that there has not been a more diligent pursuit of those programs that are available since 1985.

In addition to the broader authorities granted in 1985 in the farm bill, we passed amendments since then that further augment the ability of the Secretary of Agriculture and the Secretary of State to utilize our surplus commodities abroad.

Soybeans is one of them that has been accurately described by the Senator from Minnesota, and is one of the great export crops of the United States. And the fact that we have not pursued diligently to expand those exports abroad utilizing the programs that are now available is indeed unfortunate.

Mr. President, I yield the floor.

Mr. President, before yielding the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. LEAHY. Mr. President, it has come to my attention there are several technical problems with several of the amendments agreed to today, I believe that has the effect of negating the intent of the Senate. I prepared two amendments to the bill to solve this problem. I wish to make clear the amendments I am going to send to the desk make no substantive changes.

AMENDMENT NO 157

Mr. LEAHY. So, Mr. President, I ask unanimous consent that the amendments numbered 148, 151, 152, and 153 be vitiated and the following two amendments I now send to the desk be considered en bloc and agreed to. I send those amendments to the desk.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments en bloc numbered 157.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 7 and 8, insert the following new paragraph:

(1) subsection (a)(5)(B)(ii), inserting after "immediately preceding year" the following: "(or, in the case of a producer of sugar beets or sugar cane who did not plant acreage in the immediately preceding year as the result of the bankruptcy of the Great Western Sugar Company, a quantity of acreage determined by the local committee established under section 8(b) of the Soil Conser-

vation and Domestic Allotment Act (16 U.S.C. 590h(b))";

On page 5, line 8, strike out "(1)" and insert in lieu thereof "(2)".

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following:

(3) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(A) applications for payments with respect to hay and straw referred to in subsection (c)(1), or crops of apples damaged by freezing, must be filed on or before the date that is 30 days after the date of enactment of the Farm Disaster Assistance Act of 1987; and

"(B) applications for payments made by producers described in the parenthetical of subsection (a)(5)(B)(ii) must be filed on or before the date that is 30 days after the date of enactment of Farm Disaster Assistance Act of 1987."; and

"(C) applications for payments with respect to program or nonprogram crops produced in the State of Maine must be filed on or before the date that is 7 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 5, line 18, strike out "(3)" and insert in lieu thereof "(4)".

On page 6, line 10, strike out "(4)" and insert in lieu thereof "(5)".

On page 6, line 9, strike out the closing quotation marks and "; and".

On page 6, between lines 9 and 10, insert the following new paragraph:

"(5) With respect to losses of program or nonprogram crops produced in the State of Maine—

"(A) payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act, as authorized under section 4 of the Farm Disaster Assistance Act of 1987; and

"(B) the total amount of payments made to all producers may not exceed $1,000,000."; and

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu therof "subclauses (II) and (III)".

On page 2, strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and (vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers of wheat shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted wheat acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a country in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster.

"(IV) Effective for the 1987 crop, producers on a farm shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph if the producers on the farm are prevented from planting such acreage, if intended for wheat, to wheat for harvest in 1987 because of a natural disaster in 1986 and the farm is located in a county in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as a result of such disaster."; and

On page 3, line 25, insert after "1986" the following: "(including producers on a farm who are, during the normal planting season, subject to flooding on at least 50 percent of the permitted feed grain acreage of the farm as the result of damage to a levee from flooding that occurred in 1986)".

On page 4, between lines 10 and 11, insert the following new sections:

COTTON ACREAGE DIVERSION

Sec. 4. Effective only for the 1987 crop of upland cotton, section 103AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted upland cotton acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of upland cotton shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 upland cotton permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted upland cotton acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such protion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))".

RICE ACREAGE DIVERSION

Sec. 5. Effective only for the 1987 crop of rice, section 101AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1441-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted rice acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of rice shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 rice permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted rice acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))".

On page 4, line 12, strike out "4" and insert in lieu thereof "6".

On page 5, line 4, strike out "5" and insert in lieu thereof "7".

The PRESIDING OFFICER. Without objection, the amendment (No. 157) is agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, the technical amendment proposed by Senator Helms was also incorporated in these amendments.

Mr. President, I yield back to the distinguished Senator from Minnesota. I thank him for his courtesy in yielding the floor.

The PRESIDING OFFICER. The Senator from Vermont has technical changes.

Mr. LEAHY. Yes, we have now. I want to make sure we considered both the amendment en bloc. Am I correct in understanding that?

The PRESIDING OFFICER. That is correct. The Senator's understanding is correct.

Mr. LEAHY. That takes care of my technical amendments.

AMENDMENT NO. 158

(Purpose: To ensure equitable treatment of cotton producers suffering losses due to drought, excessive heat, floods, hail, or excessive moisture in 1986)

Mr. BOREN. Mr. President, on behalf of myself, Senator Bentsen, and Senator Nickles, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. BENTSEN, and Mr. NICKLES, proposes an amendment numbered 158.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

UPLAND COTTON DISASTER PAYMENTS

SEC. 6. Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by—

(1) adding at the end of paragraph (a)(5)(A)(ii) a new sentence as follows: "To ensure equitable treatment of all producers suffering losses, the county committee established under Section 8(b) of the Soil Conservation and Domestic Allotment Act, in accordance with regulations established by the Secretary, shall make adjustments in the actual production on the farm of the 1986 upland cotton crop to reflect any reduction in the quality of such crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.";

(2) adding at the end of paragraph (d)(2), as amended by Section 5 of this Act, a new sentence as follows: "Applications for payments with respect to the 1986 crop of upland cotton for which the actual production on a farm is to be adjusted by the Secretary under paragraph (a)(5)(A)(ii) must be filed on or before May 31, 1987."; and

(3) adding at the end of subsection (e), as amended by Section 5 of this Act, the following: "(5) With respect to adjustments made to reflect any reduction in the quality of the 1986 upland cotton crop under subsection (a)—

"(A) Payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act; and

"(B) the total amount of payments made to all producers may not exceed $30,000,000.".

Mr. BOREN. Mr. President, I have sent this amendment to the desk on behalf of myself, Senator BENTSEN, and Senator NICKLES.

This amendment will ensure that equitable treatment be given to cotton producers suffering losses due to drought, excessive heat, floods, hail, or excessive moisture in 1986.

The continuing resolution adopted last year, Public Law 99-591, provided for disaster assistance to producers of the 1986 cotton crop. However, the disaster assistance, under current law provides payments only on the basis of an actual reduction in yields. This works well for virtually every program crop, but does not work for cotton. When cotton receives an excessive amount of moisture during the period immediately preceding harvest, the quality of the crop is substantially reduced; however, the yield may remain the same.

In essence, this provides an authorization for assistance with a $30 million cap, the maximum that could be provided, for those farmers who suffered principally in the States of Oklahoma and Texas from the floods of this past year. They have suffered a great reduction in the quality of the cotton and, therefore, they have suffered a great financial loss. They cannot sell their cotton at the same price because the grade and quality of the cotton has been so much reduced by the floods.

Mr. President, I think they are entitled to our consideration. They are entitled to the same kind of treatment that has been given to those in other nonprogram crops where quality is so much affected by flooding and by excessive moisture.

As I said just a minute ago, in the usual case it is the amount of production that is cut back. But in the case of cotton, very often the yield will be the same but the quality of the product is so reduced that it works a terrible hardship on the cotton producers.

A cotton producer whose normal yield is 300 pounds per acre might harvest 300 pounds but due to excessive moisture, his cotton might only be worth 10 cents per pound compared to the normal 39 or 40 cents per pound market price. The farmer's gross income would be reduced from $120 per acre to $30 per acre based on the reduction in the quality of the cotton. If the farmer's yield had been reduced by the same percentage that the quality of his cotton had been reduced, he would have suffered the same amount of financial loss but would have been eligible for disaster assistance.

Mr. President, I have received a letter from the Southwest Oklahoma Women for Agriculture outlining the difficulties of the present disaster program. I ask unanimous consent that the text of the letter be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOREN. The irony of the present situation is that the Department of Agriculture, by regulation, took care of quality reductions for nonprogram crops. For nonprogram crops, the regulations issued December 24, 1986, required that each county committee take into consideration the quality of nonprogram crops. If the Department had taken the same initiative with respect to cotton, we would not need to address this issue today.

Mr. President, this amendment will essentially give cotton producers the same treatment that nonprogram crop producers have already received. The amendment merely requires the county committees to make adjustments in the actual production of cotton to reflect reductions in quality of such crop caused by drought, excessive heat, floods, hail, or excessive moisture. In addition, the amendment gives producers of cotton whose crop suffered reductions in quality until May 31, 1987, to file their applications for disaster assistance.

Payments under this amendment would be made to producers only to the extent that advance appropriations provide for. In other words, producers will not receive any payments until Congress has enacted an appropriation for the program. Finally, this amendment caps all payments under this program, even with an advance appropriation, at $30 million.

Mr. President, this amendment is consistent with the intent of the disaster assistance legislation enacted last year. In that sense, this amendment is technical in nature. I urge my colleagues to support this amendment.

Mr. President, I have been discussing this matter and I appreciate very, very much the patience, understanding, and interest in this matter of the distinguished chairman, the Senator from Vermont, and also the distinguished ranking member, the Senator from Indiana. It is my understanding that in an attempt to reach an understanding of this matter, the Senator from Indiana might be willing to offer an amendment to my proposal reducing the amount of the cap so that we might be able to go ahead and enact a reasonable amount of help for these farmers who have been so severely impacted.

EXHIBIT 1

FREDERICK, OK,
March 26, 1987.

Hon. DAVID BOREN,
Capitol One, Washington, DC.

DEAR SIR: We deeply appreciate and want to thank you again for the help and consideration you are giving the farmers. We strongly feel by helping the farmers it is really helping the whole United States.

You received a mailagram updating the cotton disaster Oklahoma is having. To date approximately 10,000 bales are still not classified with rains continuing, thus causing the grades of our cotton to go down even more. We have gathered some statistics showing the problem the farmer is facing. This is based on our county average of 350 lbs. per acre.

Cost of preparing the ground, weed control, fertilizer, seed, cultivating, chopping, insecticides, harvesting, ginning and land cost per acre: $144.00/per acre.

Using a base price of 55.25¢ per lb. for a 500 lb. bale, (which is the price of the government loan for 1986 and also the below grade cotton cannot be put in the loan): 276.00/per bale.

When there is a market for below grade cotton the average received is only 28¢ per lb. or per bale: 140.00/per bale.

The difference between what we should be receiving and the price we are receiving per bale is: 136.00/per bale (loss).

This shows that this will put the Family Farms in more trouble than before. For Oklahoma alone we will lose over $27,000,000.00.

We strongly urge and appreciate your support to expand this disaster program to help these Family Farmers survive.

Respectfully submitted,
TERRY WYATT, *Vice President, Southwest Oklahoma Women for Agriculture.*

AMENDMENT NO. 159 TO AMENDMENT NO. 158

(Purpose: To ensure equitable treatment of cotton producers suffering losses due to drought, excessive heat, floods, hail, or excessive moisture in 1986)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 159 to amendment numbered 158.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"UPLAND COTTON DISASTER PAYMENTS

"SEC. 6. Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by—

"(1) adding at the end of paragraph (a)(5)(A)(ii) a new sentence as follows: 'To ensure equitable treatment of all producers suffering losses, the county committee established under Section 8(b) of the Soil Conservation and Domestic Allotment Act, in accordance with regulations established by the Secretary, shall make adjustments in the actual production on the farm of the 1986 upland cotton crop to reflect any reduction in the quality of such crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.';

"(2) adding at the end of paragraph (d)(2), as amended by Section 5 of this Act, a new subparagraph (D) as follows: '(D) Applications for payments with respect to the 1986 crop of upland cotton for which the actual production on a farm is to be adjusted by the Secretary under paragraph (a)(5)(A)(ii) must be filed on or before May 31, 1987.'; and

"(3) adding at the end of subsection (e), as amended by Section 5 of this Act, the following:

"(5) With respect to adjustments made to reflect any reduction in the quality of the 1986 upland cotton crop under subsection (a)—

"(A) Payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act; and

"(B) the total amount of payments made to all producers may not exceed $15,000,000."

Mr. LUGAR. Mr. President, as the distinguished Senator from Oklahoma described the situation, there are cotton producers who have suffered quality losses. The purpose of my amendment, as the Senator suggested, would be to establish a lower cap, thus cutting the potential exposure in terms of the expense of this amendment.

The cap that I have proposed in my amendment is $15 million in lieu of $30 million that was incorporated in the Boren amendment.

Our best estimates are that there may be $27 to $35 million of estimated quality losses in cotton in Oklahoma and Texas. In fairness to the distinguished Senator from Oklahoma, his cap of $30 million might have not fully compensated all the producers but would have made a pretty fair attempt at doing that.

This Senator has had some problems in terms of the amount of money involved. Mindful of the fact that we are in an authorizing procedure and that the money would have to be appropriated at a later point, $30 million is still a substantial sum of money in a bill which started as one that qualified disaster-stricken producers to take part in the $400 million disaster assistance program originally authorized last fall.

Early today, it was suggested that the bill might lift the $400 million cap to as high as $535 million. The $30 million on top of that would be a good bit more.

The cap that I have suggested I think accomplishes two things: First of all, the exposure of the Federal Government is diminished; and, second, there is not a policy problem created in which we are setting a precedent in which cotton producers would be insulated from quality risks.

This is a debatable item, Mr. President. The distinguished Senator from Oklahoma and others may have felt this was not a policy dilemma. But it is one that I believe is rendered moot by lowering the CPA because it is clear that quality losses cannot be reimbursed in full if projected losses are of the magnitude we have seen estimated and the cap is $15 million.

So I ask for support of this amendment. I recognize that the distinguished Senator from Oklahoma would have preferred to have made whole the producers that he sees in jeopardy, obviating, I suppose, the concern over quality risk. But I believe that my amendment offers a better compromise for this bill.

Mr. BOREN. Mr. President, I thank my colleague from Indiana for his explanation and again for his consideration. I understand his concerns. I know also the burden of responsibility that he bears along with the distinguished chairman of the committee to hold this particular piece of legislation within bounds in terms of budgetary exposure. This Senator is certainly sympathetic to the problems that we all have in trying to struggle to keep the budget within bounds.

I certainly approve of the fact that both the ranking member and the chairman are making their best efforts to keep the costs of this piece of legislation, indeed, the costs of the entire farm program and other programs that come before us, within the bounds of the budget.

I, of course, would have preferred the $30 million figure in my original proposal, but I think in terms of working out a fair and acceptable compromise which meets the philosophical objections that have been raised by the Senator from Indiana, this is a fair compromise. It will be a very significant help to farmers from my State and from neighboring States who have been suffering from a tremendous loss.

In that spirit, I am willing to accept this amendment and express my appreciation again to the Senator from Indiana and to the Senator from Vermont, the distinguished chairman, for their efforts to reach this agreement.

Mr. LUGAR. I thank the Senator.

Mr. LEAHY. Mr. President, I commend the Senator from Oklahoma for the work that he has been doing today—all days I might say but especially today—in trying to work out this compromise. I commend the Senator from Indiana for his cooperation. As both the Senator from Indiana and I stated at the outset this morning, we have some very, very serious concerns about costs; that we are not going to allow the bill to get out of control. I think the Senator from Oklahoma has identified a very serious problem and he has worked within those fiscal constraints, has walked a tightrope in doing it but with his usual expertise and ability to forge a workable compromise. I certainly support his proposal and have no objection to it. I find it perfectly acceptable. I see no need for a rollcall vote on this proposal.

The PRESIDING OFFICER. Is there further debate on the amendment to the amendment? If not, the question is on agreeing to the second-degree amendment.

The amendment (No. 159) was agreed to.

Mr. LEAHY. I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 158) as amended, was agreed to.

Mr. BOREN. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Again, Mr. President, I thank my colleagues for their cooperation. It will be of real benefit to those farmers who have been severely impacted. This will indeed be good news to them.

Mr. LEAHY. Mr. President, I know that we intend to start tomorrow with the amendment of the Senator from Minnesota [Mr. Boschwitz]. We have also handled the technical amendments earlier. I know of no Senator prepared to bring forth an amendment this evening. If anybody wants to dash to the doors in the next minute or so, I am here, eager to entertain any suggestions, but I suspect there are no other Senators with amendments tonight.

I would note we will have the amendment of the Senator from Minnesota either voted up or voted down tomorrow. I wish all Senators to be on notice that as soon as we run out of amendments, as soon as there is no amendment pending, I hope we will be able to go to third reading.

Mr. BOREN. Mr. President, I rise in support of Senate passage of H.R. 1157, the Farm Disaster Act of 1987. This legislation will ensure that the intent of Congress in adopting disaster assistance legislation last year is carried out.

As my colleagues will remember, last fall we enacted legislation designed to provide disaster payments to agricultural producers whose crops were affected by drought, floods, excessive moisture, and other natural disasters during 1986. At that time, it was the intention of the principal sponsor of that legislation to include disaster payments for wheat producers who were prevented from planting their crop due to excessive moisture.

However, the enacted language precludes winter wheat producers from eligibility due to the phrase "1986 crops of wheat, feed grains, upland cotton, and rice." The 1986 crop of wheat was the crop harvested prior to the flooding in the fall of last year. winter wheat producers plant the 1987 wheat crop in the fall of 1986. As a result of the excessive moisture and flooding which occurred in the fall of 1986, many winter wheat producers were prevented from planting the 1987 crop. Consequently, even though it was everyone's intention to cover all crops affected by drought and excessive moisture in 1986, the language does not provide payments to producers of the 1987 wheat crop. The exclusion of winter wheat producers was a technical error and should be corrected.

H.R. 1157 will correct this problem by establishing a temporary 0/92 program whereby winter wheat producers who diverted all of their wheat acreage could receive 92 percent of their deficiency payments. In this way, producers who were prevented from planting the 1987 winter wheat crop due to flooding would receive 92 percent of their deficiency payments.

Mr. President, the Senate saw the necessity of providing some assistance to winter wheat producers by passing in January of this year, S. 341, the Agricultural Emergency Assistance Act of 1987. S. 341 would have made winter wheat producers eligible for disaster assistance payments. Regretfully, we were unable to gain enactment of S. 341 prior to January 30 and the funds provided for the disaster program have now been expended. H.R. 1157 will accomplish the same goals of S. 341 by enabling Winter Wheat producers to participate in the so-called 0/92 program.

The floods that occurred last fall in my home State of Oklahoma have been devastating. In one county, alone, farmers could lose nearly $3 million due to the flooding. During a 1-week period, Oklahoma was hit with a series of heavy thunderstorms that produced a total of 10 to 23 inches of rainfall across a large area of the State. According to the Oklahoma State conservationist, some fields were damaged so badly that they may never be planted again.

The problem is highlighted by a couple of newspaper articles that have appeared in the past month. I ask unanimous consent that an article from the Tulsa World and one from the New York Times be printed in the Record.

Mr. President, it is imperative that we take action now to provide assistance to these farmers. I urge my colleagues to support passage of this legislation.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Tulsa World, Mar. 23, 1987]

Kingfisher County Farmers Could Lose Nearly $3 Million Because of Flooding

Hennessey (AP)—About 40,000 acres of Kingfisher County cropland, most of which has been underwater since last fall's record floods, will be left unplanted, according to local farmers and local officials.

The result could be an estimated loss in revenues this year of almost $3 million to affected farmers.

Next year, local farming experts say, about 25 percent of that total, or 10,000 acres, still will remain unfit to produce a crop. And, they said, unplanted acreage will increase with each significant rainfall which drains into the area this spring—the state's rainy season.

Many farmers said it would take as long as five years to get their fields, whose rich topsoil has been replaced by sand and silt, back in shape.

More then 70 Kingfisher County farmers and ranchers from the hardest hit area of this central Oklahoma county, the northern third of the county which encompasses from Denver north to the county line, met Friday to discuss with their state legislators the continuing and still-to-come destruction caused by high water.

Making matters worse, they said, is the fact that because the water is rising after rivers and creeks receded in mid-October, the county and possibly many farmers face being declared ineligible to receive federal disaster payments.

Little immediate help seems available from state or federal agencies but the group agreed to work on seeking emergency aid for the county and farmers.

A 14-inch snowfall in February and an unusual rainy winter already have caused the area's water table to rise since heavy rains swamped the area last fall, making it impossible for water left standing from last October's floods to drain, farmers said. Instead, the flooded areas are spreading.

[From the New York Times, Apr. 7, 1987]

Rains Put Wheat Farmers in a Bind

(By William Robbins)

Hennessey, Okla., April 1—Heavy rains since last fall have left fields submerged or waterlogged in parts of Oklahoma, Kansas and Missouri, threatening the economic fortunes of thousands of farmers.

For many farmers the flooding ruined much of the winter wheat crop, which is sown in the fall for spring harvest, and it prevented many others from planting the crop. And the farmers fear the wet conditions may prevent them from planting other crops this summer.

"This is more like a land of lakes than farm country," Rodney Wanger, a local executive of the Federal Agricultural Stabilization and Conservation Service, remarked the other day, summing up the effect on farmers as "devastating."

The farmers say they are waiting to see whether the United States Senate passes a bill, already approved by the House, to provide relief.

Here in northern Kingfisher County, about 40,000 acres is still submerged under ponds left by floods that struck last October, and much of the remaining land is too waterlogged to support planting or harvesting machinery. Parts of neighboring Logan, Noble and Kay Counties are similarly affected.

FRACTION OF CROP PLANTED

Almost as severely affected are sections of southeastern and east-central Kansas, while a broad swath of Missouri from the southwestern to the northeastern sections has been so water-soaked that only a small fraction of the normal wheat acreage has been planted.

Missouri's wheat crop will cover about 900,00 acres, as against an average of about 2.5 million acres over the last five years. Plantings in Kansas and Oklahoma have been cut by about 7 percent.

The weather and resulting planting problems are one small part of the reason this year's national wheat crop will be sharply reduced, experts say. Across the country, according to a recent Agriculture Department report, wheat plantings will total 64.8 million acres, down 10 percent from last year. The main factor is that farmers have decided to plant less wheat so they can benefit from Federal programs designed to reduce surpluses.

But the overall reduction is not enough, the experts say, to reduce surpluses and lift depressed prices. As a result, they say, farmers in the waterlogged sections of the three states face the worst possible situation: skimpy harvests at best and low prices.

The resulting stress on farmers can be seen in the faces of Pat Cline and Vermon Breckenridge, who can look out over broad stretches of water where rich stands of wheat ought to be rippling in the breeze.

Mr. Cline looked up with a grim smile as a windmill spun busily overhead, futilely pumping to supply a submerged watering tank. "I haven't been able to get to that corral since last October," he said. "And I don't know when I'll be able to use it for cattle again."

Mr. Breckenridge said: "I'm real concerned. I've got debts like everybody else, and I can't pay them if I can't raise a crop."

The farmers here remember only too well when the troubles started. The rains came on Sept. 29 and continued intermittently through October. They were deluged with 20 inches that month.

"And every time it started to look like it was going to get better, here would come some more rain," Mr. Breckenridge said.

TRACTORS SINK IN THE MUD

When the rains started, he had already spent more than $40,000 to plant about 1,200 acres of winter wheat for the spring harvest. Now much of that is either under water or covered with silt, and the rest, Mr. Breckenridge estimated, "runs all the way from a stand of nothing to about two-thirds."

As a result of the persistent rains, the water table here has risen to levels just below the surface in many areas, leaving the land so soft that heavy equipment sinks, as three tractors did on a nearby farm. The drivers were trying to retrieve a tractor already submerged.

It is too late to replant ruined winter wheat crops, and now the farmers fear they may be prevented this summer from planting crops other than wheat.

Mr. Breckenridge and Mr. Cline are more fortunate than many of their neighbors. They were able to qualify up for a special Government program that will give them subsidies to help make up for part of their crop losses.

Under the regular Federal wheat program, participating farmers, receive subsidies that are expected to amount to about $2 a bushel this year. The total they receive is based on the average yield their land has given them in past years. In this area, that is usually about 35 bushels an acre, so the subsidy would normally amount to about $70 an acre. And, so long as they plant a crop, the farmers will get the subsidy whether or not they suffer crop failures. That subsidy is in addition to another Government benefit, price-support loans, totaling $2.28 a bushel when farmers take advantage of it and pledge their crops as collateral.

The catch is that to get either of those benefits, the farmers must have planted a crop. Many in this area have been unable to do that.

The special program the Hennessey farmers entered is one designed to cut the country's wheat surpluses, which depress prices and are costly for the Government to subsidize. As an inducement, the program provides 92 percent of the farmers' normal subsidies if they agree to plant only half their normal acreages. For most participating farmers in this area, that will amount to about $64 an acre. But they must have been able to plant half their land to get the benefit.

Mr. Breckenridge and Mr. Cline have done so, but many other farmers here have been less fortunate, Mr. Wanger, the Agriculture Department official, noted the other day. Those unable to plant have lost not only their investments in fertilizer and land preparation, normally more than $40 an acre, but also any chance for either crops or subsidies unless the Senate accepts the relief measure the House has passed.

That bill would give farmers who were unable to plant wheat the same 92 percent of normal subsidies that other farmers qualified for by cutting their plantings to 50 percent.

The measure is being delayed in the Senate while members argue over possible amendments.

Meanwhile, said Mr. Wanger, "time is pressing if they are going to get it implemented in time to do anybody any good."

Mr. BURDICK. Mr. President, I ask that a letter to me from the Honorable Robert K. Dawson, Assistant Secretary of the Army for Civil Works, be inserted in the RECORD regarding the Metzenbaum amendment to H.R. 1157, the Farm Disaster Assistance Act of 1987.

The letter follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, April 22, 1987.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for our views on an amendment proposed by Senator METZENBAUM to a bill scheduled for consideration by the Senate today.

We understand that the subject amendment is similar to S. 77, introduced by Senator METZENBAUM and five other Senators on January 6 of this year. That bill addresses economic analysis procedures used by the Army Corps of Engineers in assessing potential emergency activities pursuant to section 5 of Public Law 228, 77th Congress as amended by Public Law 99, 84th Congress (commonly referred to as "PL 99"), dealing with emergency flood control activities. At your request, we have performed a quick review of the proposed amendment and, based on our understanding of it, believe it would not affect or improve upon our existing procedures. Before explaining my position, let me describe the proposal as we understand it currently exists. As introduced, S. 77 would amend PL 99 by:

(A) Requiring the Corps of Engineers to consider benefits to residential establishments, commercial establishments, and agricultural establishments in preparing a cost and benefit analysis for any "emergency project", and

(B) Requiring the cost component of such an analysis to be computed based solely on expected Federal costs.

Item (B) would clearly be objectionable because it would be inconsistent with our benefit-to-cost analysis guidelines and technically incorrect since it would be a comparison of all National Economic Development (NED) benefits but only a portion of total NED costs. We understand, however, that item (B) is not included in the amendment currently under consideration. Therefore, only item (A) is in question. Item (A), while not necessarily offensive, is unnecessary since benefits to residential, commercial and agricultural establishments are already considered in our analyses. Therefore, I see no advantage in such an amendment.

Furthermore, such an amendment could lead to unfounded expectations regarding potential increased uses of PL 99 authorities. Every proposed activity undertaken pursuant to PL 99 must be subject to the appropriate economic analysis and justification. To do otherwise would jeopardize a consistent, rational approach to justifying Corps of Engineers assistance.

I must emphasize that my comments are based on my understanding of the amendment as it now stands as described by your staff. We are not aware of any proposed report language or other supporting material that could change the amendment or its intent.

In summary, we believe that S. 77, amended as described above, is at best unnecessary and is potentially misleading.

Sincerely,
ROBERT K. DAWSON,
Assistant Secretary of the Army, (Civil Works).

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader if the following measure is cleared on his side of the aisle, Calendar Order No. 87, S. 360, a bill to improve the educational status of native Hawaiians.

Mr. LUGAR. I am pleased to report to the majority leader that that bill is OK to pass on our side.

Mr. BYRD. Mr. President, I thank my friend.

IMPROVING THE EDUCATION STATUS OF NATIVE HAWAIIANS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 87.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 360) to improve the education status of native Hawaiians, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment:

On page 8, strike line 14, through and including line 20 on page 9, and insert the following:

SEC. 6. (a) The Secretary shall establish a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo and shall make grants to, and enter into contracts with, the University of Hawaii at Hilo or the Kamehameha Schools/Bernice Pauahi Bishop Estate for demonstration projects designed to address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students and their families. The grantees shall be authorized to subcontract when appropriate, including with the Children's Television Workshop.

(b) Demonstration projects funded under this section may include—

(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these individuals and their families;

(2) the conduct of educational, psychosocial, and developmental activities which

hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the State of Hawaii and to other Native American peoples, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation, and related activities pertaining to the needs of such children and their families.

(c) The Secretary shall facilitate the establishment of a national network of Native Hawaiian and American Indian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the educational community at large.

(d) In addition to any other amount authorized for projects described in this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Such sums shall remain available until expended.

So as to make the bill read:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds and declares that—

(1) the Federal Government retains the legal responsibility to enforce the administration of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians;

(2) in furtherance of the responsibility for the betterment of the conditions of Native Hawaiians, Congress has the power to specially legislate for the benefit of Native Hawaiians;

(3) the attainment of educational success is critical to the betterment of the conditions of Native Hawaiians;

(4) it is the policy of the Federal Government to encourage the maximum participation of Native Hawaiians in the planning and management of Native Hawaiian Education Programs;

(5) Native Hawaiian students score below national norms on standardized education achievement tests;

(6) both public and private schools show a pattern of low percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

(7) Native Hawaiian students are over-represented among those qualifying for special education programs provided to learning disabled, educable mentally retarded, handicapped, and other such students; and

(8) Native Hawaiians are disproportionately represented in many negative social and physical statistics, indicative of special educational needs—

(A) lower educational attainment among Native Hawaiians has been found to relate to lower socioeconomic outcomes;

(B) Native Hawaiian students are disproportionately under-represented in Institutions of Higher Education;

(C) Native Hawaiians are under-represented in both traditional white collar professions, health care professions, and the newly emerging technology based professions and are over-represented in service occupations;

(D) Native Hawaiians are beset with multiple health problems;

(E) Native Hawaiian children are disproportionately victimized by child abuse and neglect, a signal of family stress; and

(F) there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

(9) Special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required.

PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) authorize and develop supplemental educational programs to benefit Native Hawaiians,

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including those made available by this Act on the problem of Native Hawaiian education, and

(3) supplement and expand existing programs and authorities in the area of education to further the purposes of this Act.

NATIVE HAWAIIAN MODEL CURRICULUM IMPLEMENTATION PROJECT

SEC. 3. (a) In order to implement the Kamehameha Elementary Education Program (KEEP) model curriculum developed by the Kamehameha Elementary Demonstration School in appropriate public schools, the Secretary shall make direct grants to—

(1) the State of Hawaii (University of Hawaii) for comprehensive teacher training;

(2) the State of Hawaii (Department of Education) for educational support services;

(3) the Kamehameha Schools/Bernice Pauahi Bishop Estate for continued research and development; and

(4) the Kamehameha Schools/Bernice Pauahi Bishop Estate and the State of Hawaii for the establishment of long-term followup and assessment activities.

(b) By no later than school year 1992-1993, the Secretary shall assure that the State of Hawaii (Department of Education) has implemented the KEEP model curriculum in a minimum of twenty public schools.

(c) There is authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 per centum may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN FAMILY BASED EDUCATION CENTERS

SEC. 4. (a) The Secretary shall make direct grants to Native Hawaiian Organizations (including Native Hawaiian Educational Organizations) to develop and operate a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands; such centers shall include—

(1) Parent-Infant programs (prenatal through age 3);

(2) Preschool programs for four and five year-olds;

(3) continued research and development; and

(4) a long term followup and assessment program.

(b) In addition to any other amount authorized for such centers, there is authorized to be appropriated $2,400,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 per centum may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN HIGHER EDUCATION DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration program to provide Higher Education fellowship assistance to Native Hawaiian students. The demonstration program under this section may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited two or four year degree granting institution of higher education with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (a)(1) of this section;

(3) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship assistance pursuant to subsection (a)(1) of this section; and

(4) appropriate research and evaluation of the activities authorized by this section.

(b) The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration project of fellowship assistance for Native Hawaiian students in post-bachelor degree programs. Such project may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited post-bachelor degree granting institution of higher education, with priority given to professions in which Native Hawaiians are under-represented and with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (b)(1) of this section; and

(3) appropriate research and evaluation of the activities authorized by this section.

(c) For purposes of subsection (b) fellowship conditions shall be established whereby recipients obtain an enforceable contract obligation to provide their professional services, either during their fellowship or upon completion of post-bachelor degree program, to the Native Hawaiian community within the State of Hawaii.

(d) There is authorized to be appropriated $1,250,000 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project under subsection (a). There is authorized to be appropriated $750,000 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project provided under subsection (b). Of the amounts appropriated no more than 10 per centum of the funds may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN GIFTED AND TALENTED DEMONSTRATION PROGRAM

SEC. 6. (a) The Secretary shall establish a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo and shall make grants to, and enter into contracts with, the University of Hawaii at Hilo or the Kamehameha Schools/Bernice Pauahi Bishop Estate for demonstration projects designed to address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students and their families. The grantees shall be authorized to subcontract when appropriate, including with the Children's Television Workshop.

(b) Demonstration projects funded under this section may include—

(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these individuals and their families;

(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the State of Hawaii and to other Native American peoples, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation, and related activities pertaining to the needs of such children and their families.

(c) The Secretary shall facilitate the establishment of a national network of Native Hawaiian and American Indian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the educational community at large.

(d) In addition to any other amount authorized for projects described in this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Such sums shall remain available until expended.

NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM

SEC. 7. (a) The Secretary shall make grants to and enter into contracts with the State of Hawaii, and/or Native Hawaiian Organizations, to operate projects to address the special education needs of Native Hawaiian students. Such projects may include—

(1) the identification of Native Hawaiian children who are learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services;

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the educational needs of Native Hawaiian children who are identified as being learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services; and

(3) appropriate research, evaluation and related activities pertaining to the needs of such children.

(b) In addition to any other amount authorized for such project, there is authorized to be appropriated $1,500,000 for fiscal year 1988 and for each succeeding fiscal year through 1993. Of the funds appropriated, no more than 10 per centum shall be used for administrative purposes. Such sums shall remain available until expended.

MISCELLANEOUS

SEC. 8. (a) No grant may be made, nor any contract be entered into under this Act, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this Act.

(b) Each application shall be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) the term "Native Hawaiian" means any individual who is—

(A) a citizen of the United States,

(B) a resident of the State of Hawaii, and

(C) a decendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records,

(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification, or

(iii) birth records of the State of Hawaii;

(2) the term "Secretary" means the Secretary of Education;

(3) the term "Native Hawaiian Educational Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians,

(B) has a demonstrated expertise in the education of Native Hawaiian youth, and

(C) has demonstrated expertise in research and program development;

(4) the term "Native Hawaiian Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians, and

(B) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portion of programs) for the benefit of Native Hawaiians;

(5) the term "elementary school" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act;

(6) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act; and

(7) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INOUYE. Mr. President, S. 360, the Native Hawaiian education bill is the culmination of at least 15 years of effort to address the severe educational needs of Native Hawaiians. Over 20 percent of the students in Hawaii's public schools are Native Hawaiians, who constitute the second largest ethnic group. However, even as early as the preschool years, Native Hawaiians are at an educational disadvantage. Over 67 percent of entering kindergarten children score below the norm, compared to the national average of 23 percent. An estimated 37 percent of Native Hawaiian elementary students score in the lowest scoring groups and 12 percent in the highest groups; nationally 23 percent score in each group. In the ninth grade, only one-third of the Native Hawaiian students aspire to the 4-year college education while 50 to 75 percent of their peers have such hopes. Native Hawaiian children make up 35 percent of the students in Hawaii who are identified as having learning disabilities.

Not only in educational achievement, but in other socioeconomic indicators as well, Native Hawaiians continue to rank lower than other ethnic groups in Hawaii. S. 360 attempts to address the educational needs in a comprehensive, logical progression, by providing a range of educational programs, from prenatal counseling through higher education scholarships and fellowships. Also included are programs designed to serve gifted and talented children and children with mental or physical handicaps.

During recent hearings in Hawaii the Hawaiian community together with State government officials, and representatives of the University of Hawaii and the community-at-large voiced united support for this bill.

The programs recommended by this bill are entirely separate from those of American Indians and in no way take away from funds for Indian programs.

I ask your support for this urgently needed and worthy legislation.

Mr. MATSUNAGA. Mr. President, as a cosponsor of S. 360, I join my colleague from Hawaii [Mr. INOUYE] in urging the Senate to pass our bill, which would improve the educational status of Native Hawaiians.

As long ago as 1975, Alu Like, Inc., a private, nonprofit corporation funded by the administration for Native Americans under the Native American Program Act of 1974, undertook a survey of the Native Hawaiian community which revealed that education is high on the list of priorities of Hawaiian parents. In part, this finding probably reflects the relative youth of the Hawaiian population—nearly one-half is under the age of 25. It also reflects a growing awareness of and frustration with an educational system which has largely failed to motivate Hawaiian children, ignored Hawaiian cultural values and history, and has left young Hawaiians unprepared to earn a living wage in a fast changing society.

Since 1975, the Hawaii congressional delegation has tried in a variety of ways to improve the educational status of Native Hawaiians. In 1977, we introduced legislation which would have included Hawaiians in the Indian Education Act. In 1979, we introduced the "Native Hawaiian Education Act," a separate program for Native Hawaiians. Our bill passed the Senate that year, but, in conference with the House, its major provisions were deleted. Conferees approved instead language providing for further study of the educational problems of Native Hawaiians and, in 1981, funds for the study were stricken from the Federal budget by the incoming new administration. Nonetheless, the joint federal-state study was finally conducted with funds provided by the Kamehameha Schools. The resulting report was published almost 4 years ago in 1983.

The pending bill, S. 360, would authorize Federal support to implement the Kamehameha Elementary Education Program [KEEP], a model curriculum for Native Hawaiian children, in selected public schools with high Hawaiian enrollment. The funds would be used for teacher training, educational support services, and continued research, development, and evaluation.

S. 360 would also provide funds for family-based early childhood education programs designed to meet the special needs of Native Hawaiian children, and it provides funds so that children who are learning disabled, mentally retarded, or physically handicapped can be identified and provided with special educational assistance.

Finally, our bill authorizes two important demonstration programs: First, a program to meet the needs of gifted and talented children, and, second, a program which would provide fellowships to Native Hawaiian children who wish to pursue higher education or advanced degrees.

Mr. President, S. 360 would enable the Hawaiian people to help themselves and, in the long run, to become economically self-sufficient. Like other Native Americans, Native Hawaiians have languished for too long at the bottom of all the social indices. Better education is one of their primary needs and it is a need which we can no longer afford to ignore.

I urge the prompt passage of S. 360.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill S. 360 was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together, with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Wilderness Act of 1964 (Public Law 88-577), I herewith transmit the Twenty-second Annual Report on the status of the National Wilderness Preservation System for calendar year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1987.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of the reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 318. An act to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian tribes of Texas, and for other purposes; and

H.R. 799. An act to designate a segment of the Kings River in California as a wild and scenic river, and for other purposes.

The message also announced that pursuant to the provisions of section 1024(a) of title 15, United States Code, the Speaker reappoints Mr. HAWKINS to the Joint Economic Committee, to rank after Mr. HAMILTON.

At 5:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 58. Joint resolution to designate the month of April 1987, as "National Child Abuse Prevention Month"; and

S.J. Res. 89. Joint resolution to authorize and request the President to issue a proclamation designating April 26 through May 2, 1987, as "National Organ and Tissue Donor Awareness Week".

The message also announced that pursuant to the provisions of section 276a-1 of title 22, United States Code, the Speaker designates Mr. SUNIA, as Vice Chairman of the delegation to attend the Conference of the Interparliamentary Union, vice Mr. SCHEUER, excused; and appoints the following additional members to the delegation on the part of the House: Mr. STAGGERS, Mr. BLAZ, and Mr. RHODES.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 318. An act to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 799. An act to designate a segment of the Kings River in California as a wild and scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 192. An original resolution relating to expenditures by the Select Committee on Intelligence; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DANFORTH:

S. 1066. A bill to extend the suspension of duties on certain small toys; to the Committee on Finance.

By Mr. SPECTER:

S. 1067. A bill relating to the testing for, and reduction of, radon in homes; to the Committee on Environment and Public Works.

By Mr. METZENBAUM (for himself and Mr. THURMOND):

S. 1068. A bill to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. NICKLES, Mr. MCCAIN, and Mr. DOMENICI):

S. 1069. A bill to revise and extend the older American Indian grant program under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. DURENBERGER, Mr. BRADLEY, Mr. CHAFEE, and Mr. MOYNIHAN):

S. 1070. A bill to increase the amount of authorization to be allotted under title XX of the Social Security Act; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. BAUCUS):

S. 1071. A bill to provide for expanding private sector initiatives in child care services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. STENNIS and Mr. BRADLEY):

S. 1072. A bill to establish a commission for the amelioration of Parkinsonism; to the Committee on Labor and Human Resources.

By Mr. GORE:

S. 1073. A bill to require that certain recipients for assistance under the Food Stamp Act and part A of title IV of the Social Security Act participate in an adult education literacy training program established under the Adult Education Act; to the Committee on Labor and Human Resources.

By Mr. GORE:

S. 1074. A bill to amend the Communications Act of 1934 to prohibit access charges of the current rate of subscriber line charges; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. GRASSLEY and Mr. CHILES):

S. 1075. A bill to require the processing of applications from Cuban nationals for refugee status and immigrant visas; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. ROCKEFELLER, Mr. HEINZ, Mr. MATSUNAGA, Mr. PRYOR, Mr. MOYNIHAN, Mr. DASCHLE, Mr. DURENBERGER, Mr. BAUCUS, Mr. RIEGLE, Mr. GORE, Mr. ADAMS, Mr. GLENN, and Mr. CHAFEE):

S. 1076. A bill to amend title XVIII of the Social Security Act to improve the availability of home health services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. STAFFORD, Mr. RIEGLE, Mr. SIMON, Mr. KERRY, Mr. WEICKER, and Mr. HARKIN):

S. 1077. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit implementation of the provisions of certain regulations thereunder which discriminate against mentally handicapped individuals and which place a limit on required expenditures to eliminate discrimination against handicapped persons and to provide a private right of action for violations of certain handicapped anti-discrimination regulations and laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself, Mr. CHILES, Mr. HATFIELD, Mr. BOSCHWITZ, Mr. KERRY, Mr. MOYNIHAN, and Mr. SIMON):

S.J. Res. 116. A joint resolution expressing the sense of the Congress that Federal aid for refugee assistance programs should not be reduced, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOREN, from the Select Committee on Intelligence:

S. Res. 192. An original resolution relative to expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH:

S. 1066. A bill to extend the suspension of duties on certain small toys; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN SMALL TOYS

● Mr. DANFORTH. Mr. President, today I am introducing a bill which would extend the suspension of duties on certain small toys, referred to in item 912.20 of the appendix to the Tariff Schedules of the United States.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN SMALL TOYS.

Item 912.20 of the Appendix to the Tariff Schedules of the United States is amended by striking out "12/31/86" and inserting in lieu thereof "12/31/90".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in item 912.20 of the Appendix to the Tariff Schedules of the United States that was made—

(1) after December 31, 1986, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. SPECTER:

S. 1067. A bill relating to the testing for, and reduction of, radon in homes; to the Committee on Environment and Public Works.

RADON PROFICIENCY DEVELOPMENT ACT

Mr. SPECTER. Mr. President, I am today introducing legislation which would substantially reinforce the Environmental Protection Agency's [EPA's] ability to coordinate and lead the national effort to combat radon gas contamination. In the Superfund amendments signed into law last year, the Congress designated EPA as the central player in the battle against radon. It is imperative that this not be only a nominal designation; EPA must be given adequate authority to carry out programs of benefit to other Federal agencies, State and local governments, the private sector, and the general public that are involved in the radon problem.

Accordingly, this bill provides the statutory authority for EPA to continue two programs now administered on a limited basis, and also mandates two new activities. First, EPA would be authorized to conduct training seminars on radon detection, mitigation, design, construction, health effects, and general guidance. The EPA has given such seminars in the past on a limited basis, but the demand far outweighs the capabilities of the Agency to provide them. By formally initiating the program, we can ensure that all who desire the benefit of EPA's technical expertise in radon can obtain it.

The EPA has also met with great success in conducting a Radon Measurement Proficiency Program [RMPP]. Soon after the threat and extent of radon contamination became public, fraudulent operations which claimed expertise in radon detection appeared on the scene. In response to the spread of this fraud, EPA developed a voluntary program whereby private firms could have their proficiency in detecting radon contamination tested.

To date, the response has been overwhelming and very encouraging. Hundreds of companies have now undergone the proficiency tests, and EPA has published a list of the reliable firms. Thus, State and local governments and private citizens can now choose a radon testing firm that has exhibited proficiency in its field. The value of this program is best illustrated in the State of New Jersey, which requires that a testing firm be certified by EPA before it can conduct home radon tests.

Disseminating information and encouraging accurate testing are excellent short-term measures, but in the long term the Congress and EPA must give the highest priority to radon mitigation and reduction. Once a problem is discovered, the rush to find a solution must be met with sensible guidance. It is, therefore, just as important to develop a program for radon reduction proficiency as it is for radon testing proficiency. My legislation authorizes such a program to ensure that homeowners can select reliable, proficient contractors to reduce radon in their homes.

Importantly, after some initial start-up costs, this bill will pay for itself. The private sector should be able to benefit from EPA's expertise and stamp of approval in radon reduction and testing, but it should also be required to pay for these benefits. My legislation would authorize EPA to collect user fees for training seminars, and proficiency testing in radon measurement and reduction. I am informed by EPA that industry is lining up to take information seminars, and more than one firm has offered to pay for them. Because the current state of fiscal austerity in all Federal programs is not likely to subside in the future, these user fees are essential to maintaining the integrity of the programs mandated in this bill.

Mr. President, I am introducing this legislation to complement other efforts underway in the Congress to address the radon problem. Senators MITCHELL and CHAFEE have introduced and held a hearing on bills authorizing a State Grant Program and a survey of contamination in schools. Also, Senator LAUTENBERG and I recently reintroduced legislation which would provide a tax credit for the expenses a homeowner incurs in contracting remedial work.

As I have toured radon contaminated homes in the Reading Prong of Pennsylvania, I have become acutely aware of the urgent need for the expansion of the Federal Radon Program. I am extremely hopeful that this recent legislative activity is an indication that the Congress is moving in this direction.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Radon Proficiency Development Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) radon contamination has become an issue of national importance, affecting significant portions of the country;

(2) radon has been firmly linked with lung cancer, and may be responsible for 20,000 deaths each year;

(3) the Federal radon program should include authority to conduct training seminars and otherwise disseminate information to State and local governments and private firms and individuals on radon contamination; and

(4) it is essential that in encouraging the private sector to increase its role in radon testing and remediation that there be safeguards for citizens to ensure the reliability and proficiency of testing and remediation firms.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "radon" means the radioactive gaseous element, and its short lived decay products produced by the disintegration of the element radium; and

(3) "State" means the 50 States, District of Columbia, Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, American Samoa, and the Trust Territories.

TRAINING, TESTING, AND CONTROL PROFICIENCY

SEC. 4. The Administrator shall—

(1) implement the voluntary Radon Measurement Proficiency (RMP) program to provide to the public information on firms or individuals that can reliably measure radon in homes. The program shall include but is not limited to provisions on—

(A) measuring radon in a consistent fashion;

(B) recording and reporting measurements accurately to homeowners; and

(C) providing measurements consistent with Environmental Protection Agency protocols;

(2) design and implement training seminars for State and local officials and professional and private firms addressing at least radon monitoring, analysis, mitigation, health effects, and public information;

(3) develop a voluntary radon reduction contractor proficiency program to provide the public with information on firms or individuals that can reliably reduce radon levels in homes. A judgment of proficiency in the program should consider, but is not limited to—

(A) the training individuals have received in radon reduction techniques;

(B) knowledge of protocols used to diagnose and reduce radon levels; and

(C) other relevant information to be determined by the Administrator.

FEES AND CHARGES

SEC. 5. The Administrator is authorized to establish and collect fees and charges from private firms and individuals for information and services provided under this Act to cover the costs of carrying out the provisions of this Act. Monies so derived shall be deposited in the Radon Service Fee Account established by section 6 of this Act.

RADON SERVICE FEE ACCOUNT

SEC. 6. (a) All of the fees and charges collected by the Administrator pursuant to section 5 of this Act shall be deposited in a separate account within the Treasury of the United States. Such account shall be known as the "Radon Service Fee Account" (hereinafter referred to as the "Account").

(b) No fees or charges shall be applied to State or local governments pursuant to subsection (a) of this section.

(c) All funds in the account shall only be available to the extent provided in appropriation Acts, for carrying out the provisions of this Act.

(d) The Administrator may prescribe such rules and regulations as may be necessary to carry out the provisions of this section.

AUTHORIZATION

SEC. 7. For fiscal year 1988, there is authorized to be appropriated, but not from the Account, such sum, not to exceed $1,500,000, as may be necessary to initiate the provisions of this Act. Monies appropriated pursuant to this authorization shall remain available until expended.

By Mr. METZENBAUM (for himself and Mr. THURMOND):

S. 1068. A bill to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

INTERLOCKING DIRECTORS.

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to reform and modernize section 8 of the Clayton Act, the bar on the same person serving as a director of competing corporations. I am pleased to be joined in this effort by Senator THURMOND, the ranking minority member of the Judiciary Committee as well as the Antitrust Subcommittee.

Section 8 was enacted in 1914. The principal sections of the act concerning interlocking directors have not been modified since this original enactment. Consequently, it is appropriate that the Congress review the statute and revise it to address current competitive concerns.

The measure I am introducing today addresses three concerns about the current provisions. First, it is appropriate that the threshold jurisdictional requirement regarding the size of corporations covered by the act be updated. Our bill raises the threshold enacted in 1914, $1 million in net worth, to $10 million.

Second, our bill addresses the need for a de minimus exception to the flat bar on a single person serving on the board of competing companies. It is appropriate to prevent the potential sharing of information and other related anticompetitive behavior which may result from the same person serving as a director of competitor corporations. However, corporations covered by the act have raised the legitimate concern that in some cases a qualified director cannot serve on a board even though the competitive overlap with another corporation represents only an insignificant portion of either company's sales. In these cases the statute is not serving any useful purpose in preventing harm to competition, but is only hindering the freedom of qualified individuals to serve as directors.

Our bill addresses this issue by providing for three de minimus categories, or safe harbors. If the competitive overlap does not exceed these safe harbors, the bar on a common director would not apply. The bill provides for a safe harbor if: first, the affected sales constitute less than, first, $1 million for either company; second, 1 percent of either company's sales; or third, of both company's sales.

Finally, our bill addresses the concern that the current ban covers only corporate directors, not senior officers. The current provision is illogical because a common senior officer presents an equal or greater potential for reducing competition.

I appreciate the cooperation of Senator THURMOND who has provided extremely useful and thoughtful suggestions. We have worked to pursue this bill in a spirit of compromise and I hope my colleagues will see fit to support this measure.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Clayton Act is amended to read as follows:

"Sec. 8. (a)(1) No person at the same time shall be a director or officer of any two corporations, each of which has capital, surplus and undivided profits aggregating more than $10,000,000, as adjusted pursuant to this subsection, engaged in whole or in part in commerce, other than banks, banking associations, trust companies, and common carriers subject to subtitle IV of title 49, United States Code, if such corporations are by virtue of their business and location of operation, competitors so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws.

"(2) Notwithstanding the provisions of paragraph (1), simultaneous service as a director or officer of two corporations shall not be prohibited by this section if (A) the aggregate competitive sales of either corporation are less than $1,000,000, as adjusted pursuant to this subsection, (B) the aggregate competitive sales of either corporation are less than 1 percent of that corporation's total sales, or (C) the aggregate competitive sales of each corporation are less than 4 percent of that corporation's total sales. For purposes of this paragraph, 'aggregate competitive sales' means the aggregate gross revenues for all products and services sold by one corporation in competition with the other, determined on the basis of annual average gross revenues for such products and services over the last completed fiscal year. For purposes of this section, 'total sales' means the aggregate gross revenues for all products and services sold by one corporation over the last completed fiscal year.

"(3) The eligibility of a director or officer under the provisions of paragraph (1) shall be determined by the capital, surplus and undivided profits of each corporation at the end of that corporation's last completed fiscal year.

"(4) For purposes of this section, the term 'officer' means an officer elected or chosen by the Board of Directors.

"(5) For each fiscal year commencing after September 30, 1987, the $10,000,000 and $1,000,000 thresholds in this section shall be increased (or decreased) as of October 1 each year by an amount equal to the percentage increase (or decrease) in the Gross National Product, as published by the Department of Commerce or its successor, for the year then ended, over or under the level so established for the year ending September 30, 1986. At the beginning of October of each year, the Federal Trade Commission shall publish the adjusted amounts required by this paragraph.

"(b) When any person elected or chosen as a director or officer of any corporation subject to the provisions of this Act is eligible at the time of his election or selection to act for such corporation in such capacity, his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the capital, surplus and undivided profits, or affairs of such corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date on which an event causing ineligibility occurred, or, if practical, the next regularly scheduled election of directors, whichever occurs first.".●

By Mr. BINGAMAN (for himself, Mr. Nickles, Mr. McCain, and Mr. Domenici):

S. 1069. A bill to revise and extend the older American Indian Grant Program under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICAN INDIAN SERVICES IMPROVEMENT ACT

Mr. BINGAMAN. Mr. President, I am very pleased to introduce this legislation, the Older American Indian Services Improvement Act, which amends the Older Americans Act currently under reauthorization this year. I'm pleased that companion legislation is being introduced in the House by Representatives Biaggi and Bonker. I am joined in the Senate by my colleague, Mr. Nickles, who I commend for his leadership in addressing the adequacy of services for Indian tribes under the Older Americans Act. I also join my colleague from New Mexico, Senator Domenici, and the Senator from Arizona, Senator McCain, as original cosponsors of this legislation.

Mr. President, this legislation does not create a new program. Rather, it strengthens, expands, and clarifies pertinent titles of the Older Americans Act to ensure better access and delivery of services for older American Indians.

The Subcommittee on Aging during the last reauthorization of the Older Americans Act directed in report language that it join with the Special Committee on Aging to hold oversight hearings on title VI, the Indian Grant Program under the Older Americans Act. Through testimony developed at two hearings sponsored by the Special Committee on Aging, one on the health concerns of Indian elderly, and a second, on the delivery of title VI services, a substantial record has been laid to justify this legislation being introduced today. For greater detail I recommend that staff look to these two committee prints.

These two hearings confirm that older American Indians remain among our country's most impoverished citizens. They live at a rate of poverty between 33 percent to as high as 83 percent, varying from reservation to reservation. Inadequate and inaccessible health care, lack of transportation, dilapidated housing, and the rural environment of the majority of older reservation Indians add to an already difficult way of life.

Title VI of the Older Americans Act was added in 1978 as a way of delivering services to the American Indian population, but it did not get underway until 1980. Since that time it has grown from 85 to 124 grantees. What has become increasingly evident is the lack of coordination with other sections of the act, inattention to Indian grantees by the Office of State and Tribal Programs, and ambiguity about tribal eligibility for other titles in the Older Americans Act.

Mr. President, I will briefly describe how my bill amends the Older Americans Act to address some of these issues. When title VI was enacted it did not lay out a statement of purpose nor findings of fact, nor any overall policy statement. These sections have been added to emphasize congressional intent and support.

The major addition to title VI is the creation of an Office of Tribal Programs which will administer and oversee the title VI program. Currently, that program comes under the Office of State and Tribal Programs. This legislation merely separates out an Indian office and designates an Associate Commissioner on Indian Aging—an "Indian desk," if you will. I feel very strongly that unless such an office is established improvements to the title VI program will not take place. I believe we have given the Administration on Aging [AOA] an opportunity to establish this office and to make corrections on their own and it has yet to do so. During the last reauthorization of the Older Americans Act, I agreed to withdraw my "Indian desk" amendment on the assurance by AOA that it would create such a position with advice and support from Indian tribes. Much to my dismay this did not happen as agreed. For this reason, I believe that Congress should designate an office to assure greater accountability from AOA to the Indian grantees.

Title VI is further amended to specify that the Associate Commissioner on Indian Aging also establish an interagency task force on older American Indians and produce a study of the availability and quality of services for older American Indians.

One of the major roadblocks for Indians in gaining access to services under the Older Americans Act is the lack of coordination between title III, State grants, and title VI, Indian grants. With the Indian population fairly evenly divided—52 percent living on the reservation and 48 percent in urban areas—service providers need to know who are eligible. Therefore, this bill deletes the condition that title VI grantees are not to serve persons eligible for title III services. I can understand the original intent of this language—to avoid "double dipping". As was brought out very clearly in a Special Committee on Aging hearing held by Senator Nickles, and echoed at the hearing I chaired on health issues facing older Indians, greater coordination needs to take place between title III and title VI. Therefore, opening up access to title III allows equity for those off the reservation who may be eligible for such services.

To further ensure increased coordination a new section is added to title III to clarify and require improved monitoring of services between these two titles. Additions include specifying that Indian elders will not be denied title III services, and that area agencies on aging with a significant Indian population shall conduct outreach activities to identify older American Indians living within their planning and service area. Further, the newly designated Associate Commissioner on Indian Aging shall have some oversight to recommend to the Commissioner the delivery of services and coordination between title III and title VI.

Because older American Indians suffer from chronic unemployment, this legislation also calls for targeting of employment services to older Indians under title V, Community Service Employment. A recent survey conducted by the National Indian Council on Aging shows that only 1.6 percent of the total positions available by the national contractors and State agencies on aging were filled by older Indians. Older American Indians have the lowest rate among all ethnic groups to access employment services under title V. This bill mandates that at the next available opportunity for national grants or contracts, that older American Indians be emphasized.

This legislation also amends title IV, training and research, to open up grants and contracts to agencies and organizations representing minorities. Adequate inservice training and instruction on the particular needs of older Americans of ethnic backgrounds remains a priority that will hopefully be addressed by a more equitable distribution of title IV funding.

The bill provides for an increase in authorization that will bring the funding back to its 1984 levels. In 1984, 43 new title VI grantees were added to the previous 83 grantees. This accounted for drastic reductions that on average amounted to $20,000 for each previously funded grantee, however, in my State of New Mexico some title VI programs experienced 70 percent reductions and one title VI grantee had to discontinue its program. Because of the inadequate funding levels for title VI, these programs have not been able to provide services commensurate to title III. I am hopeful with this increased authorization that the quality of service will improve and that more older Indians will be served.

Mr. President, with the strong support of its distinguished House sponsors and the support of my colleagues in the Senate, I am hopeful that this legislation will be incorporated into the overall reauthorization bill of the Older Americans Act. I look forward to working with my colleague from Hawaii [Mr. MATSUNAGA] and thank him for holding hearings this Thursday on the problems of older American Indians and other minority groups.

I urge my colleagues to support this bill, in particular those who have large Indian populations in their States. The legislation has the support of the National Indian Council on Aging and the Organization of title VI programs. It has been developed with the backing and assistance of a national coalition of tribal groups.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Older American Indian Services Improvement Act".

OBJECTIVES AND DEFINITIONS

SEC. 2. (a) The matter preceding paragraph (1) of section 101 of the Older Americans Act of 1965 (hereafter in this Act referred to as the "Act") is amended by inserting after "subdivisions" the following: "and of Indian tribes".

FEDERAL COUNCIL ON AGING

SEC. 3. In section 204(a)(1) insert "Indian tribes" after "minorities".

CONTRACTING AUTHORITY

SEC. 4. Section 212 of the Act is amended by inserting after "State agency" a comma and the following: "or in the case of a grantee under title III, subject to the approval of the Associate Commissioner on Indian Aging".

PURPOSE

SEC. 5. Section 301(a) of the Act is amended by inserting after "agencies" a comma and the following: "and with Indian tribes and Indian tribal organizations".

ORGANIZATION

SEC. 6. (a) Section 305(a)(1)(E) of the Act is amended by inserting after "such areas," "the distribution of older American Indians residing in such areas,".

(b) Section 305(d)(2) of the Act is amended by inserting "or geographic" after the words "cultural or social".

(c) Section 306(a)(1) of the Act is amended by inserting "and the number of older American Indians" after the words "with low incomes".

COORDINATION OF SERVICES BETWEEN TITLE III AND TITLE VI

SEC. 7. Title III of the Act is amended by inserting after section 313 the following new section:

"COORDINATION OF SERVICES BETWEEN TITLE III AND VI

"SEC. 314. (a) No older American Indian shall be prohibited from receiving services under this title.

"(b) Each area agency on aging, with a significant Indian population, in order to be approved by the State agency, shall conduct outreach activities to identify older American Indians within their planning and service area, and shall inform such Indian individuals about the availability of such assistance under this Act.

"(c) The Associate Commissioner on Indian Aging shall evaluate the adequacy of outreach services under this title and title VI of this Act for older American Indians and recommend to the Commissioner, necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older American Indians. This evaluation and recommendations will be included in the Commissioner's report on the activities carried out under this Act as defined under section 207(a).".

EDUCATION AND TRAINING

SEC. 8. (a) Section 402 of the Act is amended by adding at the end thereof the following new paragraph:

"(e) In making grants and contracts under this title, the Commissioner shall ensure that they are equitably awarded among agencies, organizations, and institutions representing minorities.

(b) Section 410 of the Act is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(6) establishing and supporting minority centers of gerontology to improve, enhance, and expand minority personnel and training programs.".

(c) Section 411(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) To provide dissemination of information on older American Indians to the public and to provide in-service training opportunities and courses of instruction on aging to Indian tribes through nonprofit Indian aging organizations.".

(d) The first sentence of section 412 of the Act is amended by inserting in the parenthetical thereof after "services" the following: "and minority populations".

(e) Section 423(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) The Commissioner in making grants and contracts under this section shall ensure that they are equitably awarded among agencies, organizations, and institutions representing minorities.".

(f) Section 425(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following new subsection:

"(2) The Commissioner shall carry out directly or through grants or contracts special training programs and technical assistance designed to improve services to older American Indians and minorities.".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER INDIANS

SEC. 9. (a) Section 502(b)(1)(M) is amended to read as follows:

"(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English speaking, and Indian eligible individuals in proportion to their numbers in the State, and with consideration to their rates of poverty and unemployment;".

(b) Section 506(a)(1)(A) of the Act is amended by inserting before the word "preference" the following new sentence: "The Secretary shall next reserve such sums as may be necessary for national grants or contracts with national Indian aging organizations with the ability to provide employment services to older American Indians.".

STATEMENT OF PURPOSE AND FINDINGS FOR TITLE VI PROGRAMS

SEC. 10. Section 601 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE; FINDINGS; AND POLICY

"SEC. 601. (a) It is the purpose of this title to promote the delivery of supportive services, including nutritional services for Indians that are comparable to services provided under title III.

"(b) The Congress finds that the Indian elderly of this country—

"(1) are a rapidly increasing population;

"(2) suffer from high unemployment;

"(3) live in poverty at a rate of 61 percent;

"(4) have a life expectancy between 3 and 4 years less than the general population;

"(5) lack sufficient nursing homes;

"(6) lack sufficient Indian area agencies on aging;

"(7) frequently live in substandard and over-crowded housing;

"(8) receive less than adequate health care;

"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

"(10) are served under title III of this Act at a rate of less than 1 percent of the total participants under that title.

"(c) The United States Government and the Congress have a legal and moral obligation to Indian tribes as established by treaties, statutes, Executive orders, and the Constitution of the United States. The Congress of the United States recognizes Indian and Alaskan Native elderly as a vital resource who are entitled to all benefits and services available; and that such services and benefits shall be provided in a manner that preserves and restores the dignity, self-respect, and cultural identity of older American Indians.".

STRENGTHENED ELIGIBILITY

SEC. 11. Section 602(a) of the Act is amended—

(1) by striking out "60" after "least" and inserting in lieu thereof "50";

(2) by inserting "and" after clause (1);

(3) by striking out "and" and inserting in lieu thereof a period at the end of clause (2); and

(4) by striking out clause (3).

IMPROVED ADMINISTRATION FOR INDIAN PROGRAMS

SEC. 12. Section 605 of the Act is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) There is established in the Administration on Aging an Office for Tribal Programs.

"(2) The Office shall be headed by an Associate Commissioner on Indian Aging.

"(c) The Associate Commissioner on Indian Aging shall—

"(1) serve as the effective and visible advocate in behalf of older American Indians within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older American Indians;

"(2) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

"(3) administer and evaluate the grants provided by this Act for Indian tribes, in particular coordination of title III services, pursuant to section 314;

"(4) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act in relation to older American Indians;

"(5) collect and disseminate information related to problems experienced by older American Indians;

"(6) develop research plans, conduct and arrange for research in the field of Indian aging with a special emphasis on the gathering of statistics on the status of older American Indians;

"(7) develop and provide technical assistance and training programs to grantees under this title; and

"(8) convene an Indian aging conference at regular intervals not to exceed two years and with the purpose of identifying conditions impacting older American Indians and proposing solutions to related problems and for the exchange of information relating to service delivery approaches.

"(d) The Associate Commissioner on Indian Aging shall create and chair an interagency task force on older American Indians and report to the Commissioner and relevant agencies the task force findings and recommendations within six months of enactment of this Act.".

REAUTHORIZATION

SEC. 13. Section 608(a) of the Act is amended to read as follows:

"SEC. 608. (a) There are authorized to be appropriated $12,100,000 for fiscal year 1988, $14,900,000 for fiscal year 1989, $17,700,000 for fiscal year 1990, $20,600,000 for fiscal year 1991, and $23,600,000 for fiscal year 1992, such sums as may be necessary for each of the two succeeding fiscal years, to carry out the provisions of this title other than section 606.".

TASK FORCE; SPECIAL REPORT ON SERVICES FOR OLDER INDIAN INDIVIDUALS

SEC. 14. (a) The Commissioner on Aging shall establish a representative interagency task force representative of departments and agencies of the Government with an interest in older American Indians and their welfare designed to make recommendations with respect to facilitating the coordination of services and the improvement of services to older American Indians.

(b) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization, to conduct a thorough study of the availability and quality of services for older American Indians. The study shall include—

● Mr. DOMENICI. Mr. President, I am honored to be an original sponsor of this important bill, the "Older American Indian Services Improvement Act."

At the time we passed the 1978 amendments to the Older Americans Act, I worked very hard to help create title VI, Grants for Indian Tribes.

Today, we find it necessary to improve title VI, to serve native Americans in a way that we promised nearly a decade ago. In addition, improvements are needed in several other titles of the Older Americans Act, so that those titles will be more responsive to the clear needs of older Indian Americans.

The number of older Americans with an Indian origin has risen sharply in recent years. That is a wonderful fact, signifying better health and better services. But we still have more to do.

We must do all we can through the Older Americans Act to help ease the many difficult problems faced by our older Indian population.

Here are the facts: Older native Americans live in poverty at a rate exceeding 60 percent. They live in substandard housing, which is often isolated. While their health has improved, they continue to have far greater health and nutritional problems than others of their age.

What is more discouraging is that the life expectancy of the Indian population is estimated to be from 3 to 8 years less than that of the general population.

When we created title VI of the Older Americans Act, it was our intent to "promote the delivery of supportive services, including nutritional services, for Indians that are comparable to services provided under title III," the State and community programs on aging.

Unfortunately, the promise of title VI and the reality failed to match. We must strengthen our effort to provide to older Indians the attention they deserve to receive, according to well documented needs.

The basic intent to avoid duplication between title VI and title III has made it difficult for the older Indian population to qualify for services under title III, that portion of the law that would have served older Indians when they lived in major cities, outside the reservations.

Today's legislation removes the legal obstacles to the use of title III services by Indians off the reservation, if they are otherwise eligible. That is an important step forward.

We also establish a coordination mechanism between these two titles to insure maximum benefit to older Indians, without regard to their place of residence.

In order to coordinate title III and title VI, to increase agency advocacy, and to improve services, this bill creates an Office of Tribal Programs. Previous promises to create such an "Indian desk" have not materialized. There have been agreements and concurrence about the necessity for such an office, but there has been no action.

We also improve title IV to target more grants to minority organizations. Community Service Employment for Older Americans, title V, is more effectively targeted to older American Indians. Currently, less than 2 percent of all title V agency employment opportunities have gone to older Indians.

Finally, the authorization levels for title VI are increased in this bill to reverse the trend of declining program size. Higher levels are needed because of the larger number of potential recipients.

Mr. President, I thank Senator BINGAMAN for his fine work in preparing this legislation. I am proud to join him as a sponsor, and I urge early action on this important legislation.●

● Mr. NICKLES. Mr. President, I rise today to join my friend from New Mexico, Mr. BINGAMAN, as a sponsor of the Older American Indian Services Improvement Act.

This legislation was drafted as the result of the concern that Senator BINGAMAN and I have over the quality of services being provided to our native American elderly under title VI of the Older Americans Act.

We have held hearings in Oklahoma and New Mexico on this issue and have found that our Indian elderly citizens needs are not being met by the Administration on Aging through the title VI program. Funding levels have been inappropriate to meet the increasing need that exists. In the bill we have restored the funding to 1984 levels. Coordination of services between title III and title VI have also been inadequate and technical assistance to tribes has been rather limited to help them implement Older Americans Act programs. The legislation helps to eliminate these problems.

This bill also creates a new position within the Administration on Aging that will be titled the Associate Commissioner on Indian Aging. From the hearings it was evident that such a position is necessary to help promote the interests of Indian elderly. It is apparent that AOA is rather insensitive to the Indian population and has reluctantly implemented the title VI program. This legislation helps to reaffirm to the AOA the commitment that Congress has to our Indian elderly and forces them to be more sensitive to their needs. By doing so, Indian elderly will be placed on a level comparable to the rest of the elderly population.

Mr. President, I encourage the Senate to act in a prompt manner on this legislation and ask my colleagues to join Senator BINGAMAN and I in cosponsoring this important legislation.●

By Mr. RIEGLE (for himself, Mr. DURENBERGER, Mr. BRADLEY, Mr. CHAFEE, and Mr. MOYNIHAN):

S. 1070. A bill to increase the amounts authorized to be allotted under title XX of the Social Security Act; to the Committee on Finance.

INCREASING AUTHORIZATION OF TITLE XX SOCIAL SERVICES BLOCK GRANT

● Mr. RIEGLE. Mr. President, today I am introducing a bill, together with the Senators from Minnesota [Mr. DURENBURGER], New Jersey [Mr. BRADLEY], Rhode Island [Mr. CHAFEE] and New York [Mr. MOYNIHAN], that would provide a greatly needed increase in the funding of title XX of the Social Security Act, the Social Services Block Grant. The Title XX Social Services Block Grant is the major Federal source of support for a range of essential social services to children, elderly persons, and disabled individuals. Many of the services funded by title XX are preventative and reduce the need for more costly interventions.

Title XX provides funds for services to elderly persons that help them maintain independence in a home setting. Services to elderly persons include homemaker and chore services, day care, counseling, protective and health services, home delivered meals, and housing improvement. For low-income working families and parents enrolled in training programs leading to self-sufficiency, title XX is the major Federal source of assistance for child care. Without assistance for child care, many of these families would be unable to achieve self-sufficiency through employment.

The Title XX Social Services Block Grant is also a key source of funding for protective services and foster care for children who have suffered abuse or neglect. Other vital social services funded by title XX are noninstitutional community-based services for disabled persons, adult day services for severely handicapped individuals, and infant stimulation programs to help promote improved development of handicapped children.

Mr. President, in 1981 funds for title XX were cut 20 percent. Subsequent small increases in the title XX appropriation have failed to restore the lost funds. Title XX is now funded at $2.7 billion. This amount is $600 million less than if it had not been cut in 1981. With inflation factored in, funding for title XX services is only 52 percent of what it was a decade ago.

The impact of this loss of title XX funds on vulnerable children, families, and elderly persons has been severe. Since, 1981, States' title XX expenditures for child care have decreased by 12 percent while there has been an increase in the number of low-income families needing child care services. In my State of Michigan, there has been an 87 percent decrease in the number of child care slots funded by title XX as funds have been spread out to support other priority services.

Increases in reports of child abuse and neglect, along with shrinking resources in protective services personnel, have resulted in seriously inadequate services to children. Some States have eliminated programs that help reunify abused or neglected children with their families. There has been a general shift away from prevention and treatment services as States attempt to meet the increased demand for investigations. A survey by the Child Welfare League of America revealed instances of Social Service Departments facing such severe staff shortages that a choice was made to investigate reports of abuse only in cases involving younger children: older children of 10 or 11 years old were judged to be old enough to run away from the abusive parent.

Services for elderly persons have also been adversely affected by shrinking title XX funds. Many States have reduced or eliminated services that help elderly persons continue to live at home, or have begun to charge fees for services, limiting accessibility for low-income persons.

Mr. President, the bill we are introducing, S. 1070, would increase the Title XX Social Services Block Grant by $200 million in fiscal year 1988, $300 million in fiscal year 1989, and $400 million in fiscal year 1990. This increase will help States begin to provide an adequate level of services for the most vulnerable individuals in our society. Our failure to provide these services has a high human and financial cost. The problems of the children, elderly persons, and disabled individuals only worsen if left untreated. Parents who do not have access to affordable child care cannot work. For these reasons, I urge my colleagues to support this legislation.●

● Mr. BRADLEY. Mr. President, I rise today with my colleagues from both sides of the aisle to introduce legislation which will increase the authorization of the Social Services Block Grant [title XX] by $200 million in the coming year, $300 million in fiscal year 1989, and $400 million in fiscal year 1990.

Mr. President, title XX provides the opportunity for millions of young people to be well cared for while their parents work; it provides the only opportunity millions of elderly and disabled have for an independent life.

Title XX is the primary source of funding for child care services to low-income working families and parents enrolled in training programs seeking to be self-sufficient. For these families, child care is the key to achieving and maintaining self-sufficiency. It allows single parents to work, participate in training programs, or attend school. It allows two-parent families to generate enough income to meet basic expenses by freeing up both parents to work. One-fourth of working women have husbands earning less than $10,000. For these families, the woman's wages are necessary to lift the family out of poverty.

Particularly in these families, child care services are cost-effective. The Colorado Department of Social Services has estimated that providing working poor families with child care assistance costs only 38 percent of what it would cost to provide these same families with AFDC and Medicaid benefits if they were unemployed due to lack of child care.

Mr. President, the number of children with mothers employed in the labor force has grown significantly in recent years. Presently, there are about 9 million children under the age of 6 whose mothers are in the labor force, almost double what it was in 1970. For children ages 6 to 17, this number is currently 22.3 million, up from 20 million in 1970. In 1986, 57.5 percent of children under age 18 had mothers in the labor force, versus 39 percent in 1970. By 1995, two-thirds of all preschool-age children and three-fourths of all school age children will have mothers in the labor force. It makes no sense—in the face of such increased demand for services—that the money we are providing for child care services is decreasing.

Mr. President, title XX is also the key source of funds for protective services and foster care for children who have been the victims of abuse and neglect. By conservative estimates, reports of child deaths from abuse or neglect increased 29-percent nationwide between 1985 and 1986. The victims are infants and children—many under 1 year in age. States have had to make impossible choices about the allocation of scarce resources among follow-up and treatment of individual cases, services to avert more serious crises, and efforts to reunify children with their families. Once again, we should be increasing funds for these services, not decreasing or maintaining these funds.

Title XX is also a primary source of noninstitutional community-based services for the disabled. These services include: sheltered employment, adult day activities for the severely handicapped, community-based residential programs, infant stimulation programs, and case management services.

Finally, Mr. President, between 10 and 20 percent of these funds aid the elderly. Title XX funds are used for: homemaker and chore services, day care, counseling, protective and health services, home-delivered meals, employment, housing improvement, and recreational services. Many States have had to reduce or eliminate the availability of crucial services to the elderly as a result of increasing demand which has not been met by similarly increased funding.

In 1981, title XX was cut by 20 percent. Although my colleagues and I have managed to get small increases in authorizations every year since then, the program is still funded at $600 million less than if it had not been been cut in 1981. When inflation is factored in, this means that funding for its key services is only 52 percent of what it was 10 years ago and 28 percent less than the 1981 level.

I have frequently delivered lunches to homebound elderly New Jerseyans. I know how important these Meals on Wheels are, not only as nutrition, but as contact with another human being. I have also visited many senior lunch programs in churches and senior centers. I know that some programs have had to cut back services in the face of increased demand. This makes no sense.

Mr. President, I am fully aware of the massive budget deficit we are facing, and I feel strongly that we must confront this problem. However, I feel even more strongly that these title XX programs, and the children, working parents, elderly and disabled they serve, must not be made to suffer. This country's humane and caring treatment of those in need has made us the strong and proud Nation we are—we cannot fail our citizens now.●

● Mr. CHAFEE. Mr. President, I am pleased to be an original cosponsor of this measure to increase the authorization for the Title XX Social Services Block Grant. This legislation is needed in order to stop the deterioration of services to those in our society who are least able to help themselves—low elderly, disadvantaged children, and the disabled.

The Social Services Block Grant [SSBG] is the major Federal source of direct support for child care for low-income working families and for parents enrolled in training progams seeking to be self-sufficient. It is also the key source of funds for protective services and foster care for children suffering from abuse and neglect. Between 10 and 20 percent of the funds aid older adults, enabling them to benefit from homemaker and chore services, day care, counseling, protective and health services, home-delivered meals, employment, housing improvement, and recreational services. Finally, SSBG is a primary source of noninstitutional community-based services for the disabled. These services include: Sheltered employment, adult day activities for the severely handicapped, community-based residential programs, infant stimulation programs, and case management services.

In my home State of Rhode Island, SSBG funds are used for a variety of worthy programs: child care, homemaker care for adults, adult day care, emergency shelters, maternity homes like the highly successful Sophia Little Home, transportation for the handicapped, crisis counseling for rape victims, and funding for various social work professionals. In recent years, Rhode Island has expanded and made permanent a pilot low-income child care subsidy program. This program offers low-income parents a subsidy designed to help them attain quality child care.

Rhode Island has also used its SSBG funds to help fund the adolescent pregnancy project—a program that is providing pregnant teenagers with counseling, nutritional classes, parenting workshops, food, housing, education, vocational training, employment information, and adoption information. These types of services are critical in order to reduce the incidence of welfare dependency among young mothers.

Funding for SSBG has been frozen for the past several years at the annual level of $2.7 billion. When previous budget reductions, and factors such as inflation, are taken into account, it is clear that the program is not reaching as many people as it is designed to serve. As a result, many States have reduced or eliminated crucial services to the elderly, such as transportation, housing and legal services, counseling, information and referral.

For children, this deterioration has meant diminished agency response to child abuse and neglect reports, reduced child care availability and lower quality care, and increasing fees for care, jeopardizing access for children of low-income parents.

For mentally retarded and developmentally disabled Americans, the deterioration in SSBG funding has meant reductions or shutdowns of community-based programs, and long delays in the provision of services. The Association for Retarded Citizens has indicated that SSBG is the most important resource for development of noninstitutional programs providing day care for mentally retarded adults, respite care, long-term sheltered work, and infant stimulation programs to develop motor and perceptual skills.

Mr. President, these are times when legislators, academicians, and commentators alike agree that the family in American society needs help. Help is the common term for what social services provide. Families today have been plunged into a transient society—unlike that of our ancestors. Most have both parents working, they have elderly relatives that don't live near enough to provide care—or, alternatively, the families don't live near enough to their elderly relatives to cook for them twice a day. This is the result of industrialization, technological advancement, and progress in its broadest terms. The freedom that it has afforded many has its costs. These costs mean that help must be provided.

This measure that I join with Senator RIEGLE in introducing today would increase the authorization of title XX of the Social Security Act by $200 million in fiscal year 1988, and $300 million in fiscal year 1989. This is an investment of more Federal dollars in programs that invest in people. The extra dollars will help the elderly, the disabled, and the children. Most importantly, it is funding to aid families—families that are coping with a new world, new problems, new challenges. Any increase in SSBG funds will result in increases in child care expenditures. The future of our country is only as bright as the futures of our children. The importance of quality child care is something of which we should all be aware. It is through our children that we can eventually solve the problems of the world, and achieve what we struggle for on a day-to-day basis: peace, fulfillment, meaning. It only makes sense that we ensure they are well cared for, in spite of the obstacles our society may present.

Families are our Nation's strength. It's about time we did more to help keep them strong.●

● Mr. DURENBERGER. Mr. President, I am pleased today to join my colleague from Michigan in sponsoring a bill that would increase the authorization level for the title XX/Social Services Block Grant. This program is the major source of Federal assistance to States for essential social services which include programs for the elderly, disabled, and children.

States and counties have used this money to enable the elderly to remain in their homes, to expand child protective services, to provide day-care for children in low-income families and to design community based services for disabled individuals. Most of these efforts reduce the need for more costly alternatives and facilitate self-sufficiency. For example, in my State, Minnesota, a large portion of the SSBG funds are used to provide job training and rehabilitation to the mentally retarded, reducing the need for costly institutional care.

The bill we are proposing today would increase the current $2.7 billion SSBG authorization by $200 million in fiscal year 1988, $300 million in fiscal year 1989 and $400 million in fiscal year 1990. This bill is hardly a budget buster and only begins to restore the cuts that were made to title XX programs by the Omnibus Budget Reconciliation Act of 1981 and the subsequent cap on the program in fiscal year 1984. In fact, if only inflationary increases had been made between fiscal year 1981 and fiscal year 1988, the block grant would equal $4.1 billion in fiscal year 1988. Our bill will result in a funding level of $2.9 billion in fiscal year 1988 and $3.2 billion and $3.6 in the following 2 years—still below the inflationary adjustment levels. Thus, what we are proposing are modest, but very important increases.

These increases in the program will enable our Nation to better meet the growing need for day care for the children of poor women struggling to achieve economic independence. It will help us to respond to reports of child abuse and neglect which have increased 63 percent since 1981. It will help us counteract the alarming trend of elder abuse. By providing services such as home-delivered meals and chore services, it will permit older Americans to maintain their independence and dignity in their own homes. It will provide counseling and services for families that are being torn apart by alcohol and drug abuse.

Mr. President, States and local governments are working hard to meet the social service needs of their citizens but they cannot do it alone. In 1981, we consolidated many programs into block grants thereby allowing States greater flexibility to meet the needs of their citizens. But this consolidation was a double-edged sword. Along with the flexibility came a reduction in funds for the programs. Since that time, States and local governments have been fighting to maintain adequate service levels in the face of declining resources and growing needs.

The bill we are proposing today will help to ensure that the needs of the poor, abused, elderly and disabled will not go unmet. I urge my colleagues to support the title XX/Social Services Block Grant.●

By Mr. RIEGLE (for himself and Mr. BAUCUS):

S. 1071. A bill to provide for expanding private sector initiatives in child care services, and for other purposes; to the Committee on Labor and Human Resources.

CHILD CARE PUBLIC-PRIVATE PARTNERSHIP ACT

● Mr. RIEGLE. Mr. President, today I am introducing, together with my colleague from Montana [Mr. BAUCUS] legislation that provides a novel and potentially valuable approach to addressing the serious need for quality child care services in our Nation. This initiative, S. 1071, would encourage private, for-profit businesses to join with nonprofit organizations to improve and expand community-based child care services. A similar program is included in a bill, H.R. 1001, that has been introduced by Representative MILLER of California.

Mr. President, in many parts of this country, working parents are facing a severe shortage of quality child care services. For parents, this problem results in worry, missed workdays, and in some cases, the loss of employment opportunities. Employers also lose when parents cannot find child care. Absenteeism and low worker productivity associated with parents' difficulties in finding suitable care for their children are frequently reported problems that have a serious impact on businesses.

Mr. President, this Nation is experiencing a serious shortage in child care due to the vast increase in two working parent households and in single parent households. By 1980, 57 percent of American children under age 18 lived in homes in which all of the available adults were employed. As of 1986, 58 percent of women with children under age 6 who were maintaining a family were in the labor force and 54 percent of those with children under age 3 were in the labor force. It has been estimated that 6 million children under the age 6 need child care, but only about 1 million licensed child care slots exist.

The United States is almost alone among industrialized countries in lacking a comprehensive child care policy. Solutions to our need for increased supply of high quality child care must reflect the varying needs of different families and the shared obligation of the public and private sector to support the American family. One especially promising approach, corporate support of child care services, has become increasingly popular with businesses. About 2,000 corporations underwrite some form of child care assistance. This number has increased threefold in recent years, although it remains a fraction of the 6 million employers in the United States.

Documented benefits of employer assisted child care include lower absenteeism, improved employee morale, and significantly less turnover in jobs. Employer-sponsored child care is also an important means of attracting new employees. A benefit to children is care in a consistent setting. Many parents must patch together different child care arrangements, a practice that can be stressful to both parents and children.

Mr. President, S. 1071 offers a valuable means of enlisting private sector support for child care. This legislation provides grants to nonprofit organizations to create a community child care fund with not less than 50 percent of funds contributed by for-profit private businesses. In the second and third years, the public funds available would be reduced to 40 percent and 20 percent respectively. An advisory board consisting of parents, local child care program staff, business, and other agencies will help determine how the funds will be allocated to improve and expand child care in the community. Funds may be used to help families with limited resources purchase slots in licensed child care settings and to support the startup or renovation of community day care services.

Mr. President, S. 1071 holds the promise of increasing private sector involvement in meeting the needs of working parents. A commitment from the private sector to address the needs of today's families is critical to a long-term solution to the need for high quality child care services in this country.

Mr. President, I ask unanimous consent that a section-by-section analysis as well as the full text of S. 1071 be printed in the Record immediately following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "The Child Care Public-Private Partnership Act".

COMMUNITY CHILD CARE DEMONSTRATION PROGRAM AUTHORIZED

Sec. 2. (a) Establishment.—The Secretary of Health and Human Services shall establish a demonstration program of grants to local private nonprofit organizations to improve and expand child care services in the community by establishing and administering community funds for child care, in partnership with private for-profit businesses.

(b) Use of Funds.—Federal funds awarded to a local private nonprofit organization for a community child care fund shall be used in accordance with this Act—

(1) to provide full and partial child care scholarships on a sliding fee scale for low-income families through certificates or by purchasing slots in child care programs; and

(2) to make loans, and as determined by the Secretary, to make grants to local nonprofit organizations for start-up costs or renovation expenses for community child day care services.

FEDERAL SHARE

Sec. 3. Federal financial assistance to any program under this Act may not exceed 50 percent of expenditures from any community child care fund in the first year of federal assistance, 40 percent of such expenditures in the second year of assistance, and 25 percent in the third and any subsequent year of assistance.

APPLICATIONS

Sec. 4. (a) Application Required.—Any organization which desires to receive a grant from the Secretary under this Act shall submit an application to the Secretary in such form and at such times as the Secretary may require.

(b) Contents.—Such application shall contain assurances that—

(1) the organization or agency will obtain not less than 50 percent of matching contributions for the community child care fund under section 2(b) from for-profit private businesses;

(2) the organization will establish a local advisory board including representatives of business, local child care programs, parents, and appropriate government agencies to advise in the establishment and administration of the community child care fund;

(3) disbursements from the community child care fund will be made only for purposes under this Act;

(4) the community child care fund will be used to provide assistance to and programming at child day care programs that meet applicable State and local licensing requirements; and

(5) provide assurances that the applicant will use Federal funds only to support community child care activities which could not otherwise be furnished without Federal funds.

(c) Approval Criteria.—(1) In considering applications submitted under this section, the Secretary shall ensure an equitable distribution of assistance among States and among urban and rural areas.

(2) The Secretary shall give special consideration to nonprofit organizations serving significant proportions of low-income children located in communities with inadequate supply of licensed child care in the award of loans and grants under paragraph (2) of section 2.

REPORTS AND EVALUATIONS

Sec. 5. (a) Report.—Not more than 60 days after the end of any fiscal year, each organization which received a grant under this Act during such fiscal year shall prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

(1) the number and amounts of scholarship assistance made available by the community child care fund;

(2) the income levels of families provided scholarship assistance;

(3) the number and amounts of loans and grants made to nonprofit child care organizations for startup and renovation costs; and

(4) the extent to which the fund contributed to the improvement and expansion of child day care services in the community.

(b) Evaluation.—The Secretary shall annually evaluate and audit community child care funds assisted under this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 6. There are authorized to be appropriated $10,000,000 in each of the fiscal years 1988, 1989, and 1990 to carry out the purposes of this Act.

The Child Care Public-Private Partnership Act—Section-by-Section Analysis

Section 1. provides for the short title of the bill, which is the "The Child Care Public-Private Partnership Act."

Section 2. mandates that the Secretary of Health and Human Services establish a grant program to improve and expand child care services in the community. Grants awarded to nonprofit organizations would be combined with contributions from for-profit businesses to create community funds for child care. These funds could be used for full or partial scholarships for low income families to buy slots in licensed child care programs and for loans or grants for start-up or renovation of community child care services.

Section 3. mandates that the Federal contribution to the community funds for child care not exceed 50 percent in the first year, 40 percent in the second year, and 25 percent in the third and any subsequent years.

Section 4. outlines requirements of applicants for grants under the program. Organizations must make the assurances that a board including parents and representatives of businesses and child care programs will be established to advise the organization on the use of the community child care fund and that funds will only be used to support licensed child care programs. Organizations must also provide assurances that Federal funds under this program will be used in combination with funds contributed by for-profit businesses that, without Federal assistance, would be unable to support community child care services. This provision is intended to disallow participation in this program by a for-profit business that has the capacity to, or is currently engaged in, independently supporting child care services.

Section 5 outlines report and evaluation requirements. Annual reports by organizations shall include information about scholarship awards, incomes of families receiving scholarship assistance, the use of funds for start-up and rennovation costs, and the contribution of the program to the improvement of child care services in the community.

Section 6. authorizes that $10,000,000 be appropriated in each of the fiscal years 1988, 1989, and 1990 for the purposes of this Act.●

By Mr. COCHRAN (for himself, Mr. Stennis, and Mr. Bradley):

S. 1072. A bill to establish a Commission for the Amelioration of Parkinsonism; to the Committee on Labor and Human Resources.

PARKINSON'S DISEASE AMELIORATION ACT

● Mr. COCHRAN. Mr. President, more than 1.5 million elderly Americans are affected by Parkinson's disease, a neurological disorder which affects the center of the brain controlling movement. Because its symptoms include tremors, rigidity, and acute bent posture, its victims are not able to lead normal and productive lives. There is no known cause, nor has there been any success in finding a cure for this debilitating disease.

During the 99th Congress, I introduced legislation, along with Senator Stennis, to establish a Commission for the Amelioration of Parkinsonism. The nine-member Commission would undertake a number of initiatives to begin to combat this dreadful disease. Its goal would be to conduct a comprehensive study of the medical and social management of Parkinsonism, and seek to develop a national plan for the control of the disease.

This issue continues to be of grave concern to our society, and efforts to find a cure must be made. Therefore, today I am reintroducing legislation to create a Commission for the Amelioration of Parkinsonism. Senator Stennis and Senator Bradley join me in this effort. The bill provides that the Commission members would prepare a report of their findings and submit it to the President and the Congress within 6 months of the Commission's beginning. The cost of the Commission would be minimal, since its members would serve without salary. At the end of its study, the Commission would be abolished.

I believe we must make a national commitment to alleviate the ills associated with Parkinson's disease. The establishment of such a Commission is a positive step in that direction. Mr. President, I urge my colleagues to join me in supporting the passage of this bill, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parkinson's Disease Amelioration Act".

SEC. 2. ESTABLISHMENT.

There is established the Commission for the Amelioration of Parkinsonism Disease (hereafter in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) conduct a comprehensive study of the medical and social management of Parkinsonism in the United States;

(2) determine whether there is an appropriate balance between basic brain research and clinical research on Parkinsonism and other ailments;

(3) investigate and make recommendations concerning the proper roles of Federal, State, and local governments and public and private agencies in the research, prevention, and identification of Parkinson's disease and the treatment and rehabilitation of persons with Parkinson's disease; and

(4) develop a comprehensive national plan for the control of Parkinsonism and its consequences based on the most complete and accurate information available on the disorder.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed by the Secretary of Health and Human Services as follows:

(1) Six shall be professionals with extensive research or clinical experience with Parkinson's disease; and

(2) Three shall be laypersons with a demonstrated interest in or familial involvement with Parkinson's disease. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) PAY.—Members of the Commission shall serve without pay.

(c) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be designated by the Secretary of Health and Human Services.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 5. MAIL; SUPPORT SERVICES.

(a) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(b) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 6. REPORT.

The Commission shall transmit a final report to the President and to each House of the Congress not later than 6 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative, administrative, or other actions as it considers appropriate.

SEC. 7. TERMINATION.

The Commission shall cease to exist 30 days after submitting its final report pursuant to Section 6.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect October 1, 1987.●

By Mr. GORE:

S. 1073. A bill to require that certain recipients for assistance under the Food Stamp Act and part A of title IV of the Social Security Act participate in an adult education literacy training program established under the Adult Education Act; to the Committee on Labor and Human Resources.

READFARE ACT

● Mr. GORE. Mr. President, illiteracy is a grave problem in our Nation. According to Department of Education reports, there are 27 million people who cannot read and write at an elementary school level. In addition to these adults who cannot read and write at all, the Department estimates that there are another 45 million or more who are just marginally competent readers and writers. And, Mr. President, this problem is growing. It is estimated that more than 2 million additional people join the ranks of the functionally illiterate each year.

There are dire consequences to this tragedy of illiteracy, and I want to share some of these consequences with you. They are some examples of the devastation that illiteracy wreaks.

Twenty-two percent of adults cannot write a check that will be honored by their banks or address an envelope well enough to reach its destination.

Sixty percent of prison inmates read at the fourth grade level or below.

Eighty-five percent of the juveniles who appear before the courts are unable to read.

By Department of Labor estimates, 75 percent of the unemployed can be described as functionally illiterate.

As a further indicator of the high price that illiteracy exacts, 33 percent or more of persons receiving welfare are illiterate.

Indeed, illiteracy is costly. It is costly to the individuals who will never reach their potential and whose hopes may never be realized. It is costly to major American businesses, which now spend roughly $2 billion annually teaching basic skills, and which in the future, if current demographic and economic trends continue, will have to hire 1 million new workers a year who cannot read, write, or count and pay to teach them while absorbing the lost productivity while they are learning at an estimated cost of $25 billion a year. It is costly to society as a whole because the price must be borne by the taxpayer in terms of welfare, unemployment, prisons, and remedial training in skills.

I believe it is time for us to elevate the problem of illiteracy to the top of our Nation's list of must-solve problems. It is time for us to make long-term commitments to resolve this national disgrace.

This will not be easy, because there is no simple solution that will result in a fully literate society. However, we must meet the illiteracy problem head-on and commit to solve it one step at a time.

Today, I want to propose a first step in a new battle to eliminate illiteracy. It is a rather simple step, and it is a modest step in budgetary terms. This first step is the Readfare Act. It is a bill I am introducing which will provide literacy training to AFDC and food stamp recipients who are illiterate.

The Readfare Act will establish an Adult Education Literacy Training Program under the Adult Education Act, initially authorized at $50 million annually. Under the Readfare Act, grants will be given to States for the purpose of establishing and carrying out literacy programs for certain illiterate AFDC and food stamp recipients. The act will require that AFDC and food stamp applicants, if determined to be illiterate by adult education specialists, register for placement in a literacy training program—and of course participate—as a condition of eligibility for those programs. Furthermore, it will require that outreach activities be conducted to those already receiving AFDC or food stamp benefits to make them aware of and encourage them to take advantage of the literacy training opportunities available to them. In order to facilitate the participation of individuals in literacy training programs, the act includes provisions to provide for necessary transportation and child care services or to cover the cost of such services.

This legislation is a small step in the effort to wipe out illiteracy, but it is an important one. Without the ability to read and write, illiterate public assistance recipients simply are not going to be able to live and work in this increasingly complex and technological society. By 1990, it is predicted that three out of four new jobs will require some education or technical training after high school. And as the information age unfolds around us, jobs are expected to be restructured at least once every 7 years. An illiterate person will not stand a chance of acquiring and retaining a job that will enable him or her to be self-sufficient and independent. An illiterate individual would thus be destined to become a dependent of society.

The children of illiterate parents also are at grave risk. Studies indicate that parent to child reading is the single most important activity which leads to the ultimate literacy of a child. It has been pointed out time after time that the literacy practices of the home have a profound influence on a child's achievement, and if a child has illiterate parents, illiteracy may be passed from one generation to the next. Studies also have found that programs which are successful in improving the literacy of adults will have payoffs in the achievement of their children as well. This is why it is so very important that we strive for adult literacy today.

Through the Readfare Act, I believe we can target a major segment of the population most likely to be in need of literacy assistance today. We can help them on the road to literacy, job holding capacity, and self-sufficiency. As a byproduct, hopefully we can break the cycle of failure perpetuated by illiteracy and dependency and give the next generation a fighting chance for full and effective participation in society. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Readfare Act".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to enable recipients of AFDC and Food Stamp assistance and their families to secure meaningful employment and attain economic independence by requiring certain illiterate recipients of such assistance to participate in literacy training programs established under the Adult Education Act.

SEC. 3. ESTABLISHMENT OF ADULT EDUCATION LITERACY TRAINING PROGRAM UNDER THE ADULT EDUCATION ACT.

(a) GRANTS TO STATES.—Section 304(a) of the Adult Education Act (hereafter in this section referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary is authorized to make grants to States which have plans approved by the Secretary under section 306 for the purpose of this section, to pay the Federal share of the cost of establishing and carrying out the literacy program for welfare and food stamp recipients described in section 310A. Grants made pursuant to this paragraph may be used for programs to be carried out by local educational agencies and by public and private agencies, organizations, and institutions. The limitations contained in paragraph (1) of this subsection shall not apply to the programs described in this paragraph.".

(b) CONFORMING CHANGES.—

(1) Section 304(b) of the Act is amended by inserting after "subsection (a)" the following: "(other than paragraph (3))".

(2)(A) Section 305(a) of the Act is amended by striking out "section 304(b)" and inserting in lieu thereof "section 304".

(B) Section 310 of the Act is amended by inserting after "section 305" the following: "(attributable to appropriations made under section 314(a)(1).".

(c) STATE PLAN REQUIREMENT.—Section 306(b) of the Act is amended—

(1) by inserting after "allotment" in clause (5) the following: "attributable to appropriations made pursuant to section 314(a)(1)";

(2) by striking out "and" at the end of clause (14);

(3) by redesignating clause (15) as clause (16); and

(4) by adding after clause (14) the following new clause:

"(15) describe the activities to be taken to carry out the provisions of section 310A with respect to the literacy training program for recipients under the State plan approved under part A of title IV of the Social Security Act, and recipients under the Food Stamp Act within the State; and".

(d) ESTABLISHMENT OF PROGRAM.—The Act is amended by adding after section 310 the following new section:

"ADULT EDUCATION LITERACY TRAINING PROGRAM FOR WELFARE RECIPIENTS AND FOOD STAMP RECIPIENTS

"SEC. 310A. (a) From the funds allotted to a State under section 305 for each fiscal year attributable to amounts appropriated pursuant to section 314(a)(2) in such fiscal year, each State shall establish and carry out a literacy training program for—

"(1) recipients receiving benefits under the State plan approved under part A of title IV of the Social Security Act; and

"(2) recipients receiving benefits under the Food Stamp Act,

who require literacy training and are required to receive literacy training under each such Act.

"(b) In carrying out the program authorized by subsection (a) of this section, each State shall—

"(1) carry out a testing program for such recipients by adult education specialists in offices throughout the State at which eligibility for such benefits are established;

"(2) furnish literacy training through agencies, organizations, and institutions described in section 304(a)(3) to such recipients who are in need of literacy training; and

"(3) provide outreach activities and screening procedures to assure that recipients described in subsection (a) who are illiterate receive the literacy training authorized by this section.

"(c) In carrying out the program authorized by this section, the State agency designated under section 306(b)(2) shall consult with the State agency administering the State plan approved under part A of title IV of the Social Security Act and the State agency administering the Food Stamp Act within the State.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 314(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by inserting after "title" the following: "other than section 310A."; and

(3) by adding at the end thereof the following new paragraph:

"(3) For the purpose of carrying out section 310A, there are authorized to be appropriated $50,000,000 for the fiscal year 1988 and for each of the three succeeding fiscal years.".

SEC. 4. REQUIREMENT UNDER FOOD STAMP PROGRAM.

Section 6 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(i)(1) Unless otherwise exempted by paragraph (3), no person shall be eligible to participate in the food stamp program if the person is determined to be illiterate under the program established under section 310A of the Adult Education Act, unless at the time of application that person registers for placement in a literacy training program in accordance with such section.

"(2) A person who meets the requirements of paragraph (1) shall continue to be eligible to participate in the food stamp program only so long as that person—

"(A) continues to attend a literacy training program in accordance with section 310A of such Act; or

"(B) is determined to be literate in accordance with such section.

"(3) Paragraph (1) shall not apply to a person who is—

"(A) a child who is under the age of 16 or attending, full-time, an elementary, secondary, vocational, or technical school;

"(B) a person who is ill, incapacitated, or over the age of 60;

"(C) a person whose presence in a home is required because of illness or incapacity of another member of the household; or

"(D) a person who is working more than 30 hours per week.".

"(4) The State agency shall reimburse an individual attending a literacy training program pursuant to this subsection for such costs of transportation and child care as are reasonably necessary and directly related to participation in such program.".

SEC. 5. STATE PLAN REQUIREMENT UNDER AFDC PROGRAM.

Section 402 of the Social Security Act is amended—

(1) by striking "and" at the end of paragraph (38);

(2) by striking the period at the end of paragraph (39) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(40) provide that—

"(A) notwithstanding paragraph (19), an individual who is determined to be illiterate under the program established under section 310A of the Adult Education Act shall, as a condition of eligibility for aid under this part—

"(i) register for placement in a literacy training program in accordance with such section, and

"(ii) participate in such training program until it is determined in accordance with such section that such individual is literate;

unless the individual is an individual described in clause (i), (ii), (iv), or (vii) of paragraph (19)(A); and

"(B) an individual who is registered under subparagraph (A) shall receive (under the special program administered pursuant to paragraph (19)(G)) such transportation and child care services as are necessary to enable the individual to participate in the literacy training program for which the individual is registered.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1987.●0

By Mr. GORE:

S. 1074. A bill to amend the Communications Act of 1934 to prohibit access charges in excess of the current rate of subscriber line charges; to the Committee on Commerce, Science, and Transportation.

TELEPHONE CONSUMER RATE EQUITY ACT

● Mr. GORE. Mr. President, I want to invite my colleagues to join me as a cosponsor of the "Telephone Consumer Rate Equity Act" which I am introducing today. The purpose of the bill is to reverse the unjustifiable decision last week by the Federal Communications Commission to load a new round of long distance access charges onto all telephone customers, regardless of whether they make long-distance calls or not.

The FCC is about to drive the $2 per month "subscriber line charges," formerly called access charges, for residential telephone customers—to $3.50 over the next 2 years. And no observer of the Commission's past conduct in this area can trust the FCC's assurance that the Federal charges will stop at $3.50.

No single issue more dramatically illustrates the winners and losers in recent telecommunications policy than the Commission's access charge decisions. The FCC theory is that local customers, whether or not they make long distance calls, should pay an increasing share of the cost of providing service access to the competing long distance companies.

The FCC customer charges started in 1984 at $1 per month for residential users, and doubled to $2 per month last June. The original FCC proposal pegged these charges at $4 per month, per line, increasing annually to $7 per month, but legitimate outrage among consumer groups, older citizens, advocates for the poor, small business managers, and many others led the Congress to advance legislation constraining the FCC's scope in this and other technical areas of telephone regulation in the wake of divestiture.

The Commission got the message: The public would not stand for wholly unjustified shifts in telephone costs from large users to small. The final FCC rule closely followed the legislation, and residential and most small business customers were spared the bulk of what amounted to a new subsidy for large business customers.

The FCC promised that no further increases in the Federal access charges would occur until a thorough Commission study was completed and the impact of rate increases assessed. Supporters of these access charges claim that local customers must pay a greater and greater share of providing long distance service in order that the threat of "bypass" can be reduced.

However, there is no evidence that the federally mandated access charges have reduced bypass at all. In fact, large business users will continue to purchase equipment and services to reduce their telecommunications costs. A new round of Federal access charges simply loads more costs onto small businesses and residential customers without diminishing bypass. In other words, the gap between the winners and losers will get wider.

Another justification for forcing local customers to pay these Federal access charges was that their long distance charges would drop dramatically, largely because they would be able to take advantage of competitive long distance services. The problem with that view is that most rural customers do not have direct access to these competitive services. Again, the gap between the winners and losers widens under the new round of Federal access charges.

The Telephone Consumer Rate Equity Act would freeze the current charges. The evidence fails to support any level of access charges for telephone customers who make few if any long distance calls. However, a total rollback of the existing charges may create special problems for telephone companies. Therefore, for the time being, we can at least prevent these new Federal charges from being imposed.

I urge my colleagues to join me in sponsoring this important consumer legislation, and I ask that the text of the bill be printed in its entirety at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 221 of the Communications Act of 1934 (47 U.S.C. 221) is amended by adding at the end thereof the following new subsection:

"(e)(1) Any system of access charges established by the Commission shall not permit the assessment of any such charge in excess of—

"(A) $2 per line per month on (i) the line or lines of any residential subscriber of telephone exchange service, or (ii) the line of any business subscriber of such service that subscribes to only one line; and

"(B) $6 per line per month on the line or lines of any other subscriber of such service.

"(2) As used in this subsection, the term 'access charge' means a specific charge assessed upon any subscriber of telephone exchange service to recover the interstate portion of the costs of facilities and equipment (A) which are provided for the origination and termination of interstate or foreign telecommunications and (B) which do not vary with usage.".

SEC. 2. The amendment made by this Act shall take effect on the date of the enactment of this Act.●

By Mr. LAUTENBERG (for himself, Mr. GRASSLEY, and Mr. CHILES):

S. 1075. A bill to require the processing of applications from Cuban nationals for refugee status and immigrant visas; to the Committee on the Judiciary.

CUBAN IMMIGRATION

● Mr. LAUTENBERG. Mr. President, I rise to introduce a bill along with Senators GRASSLEY and CHILES to ease the entry of Cubans into the United States and to thereby correct an injustice that has been done to victims of Castro's tyranny.

The bill will eliminate barriers to Cuban entry into the United States that have arisen as a result of the breakdown of the Mariel Migration Agreement. It directs the Immigration and Naturalization Service to process current and former Cuban political prisoners as refugees for entry into this country when they have served any amount of time in Castro's jails. Under our current policy, they must serve more than 10 years. It also directs the Immigration and Naturalization Service to restore normal Cuban immigration from Cuba and third countries to the United States, instead of allowing immigration only under certain narrow circumstances.

Some background on the Mariel Migration Agreement is useful for understanding why this bill is necessary. On December 14, 1984, the United States and Cuba signed the Mariel Agreement which attempted to resolve immigration problems between the two countries. In that agreement, Cuba promised to take back 2,746 Cubans who came over from the port of Mariel, Cuba, in 1980 as part of the larger Mariel boatlift, and who were found to be excludable from the United States due to the mental illness or past serious criminal offenses.

The 2,746 were placed in Federal penitentiaries in Atlanta and Florida. Today, INS statistics indicate that about 20 of these original excludables were given humanitarian parole for old age and illness. Approximately 600 have been released into the community since 1985 because they are no longer a threat to the community.

For its part, the United States promised to process up to 3,000 former political prisoners and their families in fiscal year 1985, with the presumption that the program would continue at that level. It also promised to allow for the restoration of normal migration from Cuba to the United States for various preference category immigrant visas up to the limit of 20,000 persons from any independent country.

From December 1984 to May 1985, the United States set up a program for processing these prisoners and got permission from the Cubans to add additional staff at the interests section in Havana to do the work. During the time the agreement was in force, INS sent some officers, processed some people, and brought out 28 or 29 ex-prisoners and their families. On May

20, 1985, Cuba suspended the Mariel Agreement in reaction to our beginning broadcasts over Radio Marti.

Since the breakdown of the agreement, a limited number of former political prisoners and their families have been processed by our immigration officials, and let out of Cuba and come to the United States; 115 prisoners and their families had been processed, and released as of last December, after long delays by INS in processing them for entry; 18 additional former political prisoners and their families were released as of March 25, and entered the United States as refugees; 59 others who have been processed by the INS have been refused exit visas by Castro.

Currently, there are three major groups of Cubans who want to come to the United States. The first group consists of several hundred Plantados. These are extremely long-term—10 years or more—political prisoners who refused to undergo political rehabilitation, and who were never broken by Castro's prisons. If and when Cuba releases these prisoners, INS and the State Department would put them at the head of the list and process them quickly. These people do not face any problems in being processed as refugees. So our bill need not address the entry of these Cubans into the United States.

The second group of Cubans consists of between 10,000 and 30,000 ex-political prisoners and their families who want to come to this country from Cuba. Current policy is to process only those political prisoners—and their families—who are or were in prison for 10 years or more. Those prisoners who suffered in jail for less than 10 years are not eligible for processing. The United States refuses to process them because Castro refuses to fulfill his part of the Mariel Agreement.

Mr. President, this policy makes no sense and ought to be changed. It is unfair and unwarranted to punish Castro's own victims for Castro's behavior toward the United States. It penalizes people who have already suffered at Castro's hands, in his jails, for their opposition to his regime. Why does it punish them? Because they had the misfortune, if one can call it that, only to be jailed for 10 years, not more.

Armando Valladares, the well-known former Cuban political prisoner, poet, and author spent over 22 years in Castro's jails. He testified before the House Foreign Affairs Subcommittee on Human Rights and International Organizations on September 24, 1986. At that time, he said the most important thing this country could do to help Cubans would be to allow the political prisoners to come to the United States.

He said:

> You cannot punish Castro by punishing people who have worked against Castro, but to the contrary . . . this measure has allowed Castro to be even more vengeful against his political prisoners.

He went on—

> . . . the measures that the United States took to not allow former political prisoners into the United States as a punishment to Mr. Castro for the breaking of the emigration agreement actually is no punishment at all against Mr. Castro. Quite the opposite. It has served so that the Cuban authorities tell the political prisoners, "You remain in jail because your allies, your friends in the United States betray you. They have turned their back on you, and they don't want to receive you in their country". I think that this decision is really very unrealistic. We have to do everything possible so that these Cuban political prisoners can come to the United States.

Why does Mr. Valladares feel so strongly that it is wrong to penalize these prisoners for Castro's refusal to follow through on the Mariel Agreement? In part because the conditions in Cuban prisons are among the very worst and most brutal in the entire world. According to Mr. Valladares and the testimony of other former Cuban prisoners, the methods used in Cuban prisons include firing squads, biological experiments, immersion in water till the prisoner is almost drowned, beatings, years of solitary confinement, and other types of torture.

Conditions are extremely difficult even for those political prisoners who have been released from jail. Mr. Valladares testified that there are some 2,000 ex-political prisoners who experience such severe discrimination that it is difficult for them to survive. These former prisoners' ID cards state that they are against the revolution and that they are ex-prisoners. They are discriminated against in every way. They are unable to find work, and many lack even a ration card and basic identification documents. They must live with constant surveillance and social ostracism. Yet despite these conditions, if they were not in prison for more than 10 years, the United States will not process them for entry into our country as refugees.

This policy is unfair. It violates America's proud tradition of providing safe haven for those who are oppressed. But there is an equally compelling argument against it.

It has not worked.

Since its institution for political prisoners in 1985, and for immigrants in 1986, not one Mariel excludable has been sent back to Cuba. The United States and Cuba are not even talking about reinstating the agreement. Meanwhile, Cubans who desperately seek freedom in the United States are denied the right to come here. It's the very least our country can do to help the victims of Castro's repressive system.

The second part of this bill addresses the suspension of normal immigration from Cuba and third countries to the United States as a result of the breakdown of the Mariel Agreement.

Cubans who are not former or current political prisoners can come to this country only if they are granted an immigrant visa. Because of the breakdown of the Mariel Agreement, however, only two classes of Cubans are now being granted visas; First, immediate relatives of American citizens—defined as spouses, parents, or unmarried minors—from Cuba or third countries; 405 such visas were issued in 1986. Second, Cubans who left Cuba before August 22, 1986, and who are in one of the "preference" categories for immigration; 2,065 such visas were issued in 1986. The preference categories are as follows:

Preference 1, sons or daughters of citizens who are over 21.

Preference 2, spouses or children of legal permanent residents.

Preference 3, work category.

Preference 4, a married son or daughter of a U.S. citizen.

Preference 5, a brother or sister of a U.S. citizen.

Cubans in third countries cannot come to the United States if they left Cuba on or after August 22, 1986, and are not immediate relatives of Americans. It is difficult to tell exactly how many immigrants in Cuba would like to come to the United States. But the fact that we promised under the Mariel Agreement to take up to 20,000 a year is some indication. As for immigrants in third countries like Mexico, Venezuela, and Panama, there are no reliable statistics on how many Cubans living outside of Cuba seek to come to the United States.

The practical effect of this policy is to deny thousands of Cubans living in Cuba the right to be reunited with their families in the United States because of actions by Castro over which they have no control. It means that the over age 21 sons or daughters of American citizens, the spouses or children of legal permanent residents, the married sons or daughters, or the brothers and sisters of U.S. citizens, if they live in Cuba, cannot come into the United States until Cuba makes good on its promise to take back the Mariels.

It means that these people, if they live outside of Cuba, cannot immigrate unless they arrived in a third country before August 22, 1986.

My bill would reverse this policy, and reinstitute normal immigration from Cuba and third countries regardless of the disposition of the Mariels now in the United States. For those Cubans now living in Cuba, allowing them to emigrate to the United States is a simple humanitarian gesture mandated by the terrible conditions of

Cuba's totalitarian society. That gesture becomes even more compelling when we realize that these people have family in the United States.

Life in Cuba today is characterized by an aggressive, systematic, and institutionalized denial of human rights in virtually every form. Freedom of expression does not exist. No criticism of the basic policies of the Government, the party, or its leadership is permitted. Telephones are routinely tapped and mail opened. Private expression of differences from Government policies is repressed by an informer network operated by block committees.

Daily life is closely monitored by the committees which exist on virtually every block in Cuban cities and towns. Membership in the committees is mandatory. The ordinary Cuban lives in an environment of repressive fear, subject to constant state surveillance. There are no guarantees for freedom of assembly or association. Nearly all associations are Government controlled. All group meetings are monitored by the committees for the defense of the revolution or state security.

There is no freedom of the press, no artistic or cultural freedom, no religious freedom. The observance or celebration of Christmas is specifically prohibited. Organized labor is controlled by the state and the party, and collective bargaining does not exist. The right to form an independent union is unthinkable. Rationing is widespread. Nearly one quarter of Cuba's 10 million people live in inadequate housing. And the pressure for conformity and submission to the state are extremely high.

Those who choose the slightest form of political resistance usually pay a very high price: arrest, abuse, torture, cruel, and inhuman punishment. The treatment of political offenders is unrelentingly severe—preventive detention, house arrest, forced psychiatric treatment, confinement in forced labor camps, or imprisonment.

Is this the kind of society we would willingly force any Cuban to accept—Cubans whom Castro was willing to let out—Cubans with family in the United States? I think not. Our policy can only discourage the bravery and strength of will required to withstand the psychological and physical assault in the totalitarian system of Cuba. Long-term interests, including the fostering of democracy, are undermined when the impression is given, however erroneous that the United States is willing to abandon freedom-loving people.

We should end this inhumane policy of condemning Cubans who seek freedom in the United States to a life under tyranny.

As for those Cubans who have managed to escape to third countries, there are three compelling reasons to allow them to immigrate to the United States. First, they have family in the United States, and the family reunification argument is as compelling for Cubans in third countries as it is for Cubans in Cuba.

Second, many of these Cubans who escape to third countries are living in a kind of limbo. Many cannot get a job, and must rely for survival on money from their relatives in the United States.

The administration's policy on the issue of Cuban immigration and the processing of Cuban political prisoners is a significant departure from the historical generosity of the United States toward those who have suffered for sharing American ideals. It also violates our tradition of encouraging the reunification of families. I believe it should be changed immediately.

I urge my collegues to act swiftly to this bill, and change our policies on these issues.

Mr. President, I ask unanimous consent that a copy of this bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) on and after the date of enactment of this Act, consular officers of the Department of State employed in the United States interest section in Havana, Cuba, and appropriate officers of the Immigration and Nationalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment.

(b) For purposes of this section—

(1) the term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications; and

(2) the term "refugee" has the same meaning as is given to such term by section 101(a)(42) of the Immigration and Nationality Act.

SEC. 2. On and after the date of enactment of this Act, consular officers of the Department of State, wherever situated, shall issue immigrant visas under section 203(a) or 202(e) of the Immigration and Nationality Act to Cuban nationals—

(1) without regard to section 243(g) of the Immigration and Nationality Act (relating to the refusal to accept the return of nationals);

(2) without regard to the site of application for such visas, whether within or outside Cuba; and

(3) without regard for the date of departure from Cuba of such applicants in the case of applications for such visas outside Cuba.●

By Mr. BRADLEY (for himself, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. HEINZ, Mr. MATSUNAGA, Mr. PRYOR, Mr. MOYNIHAN, Mr. DASCHLE, Mr. DURENBERGER, Mr. BAUCUS, Mr. RIEGLE, Mr. GORE, Mr. ADAMS, Mr. GLENN, and Mr. CHAFEE):

S. 1076. A bill to amend title XVIII of the Social Security Act to improve the availability of home health services under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE HOME HEALTH SERVICES IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to introduce the Medicare Home Health Services Improvement Act of 1987. Joining me in introducing this legislation are Senators MITCHELL, ROCKEFELLER, HEINZ, MATSUNAGA, PRYOR, MOYNIHAN, DASCHLE, DURENBERGER, BAUCUS, RIEGLE, GORE, ADAMS, and GLENN. I am also pleased to announce that Representative WAXMAN, chairman of the Health and Environment Subcommittee, is introducing this bill in the House of Representatives. This bill attempts to ensure that high quality home health service is available to elderly individuals who need it. It does so in two ways. First, the bill prevents the Health Care Financing Administration from arbitrarily restricting home care services financed by Medicare by clarifying and expanding the Medicare home health benefit, and second, the bill promotes the health and safety of those receiving home health services by upgrading home health quality standards and accountability.

Mr. President, the Congress has consistently supported efforts to expand home care services, in part, to meet the needs of the growing number of people who require some level of care following their discharge from the hospital. Last year I held a Senate Aging Committee hearing in New Jersey to find out firsthand from Medicare recipients and health care providers just how well the Medicare home health care programs are working. One message came through loud and clear: There are still large numbers of elderly with serious unmet home care needs.

One basic reason for this coverage gap is that the Medicare home health benefit, as it is currently structured, is simply not designed to meet basic home care needs of the elderly. Beneficiaries whose needs exceed the limits of Medicare coverage must struggle to find other sources of support once their Medicare coverage ends. And when there are no family, friends, and other caregivers to turn to for assistance, the needs of the elderly go unmet. In fact, a recent GAO study reveals that nearly 1.3 million elderly citizens must do without the help they need to get out of bed, to bathe, to prepare meals, and perform other basic daily activities. This is clearly unacceptable.

Another reason for this coverage gap is that HCFA, through a variety of administrative mechanisms, has made it very difficult—and frequently impossible—for elderly patients to get the care they need and are entitled to. I hear story after story from elderly New Jerseyites, many of whom are caring for even older patients, siblings, or spouses, about their frustrations with inconsistent and arbitrary rules about when home care is authorized. Health care providers report the same stories of vastly different decisions from HCFA on basically similar cases.

The ambiguity of home care eligibility criteria is one of the main sources of inconsistency in HCFA's policy for covering home health care. For a beneficiary to be reimbursed under Medicare, he or she must be homebound and in need for skilled nursing care on an intermittent basis. The definition of "intermittent," in particular, has contributed to confusion about coverage. According to HCFA's home health agency manual, Medicare will pay for part-time skilled nursing care 7 days a week for 2 or 3 weeks. This means that most patients who are expected to need daily nursing care for over 3 weeks will not qualify at all for Medicare home health benefits, even if family or friends provide the care that goes beyond what Medicare covers. In other words, if a patient is too ill, he or she cannot get any home health care coverage. That makes no sense.

The definition of "homebound" also causes confusion. In 1981, a GAO report criticized the homebound guideline for being vague and difficult to administer. Six years later, HFCA still has not resolved this problem, according to a GAO followup study released in 1986. This has led to uneven and often unfair determinations of eligibility. It appears that homebound has been interpreted to mean "bedridden" in some cases, which is clearly contrary to the intent of Congress. The legislation I am proposing would clarify these ambiguous standards and prevent arbitrary restrictions of home health benefits when these services are so critically needed.

Unfortunately, HCFA has been all too consistent in its policy of increasing denials for Medicare home health coverage. In fact, in the 3-year period from 1983 to 1986, denials of coverage from home health care went up by 300 percent. Moreover, the current system fails to punish delays on the part of HCFA when decisions on coverage are denied and beneficiaries appeal these decisions. HFCA intermediaries who conduct reconsiderations of denials have little incentive in the current system to render decisions in a timely fashion. While determinations are being made, beneficiaries are often left waiting for months on end for a final decision on whether their home health bills will be reimbursed.

The legislation I am introducing also tries to improve the quality of home care services. Quality assurance has also been an area of great concern to Representative Roybal, chairman of the House Select Committee on Aging. I applaud his efforts to promote stronger quality assurance systems for home care services and anticipate that we will be working together on this important issue.

Patients who receive services in the home are particularly vulnerable to quality problems. And the Federal Government's oversight of home care agencies does little to ensure quality of care. Federal quality assurance mechanisms focus only on the home care agency's capacity to provide care, rather than the quality of services actually provided. And when problems are uncovered, HCFA's only recourse is to take the drastic step of terminating the home health agency's participation in the Medicare Program. No intermediate sanctions are available to HCFA for enforcing quality standards. In fact, since 1981 only 23 home care programs have been terminated from Medicare, despite indications that quality problems are fairly widespread. Another weakness of the Federal quality assurance system is that homemaker-home health aides have no training or proficiency requirements. In fact, these aides, who provide the bulk of day-to-day home care services, rarely have any formal training.

The fact is that quality concerns have taken a back seat to more visible cost concerns. Despite the growing need for home care, Government and consumers simply do not know what level of quality they are getting for their money.

The need for high quality home health services is particularly pressing since the onset of the prospective payment system in 1983. This method for reimbursing hospital costs provides an incentive for hospitals to limit the length of a hospital stay to only that period of time where a patient requires acute care. There is nothing wrong with reducing the length of hospital stay, so long as we increase the availability of intermediate services, like home health care, to fill the gap.

But the hearing that I held in New Jersey last year and other reports from around the country indicate that individuals needing home care are not receiving it.

Mr. President, we are all too aware that the present system of Medicare reimbursement for home care is totally geared toward postacute care rather than long-term care. For many years I have tried to get the Senate to focus on the need to expand home care services to meet the long-term care needs of the elderly. I will continue that fight, but that is not the issue today.

Today, I am asking my colleagues to take important and needed actions to make sure that elderly sick Americans receive the home care following an acute illness that Congress intended them to have. I'm asking that we end the arbitrary interpretations of the law that have caused too many people to be denied the care they need. I'm asking that elderly sick Americans not have to go through a lot of bureaucratic redtape. And I'm asking that we make sure the elderly get the quality of care they deserve. This bill goes a long way to protecting older Americans in need of care. I ask unanimous consent that a copy of the bill and a summary of its provisions appear in the Record at this point and that letters of endorsement from three important groups representing the elderly appear in the Record after the bill summary.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) Short Title.—This Act may be cited as the "Medicare Home Health Services Improvement Act of 1987".

(b) Amendments to the Social Security Act.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 2. MEDICARE COVERAGE OF HOME HEALTH SERVICES ON A "DAILY" BASIS.

(a) In General.—Section 1861(m) (42 U.S.C. 1395x(m)) is amended by adding at the end thereof the following: "For purposes of paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided on an 'intermittent' basis when provided more frequently than 4 days (and up to 7 days) each week (with one or more visits, not exceeding a total of 8 hours, each day) for an initial period of up to 60 days with monthly physician certification of the need for services on such a basis and for subsequent periods based on a physician certification of exceptional circumstances requiring such services on such a basis. In determining under paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A) whether services are 'intermittent', services for which payment is not made under this title shall not be taken into account.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 1987.

SEC. 3. EXPANDING THE SCOPE OF HOME HEALTH BENEFITS FOR POST-HOSPITAL CARE.

(a) In General.—Section 1832(a)(2)(A) (42 U.S.C. 1395k(a)(2)(A)) is amended by inserting before the semicolon the following: "and post-hospital in-home care".

(b) Definition of Post-Hospital In-Home Care.—Section 1861(i) (42 U.S.C. 1395x(i)) is amended—

(1) by inserting "and Post-Hospital In-Home Care" at the end of the heading to the subsection;

(2) by inserting "(1)" after "(i)"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) The term 'post-hospital in-home care' means home health services (as defined in subsection (m)) and the additional items and services described in subparagraph (B) furnished to an individual, who is under the care of a physician, by a home health agency or by others under arrangements with them made by such agency, under a plan (for furnishing such items and services to such individual) established by a physician, which items and services are provided in a place of residence used as such individual's home during the 21-day period immediately following the date of the individual's discharge from a hospital in which he was an inpatient for not less than 3 consecutive days before his discharge from the hospital.

"(B) The additional items and services described in this subparagraph are—

"(i) full-time nursing care provided by or under the supervision of a registered professional nurse;

"(ii) full-time services of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary); and

"(iii) personal care services.".

(c) PAYMENT.—Section 1833 (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(2)(A) by inserting "and post-hospital in-home care" after "home health services";

(2) in subsection (b) by striking "services, (3)" and inserting in lieu thereof "services and post-hospital in-home care, (3)"; and

(3) by adding at the end thereof the following new subsection:

"(m)(1) Notwithstanding any other provision of this part, with respect to expenses incurred for post-hospital in-home care for an individual during a 21-day period, there shall be considered as incurred expenses for purposes of subsection (a) an amount not to exceed the limit established under paragraph (2).

"(2) The Secretary shall establish, before the beginning of each calendar year beginning with 1988, a limit under this paragraph. The limit shall be an amount that is equal to the product of 21 and the Secretary's estimate of the national average per diem amounts which will be recognized as reasonable, for payment purposes under part A, for extended care services furnished during the year.

"(3) In the case of post-hospital in-home care which is furnished over a period involving more than one calendar year, the limit to be applied under paragraph (2) shall be the limit for the later calendar year.".

(d) CERTIFICATION.—Section 1835(a)(2) (42 U.S.C. 1395n(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) in the case of post-hospital in-home care, (i) such care is or was required because the individual needed such care, (ii) a plan for furnishing such care has been established by a physician, and (iii) such care is or was furnished while the individual is or was under the care of a physician.".

(e) CONFORMING AMENDMENTS.—

(1) Section 1861(y)(4) (42 U.S.C. 1395x(y)(4)) is amended by striking "(i)" and inserting in lieu thereof "(i)(1)".

(2) The last sentence of section 1866(a)(2)(A) (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting "with respect to post-hospital in-home care," before "with respect to" the first place it appears.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1988.

SEC. 4. REQUIREMENT THAT INDIVIDUAL BE CONFINED TO HOME.

(a) PART A.—Section 1814(a) (42 U.S.C. 1395f(a)) is amended by adding at the end thereof the following: "For purposes of paragraph (2)(C), an individual shall be considered to be 'confined to his home' if the individual has a condition, due to an illness or injury, that restricts the ability of the individual to leave his or her home except with the assistance of another individual or the aid of a supportive device (such as crutches, a cane, a wheelchair, or a walker), or if the individual has a condition such that leaving his or her home is medically contraindicated. Nothing in such paragraph or in the preceding sentence shall be construed as requiring an individual to be bedridden in order to be considered 'confined to his home'.".

(b) PART B.—Section 1835(a) (42 U.S.C. 1395n(a)) is amended by adding at the end thereof the following: "For purposes of paragraph (2)(A), an individual shall be considered to be 'confined to his home' if the individual has a condition, due to an illness or injury, that restricts the ability of the individual to leave his or her home except with the assistance of another individual or the aid of a supportive device (such as crutches, a cane, a wheelchair, or a walker), or if the individual has a condition such that leaving his or her home is medically contraindicated. Nothing in such paragraph or in the preceding sentence shall be construed as requiring an individual to be bedridden in order to be considered 'confined to his home'.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to items and services provided on or after October 1, 1987.

SEC. 5. ELIGIBILITY FOR HOME HEALTH SERVICES ON THE BASIS OF A NEED FOR OCCUPATIONAL THERAPY.

(a) PART A.—Section 1814(a)(2)(C) (42 U.S.C. 1395f(a)(A)(2)(C)) is amended by striking "or speech therapy" and all that follows through "therapy;" and inserting in lieu thereof ", occupational, or speech therapy;".

(b) PART B.—Section 1835(a)(2)(A) (42 U.S.C. 1395n(a)(2)(A)) is amended by striking "or speech therapy" and all that follows through "therapy, (ii)" and inserting in lieu thereof ", occupational, or speech therapy, (ii)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to items and services provided on or after October 1, 1987.

SEC. 6. APPEALS PROCEDURES.

(a) IN GENERAL.—Section 1816(c) (42 U.S.C. 1395h(c)) is amended by adding at the end the following new paragraph:

"(3) Each agreement under this section with a fiscal intermediary to perform services relating to payment for home health services shall provide that—

"(A) the intermediary shall provide a thorough explanation of any denial of a claim for such services under this title;

"(B) in the case of any request for reconsideration of a determination with respect to such services, the parties to the reconsideration shall be notified promptly of the intermediary's determination; and

"(C) if the intermediary fails to mail or otherwise transmit notice of a determination with respect to such a reconsideration within 60 days after the date on which the request for such reconsideration is received, an amount equal to 2 percent of the amount in dispute shall be paid to the party requesting the reconsideration for each 30-day period or portion thereof that elapses after the end of such 60-day period and before the notice is mailed or otherwise transmitted.".

(b) MEASURING FISCAL INTERMEDIARY PERFORMANCE.—Section 1816(f) (42 U.S.C. 1395h(f)) is amended by adding at the end the following: "Such standards and criteria shall include, with respect to a fiscal intermediary performing services with respect to home health agencies, the promptness with which the intermediary makes determinations and notifies parties of such determinations and the rate with which its determinations are reversed on appeal.".

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to claims filed on or after October 1, 1987.

(2) The amendment made by subsection (b) shall apply to performance of intermediaries with respect to claims filed on or after October 1, 1987.

(3) The Secretary of Health and Human Services shall provide for such timely amendments to agreements under section 1816 of the Social Security Act, and regulations, to such extent as may be necessary to implement the amendments made by this section on a timely basis.

SEC. 7. CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES.

(a) DEFINITION OF HOME HEALTH AGENCY.—Section 1861(o)(6) (42 U.S.C. 1395x(o)(6)) is amended by inserting "the conditions of participation specified in section 1890(a) and" after "meets".

(b) CONDITIONS OF PARTICIPATION.—Title XVIII is amended by adding at the end the following new section:

"CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES; HOME HEALTH QUALITY

"SEC. 1890. (a) The conditions of participation that a home health agency is required to meet under this subsection are as follows:

"(1) The agency protects and promotes the rights of each individual under its care, including each of the following rights:

"(A) The right to be fully informed about care and treatment, to participate (where appropriate) in planning care and treatment, and to be fully informed in advance of any changes in care or treatment that may affect the individual's well-being.

"(B) The right to voice grievances with respect to treatment or care that is (or fails to be) furnished without suffering discrimination or reprisal.

"(C) The right to have one's property treated with respect.

"(D) The right to be informed orally and in writing (in advance of coming under the care of the agency) of—

"(i) all items and services furnished by (or under arrangements with) the agency for which payment may be made under this title,

"(ii) the coverage available for such items and services under this title, title XIX, and any other Federal program of which the agency is reasonably aware, and

"(iii) any charges the individual may have to pay with respect to items and services furnished by (or under arrangements with) the agency.

"(2)(A) The agency promptly provides the State entity responsible for the licensing of such agency with the name and social security account number of any individual hired by the agency to provide care and discloses to such entity whether such individual has ever been convicted of a felony.

"(B) The agency promptly informs such entity of a change in the persons with an ownership or control interest (as defined in section 1124(a)(3)) in the agency.

"(3) The agency only provides items and services described in section 1861(m) on or after October 1, 1989, through persons who are licensed health professionals or have completed or are enrolled in a training program that meets minimum standards established by the Secretary. The Secretary shall establish such standards not later than July 1, 1988.

"(4) The clinical records described in section 1861(o)(3) with respect to an individual include the individual's plan of care required under section 1861(m).

"(5) The agency operates and provides services in compliance with all applicable Federal, State, and local laws and regulations and with all accepted professional standards and principles.

"(b) It is the responsibility of the Secretary to assure that the conditions of participation and requirements specified in or pursuant to section 1861(o) are adequate to protect the health and safety of individuals under the care of a home health agency and to promote the effective and efficient operation of the program.".

(c) Effective Date.—Except as otherwise provided, the amendments made by subsections (a) and (b) shall apply to home health agencies as of the first day of the eighteenth calendar month that begins after the date of the enactment of this Act.

SEC. 8. STANDARD AND EXTENDED SURVEY.

(a) In General.—Section 1890 (as added by section 7) is amended by adding at the end thereof the following new subsections:

"(c)(1) Any agreement entered into or renewed by the Secretary pursuant to section 1864 relating to home health agencies shall provide that the appropriate State or local agency shall conduct a standard survey of each home health agency.

"(2)(A) Except as provided in subparagraph (B), the standard survey shall be conducted with respect to each home health agency not earlier than 9 months and not later than 15 months after the date of the most recently completed survey conducted with respect to that agency.

"(B) In addition to a standard survey conducted under subparagraph (A), a standard survey of an agency shall be promptly conducted upon—

"(i) a change of ownership of the agency, or

"(ii) a significant number of complaints with respect to the agency.

"(C) A standard survey conducted under this paragraph with respect to a home health agency—

"(i) may be made with or without advance notice,

"(ii) shall include visits to a sample of the homes of individuals furnished items and services by the agency (but only with the consent of such individuals) for the purpose of evaluating (in accordance with a standardized reproducible assessment approved by the Secretary under subsection (d)) the extent to which the quality and scope of services furnished improved or maintained the functional capacity of such individuals,

"(iii) shall evaluate—

"(I) the quality of care and services furnished by the agency, and

"(II) the agency's observance of rights specified in or pursuant to section 1861(o),

"(iv) shall be based upon a protocol that is developed, tested, and validated by the Secretary not later than July 1, 1989, and

"(v) shall be conducted by an individual—

"(I) who meets minimum qualifications established by the Secretary not later than July 1, 1989, and

"(II) who has not, during the two-year period prior to the survey, served as a consultant to a home health agency with respect to such agency's compliance with the any condition of participation specified in or pursuant to section 1861(o).

"(D) Each home health agency that is found, under a standard survey, to have performed poorly with regard to measures of compliance with any condition of participation specified in or pursuant to section 1861(o) shall be subject to an extended survey. Any other facility may, at the Secretary's or State's discretion, be subject to such an extended survey.".

"(d)(1) Not later than April 1, 1990, the Secretary shall designate an instrument (or instruments) for use by an agency conducting surveys pursuant to subsection (c).

"(2)(A) Not later than January 1, 1992, the Secretary shall—

"(i) evaluate the assessment process,

"(ii) report to Congress on the results of such evaluation, and

"(iii) based on such evaluation, make such modifications in the assessment process as the Secretary determines are appropriate.

"(B) The Secretary shall periodically update the evaluation conducted under subparagraph (A), report the results of such update to Congress, and, based on such update, make such modifications in the assessment process as the Secretary determines are appropriate.

"(3) The Secretary shall provide for the training of State and Federal surveyors in the use of any assessment instrument designated under paragraph (1).".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on the first day of the eighteenth calendar month to begin after the date of the enactment of this Act.

SEC. 9. ENFORCEMENT.

Section 1890 (as added by section 7 and amended by section 8) is further amended by adding at the end thereof the following new subsections:

"(e) The Secretary shall develop and implement criteria and procedures for the evaluation of plans of correction submitted by home health agencies that are found not to meet the conditions of participation and requirements specified in or pursuant to section 1861(o). Such criteria and procedures shall be designed to—

"(1) maximize specificity in the plans submitted, and

"(2) assure that corrections are made by an agency in accordance with a timetable approved by the Secretary.

"(f) If the Secretary determines that—

"(1) a home health agency that is certified for participation under this title—

"(A) no longer substantially meets the conditions of participation specified in or pursuant to section 1861(o), or

"(B) has failed to correct a deficiency in accordance with a timetable approved by the Secretary pursuant to subsection (e)(2), and

"(2) the deficiencies involved do not immediately jeopardize the health and safety of the individuals to whom the agency furnishes items and services,

the Secretary may (for a period not to exceed one year) impose intermediate sanctions developed pursuant to subsection (g), in lieu of canceling immediately the certification of the agency.

"(g)(1) The Secretary shall develop and implement—

"(A) a range of intermediate sanctions to apply to home health agencies under the conditions described in subsection (f), and

"(B) appropriate procedures for appealing determinations relating to the imposition of such sanctions.

"(2)(A) The intermediate sanctions developed under paragraph (1) shall include—

"(i) civil fines and penalties,

"(ii) suspension of all or part of the payments to which a home health agency would otherwise be entitled under this title with respect to items and services furnished by a home health agency on or after the date in which the Secretary determines that intermediate sanctions should be imposed pursuant to subsection (f), and

"(iii) the appointment of temporary management to oversee the operation of the home health agency and to assure the health and safety of the individuals under the care of the agency.

"(B) The sanctions specified in subparagraph (A) are in addition to sanctions otherwise available under State of Federal law.

"(3) The Secretary shall develop and implement specific procedures with respect to when and how each of the intermediate sanctions developed under paragraph (1) is to be applied, the amounts of any fines, and the severity of each of these penalties. Such procedures shall be designed so as to minimize the time between identification of violations and imposition of these sanctions and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on the first day of the eighteenth calendar month to begin after the date of the enactment of this Act.

SEC. 10. REQUIREMENTS FOR PUBLICATION OF POLICIES.

(a) Publication as Regulations of Significant Policies.—Section 1871(a) (42 U.S.C. 1395hh(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) No rule, requirement, or other statement of policy that has (or may have) a significant effect on the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under this title shall take effect unless it is promulgated by the Secretary by regulation under paragraph (1).".

(b) Publication of List of Other Policies.—Section 1871 (42 U.S.C. 1395hh) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall publish in the Federal Register, not less frequently than every 3 months, a list of all manual instructions, interpretative rules, statements of policy, and guidelines of general applicability which—

"(1) are promulgated by the Secretary to carry out this title, but

"(2) are not published pursuant to subsection (a)(1) and have not been previously published in a list under this subsection.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall not apply to rules, requirements, and policies issued on or before the date of enactment of this Act.

(2)(A) The amendment made by subsection (b) shall not apply to instructions, rules, statements, and guidelines issued before January 1, 1987.

(B) The Secretary shall first publish in the Federal Register the list required under section 1871(c) of the Social Security Act by not later than 3 months after the date of the enactment of this Act.

SEC. 11. PUBLICATION OF DIRECTORY OF HOME HEALTH AGENCIES.

Section 1864 (42 U.S.C. 1395aa) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall publish annually a directory containing the name, address, and telephone number of each home health agency that is certified to participate in the program established under this title. The directory shall specify any significant deficiencies relating to patient care that were found in the most recent certification survey conducted with respect to the agency, when that survey was completed, whether corrective actions have been taken or are planned, and the sanctions (if any) imposed under this title with respect to the agency. The directory shall be organized by geographic area and in such a manner as to be most useful to individuals eligible for benefits under this title.

"(2)(A) The Secretary shall make the directory available to the public without charge at each district and branch office of the Social Security Administration and through area agencies on aging designated pursuant to section 305(a) of the Older Americans Act of 1965.

"(B) The Secretary shall promptly notify individuals eligible for benefits under this title of the availability of any directory newly published pursuant to this subsection.".

SEC. 12. MAINTENANCE OF TOLL-FREE HOTLINE AND INVESTIGATIVE UNIT.

(a) IN GENERAL.—Section 1864(a) (42 U.S.C. 1395aa(a)) is amended by adding at the end the following: "Any agreement under this subsection shall provide for the appropriate State or local agency to maintain a toll-free hotline to receive complaints (and to answer questions) with respect to home health agencies in the State or locality, and to maintain a unit for investigating such complaints that possesses enforcement authority and has access to consumer medical records and survey reports.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to agreements entered into or renewed on or after the date of the enactment of this Act.

SEC. 13. STUDY OF ADJUSTMENTS TO HOME HEALTH AGENCY COST LIMITS.

The Secretary of Health and Human Services shall study and report to the Congress, not later than December 31, 1987, on—

(1) whether the separate schedules of cost limits currently applied to home health agencies located in urban and rural areas accurately reflect differences in the costs of urban and rural home health agencies, and

(2) the appropriateness of modifying such limits to take into account the proportion of agency patients who are from urban and rural areas.

SEC 14. DATA USED TO DETERMINE HOME HEALTH AGENCY COST LIMITS.

(a) IN GENERAL.—Section 1861(v)(1)(L) (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following new clause:

"(iii) In establishing limits under this subparagraph, the Secretary shall—

"(I) utilize a wage index that is based on data obtained from home health agencies, and

"(II) base such limits on the most recent data available, which data may be for cost reporting periods beginning no earlier than October 1, 1984.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after July 1, 1988.

MEDICARE HOME HEALTH SERVICES IMPROVEMENT ACT OF 1987

BILL SUMMARY

The Health Care Financing Administration (HCFA) has been reducing access to the Medicare home care benefit by means of increased claim denials and vague eligibility criteria. This has come at the same time that hospital discharges to home health agencies have been increasing, due to the implementation of the Prospective Payment System. The new reimbursement system has meant the release of patients from hospitals earlier than in the past and frequently in more intense phases of their illnesses. In addition, federal quality assurance mechanisms for home health are weak and inadequate. This bill attempts to address these and other problems with the Medicare home care benefit with the following provisions:

PUBLIC COMMENT

HCFA has unilaterally promulgated a variety of major policy changes that restrict home care benefits through written and verbal directives, manuals, and guidelines, rather than through the regulatory process. This gives the public and Congress little opportunity to comment on policy changes.

This legislation would require HCFA to comply with the Federal Administrative Procedures Act. This would ensure that policy changes that affect beneficiaries are only instituted through the regulatory process, permitting a thorough review of changes in policy by the public.

INTERMITTENT CARE

One of the eligibility requirements for the Medicare home health benefit is that the patient must need skilled nursing care on a part-time or "intermittent" basis. Over the years HCFA has been restricting its definition of intermittent care. Most recently, HCFA instructions have allowed most patients to receive care on a daily basis for only two to three weeks. A patient in need of daily care beyond this period of time will be seen as no longer in need of "intermittent" care, and in most cases will be denied Medicare coverage for further home care services. Even informal care provided by family members may be counted against the patient in determining whether care is "intermittent."

This bill would modify the statute to permit patients to receive home care services under Medicare on a daily basis for a period of up to sixty days and longer when the patient's physician certifies that exceptional circumstances require continued daily services. Services financed through sources other than Medicare cannot be considered in determining Medicare coverage.

HOMEBOUND

Beneficiaries must also be considered homebound to receive Medicare home care coverage. However, because the term "homebound" is not defined in the statute, it has been subject to varying and inconsistent interpretations by HCFA intermediaries.

This legislation would define as homebound any person that has a condition that restricts his ability to leave the home without support, or to those situations where leaving the home is medically contraindicated.

OCCUPATIONAL THERAPY

Only the need for skilled nursing care or speech or physical therapy qualifies a beneficiary for home health benefits. Occupational therapy services are available only after the beneficiary has otherwise qualified for home care. Occupational therapy is medically prescribed treatment concerned with restoring functions impaired by illness so that the individual can regain his ability to function independently. Like physical or speech therapy, occupational therapy is a skilled health service which assists patients in making the transition between an institution and self-care in the home.

This bill includes a provision that recognizes occupational therapy as the fourth skilled service which will qualify beneficiaries for the home health benefit.

NON-SKILLED CARE

Currently, the Medicare home health benefit does not cover patients recently released from hospitals who need only non-skilled nursing care. Nor does Medicare give recently-released patients a choice between entering a skilled nursing facility and receiving home care, if the patient needs skilled nursing care, but does not meet all of the home care coverage criteria.

This bill would provide for Medicare coverage of up to three weeks of post-hospital skilled and non skilled home health care, as long as the cost of these benefits did not exceed the cost of care in a skilled nursing facility for an equivalent period of time.

APPEALS OF DENIALS

After a home care claim has been denied for Medicare reimbursement, the beneficiary, with the assistance of the home care agency, can request a "reconsideration" of the decision. If the denial is upheld at that level, the beneficiary can appeal the matter to an administrative law judge. This appeals process is often a lengthy and uncertain one, conducted over a period of months, since HCFA intermediaries who consider appeals have no formal incentive to expedite the reconsideration process, and patients are often unaware of why Medicare coverage has been denied.

This bill would require HCFA to promulgate standards and a timetable for appeals considerations, including a requirement that (1) providers receive an explanation for denials; (2) penalties be charged if reconsiderations are not conducted within sixty days of receipt of an appeal; and (3) intermediary performance on appeals be made part of HCFA's overall appraisal of the intermediary.

HOME HEALTH QUALITY

Very little attention has been placed at the federal level on the quality of care that home care agencies provide. The evaluation of quality of care has focused on the home care agency's organizational form, its facilities and equipment, its staff's credentials, and its fiscal management. These standards tend to measure an agency's capacity to deliver services rather than the quality of the services actually provided. In addition, Medicare Conditions of Participation contain no home health aide training or proficiency requirements. Home health aides are unlicensed workers who provide homemaker, personal support, companion, and other health-related services to home care patients. Despite their wide range of responsibilities, these providers often receive little or no formal training.

This bill would strengthen federal quality monitoring by requiring HCFA to establish a revised certification survey that focuses on the quality of patient care and the effect of that care on the patient. This would ensure that the capacity to deliver care actually translated into the provision of high quality care. Rights for home care consumers would be established and quality monitoring surveys of home care agencies would be conducted annually and unannounced. Intermediate sanctions for poor quality would also be established, including civil fines and denial of Medicare reimbursement for future Medicare patients.

In addition, states would be required to establish hot lines for receiving consumer complaints about home care as well as an ombudsman-like body responsible for the investigation of complaints, with enforcement authority and access to consumer medical records and survey reports. Finally, employees of home care agencies, including home health aides, would be required to complete a training program that is approved by the Secretary of HHS.

RURAL/URBAN STUDY

Under current law, home health agencies are reimbursed on a rural/urban basis. For agencies that are designated by HCFA as either urban or rural but actually serve a mix of urban/rural clients, these differential rates can serve as a disincentive to provide care to clients for whom agencies are reimbursed at lower rates.

This bill would require HCFA to study and report to Congress on the appropriateness of the separate rural and urban cost schedules currently being used, and on a mechanism to more equitably reimburse agencies that serve a mix of urban and rural clients.

COST DATA

HCFA currently uses hospital wage data to determine home health agency cost limits, despite the fact that home health agencies are required to complete cost reports that HCFA's intermediaries audit and report to HCFA. In addition, the hospital wage data that HCFA uses is from before the implementation of PPS and reflects neither the effect of PPS on client acuity, nor the administrative and regulatory changes that have taken place in the industry since that time.

This legislation would mandate that HCFA develop a revised wage index based upon data provided by annual home health cost reports, and use post-PPS data for their determination of home health agency cost limits.

DEAR SENATOR BRADLEY: On behalf of the more than 24 million members of the American Association of Retired Persons, I would like to express our strong support for the "Medicare Home Health Services Improvement Act of 1987." This important piece of legislation addresses our two most pressing concerns regarding home health care: improving access to needed services and putting in place better quality assurance mechanisms.

The bill is being introduced at a critical time in light of the recent unexplained, rapid escalation in unjust and arbitrary denials of Medicare coverage for home health services. Your provisions clarifying the "intermittent" care and "homebound" requirements, as well as provisions to improve public notice and comment and refine appeals procedures will go far in facilitating access to these important services for senior citizens.

The quality of care provisions of the legislation also meet a pressing need for quality assurance mechanisms. Provisions on beneficiaries' rights, improved survey and certification procedures, grievance mechanisms, and enforcement will help to ensure that home care providers continue to deliver high quality care to this particularly vulnerable population.

Home care is one of the most humane, effective, and preferred methods for keeping families together, for permitting older persons to continue living independently, and for allowing them to live meaningful, dignified, healthy lives. The "Medicare Home Health Services Improvement Act of 1987" provides much-needed assistance to the millions of Americans who require home care, and comes at a time when concerns regarding access and quality are escalating rapidly.

We commend you for introducing this critical piece of legislation, pledge our strongest support for it, and urge the Congress to pass the measure without delay.

Sincerely,

CYRIL F. BRICKFIELD,
Executive Director, AARP.

DEAR SENATOR BRADLEY: On behalf of the 4.5 million members of the National Council of Senior Citizens, I would like to express my strong support and gratitude for your introduction of the Medicare Home Health Services Improvement Act of 1987.

This comprehensive proposal would directly address many of the most serious and troublesome problems in home health care with which seniors have struggled for years, and some equally serious problems that have only more recently come to light.

At a time when more Medicare beneficiaries need more home health care, less care is available. Under the Medicare Prospective Payment System (PPS), many patients are sent home sicker and quicker than in the past. In fact, since implementation of PPS, hospital discharges to home health care have increased by 37 percent. Yet, during this same period, home health care denials have increased by 133 percent. Government policies to restrict beneficiary protections, combined with vague and confusing administration of the program, have resulted in reduced access to home health care for many older Americans.

Equally disturbing are reports of poor quality care in home health care settings. Case after case has been brought to light of poorly trained staff, patient abuse and neglect, and provider fraud.

It is imperative that our ability to provide post-hospital care be at its highest level under policies that encourage earlier hospital discharges. Home health care must be available, and it must be of high quality. This bill would help us achieve these two important goals.

Thank you for the opportunity to review and comment on your excellent bill. We look forward to working with you and the other Members as we bring this bill toward enactment.

Sincerely,

WILLIAM R. HUTTON,
Executive Director,
National Council of Senior Citizens.

DEAR SENATOR BRADLEY: As Executive Director of the Villers Foundation, a private nonprofit organization dedicated to the needs of low-income seniors, I want to thank you for your continued leadership in making the Medicare home health benefit a truly meaningful source of care for Medicare beneficiaries.

Your leadership is particularly important now. Discussions about health care are focusing so narrowly on the Administration's "catastrophic health care plan" that those of us who are concerned with the needs of low-income seniors are truly alarmed: adoption of a very limited proposal which protects the more affluent elderly from having to spend down their assets for hospital care through the use of a regressive financing method which disproportionately burdens low-income seniors would be the real catastrophe.

Many refinements will be necessary before the "catastrophic" proposals being discussed now are transformed into reforms which responsibly address the most critical and high priority needs of senior citizens. Certainly, your proposal regarding Medicare coverage of home health care—to restore the benefit to its original statutory meaning, to expand on the original statutory meaning, and to see that the services made available are of high quality—is one of the most valuable additions to the catastrophic debate. There may be some who find it less politically appealing to discuss because it is not a new "buzzword" type of issue, but we applaud your perseverance through that short-sightedness and your commitment to a bill which is responsive to the real needs of seniors today.

We want to thank you for extending to us the opportunity to be involved in helping to focus the need for such important legislation, and we look forward to working with you as the bill, we hope, is enacted this year.

Sincerely,

RONALD F. POLLACK,
Executive Director,
The Villers Foundation.

● Mr. MITCHELL. Mr. President, I am pleased to join with Senator BRADLEY and Congressman WAXMAN in introducing the Medicare Home Health Services Improvement Act of 1987.

The Medicare home health benefit is a humane and cost-effective program which allows elderly persons to remain at home while receiving necessary medical care. It is a program which is strongly supported by the elderly and their families and by the Congress.

Unfortunately, it is a program which has not been supported by this administration. In recent years, the Health Care Financing Administration has unilaterally promulgated a variety of major policy changes that restrict home care benefits through written and verbal directives and manuals.

HCFA's action has led to severely reduced access to the Medicare home care benefit by means of increased claim denials and vague eligibility criteria.

In my home State of Maine, the denial rate for home health care benefits under Medicare has reached 30 percent—the highest rate of denials in the Nation. This dramatic increase in denials is jeopardizing the health care of Maine's elderly.

Within a period of a few months time, home health agencies with prior denial rates of zero percent, began to experience denial rates as high as 63 percent. Androscoggin home health services was denied 96 client claims in October 1986 as compared to 8 client claim denials in August 1986. The October denials for this one agency totaled nearly $50,000.

Cases such as these are cause for concern that the continued rate of denials will result in the bankruptcy of a number of home health agencies in Maine, and subsequently, the loss of access to home health services by the elderly.

But this is clearly not a problem limited to the State of Maine.

Last month, 26 Senators joined in sending a letter to Secretary Bowen, expressing our great concern about the administration of the Medicare home care benefit.

The letter expressed our concern about the rise in denial rates and requested that the Secretary account to Congress for the increase and report to Congress the changes HCFA plans to make in current policy in order to ensure that Medicare beneficiaries are receiving the home health services to which they are entitled.

HCFA has undertaken a deliberate policy to severely limit the home health benefit under Medicare as a means of holding down the rapidly increasing costs of the program.

The home health care benefit under Medicare currently makes up only 3 percent of the total Medicare budget. However, HCFA is very concerned about the rapid growth of this program, and the increasing costs to the Medicare trust fund.

The growth of the home care benefit should be viewed as a positive development. The home care benefit is an expansion of the continuum of care available to Medicare beneficiaries, a development which gives greater choice to the elderly person and her family, and often is more cost effective.

The bill we are introducing today is intended to protect beneficiary access to the existing Medicare home health benefit, expand the benefit in a modest way, and protect the quality of care provided to the elderly by home health agencies.

The Medicare Home Health Services Improvement Act of 1987 will tighten up the definitions for intermittent care and homebound, which are the primary eligibility requirements for Medicare beneficiaries to receive home health services. The recent increase in denials is due, in large part, to the arbitrary interpretations of the homebound and intermittent definitions from one fiscal intermediary to another.

Our bill will modify the existing statute to permit patients to receive home care services under Medicare on a daily basis for a period of up to 60 days, and longer when the patient's physician certifies that exceptional circumstances require continued daily services.

Under current interpretations, most home health care is limited to 2 to 3 weeks. A patient in need of daily care beyond this period of time is often seen as no longer in need of intermittent care, and in most cases will be denied Medicare coverage for further home care services.

The bill will also include a more concise definition for homebound, as being any person that has a condition which restricts his ability to leave the home without support, or to those situations where leaving the home is medically contraindicated.

Two provisions in the bill will expand the home health care benefit. The first will add a provision that recognizes occupational therapy as the fourth skilled service which will qualify beneficiaries for the home health benefit. In current law, occupational therapy services are available only after the beneficiary has otherwise qualified for home health care.

The second provision expands the home health benefit to provide for Medicare coverage of up to 3 weeks of posthospital skilled and nonskilled home health care, as long as the cost of these benefits did not exceed the cost of care in a skilled nursing facility for an equivalent period of time. Under current law, the home health benefit does not cover patients recently released from hospitals who need only nonskilled nursing care.

This legislation also addresses the problems home health agencies have with HCFA's appeals process for home care denials by requiring HCFA to promulgate standards and a timetable for appeals considerations.

The bill also requires that HCFA follow the Federal Administrative Procedures Act. This would ensure that policy changes that affect beneficiaries are only instituted through the regulatory process, permitting a thorough review of changes in policy by the public.

The legislation further requires HCFA to publish in the Federal Register all regulations, rules, requirements, interpretations, or other statements of policy that have a significant effect on the scope of benefits, payments of services, or eligibility of individuals.

In Maine, as in other rural States, there are home health agencies which are located in urban areas, such as Bangor, but that serve a majority of rural clients. This often creates an unfair reimbursement schedule. We have included a provision in our bill to require HCFA to study and report to Congress on the appropriateness of the separate rural and urban cost schedules currently being used, and on a mechanism to more equitably reimburse agencies that serve a mix of urban and rural clients.

The bill also requires HCFA to begin to develop a home health-specific wage base, using cost reporting data provided by home health agencies in their yearly cost reports. The home health-specific wage base would be implemented on July 1, 1988.

We are concerned about the quality of care provided to Medicare beneficiaries by home health agencies. Therefore, our bill includes a provision to strengthen Federal quality monitoring by requiring HCFA to establish a revised certification survey that focuses on the quality of patient care and the effect of that care on the patient.

In addition, States would be required to establish hotlines for receiving consumer complaints about home care as well as an ombudsman-like body responsible for the investigation of complaints, with enforcement authority and access to consumer medical records and survey reports.

Finally, the Department of Health and Human Services would be required to set minimum proficiency standards for all persons delivering home care services.

We are optimistic that the Medicare Home Health Services Improvement Act of 1987 will improve access to the Medicare home health benefit under existing law—to allow elderly persons to continue to receive needed health care in their homes, where the great majority would prefer to stay.

I urge my colleagues in the House and Senate to join with the sponsors of this bill to support our efforts to improve the home health benefit under Medicare.●

● Mr. PRYOR. Mr. President, I am pleased to join the distinguished Senator from New Jersey [Mr. BRADLEY] in sponsoring the Medicare Home Health Services Improvement Act of 1987. The changes sought by this legislation are long overdue, and I am proud to be a part of efforts to effect them.

In recent months there has been renewed interest in catastrophic coverage under Medicare and particularly in the provision of more comprehensive acute care coverage. I find these attempts to provide greater health care security laudable, but as I travel through my home State of Arkansas, I find that many senior citizens are just as concerned with preserving or clarifying benefits that are supposed to be receiving currently under the Medicare Program.

An area of particular concern is that of the home care benefit. Since the early 1980's this benefit has been diminishing in value and many Medicare beneficiaries are having increasing difficulty in getting needed home care services. I believe senior Americans would be well served by the clarification of Medicare's policy with respect to home care, and our legislation contains six major provisions aimed at achieving this goal. Specifically the legislation would:

Subject the Health Care Financing Administration [HCFA] to administrative procedures act notice and comment requirements for all matters dealing with benefits. In recent years HCFA has made many programmatic changes affecting the home care benefits through program manuals and other directives—under these circumstances the Congress, beneficiaries, and providers have no official channels through which to register concerns about policy changes. This notice requirement would provide greater opportunity for input.

Clarify the definition of intermittent care. A beneficiary must be in need of skilled care on an intermittent basis to be eligible for the home care benefit. Through the years HCFA has changed the criteria for being classified as in need of intermittent care, placing greater restrictions on the amount of care allowable under the benefit. In addition, if a beneficiary needs more than the allowed amount of assistance and purchases it with his own funds, Medicare disallows all home health services on the grounds that the needed care exceeds the allowable home health benefit. The legislation would eliminate this problem by allowing daily home care when medically necessary for a specified number of days.

Define homebound. HCFA requires that a beneficiary be homebound to receive home care under Medicare, but different fiscal intermediaries use varying definitions for what constitutes homebound. Some intermediaries interpret homebound to mean bedridden—if a beneficiary must go to the doctor for necessary medical services his home care benefit may be denied on the grounds that he is not homebound. This benefit must be more clearly defined—the legislation would allow home care to needy beneficiaries if trips outside the home are medically necessary or if the beneficiary leaves the home only with the benefit of outside support.

Recognize the need for occupational therapy as a qualification for home care. Many Medicare beneficiaries need occupational therapy services in order to make the transition between institutional care and independent living in the home. As such, occupational therapy is a critical needed service, and the need for such services should qualify the beneficiary for home care.

Allow a more reasonable appeals process for claim denials. Home health claims denials are at an all-time high, and often times neither the beneficiary nor the provider have a clear notion of why the claim has been rejected. The appeals process is lengthy and frequently drawn out. The legislation proposed that HCFA develop standards and a timetable for consideration of appeals, including requirements for:

First, an explanation to providers of the reason for claim denials;

Second, reconsideration within 60 days—interest would be charged for days beyond 60; and

Third, intermediary performance on appeals to be made part of HCFA's assessment of the intermediary.

Require that home health care quality be more closely surveyed. The legislation requires that home care agencies be more closely scrutinized to ensure adequate, quality care is being provided. HCFA would be required to revise the agency certification survey requirements so as to more accurately assess patient outcomes. Intermediate sanctions would be established, and States would be required to set up consumer hot lines to receive complaints about home care. This provision is in keeping with the recent increased emphasis on quality throughout the continuum of health care.

In addition to the above-mentioned provisions, the legislation would also create a 3-week, post-hospital skilled or nonskilled home health benefit provided the cost of the benefit does not exceed the charges which would be incurred were the beneficiary receiving care in a skilled nursing facility, and would require HCFA to conduct a study on the appropriateness of the current rural and urban cost schedules.

Mr. President, I believe that these provisions would make significant inroads toward clarifying the Medicare home health benefit, and toward ensuring that beneficiaries receive the home care benefit to which they are entitled. It is my hope that this legislation will become part of the larger debate on catastrophic health care which the Finance Committee will be discussing in coming months. I urge that my colleagues support this important package.●

● Mr. DURENBERGER. Mr. President, I am pleased to join Senator BRADLEY and my colleagues in cosponsoring this important bill to improve home health care benefits in the Medicare Program. There is no benefit more important in the 1980's, the 1990's and beyond than home health care. Many of the health reforms instituted since 1983 are aimed at ensuring that Medicare beneficiaries are guaranteed the most appropriate level of high quality health care needed for the particular illness or injury that the beneficiary is suffering from. This bill is another critical step forward in restructuring the Medicare Program to prepare it for a very different set of future needs. In addition, reforms are needed to ensure that beneficiaries and their physicians have the flexibility to use the right service at the right place at a fair price, without administrative hassle.

Since 1983, Congress has been working to increase beneficiary choices, reduce Medicare's anachronistic institutional bias, and add services that are more consistent with the changing needs of the Medicare population with more chronic illnesses.

Community-based services such as home health care provide lower cost services that can help the elderly and disabled remain in their homes, while receiving sometimes very technologically sophisticated services. In every way, the public interest is served: Medicare outlays are contained, patients have more appropriate and more comfortable care, and societal resources are spent on the most effective level of care.

There has been a revolution in treatment such as cancer chemotherapy and intravenous antibiotics. Medicare benefits must recognize those important changes in medical treatment and make it easier for patients to remain at home. This is especially important for the elderly who can become frightened and disoriented in a hospital setting. If possible and medically appropriate, we should do everything possible to facilitate the patients desire to remain in the home. Further, as the prospective payment system encourages early discharge from hospitals when an inpatient stay is no longer needed, indeed may complicate recovery, it becomes absolutely essential that we substantially upgrade Medicare's home health care benefit. As Reva Rasmussen, R.N., certified gerontological nurse, who is a case manager for the Jewish Family and Children's Service of Minneapolis, said poignantly at a hearing on quality of home health care:

> Independent living for many elderly is maintained with a thin margin of safety sometimes hanging on a complicated set of arrangements with relatives and friends. When their health fails they need support to stay in their homes safely. These are services that bridge the gap between the hospital and a nursing home and Medicare must pay for more of the essential services.

It is also important that we correct longstanding administrative problems, such as defining intermittent care and homebound in unambiguous terms.

Fortunately, this bill will make marked improvements in defining terms and eliminate administrative difficulties that cause beneficiaries and home health agencies so many problems.

While I am very pleased to join my colleagues in sponsoring this important bill, there is one section about which I have considerable reservations, that is, the provision that would cover homemaker services. While there may be substantial merit in providing additional homemaking services for elderly and disabled, the source of financing such social services should not be Medicare's trust funds. Since the bill's other features are very desirable improvements in Medicare, I have decided to join Senator BRADLEY and my colleagues in sponsoring the bill and work with them to make this change. I urge my colleagues to join us in supporting this improvement in the Medicare Program.●

● Mr. GLENN. Mr. President, I am pleased to join Senator BRADLEY in introducing the Medicare Home Health Services Improvement Act of 1987, legislation to improve the availability and to ensure the quality of home health services under Medicare. This legislation is necessary because the administration is restricting use of the Medicare home health benefit without going through the regulatory process and in opposition to the wishes of the Congress.

At a time when the demand for home health care is increasing—due to our growing "old-old" population, "quicker and sicker" discharges of Medicare patients from hospitals, technological advances in health care delivery, and a preference for home care over institutional care—the rate of growth in home health services is slowing and the rate of denials is greatly increasing. According to reports by the Senate Aging Committee, on which I serve, the General Accounting Office [GAO] and others, many older Americans are being denied the home health assistance they need under the Medicare Program. In my home State of Ohio services which had been covered until last year are now being denied by Medicare's fiscal intermediaries, thus causing a dramatic increase in the rate of denials.

The bill we are introducing today, the Medicare Home Health Services Improvement Act of 1987, would put a halt to the administration's practice of restricting home care benefits through verbal directives and manuals, thus avoiding the regulatory process with its comment and review period. Passage of our bill would allow home health agencies to provide adequate care to Medicare beneficiaries without the fear of being denied payment. Unless we take this action, some people will continue to remain in more costly hospital beds, and other patients will continue to go without needed care. In order to help remedy the current situation the Medicare Home Health Services Improvement Act of 1987 would:

Require the Secretary of Health and Human Services to comply with the Administrative Procedures Act so that policy changes are implemented through the regulatory process;

Allow daily home care when medically necessary for up to 60 days;

Provide a reasonable and consistent definition of homebound, and one that does not require an individual to be bedridden;

Recognize occupational therapy as a skilled service which qualifies a beneficiary for the Medicare home health benefit;

Provide up to 3 weeks of post-hospital skilled and nonskilled home health care, rather than nursing home care, for certain hospital patients;

Improve the appeals process when claims are denied;

Require home health agencies to observe a bill of rights for the individuals they serve;

Establish unannounced certification surveys that include visits to patients' homes and that focus on the quality of care being received;

Provide for an annual directory of home health agencies and for a toll-free hotline to receive complaints or answer questions about home health agencies.

I am a strong supporter of home health care, and am actively involved in this issue as a member of the Aging Committee. Since the 1983 implementation of Medicare's new payment system based on DRG's [diagnosis-related groups], home care is under an increasing burden. With Medicare patients being discharged from hospitals still requiring considerable medical attention, the elderly need increased access to home health services. The Reagan administration's actions, through the Health Care Financing Administration [HCFA], are having the opposite effect.

I urge my colleagues to support the Medicare Home Health Services Improvement Act of 1987, which would help ensure that Medicare beneficiaries receive the care they need and to which they are entitled.●

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to be joining Senator BRADLEY and my other colleagues in offering the Medicare Home Health Services Improvement Act of 1987. The strong support for this legislation upon its introduction indicates the level of commitment in the Senate to expanding and improving the Home Health Care Program under Medicare—and I hope this support foreshadows the bill's swift and timely passage.

This is a vitally important bill for the 30 million disabled and senior citizens who turn to Medicare for their health care. In West Virginia, this effort is especially important. It is a rural State with a deep tradition of family members residing near one another, and where children grow up with their grandparents nearby. When the elderly develop medical or other needs which can be attended to at home, they far prefer that option.

I'm frankly appalled by the way the Federal Health Care Finance Administration [HCFA] has administered the "home health benefit" recently. Over the past 2 years, I have heard from the more than 40 home health agencies in West Virginia about the sharp increase in "denials" they have experienced with claims for Medicare reimbursement. HCFA seems to be pursuing a deliberate effort to deny Medicare coverage for more and more seniors who seek home health services. Denials are being issued for "technical" reasons that could have been easily corrected with clearer instructions. A constant stream of new guidelines are being issued that are clearly aimed at restricting home health services to the smallest possible number of elderly citizens.

Mr. President, consider these examples:

A patient whose home care was "denied" because the visiting nurse didn't sign one of the copies of a form that had to be sent to HCFA for reimbursement. Rather than call the home health agency and ask for a new, signed version, HCFA refused payment and sent back the case with "technical denial" stamped on the claim.

In Berkeley County, WV, an 85-year-old woman who lives alone and needs skilled medical care for an internal digestive problem was refused home health services because she wasn't viewed by HCFA as "homebound." Why? Because she is fortunate enough to be able to walk around in her house. HCFA has decided, in effect, that to meet the "homebound" definition they have developed, the person must be just about totally bedridden.

Recently, a 75-year-old resident of the central part of my State was also denied home health services due to the "homebound" criteria. Mrs. L has a condition which created complications that forced her to have the lower part of her left leg amputated. After a hospital stay to recover from the operation, her doctor decided she could return home, and prescribed 2 months of home health care for specific services that could be provided by a visiting nurse. HCFA denied her claim. Because she can leave her home in a wheelchair for treatment at her doctor's office, Mrs. L isn't "homebound."

As a final example: A 62-year-old man, covered by Medicare for a disability that confines him to a wheelchair, has diabetes. After being discharged from the hospital, his physician ordered two home health visits last September to monitor and adjust his blood sugar levels. After the second visit, the visiting nurse reported that his system had stabilized, and the doctor suspended the home visits. However, HCFA just denied payment for those two visits, because the visits were spaced too far apart and didn't meet the "intermittent" standard that has evolved in the program. Just because he didn't need daily care, these services were denied—and yet, if they weren't provided, his medication wouldn't have been adjusted and he could be back in the hospital.

The Medicare Home Health Services Improvement Act will fix these and the many other problems plaguing the senior citizens across the country as well as home health agencies which provide the care. Through this legislation, senior citizens will be able to obtain care they need to recover after a hospital stay and avoid entering a hospital or nursing home when the necessary services can be rendered at home. In addition, important steps will be taken to institute a quality assurance system to monitor home health care and take firm action against any abusive or incompetent providers.

This bill makes economical sense, providing a reliable alternative to expensive hospital or nursing home stays that can be avoided in so many cases. Most importantly, it is a compassionate and constructive response to the obvious needs of our growing elderly population. Medicare patients being discharged from hospitals sicker and quicker are being left to fend for themselves—they can't be expected to dress their own wounds or give themselves an intravenous feeding, which are frequently involved in the recovery period following hospitalization.

I am proud to be an original cosponsor of this legislation. I applaud Senator BRADLEY for his leadership in this crucial aspect of health care and the Medicare Program, and pledge to work closely with him and my colleagues in pursuing the passage of the bill. The need for the reforms and expansion of Medicare's home health care benefit is pressing. We must turn the situation around and enable deserving senior citizens to obtain reliable, adequate, and essential home health services.

Mr. President, I also ask unanimous consent that the following summary be reprinted following my statement.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MEDICARE HOME HEALTH SERVICES IMPROVEMENT ACT OF 1987—BILL SUMMARY

The Health Care Financing Administration (HCFA) has been reducing access to the Medicare home care benefit by means of increased claim denials and vague eligibility criteria. This has come at the same time that hospital discharges to home health agencies have been increasing, due to the implementation of the Prospective Payment System. The new reimbursement system has meant the release of patients from hospitals earlier than in the past and frequently in more intense phases of their illnesses. In addition, federal quality assurance mechanisms for home health are weak and inadequate. This bill attempts to address these and other problems with the Medicare home care benefit with the following provisions:

Public Comment: HCFA has unilaterally promulgated a variety of major policy changes that restrict home care benefits through written and verbal directives, manuals, and guidelines, rather than through the regulatory process. This gives the public and Congress little opportunity to comment on policy changes.

This legislation would require HCFA to comply with the Federal Administrative Procedures Act. This would ensure that policy changes that affect beneficiaries are only instituted through the regulatory process, permitting a thorough review of changes in policy by the public.

Intermittent Care: One of the eligibility requirements for the Medicare home health benefit is that the patient must need skilled nursing care on a part-time or "intermittent" basis. Over the years HCFA has been restricting its definition of intermittent care. Most recently, HCFA instructions have allowed most patients to receive care on a daily basis for only two to three weeks. A patient in need of daily care beyond this period of time will be seen as no longer in need of "intermittent" care, and in most cases will be denied Medicare coverage for further home care services. Even informal care provided by family members may be counted against the patient in determining whether care is "intermittent."

This bill would modify the statute to permit patients to receive home care services under Medicare on a daily basis for a period of up to sixty days and longer when the patient's physician certifies that exceptional circumstances require continued daily services. Services financed through sources other than Medicare cannot be considered in determining Medicare coverage.

Homebound: Beneficiaries must also be considered homebound to receive Medicare home care coverage. However, because the term "homebound" is not defined in the statute, it has been subject to varying and inconsistent interpretations by HCFA intermediaries.

This legislation would define as homebound any person that has a condition that restricts his ability to leave the home without support, or to those situations where leaving the home is medically contraindicated.

Occupational Therapy: Only the need for skilled nursing care or speech or physical therapy qualifies a beneficiary for home health benefits. Occupational therapy services are available only after the beneficiary has otherwise qualified for home care. Occupational therapy is medically prescribed treatment concerned with restoring functions impaired by illness so that the individual can regain his ability to function independently. Like physical or speech therapy, occupational therapy is a skilled health service which assists patients in making the transition between an institution and self-care in the home.

This bill includes a provision that recognizes occupational therapy as the fourth skilled service which will qualify beneficiaries for the home health benefit.

Non-skilled Care: Currently, the Medicare home health benefit does not cover patients recently released from hospitals who need only non-skilled nursing care. Nor does Medicare give recently-released patients a choice between entering a skilled nursing facility and receiving home care, if the patient needs skilled nursing care, but does not meet all of the home care coverage criteria.

This bill would provide for Medicare coverage of up to three weeks of post-hospital skilled and non skilled home health care, as long as the cost of these benefits did not exceed the cost of care in a skilled nursing facility for an equivalent period of time.

Appeals of Denials: After a home care claim has been denied for Medicare reimbursement, the beneficiary, with the assistance of the home care agency, can request a "reconsideration" of the decision. If the denial is upheld at that level, the beneficiary can appeal the matter to an administrative law judge. This appeals process is often a lengthy and uncertain one, conducted over a period of months, since HCFA intermediaries who consider appeals have no formal incentive to expedite the reconsideration process, and patients are often unaware of why Medicare coverage has been denied.

This bill would require HCFA to promulgate standards and a timetable for appeals considerations, including a requirement that (1) providers receive an explanation for denials; (2) penalties be charged if reconsiderations are not conducted within sixty days of receipt of an appeal; and (3) intermediary performance on appeals be made part of HCFA's overall appraisal of the intermediary.

Home Health Quality: Very little attention has been placed at the federal level on the quality of care that home care agencies provide. The evaluation of quality of care has focused on the home care agency's organizational form, its facilities and equipment, its staff's credentials, and its fiscal management. These standards tend to measure an agency's capacity to deliver services rather than the quality of the services actually provided. In addition, Medicare Conditions of Participation contain no home health aide training or proficiency requirements. Home health aides are unlicensed workers who provide homemaker, personal support, companion, and other health-related services to home care patients. Despite their wide range of responsibilities, these providers often receive little or no formal training.

This bill would strengthen federal quality monitoring by requiring HCFA to establish a revised certification survey that focuses on the quality of patient care and the effect of that care on the patient. This would ensure that the capacity to deliver care actually translated into the provision of high quality care. Rights for home care consumers would be established and quality monitoring surveys of home care agencies would be conducted annually and unannounced. Intermediate sanctions for poor quality would also be established, including civil fines and denial of Medicare reimbursement for future Medicare patients.

In addition, states would be required to establish hot lines for receiving consumer complaints about home care as well as an ombudsman-like body responsible for the investigation of complaints, with enforcement authority and access to consumer medical records and survey reports. Finally, employees of home care agencies, including home health aides, would be required to complete a training program that is approved by the Secretary of HHS.

Rural/Urban Study: Under current law, home health agencies are reimbursed on a rural/urban basis. For agencies that are designated by HCFA as either urban or rural but actually serve a mix of urban/rural clients, these differential rates can serve as a disincentive to provide care to clients for whom agencies are reimbursed at lower rates.

This bill would require HCFA to study and report to Congress on the appropriateness of the separate rural and urban cost schedules currently being used, and on a mechanism to more equitably reimburse agencies that serve a mix of urban and rural clients.

Cost Data: HCFA currently uses hospital wage data to determine home health agency cost limits, despite the fact that home health agencies are required to complete cost reports that HCFA's intermediaries audit and report to HCFA. In addition, the hospital wage data that HCFA uses is from before the implementation of PPS and reflects neither the affect of PPS on client acuity, nor the administrative and regulatory changes that have taken place in the industry since that time.

This legislation would mandate that HCFA develop a revised wage index based upon data provided by annual home health cost reports, and use post-PPS data for their determination of home health agency cost limits.

By Mr. CRANSTON (for himself, Mr. Stafford, Mr. Riegle, Mr. Simon, Mr. Kerry, Mr. Weicker, and Mr. Harkin):

S. 1077. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit implementation of the provisions of certain regulations thereunder which discriminate against mentally handicapped individuals and which place a limit on required expenditures to eliminate discrimination against handicapped persons and to provide a private right of action for violations of certain handicapped anti-discrimination regulations and laws; to the Committee on Banking, Housing, and Urban Affairs.

HANDICAPPED TRANSPORTATION AMENDMENTS

Mr. CRANSTON. Mr. President, I am pleased to be introducing today, on behalf of myself and Senators Stafford, Riegle, Simon, Kerry, Weicker, and Harkin, S. 1077, the proposed "Handicapped Transportation Amendments of 1987," a bill to help protect the rights of disabled and elderly individuals under the law to mass transit services. This legislation incorporates the provisions of Amendment No. 8, which I submitted on January 29. It would provide for more effective enforcement of the transporation rights of disabled individuals and correct two glaring defects in the regulations prescribed by the Department of Transportation on May 23, 1986, pursuant to section 317(c) of the Surface Transportation Assistance Act of 1982, legislation which I authored along with my good friend from Michigan [Mr. Riegle].

More specifically, this bill would:

First, eliminate an unauthorized limitation that the administration has placed on the level of effort that a transit operator in receipt of Federal financial assistance may be required to make in carrying out its obligations under the law to meet the transportation needs of individuals with disabilities.

Second, eliminate the totally arbitrary and unauthorized exclusion of mentally-disabled persons from the coverage of the regulations.

Third, expressly provide that disabled individuals aggrieved by violations of the regulations or of the statutes which the regulations implement would have a private right of action to enforce their rights in court.

Mr. President, in the statement I made on introducing that amendment I provided background information on and explained its provisions. Rather than repeating that material at this time, I would refer my colleagues and others interested in these issues to that earlier statement in the Record for January 29 beginning on page S1409.

I am aware that many disability groups advocate that the law be amended to require that all new buses be accessible. I am continuing to explore that area and expect to ask witnesses at forthcoming hearing to respond to these proposals.

As the chairman of the Subcommittee on Housing and Urban Affairs of the Banking, Housing, and Urban Affairs Committee, I intend that the subcommittee will be conducting hearings on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Handicapped Transportation Amendments of 1987".

(b) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end the following new subsections:

"(e)(1) No provision or part of a provision of the regulations promulgated under subsection (d) of this section shall be implemented or enforced in such a way as to—

"(A) limit the category of handicapped individuals to whom the provision of services is required under certain circumstances by such regulations to individuals who, by reason of handicap, are physically, as distinguished from mentally, unable to use bus systems designed for use by the general public; or

"(B) provide for a limit on the amount of the expenditures which a recipient is required to make during any specified period in order to comply with such regulations.

"(2) As used in this subsection, the term 'recipient' means a recipient of Federal financial assistance under this Act or under any provision of law referred to in section 165(b) of the Federal-Aid Highway Act of 1973.

"(f) An individual aggrieved by a violation of a provision of (1) subsection (a) of this section, (2) regulations promulgated under subsection (d) of this section, or (3) section 165(b) of the Federal-Aid Highway Act of 1973, may bring an action, under the same terms and conditions applicable to actions to enforce section 504 of the Rehabilitation Act of 1973, in any United States district court or other court of competent jurisdiction to enforce compliance with such provision of law or regulations.".

● Mr. WEICKER. Mr. President, I rise as an original cosponsor of the Handicapped Transportation Amendments of 1987. This legislation is essential in order to overturn regulations promulgated by the Department of Transportation which are discriminatory against individuals with disabilities.

On May 23, 1987, DOT issued final regulations to carry out provisions of the Urban Mass Transit Act designed to prevent discrimination on the basis of handicap in federally assisted transportation programs.

Unfortunately, the final regulations issued by the Department do discriminate against the disabled. Specifically, they exclude persons with mental disabilities from eligibility for special transportation services. The regulations also place an unauthorized cap on State transit operating budgets for services to individuals with disabilities, whether or not those amounts actually result in sufficient, accessible services.

Congress made it clear discrimination on the basis of handicap is not permissible in federally supported programs when it enacted section 504 of the Rehabilitation Act of 1973. Section 504 states in part that no otherwise qualified handicapped individual in the United States shall be "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *." This certainly includes public transportation services.

Yet as recently as February 1986, the report of the National Council on the Handicapped Toward Independence concluded that the Nation is "far short of a truly accessible system" of transportation. Further, the council noted, "persons with transportation handicaps have lower incomes than other Americans" and "a major impediment to employment for people with disabilities is their inability to reach the job site."

At a time when so much more needs to be done to allow disabled individuals the mobility others take for granted, DOT's regulations serve only to further restrict that mobility. Therefore, the bill we introduce today amends the Urban Mass Transportation Act to prohibit any limitation as to the types of disabled people served, prohibit the unauthorized capping of amounts which can be spent to comply with nondiscrimination provisions, and provide a private right of action for persons with disabilities to ensure appropriate civil rights law enforcement.

A nation cannot afford to discriminate against any of its citizens, least of all a nation founded on the principles of equality of opportunity. Accessible transportation is fundamental to ensuring that individuals with disabilities enter the mainstream of American society, through employment and full integration into community life. And every day that the current DOT regulations remain in force, we are permitting discrimination to continue.

I am proud to be an original cosponsor of this legislation, and urge its prompt passage. Disabled individuals have already waited too long.●

By Mr. DURENBERGER (for himself, Mr. Chiles, Mr. Hatfield, Mr. Boschwitz, Mr. Kerry, Mr. Moynihan, and Mr. Simon):

S.J. Res. 116. Joint resolution expressing the sense of the Congress that Federal aid for refugee assistance programs should not be reduced, and for other purposes; to the Committee on the Judiciary.

OPPOSING REDUCTIONS IN FEDERAL AID FOR REFUGEES ASSISTANCE PROGRAMS

● Mr. DURENBERGER. Mr. President, today I am introducing a joint resolution expressing congressional support for Federal programs which aid State and local governments in their efforts to assist refugees who have come to our country to start a new life free of persecution. These refugee assistance programs, which include Targeted Assistance, AFDC and Medicaid reimbursement and Refugee Social Services, provide valuable counseling, education, job training and other services which enable refugees to adjust to our society and develop the skills to become self-sufficient.

In establishing these refugee programs, Congress recognized that we, as a democratic and free nation, have a moral responsibility to assist individuals who are fleeing persecution and oppression in their homelands. And I feel we can be proud of our record. Since 1976, close to 1 million refugees from Africa, Asia, Eastern Europe, the Soviet Union, Latin America and Near East Asia have come to the United States to start new lives. Refugee resettlement is not just a one way street, however. We, as a nation, have benefited from the rich cultural diversity and experiences that these individuals have brought with them.

Mr. President, the difficulties that refugees face when they arrive in this country can be overwhelming. Unfamiliarity with the language, a lack of appropriate job skills, poor health, little money, and cultural shock are just some of the barriers that stand in the way of refugees becoming productive and happy members of our society. Federal refugee assistance programs are designed to help refugees overcome these barriers and make the transition from welfare to self-support as quickly as possible. Our national efforts also acknowledge that States and communities that have a high percentage of refugees among their citizens should not be expected to bear the entire cost of assistance. Even with Federal assistance, local communities and States face significant short-term and long-term costs associated with refugee resettlement.

Refugee assistance programs are very important to my State of Minnesota where more than 26,000 Southeast Asian refugees have settled. Only a few weeks ago, I had the opportunity to meet with a group of Hmong refugees in Minneapolis who are employed by the Professional Instruments Co. Because of the combined efforts of Federal and local programs, these refugees received training that enabled them to find a good job. Their appreciation of our country and for the assistance they received was moving.

The President's fiscal 1988 budget proposal does not bode well for these programs. The administration's budget calls for the termination of the Targeted Assistance Program after March 1988. This program provides grants to those communities with unusually large refugee populations. It also calls for deep reductions in other programs which aid refugees such as the Refugee Social Services. In addition, the reimbursement period to State and local governments for AFDC and Medicaid costs they incur in aiding newly-arrived refugees will be reduced to 24 months from 31 months. This reimbursement period was already reduced from 36 to 31 months under the budget sequestration last year.

Mr. President, these cuts would mean an end to truly effective refugee assistance and create a substantial financial burden for those communities with many refugees. These cuts would hinder the efforts of refugees to become an integral part of our society and could even cause resentment against refugees because of the increased pressure on the local tax dollars due to increased service demands.

I would like to give you an example of how the refugee assistance system works and how proposed budget cuts would impact upon that system.

Ramsey County, in my home State of Minnesota, currently receives approximately $570,000 in Targeted Assistance funds. The county uses this money to provide job-training and job-related support services to 450 adult refugees and 400 high school youths. Among these support services are job placement activities, job training, youth acculteration, interpretation and supportive counseling, and family support services. Up to 5,000 individuals, mostly Hmong refugees, could benefit from such services if enough funds were available. However, should Target Assistance be terminated, Ramsey County would be forced to end the program.

If we allow the proposed cuts to take place, this story will be repeated throughout the United States at every government level which uses this money to provide essential support to their needy refugee community. Congress must not allow these stories to be written.

Mr. President, the resolution I am offering today expresses the sense of Congress that we should maintain our commitment to refugee resettlement and assistance. We must allow for these programs in the budget and in the appropriations bill. My colleague from Minnesota, Bill Frenzel is introducing this resolution in the House. I urge all Members to join on to this important resolution.

I ask unanimous consent to print the text of the joint resolution in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 116

Whereas the United States is the world leader in assisting individuals who are fleeing from persecution in their homelands;

Whereas in the past decade, the United States has helped close to a million refugees to start a new life in the United States, free from oppression and deprivation;

Whereas despite the best efforts of the United States and the international community, conditions continue, and will continue, to persist that cause people to flee their homelands for fear of persecution;

Whereas Congress has established programs to aid State and local governments in their efforts to assist refugees in adapting to American society and becoming self-sufficient;

Whereas the fiscal year 1988 budget as proposed by the President would decrease Refugee Social Services funding by 34 percent, terminate the Targeted Assistance program after March 1988, and reduce funding for other programs which assist refugees;

Whereas the Federal Government is authorized to reimburse State and local governments for the costs they incur in providing AFDC and Medicaid to eligible refugees for 36 months after they enter the country;

Whereas the budget sequestration last year reduced the reimbursement period to 31 months and the President's fiscal year 1988 budget proposes to reduce further this period to 24 months and, similarly, to reduce the reimbursement period for needy refugees receiving aid under the refugee cash and medical assistance programs;

Whereas the reduction of Federal funds for refugee assistance will unfairly burden those States and communities that have a higher than average proportion of refugees among their population; and

Whereas the reduction of Federal refugee aid will hinder the efforts of refugees to become healthy and self-sufficient members of American society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress—

(1) that the Federal Government should continue to aid individuals who are fleeing persecution in their homelands by maintaining its commitment to humane refugee resettlement and refugee assistance; and

(2) that Federal aid for refugee assistance programs should not be reduced.●

ADDITIONAL COSPONSORS

At the request of Mr. Cranston, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Minnesota [Mr. Boschwitz], and the Senator from Washington [Mr. Adams] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 212

At the request of Mr. Helms, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 212, a bill to help prevent rape and other sexual violence by prohibiting dial-a-porn operations.

S. 268

At the request of Mr. Humphrey, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of S. 268, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 269

At the request of Mr. Humphrey, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of S. 269, a bill to amend title 10, United States Code, to provide child adoption benefits for members of the Armed Forces.

S. 270

At the request of Mr. Humphrey, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 271

At the request of Mr. Humphrey, the names of the Senator from Missouri [Mr. Danforth], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of S. 271, a bill to amend section 1001 of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 303

At the request of Mr. Bradley, the names of the Senator from Tennessee [Mr. Gore], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of S. 303, a bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes.

S. 422

At the request of Mr. Bradley, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 422, a bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women.

S. 461

At the request of Mr. Mitchell, the names of the Senator from California [Mr. Cranston], and the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 461, a bill to prohibit the implementation of certain regulations of the Secretary of Health and Human Services and the Secretary of Agriculture respecting irradiated foods, to amend the Federal Food, Drug, and Cosmetic Act to prescribe labels for irradiated food, and for other purposes.

S. 472

At the request of Mr. Cranston, the names of the Senator from Massachusetts [Mr. Kennedy], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 472, a bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads.

S. 561

At the request of Mr. Thurmond, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 561, a bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters.

S. 565

At the request of Mr. Grassley, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 565, a bill to make certain bankruptcy amendments relating to family farmers applicable to cases under title 11 of the United States Code that were commenced before November 26, 1986, and that are either pending or reviewable.

S. 585

At the request of Mr. Durenberger, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 585, a bill to provide relief to State and local government from Federal regulations.

S. 652

At the request of Mr. Cranston, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 652, a bill to amend the Export Administration Act of 1979 with respect to the export of goods and technology subject to export controls for national security purposes.

S. 685

At the request of Mr. Quayle, the names of the Senator from Utah [Mr. Garn], the Senator from Alabama [Mr. Shelby], and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans.

S. 703

At the request of Mr. Specter, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 778

At the request of Mr. Kennedy, the names of the Senator from Delaware [Mr. Biden], the Senator from Louisiana [Mr. Johnston], and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of S. 778, a bill to to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

S. 780

At the request of Mr. Reid, the names of the Senator from North Dakota [Mr. Burdick], and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 801

At the request of Mr. Johnston, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 801, a bill to facilitate the national distribution and utilization of coal.

S. 818

At the request of Mr. Domenici, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 885

At the request of Mr. Metzenbaum, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 885, a bill to make available to consumers certain information on the performance records of air carriers operating in the United States.

S. 946

At the request of Mr. Roth, the names of the Senator from Utah [Mr. Hatch], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 946, a bill to amend title 18 of the United States Code to provide for the imposition of the death penalty in certain espionage cases.

S. 947

At the request of Mr. Roth, the names of the Senator from Utah [Mr. Hatch], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 947, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 948

At the request of Mr. Roth, the names of the Senator from Utah [Mr. Hatch], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 948, a bill to condition the occupation of the new Soviet Embassy in Washington, DC, on improved United States security arrangements for the Embassy in Moscow.

S. 949

At the request of Mr. Roth, the names of the Senator from Utah [Mr. Hatch], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 949, a bill to prohibit the availability of funds for the United States' proportionate share of the United Nations' Office of Research and Information Collection.

SENATE JOINT RESOLUTION 1

At the request of Mr. Kennedy, the Name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 43

At the request of Mr. Cranston, the names of the Senator from Ohio [Mr. Metzenbaum], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Illinois [Mr. Simon] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating April 24, 1987 as "National Day of Remembrance for the Victims of the Armenian Genocide".

SENATE JOINT RESOLUTION 69

At the request of Mr. Simon, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of Senate Joint Resolution 69, a joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week".

SENATE JOINT RESOLUTION 88

At the request of Mr. Bradley, the names of the Senator from Michigan [Mr. Riegle], the Senator from Hawaii [Mr. Inouye], the Senator from Tennessee [Mr. Gore], and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Joint Resolution 88. a joint resolution to designate the period commencing November 15, 1987, and ending November 21, 1987, as "Geography Awareness Week".

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DeConcini, the names of the Senator from Oklahoma [Mr. Nickles], the Senator from Nevada [Mr. Hecht], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE RESOLUTION 157

At the request of Mr. Cohen, the names of the Senator from New Mexico [Mr. Domenici], the Senator from West Virginia [Mr. Rockefeller], the Senator from Oklahoma [Mr. Boren], the Senator from Iowa [Mr. Grassley], and the Senator from Alabama [Mr. Heflin] were added as cosponsors of Senate Resolution 157, a resolution expressing the sense of the Senate on continued funding for vocational education.

SENATE RESOLUTION 176

At the request of Ms. Mikulski, the names of the Senator from Michigan [Mr. Levin], the Senator from Iowa [Mr. Harkin], the Senator from Washington [Mr. Adams], the Senator from New Jersey [Mr. Bradley], the Senator from Delaware [Mr. Biden], the Senator from Vermont [Mr. Leahy], the Senator from Minnesota [Mr. Durenberger], the Senator from Nevada [Mr. Reid], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of Senate Resolution 176, a bill calling for the immediate release of all the children detained under the state of emergency regulations in South Africa.

SENATE RESOLUTION 192—ORIGINAL RESOLUTION REPORTED RELATIVE TO EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 192

Resolved, That Senate Resolution 353, section 20, paragraph (b), 99th Congress as amended, be amended by striking out "$1,864,131" and inserting in lieu thereof "$1,884,131"; and be it further

Resolved, That Senate Resolution 80, section 20, paragraph (b), 100th Congress, be amended by striking out "$1,926,804" and inserting in lieu thereof "$1,906,804".

AMENDMENTS SUBMITTED

ACREAGE DIVERSION LEGISLATION

PRESSLER AMENDMENT NO. 148

Mr. PRESSLER proposed an amendment to the bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986; as follows:

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu thereof "subclauses (II) and (III)".

On page 2, strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and (vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat will not be subject to the 50 percent planting requirement and such producers on a farm may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers on a farm shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph if the producers on the farm are prevented from planting such acreage, if intended for wheat, to wheat for harvest in 1987 because of a natural disaster in 1986 and the farm is located in a county in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) as a result of such disaster."; and

MELCHER AMENDMENT NO. 149

Mr. MELCHER proposed an amendment which was subsequently modified, to the bill H.R. 1157, supra; as follows:

Add at the end a new section as follows:

CONSERVATION RESERVE

Sec. .

"Sec. 1235 (a) of the Food Security Act of 1985 should be reviewed by the Department of Agriculture to assure that the provisions relating to exceptions to the 3 year ownership period are implemented in a manner to encourage inclusion of product owned land in the conservation reserve."

GRAMM AMENDMENT NO. 150

Mr. GRAMM proposed an amendment to the bill H.R. 1157, supra; as follows:

At the appropriate place in the Act, insert the following:

"SEC. . Appropriations made pursuant to this authorization shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act, as amended, which prohibits the consideration of any bill which would cause the deficit to exceed the levels estabilshed by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), such that it shall not increase the deficit of the United States Government for fiscal year 1987."

WIRTH AMENDMENT NO. 151

Mr. WIRTH proposed an amendment to the bill H.R. 1157, supra; as follows:

On page 5, between lines 7 and 8, insert the following new paragraph:

(1) subsection (a)(5)(B)(ii), inserting after "immediately preceding year" the following: "(or, in the case of a producer of sugar beets or sugar cane who did not plant acreage in the immediately preceding year as the result of the bankruptcy of the Great Western Sugar Company, a quantity of acreage determined by the local committee established under section 8(b)) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))";

On page 5, line 8, strike out "(1)" and insert in lieu thereof "(2)".

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following:

(3) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(1) applications for payments with repect to hay and straw referred to in subsection (c)(1), or crops of apples damaged by freezing, must be filed on or before April 15, 1987; and

"(2) applications for payments made by producers described in the parenthetical of subsection (a)(5)(ii) must be filed on or before the date that is 30 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 5, line 18, strike out "(3)" and insert in lieu thereof "(4)".

On page 6, line 10, strike out "(4)" and insert in lieu thereof "(5)".

MITCHELL (AND COHEN) AMENDMENT NO. 152

Mr. MITCHELL (for himself and Mr. COHEN) proposed an amendment to the bill H.R. 1157, supra; as follows:

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following:

(2) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(1) applications for payments with respect to hay and straw referred to in subsection (c)(1), or crops of apples damaged by freezing, must be filed on or before April 15, 1987; and

"(2) applications for payments with respect to program or nonprogram crops produced in the State of Maine must be filed on or before the date that is 7 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 6, line 9, strike out the closing quotation marks and "; and".

On page 6, between lines 9 and 10, insert the following new paragraph:

"(5) With respect to losses of program or nonprogram crops produced in the State of Maine—

"(A) payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act, as authorized under section 4 of the Farm Disaster Assistance Act of 1987; and

"(B) the total amount of payments made to all producers may not exceed $1,000,000."; and

DANFORTH (AND BOND) AMENDMENT NO. 153

Mr. DANFORTH (for himself and Mr. BOND) proposed an amendment to the bill H.R. 1157, supra; as follows:

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu thereof "subclauses (II) and (III)".

On page 2, strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) Inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and (vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers of wheat shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted wheat acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster"; and

On page 3, line 25, insert after "1986" the following: "(including producers on a farm who are, during the normal planting season, subject to flooding on at least 50 percent of the permitted feed grain acreage of the farm as the result of damage to a levee from flooding that occurred in 1986)".

On page 4, between lines 10 and 11, insert the following new sections:

COTTON ACREAGE DIVERSION

SEC. 4. Effective only for the 1987 crop of upland cotton, section 103AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after permitted upland cotton acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and " before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of upland cotton shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 upland cotton permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted upland cotton acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph * * *

RICE ACREAGE DIVERSION

SEC. 5. Effective only for the 1987 crop of rice, section 101AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1441-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted rice acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of rice shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 rice permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planning season subject to flooding on at least 50 percent of the permitted rice acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))".

On page 4, line 12, strike out "4" and insert in lieu thereof "6".

On page 5, line 4, strike out "5" and insert in lieu thereof "7".

METZENBAUM (AND GLENN) AMENDMENT NO. 154

Mr. METZENBAUM (for himself and Mr. GLENN) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the appropriate place in the bill add the following new section:

"Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) is amended—

"(1) by redesignating subsection (a) as subsection (a)(1); and

"(2) by adding at the end of subsection (a)(1), as redesignated by this Act, the following new paragraph:

"(2) In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

"(A) residential establishments;

"(B) commercial establishments, including the protection of inventory; and

"(C) agricultural establishments, including the protection of crops."

LEVIN (AND OTHERS) AMENDMENT NO. 155

Mr. LEVIN (for himself, Mr. ARMSTRONG, and Mr. RIEGLE) proposed an amendment to the bill H.R. 1157, supra; as follows:

Beginning on page 6, on line 17 strike out the period and insert in lieu thereof the following:

"; (5) inserting in subsection (a)(5)(B)(ii) before the period at the end thereof the following: ', except that, with respect to the 1986 crops only the limitation of acreage planted in the immediately preceding year to sugar beets or sugar cane for harvest contained in this clause or in the regulations implementing the Disaster Payment Program for 1986 Crops to be codified at 7 CFR Part 1477 shall not apply to the extent provided in advance in an appropriation Act, and notwithstanding any other provision of Public Laws 99-500 and 99-591, applications for payments with respect to crops of sugar beets, and sugar cane that are not subject to the limitation referred to in subsection (a)(5)(B)(ii) or in the regulations implementing the Disaster Payment Program for 1986 Crops to be codified at 7 CFR Part 1477 must be filed on or before May 31, 1987'."

SYMMS (AND McCLURE) AMENDMENT NO. 156

Mr. SYMMS (for himself and Mr. McCLURE) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

TAX ON FOOD STAMP PURCHASES

SEC. . Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) in the first sentence, by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), a State may not participate in the food stamp program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with coupons issued under this Act.

"(B) Subparagraph (A) shall not apply if a State agency has implemented procedures, approved by the Secretary, under which food stamp households are promptly paid from State funds, other than funds received by the State under section 16, for the value of any State or local sales tax charged within the State with respect to food stamp purchases.

"(C) Notwithstanding any other provision of law, payments received by a household under subparagraph (B) shall not be considered income for purposes of the food stamp program and any other program under which food stamps are not considered income.".

LEAHY AMENDMENT NO. 157

Mr. LEAHY proposed an amendment to the bill H.R. 1157, supra; as follows:

On page 5, between lines 7 and 8, insert the following new paragraph:

(1) subsection (a)(5)(B)(ii), inserting after "immediately preceding year" the following: "(or, in the case of a producer of sugar beets or sugar cane who did not plant acreage in the immediately preceding year as the result of the bankruptcy of the Great Western Sugar Company, a quantity of acreage determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))";

On page 5, line 8, strike out "(1)" and insert in lieu thereof "(2)".

On page 5, strike out lines 12 through 17 and insert in lieu thereof the following.

(3) inserting before the period at the end of paragraph (2) of subsection (d) the following: ", except that—

"(A) applications for payments with respect to hay and straw referred to in subsection (c)(1) or crops of apples damaged by freezing, must be filed on or before the date that is 30 days after the date of enactment of the Farm Disaster Assistance Act of 1987; and

"(B) applications for payments made by producers described in the parenthetical of subsection (a)(5)(B)(ii) must be filed on or before the date that is 30 days after the date of enactment of Farm Disaster Assistance Act of 1987."; and

"(C) applications for payments with respect to program or nonprogram crops produced in the State of Maine must be filed on or before the date that is 7 days after the date of enactment of Farm Disaster Assistance Act of 1987.";

On page 5, line 18, strike out "(3)" and insert in lieu thereof "(4)".

On page 6, line 10, strike out "(4)" and insert in lieu thereof "(5)".

On page 6, line 9, strike out the closing quotation marks and "; and".

On page 6, between lines 9 and 10, insert the following new paragraph:

"(5) With respect to losses of program or nonprogram crops produced in the State of Maine—

"(A) payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act, as authorized under section 4 of the Farm Disaster Assistance Act of 1987; and

"(B) the total amount of payments made to all producers may not exceed $1,000,000."; and

On page 1, line 5, strike out "WINTER".

On page 2, line 3, strike out "the second sentence" and insert in lieu thereof "subclauses (II) and (III)".

On page 2, strike out lines 8 through 19 and insert in lieu thereof the following:

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclauses (II) and (III) and" before "clauses (iii) and vii)"; and

(C) adding at the end thereof the following new subclauses:

"(II) Effective for the 1987 crop, producers of winter wheat shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 winter wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph.

"(III) Effective for the 1987 crop, producers of wheat shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph, if the producers on the farm are during the normal planting season, subject to flooding on at least 50 percent of the permitted wheat acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a country in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster.

"(IV) Effective for the 1987 crop, producers on a farm shall not be subject to the 50 percent planting requirement and may devote all or any portion of the farm's 1987 wheat permitted acreage to conservation uses (or other uses as provided in subparagraph (K)) under the program under this subparagraph if the producers on the farm are prevented from planting such acreage, if intended for wheat, to wheat for harvest in 1987 because of a natural disaster in 1986 and the farm is located in a country in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as a result of such disaster."; and

On page 3, line 25 insert after "1986" the following: "(including producers on a farm who are, during the normal planting season, subject to flooding on at least 50 percent of the permitted feed grain acreage of the farm as the result of damage to a levee from flooding that occurred in 1986)".

On page 4, between lines 10 and 11, insert the following new sections:

COTTON ACREAGE DIVERSION

SEC. 4. Effective only for the 1987 crop of upland cotton, section 103AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted upland cotton acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of upland cotton shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 upland cotton permitted acreage to conservation uses (or other uses as provided in subparagraph (G) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted upland cotton acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))'.

RICE ACREAGE DIVERSION

SEC. 5. Effective only for the 1987 crop of rice, section 101AC(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1441-1(c)(1)(B)) is amended—

(1) in clause (i)—

(A) inserting ", or all of such permitted acreage (as provided in the subclause (II) of clause (ii))," after "permitted rice acreage of the farm for the crop"; and

(B) in subclause (I), inserting "(or all)" after "such portion";

(2) in clause (ii)—

(A) inserting "(I)" after the clause designation;

(B) inserting "subclause (II) and" before "clause (iii)"; and

(C) adding at the end thereof the following new subclause:

"(II) Effective for the 1987 crop, producers of rice shall not be subject to the 50 percent planting requirement, and may devote all or any portion of the farm's 1987 rice permitted acreage to conservation uses (or other uses as provided in subparagraph (G)) under the program under this subparagraph, if the producers on the farm are, during the normal planting season, subject to flooding on at least 50 percent of the permitted rice acreage of the farm as the result of damage to a levee from flooding that occurred in 1986 and the farm is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of a natural disaster."; and

(3) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (G))".

On page 4, line 12, strike out "4" and insert in lieu thereof "6".

On page 5, line 4, strike out "5" and insert in lieu thereof "7".

BOREN (AND OTHERS) AMENDMENT NO. 158

Mr. BOREN (for himself, Mr. BENTSEN, and Mr. NICKLES) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, insert the following new section:

UPLAND COTTON DISASTER PAYMENTS

SEC. 6. Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-951, is amended by—

(1) adding at the end of paragraph (a)95)(A)(ii) a new sentence as follows: "To ensure equitable treatment of all producers suffering losses, the county committee established under Section 8(b) of the Soil Conservation and Domestic Allotment Act, in accordance with regulations established by the Secretary, shall make adjustments in the actual production on the farm of the 1986 upland cotton crop to reflect any reduction in the quality of such crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.";

(2) adding at the end of paragraph (d)(2), as amended by Section 5 of this Act, a new sentence as follows: "Applications for payments with respect to the 1986 crop of upland cotton for which the actual production on a farm is to be adjusted by the Secretary under paragraph (a)(5)(A)(ii) must be filed on or before May 31, 1987."; and

(3) adding at the end of subsection (e), as amended by Section 5 of this Act, the following: "(5) With respect to adjustments made to reflect any reduction in the quality of the 1986 upland cotton crop under subsection (a)—

"(A) Payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act; and

"(B) the total amount of payments made to all producers may not exceed $30,000,000.".

LUGAR AMENDMENT NO. 159

Mr. LUGAR proposed an amendment to amendment No. 158 proposed by Mr. BOREN (and others) to the bill H.R. 1157, supra; as follows:

In lieu of the language proposed to be inserted insert in lieu thereof the following:

"UPLAND COTTON DISASTER PAYMENTS

"SEC. 6. Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by—

"(1) adding at the end of paragraph (a)(5)(A)(ii) a new sentence as follows: 'To ensure equitable treatment of all producers suffering losses, the county committee established under Section 8(b) of the Soil Conservation and Domestic Allotment Act, in accordance with regulations established by the Secretary, shall make adjustments in the actual production on the farm of the 1986 upland cotton crop to reflect any reduction in the quality of such crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.';

"(2) adding at the end of paragraph (d)(2), as amended by Section 5 of this Act, a new subparagraph (D) as follows: '(D) Applications for payments with respect to the 1986 crop of upland cotton for which the actual production on a farm is to be adjusted by the Secretary under paragraph (a)(5)(A)(ii) must be filed on or before May 31, 1987.'; and

"(3) adding at the end of subsection (e), as amended by Section 5 of this Act, the following: '(5) With respect to adjustments made to reflect any reduction in the quality of the 1986 upland cotton crop under subsection (a)—

" '(A) Payments may be made to producers only to the extent payments under this section are provided for in advance in an appropriation Act; and

" '(B) the total amount of payments made to all producers may not exceed $15,000,000.' ".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold hearings on the Federal Insecticide, Fungicide, and Rodenticide Act on Wednesday, April 29, 1987, at 9 a.m. and May 20, 1987, at 9:30 a.m. Both hearings will be held in SR-332.

The first hearing will cover problems with pesticide contamination in ground water. The second hearing will cover pesticide residues in food and will involve domestic and imported food.

For further information, please contact, Carolyn Brickey of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, at 2 p.m., to hold an oversight hearing on the Indian Self-Determination and Education Assistance Act, Public Law 93-638.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 22, 1987, to mark up the Omnibus Trade Act of 1987 (S. 490).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, at 2 p.m. to conduct a hearing on literacy tutoring.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS, AND TRADEMARKS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights, and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 22, 1987, to hold a hearing on process patent legislation.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, to mark up manpower and personnel portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, at 2 p.m. to mark up readiness and sustainability portions, to include military construction portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 22, 1987, at 2 p.m. to hold hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on April 22, beginning to hold a hearing on the Environmental Protection Agency's views on acid rain controls and post-1987 attainment strategies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, to hold hearings on S. 552, the Federal Employee Compensation Equity Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 22, to consider pending calendar business. S. 748, Price Anderson; S. 958, North Cascade bill; S. 640; relief of Dickinson North Dakota; S. 836, DOE Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, April 22, 1987, to conduct oversight hearings on improper activities in the securities industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, at 10 a.m. and 2:30 p.m. to hold hearings on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, to receive testimony on congressional election campaign finance reform proposals referred to the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 22, 1987, at 2:15 p.m. to mark up fiscal year 1988 foreign assistance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

● Mr. BUMPERS. Mr. President, earlier this year, our planet reached a mind-boggling milestone. Somewhere in the world, the birth of a baby caused the Earth's population to reach 5 billion persons. At the present rate, three persons are added to the world's population every second, a quarter of a million per day. And each day, governments struggle to find ways to distribute adequate resources to an ever increasing number of people. The most basic necessities of life are in short supply in many parts of the globe, and the growth in population is often greater than the ability to meet these essential needs. The problem is among the most difficult faced in human history, and in many developing nations the battle is being lost.

A problem of such magnitude and complexity is one which we might rather not think about. Yet, neither can we afford to ignore it. As part of the effort to focus the attention of policymakers the world over on the population problem, the Governor of my State of Arkansas has joined 40 other States in declaring this week of April 20-25 "World Population Awareness Week." Fifty-three Members of this body, myself included, joined in the spirit of this effort by cosponsoring Senate Joint Resolution 69. During this week, a great many Arkansans who share the concern expressed in Governor Clinton's proclamation will gather at sites across the State—including Arkansas State University, among others—to devise strategies for curbing the world's population explosion.

Mr. President, I ask that the Governor's proclamation be inserted in the RECORD.

In the time taken to deliver this statement, 300 persons were added to the world's population. Now is the time to think about what is to become of them.

The proclamation follows:

STATE OF ARKANSAS—PROCLAMATION

To all to whom these presents shall come—greetings:

Whereas the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas some 500 million people in the developing world want and need family planning, but do not have access or means to such services; and

Whereas the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families.

Now, therefore, I, Bill Clinton, Governor of the State of Arkansas, do hereby proclaim the week of April 20-25, 1987, as "World Population Awareness Week" in Arkansas.●

WORLD POPULATION AWARENESS WEEK

● Mr. GORE. Mr. President, the week of April 20-25 has been designated as "World Population Awareness Week" in Tennessee. When Gov. Ned Ray McWherter issued his proclamation, Tennessee became one of more than 30 States to observe this event.

During this week, a wide range of public officials and concerned citizens from around the Nation will meet in conferences and forums to learn more about world population trends and their implications for the future. In my State of Tennessee, such events will be held at Middle Tennessee State University in Murfreesboro, Carson-Newman College in Jefferson City, Lane College in Jackson, Maryville College, and many other locations.

As the Earth's population continues to grow, with more than 5 billion people on this planet, we have a responsibility to grapple with the serious problems of overpopulation and limited resources. This is not an issue that affects only the developing countries of the Third World—it is an issue that will have a profound impact on our own country as well.

Mr. President, I ask that Governor McWherter's proclamation be printed in the RECORD.

The material follows:

STATE OF TENNESSEE—PROCLAMATION

Whereas the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation;

Whereas 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families:

Now, therefore, I, Ned McWherter, as Governor, do hereby recognize the week of April 20-25, 1987, as "World Population Awareness Week" in Tennessee, and I call upon all Tennesseans to reflect upon the consequences of overpopulation.●

CITIZEN OF THE YEAR: LOUIS LoMAGLIO

● Mr. D'AMATO. Mr. President, America's philanthropic organizations are an essential facet of our Nation's efforts to better the lives of all Americans. Such organizations strive to meet those needs which government cannot or should not reach.

In recent years, the philanthropic community has been asked to do more as the Federal Government undergoes a fiscal metamorphosis. With fewer Federal dollars to go around, the private sector must take up the resulting slack in meeting the humanitarian needs of this society.

Today, more than ever before, we must encourage people to help others in need and commend those who have set an example for others to follow. I rise today to pay tribute to a member of the Rochester community who has accumulated a long and impressive record of volunteer service to his community.

Mr. Louis LoMaglio retired last year as a captain and veteran firefighter of the Rochester Fire Department. He was awarded the Rochester Fire Department's first annual Fire Fighters Association's Humanitarian Award, which, henceforth and appropriately, has been named the Lou LoMaglio Humanitarian Award. Mr. LoMaglio also received the 1984 Community Services Award presented by the United Way of Greater Rochester and the Rochester Labor Council, AFL-CIO. Most recently, Mr. LoMaglio received the Outstanding Citizen Award of the Lions Club of the Town of Gates, NY.

Mr. LoMaglio's years of dedicated and unselfish devotion to many charitable causes has earned him the respect and gratitude of his community. He represents the quality of person and quality of commitment we need most, now and in the years ahead, to meet the challenge of helping our fellow Americans in need.●

TREATY VERIFICATION

● Mr. SIMON. Mr. President, we have not heard much in the last few weeks on the subjects of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. The distinguished majority leader, Senator ROBERT BYRD, wrote the President last month and asked that he lend his support to the effort in this body to ratify these two longstanding and good treaties. To my knowledge, the President has yet to lend his authority to this effort.

At the end of January, I wrote President Gerald Ford, who submitted these treaties for Senate consideration on July 29, 1976. I asked for his views on the now controversial subject of verification. He responded that in his judgment, "the United States Government had a sufficient verification capability to detect any Soviet violations." He went on to say that "if for any reason our subsequent verification capability was inadequate, the United States would be in a position to negotiate for further means of verification."

I have spoken before on the floor of the Senate about the myths associated with verification of these test ban treaties, and in particular on the overselling of the CORRTEX onsite yield measurement technique. The simple facts are that seismic yield estimates are for all practical purposes as capable as CORRTEX, and in some ways are better to use because of the vast expanses of territory covered. While I support the verification protocol language sent up by the President and voted out of the Foreign Relations Committee, my colleagues in the Senate should know that this language is necessary primarily because of political expediency: The treaties would not get 67 votes without some bow to new verification measures.

I want to see these treaties ratified. I want us to go on from there and negotiate even more restrictions on nuclear testing. Let us not delay indefinitely debate on the treaties because of misunderstandings over verification. We should not let a questionable "best" become the enemy of what should be an obvious "good." I commend President Ford's letter to all my colleagues, and I ask that it be printed in the RECORD.

The letter follows:

FEBRUARY 18, 1987.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: Your letter of January 30, 1987, asks my opinion as to our verification ability at the time that I submitted the two treaties, namely the Threshold Test Ban Treaty (TTBT) signed by President Nixon in 1974 and the Peaceful Nuclear Explosions Treaty (PNET) signed by me in 1976.

When the two treaties were forwarded to the U.S. Senate on July 29, 1976, it was my judgment that the U.S. government had a sufficient verification capability to detect any Soviet violations. It was also my judgment in 1976 that if for any reason our subsequent verification capability was inadequate, the U.S. would be in a position to negotiate for further means of verification.

I suggest you review my July 29, 1976 Message to the Senate Transmitting United States-Soviet Treaty and Protocol on the Limitation of Underground Nuclear Explosions. For your information, I quote the pertinent paragraph:

"The TTB Treaty and the PNE Treaty contain numerous provisions to ensure adequate verification, including some concepts, more far-reaching than those found in previous arms control agreements, which are not only important in themselves but which will have significant precedential value as well. For example, the Limited Test Ban Treaty is verified only by national technical information in advance to assist verification by national technical means, and the PNE Treaty establishes procedures for on-site observation under certain, conditions on the territory of the Party conducting the explosion."

In submitting the two treaties in 1976, I felt, at that time, the overall benefits to the United States outweighed any potential disadvantages. My transmittal message referred to previously more fully sets forth my views at that time.

Sincerely,

GERALD R. FORD.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Richard Rolf, a member of the staff of Senator MARK O. HATFIELD, to participate in a program in Saudi Arabia, North Yemen, and Bahrain, sponsored by the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, from April 10-19, 1987.

The committee has determined that participation by Mr. Rolf in the program in Saudi Arabia, North Yemen, and Bahrain, at the expense of the Chamber of Commerce and Industry of Saudi Arabia and the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Mark Bisnow, a member of the staff of Senator BOB DOLE, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from April 12-21, 1987.

The committee has determined that participation by Mr. Bisnow in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Philip B. Jones, a member of the staff of Senator DANIEL J. EVANS, to participate in a program in South Korea, sponsored by the Ilhae Institute of Seoul, South Korea, from April 11-18, 1987.

The committee has determined that participation by Mr. Jones in the program in South Korea, at the expense of the Ilhae Institute of Seoul, South Korea, is in the interest of the Senate and the United States.●

AFGHANISTAN: LETTERS FROM THE STATE OF VIRGINIA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a U.N. report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Virginia and ask that they be printed in the RECORD.

The letters follow:

ROANOKE, VA.

DEAR SIR: This letter is in response to the Reader's Digest article; "Agony in Afghanistan". I was deeply saddened and appalled by the Soviet's brutal takeover of that country. Up to this point, I did not know the severity of the situation. I had believed that the World would never allow another country to exterminate a people as the Nazis did, at least not the United States. The ideals that our country was founded on should motivate our government to speak out against and take more of an active role in stopping such atrocities. This is one of, if not the worst, case of Soviet aggression that is being ignored by our government, while their other acts are condemned by us. Why should the President be afraid to provoke them when they could not be doing anything worse to those people than they have already done. If we do not speak out against their crimes what will we be reduced to, but unfeeling cowards?

None of us want to die, but if we can't fight for life there is no chance for worldwide survival. I sincerely hope that it makes a difference in some small way that I have expressed my concern for Afghanistan.

BARBARA T. STONE.

HAMPTON, VA.

DEAR SENATOR HUMPHREY: After reading an article in Reader's Digest intitled "Agony in Afghanistan", about the atrocities that the Soviet Army is committing there, I was motivated to write this letter.

It seems to me that the Soviets are worse than the Nazis of World War II. I was shocked when I read the detailed accounts of torture and butchery.

Since World War I the United States has portrayed itself as the defender of human rights and dignity. However, as the present situation in Afghanistan shows, the United States as a whole has turned a cold shoulder to the Afghan people. In doing this we are no better than the Soviets. By our inaction we are actually helping them.

We as a nation should hang our heads in shame for allowing this butchery of humanity to continue unchallenged. We have committed a moral injustice against the Afghan people and God. What has happened to the morally conscious United States of yesteryear? Have we become so selfish and self-serving that we are only concerned about what affects us? The Afghan people are just as important as we are.

Thank you for your time and attention given to this letter.

Sincerely yours,

TOBY COMEAUX.●

EARLY DEPLOYMENT OF SDI

● Mr. SIMON. Mr. President, Monday, March 23, was the fourth anniversary of President Reagan's "Star Wars" speech. What began as a search to explore the President's dream of absolute protection has become a $3.5 billion a year defense contractor public works program. Now the strategic defense initiative [SDI] office says it needs nearly $6 billion in Department of Defense and Department of Energy funding for fiscal year 1988.

This is clearly an unrealistic sum of money. Even if SDI were a good idea, which it is not, we are being asked to finance a rush job where funds almost always are spent poorly. Before this year, SDI was already being funded at a rapid clip in order to meet an unrealistic early 1990's schedule. In 1987, after just 3 fiscal years of research, the Secretary of Defense has been pushing for early deployment of a rudimentary strategic defense.

Let us be frank about the terms we use. Early deployment means deploying a makeshift system that is not ready to do the job as advertised. The kinetic kill vehicles that will orbit Soviet missile fields will have minimal capability, they will be vulnerable to a host of available countermeasures, and they will only encourage Moscow to add warheads to their large missiles. A move in this direction will also overcommit our space launch facilities to virtually one, in my opinion dubious, project—SDI—at the expense of many other pressing satellite needs.

We are now engaged in a debate over the correct interpretation of the ABM Treaty. There is but one reason we are wasting our time with this issue, and that is the rush of the zealots to get a deployment commitment in place before this President leaves office. The reinterpretation of the ABM Treaty is just plain wrong and misguided, and once again the terms in use are instructive: "legally correct interpretation" is the phrase Secretary Weinberger and others like to use, when in fact this tortured usage makes a mockery of the legal system and practice we hold so dear.

So I would stress in the days ahead that we must be clear about what Congress is being asked to fund, and what SDI is all about. We must not be fooled by clever legalisms and euphemistic terminology. Early deployment means premature deployment, and will only worsen stability and waste a lot of money. The legally correct interpretation of the ABM Treaty is in reality not legal at all and is a totally unjustified reading of the treaty.

I urge my colleagues, on this fourth anniversary of the President's speech, not to support early deployment of SDI; nor to support any reprogramming moves to move SDI research out of the lab and into space; and finally to reject the administration's revisionist reinterpretation of the ABM Treaty.●

THE PLIGHT OF NAUM MEIMAN

● Mr. SIMON. Mr. President, I would like to draw my colleagues attention to the plight of a Soviet refusenik, Naum Meiman. For over 10 years, Naum and his family have been the victims of Soviet discrimination and persecution.

Naum is an original founder of the Helsinki Watch Commission, and he has fought relentlessly on behalf of human rights in the Soviet Union. He and his wife Inna applied numerous times to emigrate to the West, but were continuously denied exit visas.

Naum has recently experienced the tragic loss of his beloved wife. Inna was plagued with cancer. Her only hope for survival was treatment in the West. The Soviets, however, cruelly delayed Inna's release to the United States until her illness had progressed too far. She was finally allowed to come to Washington, DC for treatment in January of this year. Naum was not permitted to join his wife during this extremely difficult period. Inna's release came too late, though, and she passed away in early February.

The Soviet Union continued to cause Naum pain and suffering. They refused to grant Naum a visa to attend his wife's funeral. With little left to live for in his old age, Naum has one simple wish—to live life in the West. I urge the Soviets to grant Naum this dream.

Recently, the Soviets stated that Naum was a "high security risk." Naum's work for the Soviet Government ended over 25 years ago. His findings have been published in Soviet journals. Secrets are no longer secret after they have been published. Why do the Soviets continue to hold this man against his will?

I strongly encourage the Soviet Government to release Naum Meiman immediately.●

INTER-AMERICAN PARTNERSHIP ACT

● Mr. SIMPSON. Mr. President, I would like to bring to the attention of my colleagues certain legislation, S. 851, which has been offered by the very able Senator Bob Graham and others. This legislation, referred to as the Inter-American Scholarship Partnership Act, is especially timely in light of our recent discussions about the United States role in Central America. This legislation presents us with the opportunity to better define our relationship with the Central American and Caribbean nations at a particularly appropriate and sensitive time.

The Inter-American Scholarship Partnership Act includes a number of attractive features. The legislation would provide postsecondary scholarships for academically qualified and economically deserving students from the Caribbean Basin Initiative nations to colleges and universities in the United States.

The legislation has the unique feature of creating a "partnership" among the Federal Government, through the Agency for International Development, State government, public and private post-secondary institutions, and private and voluntary organizations in order to fund and support the scholarship program. This funding mechanism increases the total money available for such scholarships by matching Federal funds with State and private sector donations. When the program is fully implemented in 1992, the program will be funded half by AID designated scholarship money and half by States, private businesses and individuals, and it is estimated that about 8,000 students will be participating in the program.

The legislation also has the important feature of specifying that students' curriculum be based on the critical issues of his or her own country and that the scholarship funds be contingent upon students returning to their nations. This will ensure that the knowledge and education gained from the educational experience in the United States will be used within the student's home nations.

Some of this legislation is crafted along the lines of the recommendations made in the Kissinger commission report of 1984. That report indicated that the United States was far behind the Soviet bloc nations in our support of Central American universities and university students. Currently the Soviet bloc scholarship programs in these nations support almost 20 times as many students as do similar United States programs support. As noted in the Kissinger commission report.

> It is imperative to offer young Central Americans the opportunity to study in the United States, both to improve the range and quality of educational alternatives and to build lasting links between Central America and the United States.

The Inter-American Scholarship Partnership Act would make a very important contribution to further developing a comprehensive and broad-based policy with our allies in Central America and the Caribbean Basin. I urge my colleagues to join me in cosponsoring this important piece of legislation.●

DISTURBING INDUSTRY CHANGES

● Mr. MOYNIHAN. Mr. President, last week, when the Senate recessed for Easter, I took the occasion to hold a series of public forums around the State of New York. On Thursday morning, April 16, I held such a meeting in Seneca Falls, which is the site of the Women's Rights Convention of 1848. At that forum Mr. Gordon Burgess read a statement that I thought warranted the attention of my colleagues. Therefore I ask that the text of Mr. Burgess' letter be included in the Record.

The letter follows:

> Seneca Falls, NY,
> *April 16, 1987.*
>
> Dear Senator Moynihan, I see a change developing in industry that disturbs me. People are being hired as temporary or part-time employees without fringe benefits despite working full time.
>
> I can understand industry using temporary people for short term assignments but some of these jobs seem to go on for years. I feel this has become a method for industry to lower cost at the expense of people who have no one to protect them.
>
> These people on temporary jobs do not get benefits such as health insurance, vacation time, holiday pay, etc. Can we know the feeling of a family without low cost health insurance; knowing a major illness will cause the family to go on welfare. How does a bread earner feel knowing Christmas only as a day off without pay. Costing 20 percent of his/her weekly income. Welfare benefits do not decrease but for many workers these holidays are only a day off without pay.
>
> My concern is will industry see this as a way of lowering cost? Will all non-protected workers find companies beginning to eliminate fringe benefits with only the highly trained, unionized, or skilled workers maintaining some of these benefits? Is this trend going to continue forcing this nation into socialized medicine for all its citizens? I would hope not.
>
> I would request Congress to look at this issue. Should all employers be required to provide low cost health insurance and holiday pay for all employees? There is no simple answer, like I just suggested. Yet, I would believe our social conscience dictates that we must provide certain minimal benefits to our working citizens to maintain their work ethics and our nation's goal of a better life for all its people.
>
> Thank you.
>
> Gordon Burgess.●

ANTITRUST REFORM CAN IMPROVE CAPACITY TO COMPETE

● Mr. COCHRAN. Mr. President, an article by Mr. Jefferson Glassie which appeared in the April 1987, issue of Association Management magazine cites an interesting example of how recent reforms in U.S. antitrust laws are working to improve our capacity to compete.

The National Cooperative Research Act, enacted by Congress in 1984, has removed some of the antitrust barriers that denied American firms the same research capabilities enjoyed in other nations. Because of this act, joint research ventures by American firms have been allowed to go forward on new technologies which will make the United States more competitive internationally.

The success of the National Cooperative Research Act demonstrates that much can be done through reform of our antitrust laws to improve U.S. competitiveness. Part of the President's trade package calls for further reforms in this area. This legislation, S. 635, which I am cosponsoring with Senator THURMOND, is currently before the Senate Judiciary Committee. I urge my colleagues to read Mr. Glassie's article, which I submit for the RECORD.

The article follows:

HEADING OFF ANTITRUST WITH SMART RESEARCH

(By Jefferson C. Glassie)

At 6 a.m. one Monday, Kenneth P. Geremia silences the alarm clock and places feet to floor. The house senses that the master has arisen. It signals the coffee maker to percolate, the water heater to prepare for a shower, and the TV to tune in the news. The lights turn on automatically as Geremia enters the bath. Recalling an imminent breakfast meeting, he says, "No coffee, no TV," and the devises instantly cease operation. Minutes later, a fully clad association executive locks his front door, murmuring words of thanks that he is the proud owner of a Smart House.

Thanks to the National Cooperative Research Act, the above scenario is no science fiction fantasy. Geremia is Smart House's director of public affairs, and he expects to be living in one by 1995. The first two will be constructed in Bowie, Maryland, during the fall of 1987 by the Smart House Development Venture, Inc., a for-profit subsidiary of the National Association of Home Builders Research Foundation, Upper Marlboro, Maryland.

Smart House is the trademark for a revolutionary new way of wiring homes—the first such change in nearly 100 years. The system uses proven technology to replace traditional electrical wiring or gas pipes with an energy-efficient cable network that combines power, audio and video signals, and data communication links. The project is sponsored by a consortium of 41 companies.

Because Smart House is one of 54 joint ventures registered under the National Cooperative Research Act, the companies may benefit from joint research with less fear of antitrust suits being brought against them.

Enacted by Congress in 1984, the act removes incentives for antitrust challenges to cooperative research programs registered with the U.S. Federal Trade Commission and the Justice Department. It reduces awards from treble to actual damages suffered and mandates use of a "rule of reason," rather than a strict "per se" standard, in determining violation of antitrust laws by NCRA registrants. The act also attempts to defer meritless suits by requiring that courts award defendants costs and attorneys' fees if actions are deemed frivolous, unreasonable, or in bad faith.

Several associations, including NAHB, with headquarters in Washington, D.C., are using the act to alleviate clouds of uncertainty that hang over any collaborative activity between competitors. The act, however, does not provide a defense against antitrust charges and does not specifically confer approval on the research. It merely attempts to ease antitrust fears. Moreover, the act specifically excludes from its protection many types of conduct typically in violation of antitrust laws, such as agreements to fix or exchange information about prices or restrict market access.

The possibility of an award three times the real damages suffered by a plaintiff has encouraged many antitrust suits that otherwise would not have been brought. Nevertheless, the history of antitrust enforcement against research consortia is scant. Indeed, such research may not be in violation of antitrust laws in the first place. Yet associations contemplating joint research may have been deterred from lawful activities by the threat of triple damages.

Antitrust laws—while ostensibly preventing harmful anticompetitive effects of monopoly and price manipulation—have also had a chilling effect. The act corrects an unfortunate misperception that has seriously curtailed the nation's international competitiveness.

Congress designed the act to give American firms the same research capability enjoyed in other nations. But projects need not be international in scope. To spur a variety of cooperative research projects, the Reagan administration and Congress have made registration easy. The process takes a short time, little paper work is involved, and no user fee is charged.

Within 90 days of entering into a written agreement to form a research and development joint venture, associations, foreign or domestic businesses, or other collaborators submit simultaneous notices to both the FTC and the Justice Department. They merely disclose the identities of the parties plus the nature and objective of the work.

No federal agency has to approve the proposed activity and no standards must be met. According to Lansing R. Felker of the U.S. Department of Commerce, "There is no formula—no cookbook—to follow. Each venture is unique." Registered activities may include, separately or in any combination:

Theoretical analysis, experimentation, or systematic study of phenomena or observable facts.

Development or testing of basic engineering techniques.

Extension of scientific or technical findings or theories into practical applications for experimentation or demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes.

Collection, exchange, or analysis of research information.

Protection begins when the FTC or the Justice Department announces the venture in the Federal Register. This must occur within 30 days after application. Any changes in membership are also published as they occur.

ASSOCIATIONS RESPOND

Research by associations—ranging from NAHB and the Chemical Specialties Manufacturers Association, Washington, D.C., to the Portland Cement Association, Skokie, Illinois, and the Motor Vehicle Manufacturers' Association of the United States, Detroit—has been fostered by the act. The objectives of these associations' research are as diverse as their membership.

For example, the cost of Smart House technology is estimated to total $100 million—far too much for individual home builders to pay. Yet under the protection of the act, large companies such as Apple Computer, Cupertino, California; Honeywell, Minneapolis; and General Electric Company, Fairfield, Connecticut, have joined with smaller ones to pool resources, share costs, and train workers for a new era of home construction.

NAHB has invested (or loaned) about $3.5 million, and its research foundation has contributed an additional $1.5 million so far. Originally, 30 participating companies provided stipends; recently, new members have paid increasingly larger amounts for the privilege of joining. In addition, advisory council members—including three associations, 12 companies, and the Commerce Department—pay annual fees or make inkind contributions. To generate additional revenue, the foundation is currently exploring the legality of issuing private stock. After the technology is developed, Smart House will own the rights and license them to appliance manufacturers, home builders, and suppliers.

In contrast, the cooperative research sponsored by the Chemical Specialties Manufacturers Association does not concern itself with anything new: The purpose of CSMA's pesticide ingredient review program (PIR) is to meet federal requirements for scientific data about existing pesticide products so manufacturers may continue to market them.

Because the research is registered under the National Cooperative Research Act, CSMA members may join with nonmembers in PIR groups to fund research on the health, safety, and environmental effects of chemicals. The information is necessary to support continued registration of nonagricultural, household pesticides with the U.S. Environmental Protection Agency, as mandated by the Federal Insecticide, Fungicide, and Rodenticide Act. The $6-$7 million PIR program is helping individual companies respond to these costly regulations economically, says program director Jim T. Hill of CSMA.

Four separate research groups are composed of 10 to 20 companies each. They are funding research on pine oil; DEET, an insect repellent; ADBAC-Quat, a disinfectant; and pyrethrin, an insecticide. Each project operates in a different way, Hill says. Their participants, research, committees, and cost-allocation mechanisms vary. The project members maintain joint ownership of proprietary data produced for EPA, with CSMA having acess to the data but no ownership rights.

CSMA does not finance individual projects, although it serves as the official liaison with EPA and provides organizational support. "The people at EPA and the Commerce Department love us for our PIR program. EPA knows it will get the information it needs accurately and efficiently," says CSMA President Ralph Engel.

Because EPA is increasing its demands for information, Hill says the association expects to have about a dozen groups operating by 1990. Without the protection of the act, production of such information for competitors might be deemed too risky under our current system of antitrust laws.●

FORMAL NOTIFICATION—PROPOSED ARMS SALE

● Mr. PELL. Mr. President, section 36(b)(1) of the Arms Export Control Act requires that Congress receive formal notification of proposed arms sales under the act in excess of $50 million, or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the

Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, DC, April 21, 1987.

In reply refer to: I-00781/87ct.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 87-19, concerning the Department of the Army's proposed Letter(s) of Offer to Saudi Arabia for defense articles and services estimated to cost $320 million. Shortly after this letter is deliverd to your office, we plan to notify the news media.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 87-19]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value:

	Millions
Major Defense Equipment [1]	0
Other	$320
Total	320

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: This is an amendment to an existing case to provide services of the U.S. Army Corps of Engineers (USACE) in connection with the Saudi Arabian Army's Ordance Corps (SAAOC) Logistics System, including engineering planning assistance, USACE sponsored SAAOC technical orientation visits to CONUS agencies and installations, technical service contracts, financial services and commercial procurement including construction from 26 July 1987 through 26 July 1989.

(iv) Military Department: Army (HEI, Amendment 2).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: April 21, 1987.

POLICY JUSTIFICATION

SAUDI ARABIA—MODERNIZATION OF ORDNANCE CORPS LOGISTICS SYSTEM INCLUDING CONSTRUCTION SERVICES

The Government of Saudi Arabia has requested an amendment to an existing case to provide services of the U.S. Army Corps of Engineers (USACE) in connection with the Saudi Arabian Army's Ordnance Corps (SAAOC) Logistics System, including engineering planning assistance, USACE sponsored SAAOC technical orientation visits to CONUS agencies and installations, technical service contracts, financial services and commercial procurement including construction from 26 July 1987 through 25 July 1989. The estimated cost is $320 million.

This sale is consistent with the stated U.S. policy of assisting friendly nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It willl demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to improve the security of the country through modernization of its forces. In a regional context, enhancement of the defensive capabilities of Saudi Arabia will also contribute to overall Middle East security.

This case will extend for two years the services of the USACE to continue the modernization of the SAAOC logistics system initiated in 1972.

The sale of these services and support will not affect the basic military balance in the region.

There will be no prime contractor for this transaction. The USACE is the principal organization to implement provisions of this case.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Saudi Arabia.

There wilkl be no adverse impact on U.S. defense readiness as a result of this sale.●

PROPOSED ARMS SALE

● Mr. PELL. Mr. President, as the result of a 1976 agreement, the executive branch provides Congress with advance notification of proposed arms sales under the Arms Export Control Act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has not less than 20 calendar days for informal review and consultation with the administration on the proposed sale. If the executive branch wishes to proceed with the sales proposal following the informal review period, section 36(b)(1) requires that the executive branch submit a formal notification to Congress of the proposed arms sale. Upon such notification, the Congress has 30 calendar days to review the sale. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD a notification which has been received. Portions of the notification which are classified have been deleted for publication, but are available to Senators at the Foreign Relations Committee.

The letter follows:

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, DC, April 21, 1987.

In reply refer to: I-04209/86ct.

Mr. GERYLD B. CHRISTIANSON,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHRISTIANSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an American Republic tentatively estimated to cost $50 million or more.

Sincerely,

GLENN A. RUDD,
Acting Director.●

DELTA NU ALPHA, THE TRANSPORTATION FRATERNITY

● Mr. MOYNIHAN. Mr. President, this coming May 14, Delta Nu Alpha—the Transportation Fraternity—will hold a seminar in Smithtown, NY, entitled "the Hard Facts" in order to discuss and assess the current state of the transportation industry. This vital sector of the economy is a complex one, and it is to the credit of the members of Delta Nu Alpha that they have taken it upon themselves to devote time to analyzing possibilities for improvement. May 11-15 is National Transportation Week, and I rise today to commend the Nassau-Suffolk Delta Nu Alpha Chapter No. 189 on their continuing dedication and service to the transportation community.●

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF FARM DISASTER ASSISTANCE ACT

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of the recognition of the two leaders tomorrow morning under the standing order, the Senate resume consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The pending measure is H.R. 1157.

PROGRAM

Mr. BYRD. Mr. President, the Senate will meet at 11 o'clock tomorrow morning.

At 10 o'clock, Senators on both sides of the aisle are invited to room 407 in the Capitol, where they will receive a briefing from the Secretary of State, Mr. Shultz, anent the arms control proposals. That briefing should last for an hour, so the Senate then will meet at 11 o'clock a.m.

After the two leaders have been recognized under the standing order, the Senate will resume consideration of H.R. 1157, an act to provide for an acreage diversion program applicable to winter wheat.

This is an emergency bill. There will be rollcall votes tomorrow.

I hope that Senators will be ready to call up their amendments early, and they can expect rollcall votes early in the day. There are many amendments yet, if Senators intend to call up all the amendments we know of. We hope for early action on amendments and on the bill tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, does my distinguished friend, the acting Republican leader, have anything else he would like to bring before the Senate?

Mr. LUGAR. I have nothing further.

Mr. BYRD. I thank the Senator.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to, and at 6:41 p.m. the Senate recessed until tomorrow, Thursday, April 23, 1987, at 11 a.m.

Executive nominations received by the Senate April 22, 1987:

DEPARTMENT OF THE TREASURY

M. Peter McPherson, of Virginia, to be Deputy Secretary of the Treasury, vice Richard G. Darman, resigned.

DEPARTMENT OF DEFENSE

Frank J. Gaffney, Jr., of Pennsylvania, to be an Assistant Secretary of Defense, vice Richard N. Perle, resigned.

DEPARTMENT OF STATE

Max M. Kampelman, of the District of Columbia, to be counselor of the Department of State, vice Edward J. Derwinski.

HOUSE OF REPRESENTATIVES—*Wednesday, April 22, 1987*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for the gifts of peace and understanding, in our world and in our hearts. We know that without a vision of such understanding and peace we move so slowly and our acts are given to taking care of our own interests and achieving our own desires. May Your vision of a world of justice, mercy, and peace be realized in our vision that truly justice will roll down as waters and righteousness like an ever-flowing stream. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **DURBIN**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **DURBIN**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 86, answered "present" 1, not voting 52, as follows:

[Roll No. 53]

YEAS—294

Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carper
Carr
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Courter
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lowry (WA)
Lujan
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Patterson
Pease
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Scheuer
Schneider
Schuette
Schulze
Schumer
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weldon
Wheat
Whitten
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—86

Armey
Badham
Baker
Barton
Bentley
Bliley
Boehlert
Boulter
Buechner
Bunning
Burton
Clay
Coble
Coughlin
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DioGuardi
Dreier
Emerson
Fields
Frenzel
Gallo
Gekas
Goodling
Grandy
Gregg
Hastert
Henry
Hopkins
Hunter
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Latta
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lott
Lowery (CA)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McGrath
Michel
Miller (OH)
Molinari
Moorhead
Parris
Penny
Ridge
Roberts
Roemer
Rogers
Roukema
Saxton
Schroeder
Sensenbrenner
Sikorski
Skeen
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—52

Ackerman
Annunzio
Berman
Bilirakis
Campbell
Chandler
Collins
Conyers
Coyne
Daniel
Dickinson
Dingell
Dornan (CA)
Erdreich
Flake
Foglietta
Gallegly
Gingrich
Hefley
Hefner
Horton
Houghton
Jones (TN)
Kemp
Kyl
Lantos
Leach (IA)
Leland
Luken, Thomas
Lungren
McKinney
McMillan (NC)
Moody
Nagle
Nichols
Oakar
Oxley
Panetta
Pashayan
Pepper
Ritter
Savage
Schaefer
Sharp
Smith (TX)
Tauzin
Taylor
Weiss
Williams
Wilson
Wise
Young (FL)

☐ 1420

Mr. GUARINI changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

RESIGNATION AS VICE CHAIRMAN AND APPOINTMENT AS VICE CHAIRMAN OF DELEGATION TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION, AND APPOINTMENT OF ADDITIONAL MEMBERS TO DELEGATION

The **SPEAKER** laid before the House the following resignation as vice chairman of the House delegation to the Conference of the Interparliamentary Union:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, H-204 Capitol, Washington, DC.

DEAR MR. SPEAKER: It is my understanding that the Rules of the House require that either the chairman or vice chairman of a House delegation to conferences held by the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Interparliamentary Union must be a member of the Committee on Foreign Affairs. For this reason, I respectfully request that my appointment as vice chairman of the House delegation to the IPU Conference scheduled for April 27 through May 2, 1987, be withdrawn.

It is my intention to remain a member of the delegation in order to represent Congressman Pepper at the Executive Committee sessions on April 24 and 25.

Thank you for your kind attention to this matter.

With every warm best wish,

Yours,

JAMES H. SCHEUER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, the Chair designates the gentleman from American Samoa as vice chairman of the delegation to attend the Conference of the Interparliamentary Union and appoints the following additional members to the delegation:

Mr. STAGGERS of West Virginia;
Mr. BLAZ of Guam; and
Mr. RHODES of Arizona.

APPOINTMENT AS ADDITIONAL MEMBER OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, and the order of the House of January 22, 1987, the Chair appoints as an additional member of the Select Committee on Hunger, the gentleman from New York, Mr. MOLINARI.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolutions of the House of the following titles:

On March 5, 1987:

H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations.

On March 6, 1987:

H.J. Res. 53. Joint resolution to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week."

On March 17, 1987:

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

On March 24, 1987:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

On April 7, 1987:

H.R. 1505. An act making technical corrections relating to the Federal Employees' Retirement System.

On April 17, 1987:

H.J. Res. 200. Joint resolution to designate April 10, 1987, as "Education Day U.S.A."

On April 21, 1987:

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

On April 22, 1987:

H.R. 1783. An act to make technical corrections in certain defense-related laws.

INTRODUCTION OF LEGISLATION TO PROVIDE FEDERAL FUNDING FOR IMPROVEMENT OF U.S. HIGHWAY 27 AT CHICKAMAUGA

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, the road known today as U.S. Highway 27 through the Chickamauga-Chattanooga National Military Park was the objective of both armies in one of the bloodiest battles of America's Civil War. Today, traffic from the rapidly growing communities around the park has overwhelmed that two-lane road.

The State of Georgia has the funds to widen the existing road. However, Director Mott of our National Park Service has ruled that—in order to protect the park as a Civil War memorial—The wider highway must bypass the battlefield. This will result in a much higher cost—one which the Federal Government should bear, since the National Park Service has decreed this longer and more expensive course.

Today, I am introducing legislation to provide 90 percent of the cost of the improved Highway 27 at Chickamauga. The Georgia Department of Transportation has agreed to provide the remainder.

I urge my colleagues to support this relatively small appropriation, which will both protect the integrity of this memorial and promote the continued economic growth of northwest Georgia.

RAILROAD SAFETY ACT OF 1987

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, today, I am introducing legislation that would address the problem of radioactive material that is transported by rail through densely populated areas. This measure, the Railroad Safety Act of 1987, would add two provisions to the Hazardous Materials Transportation Act. First, it would prohibit the transportation of high and low level radioactive waste by rail through high density metropolitan areas, except when no reasonable alternate route is available. Second, the bill mandates that an advance notice of 30 days, to be published in the Federal Register, be provided when nuclear waste is being shipped through a certain area by rail.

Mr. Speaker, the time to act is now. The potential for serious accident exists when nuclear waste is transported by rail through heavily populated areas. Such an accident would have catastrophic consequences that none of us care to think about. This legislation will offer the opportunity to take preventive action before disaster strikes.

TAXPAYER'S BILL OF RIGHTS

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, a brief description found in our Government manual states:

> The IRS mission is to collect the proper amount of tax revenue at the least cost to the public in a manner that warrants the highest degree of public confidence in our integrity, efficiency and fairness.

But listen to some of the comments I have received from the citizens we have been elected to serve:

> The power of the IRS seems to be exercised not for the purpose of collecting taxes or prosecuting guilty individuals, but to render taxpayers financially incapable of using their assets to defend themselves.
>
> The IRS seems to ignore our laws, its regulations, and the rules of decency.
>
> During the interview when I was audited, I was made to feel like a criminal of the worst type.

From a current IRS employee:

> They are pressuring us to produce more and more audits and more dollars of tax per audit. The IRS is increasing production quotas, demanding quantity, nor quality.

Even in a recently well-publicized case, the IRS spokesman said of the telephone collection employees, "They're pretty hard-nosed. That's their job."

Mr. Speaker, these comments do not reflect the proper balance of the Government's rights to collect taxes with the individual rights of taxpayers, including due process of law, right to counsel, the presumption of innocense and other rights normally and commonly afforded individuals in virtually any other type of proceeding in our State and Federal courts.

In a well-noted Supreme Court decision in 1819, Chief Justice John Marshall wrote, "The power to tax involves the power to destroy."

But he went on to say that carrying taxation to the point of destruction would be an abuse that would, in turn, destroy the confidence of the people in their Government.

Mr. Speaker, the IRS as part of the Federal Government, must function within the guidelines of fairness and decency. And to restore public confidence in the system of collecting taxes, we need to enact the taxpayers bill of rights, H.R. 1313.

Americans across this country do not object to paying a fair share of taxes to operate the Government, but they do object, and rightly so, to the heavy-handed tactics in the collection of these taxes that sometimes appear to violate the freedoms guaranteed by the Constitution.

Mr. Speaker, if taxes are the price we pay for a civilized society, let us make sure they are collected in a civil manner by enacting the taxpayers bill of rights.

THE LATE HONORABLE EDITH GREEN OF OREGON

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, it is with great sadness that I note the passing of former Congresswoman Edith Green of Oregon. Edith died yesterday after a brave struggle against cancer.

Edith served Oregon in Congress from 1955 to 1975. She was a dedicated and effective Representative, and was nationally renowned as a strong advocate of public education.

I came to Congress 6 years after Edith's retirement, so I did not have the honor of serving with her as many of my colleagues have.

I did have the honor, however, of having Edith as my constituent. Edith always let me know her opinions on the issues of the day. Despite our differences in party, she became a close personal friend and adviser. She was both a strong and gentle lady, and I will greatly miss her.

My condolences, and I know the condolences of this body go to Edith's sons, her grandchildren, and her sisters. I am sure they know that Congress is a better institution for Edith having served here, and Oregon is a better State for Edith having lived there.

□ 1430

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1827, SUPPLEMENTAL APPROPRIATIONS, 1987

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 100-61) on the resolution (H. Res. 148) waiving certain points of order against consideration of the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

URGING SUPPORT FOR FARMERS HOME LOAN BUY-BACK ACT

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, on April 9 I introduced a bill, H.R. 2059, the Farmers Home Loan Buy-Back Act, which will offer thousands of rural communities across America the opportunity to enjoy considerable savings in paying for community development facilities which they have financed through the Farmers Home Administration [FmHA].

The Reconciliation Act passed by the Congress last year requires the FmHA to sell loans from the rural development insurance fund in order to raise $1 billion in fiscal year 1987. FmHA has developed a plan to sell these loans to large financial institutions at greatly discounted rates.

We approached the FmHA asking if it would be possible for them to offer their borrowers the opportunity to buy back the loans at a similar discounted price, before the loans were offered to the banks. Unfortunately the FmHA has not been receptive to this idea to date.

H.R. 2059 will give all communities with FmHA loans the opportunity to buy back their loans if they so choose. Without costing the Federal taxpayers a dime more, we may be able to save considerable sums of money for local communities through this buy back option.

I urge my colleagues to join me in sponsoring the farmers home loan buy-back bill.

REFORMING FEDERAL CHILD CARE POLICY

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, the Federal Government does many things that make little sense, but few of its policies are as appalling as its approach toward child care.

Despite all the recent talk about welfare reform and breaking the cycle of poverty, Federal child care policies today help only those who are on or go on welfare or have an income high enough to afford day care's full costs.

The result of this is that many low-income working families, struggling at or just above poverty, are the only Americans who must bear the entire burden of the cost of the day care they need in order to keep working.

While there is no easy solution to this problem, one approach that promises to go a long way is the Child Care Act of 1987, legislation recently introduced by myself and a bipartisan group of 30 House Members led by our colleague, the gentlewoman from Connecticut [Mrs. NANCY JOHNSON].

This deficit neutral proposal would provide $300 million a year in day care support for low-income parents. It would pay for the program by reducing the dependent care credit for families earning from $60,000 to $69,500 a year and eliminating it altogether above that level.

Last year when we first introduced this bill, columnist William Raspberry said it had the look of a legislative miracle. Recently, Business Week called it a "sensible approach that deserves the bipartisan support it has won."

As we move ahead with welfare reform and the competitiveness agenda, Mr. Speaker, this is a bill that should not fall through the cracks.

COMMENDING THE PRESIDENT FOR MOVING FORWARD ON ARMS CONTROL

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, it is not often that I step into this well to praise the President of the United States, Mr. Reagan, but I do so today because I think that he deserves the plaudits of the entire American people.

It would have been easy for Mr. Reagan, in the wake of all the talk about espionage and security leaks and the bugging of embassies, to cancel the recent trip that Secretary of State Shultz took to Moscow. He chose not to do so; he chose to move forward. The results to date of that historic meeting indicate, in the words of our distinguished Speaker, Mr. WRIGHT, that perhaps we have the best chance now since the Russian revolution to come to some meaningful agreement with the Soviet Union.

I think that the American people stand fully behind the President of the United States, and I do not think that they will appreciate any person, Democrat or Republican, in the political scene, who stands in the way of achieving significant verifiable arms control agreements.

CHILD SUPPORT ENFORCEMENT: A BEDROCK FAMILY ISSUE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, as Mother's Day approaches, allow me to turn your attention to one of the many strains on the American family in today's society. A bedrock family issue before this Congress is child support enforcement.

Two and a half years ago, Congress enacted landmark legislation that represented a sea change in Federal policy on this subject. But, while the 1984 reforms represented real progress, there are still gaping holes in our national child support enforcement system, loopholes that are depriving children of basic necessities and strapping State enforcement authorities by not giving them the tools they need to do their job.

Today, only half of the 5 million women holding legal child support orders collect the full amount. The rest receive little or, in most cases, absolutely nothing.

Therefore, I have introduced legislation, the Child Support Enforcement Improvement Act, to prevent family after family from falling onto the welfare rolls. And I submit that this year, as we consider genuine welfare reform, this welfare prevention measure should be a starting point.

While an improvement, the child support provisions in the Ways and Means welfare reform package do not go far enough.

To repeat: We must give State authorities the tools to do the job. We must have a complete package: One that requires immediate wage withholding, one which requires States to disclose essential enforcement information, one that has tougher penalties for States that intentionally or unintentionally serve as "safe-havens" for deadbeats.

I urge the support of my colleagues for this child support enforcement package.

INTRODUCTION OF LEGISLATION PROVIDING DEATH PENALTY OR LIFE SENTENCE FOR ESPIONAGE OR TREASON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the recent revelations over the Embassy in Moscow and the past Walker spy case should have taught us all a lesson. We have all postured like Clint Eastwood, and we have performed sort of like Dudley Moore here today.

I think that it is time Congress address itself to treason in the civilian sphere as we have with the military. Today I am introducing a piece of legislation that would amend section 794 of title 18 to provide the death penalty or life sentence to any civilian found guilty of espionage or treason.

What we have come to deal with lately seems like a television program from "The Young and the Restless" or "Dynasty." Our marines are being seduced by plunging necklines and America is beginning to bargain away our national security. My God, America's taxpayers have gone into developing the best nuclear submarines in the world, they could not be traced, they could not be tracked, hard to identify, and Walker gave that up, and Walker is being fed at the expense of the American taxpayer.

I think that this is foolish. I am asking Members to cosponsor this amendment that would provide for that ultimate, because their crimes are endangering our citizens to the ultimate.

YOU CANNOT FOOL ALL THE PEOPLE ALL OF THE TIME

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, in 1905 a German author by the name of Knapp advanced the notion that money owes its value to the stamp of the government. Of this value, Keynes said in 1920:

> A sentiment of trust in legal money is so deeply implanted in the citizens that they cannot but believe that some day this money must recover a part at least of its former value. To their minds it appears that value is inherent in money as such, and they do not apprehend that the real wealth, which this money might have stood for, has been dissipated once and for all. Yet the force of sentiment and custom maintains a willingness to hoard paper which is really worthless.

Keynes was a poor psychologist and a bad prognosticator. Just 3 years later the German people proved the validity of Lincoln's dictum that you cannot fool all the people all of the time. They were getting rid of the Reichsmark as fast as they could, stamp or no stamp.

Mr. Speaker, the real wealth of this country, like that of Germany in the 1920's, is being quickly dissipated through our wild paper money experiments. If there are officials in the Treasury and on the Federal Reserve Board who still believe that the dollar owes its value to the stamp of the government, Congress had better disabuse them of this notion. Failing that, the people will.

PRESIDENT MUST STAND FIRM AGAINST JAPANESE TRADE BARRIERS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the President is to be congratulated for finally imposing a tariff penalty on Japanese goods. Some have said that it is just a slap on the wrist. They are right. It is just a light penalty for violations by Japan which are constant, intentional, and cynical. But it is at least a positive step, and there have been no positive steps for so long that even a small first step looks good.

The President now must stand tall and make a firm stand against the pervasive cheating on agreements by Japan. It is an indication of the magnitude of the problem that $300 million is viewed as a token penalty. We now must follow up on this step by convincing the Japanese Government that their trade barriers no longer are to be tolerated.

Many of us who see the Japanese trade wall for what it is are vilified as protectionist. I for one do not find it wrong to demand that both sides in a trade arrangement use the same rules. The so-called free trade advocates seem to believe that to demand equity in trade is wrong and will offend our good friends in Japan. I would rather offend a nation that violates its pledged word than deny jobs to our own taxpayers.

Reciprocity is the common coin of most transactions. I support it and I hope the President will also. Protectionist may be a dirty word to some, but I would rather be called a protectionist than be a dupe for those who refuse to speak up for their own people in the name of some nebulous greater good. My constituents live in Maryland, not in Tokyo.

□ 1440

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I inadvertently missed the vote opening this session on approving the Journal. Had I been present, I would have voted "yea."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 21, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

At 3:42 p.m. on Tuesday, April 21, 1987 and

(1) Said to contain a message from the President regarding the continuation of the Nicaraguan National Emergency;

(2) Said to contain a message from the President regarding the Agreement between the United States and Spain on Social Security; and

(3) Said to contain a message from the President whereby he transmits the 21st Annual Report of the National Endowment for the Humanities covering the year 1986.

With great respect, I am,

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

NOTICE OF CONTINUATION OF DECLARATION OF A NATIONAL EMERGENCY IN NICARAGUA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-65)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Tuesday, April 21, 1987, at page S5237.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Tuesday, April 21, 1987, at page S5236.)

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-66)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

(For message, see proceedings of the Senate of Tuesday, April 21, 1987, at page S5237.)

ANNUAL REPORT OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs.

(For message, see proceedings of the Senate of today, Wednesday, April 22, 1987.)

JEWISH HERITAGE WEEK

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resoluton (H.J. Res. 67) to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mrs. **MORELLA**. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation I yield to the gentleman from New York [Mr. GILMAN], who is the chief sponsor of House Joint Resolution 67, to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

Mr. **GILMAN**. Mr. Speaker, I rise in support of the measure now before us, and would like to thank our colleague, the gentleman from California, the chairman of the Subcommittee on Census and Population, Mr. DYMALLY, and the ranking minority member, the gentlewoman from Maryland [Mrs. MORELLA] for their leadership in bringing this measure to the floor today. I also want to thank the gentleman from Maryland [Mr. HOYER], the chairman of the Commission on Security and Cooperation in Europe, for his cosponsoring of this resolution, House Joint Resolution 67 authorizes and requests the President to issue a proclamation designating May 3 to 10, 1987, as "Jewish Heritage Week."

The months of April and May are of major significance to the Jewish calendar. During this time a number of important commemorations are observed, among them Passover, the anniversary of the Warsaw Ghetto Uprising, Israel Independence Day, and solidarity Sunday for Soviet Jewry. The latter two occur during the abovementioned week.

The United States is a great melting pot of many ethnic and religious groups. Our appeal to the rest of the world lies in our commitment to individual rights and our appreciation of each unique heritage. Jewish Heritage Week celebrates the contribution made by Jews to this country, which is long and illustrious. Jews fought in the Revolution for our Nation's independence, and in a letter to the Hebrew congregation of Rhode Island, President George Washington wrote in 1790, "to bigotry no sanction, to persecution no assistance."

Jewish roots are long and varied. American Jews include Chinese Jews, Indian Jews, Ethiopian Jews, and European Jews. Their unique Jewish culture has been interwoven with those peoples of the East and West. This rich history has allowed such a heritage to share the best of its culture with a nation that offers opportunity and freedom to all. Accordingly, I urge my colleagues to support House Joint Resolution 67, which celebrates Israel Independence Day as well as moral commitment to Soviet Jewry.

□ 1450

Mrs. **MORELLA**. Mr. Speaker, further reserving the right to object, I would like to comment in support of this resolution.

Mr. Speaker, an important part of the heritage of the Jewish people is their continuous struggle for freedom against seemingly insurmountable odds. House Joint Resolution 67 designates May 3 to 10, 1987, as "Jewish Heritage Week." The timing of this resolution is particularly appropriate because there are a number of events during the months of April and May that pertain to various stages of the Jewish people's historic struggle. Among them are Passover, the anniversary of the Warsaw Ghetto Uprising, Israel Independence Day, and Solidarity Sunday for Soviet Jewry. At the Passover seder table, Jewish families retell the story of the Israelites' original escape from slavery into the promised land. The anniversary of the Warsaw Ghetto Uprising commemorates a high point of the Jewish people's battle against the Holocaust, the greatest tragedy to ever befall them. Israel Independence Day commemorates the rebirth, from the ashes of the Holocaust, of an independent Jewish state in the promised land. And Solidarity Sunday reminds us that the Jewish people's struggle for freedom is not yet over, that 2 million of their brethren remain imprisoned in the Soviet Union.

Mr. Speaker, the Jewish people's historic struggle for liberty is an integral element of the American heritage. It served as inspiration to the Pilgrims who sailed the *Mayflower* from the oppression of the Old World to the freedom of the New. Let us remember that it was but a Bible and a rifle that accompanied the American pioneer on his voyage westward. And let us not forget that the Passover story was a guidebook to the American black slaves who fought for their own freedom across the River Jordan of the border between South and North. It is no coincidence that Philadelphia's famed Liberty Bell is inscribed with the following words from the Old Testament: "Proclaim liberty throughout all the land unto all the inhabitants thereof."

Mr. Speaker, I am pleased to support the designation of May 3 through 10 as Jewish Heritage Week.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DYSON). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 67

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of April and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 3 thru May 10, 1987, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOLIDARITY SUNDAY FOR SOVIET JEWRY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 190) to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewry," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objections to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. GILMAN], who is the chief sponsor of House Joint Resolution 190, to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as Solidarity Sunday for Soviet Jewry.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the measure now before us, House Joint Resolution 190 and would like to take this opportunity to thank the chairman of the Subcommittee on Census and Population, the gentleman from California [Mr. DYMALLY] and the ranking minority member, the gentlewoman from Maryland [Mrs. MORELLA] for bringing this measure to the floor so expeditiously. I would also like to thank my colleague from New York, Mr. MANTON, for his superb effort in eliciting support among the members of this Chamber for this legislation, in his capacity as primary cosponsor of House Joint Resolution 190.

The issue of human rights, and in this case, human rights for Soviet Jewry, has been the topic of much discussion lately, for which many of us are truly grateful. We have labored long and hard over the years to persuade the Soviet Union to comply with its obligations under the terms of the Helsinki Final Act. While we cannot yet say that glasnost has for certain reached Soviet Jewry, we find the present situation somewhat encouraging, at best.

Last month, 470 Soviet Jews exited the Soviet Union. While clearly, this is a much higher monthly figure than in the past, it does not begin to approach the 11,000 Soviet projected figure for 1987. For the first quarter of 1987 only 714 emigration permits were distributed, which would bring the annual figure to only about 3,000. Solidarity Sunday for Soviet Jewry is a massive expression of support for the almost 400,000 Soviet Jews who have expressed a desire to reunify with family members in Israel and other Western countries.

Held on May 3, 1987, and sponsored by the Coalition to Free Soviet Jews, Solidarity Sunday for Soviet Jewry takes place each year at Dag Hammarskjold Plaza opposite the United Nations in New York City. It is the largest demonstration of its kind anywhere, and last year, several hundred thousand concerned men, women, and children participated in a demonstration of solidarity with their Soviet Jewish brethren.

As we approach Solidarity Sunday, only two prisoners of conscience remain, Yuli Edelshtein and Alexei Magarik. The others, including Iosef Begun and Iosef Berenshtein, were all freed recently. Yet, these men, and so many others like them, were innocent from the very beginning. They should not have been arrested, tried on unfounded charges, convicted and sentenced. We are thankful for their freedom from incarceration, but true freedom will only come when they and other refuseniks are granted their emigration permits.

Glasnost has taken on several different forms of late, among them, some actions that clearly do not possess any semblance of openness. Recently, this Chamber voted to approve House Concurrent Resolution 34, which expressed our collective disapproval of the newly implemented Soviet emigration regulations. Under this new restriction, only first degree relatives are eligible to apply to emigrate. No longer will a cousin or grandparent suffice. What happens to all those who have been refused for years? We have learned that even those with first degree relatives in the West have been refused. This is not a sign of openness.

Similarly, the Soviet Union announced that as of May 1, 1987, parcels sent to the Soviet Union will be required to have a customs declaration in Russian or French only, when previously English was acceptable. This too, is an action that negates what is now passing for glasnost.

This is why House Joint Resolution 190 is so clearly needed. Congress and the American people have expressed their support for the rights of Soviet Jews time and again. Solidarity Sunday for Soviet Jewry is a much needed affirmation that when glasnost is applied, it needs to affect all 400,000 individuals in the Soviet Union whose only desire is to experience their Jewish heritage and culture in freedom.

Accordingly, I urge my colleagues support for the measure now pending before us, as a clear sign to Soviet officials that our efforts will not in any way cease on behalf of Soviet Jews and on others denied their rights under the Helsinki Final Act, the Universal Declaration on Human Rights, or other international agreements to which the Soviet Union is signatory.

□ 1500

Mrs. MORELLA. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. MANTON] who is a cosponsor of House Joint Resolution 190.

Mr. MANTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as an original cosponsor of House Joint Resolution 190, I rise in strong support of the legislation. I would like to thank my good friend and colleague, BEN GILMAN for sponsoring this important legislation and to commend him for his efforts on behalf of Soviet Jewry.

On Sunday, May 3, 1987, the Coalition to Free Soviet Jews will sponsor "Solidarity Sunday for Soviet Jewry," where Americans of all faiths will express their solidarity with the 400,000 Soviet Jews who desire freedom. House Joint Resolution 190 is a very special resolution which recognizes this event, and serves as an expression of American determination to continue efforts to gain freedom for Soviet Jews who are refuesniks or who are prisoners of conscience.

Many of us are encouraged by the glasnost policies of General Secretary Gorbachev. Some prisoners of conscience have been released. However, we are in no way satisfied with the status quo. We must remember that while the monthly emigration numbers may seem better than in the recent past, they do not compare with the 51,320 Jews that were allowed to emigrate in 1979. Therefore, we must continue to monitor the Soviet Union's treatment of the Jewish people and their emigration policies and press for improvements.

Solidarity Sunday is an important expression of our commitment to the Jews of the Soviet Union. The freedom and, indeed, the very lives of these people are dependent on our diligence and our commitment. Solidarity Sunday is a very forceful and effective voice for those who are allowed no voice. It is one that is heard both within the Kremlin and within the homes of Soviet Jews who continue to hope and pray for freedom. I strongly urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, under my reservation, I yield to the gentleman from California [Mr. DYMALLY] who is my chairman on the subcommittee.

Mr. DYMALLY. Mr. Speaker, I want to express my strong support for the resolution as introduced by my friend, the gentleman from New York [Mr. GILMAN], which designates May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewry."

First, Mr. Speaker, as chairman of the subcommittee with jurisdiction over this resolution, let me point out that House Joint Resolution 190 designates 2 consecutive years because, under committee rules, a commemorative resolution which has been approved by the Congress for 4 consecutive years may provide for such an observance 2 years in a row.

I believe Solidarity Sunday receives overwhelming support in the Congress year after year because of our instinctual bond with people who desire nothing more than the simple freedom to practice their religion, state their political views, and live where they choose.

The Committee on Post Office and Civil Service, on which both the gentleman from New York [Mr. GILMAN] and I serve, has reviewed the problem of nonreceipt of mail by Soviet citizens, many of them Jewish.

It is difficult to comprehend that there are people who cannot communicate with friends and family due to obstruction in the mails. I commend by colleague, the gentleman from New York, for his unwavering efforts to rectify this problem.

Mr. Speaker, 3 years ago my wife and I had occasion to visit some refuseniks in Moscow. I would say to the Members that it was a most moving experience. One of the members of that group, Mr. Speaker, held an American passport, and I said to him, "Why don't you leave?"

He said, "Yes, I can, but my family cannot." And he gave me a message to bring back to the Congress, to the President, and to the State Department, and I am pleased to state that last year his family was given permission to leave, and he is now in the United States.

So, Mr. Speaker, as we mark the end of the Passover season, let us not forget those in the Soviet Union who, because of their religious beliefs are isolated from their Jewish brothers and sisters all over the world.

Mr. Speaker, again I commend the gentleman from New York [Mr. GILMAN] for bringing this important resolution to the Members of the House.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I commend the chief sponsor of this resolution, and I will speak briefly on behalf of House Joint Resolution 190.

Mr. Speaker, we have heard encouraging words and even seen some encouraging Soviet deeds in recent months. But 400,000 Soviet Jews, including Vladimir Slepak and Sheina-Lea Swartz, are still waiting to be free.

Vladimir Slepak's only crime is that of encouraging other Soviets to fight for the right to emigrate. Mrs. Swartz is an elderly woman who is dying of cancer yet is denied permission to come to the West for treatment.

Mr. Slepak, whose son recently completed a 17-day fast on the grounds of the U.S. Capitol, has said to us, his friends in America, "If you turn your eyes, even for a moment, we will cease to exist." I share Mr. Slepak's suspicion that without a continued strong show of interest by the West, the recent signs of improvement in Soviet human rights will disappear.

That is why, now more than ever, it is crucial that we have events such as Soidarity Sunday. I urge my colleagues to join me in supporting House Joint Resolution 190, which designates May 3, 1987 as "Solidarity Sunday for Soviet Jewry."

Let us join together to send a message to the Soviets that we are still waiting for their deeds to catch up with their rhetoric. Together, let us show the Vladimir Slepaks and Sheina-Lea Swartzs that they are not alone in their brave struggle for freedom.

Mr. BIAGGI. Mr. Speaker, I rise today in support of House Joint Resolution 190, which seeks to designate May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewry." This annual massive rally is held at Dag Hammarskjold Plaza opposite the United Nations building in New York City. Hundreds of thousands of concerned individuals unite to express their solidarity with the more than 400,000 Soviet Jews who have expressed their desire to exercise their rights, under the Helsinki Final Act, to family reunification. Currently there are some 3.5 million Soviet Jews residing in the Soviet Union. About 400,000 of these have applied to emigrate and 20,000 Soviet Jews have been refused the right to emigrate at least once.

I commend my colleagues, Mr. GILMAN and Mr. MANTON, in their leadership in ensuring that this legislation receives the favorable congressional consideration it truly deserves.

While General Secretary Gorbachev's glasnost policy is encouraging, and recently many well know refuseniks have been released, one glance at the emigration statistics on Soviet Jewry in the last 15 years paints an entirely different picture. From 1971-80 at least 12,000 Soviet Jews were allowed to emigrate each year. In 1972, 31,681 Soviet Jews were allowed to join their families. These figures include 20,628 in 1974; 28,864 in 1978; and 21,471 in 1980; and a record high 51,320 in 1979. However, for the past 6 years these numbers have been decreasing at an alarming rate. In 1981, only 9,447 Soviet Jews were allowed to emigrate—this was less than half the number allowed in 1980. However, these figures further plumetted to a low of 896 in 1984. Last year only 914 Soviet Jews were granted emigration permission. This represents an alarming 88-percent decrease from 1971 and an over 98-percent decrease from 1979. There is no justification for these actions, no reason for these figures.

This year on Solidarity Sunday let us unite to request that Mr. Gorbachev "put his words into actions." We have heard much rhetoric about improved human rights conditions. We have seen great strides in the release of well-know refuseniks. This year, let us hope to see the final step—the release of the 400,000 Soviet Jews who have asked to emigrate, and the many others who would like to but have been discouraged from making the request.

I would like to reaffirm my support for House Concurrent Resolution 34 and my opposition to the new Soviet emigration regulations which went into effect in January. These regulations basically limit exit visas to those who have an immediate family member outside of the Soviet Union. These policies close off emigration opportunities for thousands of Soviet Jews who have no family members or close relatives outside the Soviet Union. This new provision requires that an application for emigration be accompanied by an invitation from this family member and further stipulates that the request can be denied if the invitor is not approved by the Soviet Union. These rules will only serve to further reduce the already alarmingly low numbers of Soviet Jews allowed the right to live where they choose.

I would also like to take this opportunity to express my support for another piece of legislation under consideration today—House Joint Resolution 67, which designates the week of May 3–10 as "Jewish Heritage Week." This week is especially timely considering the recent celebration of Passover, the upcoming celebration of Solidarity Sunday for Soviet Jewry, Israel Independence Day, as well as Jerusalem Day and the anniversary of the Warsaw Ghetto uprising. I urge my colleagues to join with me in support of both of these important measures.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DYSON). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 190

Whereas on May 3, 1987 and May 1, 1988 the constituent agencies of the Coalition to Free Soviet Jews will sponsor "Solidarity Sunday for Soviet Jewry" in reaffirmation of the American people's resolve to secure freedom for Soviet Jews and other beleaguered individuals;

Whereas Americans of all faiths will join with the Coalition in public expressions of solidarity with the more than 2.5 million Jews in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with one's family abroad is being denied by Soviet authorities to Soviet Jews and other groups in direct contravention of the Universal Declaration of Human Rights, the Helsinki Final Act, and Madrid Concluding Document, to all of which the Soviet Union is signatory;

Whereas the government of the Soviet Union has implemented new emigration restrictions designed to make the process of obtaining an emigration visa even more difficult;

Whereas the emigration of Soviet Jews has been severely restricted in recent years, hovering at 1,000 per year or less, from a high of 51,320 in 1979;

Whereas those Soviet Jews and other persons who have applied to leave the Soviet Union have been subjected to expulsion from jobs and schools, exile from major Soviet cities, constant surveillance and harassment and even arrest and imprisonment on false charges;

Whereas the government of the Soviet Union continues to persecute its Jewish citizens and deny them even those few rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the government of the Soviet Union discriminates against Jewish cultural and religious activities by banning and suspending Hebrew and Jewish cultural classes, arresting Hebrew teachers on false criminal charges, attacking Hebrew teaching circles as "subversive", promoting anti-Semitic ideology under the cloak of "anti-Zionism", and harassing those Soviet Jews who seek only to exercise their right to practice their religious and cultural heritage;

Whereas the government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the free world so long as those who cherish liberty and human rights continue to speak out on behalf of beleaguered people everywhere; and

Whereas "Solidarity Sunday for Soviet Jewry" will serve as an expression of American determination to continue efforts to obtain freedom for Soviet Jews who are prisoners of conscience, to have exit visas granted to refuseniks, many of whom have sought permission to emigrate for up to fifteen years, and to secure the free exercise of religious beliefs and cultural expression for all minorities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 3, 1987, May 1, 1988 as "Solidarity Sunday for Soviet Jewry" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe these days with appropriate ceremonies, activities, and programs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 89) to authorize and request the President to issue a proclamation designating April 26 through May 2, 1987, as "National Organ and Tissue Donor Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Washington [Mr. MORRISON] who is the chief sponsor of House Joint Resolution 189, to authorize and request the President to issue a proclamation designating April 26 through May 2, 1987, as "National Organ and Tissue Donor Awareness Week."

Mr. MORRISON of Washington. Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me, and I would like to thank the chairman of the subcommittee, the gentleman from California [Mr. DYMALLY] and the gentlewoman from Maryland [Mrs. MORELLA] for their cosponsorship of this particular issue.

I would also like to thank the nearly 230 other cosponsors who have joined in sponsorship of this important resolution.

This is the fifth year that I have successfully introduced National Organ and Tissue Donor Awareness Week, and I was particularly pleased this year to be joined by Senator GARN, who has had some personal experience in this area and has introduced this resolution in the Senate.

The need for organ and tissue donation is a great one, and heightened awareness during this special week of April 26 through May 2 can only help bring out potential donors for those in need. So when you hear on the news that there is a need in your community or in your home area in the United States for an organ donation or a tissue donation, you will know what this week is all about and what our efforts are really all about.

Donor cards will be available throughout the week and are always available through the American Council on Transplantation by calling 1-800-ACT-GIVE. I hope you will join me as an organ donor so that others may enjoy the "gift of life."

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF HOUSE JOINT RESOLUTION 189

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. MCMILLAN], the gentleman from Iowa, [Mr. NAGLE], and the gentlewoman from Nevada [Mrs. VUCANOVICH] be removed as cosponsors of House Joint Resolution 189. Their names were inadvertently included as cosponsors of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 26 through May 2, 1987 as "National Organ and Tissue Donor Awareness Week".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILD SAFETY AWARENESS MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 32) designating the month of May 1987 as "National Child Safety Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

□ 1510

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objections to the legislation now being considered.

Mr. Speaker, under my reservation of objections, I yield to the gentleman from Florida [Mr. Lewis] who is a chief sponsor of House Joint Resolution 32 designating the month of May 1987 as National Child Safety Awareness Month.

Mr. LEWIS of Florida. I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, I want to thank the gentleman for bringing House Joint Resolution 32 to the House floor. This is the third year that my colleagues in the House of Representatives have joined with me in recognizing May as National Child Safety Month.

Clearly, establishing such a month helps to heighten this Nation's awareness to the problems faced by America's youth. Problems which include drug abuse, child abuse, and the high number of runaway children, indicate to all of us that much more needs to be done to secure a safe future for our children.

The month of May is particularly important this year as it marks the receipt of the President's Child Safety Partnership Commission report. The members of the Partnership Commission, comprised of public and private representatives, have worked diligently to create a report on better methods for fighting abuses against children.

Again, Mr. Speaker, thank you for your consideration and my thanks to all my colleagues who joined me in cosponsoring House Joint Resolution 32.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 32

Whereas every year untold numbers of children throughout the United States disappear from their homes;

Whereas children who are missing from home are often victims of sexual and physical exploitation;

Whereas many local volunteer groups already are working enthusiastically to promote child safety, but much remains to be done in the effort to fully protect our children;

Whereas the safety of our children should be one of our highest national priorities; and

Whereas the designation of a special month to commemorate child safety will draw needed attention to the dangers threatening our children and will help educate communities throughout the country about the problem and what can be done to help solve it: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1987 is hereby designated as "National Child Safety Awareness Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOGNIZING AND CONGRATULATING DUCKS UNLIMITED ON ITS 50TH ANNIVERSARY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 106) to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection I yield to the gentleman from Minnesota [Mr. Stangeland] who is the chief sponsor of this resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary.

Mr. STANGELAND. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 106 to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary. I want to thank the chairman, Mr. Dymally and the ranking Republican the gentlewoman from Maryland [Mrs. Morella], for the expeditious handling of this resolution.

Ducks Unlimited was begun on January 29, 1937, by a dedicated group of sportsmen who recognized the waterfowl populations were being drastically impacted by the loss of important habitat. The organization is now one of the most successful private wetlands and waterfowl conservation groups in the world. They have raised nearly $400 million and have conserved more than 4 million acres of wetlands throughout North America. Their work continues today through projects in important waterfowl areas throughout the United States and Canada, and through active participation with the Mexican, Canadian, and United States Fish and Wildlife Agencies in the development and implementation of the North American waterfowl plan.

Ducks Unlimited's success has resulted from the cumulative efforts of more than 600,000 individuals throughout the North American Continent. While most of the members are primarily, although not solely, interested in waterfowl hunting, benefits accrue to all of us through the preservation of our rapidly decreasing wetlands. In addition to providing waterfowl habitat, wetlands also make material contributions to our national economy, food supply, water quality, and water supply, and to the reduction of flood damage.

Our Federal Government, the governments of our 50 States, and the Governments of Canada and Mexico, individually or collectively, cannot adequately protect these valuable wetlands without private assistance.

Mr. Speaker, for more than 50 years, members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to conserve wetlands habitat.

I wish to pay special thanks to the 225 of my colleagues who are original cosponsors. All should be considered as sponsors in their own right.

Mr. Speaker, a list of my cosponsors follows:

Hon. Don Young, Hon. Robert Davis, Hon. E. Clay Shaw, Jr., Hon. Gary Ackerman, Hon. Bill Alexander, Hon. Glenn Anderson, Hon. Michael Andrews, Hon. Beryl Anthony, Jr., Hon. Douglas Applegate, Hon. Bill Archer, Hon. Chester G. Atkins, Hon. Les AuCoin, Hon. Robert E. Badham, Hon. Cass Ballenger, Hon. Doug Barnard, Jr., Hon. Steve Bartlett, Hon. Joe Barton, Hon. Herbert H. Bateman, Hon. Jim Bates, Hon. Charles E. Bennett, Hon. Helen Delich Bentley, Hon. Tom Bevill, Hon. Mario Biaggi, Hon. Thomas Bliley, Jr., Hon. Sherwood Boehlert, Hon. Lindy Boggs, Hon. William Hill Boner, Hon. Don Bonker, Hon. Douglas H. Bosco, Hon. Rick Boucher, Hon. Beau Boulter, Hon. George F. Brown, Jr., Hon. John Bryant, Hon. Jim Bunning, Hon.

Albert G. Bustamante, Hon. Beverly Byron, Hon. Sonny Callahan, Hon. Benjamin Cardin, Hon. Thomas R. Carper, Hon. Rod Chandler, Hon. Jim Chapman, Hon. Bill Chappell, Hon. William F. Clinger, Jr., Hon. Dan Coats, Hon. Howard Coble, Hon. Tony Coelho, Hon. Larry Combest, Hon. Silvio Conte, Hon. Larry E. Craig, Hon. Philip M. Crane, Hon. Dan Daniel, Hon. William E. Dannemeyer, Hon. George Darden, Hon. Hal Daub, Hon. Jack Davis, Hon. Peter A. DeFazio, Hon. E. de la Garza, Hon. Tom DeLay, Hon. Butler Derrick, Hon. Michael DeWine, Hon. William Dickinson, Hon. Norman Dicks, Hon. John Dingell, Hon. Joseph J. DioGuardi, Hon. Robert K. Dornan, Hon. David Drier, Hon. Bernard J. Dwyer, Hon. Roy Dyson, Hon. Dennis Eckart, Hon. Bill Emerson, Hon. Ben Erdreich, Hon. Mike Espy, Hon. Lane Evans, Hon. Dante Fascell, Hon. Vic Fazio, Hon. Jack Fields, Hon. Hamilton Fish, Jr., Hon. Ronnie Flippo, and Hon. James J. Florio.

Hon. Thomas Foglietta, Hon. Thomas S. Foley, Jr., Hon. William Ford, Hon. Bill Frenzel, Hon. Martin Frost, Hon. Dean Gallo, Hon. Benjamin Gilman, Hon. Newt Gingrich, Hon. William F. Goodling, Hon. Fred Grandy, Hon. Bill Grant, Hon. Ken Gray, Hon. Bill Green, Hon. Steve Gunderson, Hon. Ralph Hall, Hon. John Paul Hammerschmidt, Hon. James V. Hansen, Hon. J. Dennis Hastert, Hon. Jimmy Hayes, Hon. Charles Hatcher, Hon. Paul B. Henry, Hon. Wally Herger, Hon. Dennis M. Hertel, Hon. John Hiler, Hon. Clyde C. Holloway, Hon. Frank Horton, Hon. James J. Howard, Hon. Steny Hoyer, Hon. Carroll Hubbard, Jr., Hon. Jerry Huckaby, Hon. William Hughes, Hon. Duncan Hunter, Hon. Earl Hutto, Hon. James M. Inhofe, Hon. James M. Jeffords, Hon. Ed Jenkins, Hon. Nancy Johnson, Hon. Tim Johnson, Hon. Walter B. Jones, Hon. James Jontz, Hon. Gerald D. Kleczka, Hon. Joe Kolter, Hon. Robert J. Lagomarsino, Hon. H. Martin Lancaster, Hon. Delbert Latta, Hon. Jim Leach, Hon. Richard H. Lehman, Hon. Norman F. Lent, Hon. Sander Levin, Hon. Jerry Lewis, Hon. Tom Lewis, Hon. Jim Lightfoot, Hon. William O. Lipinski, Hon. Robert Livingston, Hon. Trent Lott, Hon. Dan Lungren, Hon. Thomas J. Manton, Hon. Ron Marlenee, Hon. Lynn Martin, Hon. Robert Matsui, Hon. Joseph M. McDade, Hon. Raymond McGrath, Hon. Stewart B. McKinney, Hon. Dan Mica, Hon. George Miller, Hon. John R. Miller, Hon. Norman Mineta, Hon. Guy Molinari, Hon. Sonny Montgomery, Hon. Carlos Moorhead, Hon. Sid Morrison, Hon. John P. Murtha, Hon. Howard C. Nielson, Hon. Bill Nichols, Hon. James Oberstar, Hon. James R. Olin, Hon. Solomon P. Ortiz, and Hon. Michael G. Oxley.

Hon. Ron Packard, Hon. Leon E. Panetta, Hon. Stan Parris, Hon. Charles Pashayan, Jr., Hon. Timothy J. Penny, Hon. Claude Pepper, Hon. Carl C. Perkins, Hon. Thomas E. Petri, Hon. Owen B. Pickett, Hon. James Quillen, Hon. Nick Joe Rahall, Hon. Arthur Ravenel, Jr., Hon. Ralph Regula, Hon. Thomas Ridge, Hon. Don Ritter, Hon. Tommy F. Robinson, Hon. Robert A. Roe, Hon. Buddy Roemer, Hon. Harold Rogers, Hon. Charles Rose, Hon. J. Roy Rowland, Hon. Martin Olav Sabo, Hon. Partricia F. Saiki, Hon. Gus Savage, Hon. Jim Saxton, Hon. Richard T. Schulze, Hon. Norman D. Shumway, Hon. Gerry Sikorski, Hon. Lamar S. Smith, Hon. Lawrence J. Smith, Hon. Denny Smith, Hon. Robert F. Smith of Oregon, Hon. Gerald B. H. Solomon, Hon. John M. Spratt, Jr., Hon. Harley O. Staggers, Jr., Hon. Charles Stenholm, Hon. Gerry Studds, Hon. Bob Stump, Hon. Don Sundquist, Hon. Fofo I. F. Sunia, Hon. Mac Sweeney, Hon. Mike Synar, Hon. Robin Tallon, Hon. Thomas Tauke, Hon. W. J. (Billy) Tauzin, Hon. Gene Taylor, Hon. Robert Lindsay Thomas, Hon. Edolphus Towns, Hon. Bob Traxler, Hon. Fred Upton, Hon. Tim Valentine, Hon. Guy Vander Jagt, Hon. Bruce Vento, Hon. Harold L. Volkmer, Hon. Barbara Vucanovich, Hon. Vin Weber, Hon. Ted Weiss, Hon. Curt Weldon, Hon. Jamie A. Whitten, Hon. Pat Williams, Hon. Charles Wilson, Hon. Robert F. Wise, Jr., Hon. Frank Wolf, Hon. Howard Wolpe, Hon. George Wortley, Hon. Ronald Wyden, Hon. C.W. Young, Jr., and Hon. Judd Gregg.

Mr. YOUNG of Alaska. Mr. Speaker, I am proud to join with 224 of my colleagues in support of House Concurrent Resolution 106 commemorating the 50th anniversary of Ducks Unlimited. As an original cosponsor of this resolution, it is a privilege to honor an organization which has become one of the largest and most successful private wetlands and waterfowl conservation organizations in the world.

Today, Ducks Unlimited [DU] stands as the most effective protector of wetlands for wildlife, having raised nearly $400 million for use in the conservation of more than 4 million acres of wetlands habitat and the construction of over 3,000 wetlands projects. However, no one individual can be singled out for credit for the past accomplishments of DU. Rather the success of the organization is the collective result of some 600,000 members, volunteers, and staff who have generously given of their time, energy, and financial resources to achieve outstanding conservation objectives. I, along with many Members of Congress, am proud to number among those 600,000-plus members.

Mr. Speaker, the wetlands of the North American Continent play a vital role in maintaining the environmental quality of this Nation. However, these wetlands are shrinking at the alarming rate of over 700,000 acres per year. To help conserve dwindling wetlands habitat, governments find themselves relying more and more on the human and financial resources of private conservation organizations. It is organizations like Ducks Unlimited which have answered this challenge and have worked diligently for the past 50 years to protect and enhance wetlands and waterfowl habitats.

Mr. Speaker, I urge my distinguished colleagues to join with me today in passing this resolution saluting the 50th anniversary of Ducks Unlimited and I look forward to their continued presence in the field of waterfowl and wetlands conservation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 106

Whereas Ducks Unlimited, Incorporated, is one of the largest and most successful private wetlands and waterfowl conservation organizations in the world, having raised nearly $400,000,000 and conserved more than 4,000,000 acres of wetlands throughout North America;

Whereas wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all citizens;

Whereas wetlands constitute only a small percentage of the land area of North America, are estimated to have been reduced by half in the contiguous States, and continue to disappear at the rate of nearly 700,000 acres each year;

Whereas government alone cannot adequately protect valuable wetlands without help from private organizations;

Whereas the members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to achieve outstanding conservation objectives;

Whereas Ducks Unlimited has established and maintained a singleness of purpose for the protection and enhancement of waterfowl habitats that is a standard other organizations have sought to achieve; and

Whereas January 29, 1987, was the 50th anniversary of the founding of Ducks Unlimited and its pioneering leadership in continent-wide waterfowl conservation programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the importance of contributions by public interest organizations to the goals of conservation and congratulates Ducks Unlimited, Incorporated, for its 50 years of unprecedented accomplishments in the protection and enhancement of wetlands waterfowl habitat.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 58) to designate the month of April 1987 as "National Child Abuse Prevention Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from California [Mr. DYMALLY], the chairman of my subcommittee.

Mr. DYMALLY. I thank the gentlewoman for yielding to me.

Mr. Speaker, on a personal note, as a member of the California Senate, I had the privilege of authoring the Child Abuse Prevention and Treatment Act which was signed by Governor Reagan into law. As a Member of Congress, I was appointed to serve on the advisory committee for a period of 2 years.

What is also very personal is the coauthors of this measure, in fact, author of the House Resolution 247, Mr. MILLER of California. His father and I served in the California Senate during the time when this measure was being debated and I had the occasion to have before my subcommittee Vice President Mondale to testify on this measure.

So it is of great personal interest to me that we are going to observe April as National Child Abuse Prevention Month.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of House Joint Resolution 247, which I introduced along with my colleague, Congresswoman NANCY JOHNSON. This resolution would declare April 1987 "Child Abuse Prevention Month." I am pleased to report that this legislation was unanimously approved by the Senate on March 20.

Bringing renewed attention to the plight of neglected and abused children is the first step in addressing the problem. Highlighting successful efforts to prevent child maltreatment, called for by the resolution, will remind us that we need not tolerate this continuing tragedy.

The Select Committee on Children, Youth and Families, which I chair, recently conducted a nationwide survey to assess the extent of child abuse and neglect and to see how States are responding to this problem. Our report, "Abused Children in America: Victims of Official Neglect," found that:

Nearly 1.9 million children were reported as victims of abuse and/or neglect in 1985—a 55 percent increase since 1981.

In my own community, Contra Costa County, there were twice as many child abuse reports in 1985 as there were in 1981.

Reports of child sexual abuse jumped an alarming 80 percent between 1983 and 1985.

Still, in 1985, child neglect continued to comprise more than half of all reports.

Despite these dramatic increases, States reported that resources to investigate, prevent, and treat abused children and their families fell far short of the need. However, they offered new evidence of programs which successfully prevent abuse, reduce recidivism, strengthen families, and avert costly placement of children out of their homes. These programs include recently established children's trust funds, parent education, pre- and peri-natal services to high risk pregnant women and teenagers and their infants, respite care, crisis nurseries and early screening for developmental disabilities, to name a few. I am encouraged by these efforts, which have not only saved lives and reduced harm to children, but have saved public money, as well. Unfortunately, they are not reaching the majority of maltreated children or childen at risk of abuse.

I am equally inspired by the outstanding work of organizations like the National Committee for the Prevention of Child Abuse, the C. Henry Kempe Center, and the Child Abuse Prevention Council of Contra Costa County to elevate awareness about child abuse and to expand prevention and early intervention initiatives.

Sadly, the psychological scars of child abuse and neglect remain long after any physical injuries have healed or any emotional badgering has ceased. If we are to spare our children from this anguish, we must continue to raise public awareness and concern that child abuse is a serious problem, but one that is preventable. I urge my colleagues to join me in supporting House Joint Resolution 247 so that we get this important message out to families, policymakers, and treatment providers, alike.

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to introduce with my distinguished colleague on the Select Committee on Children, Youth and Families, Chairman GEORGE MILLER, a resolution designating April 1987 as "National Child Abuse Prevention Month." With this action we hope to demonstrate the resolve and the commitment of Congress to support programs and policies that solve the problems leading to child abuse, and to shine a much needed public spotlight on this tragedy.

The need for such public recognition is supported by the grim, tenacious statistics. More than 1 million cases of child abuse, whether through violence, neglect, or sexual abuse, in homes or foster homes, were reported in the last year, up by more than 40 percent since 1981. An estimated 5,000 of these cases are fatal. We have an epidemic as serious as any recognized and acted upon by Congress.

Recognition of this problem is important for another reason. Experts say that three out of four incidents of abuse go unreported. The stigma felt by a child abused, the reluctance of people to meddle in another's family business, the lack of information as to where a child or parent can turn—these and other problems cloak this epidemic in a shroud of secrecy and prevent its treatment.

One child abused is one too many; these numbers suggest that a tragically large percentage of America's 63 million children suffer, and will suffer throughout their lives. While poverty has been a partner to child abuse, it is by no means a stranger to any particular socioeconomic class or geographic region. Children are at risk in our suburbs, boroughs, city neighborhoods, and rural households alike.

We must take more action to prevent this suffering. Children and parents caught in this pattern of strife are crying out for help; poised to provide it are the dedicated individuals and organizations such as Child Help USA, Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition. Congress must, too, be poised to help by providing the resources that keep these organizations doing their good work.

By designating April 1987 as National Child Abuse Prevention Month, we send a message of hope and help forthcoming to the abused, the abuser, and to Americans who look to the next generation with great expectation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 58

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in the Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1987, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUST SAY NO TO DRUGS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 108) designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection I yield to the gentleman from Florida [Mr. HUTTO], who is a chief sponsor of House Joint Resolution 108, designating May 17 through May 23, 1987, as "Just Say No to Drugs Week."

Mr. HUTTO. I thank the gentlewoman for yielding to me.

Mr. Speaker, as the prime sponsor, I rise in support of House Joint Resolution 108, a resolution designating the week of May 17, 1987, as "Just Say No to Drugs Week."

In 1984 over 7,000 Americans died from drug overdoses. Over the last year, the use of drugs by our Nation's youth has become an increasingly important and often tragic issue. The loss of sports stars Don Rogers and Len Bias has added a spark to this issue and has alerted many to the real dangers of even casual drug use. Recent episodes of such television shows as "Growing Pains" and "Cagney and Lacey" have been monumental, highlighting on child characters facing up to peer pressure and saying NO to drugs. Because of greater emphasis on how peer pressure contributes to the drug abuse problem, "Just Say No" clubs have been founded in schools across America. This important resolution recognizes this Nation's young people who are publicly fighting drug abuse by saying no to drugs and are thereby contributing to a monumental goal, the end of drug abuse in America. Please help us to continue to build on this antidrug momentum and vote in favor of "Just Say No to Drugs Week."

□ 1520

Mrs. MORELLA. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as a cosponsor of House Joint Resolution 108, designating May 17-23, 1987, as "Just Say No to Drugs Week," I want to commend my colleague, the gentleman from California [Mr. DYMALLY] and the ranking minority member, the gentlewoman from Maryland [Mrs. MORELLA] for leadership in helping to bring this resolution to the floor of the House for its consideration and I commend the gentleman from Florida [Mr. HUTTO] for his sponsorship of this resolution.

As the ranking minority member of our House Select Committee on Narcotics Abuse and Control, I want to assure my colleagues that designating this week to saying "NO" to drugs can be instrumental in helping to raise the consciousness of the public and particularly our young people to the dangers of drug abuse. Unfortunately, drug trafficking and drug abuse can not be limited to just 1 week, but combatting this deadly menace is a full-time, 365 days a year effort that will not go away today or tomorrow, but is a never-ending battle in protecting our Nation's most precious resource, our youth.

If we are truly serious about waging war against the drug traffickers and against drug abuse, then we, as legislators, must do more than designate a particular week to this battle. We must provide our Federal, State, and local governments with the resources, personnel, equipment, and funds to effectively prevent and control drug abuse, and citizens must become more aware of the dangers of heroin, cocaine, marijuana, and other deadly substances. Effective nationwide drug law enforcement, prevention, education, treatment, and rehabilitation programs are urgently needed.

Mr. Speaker, House Joint Resolution 108 is an important vehicle for promoting drug awareness for our citizens. Accordingly, I urge my colleagues to fully support this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I yield to the chairman of the subcommittee, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I rise in strong support of House Joint Resolution 108 to designate the week beginning May 17 as "Just Say No to Drugs Week."

Before closing, Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN] for his work in this field. I have had the privilege of serving with this kindly gentleman from New York and he is uncompromising in his fight against the use of drugs, against the distribution, sale, and trafficking of drugs in every part of the world. It matters not what country or what Representative, whoever that person is, once the gentleman from New York deals with this problem he is relentless in his pursuit of justice, so wherever he goes his name precedes him in this fight against drug abuse. I want to take this opportunity to commend the gentleman for his work. Consistently in the last 6 years that I have known him he has been fighting this problem as a member of the Select Committee on Drug Abuse and on the Foreign Affairs Committee.

My daughter, who is a member of the Compton School Board, has a slogan, may I say to the gentleman from New York [Mr. GILMAN], it is called END, "Education, Not Drugs."

So I want to pay tribute to her for her small effort in this fight against the use of drugs in her school district.

Mr. Speaker, over the past several years, this Nation has finally come to grips with the fact that we have a devastating drug problem among youth and adults alike.

Recognition of the problem is, of course, the first step toward helping those who find themselves caught up in the drug scene.

While others can speak more knowledgeably on the problem than I can, I do want to reiterate my strong belief that we must make a special effort to help young people who use drugs.

Last year, when Congress was considering comprehensive antidrug legislation, I introduced a bill to provide for programs in our schools to combat the drug problem among our youth.

Young people turn to drugs for a variety of reasons: Peer pressure; as an escape from difficulties at home and at school; to simply pass the time away.

Our children do not need our condemnation, they need our support and understanding. Young people who feel good about themselves, who are able to set goals for the future, who have access to recreational and after-school activities, and who can share their feelings with an adult who will not judge them, will not need to turn to drugs.

We need to help our youth redirect their energies toward positive, fun, and meaningful activities.

Our children are our future, and we must make the effort now to ensure that they will move into adulthood free from the devastating consequences of drugs.

Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me to make these observations.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to echo the words of commendation by the chairman of the subcommittee to the gentleman from New York [Mr. GILMAN]. I do appreciate the work the gentleman has done.

I like that acronym "END." I am going to use it.

Mr. Speaker, it is with a sense of resolve, urgency, and commitment that I rise in support of House Joint Resolution 108 designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week."

We as a nation have been plagued with an infestation commonly known as drug abuse. This malady has no generation gap as it affects all who choose to participate in its horrors.

The simplest remedy is just to say no to drugs.

This resolution, Mr. Speaker, is to recognize the efforts of youth in our country who fight the ravages of drugs and encourage them to say "no" to any participation in drug activities.

Over the past several years, I have taken a firm stand in my State of Maryland, introducing legislation banning the sale of drug paraphernalia, raising the drinking age, implementing driver improvement and alcohol education programs.

However, no amount of legislation will replace a positive act of drug refusal by the youth of our Nation, our most precious resource.

I believe that all of us are concerned about our Nation's tomorrow and the people who will lead it. I think we want healthy, intelligent leaders and citizens.

To date we have over 225 cosponsors to this resolution—it shows our commitment to our youth. I would encourage you all to join me in supporting this resolution, "Just Say No to Drugs."

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman.

Mr. RANGEL. Mr. Speaker, I rise in support of House Joint Resolution 108. This resolution would designate the week of May 17 through May 23, 1987, as "Just Say No to Drugs Week." I am pleased to be a cosponsor of this resolution.

Drug use by our Nation's youth continues at critically high levels. The 1986 survey of high school seniors, sponsored by the National Institute on Drug Abuse [NIDA] and conducted by the University of Michigan, continues to indicate that more than 60 percent of high school seniors have tried an illicit drug.

Particularly disturbing among the findings in recent years is the record high use of cocaine. This is also a problem among college students.

In some communities drug use among adolescents is almost universal. I am afraid that we are in danger of losing a significant proportion of our present generation of adolescents to drug use.

As a result of the Anti-Drug Abuse Act of 1986, we are providing additional assistance for drug abuse education and prevention. I strongly support these efforts.

House Joint Resolution 108 provides us with a means to raise community awareness nationwide—quickly and expeditiously. It provides a vehicle around which community antidrug education and prevention activities can be organized. It underscores the priority that must be given to antidrug education and prevention, if we are to confront this problem effectively.

These efforts must only be a beginning. But most importantly there will be a beginning.

Therefore, I would urge all of the Members of the House to lend their support to this legislation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 108

Whereas America's youth are our Nation's most precious resource;

Whereas young people are contributing to drug abuse prevention by starting "Just Say No" clubs and saying "no" to drugs;

Whereas America's youth should be recognized and encouraged for their efforts in the fight against drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of this Nation's young people to publicly fight drug abuse by just saying "no" to drugs and thereby contributing to the end of drug abuse in America, the President is directed to issue a proclamation designating the week of May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week", and calling on the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the various joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM HON. CLAUDE PEPPER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. CLAUDE PEPPER:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 1987.

Hon. JIM WRIGHT,
Speaker, H-204 Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that my district office has been served with a subpoena duces tecum issued by the Circuit Court in and for Dade County, Florida. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,

CLAUDE PEPPER
Member of Congress.

□ 1530

GEN. PAT WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, Mississippi lost one of its favorite sons March 15 when retired Lt. Gen. W.P. (Pat) Wilson died at his home in Tupelo, MS. He was one of our State's most outstanding leaders, not only as a soldier, but as an educator and sports figure. I want to share with my colleagues a copy of his obituary, which appeared in the Northeast Mississippi Daily Journal. In addition, I am submitting a copy of a column, written about General Wilson by Mississippi syndicated columnist, Bill Minor.

[From the Northeast Mississippi Daily Journal, Mar. 17, 1987]

OBITUARY

Retired Lt. Gen. William Patrick "Pat" Wilson, 90, died Sunday night at his home in Tupelo.

Services for the Tupelo native—a decorated hero of two world wars, longtime chief of Mississippi National Guard, prominent educator and outstanding sports figure—will be held at 2 p.m. Wednesday at the Funeral Chapel of W.E. Pegues.

The Rev. Banks Hardy will officiate, assisted by the Rev. Dr. Morton McMillan. Burial will be in Tupelo Memorial Park with full military honors.

Wilson retired in 1964 after serving as adjutant general of the Mississippi National Guard for 17 years. The Decatur Armory was named for Wilson, as was the National Guard Armory Army Aviation Support Facility in Tupelo.

He attended Auburn University and graduated from Mississippi A&M College (now Mississippi State University), where he studied math and science. While at State, he was president of the student body, and a classmate of Sen. John Stennis.

Wilson served with distinction in the U.S. Army in World War I and in World War II.

Among a long list of decorations and awards received during his lifetime were the Legion of Merit, Bronze Star Medal, Purple Heart, American Defense Service Medal, the European-African-Middle Eastern Campaign Medal with 5 Battle Stars, the Crown of Italy, the Alabama Distinguished Service Medal, the Mississippi Magnolia Medal, the Mississippi Emergency Service Medal with 5 Bronze Magnolias, and the National Guard Distinguished Service Medal.

He was a member of the Mississippi Sports Hall of Fame and the MSU Sports Hall of Fame.

Wilson served as a teacher and coach at Tupelo High School and at Tupelo Military Institute. He was athletic director, head football coach, and dean of men at East Central Junior College in Decatur.

Upon his retirement in 1964, Wilson received tribute from many sources. Among them were resolutions from the Mississippi House of Representatives and the Mississippi Senate, citing his "many distinguished services to the United States and to the State of Mississippi" and his "outstanding leadership as a man, as a citizen and as a soldier."

He was a member of First Presbyterian Church in Tupelo. He was a Mason and a life member of the Tupelo York Rite Masonic Bodies.

Survivors are his wife, Annie Stark Wilson, and several nieces and nephews.

In lieu of flowers, memorial donations may be made to a favorite charity.

[From the Northeast Mississippi Daily Journal, March 26, 1987]

GENERAL WILSON ALWAYS STOOD FOR DUTY, HONOR

(By Bill Minor)

You can hardly expect many present generation Mississippians to know much about, or to have even heard of Gen. Pat Wilson, who was laid to rest last week in Tupelo, at age 90.

They may have read the headlines that said General Wilson had been state adjutant general many years, decorated in two world wars and a long time sports figure.

But there's lots more to tell about Pat Wilson, a huge bear of a man who was one of the few larger-than-life figures I have known in four decades of covering this state.

For all of his size and tough appearance, Pat Wilson was really gentle as a pussycat. That is, except when anyone or anything trod on his sense of duty, or the interests of the Mississippi National Guard. Nor did he accept any excuses if an order he gave was not carried out.

To understand what Pat Wilson meant in the history of the state, you have to place him in the context of the times he served as Mississippi's adjutant general—from the late 1940s until 1964.

These were years when Mississippi went through the travail of an unenforceable prohibition law, racial strife and political infighting—all three of which spilled over into Gen. Wilson's territory.

When a governor was trying to make a show that he was trying to keep the illegal traffic from getting totally out of hand, he would order the National Guard to seize and smash booze, usually in some "dry" area of the state, seldom in the areas where it was sold openly with public approval.

If there was any gambling operation mixed in, axe-wielding guardsmen cleaned out everything in sight.

Gov. Hugh White in the mid-50s made the noblest attempt to make the "noble experiment" of prohibition work, ordering the Guard on numerous unannounced raids on bootleggers and gamblers. Always, General Wilson felt it was his duty to personally lead the raid.

Wilson didn't believe in carrying out raids without the press being represented. He chose only a very few reporters to take along. The late Kenneth Toler, the Commercial Appeal correspondent, and I, the Times-Picayune correspondent, usually were invited to go along.

Word came to us in a Deep Throat call from the general to rendezvous with him at some highway intersection at, say 6 a.m., on the following day and that's all. We knew there'd be a raid, but we never knew exactly where.

At rendezvous point, the general would tell us to park our car, and transfer into an unmarked National Guard car. We would ride through the back roads until we were thoroughly disoriented. Eventually we got to the scene as carloads of guardsmen swarmed into the suspected 'leggers joint.

When the hooch was found, the smashing would start, making strong men cry as the amber colored alcohol flowed into the gutter. The strict Wilson rule was no one went away with any samples, and a violation thereof brought strong punishment.

There were bizarre episodes at times on these raids. Such as the time when Wilson raiders went to a rather elaborate piney woods club at Pearlington in rural Hancock County that was patronized by gamblers brought in by the busload from New Orleans. One item guardsmen found in the club's office was a submachinegun.

A short time later, a big car pulled up in a cloud of dust at the front of the club. A big, burly guy jumped out, identified himself as a constable and demanded to know what the Guard was doing there. Besides that, he claimed the submachinegun was his and he wanted it.

Turning to one of his rifle-toting guardsmen, Wilson said, "If he tries to take the gun, shoot him," With that, the constable high-tailed it out of the place and drove off.

Wilson brooked no political interference in running the National Guard, and three of the four governors under whom he served kept hands off. But Ross Barnett, the last of Wilson's four commanders-in-chief, kept trying to dabble in the Guard.

Once he called Wilson over to the mansion and ordered him to remain until he signed a promotion of a high-ranking officer whom Wilson did not think was qualified. The tough-minded adjutant general just sat there at the mansion all day, refusing to sign. Finally, Barnett gave up and sent Wilson on home.

The historic "freedom rides" of black civil rights leaders through southern capitals in 1961 turned violent when the buses reached Montgomery, Ala, as Alabama officers stood by and allowed the riders to be beaten. Jackson was the next stop. Reluctantly, Barnett was persuaded to use the National Guard to escort the buses from the Alabama state line to Jackson.

General Wilson made it clear to Barnett that he would let no harm come to the riders while they were under his protection, but he would not order guardsmen to enforce state segregation laws. When the riders came through Mississippi unharmed, Barnett won praise from President Kennedy.

Again, during the September 1962 crisis over Barnett's defiance of federal court orders to admit black student James Meredith to Ole Miss, Wilson was caught in a crossfire between the governor and President Kennedy.

Fearing that Barnett might try to use the Mississippi National Guard as his own "army" as Orval Faubus had done in Little Rock in the 1957 Arkansas desegregation crisis, Kennedy federalized the Mississippi Guard on September 29. Ten hours later, on Sunday, the 30th, the riot broke out on the Ole Miss campus after Meredith arrived with an escort of federal marshalls. By 10:30 p.m. Mississippi guardsmen were on the campus, taking the bricks, rocks and abuse alongside the marshalls.

There is a great line in Walter Lord's book. "The Past That Would Not Die" which re-created the dramatic story of the riot:

"The rioters who supposed the National Guard would come over to their side—and some really thought so—were quite mistaken."

The Mississippi Guard did their duty, just as Pat Wilson knew they would.

IMPLEMENTATION OF THE FREEDOM OF INFORMATION REFORM ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, last year, the Congress enacted the Freedom of Information Reform Act as part of Public Law 99-570. The parts of that act that pertained to the law enforcement exemption of the FOIA—exemption 7—became effective upon passage. The remaining provisions relating to fees and fee waivers become effective at the end of this month.

There have been several recent developments with respect to the implementation of the fee and fee waiver provisions of the amended FOIA that I would like to discuss today. The first is the issuance by the Office of Management and Budget of a uniform FOIA fees schedule and guidelines. These guidelines can be found in the Federal Register of March 27, 1987, beginning on page 10012.

The Freedom of Information Reform Act marks the first time that OMB was given a formal role under the FOIA. OMB was required to promulgate guidelines providing for a uniform schedule of fees for all agencies. Agencies are specifically required to issue regulations that conform to the OMB guidelines. One of the major reasons why OMB was assigned this task was because of general dissatisfaction in the Congress with the guidance that the Justice Department has issued in recent years.

I believe that OMB approached its responsibilities under the Freedom of Information Reform Act in good faith. In drafting its guidance, OMB considered the language of the law, the legislative history, and the congressional intent. Nevertheless, I have a number of major disagreements with the results.

My most serious problem with the OMB guidelines is that they may well overstep the authority granted to OMB. The law very carefully limited OMB's role to providing a uniform schedule of fees. The law distinguishes between this schedule and other procedures and guidelines that are required under the FOIA. OMB's final guidelines appear to include some guidance on matters that are not strictly related to a uniform schedule of fees. As a result, these portions of the OMB guidelines are not binding on agencies.

The most significant area where the guidelines overstep the statutory line is in the definitions. Congress specifically declined to provide specific definitions for terms such as "news media" and "commercial use." These are admittedly difficult concepts, and the intent was to allow each agency to make a case-by-case determination. OMB's role was limited to the promulgation of a uniform schedule of fees and not to telling agencies how to interpret the substantive parts of the law. These definitional determinations were left to the agencies.

OMB's definition of "commercial use" provides a good example of the shortcomings of the guidelines. OMB defines "commercial use" as referring to a request from a person "who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester."

The clear congressional intent supports only the use of a profitmaking standard to determining whether a use can be treated as commercial under the FOIA. The words proposed by OMB—commercial, trade, or profit interests—are new, overly broad, unclear, and unhelpful.

Similarly troubling is the definition of "news" that was included as part of OMB's definition of "news media." OMB considers news to be "information that is about current events or that would be of current interest to the public." There are several problems here.

First, OMB's definition of news is broad, vague, and useless. How could an agency determine that an item of information that a reporter wants to include in a news story would not be of current interest to the public? Any piece of information that an agency doesn't want to release is of interest to the public simply by virtue of the agency's attempt to restrict access.

Second, Congress specifically rewrote part of the FOIA to remove any implication that agencies were to make determinations about what is news. Agencies responding to FOIA requests from reporters are not supposed to make editorial judgments about news value. OMB's definition appears to invite agencies to make these editorial judgments. I hope that agencies resist this invitation.

There are similar difficulties with other definitions, particularly the definition of "educational institutions." OMB's final language has no basis in the law, the legislative history, or in the draft guidance that was issued for public comment. In addition, there are a number of other small discrepancies between the statute and the guidelines. Nevertheless, the OMB guidelines still have some value and should help to promote more uniformity among agency fee schedules. The problems presented by the guidelines will be avoided if agencies quietly decide to ignore the questionable portions and to apply the FOIA in each case in the manner that Congress intended.

The second recent development in the implementation of the Freedom of Information Reform Act is the issuance by the Justice Department of an April 2, 1987, memorandum entitled "New FOIA Fee Waiver Policy Guidance" from Stephen J. Markman, Assistant Attorney General for Legal Policy. The one word that best describes this guidance is dishonest.

The Justice Department has no authority to issue binding guidance on FOIA matters. By deliberately assigning OMB the task of preparing guidelines that are binding on agencies, Congress underscored its lack of confidence in the Justice Department as well as the Department's lack of authority.

The new guidance illustrates on its first page why this lack of confidence is justified. The memorandum states that the Department "stands committed to encouraging agencies to waive fees under the FOIA whenever the statutory fee waiver standard is met." The problem here is that agencies are required to waive fees whenever the statutory fee waiver standard is met.

The Justice Department is not committed to requiring or forcing agencies to obey the law with respect to the granting of fee waivers. The Department can force agencies to grant required fee waivers by refusing to defend unlawful fee waiver denials in court. Nevertheless, the Department demonstrates its lack of interest in enforcing the FOIA fee waiver rules by its lukewarm encouragement of agencies to obey the law.

In interpreting the FOIA's fee waiver provisions, the Department refused to consider any of the legislative history for the fee waiver provision. The guidelines reject the statements made by Senator LEAHY—the sponsor of the language at issue—by myself, and by others, on the grounds that there was no actual floor debate on the Freedom of Information Reform Act. That distinction is irrelevant, and more importantly, untrue. I delivered a speech on the floor when the bill that became Public Law 99-570 was debated. My remarks were discussed in advance with the ranking minority member of my subcommittee and with other Members of the House who had expressed any concern about or interest in the FOIA.

Why did the Department misstate the record? I think the answer is obvious. The Department doesn't like the FOIA, and it especially doesn't like the fact that Congress has intentionally made the FOIA easier to use by liberalizing the fee waiver rules. Since there is nothing in the legislative history to support the Department's objectives, the Department has decided to ignore the legislative history for the fee waiver standard.

The Department has, however, taken a contradictory position with respect to the legislative history of the law enforcement provisions of the Freedom of Information Reform Act. The Department agrees with some of the floor statements that were made when the law enforcement provisions of the bill were debated. In fact, in at least two court cases, the Department has filed briefs quoting approvingly from these statements.

But when the same type of floor statements included expressions of congressional intent regarding fees and fee waivers that did not suit the Department's view of the law, the Department decided that the statements had no value. The fee waiver guidance misstates the record in order to justify its disregard for the legislative history.

The Department offers another basis for ignoring the legislative history of the fee waiver standard. It contends that the plain meaning of the standard "may be readily determined from its language." Therefore, it may be presumed that there is no need to look at the legislative history. This is all very nice except that the Department found it necessary to issue 12 single space pages of advice on the fee waiver standard. The standard itself is a single sentence of a few lines. If the plain meaning was so obvious, why did the Department feel compelled to produce so much guidance?

Despite its length, the guidance managed to ignore a number of points of considerable relevance. For example, the Department forgot to mention the fact that both the House and Senate committees with jurisdiction over the FOIA severely criticized earlier Justice Department guidance on fee waivers. See Senate Committee on the Judiciary, Senate Report No. 98-221 at 10-11—report to accompany S. 774, the Freedom of Information Reform Act—and House Committee on Government Operations, House Report 99-832 at 12-13—report to accompany H.R. 4862, the Freedom of Information Act Amendments of 1986. Both of these legislative reports accompanied bills amending the FOIA, but neither bill became law. Both reports were cited when the Freedom of Information Reform Act was considered by the Congress.

The House report cited above characterized the 1983 Justice Department guidance—the so-called Rose memorandum—as consisting "largely of quotations selectively culled from court decisions to suggest as many reasons as possible for agencies to use in denying fee waivers." The same may be said of the new guidance. There is no objective, evenhanded discussion of the case law on FOIA fee waivers. Instead, language that supports the Department's narrow minded view of the law has been selectively disemboweled from scattered judicial opinions and included in the guidance. I can only repeat the word I used at the beginning to characterize the guidance: dishonest.

I want to offer another comment on the intent of the Justice Department in issuing unsolicited guidance on fee waivers. Those who have followed the history of the FOIA know that the Justice Department has been pressing for restrictions on the law for 7 years. If you listened to the Department during this period, changes to the seventh exemption covering law enforcement records were the highest priority.

Some modest law enforcement changes were included in the Freedom of Information Reform Act. There were minor problems, and the Congress made several adjustments, in the act. Further, we specifically provided that the law enforcement amendments would be effective upon enactment so that all law enforcement agencies could immediately begin to apply the new provisions. In contrast, the provisions of the FOIA pertaining to fees and fee waivers were not made effective until 6 months after the date of enactment.

Despite its earlier claims that the FOIA was interfering with law enforcement operations, the Justice Department has not offered any guidance to other agencies on the law enforcement provisions. The Department has ignored the law enforcement provisions as if they were unimportant and has shown no interest in assisting other agencies in implementing the law enforcement provision.

Instead, the Department has spent its time and resources developing lengthy and erroneous advice on a minor feature of the amended FOIA. The Department's real priorities are exposed by the issuance of a memorandum designed to maximize the burden on those who seek fee waivers and to discourage other agencies from granting fee waivers to qualified requesters. Those who have carefully watched the Justice Department's FOIA activities over the last 7 years are not surprised to see the Department's true colors exposed.

I would like to offer my own advice to Federal agencies with regard to fee waivers: Pay no attention to the new Justice Department guidance. The guidance is based on a misreading of the legislative history and is otherwise filled with errors. I have written to the Attorney General and asked that the guidance be withdrawn because of its mistakes and because of the Department's contradictory position on its legislative history.

Let there be no confusion about the congressional intent. Congress rewrote the FOIA fee waiver rules in order to make more people eligible for waivers. This means that the press, public interest groups, schools, libraries, and other requesters should find it easier to qualify for fee waivers. This change in the FOIA was an integral part of a package of amendments that included raising the fees for a narrowly defined class of commercial users of the FOIA. Both House and Senate sponsors of the legislation clearly stated on the floor that everyone who qualified for a fee waiver under the old law will continue to qualify under the new language. Some of those who failed to meet the old standard will qualify under the new. Whether the Justice Department likes it or not, that is the intent of the amended FOIA.

The Subcommittee on Government Information, Justice, and Agriculture, which I chair, will be conducting detailed oversight hearings on the implementation of the new FOIA amendments. Agency officials who deny fee waivers to qualified requesters will be personally invited to participate in the oversight process. The Justice Department may defend an agency's illegal refusal to grant a fee waiver when it is challenged in court. But the Department will not be there to defend the responsible officials when they are called to testify before my subcommittee.

INTRODUCTION OF LEGISLATION ELIMINATING TAX CREDITS FOR HIRING CERTAIN EMPLOYEES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing a bill to eliminate prospectively the ability of employers to claim a tax credit for hiring certain employees if the employer did not certify those workers as eligible employees when such individuals began to work for the employer.

Before 1982, a tax credit [WIN credit] was available to an employer who hired a member of a family receiving assistance under Aid to Families with Dependent Children [AFDC], or an individual placed in employment under the Work Incentive Program [WIN]. To obtain the WIN credit, the employer was required to request certification by the Secretary of Labor or the appropriate State or local government agency that the employee was an eligible employee. The special credit for WIN and AFDC employees was terminated for years after December 31, 1981. The Economic Recovery Tax Act of 1981 [ERTA] provided that, for years beginning on or after January 1, 1982, eligible work incentive employees were included in the list of targeted groups for whom an employer may claim a Targeted Jobs Tax Credit [TJTC]. ERTA provided that, generally, TJTC may not be claimed for an individual unless the employer has requested or obtained certification on or before the date the individual begins to work for the employer.

On February 26, 1987, the Internal Revenue Service issued general counsel memorandum [GCM] 39604 providing that employers may not claim a credit for eligible AFDC and WIN recipients hired before 1982 unless the employer certified those employees on or before the date the employees commenced service for the employer. However, the public was not put on notice regarding GCM 39604 until it was first published on March 11, 1987.

The bill I am introducing today upholds the position of the Internal Revenue Service taken in GCM 39604. For WIN credits first claimed after March 11, 1987, the credit is not available for an individual for whom the employer did not request or obtain certification on or before the date the individual commenced work for the employer. In the case of WIN credits claimed on or before March 11, 1987, the employer is not required to have obtained or requested certification on or before the date the individual commenced work for the employer.

The requirement that certification be requested on or before the date the employee commenced work with the employer is applied only to credits first claimed after March 11, 1987, because the position of the Internal Revenue Service was not publicly known until the publication of GCM 39604 on that date. Taxpayers who claimed the credit on or before March 11, 1987, were acting in reliance on the availability of the credit for workers for whom certification was requested at a later time. Taxpayers who first claimed the credit after March 11, 1987, were put on notice by publication of the GCM, and cannot claim to have acted in such reliance.

The bill I am introducing today upholds the principle that retroactive certification is an inefficient use of a tax credit, yet in fairness to taxpayers who acted in reliance on the availability of the WIN credit, applies this principle only to those taxpayers who have received notice of its application.

THE PRINCIPLES OF THE DECLARATION OF INDEPENDENCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. SWINDALL] is recognized for 60 minutes.

Mr. SWINDALL. Mr. Speaker, on June 16, 1858, Abraham Lincoln accepted his party's nomination as its candidate for the U.S. Senate for the State of Illinois. In addressing the closing session of the Republican State convention that nominated him, Lincoln borrowed a phrase from scripture to state the theme of his unsuccessful campaign for the Senate. Two years later Lincoln repeated the same theme in his successful campaign for the Presidency of the United States.

The phrase he borrowed was from Christ's message to the Pharisees nearly 2,000 years earlier: "A house divided against itself cannot stand."

In that same speech Lincoln predicted that "This Government cannot endure permanently half slave and half free. I do not expect the Union to fall but I do expect it will cease to be divided. It will become all one thing or it will become all the other."

As we now know, both of Lincoln's predictions came true. Our Nation did survive, though it was tested to the point of near destruction. Equally as significant was the fact that one view, the view that slavery was wrong and could not be longer tolerated by a Government founded on the constitutional principle that none of its citizens could be deprived of his or her right to freedom without due process of law prevailed to the exclusion of the other.

Today our Nation is divided more equally than it has been at any time since Lincoln's Presidency. The issues that divide us, at least superficially, do not appear to be similar at all. In fact, they are not different from the ones that divided us in 1858.

The connection between the issue of slavery and issues like prayer in school, abortion, what to do about a growing welfare state, an overwhelming national debt, and a constantly declining educational system, are all linked. These problems are related in a very direct and significant manner. All are symptoms of an extremely important underlying conflict. That conflict is the same conflict that has existed since time eternal. It is a conflict between two mutually exclusive and irreconcilable world views.

One world view, the world view embraced by our Founding Fathers when they authorized the Declaration of Independence and the U.S. Constitution, is a God-centered world view. The other world view, the world view embraced by those who in the name of interpretation and loose construction of the Declaration of Independence and the U.S. Constitution, are now rewriting these documents, and the principles upon which they are based is a man-centered world view.

These two world views cannot coexist. One will eventually survive to the exclusion of the other. The world view that survives will determine the type of nation in which our children and our children's children will live.

To understand these world views and the natural consequences of each is the key not only to understanding many of the divisive issues currently being debated in America and in this Congress today, but also to resolving them. As we celebrate the bicentennial of our Nation's Constitution, it is appropriate to examine this document as well as the Declaration of Independence, because the necessary and integral part of these documents is the resolution which the Founding Fathers found to this conflicting world view.

How they resolved this age-old conflict is as significant as the Revolution itself. Their rationale and their Revolution serve as excellent examples to resolving the issues that divide us today. Without question, our unique success as a nation is directly attributable to the decision made by the drafters of the Declaration of Independence to embrace a God-centered rather than a man-centered world view.

The principles declared in the Declaration of Independence are the natural consequences of the God-centered world view, which they chose to embrace. Similarly, the U.S. Constitution, the supreme law of our land, is merely the implementation of the principles set forth in the Declaration of Independence.

Before examining these principles I think that we would be well served to first understand the circumstances under which the Declaration of Independence was written and why it was written.

In order to understand the Declaration of Independence we have to recognize that it is not only a political document, but it is also a theological document. Yes, a religious document. That is hard for us sometimes in Congress to understand at a time when we hear constantly that we cannot mix religion with politics, much less government. But the reality is that it is impossible to look at government or to look at the Declaration of Independence or the Constitution without engaging in some type of religious doctrinaire approach. The reason I say that is religion by definition means a set of values and beliefs. Our Founding Fathers understood that they had to at least engage in an understanding, a fundamental understanding, of what their basic values and beliefs were before writing the Declaration of Independence.

Furthermore, the Founding Fathers understood that they had to justify their Revolution against the established authority of Great Britain, and it is in that context that they wrote the Declaration of Independence.

At this time I would like to quote the pertinent portion of the Declaration of Independence which was in their own words the reasons that impelled them into their separation from the established government, and I quote:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive to these Ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its Foundation on such Principles * * *.

So the principles upon which they were able to agree—religious principles, if you will—was first and foremost there exists a Creator, there exists a God. The word that they chose was Nature's God. That is a significant finding, because these individuals said that it was really an issue over which there was not even the slightest contention. They unanimously agreed, and they said that principle at least was self-evident.

That is important, because there is a natural consequence to that conclusion, and that natural consequence is that certain of our rights not even the state can give or take away. They are unalienable rights. The word unalienable means a right that God and God alone can give and take away.

They then go on to say that civil government exists under the sovereignty of the Creator, under the authority of the Creator, and that civil government to be legitimate must necessarily protect those rights.

Then they spelled out two very specific rights, and then put in one third right that was all encompassing. The first right was the right to life. The second right, the right to liberty. In other words, they were saying that so long as the government protected those God-given rights, that government could claim legitimacy, but in the event that that government failed in protecting those rights, then it ceased to be legitimate, and it was the right of the people to either alter or abolish that government.

The important thing, though, I think to be discerned from the Declaration of Independence—that is, the principles that they set forth—was that they avoided the religious battle over by what name God would be called.

□ 1540

They chose not to get into that debate, but rather they said we will acknowledge that there exists a God who created the universe, and they basically drew upon an argument that Paul had used 2,000 years earlier in his treatise called Romans where he claimed that basically we are all without excuse when it comes to the obvious, and that is that there exists a God.

Why is it so obvious? Paul said that you cannot help but live in this world and be impressed by the fact that it did not just happen randomly. He suggests that just by looking at the creation you must assume that there was a Creator as well. One might argue that is analogous to standing here in the Hall that I am speaking today, in the Chamber of the House of Representatives and saying a logical, rational person could not conclude that this room, this structure known as the Capitol came together randomly; rather, we would say it is evident, just by looking around, that there had to be some individual that first came up with a plan and then that plan was implemented to the point that this building came into existence.

Is it not interesting, Paul points out though, that we can walk out of this Chamber into something far more magnificant, far more complex, and state to ourselves, is it not wonderful the way this universe randomly came together. Paul says that is nonsense. The Founding Fathers said that is nonsense. In essence, the Founding Fathers said it is self-evident that there is a Creator, that that Creator is sovereign over the affairs of man, and that includes civil government.

Most of us know that following that Revolution we then embarked on the next step of our journey of nationhood, and that was to establish our own form of civil government. First we went through the Articles of Confederation, and we found that they did not work very well. They were too loose, they were not specific enough in terms of the authority of the central government.

So in a convention, ostensibly to amend the Articles of Confederation, the Founding Fathers came together and created a new document, the U.S. Constitution. The Constitution, as I mentioned earlier, is nothing more than an implementation of the principles set forth in the Declaration of Independence. If you read the Preamble to the Constitution it sets forth what the purpose of civil government is.

It says, "We the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare * * *." Notice, they did not say individual welfare, the general welfare, "and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Later on, in article VI, section 2, they declared the Constitution to be the supreme law of the land. In article X of the first 10 amendments that we call the Bill of Rights they state that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In other words, this Constitution was to be a contract, an agreement between the people and the Government, and all the Government could claim by way of power was the power that the people were willing to contract away to it.

Interestingly enough, the first purpose was to form a more perfect Union. The second purpose was to establish justice.

We now come to the first real dilemma again of the Founding Fathers: How do you establish justice? The term "justice" means basically the implementation of a standard. What was the standard to be? What was the standard to be was a religious question. Necessarily they had to choose between what was right and what was wrong.

The dictionary says to be just is to be right. Who is to say what is right and what is wrong? The Founding Fathers, again drawing upon the principle that they set forth in the Declaration of Independence, said you have choice here. You can either choose to say that the majority will decide what is right and what is wrong; that is, any time 50 percent-plus on one establish something to be right, it becomes right just because a majority so states. That, in essence, is a pure democracy.

The other alternative that they could have chosen was to say no, we will not be a democracy, a pure democracy, but rather we will say that there are absolute standards upon which justice will be measured, and those are the absolute standards of God, the Creator, that they mentioned earlier.

The very clear choice though would be is it a man centered standard or a God centered standard. The choice they made was for a God centered standard.

How do we know that? One of the ways we know it is all we need do is look right above my head here and see the words inscribed in the wall that say, "In God we trust." Or we can take a pilgrimage across the street here, walk into the Supreme Court chamber and we will see there in the chamber itself two doors very similar to the doors that I am looking at in this Chamber that the nine Justices of the Supreme Court must look at each and every time they sit in judgment of cases, and inscribed on those doors are the Ten Commandments. A lot of people are perhaps startled by that. In fact, I was once talking to a group of high school children back in my district, and one of them said how can you say that our Founding Fathers chose a God centered world view in establishing justice, and I gave that example. They were startled and they said that is illegal, they cannot have the Ten Commandments in there because that violates the separation of state and church doctrine. I said I think we are misunderstanding what we mean by a separation of church and state.

The first amendment spells out very clearly what we mean by it. We wanted to separate the institution of the church from the institution of civil government, and that makes a great deal of sense. But let us not confuse that with separating God from government, because they cannot be separated under our form of government without rewriting the Declaration of Independence and without rewriting the Constitution itself. That was the standard that we chose.

I mention that because, as I said earlier, the Founding Fathers were wise enough not to try to dictate, as some governments have tried to dictate, the method by which we worship God. In fact, they do not try to dictate that you believe in God. But we do say that when it comes to establishing justice, the standard that we will use will be the standard of the Creator.

That has been further clouded by the fact that now we have a debate going on as to whether or not we can teach creationism in our classrooms. Interesting, because I would argue that if you are serious about that ban of teaching creationism, then we had better in this bicentennial year bend the Declaration of Independence, because it is extremely a creationism document. It says, as I quoted earlier, "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights."

How can one talk about a Creator in public schools if we are not going to teach creationism? The point is, you cannot. It is impossible unless you want to shuck the entire document upon which this country is founded.

After they made the decision with respect to the foundation of our system of justice, they made another important decision, and that is they decided that they would separate the responsibilities of civil government from other forms of government. They recognized that in the scheme of things the Creator created not just a civil government but also individual government, what we now call self-government, family government, churches and synagogues which are a form of government, and the private sector, which is your business and what have you.

□ 1550

And what they said was, "We want to limit the responsibility of this newly formed central government to administering justice and to those other listed responsibilities such as protecting us from a threat from without, national defense, regulating our interstate commerce." They also said that all legislation—and it is the first statement in article I—all legislative powers herein granted shall be vested in Congress, not in the Supreme Court, but in Congress. From that starting point, they laid out a document that has stood the test of time. Civil government was to establish a standard of justice and to administer it; these other forms of government were to take care of the other responsibilities, responsibilities like educating our children. Contrary to popular belief, it is not the civil government's primary responsibility according to these documents, to educate our children. Individual welfare, that is taking care of the needs of individuals who find themselves impoverished, as we call it today below the safety net, was that a responsibility of civil government? Absolutely not. It was a responsibility of these other governments. By the same token, we find that over the years we have gradually, it seems, inverted exactly what the principles in the Declaration of Independence and the Constitution are.

The first real manifestation of that inversion occurred about 100 years ago when Abraham Lincoln made the quote which I have previously referred to, "A house divided against itself cannot stand."

He was referring ostensibly to slavery. It was an issue that divided this Nation and in reality challenged whether our Constitution would survive. Why did it challenge it? It challenged it because in order to accommodate the socioeconomic climate of the time we had bent the Constitution and somehow did not even realize it. Let us examine that for a moment. In 1857, the Supreme Court in the Dred Scott decision held that blacks were entitled to none of the constitutional rights that we talked about in the Declaration of Independence and that we spelled out in the Constitution itself. The reason for that was very simple. There were a number of individuals in this country that had a vested interest, economic and social interest in owning slaves. A number of individuals looking at the Constitution, looking at the clear expression of the Constitution, said, "Wait a minute. How can we tolerate individuals basically depriving another individual of their freedom that is secured by the Declaration of Independence and the Constitution itself?"

And so they brought a suit. And in the Dred Scott decision the Supreme Court really was called upon to examine the constitutionality of a political compromise. Politicians are great at compromising. The compromise that they reached was "well, let's not say that blacks are property everywhere, let's say that anywhere below a certain parallel they will be property, anywhere above that parallel they will be persons."

Well, the abolitionists pointed out in their argument to the Justices of the Supreme Court that blacks cannot at the same time be persons and property; either they are persons or they are property.

The Supreme Court said, "You're right. It is impossible for them to stand in one State and be a person and then cross an imaginary, manmade line into another and suddenly find themselves in a different state of being so that they are now persons." So they said that cannot exist so that "what we are going to do is we are going to hereby declare that blacks are not persons."

So, with one fatal swoop of the pen, and I use that term exactly, five Justices in the Supreme Court said that blacks were no longer persons. All of a sudden, the principles that we talked so much about in this country meant nothing. That is that your God-given right to liberty is not necessarily secure if the color of your skin happens to be black. Well, fortunately for us individuals like Abraham Lincoln, despite what I am sure the polling would have showed at the time, did not simply say that issue is too hot to touch. Rather, he took that issue by the horns and said "This is intolerable."

He got to the heart of the issue because the heart of the issue was "Are we going to embrace a God-centered world view that says God and God alone created man and legitimate civil government should protect that right?" Or will we become a man-centered area where the world view is if the majority says it is all right, it is all right, we will just change our laws to embrace it?

What Abraham Lincoln was saying was it may be legal but that does not necessarily make it right. He was going back to what the framers of the Declaration called the law of God. He was saying, no matter what you legislate, there is a natural law that is superior to it.

You know, we in this Congress sometimes forget the fact that there is a natural law that supersedes the law that we pass here. To put it all in perspective, let us take an example of something we can all relate to. Let us say for just a moment that tomorrow Congress passes a resolution that says effective July 1 we will no longer recognize the law of gravity. Before you laugh at that, Congress has passed equally absurd laws and will undoubtedly pass equally absurd laws in the future. But let us assume for a moment that they passed that law.

You and I both know that on July 1, despite the fact that it is now the law of the land, we can walk right outside and the law, the natural law of gravity will go right on governing despite our law to the contrary.

And that is what Abraham Lincoln was saying 100 years ago. He was saying you can make slavery legal but it does not change the fact that it is wrong morally. Fortunately for us, even though that principle, that argument cost him the general election in November 1858 when he ran for the Senate, he stuck by his guns and 2 years later on the same platform was elected to the Presidency of the United States.

And recognizing the fortitude that it took for him to stand against the tide, the socioeconomic pressures of the time, we have now built a monument in this city. I mention that because had it not been for Abraham Lincoln, our Constitution may well be a worthless document, useful only to students of history who want to go back and study it because it would be worthless had we allowed slavery to exist because of the socioeconomic pressures of the time.

It is interesting to me, though, how we can look back at slavery as a shameful chapter in our history and at the same time be blind to the fact that today, 100 years later, we are embracing exactly the same world view when it comes to the unborn. Clearly, if you take polls today you will find that a majority of Americans think that we ought to allow abortion. The arguments are not that unlike the arguments espoused by those who embraced the concept of slavery 100 years ago. For example, many would argue that individuals ought to have the right to make their own choice. They may be personally opposed to abortion but that is not their right to impose that view on others. It sounds a good deal like what the abolitionists got, I am sure, tired of hearing 100 years ago when people said "Wait a minute, I am personally opposed to slavery but don't tell me it is my right to impose my view on these other folks." The abolitionists would say, "Well, wait a minute, what about the slaves? Don't they have some choice?" And the answer to that is, "of course they do." The freedoms that are written into our Constitution are freedoms that necessarily will find themselves in conflict with someone else's freedom. My freedom of speech does have limitations on it, when it comes in conflict with someone else's freedom not to hear my speech.

So if I stood outside of your house tonight with a megaphone, whatever, even if it is the same speech that is protected on the floor of the House of Representatives, I would not have that same right because you would call the police and say "Wait a minute, this clown is outside using a megaphone, exercising his first amendment rights to freedom of speech. What about my rights to be able to sleep at night?"

So what we basically have done with our Constitution is, we have said certain rights are superior to other rights. And certainly no right is more fundamental than the right to life and, next, the right to liberty.

I mention that because in the Roe versus Wade decision the decision that was reached in 1973 legalizing abortion on demand in this country, they basically said that a woman's right of privacy, that is to do with her body as she chose, was inferior to the unborn's right to life.

They accepted the argument of those individuals that were opposed to abortion when they said if in fact the unborn child is a person, that person's right to life is superior to the mother's right to end it.

□ 1600

Then they did exactly what they did in the Dred Scott decision 100 years earlier by a 5-to-4 decision; they said we therefore hold that the unborn are not persons. What is the problem with that? Well, if you had no problem with the Supreme Court saying that blacks are not persons, you really do not have any problem with the Supreme Court 100 years later saying that unborn are not persons.

But logic tells you that what makes our Constitution unique is the fact that you are guaranteed to a right to life unless you are proven guilty through due process of law. In our criminal justice system, that proof, that burden of proof, if you will, is on the State. You are innocent until proven by the State to be guilty.

It is not the same test as we use in civil cases, but rather, it is a much greater test. In order to convict someone and take their life in this country, it is necessary that you prove their guilt beyond a reasonable doubt.

Lawyers will tell you that that means a doubt without a reason. I mention that because, in essence, we have now deprived 20 million-plus unborn of their right to life without ever having any due process of law whatsoever. We did it all in the name of the choice of women to control their own body.

But we never focused on the child's right to live and how those rights were in conflict except when the Supreme Court said, yes, we will focus on it. We will simply say the unborn are not persons. In other words, the Supreme Court decided that they would play God.

As a result, we see a very tangible consequence.

Just as it was wrong 100 years ago to allow the Supreme Court to pervert the document that we call our Constitution to accommodate the socioeconomic circumstances of the time, it is equally wrong 100 years later to allow the Supreme Court to pervert that same document to accommodate the socioeconomic conditions of this time.

A lot of folks say to me, "Well, we really do not have a problem with what you are saying, but that is the law of the land." I say, "Well, if that is the case, you really would have, I guess, sat back while slavery continued to exist and not protested, right?" They said, "No, that was different."

There is no difference. The only relevant issue when it comes to abortion as it relates to our Constitution is, is the unborn person a person? The answer to that is you are doggone right, until someone steps in and proves beyond a reasonable doubt that they are not.

I have a lot of people who tell me, "I just do not know." My statement to them is, "In this country, I always thought that if there is a doubt, let's assume in the direction that will save life, not destroy it."

Let me give you an analogy. Assume for a minute that we are standing here and we hear a loud screech outside and it is a car accident. We run outside, and there on the side of the road lays an individual who was involved in the accident, and for all intents and purposes, that individual appears to be dead. There is not a rational person who would walk out and say, "Call the hearse. Bury the person."

Someone would say, "Let's at least check the vital signs. Let's make absolutely certain before we bury this individual that they are not alive."

That is rational. But yet, when it comes to this issue of abortion, somehow, we refuse to apply that same test and we close our eyes to the reality of what abortion is all about.

Interestingly enough, we have also come to believe this man-centered idea that the circumstances under which a child is conceived is relevant to the whole issue.

Let me give you an example. When I was running for reelection in my last term, one of the journalists of one of my local papers called and said, "I understand that you are opposed to abortion." I said, "That is correct." He said, "Certainly you are not opposed to it under the circumstances of rape and incest, are you?" I said, "Yes, I am." He said, "Why?" I said, "Because I do not think the circumstances under which a child is conceived is relevant to the argument. If you really believe that, I would presume that you would agree with me that we could go anywhere in the city today and find a child who is 1 year of age or older, or younger, it does not matter, and if we can prove beyond a reasonable doubt that that child was conceived in rape or incest, we could kill it without any legal consequences."

He said, "That is absurd." I said, "Why is that absurd?" He said, "Because there the child is alive."

I said, "You have just conceded with me, then, that the circumstances under which the child was conceived is irrelevant. What is relevant is, is it or is it not a human being. Why do we use two standards; one standard when the child is outside of the womb; another standard when the child is inside the womb?"

A very close friend of mine recently experienced his granddaughter having a child that was 3 months premature. He watched his daughter each night go in and hold that child in the incubator and he said, "You know, that changed my entire perspective on the issue of abortion, because suddenly I realized that that child was capable of living outside the mother's womb, and yet that was the same timeframe in which, under our laws, a mother could have terminated that life."

Then the reporter said, "Well, what about the physical life of the mother? Surely, you would agree there." I said, "Academically, of course I would because it is self-defense, but let me ask you an academic question, and I hope it always remains academic: What greater gift can a parent give to a child than to protect that child's life?"

I happen to be the father of a 2-year-old and a 6-month-old. There is not a question in my mind that if my 6-month-old were in a bedroom consumed by fire, that I would do whatever it took, including risking my own life, to save that child's life.

What I am saying is that it is not black and white. There are circumstances that you have to consider, but clearly, that is not even that clear, but I do think that a parent ought to have that right because it is self-defense. I also have to weigh that from the very personal perspective of what if my own wife's life lay there and I had to make the decision. I understand that this affects only less than 1 percent of all the cases of abortion, but I think we ought to at least argue it.

My point is, yes, I can see, under those circumstances, making abortion legal. But my real point is this: Just as our Founding Fathers were as concerned about their conclusions; they were equally concerned about the process through which they passed to reach their conclusions.

We in this country somehow are no longer that interested in how we reach our conclusions. People want to know, are you pro-life or are you pro-choice? Are you for prayer in school or are you against prayer in school? My answer to them is that I do not think you can answer that without first defining what you mean by prayer in school. What do you mean by abortion? How did you reach the conclusion that you reached is just as important as what that decision ultimately is.

What I am going to do over the course of the next several weeks is engage in a number of discussions like this, unfortunately, it will not be a two-way discussion, but the purpose of these discussions is to examine many of the issues that divide us today. Issues like abortion; issues like whose responsibility is it to educate our children.

Our welfare system, a system that at least empirically seems to suggest that the more money we pour into it, the greater the problem becomes. Why is that? What about our defense system? What about the doctrine of separation of church and State?

I contend that the answer to those problems can only be understood when we see them as symptoms, rather than the actual problem. They are all symptoms of an underlying problem: We as a nation have, deliberately or indeliberately, and frankly, in terms of the consequences, it really does not matter, chosen to ignore the Constitution that we are celebrating this year and next year.

The Constitution clearly proscribes not only what the purpose of civil government is, to establish justice, and interestingly enough, the very responsibility we have given that government to protect human life is the one that is ignored while it has reached out and grabbed all these others, and without much success.

What I am going to do over the course of the next couple of weeks is take topic by topic and examine the Constitution because I think that is the proper starting point in our constitutional Republic, find out what responsibilities civil government, particularly the Federal Government had in that area, and are we following the Constitution? I suspect that as we apply to each of these areas, we are going to find that the reason we are having such problems, and the reason that we are so divided as a Nation, is because we are not following this Constitution.

Many people say, "Well, to argue those issues, you have to engage in some type of religious debate." I would say in the same context that I started this speech that certainly you do, but let us not get so paranoid about talking about religion that we cannot understand the fundamental difference between religion in the sense of a system of values and beliefs as opposed to a religion in the sense of how we choose to exercise our freedom to worship our God or to choose, for that matter, that there is no God.

□ 1610

Let us do it logically as opposed to emotionally, and I think as we do that, we will find something that one of my constituents found not too long ago.

I represent the Fourth District of Georgia, which is just outside of Atlanta, and just outside of my district is a small company known as the Coco-Cola Co. Several years ago, in spite of all of their marketing research and all the experts that went out and tested their new product called New Coke, they made a mistake.

They introduced that product, took off Old Coke, now called Classic Coke, and then they found out it just was not working. Sales were plummeting, so what did they do?

Being fairly astute businessmen, they decided that they would go back to the basics, even though they could not understand it. They could not understand how all of their logic and reason had carried them so far off of their original mark, and so wisely they reintroduced Coke Classic, and sure enough, the public came back to it and enjoyed it.

I think that it is time for us to reintroduce the Constitution of the United States, because I suspect that as we rediscover it, we will find that it is the key that we hold in our own hands, in our own grasp, to unlocking the solutions that are dividing our

Nation just as certainly and just as deeply as we were divided a hundred years ago when Abraham Lincoln said, "A house divided against itself cannot stand."

Ladies and gentleman, in conclusion, this Nation of ours cannot long continue to stand divided over those two world views. In the final analysis, we will either reach out and reembrace a God-centered world view as our Founding Fathers said when they said, "In God We Trust" and as our Founding Fathers said when they inscribed the Ten Commandments on the wall of the Supreme Court chamber, or we will reject that world view and embrace a man-centered world view.

I guarantee you if we continue to embrace it, we will find that this constitutional republic will not long stand, and we will not enjoy the same freedoms, nor will our children enjoy the same freedoms and opportunities that we have taken for granted.

IMPEACHMENT OF RONALD REAGAN—NO. 5

The **SPEAKER** pro tempore (Mr. Carper). Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I proceed on what I would call the fifth installment of the impeachment of Ronald Reagan, alluding to my introduction of what is House Resolution 111, with seven specific articles of impeachment or recital in that resolution.

I do so because today two things happened that confirm the motivation that led me to the introduction of this resolution on March 5.

Very little noticed earlier into those proceedings was a message from the President in which the President is announcing that at the end of the month, though he did not say that in his message, his determination of a state of emergency with respect to Nicaragua which he declared on May 1, 1985, as he was proceeding to the Bonn Economic Summit meeting in that year, 1985.

I think my colleagues and the American people in general do not quite comprehend the significance of this determination. What it amounts to is actually invoking sections of the delegated power that the Congress delegated to the President in 1917 as the advent of World War I compelled, known as the Espionage Act, and Presidents from time to time in cases of both domestic, as well as external, emergencies have appealed to the use of powers vested through this transmittal of constitutional power from the Congress.

The President on May 1, 1985, though it was not explained in the newspapers, all the newspapers said was that the President had declared an embargo on Nicaragua as of May 1, 1985.

But the President does not have that constitutional authority. He is exerting authority that the Congress delegated to the executive branch in what is generally known as the Espionage Act of 1917.

President Reagan has approved a total of about seven executive orders, or the equivalent thereof, national security directives, for instance, which have gone a long way in invoking the provisos of the Espionage Act of 1917, so that today what the President was saying was that he was again advising the Congress that he will extend this state of emergency as of May 1, 1985, presumably for 1 additional year; and at the same time, I sadly report the passing of a great soldier, a great statesman, a great American, Gen. Maxwell Taylor, who died this last week-end, because Gen. Maxwell Taylor more than perhaps any one single individual, was at that point or juncture in his historical development in which the basic issues still have to be resolved by the people of America through the Congress and through their executives were first presented with the stark reality of developments after the hot-shooting phase of World War II had ended.

The eras of wars of liberation, the eras of determination of people who we joined with had many of our American soldiers dying in company with those forces; for example, of Ho Chi Minh in Indochina, and French Indochina as it was known then, only to find us having the same leader as an enemy, and having many of our young sacrificed at the altars of this struggle, and the other struggle preceding it in Korea.

Gen. Maxwell Taylor said, and he was a brilliant man, and both President Johnson and President Kennedy, to begin with, had first named him a special adviser. Subsequent to that, he served after the Kennedy term as Chairman of the Joint Chiefs of Staff.

He was also Ambassador. He was Ambassador appointed by President Johnson to South Vietnam, and yet the confusion that he reported is very aptly reflected in the famous quote attributed to him in which he said, referring to the conflict in South Vietnam that we found ourselves involved in, it was a war against a wrong people, at the wrong time, in the wrong place.

These were also words of Gen. Omar Bradley, incidentally. Remember, these were all warriors. Yet, if we read what they have said, we will find that they have been the most earnest peacekeepers, and peace sayers that, in the words or in the mouth of another American labeled as a pacifist, would be very heavily criticized, and almost charged with treason. But, the reason is that only those who know war and the brutality and the bloodletting are the biggest single enemies of war, and wars, as my father used to say, you go with lead in your feet.

□ 1620

Gen. Maxwell Taylor observed that one of the biggest mistakes was that we thought that South Vietnam would be like Korea and it was not. Different people, different country, different history, different situations. He said, "We did not know the enemy; we did not know our allies, and we did not know ourselves."

With that, it would seem that we would not be inexorably, almost like in a Greek tragedy, pursuing the course that our present President is invariably, inexorably and irreversably committed to. That is a similar involvement, headlong, unilateral, military in nature, in Central America.

I have heard some of my colleagues talk upon their return from this area recently. I received an invitation to attend the Interparliamentary Union meeting in Managua, Nicaragua, during the Easter break. The fact is that I do not accustom much to travel. Never have, in the 26 years or so that I have been in this House. Also that I felt that, and I always have felt, even during the Vietnam period; in fact, the reports I heard from my colleagues, both those who went to Managua as well as those who went to Moscow, reminded me very much in the case of those going to Central America, of some of the trips that my colleagues would take during the conflict period in the South Vietnam. I was invited innumerable times to go and I felt that it was not proper for many reasons. I felt that we had failed in the Congress to maintain that clear line of demarcation in the separation of powers of our three basic branches of Government, and that all these trips, nonwithstanding to the contrary, they would not do anything but blurr what should be always clear in our minds, and that is that we must preserve what some of our colleagues talked about. That is the sanctity and the preservation of our Constitution.

When Maxwell Taylor admitted that in effect we did not know the enemy, we did not know our allies, and we did not know ourselves, he could very well be saying this today with respect to what our country, that is things done in the name of our country, by our President, and with the knowledge and consent of the Congress at critical points; we cannot deny that, and the Congress' unwillingness to maintain the separation. Unwilling to even insist on respecting the very laws that it has passed such as the War Power Limitations Act of 1974.

I hear the colleagues returning and it seems to me that it was almost identical to what I heard my colleagues saying when they came back from South Vietnam. What had they seen; with whom had they spoken; what was their knowledge of the language, the customs, the fine nuances that knowing the knowledge and the customs enable to get a better grasp of the perception that gives us a sense of reality so that when General Taylor said that we realized that unlike the way we fought at the outset of our involvement in Southeast Asia or in Vietnam, that is, it was going to be the same venture as the one that we had not had such happy results with in Korea.

We should have realized that we would end up the same way, in abysmal defeat. In a defeat that has allowed our Nation to become vulnerable to such things as the hostage taking that has beset us since 1979. I am sure had it not been for that vulnerability revealed in the dreary way in which that conflict was ended, at least our participation in 1975, this would not be the kind of world we are confronting today.

Why would this mistake have been made in a nonmilitary sense? Because I do not believe that Gen. Maxwell Taylor, unless he was meaning that all he meant was from a military standpoint that it would be no dissimilar venture from the one in Korea. The reason I think is the misperception of the reality of the world on the part of our leaders in and out of the Congress; in and out of the White House.

There is no question in my mind that in an area closer to home, one with which some of us are a little bit more intimately acquainted with such as language, culture and tradition, and history, incidentally, which is not a simplistic history, the history of the nations and the development of these nations to the south of us precedes our history, and is not only dramatic and absorbing but complex and one that involves a good deal of time to study.

It is obvious that our perceptions are no different because we are allowing ourselves to let the ideological blinders that for the first time have prevailed in the Office of the Presidency in the history of that office.

We have had very, very determined Presidents in the past, with great sense of conviction, but not ideologues like we have today. One who has been seeing to it that every department is run by similar or identical-minded ideologues. So that with this defective perception or misperception, I felt that it was inevitable that with the buildup that is now beginning to take place in Honduras, which followed more or less the apprehensions and the misgivings I have been talking about, and reflected in a headline article in my hometown newspaper of San Antonio, the San Antonio Express News, on Sunday, March 22, 1987, the headline being "U.S. Sending 50,000 Troops to Central America," meaning Honduras.

So that by this next month of May we will have 50,000 troops in what is euphemistically called "training." Now, it does not take much perception to see that we are brewing trouble, that the headlines I felt are just a matter of time will be hitting our eyes in which we will see some more of our servicemen killed, and of course, the demand that something be done about it and the consequent invasion of Nicaragua.

Nicaragua happens to be one of several Central American states, but also it happens to be one of a constellation of states that share culture, historical evolvement, and language. What I think our leaders do not realize is that even if it were possible to have a military solution in the sense that the President could get rid of an unpalatable and a disliked regime and its leaders for whatever reasons, in this case ideological, that we would not be able to rule that country unless we occupied it and then prepared ourselves for an unending guerrilla-type of confrontation. Not isolated to Nicaragua, but all up and down the isthmus and even to South America.

□ 1630

Now, what are the immediate consequences of this callous and heedless course of action in which we stand before the world and the world tribunal of justice, the World Court, convicted, guilty of state terrorism against Nicaragua in which we have been directly responsible for the murder, the killings of innocent people, teachers, doctors; some of them have been non-Nicaraguan. They have been West German. They have been European.

So we have lost the good support of the opinion of mankind throughout the world. There is not one country from Canada, and skipping over the United States clear down to Argentina, that is with us and agrees with us in these actions.

Now, most of those countries and their leaders, both social as well as political, do not necessarily find an affinity of interest or sympathy toward any kind of Marxist-Leninist approach or jargon, so they themselves in their own right would not be that solid and solidly identified with the Nicaraguan regime, if indeed and in fact what we charge they are guilty of is even halfway true.

The thing that will solidify more than anything against our country will be that very thing of an invasion and the continuation of the course that we have opted for and that the Congress on and off has backed and at time has attempted to sanitize what cannot be cleaned up. It is a dirty little game, and we are the laughing stock of world opinion in Latin America, in our own so-called allied countries.

So we are in the same shape as we were, and as Maxwell Taylor described it, we do not even know or understand our so-called allies. They are not with us. England is not with us. France is not with us. West Germany is not with us. You have more protests in West Germany because of our politics in Central America than you have even in Central America.

That reminds me that on the 24th of this month, which would be in 2 days, we will have the 20th anniversary of the Joint Economic Committee of the U.S. Congress, having begun a series of hearings labeled "The Economic Impact of Our Conflict or Involvement in Conflict in Vietnam."

On that day, the chairman of the joint commitee at that point, the Senator from Wisconsin who still is the senior Senator from Wisconsin, Mr. PROXMIRE, in his opening statement said;

> The Secretary of Defense, Mr. McNamara, came before us in August—

To be precise, August 28, 1964—

> and requested an additional supplemental appropriation of $1.3 billion for the purposes of defending our interests and our armed forces in Southeast Asia.

I said 1964, it was August 28, 1965. The very year before, in August 1964, the candidate for full election to the Presidency, Mr. Johnson, was saying that the last thing he would want would be to have our boys involved in a war in Asia; but exactly 1 year later the administration through the Secretary of Defense came and obtained a $1.3 billion supplemental appropriation.

Now, that was a lot of money for 1965, as it is today, but then we talk about mega-dollars nowadays.

Anyway, the chairman then said:

> And today, this year, as of January 1967, the Secretary of Defense is coming to ask for a supplemental appropriation of $12.3 billion over and above because it is expected and it is determined that with this additional infusion of money the war should end by July of this year.

Mind you, this hearing was April 24, 1967, exactly 20 years ago.

We are doing the same thing all over again, except this time it is the Contras and aid to the Contras and the obsession of an ideological President, an ideologue, if you please, who has been willing to violate the laws as I recite specific instances in the articles of impeachment enclosed and contained in House Joint Resolution 111. He has violated the laws in order to circumvent the congressional decision not to fund this motley group that even if they were to succeed in physically invading Nicaragua would never rule Nicaragua, anymore than those who attempted the invasion of Cuba at the Bay of Pigs in 1961 would have succeeded in governing Cuba.

The only way would have been, and of course, it is sort of an imponderable in history, because we do not know, but I do know this, that that group, like the so-called rebels or Contra groups today, would never be able to rule that land that they were trying to conquer, only with our help.

Let me tell you this. Every one of those Contras will be more than glad and all those rich ruling families that took all their money out of Nicaragua and put them in Miami banks or in secret accounts in Panama or the Cayman Islands or over the Swiss banks, oh, they would have every one of our Marines fight to the death if necessary to get them back in.

This is the main reason I speak out because we are headed that way. You cannot put 50,000 troops in such a minute impoverished and occupied country, because we are occupying Honduras. We are not there on their invitation. The freely elected representatives of the Assembly of Honduras have never once passed a resolution saying that they want us there. In fact, we have had speeches the other way around. We have had countless editorials even in the conservative newspapers of Tegucigalpa saying that it is obnoxious. They do not know what to do. They do not want the Contras there. If the Contras had any roots in Nicaragua in a legitimate civil war where they would have acceptance by the Nicaraguan people that they claim they are trying to liberate, they would not be hiding out in Honduras. They would be doing what the Sandinistas did when they were fighting the Somoza regime. They would be among the people.

So today I just conclude by reminding you that it is no different from that period in the 1960's. I was here at the time. The environment is the same. The mood is the same. Nobody really thinks much of the issue any more than much attention was paid to that message we got from the President extending the state of emergency.

How many Americans know that the President has labeled Nicaragua as an immediate present and clear danger to our security in the United States, but he has, because he had to do that in order to trigger the Espionage Act of 1917.

Today I will recall the words of Woodrow Wilson, another President who did not want war, and maybe in his case events did overcome, unlike in the case of our present President Reagan who has single-mindedly never once chosen to follow or try a diplomatic approach. He has put all his eggs in that one basket of military intervention.

Here is what I fear the most, what Woodrow Wilson feared and as has been the case and as we have suffered morally, socially, and every other way after a war, and I quote:

> Once lead these people—

Meaning the American people—

> into a war and they'll forget there ever was such a thing as tolerance. To fight you must be brutal and ruthless and the spirit of ruthlessness and brutality will penetrate into every fiber of our national life, infecting Congress, the courts, the policeman on the beat, and the man on the street.

Mr. Speaker, I will place in the RECORD at this point an article in the Sunday Express of March 22, 1987, headlined, "U.S. Sending 50,000 Troops to Central America."

The article is as follows:

[From Express-News (San Antonio, TX), Mar. 22, 1987]

U.S. SENDING 50,000 TROOPS TO CENTRAL AMERICA

(New York Times Service)

WASHINGTON.—The United States will conduct its largest Central American show of force and training exercise in May, when 50,000 service men and women will be deployed, military officers said Saturday.

The show of force will coincide with the "spring offensive" that U.S. officials have said the Nicaraguan rebels have planned. The rebels, known as contras, have sanctuaries in Honduras but have begun operating inside Nicaragua, the officials said.

The exercise, code-named Solid Shield, is intended to simulate an American response to a request from Honduras to help fight Nicaraguan forces, the officers said. The Reagan administration has already drawn up contingency plans for such an operation, officials here said.

Included in the U.S. maneuvers, the military officers said, will be a simulated evacuation of the American naval base at Guantanamo in Cuba. That aspect of the exercise assumes that Cuba would retaliate against the United States for an attack on its allies in Nicaragua.

Most military drills in recent years have featured reinforcement of the Guantanamo garrison.

As with other shows of force in the last four years, the maneuver in May is intended to deter the Sandinista government in Managua from exporting its leftist ideology by maintaining what American officers have called a "continuing presence" in Honduras and the Caribbean.

Politically, the maneuver may influence, intentionally or inadvertently, the attitude of Congress on the issue of continued military aid to the contras. Senior administration officials have repeatedly contended that American forces might be called on to fight in Central America if the contras fail to defeat the Sandinistas.

The administration won a narrow victory in Congress last week when a move to delay $40 million of this year's $100 million in aid to the contras was defeated in a close vote. The administration's prospects for its request for another $105 million in aid next year remain in doubt.

The president of Nicaragua, Daniel Ortega Saavedra, pointing to the extensive American maneuvers, has accused the United States of threatening to invade his country. The Reagan administration has denied that. The Reagan administration has long accused the Sandinistas of aiding the leftist insurgency in El Salvador.

The exercise will also test the ability of the Army, Navy, Marine Corps, Air Force and Coast Guard to mobilize and operate together in a large-scale maneuver, the officers said. In earlier drills, the main training objective has been to familiarize American troops with the terrain and climate where they might have to fight in Central America.

Operation Solid Shield will be conducted in Honduras, the Caribbean, the island of Vieques off the eastern point of Puerto Rico, and the Marine base at Camp Lejeune, N.C., the military officers said. Drills at Vieques and Camp Lejeune will simulate Honduras without burdening that nation's limited airfields, ports and roads, they said.

The military officers said the ground forces, totaling about 5,000 soldiers and marines, will be the largest ground combat force to have been deployed into Honduras since training exercises for American troops began there in 1983.

But they said the soldiers and Marines will remain in Honduras for only a few days because the main point of the exercise was to mobilize and move them rather than to have them operate there.

At Camp Lejeune, two battalions of 1,500 paratroopers from the 82d Airborne Division at Fort Bragg, N.C., will team up with an amphibious brigade of 5,000 marines for a combined mock assault there. A similar exercise will be mounted at Vieques, they said.

At sea, Navy warships centered on an aircraft carrier will be joined by cutters from the Coast Guard that are normally on station searching for drug runners in the Caribbean. The Coast Guard, a part of the Department of Transportation, can be transferred to operational control of the Navy by presidential order.

The Military Airlift Command of the Air Force will be responsible for transporting the soldiers, their equipment and their supplies while the Tactical Air Command will deploy fighters and attack planes to provide air cover for the maneuver, the officers said.

Other aviation units will be provided by the Marine Corps and the Navy from the carrier that will sail into the Caribbean, they said.

A brigade of 3,000 helicopter assault troops from the 101st Airborne Division at Fort Campbell, Ky., and a marine amphibious unit of 1,800 marines from Camp Lejeune will make a combined air and sea landing in Honduras, the officers said.

The United States has an air base at Palmerola in the center of the country, but it lacks parking space to handle more than two C-5s, the largest cargo plane in the U.S. Air Force, or three C-141 transports at any one time.

Smaller, propeller-driven C-130 transports could use five unpaved airstrips that U.S. forces have improved or created in Honduras.

There is only one main road that runs from the northern coast of Honduras past the base at Palmerola and through the capital at Tegucigalpa to the Pacific coast. Other roads are unpaved and, in some of the mountains, passable only with mules.

Port facilities in Honduras are equally limited, with facilities at Puerto Cortes and La Ceiba on the Caribbean coast able to take only one or two small ships at a time.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON TOMORROW, APRIL 23, 1987, DURING THE 5-MINUTE RULE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 11 on Thursday, April 23, 1987 for the purpose of holding a hearing on H.R. 82—a bill to amend the Merchant Marine Act of 1920 to require vessels used to transport sewage sludge to be built in the United States.

The ranking minority member of the committee, the gentleman from Michigan [Mr. DAVIS] and the ranking minority member of the Subcommittee on Merchant Marine, the gentleman from New York [Mr. LENT] have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER pro tempore (Mr. CARPER). The Chair regrets to advise the gentleman from California that under the Speaker's announced guidelines the Chair must decline to entertain that request during special orders.

Mr. ANDERSON. Mr. Speaker, may I wait until special orders are over and then do it?

The SPEAKER pro tempore. The Chair advises the gentleman from California that that request must be tendered tomorrow.

Mr. ANDERSON. Mr. Speaker, tomorrow is the date of the hearing.

The SPEAKER pro tempore. The Chair understands that there will be time tomorrow to make that request.

Mr. ANDERSON. We can make it the first thing in the morning during the 1-minute speeches?

The SPEAKER pro tempore. That is correct. The Chair understands that the House will convene at 11 o'clock, and the gentleman's request will be in order at that time, under the guidelines.

AN ANALYSIS OF THE SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I have taken this time because I want to discuss H.R. 1827, the supplemental appropriations bill for 1987 that we are scheduled to debate and to vote on tomorrow.

Mr. Speaker, I would like to take a moment before I begin analyzing this bill to just review supplemental appropriations. As you know, within the context of our budget process we first go through the business of preparing a budget, and then as we prepare a budget, reconciling that between ourselves and the other body, we set for a certain spending year spending requirements, and in particular, spending limitations.

Pursuant to the Budget Impoundment and Control Act of 1974 and the Gramm-Rudman-Hollings Act of 1985 we have within the rules of the House and within the context of current law certain requirements that spending in the designated year for any budget be required to conform to limitations in that budget.

At the same time we must recognize that the budget process is done in the present for purposes of the future and under conditions of uncertainty. It must be carried out within the context of economic assumptions regarding the nature and the circumstances of economic conditions sometime in the future, and as a consequence of that uncertainty it is appropriate for the rules and procedures of the body to allow for supplemental appropriations sometime during the spending year under which the budget has jurisdiction, and within the context of those supplemental appropriations to make revisions in the spending pattern to either accommodate to new economic conditions not foreseen by their earlier economic assumptions under which the budget was prepared or perhaps to reflect new directions, new priorities, or responses to new exigencies discovered to take place during the course of that year. And that is the point at which we arrive with H.R. 1827.

We have a budget for fiscal year 1987 that governs that spending year which has broad limitations and constraints within which spending must take place, and we also want to have that flexibility. We are also in fiscal year 1987 and making that sort of midterm course adjustment that one would anticipate would be necessary given the vagaries of budgeting for the future. This is not uncommon, I might mention, Mr. Speaker, to what you and I and every American family will go through during the course of our fiscal year.

In the process of our budgeting, as in the case of the family, it is necessary to have some basis by which we can keep account of our spending patterns. You and I probably realize that experience through balancing or trying to maintain a certain current accuracy in our checkbook so that we can see that we are living within the budget constraints defined by our current circumstances.

In the parlance of the congressional budget process the analogy to reconciling your checkbook each month and checking its accuracy is a concept that we call scoring budget decisions. We have various agencies of the Federal Government—the Congressional Budget Office, the Office of Management and Budget, and of course the various committees of the Congress—that score spending actions and try to keep an accurate record.

One of the problems that we do have—and if I can take a moment to digress, a problem that is addressed quite frequently by my good friend and colleague, the gentleman from New York [Mr. DIOGUARDI] is a lack of consistency in accounting practices so that there are vagaries, differences, and sometimes conflicting results in the scoring process as we try to evaluate our progress and our compliance with budget restrictions. That scoring process will be a big part of my discussion today, and I wanted to be clear as we discuss this that we set a certain base of understanding so that when I discuss these concepts they do not appear too esoteric.

The budget process in this body is very complex, and there is always a question about whether or not we are in compliance with the budget as we spend out during the fiscal year.

It is very clear to me after difficult and comprehesive study of H.R. 1827 that this supplemental appropriation bill is not in compliance with the budget. It is a fiscally irresponsible spending pattern and it is in the parlance of this body a budget-buster.

☐ 1650

It is for these reasons which I will enumerate that I am going to aggressively advocate, as will several of my colleagues, that we not pass this supplemental appropriation, but instead we send it back to the Appropriations Committee for more work. I do that with reluctance, Mr. Speaker, because I recognize that the members of the Appropriations Committee are good and responsible and hard working members.

But nevertheless, we must come to terms with the bottom line, and the bottom in H.R. 1827, the supplemental appropriation bill for 1987, is fuzzy to say the least. It is inaccurate and it is unacceptable for those of us who are devoted to complying with the mandates of our budget process.

As one examines this one goes through a rather trying period; budget authority versus outlays, old economics versus new economics, to score or not to score the Commodity Credit Corporation. These are but a few of the travails I endured in trying to get a handle on this bill. The permutations are endless, and I am sure if the Democrats string together just the right ingredients, starting with a base of obsolete economics, adding a layer of budgetary obfuscation, and topped off with a few budget waivers, they can cook up some numbers that will somehow, some way, justify this budget busting bill as financially responsible.

Nothing could be further from the truth. This bill is a budget buster, pure and simple. If you do not believe me, listen to what former Budget Committee chairman, Robert Giaimo, and former Minority Leader JOHN RHODES have to say on this budget. I quote them:

> The simple fact is there is no money for this bill. The CBO current status shows that even if Congress does not pass another spending bill, this year's outlays will exceed the fiscal year 1987 budget total by $13.4 billion.

Let me make a point. Former Congressman Giaimo and former Minority Leader RHODES are a part of a group, in fact cochairmen of a group that calls itself Responsible Budget Action Group here in Washington, DC. In that group we have two former Directors of the Congressional Budget Office, two former Directors of the Office of Management and Budget. We have a former chairman of the Council of Economic Advisors, several Members of Congress, including two former members of the Budget Committee. These are folks who are familiar with the process, familiar with the substance, have put their years of service into the Government and have dedicated concern over fiscal reponsibility.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, do I understand that the gentleman is saying even if we do not pass the supplemental appropriation, what these distinguished Americans have told us after examining the budget so far, is that even without this bill we are $13 billion over what we committed ourselves to in the budget last year?

Mr. ARMEY. That is their contention.

I might mention that their letter was written on April 9 and they did not have the advantage of the most updated economic forecast and economic assumptions. If you make an adjustment based on information they did not have at the time they prepared their report with our most current information, we would be $14.8 billion over the 1987 budget.

Mr. WALKER. If the gentleman will yield further, this bill that we have coming before us tomorrow is about a $12 billion bill, so if we were to adopt this bill, on top of what these distinguished Americans have told us is the real budget situation we will be, in fact, adopting an approach that will have us somewhere between $25 and $30 billion over what we committed ourselves to in the budget last year. Is that what is really going on here?

Mr. ARMEY. Let me respond by telling the gentleman there is good news and there is bad news. The good news is that you have fallen victim to the numbers that are quoted in the committee report, which I will soon demonstrate to be misleading.

Mr. WALKER. If the gentleman will continue to yield, the gentleman is saying this report is not accurate?

Mr. ARMEY. This report is not accurately scored, and when you adjust this report and score accurately we do not have here the $25 to $30 billion in new spending you fear. The situation is not as bad as that.

If we were to pass this bill tomorrow, and I am certain we will not because we are a body that prides ourselves on our fiscal responsibility, but if we were to pass this bill we would have a net increase of $3.9 billion in new outlays, and we would then bring our overspend for 1987 up to $18 billion over the budget resolution.

Mr. WALKER. If the gentleman will yield further, however, am I correct though that there are no rescissions in this bill, so we do not have any ability to score any rescissions here, and as this report indicates that they are coming in under the President's budget figures, in fact what they do is use the President's spending limits but then do not include his rescissions. So in fact what we are getting is ever increasing levels of spending but no reductions to offset that spending. Is that what is going on here?

Mr. ARMEY. The gentleman is absolutely correct. The fact of the matter is, as the President made his requests he did find offsets by and large in the form of rescissions in other spending, reflecting a change in circumstances, a change in priorities and adjustments from old spending patterns under the original budget to the new patterns that would be established in his requests.

In the final analysis, once you scored the President's requests more accurately, he would have come in with $355 million in a net decrease in spending.

What that says is the first line of the committee recommendation which scores the President's spending at about $12.5 billion and the meritorious work of the committee at around $11.3 billion; these are inaccurate numbers and it is an inaccurate comparison. It is inaccurate for the committee to report that they come in approximately $1.1 billion under the President when, in fact, the President comes in some $6 billion less, and overall with a net decrease.

Mr. WALKER. If the gentleman will yield further, what the gentleman is saying is that these are phony numbers. I gather from what the gentleman is saying that we have been treated to a whole bunch of phony numbers out here on the House floor in a couple of discussions that the big spending liberals have had on this floor during recent weeks when discussing essentially the same thing, and they go through and add up all of the spending requests that the President makes over the course of a year, and then they say that the Congress has come in underneath all of those spending requests made by the President. But what they do not ever say is that the President also comes forward with rescissions, none of which Congress agrees to, or few of which Congress agrees to, so, therefore, we do tremendously overspend the President's request and, in fact, are overspending our own budget.

I might point out to the gentleman that I do not know whether he has had a chance to see the rule yet that was granted for this atrocity of a bill which confirms what the gentleman is saying. This rule does waive the Congressional Budget Act and a major portion of the Congressional Budget Act. It waives that section of the Congressional Budget Act that prohibits consideration of measures that would cause the appropriate subcommittee level or program level ceilings to be exceeded. In other words, the rule itself defines this bill exactly the way the gentleman has defined it, as a budget buster of tremendous proportions. I think that anybody who votes for this bill tomorrow has to know that what they are doing is voting to bust the budget.

Mr. ARMEY. Let me reclaim my time to respond to two points.

In the prevailing political rhetoric of the land, which is the great contest of dialogue regarding whose deficits they are, the contention is made quite frequently on the basis of the kind of statistical data presented that this is the President's budget deficit.

□ 1700

Now, let me say that in this particular case if this report is any indication of the kind of statistical merry-go-round in which we ride, the contention first that the President's request of $12 billion 448 million is inaccurate. The President's spending request is less than half of that; the contention that that spending request stands alone without offsets and rescissions is inaccurate. The fact of the matter is when you add an acknowledgment of the President's offsets and rescissions, the net impact that the President's request would have on our budget deficit would be to reduce it by $355 million.

Now, at the same time the gentleman is absolutely right about the rules. I must take the opportunity here to point out that exactly those folks who are most vocal in trying to pin the deficit rap on the President are the people who have their rules in force in this body. If I could paint an analogy for you, suppose for a moment that the Dallas Cowboys and the Washington Redskins, a team of obviously lesser merit, were to meet on the playing field and that somebody were to point out that since the Redskins had more men on their roster than the Cowboys, that they would be able to set the rules on the field and to control each and every play that is called on the playing field and then, as the game progressed, they would have the option, again, by their superior numbers, to vote themselves exceptions to the rules. When a Redskin was caught holding a Dallas Cowboy and the flag was thrown, the Redskins could quickly huddle and they could vote to waive the rule in this instance. You would find it very difficult for the Cowboys to defeat the Redskins. Now, obviously, history proves that this is done more often than not, even under those circumstances. But that is the kind of analogy we have. These are their rules. They voted the exceptions. This bill comes to the floor with not only waivers to the Budget Act that allow excessive spending, that bust the budget, but it also comes with the waiver of another rule which is also, I think, a good rule, one which we should give adherence to. They waive the rules against legislating in appropriations bills. That allows the Appropriations Committee to override the work of the authorizing committees in several areas, including critical areas of agriculture, defense, and international relations and to impose on the part of the Appropriations Committee their views regarding agriculture, foreign policy, and national defense. And in one instance to even pre-empt an agency of the Federal Government from the right to exercise its normal legitimate and necessary appeal process in the courts.

So the gentleman is absolutely right. There are a great many rules that are waived in order to get this spending bill to the floor.

I yield to my friend from Oregon.

Mr. DENNY SMITH. I thank my colleagues. I appreciate my colleague taking this time to try to point out about the business-as-usual attitude of this Congress and this Budget Committee and this appropriations bill. This is how we overspend the budget. It is my understanding from the briefing papers that I have that we are already some $13.4 billion over the fiscal year 1987 budget which is what we are talking about. In other words, we set a budget, then we pass the appropriations bills which were all rolled into one, as we remember, last fall, and now we have whatever was not lumped into that added on. So this bill is a catch-all of more and more spending. This is not the President's problem. We continue to have that discussion in the country as to who spends the dollars here. This is the Congress of the United States and the House of Representatives under the control of Speaker WRIGHT, who is in fact putting this bill on. I think it is interesting as we remember, those of us who voted for Gramm-Rudman last year, we had a target of $144 billion. They now say we are somewhere near $174 billion and this is going to add how many billion dollars? Is it $11.3 billion?

Mr. ARMEY. Again, we have to be careful. If we take the committee's report, as accurate reporting of the data, then they even make their own case appear worse than it is. The only advantage they have is that their case looks better than the exaggerated bad case they have made for the President's request. But the net impact to outlays will be something like $3.9 billion increase to the deficit.

Mr. DENNY SMITH. But in any event, it is a budget-buster no matter how we do it and it is a credit card that is going to have to be paid by our children at some point in the future if we do not change the fundamental spending habits of this body.

Mr. ARMEY. As I mentioned, this will increase the deficit by $3.9 billion, rather than the $2 billion found in the committee report.

Mr. DENNY SMITH. That is smoke and mirrors, is that what you call that?

Mr. ARMEY. Well, as a professional economist I think we need to acknowledge that, once you are projecting for the future you do so under uncertainty. But you must, as you try to update your work, use the most current projections you have on the most current data. The committee has failed to do that. They have used a forecast that is over 1 year old, from February 1986 to be exact. That is certainly not, I think, a good practice when we have better information

Mr. DENNY SMITH. What would be the latest statistics that we would have? We would have some from February 1987, really, would we not?

Mr. ARMEY. If I could just take a minute to address your question: If you took the February 1986 economic assumptions and you took the budget, the appropriations and authorizations subsequent to the original fiscal year 1987 budget and you allow them to be spent out over the fiscal year, we would under those assumptions, end up with a surplus of revenues over the budget of $4.6 billion in terms of outlays. If you go then to the updated assumptions and recognize how those assumptions have changed, the rate at which we spend out, take up February 1987's more current information regarding the performance of the economy and the spending out of the budget, then we would be at this point $14.8 billion above the 1987 budget resolution. Now, if we add this $3.9 in outlays in this supplement, we would have then a net spending of $18 billion more than fiscal year 1987 budget.

I yield to my friend, the gentleman from Florida.

Mr. MACK. The gentleman just mentioned the number $18 billion.

Mr. ARMEY. That is right.

Mr. MACK. I realize that is a rough estimate because of changes in economic assumptions, but I think it is rather ironic that the number that you would come up with would be $18 billion. I would just remind everybody that the budget that was passed in this House 2 weeks ago had in it an $18 billion revenue increase. Now, you might just say that is a coincidence in itself. But listen to the language that is in the report. The language says that those dollars can only be used for deficit reduction, cannot be used for increasing additional Federal spending. Here we are less than 2 weeks, I guess tomorrow would be 2 weeks actually from the date that we passed the budget resolution in the House that called for an $18 billion increase in taxes and now you are telling us that if the supplemental passes, we could end up with an $18 billion price tag as far as the American taxpayers are concerned and that idea of a deficit reduction trust fund is really—talk about smoke and mirrors—that is exactly what it is.

Mr. ARMEY. I think if I understand the gentleman correctly, the gentleman's point has been that should we get those revenues pledged for deficit reduction in 1988 during the fiscal year 1988 budget of $18 billion, they would arrive just in time to compensate for the extra deficit of $18 billion incurred in the overspending of 1987.

□ 1710

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Let me put it in maybe even blunter terms. Let us suggest here that what the phonies are doing around here is that, while they suggest that their tax revenue increases, their increased tax collections are going to go toward deficit reduction, what they are really doing is spending the money right away so that, in fact, every time they go to the American people and say we are going to use taxes to lower deficits, they have already spent all of the money so that the deficits they are reducing are the increased spending. We have a real phony process here. The phonies in Washington are, in fact, telling the American people that tax increases are going to be used for deficit reduction when what it is really doing is being used for more and more spending.

Mr. ARMEY. I cannot resist just casting the gentleman's allegation perhaps in a different vein, and be a little facetious. If we pledge the revenue increase of fiscal year 1988 to reduce the deficit, it could, then, be considered an act of good faith to increase that deficit in fiscal year 1987 in order that it might be applied to that purpose.

I am afraid, though, that we would go through the same process in fiscal year 1988 and get our deficit back by the time that year was over.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, it does seem to me that this would be an appropriate time to bring up the whole issue of revenues or tax collections, which they really are.

I guess if there was an argument, and I know it is still being tossed about, that if we only raised enough taxes, if we were only able to be allowed the opportunity to increase tax collections to the Federal Government, we could eliminate the deficit. Let me just throw out a couple of numbers.

In 1983, the tax collections made by the Federal Government were $600 billion, $600 billion. There is kind of an impression that has been given that we must be fairly close to that number today. Obviously, if all of these tax collections had been allowed to increase in 1984 and 1985 and 1986 and 1987 and projected in 1988, clearly if any significant number of tax collections had been made, the deficit would have been eliminated.

Let me share some bad news. The revenues or the tax collections estimated for 1988 are not $600 billion, as in 1983; they are not $700 billion; they are not $800 billion; they are estimated to be $930 billion, roughly a 55-percent increase over 1983. $330 billion more in tax collections, yet the projected deficit, even it we could believe those numbers, is still over $100 billion. I think that makes the case that raising taxes, increasing tax collections does not stop, does not do away with the deficit; it just encourages more Federal spending.

Mr. ARMEY. Mr. Speaker, if I could just take a moment to expand on what the gentleman has just argued, we also need to understand that throughout the 1980's, as we have reduced the tax rate, our overall tax collections have increased, total revenues have increased in the manner you have described.

This we saw in 1961 and 1962 when we had the famous John F. Kennedy tax cuts. We see it every time you cut tax rates. There is a spurring of the economy resulting in increases.

If we could take Milton Friedman's suggestion that the real rate of taxation is the rate of spending, then we can very quickly move on to pointing out that as we cut spending, we cut taxes, and that, too, will have that positive effect on the economy.

Let me take a moment to point out one of the most important scoring difference that we find in the effort of getting to the bottom line and the truth of this supplemental.

The first thing we have to keep in mind is that there is a contention regarding how you score the Commodity Credit Corporation of some $6.6 billion of spending. The White House, the other body, and the Congressional Budget Office all score the Commodity Credit Corporation spending as "indefinite budget authority."

What that means is, in the parlance of America, is that this resembles an entitlement. That money will be spent as needed. To get an accurate comparison, it should not have been scored, either in the President's request, nor should it have been scored in the committee's bill.

Once you adjust both the President's request that did not include the CCC and the committee's bill for a proper scoring of Commodity Credit Corporation, then you bring the numbers down and we get away from these very frightening $12 billion and $11 billion numbers.

After adjusting for negative supplementals and reappropriations, we begin to find a greater accuracy in the scoring process, bringing both requests to where we can finally get to the bottom line.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, just for clarification, I think you were relating the committee's proposal to the President's proposal and their comment is that they are below the President's request. Is that correct?

Mr. ARMEY. That is the allegation made at the beginning of the committee recommendations which is patently inaccurate.

Mr. MACK. Let me go to the next question, then. Does the President's request include the CCC?

Mr. ARMEY. I believe it is not included. I do not believe the President requested that in his supplemental request.

The thing you have to remember is that the supplemental appropriations bill is over discretionary spending authority, not entitlements or indefinite budget authority, which in my opinion, the CCC is.

There is a reason, I understand, that has to do with committee jurisdiction that would affect the tendency of the Appropriations Committee to want to score the CCC expenditure in their document. It should not really affect the expenditure level since the money has already been authorized in the Agriculture Committee authorizations and since the spending is not associated with outlays.

So it should not be scored in this supplemental appropriations bill, especially if you want an accurate comparison of the President's and the committee's requests.

We readjusted the scoring process by reducing both the President's request, as reported by the committee, and the committee's bill.

That helps us to then siphon away that kind of statistical aberration that affects a misunderstanding of the extent to which we are spending more or less than the budget allows in the fiscal year 1987 budget.

The committee reports that they are within $2 billion of that. They obviously acknowledge, on page 159, that they do have a $2 billion overspend, and therefore, need the budget waivers, but in fact, when we score properly and accurately, their overspending is in an even greater amount.

But when we finally boil the figures down, the President's request was a net reduction in expenditures of better than $350 million.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Florida.

□ 1720

Mr. MACK. Are you making that statement based on if the rescissions that the President had requested had been voted on and approved, that was a part of his supplemental request, is that not right?

Mr. ARMEY. Yes, the President had rescissions or offsets in amounts that were greater than the new spending.

Remember, the purpose of a supplemental is to make a midcourse adjustment in your spending pattern to accommodate to changing economic times, changing exigencies and a responsive government.

The concept of Gramm-Rudman-Hollings says you should look for the offsets. The President did that, and in fact come up with offsets in a greater amount of the spending, so that he ended up then with a net reduction in fiscal year 1987 spending as a consequence of his request.

Mr. MACK. Will the gentleman yield for just a couple more moments?

Mr. ARMEY. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I think the points already made have been emphasized.

I believe you had indicated earlier a letter from the responsible budget action group indicating that this was as clear a vote as there could be on whether a person is fiscally responsible or not.

They make the clear statement here that the simple fact is there is no money to pay this bill. The CBO current status shows even if Congress does not pass another spending bill this year, outlays will exceed the 1987 fiscal year budget total by $13.4 billion.

I know that point has been made once already, but I think it is important to state that again.

The reality is, if you are going to face up to the issue about trying to control Federal expenditures, tomorrow is the time to do it. Now, not only did the Committee for a Responsible Federal Budget make that statement, but I have here a fact sheet that was sent out by Chairman GRAY of the Budget Committee, and maybe the gentleman has already referred to that, which is dated April 22.

Here again, there are a lot of numbers on it, so I am not going to really read the numbers specifically other than maybe one or two.

It says, this supplemental appropriations bill is estimated to breach the budget authority ceiling by $2.265 billion in budget authority resulting in a violation of section 311(a) of the Budget Act.

What I think he is saying, but not as directly as you and I would say, is that those of us who are involved on the Budget Committee should not be granting any kind of approval for a waiver of a rule to allow a supplemental appropriations bill to come to the floor that breaches the targets that the Budget Committee worked so hard to come up with.

It is not that direct in here, and I would suggest that it is not that direct, because there are some agreements made by various Members as to, if they were to change their position, that maybe there would be some things in these spending bills that would be helpful to them in their district.

I do not have any specific names on that, but the rumor is that when the committee was originally polled, the vote was something like 16 to 15 or 17 to 16, something in that range. Then there was a repolling of the committee, and some voices were heard, and some positions were changed. The Budget Committee then did not object to a waiver of the Budget Act, but again I think two pretty good sources here, the fact sheet from Chairman GRAY saying that this supplemental appropriations bill, regardless of how you want to count it, or how you want to compare it, is saying it is going to breach the targets that were established under the Budget Act; and if anybody is really serious about holding the line on Federal expenditures, tomorrow is the time to do it.

I want to thank the gentleman for having this special order, and for allowing me to make those comments.

Mr. ARMEY. I thank the gentleman, and the gentleman is correct. Chairman GRAY makes the point, and he does it, I think, perhaps more diplomatically than we do. But he makes the point that this is a budget buster. That is the point he has made here.

The gentleman is on the Budget Committee, as I am. You know that as members we are polled twice. When we were polled initially agreed we did not have a majority support a budget waiver.

We did not get the rule on time, because there had to be some renegotiation, and I understand there are some gentlemen in the body with sore arms from having them twisted.

We now have apparently a poll that says the Budget Committee on balance, I think with a poll that said 18 to 17 have agreed to the waivers. The rule has been granted, but we would otherwise have been addressing this bill today, not tomorrow.

It was delayed while we obtained that rule. I would also like to point out that it is only through a very complicated process of using a bridge table, that crosswalks between the President's request and the Budget Committee's report, that you are able to finally boil down the real numbers, get, as it were, the distortions out, the chaff out, and get to the real numbers.

The real numbers are that this bill busts the budget. We have here in this group that the gentleman cited, and I think it is important we recognize this, we have people who have spent years in the House in responsible positions of leadership, two former chairmen of the Budget Committee that have been involved in the process, a former minority leader, a former Chairman of the Council of Economic Advisers, two former budget directors, two former directors of the Congressional Budget Office, and each and every one of the members in this organization have had careers intimately involved in this process.

They have said to this body at this time, you have before you a bill that busts the budget. There is no money for this bill. You are going to run up the deficit, and they have implored us to vote no on this bill.

I think a responsible Congress has to vote this bill down, and in addition to that, with the crosswalking we have got in this bridge table, we have demonstrated that in fact it has been the President who has been more than fiscally responsible.

It is the committee that offered no rescissions, accepted none of the President's rescissions, offered no offsets of any kind, and authorized new spending, so that their net impact on the budget deficit was over $6 billion greater than the President's, over a $6 billion increase in the deficit, whereas the President would have reduced the budget by $355 million.

Mr. FAWELL. Will the gentleman yield?

Mr. ARMEY. I would be happy to yield to my good friend and colleague from Illinois, Mr. FAWELL.

Mr. FAWELL. As far as budget busting is concerned, and insofar as the 1987 budget is concerned, the real beginning was back in October of last year when we left, as you might recall, to go back and campaign, and declared that we had solved the deficit problems.

We were told that $151 billion had been reached without having to use the new income tax reform surplus funds, which is about $11 billion. Yet, when we came back in January, about 2½ months later, we found that the deficit estimate by CBO, which is always rising, was about $174 billion, some $23 billion which had been added through a lot of funny figures, and phony economic assumptions which were there back in October, but were not recognized.

We had already utilized to get to the 151 about $11 billion of surplus tax reform funds, so that the smoke and mirrors and the inaccuracies begin right there.

What bothers me, and this has really been brought out already, of course, is we have more of that taking place here.

Some might say, and I gather from the figures that I have been trying to get all day, that we have added outlays over and above the overage which is about $15 billion now, another $4 billion, and from the most recent figures I have been able to get, I understand that even with budget authority, we will be $8.9 billion over.

I may be mistaken on that. We have been trying to dig these figures out of CBO and indeed staff and others, and it is kind of difficult to obtain.

I came with the 99th Congress, as did the gentleman from Texas, and I have to go back and tell the people that in the 99th session, when we certainly practiced smoke and mirrors to the utmost, we added over one-half of a trillion dollars of brand new debt to the debt which, when I came into Congress, was $1.8 trillion, and now is hovering somewhere around $2.3 trillion.

There are so many other things we are not telling the people. I have mentioned this several times on the floor. We are now borrowing all the trust fund surpluses, and in making the budget, for instance, look at 1987.

We have to remember that $70 billion, in addition to the $174 billion, which is now the prognostication of CBO as being the ultimate deficit, some $70 billion from surplus trust funds should be added on to that; but we do not, because we take the surplus trust funds, count it as revenue, but not as a debit.

We do not tell anybody really that we are borrowing. I have no problem with the Government borrowing from the trust fund, but we ought to let the people know, for instance, that when we look to 1987, we are talking about a $174 billion prognostication of a deficit, and also talking about another $70 billion that we are going to suck up and borrow every available surplus dollar in our trust fund, including the good chunk out of Social Security.

In fact, in 1988 we are geared to borrow $106 billion, as I recall, from the surplus trust funds, $36 billion of which will come from Social Security, in regard to which we had the most aggressive tax of all, and that is going to be, and with tax increases that have taken place this year, and will take place next year, and we are utilizing all of that pool, so under the circumstances, I hope that we can implore our colleagues that we hew the line, that we do not practice again the smoke and mirrors that 2 weeks ago we practiced in the 1988 budget.

□ 1730

We used outdated economic assumptions to hide $25 billion of deficit there.

This is so difficult to be able to go back and describe to your district, but what we are simply saying is "Let the kids pay it; let my children, let the grandchildren pay it. We are not going to face up to it." I cannot see how this time, when we get to reconciliation around October again, I suppose after having passed a tremendous continuing resolution that will probably be all 13 appropriation bills in one, I do not know how we can, with all the smoke and mirrors that might be dreamed up, we are not going to be able to cover up the mess; it is just too great and too big this time.

The Democrats do indeed, they now control both Houses. The President cannot veto that budget bill that they put out which had no explanation to it whatsoever, they cannot cover up the tremendous problem that faces them in what they, as a practical matter, do and they do as they wish.

To me, as a relative newcomer, when I saw what happened last October, that was cataclysmic to even sell that reconciliation, for instance, by having in it a Medicare $1 billion new spending program that nobody could turn down, it just plain is not right.

I hope the people of this great country of ours become apprised of what really is happening.

Mr. ARMEY. I thank the gentleman for his observations. Again, I understand and I think we all understand, when you are working out a budget for the future, you do have the vagaries of economic assumptions that must be made and the uncertainty that follows them. To me, it is just patently unacceptable to have somebody come along in April 1987 and to put together a supplemental appropriations bill and then try to score that with economic assumptions for February 1986 when in fact we have got more certain information, we have got more updated information. That is not acceptable. That falls in the broad and general category of what I call "deceptive government practices," and they are rampant among us. That is just short of fraudulent to overlook your best data, your most up-to-date analysis and economic information in favor of something from the past that suits your purposes.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Illinois.

Mr. FAWELL. Let me just add that David Stockman said that if some of us who are in the budget-making process here in Congress were under the jurisdiction of the Securities and Exchange Commission, we would be in a lot of trouble. If any corporation tried to practice the kind of accounting that Congress does in sending out a prospectus for their stockholders, and certainly the people of this country are our stockholders, we would be in big trouble. I think Stockman said some of us would be in Leavenworth, even including portions of the administration. We have to be very objective and realize that at times that the administration has not been as accurate in regard to these figures as it ought to be.

Mr. ARMEY. I thank the gentleman and your point is well taken. You know, as we engage in this very esoteric political process with these mind-boggling numbers, we are really restrained by only what we can get away with politically. What we can get away with is what the people do not understand. It is for that reason I chose to take this special order.

I think the American public needs to understand and our colleagues in the House need to understand that you cannot pick up a committee report and take those numbers literally. They are misleading. You have got to take that painful process of tracking down the numbers, of bridging across from one report or request to another, and of trying to find ways to accurately score them. Unless we can get that kind of accurate information, we cannot make decisions, and we will always end up spending fast and loose as is the natural tendency for anybody who is spending somebody else's money.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman has done the House a great service here this evening by dealing in some of the aggregate figures that we are going to be presented with tomorrow. I think in trying to bridge some of those gaps of information it has been extremely useful to have the information before us.

It might be helpful also to look at some of the details that are down in this bill because what we find out is that a lot of this spending that we are going to do that will add to the deficit is in fact the typical pork barrel spending that we have had in nearly every bill that came before this House so far this year.

We have a new regime here in the House of Representatives. It turns out that what they like most of all is pork, because every time they bring a bill out it is so loaded with pork that it is pathetic. This is another example of exactly that.

Going down through it I find, for instance, that we are going to build a $3 million rural industrial park in Oklahoma. That might be nice for that one area of Oklahoma, but that is $3 million of taxpayers' money that is going to go to do something that other communities are being asked to do on their own. We are going to spend $10 million for studies of mandatory production controls in agriculture. Now, understand, that is all of the taxes 3,000 American working families are going to pay so that we can study the idea of mandatory production controls in agriculture, which would have such enormous budgetary effects that it is almost unbelievable.

So what we are going to do is spend $10 million to figure out whether or not we ought to spend more. Three thousand American working families are going to pay every dime of taxes in order to have that study. We are going to fund $2 million for the Baltimore-Washington Parkway, which is dandy for those of us who drive the Baltimore-Washington Parkway, but it does not help the people in my district in Pennsylvania, but it is wonderful for that. So that is $2 million.

We are going to spend $7.5 million for two highway improvement projects in northern Mississippi. We are going to spend $2 million for a highway project in Michigan. Another $2 million for a highway railroad grade crossing project in New York, and yet another $12 million, $5 million transferred of it, for a project on highways in Massachusetts.

All of that is very wonderful for those areas; it is coming at the cost of adding to the deficit, and I thought we just passed this highway bill here the other day and it had all kinds of pork down in it, and now we come back and find the Appropriations Committee adding to the pork that was already in the highway bill. Where does it stop?

One other interesting factor that I know will be interesting to the gentleman in the well who is an advocate of privatization. Down in this bill there is language that prohibits the Department of Transportation from funding the Advisory Commission on the Privatization of Amtrak. This is a commission that was formed to look at whether or not we might be able to save $600 million of taxpayers money by not funding the Amtrak anymore, and whether or not it might be feasible. We can fund $10 million worth of studies to increase costs in mandatory production controls in agriculture, but when it comes to saving $600 million maybe of Amtrak spending? Well, we are going to prohibit them from spending one dime of that money under this bill.

This is a ridiculous bill when you look at the details of it. The details of this bill are an atrocity. The American taxpayers ought to just rise in wrath for anybody that puts their vote by this bill.

They are, by definition, a big spender by casting a vote either for the rule on this bill or for the bill tomorrow; you can characterize them in no other way. In aggregate spending, they are increasing the amount of aggregate spending, they are increasing the deficit, and in addition, what they are voting for is pure pork.

Mr. ARMEY. I thank the gentleman.

If I might make an observation before I yield to my good friend. The gentleman's point is well taken and clearly spoken. If I could on your point. You can say this bill is put together by the power of pork. If it is passed, it will be passed by the power of baloney, because it is inaccurate and misleading. It is persuasive in its language, but it is pure baloney coupled with pork, and anybody that votes "yes" on this bill tomorrow is spending the taxpayers' money in callous disregard to their children's future.

Mr. DONALD E. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Ohio.

Mr. DONALD E. LUKENS. I thank the gentleman.

Mr. Speaker, I thank the gentleman for bringing this important matter to the attention of this body. I would like to make a comment before I ask a question.

My staff and I have been studying for some time since my return to Congress just this year, the impact of congressional spending over Presidential requests. Whether it is President Carter, a Democrat, or President Reagan, a Republican, and I find with great interest that the President's request in the last 10 years has resulted in an increase of 111-percent spending. But when Congress found out that all that new money came in after the Kemp tax cut of 1982, they managed to increase spending 122 percent.

□ 1740

Now, the experience of the gentleman from Texas is no comparison to this gentleman, but where does the gentleman think we will find the new dollars? When we find new dollars, and our taxpayers do, they do a magnificent job with a tax cut of producing new moneys for this Government to spend. We intend to set new records outspending ourselves. It is truly more than just a budget-buster. It is almost an insult to the common sense of anyone who wants to save money in this country.

I ask the gentleman, how many of these dollars does the gentleman assume or does he know at this stage, and I heard most of the discussion today, are unnecessary in this bill?

Mr. ARMEY. I do not agree with everything in the President's request, nor do I agree with everything in this bill by any stretch of the imagination, but if we follow the President's lead by way of broad compliance with the Gramm-Rudman legislation in its spirit and match with each new spending authority some offset in some other area of spending. This again is a supplemental appropriation to make a mid-year course adjustment in our spending pattern.

The President managed in his request to more than match any new discretionary spending request with an offset to the point where he even has a net reduction in expenditures as a consequence of his request.

Now, I think each and every one of us would look at this bill and would probably come out with some different assessment overall of what is good and what is not. I find in my own examination of it a few things that I felt were peculiar. I felt they were not acceptable reflections of priorities.

In one case, funds for elementary and secondary education in a distressed area that was in critical need of the funding, where the concern and the threat genuinely is that the schools would be shut down in the face of the children, this committee rejected the President's request. The President requested funding in order to keep the school open, yet they turned around and gave an equivalent amount of money to Penn State University to construct a new building.

Now, again, I probably would not have shared that priority. I would have said that in this case given the difficulties we have in the budget, given the greater need here for young schoolchildren to have their schools open, I would have made a different decision.

Mr. DONALD E. LUKENS. Mr. Speaker, will the gentleman yield on that point?

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. DONALD E. LUKENS. I am new to this process again in Washington, DC. I come from a State legislature at home in Ohio, but there at least they balance the budget by constitution. You cannot have a deficit.

It brings to mind again the great need, the crying need for a balanced budget resolution, balanced budget action by this body, which is the only body besides the American people that can do it.

I notice there is a new $425 million for the homeless program and they not only authorized it, but they appropriated it in this bill. Can the gentleman tell me where that money is going to come from? I do not see the source, where they are balancing off the income with this new outgo.

Mr. ARMEY. That is new spending and if you carefully go through the President's response to the committee bill and if you read that, one of the points that the President makes in his response, recognizing, if you will, the enormous new spending that this committee is asking, with no offsets, he makes the point that in so many other existing areas of the budget we have this provision.

Mr. Speaker, I see my time has expired. I appreciate the patience of the Chair.

If I may say to my colleagues in the House prior to the vote tomorrow, vote "no" on this excessive spending bill. Vote "yes" for honesty in Government.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 30 minutes.

[Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

[Mr. WALKER addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 60 minutes.

[Mr. PENNY addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extension of Remarks.]

UPDATE ON TRIP TO RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DOWNEY] is recognized for 60 minutes.

Mr. DOWNEY of New York. Mr. Speaker, I do not often take special orders. I want to ask the indulgence of the staff and those who are here for this one in particular. I realize the hour is late, but the issue I believe is important to address to the American people.

During the Easter recess the Speaker of the House, the majority leader and the majority whip were joined by 17 other of our colleagues on a trip to the Soviet Union. This trip could best be described as extraordinary both in terms of the composition of the group and the reception that we received.

The people that we met with I believe are the most interesting aspect of the trip and what they said I believe is tremendously important to the American people.

As is often the case, lamentably, with these trips, the coverage that was received in the United States, while giving the broad brushes of what we talked about, in no way captured the spirit of the dialogue between the participants. We arrived first in Kieve and in that city the Soviets started to indicate the true extent of glasnost. Much has been written about glasnost. It is literally translated in English to mean openness.

Three of our colleagues were afforded the opportunity to visit the plant at Chernobyl, the site last year of the worst nuclear disaster in world history. Congressman DICKS, Congressman AUCOIN and Representative CHENEY of Wyoming were flown out to Chernobyl on Soviet helicopters. They met there within 300 yards of the reactor with all the top Soviet officials assigned the coverage of dealing with the coverage of the problems attendant with Chernobyl, and they were flown back to the airport at Kiev also on a Soviet helicopter. They were the first Westerners to visit the site since the problem had been partially resolved by the Soviet Union.

While they were there, prior to their leaving, the rest of us were given the opportunity to talk extensively with the Politboro member from the Ukraine, Mr. Chervitzky. While very little came of this particular meeting with Mr. Chervitzky, it was clear to many of us that he represented the old line in the Soviet Union both in terms of style and substance. Very little was accomplished in the lengthy and somewhat tedious meeting that we had with him. It was not a particularly pleasant meeting.

One of our colleagues, the gentleman from Wisconsin [Mr. ASPIN] asked Mr. Chervitzky if he could explain how his name had been associated with those of the Soviet leadership who had opposed the policies of Mikhail Gorbachev. It was quite clear to all of us who attended this particular meeting that Mr. Chervitzky was not in the habit of answering direct questions in any direct or ingenuous fashion, and he did not deny any of our previous expectations by blaming the reports in the West on the activities of the Nazi Party. Some of us believed that the Nazi Party has long fallen into disrepair and disuse, thankfully, to the world, but apparently not to Mr. Chervitzky.

We left Kiev, mercifully, not because it is a nice city, but rather because it represents, it did to us, many of the old aspects of the way the Soviet Union did business, and we went to Moscow.

It was here that the most extraordinary opportunities to meet with Soviet leaders probably ever afforded a Western delegation. It has been my privilege in serving in the House these 13 years to have gone twice to the Soviet Union, both in 1979 during the period of détente in April while we were in the process of negotiating the SALT II agreement and again in 1983 where we were in the process of having a very difficult relationship where we had just turned down some Soviet offers to deal with intermediate force reduction missiles. The first time in 1979 when we went, Mr. Brademas, then the majority whip, took a large group of us. We met in Tbilisi with then Communist Party Chief of Georgia, Eduard Shevardnadze. We also met with Mr. Kosygin and we did not have the opportunity to meet in 1979 with Mr. Brezhnev.

□ 1750

The meetings with the Soviets were polite, they were cordial, but there was no recognition that there was a difference between Members of the House, Members of the Senate, and the administration. We were all lumped together in meetings.

There were the usual polemics about human rights that were traded back and forth by us and by them, and while the meetings on the whole were interesting, one did not get the sense that we were anything other than ships passing in the night in terms of understanding.

In 1983 the meetings were even more harsh. We reflected then the attitude that the administration had toward the Soviet Union. This was still the period of time when we considered them the "Evil Empire," and they reciprocated their attitudes toward us by raising a whole series of human rights violations that many of us were unaware of that had taken place in our country. The meetings also indicated a complete lack of understanding about the differences between the United States Congress and the administration.

We did not have the opportunity when we were in the Soviet Union in 1983—there we visited the city of Leningrad, the city of Moscow, and the city of Yerevan, the capital of Soviet Armenia—to meet with then First Party Secretary Yuri Andropov. He was to die shortly after our meeting. There was no connection between the two events.

This last series of meetings that we had in the Soviet Union were about as different as meetings that I have had with Soviet officials have ever been. They wanted to, it was quite clear, put on a show for Speaker WRIGHT. They wanted to impress us with a number of things.

First, they wanted to explain in detail the Soviet term "prestroika," which means, literally translated, "restructuring." "Prestroika" is a term that very few Westerners are familiar with. It is really what the Soviets are attempting to do in every phase of their society. The term that we are familiar with, glasnost, openness, is the oil that will make the engine of restructuring operate.

The first significant meeting that we had with a Soviet leader was held with Mr. Gorbachev, and I want to deal extensively with that meeting, the meeting with Mr. Ligachev, and the meeting with Mr. Shevardnadze.

My notes, while somewhat incomplete, I believe will capture the spirit of these meetings. Mr. Gorbachev welcomed us in a very green and ornate room in the Kremlin at 5:35. He said, "I welcome you. Long talks are necessary."

He looked at Speaker WRIGHT and he congratulated him on being elected Speaker. He welcomed the colleagues here. And he did something that had never before taken place in any meeting that I have ever been in with a Soviet leader. He said that he appreciated and understood the different role that the Congress played, and that this was particularly important, that we understand one another, the Congress and the members of the Supreme Soviet.

Mr. WRIGHT responded by saying that he welcomed the opportunity. He told Mr. Gorbachev that he was well known, and that he believed, and this was a belief shared by myself and others, that this was the best chance for an improvement in relations that we would see or have seen in the last 50 years.

Mr. Gorbachev started. He was wearing a blue suit, a blue shirt, and a maroon tie. Unlike previous Soviet leaders, his clothes fit him neatly. Indeed, he could be considered almost dapperly dressed. He was a man in control. All throughout the meeting he spoke without notes, looking from side to side. He was flanked by Mr. Dobrynin and his interpreter; Mr. Dubinin, the Soviet Ambassador to the United States, was also present, as was Yuri Arbatov and other members of the Supreme Soviet.

Mr. Gorbachev: "The implementation of the plan in the U.S.S.R. is no threat to the United States. We seek cooperation with you." This is a direct quote. "Thank God," he said, "some movement has begun on the question of arms control. It does not live up to the potential of our countries. We need to rule out surprises, not just in economic areas, but we need to develop mutual disarmament and trust. However difficult this must be, we should not lose sight of the objective relationship of the U.S. and the U.S.S.R. It should be a healthy one. Regular contact between the Soviet and U.S. Congress is necessary. With new leaders in Congress this will continue."

Speaker WRIGHT then went on to say that he hoped that the nature of contacts will expand, and that sometimes we take actions in our country, both our countries, that appear to be fruitless. Then he said, "People will believe that you've done the brave and right thing on the nuclear test ban, even though our country did not see fit to join you. There has come about a benign result," Speaker WRIGHT suggested, as a result of his efforts that the Senate will soon ratify the threshold test ban agreement.

Then Speaker WRIGHT said, "As one Member of the Congress, we continue to hope you continue to observe SALT II. It will have beneficial results and not place your country in jeopardy."

He then said, "You understand"—this is Speaker WRIGHT—"our system, and that we cannot negotiate; that we hope for positive results between the talks just concluded between Shultz and Shevardnadze. Some things we can suggest by exploring areas of mutual understanding, things you can do to allay apprehension between us."

He said he approved of the move to give amnesty to those once incarcerated in the Soviet Union, and encouraged favorable recognition of divided families. "And we will leave names," the Speaker said, "to your designee. We are also thinking of additional ways that our peoples may achieve a common understanding, and we would like to analyze those."

He talked about the Congress Bridge and student exchanges, and then one interesting point, he said that there was a program in Alaska, that there were student exchanges, and he suggested to Mr. Gorbachev that he might be familiar with Alaska, having once been Soviet territory. It was at that point that Gorbachev held a gun to his head, and he said, "Yes, I remember Alaska," as though giving away Alaska was not the smartest thing that the Soviets have ever done. There was some fiddling back and forth about this, and then he said, "Well, history, it's history, we can't carve up what is. That would be dangerous."

Then Speaker WRIGHT said, "We dare to believe that there can be dramatic things that can be done against hunger and disease, that we can mutually launch an assault against the starving in Africa, and rather than stare at us across a bristling wall of arms, that we could begin to tear them down.

Gorbachev then blows on a piece of paper. He was making notes while Mr. WRIGHT was speaking with red and green pencils that had been assigned to us. I do not know how many Members have ever used a Soviet pencil, but it seems that a great deal more dust and filament winds up in their use. The points seem to break a little more often, and Gorbachev kept blowing on his paper to relieve the paper that he was writing on of this extra detritus.

Then at 5:59 he started a very long and interesting dialog. He was speaking without notes and smiling to all of us, and rocking back in his chair, a man clearly in command, with a tremendous amount of eye contact.

He leaned back and said, "What are we going to talk about? Now I see there is something to talk about. First," he said, "We need to share the thrust that you have said of U.S. and U.S.S.R. cooperation in curbing the arms race," and that he appreciated what he, Mr. WRIGHT, has to say about the moratorium and SALT. He welcomed the inquiries that the Speaker had made on other matters.

Then he said, "I will inform you of our discussions with Shultz."

It was now 6 o'clock, and there was a beautifully ornate clock that chimed in the background in cadence with him, and now he was looking at all of us.

He started to speak in a quieter tone. He said, "Our assessment of the United States is that it is not taking advantage of better relations between the United States and the U.S.S.R. that are now available, and we have come to the following conclusion—that the United States is attempting to put us into a corner, and that the result of this is that you believe that you can squeeze us like a lemon."

"All of this is propaganda," he went on to say, and that "as the U.S. applies pressure that the U.S.S.R. will bend." This is a direct quote.

Well, the talk is in the United States that the United States is standing tall and we are bending under the pressure, and that the U.S.S.R. is working with the United States under that pressure to package a deal.

"Let me speak in my own defense," he said. "We are not that silly. If we did not feel, rather, there was a deeper interest in normalizing relations, about disarmament, we would act as we did in the past. The U.S. Congress should know now that the U.S. administration policy is based on illusion. Nothing will come of it."

□ 1800

"To sum up, it appears we are close to an agreement on medium-range missiles and short-range missiles. It seems Mr. Shultz is afraid of Congress. He set out to prove the U.S. has the right to rearm while we reduce our missiles."

He is stronger now and he is looking directly at the Speaker, waving a red pencil. He talks with Dubinin and he says, "Now I ask: Is it in Congress such a hairsplitting process that you would seek to buildup arms as we reduce them?"

He then looked at the Speaker and said: "I want to look you in the eye and ask you: Are you so insane as to carry out a bloodthirsty plan after I have proposed a zero option in low-and medium-range missiles?"

Ambassador Matlock is our Ambassador to the Soviet Union. He said, "I want Ambassador Matlock to hear this and to report to the President. If this is true and the Congress and the administration believe it is, we cannot do business." He said that the Congress should not want to build more missiles while they are disarming, and that there was some opportunity for an agreement to be made here.

He then said something very interesting. He said, "It is not our intention to outstrip the U.S. We are not out to get you," was his exact quote. Again, looking around the room, speaking fairly quickly at this time, then he responded once again what the proposal was, zero tactical missiles in Europe, zero short range missiles, that an agreement is possible and that if this administration does not work this out then the Congress cannot do a deal, and that this would be especially bad for our relationship.

He then turned to the question of the strategic defense initiative. He said, "We had to remind them," meaning Shultz, "about what was agreed to in Reykjavik and where we stumbled." He said that, "We decided to put forward a compromise position. It would seem a reality," he said, "that the U.S. administration at this point has placed the odds with the companies and gone ahead on the contracts on SDI and nothing could be done." He said, "The President is so committed that we need to give him a graceful exit. We are convinced," he said of the SDI, "that this is not a responsible policy."

Again, he is waving pencils and looking around and making eye contact. The hand gestures, at least as far as I could discern, did not indicate any hostility, but were used rather to emphasize points.

"We believe the insistence of deployment," he said, "can only have negative consequences and will destroy the whole fabric of our relationship."

Then he said, "Why should we help the Congress? If you want SDI, we should not do anything. We will not disarm. We will find a response," he said. "This is not our choice, it is not too late to curb this development." Then he added to the Reykjavik development this point, he said, "Let us proceed to the reduction of all weapons in the Triad, taking into the compromise and counting the heavy bombers, the strict observation of the ABM Treaty." Then he said for SDI, he said it could go forward, strictly in research. "Research can be allowed in labs," he said, "test sites, production facilities and in military bases." He said quoting that it would make possible five to eight of the areas of research that the United States was currently engaging would be allowed. Furthermore, he added, let experts agree on what could go into space and what could not. "We believe," he added, "that these are new proposals. Unless we are completely crazy," again, this is a direct quote, "as for some testing in the area of nuclear testing, some movement has begun." He said that they are prepared to take into account the U.S. proposal to let them move down in nuclear testing in certain stages. One of those stages, what to do with the treaties, the 1974 and 1976 agreements, and he discussed all of that. He said, "I discussed that," and here he was kitbitzing and he said, "I hope—I don't know if we can find a way to do this before 1988."

Then he looked at Speaker WRIGHT and he said, "We welcome your statements. All those things attributed to us are nonsense," talking about SALT. "The truth about SALT II is the U.S.S.R. had to reduce more than the United States, and we have observed every aspect of SALT."

He is speaking now rhythmically and he is smiling. He wanted to know. He has decided that he would explain to the Congress how we approve military budgets, and he said, "We know how you approve these budgets." He said, "You wait for the latest data. The administration pushes Congress into a corner around budget time." He said, "It's an old story, the oldest story in the world. Congress swallows that bait."

He then looked again around at us and said, "I feel that we should be ready to expand U.S.S.R.-U.S. contacts," and he responded directly to Speaker WRIGHT's suggestion of a TV bridge, of a student bridge, and the two new areas of a food lift for Africa, and he said that this should be a joint endeavor. He said with respect to humanitarian efforts, "We are ready to cooperate and are prepared to meet tomorrow." Then he added that there has been "one difference of view that somehow the United States only chooses the capitalist choice and doesn't recognize more indigenous types of activity," and that "each nation should choose its own path and own government."

Then he said again, he was in his more lecturing mood, that "the United States should abandon its ideological profile as it looks toward the total position of human rights," that "the accusations against human rights are solely levied against those of socialist countries." He said, "You are not so self-critical. I could tick off a list of U.S. citizens who have had violations against them." Then, much like a lawyer debating the points on human rights, he said, "What have you done about South Africa? What have you done about the Palestinians? What have the British done about Ireland?" He said, "There are discriminatory laws in Germany against certain people." And then he said, "Jewish graves are being desecrated in Paris. We don't want you to take us as an example." Looking up directly again at the Speaker he said, "Live and let live."

Gorbachev said that the stereotype of the world policeman that teaches that the United States can teach everyone how to behave should be abandoned, that it is outdated. He said this almost hissingly and with a certain degree of contempt. "If we agree on this," he said, "all these other questions can be dealt with. We could tackle other political and social problems." Then he pointed out that we had not allowed their trade union delegations to come into this country, and he said, "What are you afraid of? I am saying that the problems of this can be dealt with sincerely." Then he went on, and this was a matter of some controversy, to deal with the question of ethnic minorities. This was reported in the United States to suggest that Gorbachev had gone ahead and suggested homelands for blacks, Puerto Ricans, and members of the Polish minority in this country. My notes reflect the fact that he was basically very angry and perturbed with Shultz on the question of human rights having been raised by the Secretary, and he said, "We properly cooperate in the Central Committee on the question of ethnic groups and we have dealt with it here." Then he said, "I understand that blacks dominate and that there are cultural problems with Puerto Ricans and with Poles." He said, "We have national autonomy," as if to suggest this would be up to us, and he said, "Of course, it's up to you."

Then he said, "To sum up my remarks, let us treat each other with respect." Then he said something that I thought was very interesting. "Don't you think that we admire and respect your achievements?"

□ 1810

"We do and we hope that you can admire and respect ours. We have achievements but we have many problems. I am speaking openly and sharply about this. I said to Shultz, Tell the President and Congress we do not want to pick a fight. This would be absurd."

These are direct quotes. "We act in a way to make you trust us. We want to be predictable. Whether we like each other or not, it is the imperative of history and nature," he went on, "for us to cooperate." He then leaned back in his chair and he said, "I preach a sermon. I am sorry for that." And then WRIGHT laughed at him and said, "We are ready to take up a collection. What you say is true but harsh." Gorbachev said "it is like fashion, big shoulders are in style this year. They are bigger to make a point. I emphasize my points in the same way."

Then the Speaker went on to suggest, he told a very elaborate preacher story which was very funny and then Gorbachev looked back and he said, "I speak to you and I preach to you, and when I do, I take a risk. I am for frank discussion." He said, "I told Shultz about Lenin, that the most important thing is to find out your opponent's opinion of you to show you where you are weak or strong. We don't want to be your opponents. It would be too dangerous. We need to work together."

The Speaker then turned to the majority leader, Mr. FOLEY. Mr. FOLEY said, "We are very grateful for your frankness. We have not heard from Mr. Shultz or his point of view." He said that the American people are happy basically with what they have seen and that there are positive poll results. And Gorbachev looked directly at FOLEY and he said, "polls, they are very bad." He has the position, of course, to not worry about opinion polls, not being elected in the same way we are.

Then he went on, Mr. FOLEY did, to ask about the zero option. And then Gorbachev looked at him. He said, "There is a global basis for negotiation. At first I was not sure. At first it was zero in Europe, then treat Asia the same way in medium-range missiles." And today prophetically enough he has gone on to suggest, I believe, the zero in both places.

Mr. FOLEY wanted to explain the humanitarian problems to him. He said very frankly that in the area of human rights Americans think it is—do not think it is a one-sided matter. He said, "We struggle with human rights in our own country today and we think it is a firm matter for discussion." Gorbachev said, "Well, then give me your lists and we will transmit them in the usual manner." He pointed out that in the last 3 months that 1,300 more people had been allowed to leave the Soviet Union than in the past. "Shultz then said," Mr. Gorbachev went on—and here it was quite clear that in the area of human rights a very hard line still exists—and he talked about Soviet Jews. And he said, "Well, I notice that you have a Seder at the Embassy, and the only Jews that you have are the people who are upset, who complain. Why is it so lopsided? During the Passover celebration, for instance." And then he looked back and he said, "Do you really want us to engage each other in this way? I am really amazed and ashamed to proceed this way, treating each other this way is nonsense and should be stopped." Clearly the question of human rights was painful to him.

"I do not call into question," he looked at Matlock—I thought he was looking at me but Matlock was sitting next to me—he looked at Matlock and he said, "I do not call into question his appointment. We welcome him. But we feel we can criticize him as well." Then he leaned over to Dobrynin and there was some kibitizing back and forth about how now Dobrynin was a very fine man and somebody raised and said, "Why have you recalled him?" And Gorbachev looked at Dobrynin right in the face and he said, "We recalled him because he didn't measure up." Of course, Dobrynin's eyes opened widely and there was general laughter and mirth and he said, "No, not true." And he kind of pushed Dobrynin as if to say, "This is only a joke." I guess they are not used to joking yet in the Soviet Union about this on these matters. And then FOLEY said to Gorbachev, "Mr. Dubrynin, the new Ambassador is also great." And Gorbachev looked very sternly at this point and he looked at FOLEY and he said, "It is necessary to have the best in both countries. I don't want to avoid any discussion. We should have confidence in one another."

Mr. CHENEY, who made very important interventions at all the trips and was unafraid to raise the most difficult questions at any point, said that we have differences to overcome. He talked about Afghanistan and human rights and compliance with past arms control, that he did not want the differences in the past to be repeated. If we do not adhere to the principle of noninterference, this would make future negotiations more difficult. Gorbachev looked at him and he said something toward the end about CHENEY not really responding. He looked at CHENEY and then he looked at WRIGHT to end the meeting, and he said, "Politics is not an abstract thing. They are real. Only by a face-to-face meeting can we really understand each other. The next time you hear about Gorbachev you will remember me and remember what I am like. I certainly have a different view of the Congress. I know when I hear WRIGHT, FOLEY, and CHENEY, who they are and what they are." That ended the meeting.

As is typical with a number of us, we all wanted to steal his pencil and his notes, but that was not possible because we had to move to the corner of the table where he was going to greet us all individually and at each point each one of us wanted to raise a separate issue with him. I asked him, "Mr. General Secretary, if the Congress and the President were to agree to a separate meeting with you to end the question of nuclear testing, would you agree?" And before I could finish it he said, "We will join you, we will join you in a test ban."

Mr. Speaker, the meeting with Gorbachev was, to say the least, an extraordinary one. But the next one was even more amazing.

If the Communist Party headquarters is the heart of the evil empire or if Moscow is the heart of the evil empire, then Communist party headquarters has to be the left ventricle. And in that particular place we met with Mr. Ligachev.

Very few people know who Mr. Ligachev is, no Westerner has ever met with him. He is the No. 2 man in the Soviet Union. His position is a successor to Mr. Suslov, who was the party ideologist. He is in charge of daily party meetings.

Mr. Ligachev was very stern. No Westerner to our knowledge had ever been invited to Communist Party headquarters. The 45-minute meeting with Mr. Ligachev was videotaped. So if there are some differences between my notes and the ultimate transcript that is divined from those television tapes, you will forgive me for not having everything. He looked at us and smiled. He said, "Welcome to the Central Committee of the Soviet Union's Communist Party. This whole week has been a U.S.-U.S.S.R. week; big teams of Shultz and his party were here, and you are meeting with us now." He said, "I think we should have more such weeks." Then he said, "Ladies and gentlemen," and he laughed. There were no ladies present in the room. He turned to his interpreter and to Mr. WRIGHT and he said, "Ladies and gentlemen is a term of art, I have had to learn to use the term ladies in my salutations."

He was seated at the end of the table, unlike Gorbachev who was seated across from us at a long table as we sat maybe 2 or 3 feet apart. Ligachev decided to sit at the head of the table with members of the United States and Soviet delegations on both sides. He said, "At the Politburo meeting we discussed your visits. Gorbachev had a good impression of this meeting with you. Meetings are necessary. They help constructive action. But we must be frank. The world is sick and tried of all this talk of disarmament," he added. "It wants a better relationship between the U.S. and U.S.S.R. This is a watershed moment, more cooperation, or a spiral to the arms race. I know how influential Congress is and how much hinges upon you.

Basic foreign policy principles have been set out by Gorbachev's speeches. as a citizen and person and a representative of my nation and the Soviet people, we bore much of the burden of World War II, more than other countries. We do not," he said, "threaten the security of the United States or intervene in your domestic affairs." I am quoting exactly now. "We are aware of certain troubles of your officials came to have with Irangate. We have not said anything," he said, "about that bizarre affair. We are children of one planet. We live on it together or we will perish. We have no alternative."

□ 1820

He then looked at us directly and said, "The idea that of what mankind has created could be destroyed is a mind-boggling possiblity." He said, "We are all climbers on one rope. If anyone slips, we all die."

He said, "I see many statements from the West, but the most important is trust that is necessary, and how can this be done," he said, "without serious steps?

"It is good if the United States supported the nuclear test began. This did not happen. Too bad. Difficult to build trust when one side is called an 'evil empire,' and a crusade is launched against socialism.

"Let us not see each other as enemies," Ligachev said, "but as partners. I hope you use your influence to bring this about."

Then he leaned back in his chair, the preliminaries were clearly over, and he said, "As a politician, farm policy is directed by domestic policy, and as politicians," and he said, "as politicians, you know this, the nature of domestic policy is to improve the lives of people."

That could be from Henry Kissinger or Tip O'Neill; it just happened to be from the second ranking member of the Politburo.

This is why we have restructuring. It is called Prestroika, and rebuilding.

He then answered his own question. He said, "Why is this necessary? We broke out of backwardness over the last 70 years and became a great power. Twenty years were fought to win wars and we had much rebuilding. In the seventies and the early eighties there was a slowdown, an element of stagnation appeared in our development. The relationship of supply and demand turned worse. In those years, the gap between the U.S. and the U.S.S.R. was not narrowed, as it was in the past. In the process of development, we know that there are major chances for each society and we want to begin within the framework of socialism in order to have more socialism.

"By April of 1985, we had the objective and the subjective factors to begin this restructuring."

He said, "Let me tell you about the economic area, what prospect for change it will mean. It will mean radical reform in management and planning, emphasizing new planning in the economy. Factories, productions, complete economic restructuring and refinancing. We are changing the relationship," he added, "of the processes of protection. People and production, consistent with the assets that we have. We will increase planned management and grassroots responsibility will increase. The entire country's debt planning and production law that was recently passed is being debated. The amount of investment is building, 60 billion in the last 5-year plan, $33 billion increase over the last few years."

He said, "This is an example of the change in investment policy. We want to emphasize," he added, "machinery building. Our goal in the next 6 to 7 years is to get machinery building to a world standard. Computers and electronics grow at an unprecedented rate," and he cited a speech that Gorbachev had given to the Youth Congress.

Of that speech, I will add, Gorbachev said to the youth that they should never be satisfied, that youth should always be restless.

He said, "We will have 1 million new computers in operation and we lag behind you, and when we wanted you to sell us computers, you would not. I have to thank you for that. We now," he said, "have an incentive to build our own. And you have not sold us the grain we wanted, and I thank you for that. We will now increase food production on our own. We will change our management system. There are new coordinating bodies," and he talked about agro and industrial business and how there were 21 new spots around the Soviet Union where the corporations would do this with computers and robotics.

It was quite clear to me that this was a man steeped in knowledge about this process and anxious to talk about it, as well.

He said that they had discussed this at the new planning party plenum and that the people—that there was no split in the Politburo.

Then he said, "We are going to have a new discussion about this, but we do not want to say what the date is because if there is a delay," he said, "you in the press will write about the fact that we could not agree." He said, "But I will tell you anyway. The plenum is in June."

Then he said, "Let me tell you now about politics. We are restructuring the political system. More Democracy, more openness, more criticism. We want to be more self-critical to improve socialist self-management. Some have the opinion that the U.S.S.R. is only now developing Democracy." He said, "This is a mistake."

He said that a review of Soviet literature would talk about the rights that they have, and he cited them, the right to work, the right to education, the right to housing.

"Democracy," he said, "is not an abstract thing. Furthermore, the development of Democracy—there are important levers there in the restructuring of our society."

He said, "We will make electoral changes. It is already a practice," he told us, "in factories to elect managers. People are enthusiastic," he added, "about this. Useful experiments are up to us. The rights of Soviet councils and youth and artists have all been expanded.

"The electoral process. Now there will be nominations and a number of candidates will provide the people of choices."

I might add that I think at this point, he was talking about at the supreme Soviet level, and not at the Central Committee level or at the Politburo level.

Then he bragged about the nationality process and how good they have nationalities. Then he talked—and he leaned back in his chair and he said, "An example of a problem in our country is Alma Ata. We know very well with any aspect of life that there will be problems. Why did this happen in Alma Ata?" He said, "The social system there was not integrated properly. We have seen many problems there: cronyism, bribery, abuse of privilege, and even tribal elements." By the tribal elements, I believe, he was making reference to Moslem fundamentalism.

He said, "This happened because we have entire groups who are beyond criticism." He said that happened in Moscow, in Kazakhstan, in Uzbekistan, in Leningrad. "There were people beyond criticism. Now we are implementing new party principles. There will be effective party control. If leaders deserve criticism, they will get it."

He said, "Democratization has affected the arts." He said, "The arts groups now have rights." He said, "So much so that the leaders are somewhat displeased by this."

He said, "Democracy means greater responsibility. Not everyone understands it. We are learning as we further develop. Even the members of the Politburo are learning.

"Changes in the social sphere. Life for our people is materially and culturally better. Our effort is to improve the social system of justice and do away with equalization." Equalization is the process in the Soviet Union where they pretend to work and the Soviet Union pretends to pay the people who pretend to work and everyone gets paid the same system. By doing away with the process of equalization, he is alluding to the fact that they are now prepared to pay people more on the basis of what they are worth than merely on the basis that they show up for work.

He said, "We are expanding social programs. From 1986 to 1990 in the 5-year plan, we intend to invest $233 billion, an increase of 26 percent."

He talked about the housing problem they have in the Soviet Union and how they need, I think it is 23 million square meters of housing. In 1985, they have already achieved some 550,000 meters of housing.

□ 1830

He said, "In 1986 we are adapting to change, and now we see additional possibilities, and science and education will increase. There will be an increase in teachers' salaries, doctors' salaries by 25 to 30 percent. Students' stipends will increase 50 percent, and we will expand social services by billions of rubles. Substantial reform in education, 20 billion rubles only in university education system.

"We are not sitting back on social spending," he said. Some hope to wear out the U.S.S.R. economically.

Problems do arise because of this attitude, but we will maintain our defenses.

He said, "The establishment of morals and ethics in this particular sphere," and he talked about the collectivisation and internalization process.

He said, "We saw immoral trends. Drinking and alcoholism was a great problem, drug abuse and prostitution, bribery, stealing. The whole party and nature of our society have been set out to eradicate this to make it a more healthy society. Some viewed our efforts to do away with alcoholism sarcastically."

"Now, we have positive results," and he cited the fact that the per capita consumption of alcohol was down from 10 liters in the last few years to 5 liters today.

He said, "This has led to a dramatic drop in mortality, and there are now some 350,000 fewer people who died this year than last year."

He said, "Life is better in the Soviet Union, and we will be able to build a more sober way of life here. People support this, and we know this firsthand, because we are experiencing it."

The Youth Conference, he suggested, was under way; and he said, "This shows the better spirit."

The result of the first 5-year plans have been good, and he was now speaking economically, and he suggested that there have been increases over the last few years, but a downturn.

He then said, "I have a question for you. Do you think that a society that is trying to improve the life of its people is preparing for war or aggression? They are incompatible. When a country prepares for wars, it reduces its social spending. We are not preparing for war. We are preparing for peace." He stopped. He spoke for an hour without notes.

The Speaker and all of us were visibly moved by this peroration, and we applauded when he was finished.

Mr. WRIGHT looked at him and said, "I thank you for the complete account. We have not received this press report at home. Many of us share these problems," and the Speaker went into the question of drug abuse and alcoholism with great sincerity.

Ligachev said, "How much more open can we be?" He said this to WRIGHT.

"You have already penetrated the top leadership of our country."

Then CHENEY asked what I considered to be the best question. He said, "Mr. Minister, people fear change. They fear the unknown, and this fear generates opposition."

Ligachev looked at him and said, The process of change and reform is within the socialist system. In our society we have no antagonism between the classes and social groups. This wasn't always the case. The October Revolution was just the beginning, and there were class revolution and class problems. There are not groups now who are against these radical reforms.

He said, "As we undertake this reform, we see no political opposition. Restructuring means the elimination of obstacles."

I am quoting exactly here, "There are people who resent change, people who don't want to give, but to take, people who don't want to use the position, who want to exploit it. These people should go or change."

"Many are just baffled," he said. "They just don't know what to do. We are trying to help these people. Many problems are in the realm of perceptions. There are many inconveniences here. It is much more complicated than we anticipated. Neither in the central committee or in the Politburo is there organized opposition. We will see it through to the end."

"We had to get rid of some high-ranking people. They will not be back. You are reading about us in the world press. We do that as well. We have seen reports of differences in the press. All of this is invention, pure and simple. We have been put at power by like-minded people. The reports of dissent are wishful thinking."

Mr. Ligachev was clearly a man who is in charge of the dirty work in the Soviet Union. He understands, as far as we could discern, the details and the requirements of the exercising of power.

He is a Russian by birth and native origin.

The meeting on the 19th was in many ways the most enjoyable, the most profound, and the most entertaining.

It was with the Foreign Minister of the Soviet Union, Edward Shevardnadze, who I had met with 8 years previously when he was the Communist Party chief of Georgia.

He whispered most of the time, and he had a cheerful demeanor, and he began the meeting at 10:08 on the 19th.

He said, "It is difficult for me to imagine what we are going to discuss, considering all the leaders you have spoken to. You have spoken to Mikhail Gorbachev about your meeting. There is great interest in your visit, as you know. This natural, and we understand the importance of Congress and economic-political affairs, and we know this to be the 200th anniversary of the writing of your Constitution, and we have watched you develop, and we see that on some issues, we are a united front in the Congress. This shows that Congress looks at things realistically."

Mr. WRIGHT looked at him when this was finished and said, "What you say is true." He explains the difference in the roles between the Congress, and he said that we close ranks when we deal with you, and he talked about the fact that he would hope as an individual that there was an opportunity to deal with the questions of SALT II, and that he hoped that Mr. Shevardnadze and the Russians would not view the breaching of the SALT limits as a threat, because he talked about the fact that many in Congress believed that the SALT II limits were important.

Shevardnadze said, "I agree with this. You have been told about what is going on in this country. I know that you are interested in this. The process of renewal is taking place in foreign policy, socioeconomic policy, cultural speed-up development, and does not threaten any other country. We are internationalists and by this," he said, "I don't mean to scare you. We are not interested in spreading communist regimes around the world. We want to contribute to human civilization and human development. We need a peaceful climate to carry these plans out. We want to make our contribution. We have attempted to make foreign policy more scientifically sound, sincere, and frank. We believe the time of diplomats like Talleyrand is over. We can't trick anyone, particularly not the U.S. administration or the Congress. These policies, you will see, will become more democratic and more truthful. Trust is especially important."

He said, "I remember the President's words. 'Weapons exist because nations don't trust each other.'"

He said, "This is only a partial truth. We cannot minimize the number of weapons that exist. If we are serious about trust, it is important for the U.S. and the U.S.S.R. to work for radical reductions of nuclear weapons or their complete elimination."

"This," he said, "should be our goal. The fact that we are pursuing this goal is evidenced by the speech of Mikhail Gorbachev in January of 1986. This is a scientifically developed program * * *."

Now, he said that we see that the administration was not ready to accept this proposal, and we took out of the package the medium-range missiles and chemical weapons.

We believed that these are now possible. You are aware of the radical reductions of the arsenals that are spoken about in the Stockholm Conference, and have an idea of what this is about.

"If we have a measure of success in reducing medium-range missiles, this will insure not to the Soviet Union alone, but to the United States as well, and other countries. We are acting sincerely when we say we want to withdraw our troops from Afghanistan and want a coalition government there, and a coalition government in Afghanistan." He said, "We acted sincerely when we wanted a ban on nuclear testing for 18 months."

An important feature made not only by our Government is that we now want to respond to world public opinion, that we cannot discount or take for granted world public opinion, and neither can you.

□ 1840

He said, "Congress understands this," and then he leaned back as though he had just eaten a cat and he said, "It must be of some concern to you, the administration has isolated itself on nuclear weapons testing and SALT, on ABM." He said, "Can it just be questions of quantity or is it really questions of qualitative differences?"

He said, "We are ready to have a dialog on the most difficult problems of the day. On our countries a great deal hinges. On us, much of the world is balanced but not all." He said, "That we need to demonstrate that we can agree on a collective sense of security, and that security is implemented by the goal of reducing nuclear weapons."

He said, "Of all the most difficult questions we have discussed, bilateral and international relations, we are prepared to discuss them again." He said, "How can we get Iran and Iraq to end war if we cannot agree among ourselves. That is why so much depends on the U.S. and the U.S.S.R. relationship today. There is a pileup of problems with us. It is not easy to find acceptable solutions. We should not invent new problems. This often happens."

"Finally," he said, "each time new ones crop up right before summits or meetings of foreign ministers. I asked Shultz about this," referring clearly to the Embassy bugging scandal, and he said, "I noticed today President Reagan in L.A. gave an accurate account of what Shultz said about what we talked about, but then the President said that Shultz was the tough guy. That he did not want to know our response." There was great laughter at this.

He said, "We seek to be objective and fair with our people, our party and the world. It is important for the world to know both sides."

Then he started to refer to something that I was unaware of with the Secretary of State. He said, "I welcome intently the Secretary of State's philosophical views of the next century. We need a good environment; a relationship, and no doubt this is what we will come to. For the near term, one recent problem that lends itself to solution is in the medium-range missile area. Some issues within this problem remain, and we have done all that is necessary to solve this problem." He said, "We are prepared to work with the current administration."

He said, "We will roll up our sleeves and work with this administration. We see that those questions should not be postponed. The next administration would take 2 years to get going and the mountain of weapons would continue to pile up. Especially if weapons are put in space. This is something no one needs.

"Strategic issues and the ABM remain a problem. The administration had toughened its position and no resolution seemed at hand." Then he talked about how the administration had gone from 5 to 7 years on the phased, 50 percent reduction and how the ABM withdrawal portion had gone from 10 to 7 years.

He said, "This is an alarming development, but we are ready to seek compromise and deals." Then he said, "I invite you to the Board of Ministers of Foreign Policy People which we are going to hold at 3 o'clock." Again there was great laughter. Then Mr. CHENEY entertained us by asking the question and telling Mr. Shevardnadze, he said, "You treat us better than the Democrats." To which Shevardnadze said, "Well, maybe you need some of us in the Congress." To which Mr. HOWARD said, "We already have some of you in the Congress."

Mr. CHENEY then said, about SALT II, he raised the question of the SALT II violations. He then raised the question of Afghanistan and here the most revealing statement of all was made. Mr. CHENEY said, "We raised Afghanistan with Gromyko, and I do not want to go through it again." Shevardnadze looked at Mr. CHENEY and he said, "I am glad you raised it with him; he was the Foreign Minister then." There was great laughter there and he realized he had gone a little bit too far, and he said, "Ah, but I am prepared now to be accountable," and then Mr. CHENEY said, "I guess I have set things off." Mr. CHENEY once again asked about Krasnoyarsk and about the incryption of telemetry and about the SS-25. Mr. CHENEY said, "We want to find answers so that the problem of confidence and the problem of negotiations is not undermined by these ambiguities. Would you comment on these problems and would you comment on whether or not you think there is a better thing than the Standing Consultative Committee to resolve problems."

Shevardnadze said, "I appreciate that you raised these issues. Now, I will not go into Afghanistan. The international rules we considered when we went in we believe were followed. You have your view and we have ours. I spoke about our two countries' responsibility to the world. Tearing up agreements that regulate our behavior is an important event. I would draw a parallel when the U.S. swallowed Grenada. We did nothing. We have an interpretation of what happened and you have your interpretation of what happened. Violations of world treaties are very important, but trust and confidence is more important. We want to conclude an agreement, and we must have confidence that they will be lived up to on both our sides."

He said, "Krasnoyarsk, many believe it is a problem. This is not so," and he went into the question of Tooley and Flyingdale, our radars. He said, "This is a routine construction and we know it is going on."

Then he said something fascinating about the Standing Consultative Committee. He said, "We have proposed a new solution. We have come to the view, once and for all, about dealing with questions of AMB violations or not. This is a very serious discussion, and it must be held at the very highest level. At the next session of the Standing Consultative Committee we should have Defense Secretary Weinberger and Defense Minister Sokolov so that they can resolve these problems." Then he said, leaning back in his chair, "If they cannot resolve them, we will call in the heavyweights, the foreign ministers."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 60 minutes.

[Mr. BUSTAMANTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

UPDATE ON TRIP TO RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 15 minutes.

Mr. MILLER of California. Mr. Speaker, before I begin I shall yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. I thank the gentleman and I will try, in 5 minutes, to finish this lengthy preoration on my own.

Mr. Speaker, in dealing with the question of the ABM violations, he said, "That it is an abnormal situation for great nations not to be able to agree on these questions considering their scientific potential."

Then on the telemetry problem, he said, "This can be resolved that if you consult experts," and he referred directly to CHENEY, "this is not a problem now. I will go further and I will say that we wanted to have the Warsaw Pact and NATO commanders have a meeting, Rogers and Sokolov. Military doctrine should be discussed." He said something that I have never heard. He said, "With pencil and paper in hand they should talk about the number of tanks we have, the number of antitank weapons, the number of mercenaries, the number of officers that are available. We have not had an answer," he said to this proposal. "Ten days on, the offer has gotten lost," he said, "apparently in someone's office. We are in favor of an open and general discussion on the problems that cause mistrust." Then he said, "Do you support this Weinberger debate? We heard he is a good debator; it would be an interesting meeting, do you not think, to have Weinberger sit down and talk with a Soviet adversary?" We all thought that would have been a very interesting meeting. Not possibly as interesting as the Hagler-Leonard fight, but certainly in that realm.

Shevardnadze then said, "You have been saying Republicans are difficult," looking at CHENEY. He said, or CHENEY then decided to defend Grenada in some detail. Shevardnadze said, "Look, shall we open a debate on that subject? Look at the number of U.S. forces deployed around the world. Look at how the USSR is encircled by bases and foreign troops. Look at Turkey. Look at all the other regions and continents." He said, "The fact that you do not have troops in Grenada does not make it any easier for us. Gorbachev has proposed no troops on any other country's soil. We understand that this cannot be done overnight, but we trust that our way of doing business we can put together a treaty to eventually eliminate bases of this sort."

Then he said, the joking, that we had gone on too long, CHENEY suggested that we had a 5-minute rule in the Congress and he said, "Oh, yes, we have this 5-minute rule as well in the Board of Foreign Experts. Five minutes for everyone but me. I have as much time as I want."

Then Speaker WRIGHT went into some length about the issues that we had discussed before about SALT and about other things.

□ 1850

He also raised the question of the timetable for Afghanistan. Shevardnadze responded, he said, "We did not test nuclear weapons for 18 months." He agreed that this is not a lost effort.

He said, "Sooner or later we will all come to this position. Nuclear weapons should not spread to the whole world." Basically he said that he is in agreement and, "I know the position of the U.S. Congress on this and I know we act in a common way."

"As to the number of limits, we propose something more. There are negotiations going on in geneva and at the SALT limits. We should keep to the SALT limits and we welcome the Congress's pronouncements on this."

On Afghanistan, he referred to the fact that there had already been a time frame, that this had been discussed in Geneva.

He also said that the process of national reconciliation is taking place in Afghanistan and then he said something really interesting, which we assume, he said, "Frankly speaking, we cannot have a civil war right after we leave. Internally there is an interesting process going on and we should encourage that dialog. We should not encourage the extremists," and he said, "You know what I mean." I did not, but maybe someone else did.

"I was in Vietnam, I saw what happened to your troops there."

He said this with some sadness.

MICKEY LELAND then elaborated on his proposal for a joint food lift to Africa and Shevardnadze said, "This is a very good proposal. We will have serious negotiations at any level on this. As for practical advantages and problems, we will work this out through our embassy. It is a shame," he said very wistfully, "the problem is not just in Mozambique where the airlift would occur. It is also in Ethiopia."

And there we had some spontaneous cooperation and he said that we should build on this.

He said, "The global problem of hunger is related to the arms race and you know how much we spend on arms. We believe in the Party that we must stop and we must set an example for developing countries to stop the spread of the arms race. In order to respond to hunger, it is necessary to deal with arms and use that money."

Then he went on to talk about other humanitarian problems, ethnic problems and problems of starvation around the world.

Mr. AUCOIN went on to ask him a number of other questions, in particular about the whole questions of the facility of testing and destroying chemical weapons, and Shevardnadze said, "Gorbachev said in Prague that we have stopped building chemical weapons and we are now building a facility," and he said, "I don't know where it is, but it will be ready soon for us to destroy chemical weapons."

He said to AUCOIN that he would be happy to send him a picture of it and that it would be open to the public.

Mr. Speaker, I have gone on too long. While my notes are only a partial explanation and resolution of what went on, they do give a flavor of what I consider to be the most extraordinary meetings I have ever participated in with Soviet officials.

I had a 2½-hour meeting as well with Mr. Velokoff and Mr. Sadeoff, who are members of the Soviet Academy of Sciences, and could best be described as Mikhail Gorbachev's shell answer men on all questions relating to science.

These were exciting and interesting talks. At some other quarter of the House I will take to the floor and explain them as well.

Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me the time.

Mr. Speaker, I thank my colleague for sharing those fascinating meetings with all of us, because the trip did get a great deal of attention and I think it came at a very important time.

RACE RELATIONS WITH ADOLESCENTS: COPING WITH NEW REALITIES

Mr. Speaker, I rise on a special order to raise a subject, a different subject, but an important one to this country, and that is race relations and adolescents: coping with new realities.

Mr. Speaker, a decade ago, we thought that racism, if not cured, surely was in remission. But, regrettably, the facts of recent history force us to reexamine that assumption.

Race-related violence in communities like Howard Beach, NY, and Forsyth County, GA, have recently reawakened our consciousness and our fears. Gang violence primarily involving Asian, Hispanic, and black youth continues in low-income southern California communities. Other racially motivated incidents have occurred on major college campuses including the Citadel, Wellesley, the University of Massachusetts, and most recently, the University of Michigan.

In response to these events, and the growing concern across the Nation that racial problems are on the rise, the Select Committee on Children, Youth, and Families, which I chair, held a hearing on March 27, 1987 entitled "Race Relations and Adolescents: Coping With New Realities." The hearing was held in conjunction with the 64th annual meeting of the American Orthopsychiatric Association, a highly regarded association of over 10,000 mental health professionals.

Simply put, we learned from the expert testimony of researchers, mental health professionals, and school officials that race relations in this Nation represent a ticking time bomb. Their testimony made it clear that recent racial incidents not only reflect smoldering prejudices passed from generation to generation, but the frictions within our society caused by rapid economic and demographic change. The unsettling evidence brought to the committee is clearly cause for concern about the environments in which our children are growing to adulthood.

Representative FLOYD FLAKE, who's district includes the Howard Beach, NY, area, told the committee that while obvious signs of racism still occur, subtle and more insidious racially related incidents are now more prevalent. He noted that the media plays an important role in creating and sustaining prejudiced attitudes toward blacks, especially among adolescents, in the choice of news events concerning blacks and in the use of negative stereotypes. Mr. FLAKE said:

> (A) damaging projection is that of "Webster" and "Different Strokes" where the imagery suggests that the way for blacks to escape the ghetto is to be adopted by white parents. I would suggest that a white adolescent watching that show could easily develop a sense of superiority and a feeling that blacks need white parental guidance and direction in order to know how to behave while gaining social skills and graces.

Congressman FLAKE recommended, as part of the solution, more minorities in positions of authority, such as teachers and policemen, to serve as role models for both black and white youth. He also called for developing a partnership among parents, the church, schools, government, and business, dedicated toward changing prejudiced attitudes.

Dr. Gary Orfield, professor of political science and education, and director of the National Desegregation Research project at the University of Chicago told the committee that since 1972 there has been virtually no progress in the desegregation of black students and that Hispanic students are becoming more isolated. He said:

> Most of the nation's largest urban school districts have become predominantly black and Hispanic. Our rapidly growing Hispanic communities have actually become a great deal more segregated, now even more isolated from whites than black students according to some measures of segregation. Congress has taken no significant positive actions on school desegregation since the en-

> actment of the 1972 Emergency Aid Act, which was repealed in 1981. Meanwhile, I believe, the kind of isolation that exists in the areas of the country that are the most segregated—the large metropolitan areas of the Northeast and Midwest—has become even more devastating.

Orfield also showed strong statistical evidence of the link between high levels racial isolation, poverty and low academic achievement. The relationship between race, class, and achievement, he said, stemmed from conditions in the schools:

> Our studies show that serious pre-collegiate preparation is simply not available in many inner city minority schools * * * children who grow up in ghettos or barrios are almost never offered the kind of training in the kind of setting that the great majority of whites take as a basic right and expectation. We have minority schools that are preparing students only for separate and unequal opportunities.

Clearly, the inequity in educational opportunity experienced by these inner-city minority students serves to perpetuate the racial and ethnic inequities in our society that are at the heart of racial discord.

Rapid demographics shifts involving immigrant groups are also affecting race relations, and nowhere is that more evident than in my home State of California. Bruce Kelley, program director of California Tomorrow, told the committee that one-quarter of the 4.2 million public schoolchildren in California are Hispanic, one/eighth are Asian, another one-eighth are black, and over 500,000 in the State do not speak English. Projections show that within a generation, whites will comprise barely a third of school enrollment.

Given these changes, Kelley stated emphatically, "Volatile race relations are a real and pervasive problem for immigrant youth. These uncomfortable relations not only lead to fear and occasional violence, they also isolate immigrants from other students, obstruct the process of learning English, and damage student achievement."

Racial and ethnic isolation, as well as the clash of cultures which these witnesses describe shed significant light on current race relations.

However, the existence of cultural or class conflict does little to explain race-related incidents at some of our most prestigious public and private colleges.

Commissioner Frederick Hurst of the Massachusetts Commission Against Discrimination reported the results of his investigation of an attack by hundreds of white students on 20 to 30 black students following the loss by the Boston Red Sox to the New York Mets of the final game of the 1986 World Series. On one level, the attack reflected white Red Sox fans frustration at the loss to the Mets, who are considered to be a "black team," and the displacement of those frustrations onto black students. But Hurst found other, deeper reasons for the attack that reflect both the influence of prejudicial family values and an alarming lack of knowledge concerning the Nation's racial past.

> Many of the white students involved were from ethnic Boston neighborhoods in which antipathy to affirmative action, busing and integrated housing is rife. A reasonable inference derived from comments made by some of these students is that negative stereotypes of minority students—especially black students—taught and reinforced in white homes were carried to the UMASS campus. My investigation revealed that these young white students possessed little knowledge of civil rights struggles of the recent past and tended to be casual about expressing their negative racial sentiments in the form of racial graffiti and jokes, racial epithets and physical racial attacks.

Dr. James Comer, Maurice Falk professor of child psychology at Yale University, provided insight into the causes of the current series of race related incidents, both on and off college campuses.

> Documented facts concerning past conditions for minorities are not known to most leaders, the general public, and most particularly, our young. As a result, during this period of rapid adjustment to the massive changes taking place in our national economy, the traditional racial scapegoating is recurring as a product of our uncertainty and anxiety—despite recent and continued attitudinal, policy and practice gains that have been made in the race relations areas. It is a particular problem for our youth in that they did not live through the period of legal discrimination and abuse, the era of intensified struggle for civil rights, and resultant improved race relations. They have no way of understanding the black demand for just opportunities within the mainstream of the society, or the conditions that exist because of the denial of such opportunities in the past.

Ultimately, our concern in assessing the current state of race relations is for the well-being of America's youth, both minority and majority. Race relations in this Nation directly affect young people's sense of identity and self-esteem, their sense of being included in the society at large or of being isolated, and their sense of mastery and competitiveness or helplessness.

Dr. Margaret Beale Spencer, associate professor of developmental and educational psychology at Emory University in Atlanta informed the committee of the very significant effects that can result from children's awareness of racial differences, and of racism, based on her interviews of black Atlanta children ages 3 to 9 before and after the so-called Atlanta child murders, the random killing of young black males that occurred in 1981-82.

Spencer indicated that black children as young as 3 years old are aware of society's negative evaluation of the color black and by 5 to 6 years old this negative association becomes a significant issue in the development of self-esteem.

Also, young black children exhibit a heightened sense of vulnerability and fear because of race. Sixty percent of the children interviewed said that "the law" would have solved the murders sooner if the children killed had been white and 96 percent believed that systematic killing of black youth could happen again, even after the primary suspect had been apprehended and convicted of the crime.

Spencer believes these kinds of race-related early psychological trauma contribute to the disproportionately high level of teen pregnancy, school failure, interracial violence, and incarceration experienced by black youth, especially males.

Another witness, Dr. Lillian Comas-Diaz, Codirector of the Transcultural Mental Health Institute in Washington, DC, described the adjustment problems of Salvadoran immigrant youth who have settled in Washington, DC, which for many is the first encounter with racial diversity. Comas-Diaz told the committee:

> Racial tensions between Salvadoran and black adolescents have been reported in the city of Washington, DC. School settings and neighborhoods have witnessed such tensions and encounters. The financial constraints and the lack of resources that characterize black and Salvadoran inner city populations of Washington, DC, help to broaden the gap between these two ethnic groups. Many Salvadoran parents tend to overprotect their offspring, transplanting the behaviors used in El Salvador to the United States. Within this context, the "other" is the enemy, and parents emphasize that survival, regardless of means, is a must. Anecdotal information reveals that these tensions have escalated to the point of the emergence of racial/ethnic gangs, where acts of violence occur.

Comas-Diaz also noted that while some male Salvadoran youth are forming gangs for both a sense of belonging and "protective purposes," Salvadoran girls tend to turn their fears and frustrations inward, resulting for some in depression, alcohol abuse, and suicidal tendencies.

The state of race relations described by these witnesses is in many ways alarming, and frightening. But what we must not lose sight of, and what was forcefully demonstrated at the hearing, is that there are successful strategies for helping youth cope with the new and old realities of ethnic and racial diversity.

Renato L. De Maria, principal of New Dorp High School in Staten Island, NY, told the committee about an impressive human relations program in that school which is now used as a model throughout the State. Developed in the aftermath of a serious racial incident at the school in 1980, the program includes a community advisory council representing the interests of all racial and ethnic groups in the community, a Youth Outreach

Program consisting of human relations workshops for all incoming freshman, and a conflict mediation team composed of trained counselors, teaches and students.

Testifying to the success of the program, De Maria noted:

> In the past six years, there have been incidents of deep concern, but not one minute of instructional time has been lost and in each situation, calmness, diffusion and effectiveness prevailed.

The expert testimony we heard at this most timely hearing left no doubt that many old wounds from past racial conflicts have not completely healed and in some areas, the rapid pace of change in society, coupled with our blindness to the lessons of history, are causing new divisions to develop.

Perhaps nowhere are the consequences of these divisions more tragic than in the psychological and emotional trauma they inflict on youth. Young people who are victimized for no crime other than the color of their skin or their country of origin are unquestionably at greater risk of confusion, depression, and anxiety. These pressures can lead both to self-destructive and antisocial behavior, and in some instances impairment of emotional or cognitive functioning. They can also lead to a profound sense of alienation and powerlessness.

Similarly, racism, especially among youth, can cause irreparable harm to the one emotional tie that binds us all as a nation, and links us to our common future—trust.

Mr. Speaker, race-realted problems are a current and serious threat to our society. Yet this hearing also demonstrated that we have the tools and the knowledge to end racial antagonism. The question is not "Do we have the means to end racism?" rather "Do we have the will?"

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1987

(Mr. DERRICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERRICK. Mr. Speaker, on behalf of Chairman William H. Gray III, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the updated current level of spending, credit, and revenues for fiscal year 1987. The most recent current level report of this session of Congress was filed on February 25, 1987. Since that report, Congress has completed action on and the President has signed the Federal Employees' Retirement System Technical Corrections Act of 1987; and the Congress has enacted, over the President's veto, the Surface Transportation and Uniform Relocation Assistance Act of 1987; changing budget authority and outlay estimates for fiscal year 1987.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution; and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and new credit authority made to a committee pursuant to subsection 302(a) of the Budget Act, as amended. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1987, Senate Concurrent Resolution 120, adopted on June 26, 1986.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act, as amended. Subsection 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set in the budget resolution.

Subsection 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending set in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the Budget Resolution for fiscal year 1985, House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. The fiscal year 1987 302(a) allocations to House committees made pursuant to the conference report on Senate Concurrent Resolution 120 were printed in House Report 99-666, July 9, 1986.

Section 311(c) of the Budget Act, provides that for purposes of enforcing section 311 in the House of Representatives the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues; and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

Because current level reports are intended both to inform the Members of the House and to be used in determining appropriate enforcement of the Budget Act, this report includes two sets of aggregate expenditure and revenue levels. The first set of estimates is included for the purpose of enforcing section 311 of the Budget Act. These estimates are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, Senate Concurrent Resolution 120, on June 26, 1986. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution which alters the assumptions about legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees which are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

The second set of estimates is included solely for the information purposes. It is based on the latest economic and technical data and gives Members the best available estimates of the actual spending and revenue situation for fiscal year 1987. They are intended to provide a realistic picture of the current budget situation.

In addition to section 311, the Budget Act contains another point of order which requires Budget Committee estimates for enforcement. Section 302(f) of the Budget Act, as amended, prohibits the consideration of a measure providing new budget authority, entitlement authority or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, entitlement, and credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This provision was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee intends to fulfill the responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 22, 1987.

Hon. JAMES C. WRIGHT, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under S. Con. Res. 120, the Concurrent Resolution on the Budget for Fiscal Year 1987.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to Section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on S. Con. Res. 120 were printed in H. Rept. 99-666 (July 9, 1986).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the most recently agreed to budget resolution.

Sincerely,
WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1987 CONGRESSIONAL BUDGET, ADOPTED IN SENATE CONCURRENT RESOLUTION 120

REFLECTING COMPLETED ACTION AS OF APRIL 21, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,093,350	995,000	852,400
Current level	1,084,972	990,381	860,139
Amount under ceilings	8,378	4,619	
Amount over ceilings			
Amount under floor			
Amount over floor			7,739

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $8,378 million in budget authority for fiscal year 1987, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 120 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $4,619 million in outlays for fiscal year 1987, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 120 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and exceeds $7,739 million for fiscal year 1987, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 120.

FISCAL YEAR 1987 BUDGET AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority
House authorizing committee:	
Agriculture	(+960)
Armed Services	(...)
Banking, Finance, and Urban Affairs	(+110)
District of Columbia	(...)
Education and Labor	(+10)
Energy and Commerce	(+692)
Foreign Affairs	(+1)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(+175)
Judiciary	(−53)
Merchant Marine and Fisheries	(+93)
Post Office and Civil Service	(+106)
Public Works and Transportation	(−5)
Science and Technology	(+2)
Small Business	(+438)
Veterans' Affairs	(...)
Ways and Means	(+530)

Note.—Committees are over (+) or under (−) their 302(a) allocation.

FISCAL YEAR 1987 BUDGET AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House appropriations	Current level budget authority	Direct loans	Primary loan guarantees
Subcommittee subdivisions:			
Commerce, State, Justice	(−548)	(...)	(−24)
Defense	(−5,468)	(...)	(...)
District of Columbia	(−1)	(...)	(...)
Energy and Water	(−541)	(+2)	(...)
Foreign Operations	(+405)	(−187)	(−26)
HUD/Independent Agencies	(−1,427)	(−21)	(+12,434)
Interior	(−248)	(...)	(...)
Labor, HHS, Education	(+135)	(+142)	(+15)
Legislative Branch	(−23)	(...)	(...)
Military Construction	((−66)	(...)	(...)
Rural development and agriculture	(+114)	(−396)	(+12)
Transportation	(−38)	(−24)	(...)
Treasury, Postal Service	(−3)	(...)	(...)
Total	(−7,709)	(−484)	(+12,411)

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1987 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Enacted
Armed Services	0	+1,469
Education and Labor	+11	−45
Energy and Commerce	+108	+145
Foreign Affairs	0	+1
Interior and Insular Affairs	0	+205
Judiciary	0	+9
Post Office and Civil Service	−100	+1
Veterans' Affairs	+172	+122
Ways and Means	−315	−2,891

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1987.

Hon. William H. Gray III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1987 budget (S. Con. Res. 120). This report for fiscal year 1987 is tabulated as of close of business April 21, 1987. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,084,972	1,093,350	−8,378
Outlays	990,381	995,000	−4,619
Revenues	860,139	852,400	7,739
Direct loan obligations	33,782	34,550	−768
Guaranteed loan commitments	114,964	100,750	14,214

Since our last report Congress has completed action on the Surface Transportation and Uniform Relocation Assistance Act, P.L. 100-17, and the Federal Employees Retirement System Technical Corrections bill, P.L. 100-20, changing estimates of budget authority, outlays, and revenues.

At the request of the Committee staff, we have enclosed a table showing the major differences between the current level for 1987 and CBO's revised baseline.

With best wishes,
Sincerely,
EDWARD M. GRAMLICH,
Acting Director.

PARLIAMENTARIAN STATUS REPORT, 100TH CONGRESS, 1ST SESSION, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1987 AS OF CLOSE OF BUSINESS APRIL 21, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous session:			
Revenues			860,137
Permanent appropriations and trust funds	736,815	637,732	
Other appropriations	533,865	549,039	
Offsetting receipts	−196,917	−196,917	
Total enacted in previous sessions	1,073,763	989,854	860,137

PARLIAMENTARIAN STATUS REPORT, 100TH CONGRESS, 1ST SESSION, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1987 AS OF CLOSE OF BUSINESS APRIL 21, 1987—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
II. Enacted this session:			
Water Quality Act of 1987 (P.L. 100–4)	−4	−4	
Emergency Supplemental for the Homeless (P.L. 100–6)	−7	−1	
Surface Transportation and Relocation Act (P.L. 100–17)	10,466	−90	2
Federal Employees Retirement System technical Corrections (P.L 100–20)	1	1	
Total enacted this session	10,456	−94	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Claims, defense	11	11	
Payments to air carriers, DOT	2	2	
Retired pay—Coast Guard	6		
Family social services	61		
V. Entitlement authority and other mandatory items requiring further appropriation action: (continued)			
Guaranteed student loans	140		
Special milk program	8	3	
Advances to unemployment trust fund [1]	(9)	(9)	
Black lung disability trust fund	314	314	
Veterans readjustment benefits	9	9	
Civilian agency pay raises	202	282	
Total entitlements	753	621	
Total current levels as of April 21, 1987	1,084,972	990,381	860,139
1987 budget resolution (S. Con Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution			7,739
Under budget resolution	8,378	4,619	

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

Fiscal year 1987 current level compared with CBO revised baseline, major reestimates

[In billions of dollars]

	Outlays
CBO revised baseline, February 2, 1987	1,009.8
Current level as of April 21, 1987	990.4
Total difference	19.4
Due to revised economic assumptions:	
Outer Continental Shelf	2.4
Medicare	0.4
Unemployment trust fund	0.3
Other income security (subfunction 609)	−0.2
Medicaid	−0.3
Social Security	−0.8
Net interest	−12.3
Due to technical reestimates:	
Commodity Credit Corporation	5.9
Federal Deposit Insurance Corporation	5.0
Federal Savings and Loan Insurance Corporation	2.7
National Defense (function 050)	2.6
Net interest	2.3
Medicare	2.6
Medicaid	1.4
Other income security (subfunction 609)	1.1
Custom user fees (budget reclassification)	1.0
Unemployment trust fund	0.9
Rural Development Insurance Fund	0.8
Employer share, employee retirement	0.7
Civil Service Retirement & Disability	0.7
Tennessee Valley Authority	0.6
Rural Housing Insurance Fund	0.6
Agricultural Credit Insurance Fund	0.4
Oil overcharge (budget reclassification)	0.4
Economic Support Fund	0.3
Rural Electrification Administration	0.3
Federal Housing Administration Fund	0.3
Employees health benefits fund	0.3
Outer Continental Shelf	0.2
Veterans Education Benefits Fund	−0.3
Repayments of loans to the District of Columbia	−0.3
Social Security	−0.3
Postal Service	−1.8
Other reestimates	1.5

Fiscal year 1987 current revenue level compared with CBO February baseline

[In billions of dollars]

	1987
CBO revised baseline, February 2, 1987	834.1
Current revenue level as of April 21, 1987	860.1
Total difference	−26.0
Due to revised economic assumptions	−28.7
Due to technical reestimates	2.7
Due to changes in legislation	[1]

[1] Less than $10 million.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAYLOR (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SWINDALL) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mrs. BENTLEY, for 15 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. DOWNEY of New York, for 60 minutes, today.

Mr. BUSTAMANTE, for 60 minutes, today.

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, April 23.

Mr. LEWIS of California, for 60 minutes, April 28.

Mr. DELAY, for 60 minutes, April 28.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. BUSTAMANTE, for 30 minutes, April 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous matter:)

Mr. MILLER of California, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SWINDALL) and to include extraneous matter:)

Mr. SOLOMON.
Ms. SNOWE.
Mr. LENT in three instances.
Mr. FRENZEL.
Mr. KYL.
Mr. BROOMFIELD.
Mr. ARCHER in two instances.
Mr. BUECHNER.
Mr. HYDE.
Mrs. ROUKEMA.
Mr. CLINGER.
Mr. SAXTON.
Mr. HEFLEY.
Mr. ROWLAND of Connecticut.
Mr. COURTER.
Mr. CONTE.
Mr. BEREUTER.
Mr. MCKINNEY.
Mr. DICKINSON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MAVROULES.
Mr. TRAFICANT.
Mr. TRAXLER.
Mr. JACOBS.
Mr. GARCIA.
Mr. BEILENSON in two instances.
Mr. OWENS of Utah.
Mr. WALGREN.
Mr. BORSKI.
Mr. BERMAN in two instances.
Mr. HAMILTON in two instances.
Mr. CLAY.
Mr. OWENS of New York.
Mr. MRAZEK in two instances.
Mr. ROSE.
Mr. RAHALL.
Mr. JENKINS.
Mr. MURTHA in two instances.
Mr. CONYERS.
Mr. BONER of Tennessee.
Mr. BOSCO.
Ms. SLAUGHTER.
Mr. BILBRAY in two instances.
Mr. ACKERMAN.
Mr. RAY.
Mr. COELHO.
Mr. EDWARDS of California.
Mr. HOWARD.
Mr. MATSUI.

Mr. Florio.
Mr. Towns.
Mr. Coleman of Texas.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, April 23, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1225. A communication from the President of the United States, transmitting appropriations requests for fiscal years 1987 and 1988, and an amendment reducing the request for fiscal year 1987 supplemental appropriations, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-67); to the Committee on Appropriations and ordered to be printed.

1226. A letter from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and the act of September 23, 1950 (Public Law 815, 81st Congress), and for other purposes; to the Committee on Education and Labor.

1227. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1228. A letter from the Secretary of Housing and Urban Development, transmitting the Department's 11th annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1229. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 100-68); to the Committee on House Administration and ordered to be printed.

1230. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation to clarify the rights available to State prisoners who are subject to a Federal detainer for outstanding Federal criminal charges and who wish to have those charges resolved at trial; to the Committee on the Judiciary.

1231. A letter from the Secretary of Energy, transmitting the Department's 10th annual report for fiscal year 1986 of the activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

1232. A letter from the Secretaries of the Army and Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service lands at Lake Ouachita in the State of Arkansas, pursuant to 16 U.S.C. 505a; jointly, to the Committees on Agriculture and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 1931. A bill to amend title 35, United States Code, with respect to patented processes; with an amendment (Rept. 100-60). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 148. A Resolution waiving certain points of order against consideration of H.R. 1827, a bill making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes (Rept. 100-61). Referred to the House Calendar.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 27. A bill to facilitate the provision of additional financial resources to the Federal Savings and Loan Insurance Corporation; with amendments (Rept. 100-62). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KASTENMEIER:

H.R. 2110. A bill to amend the Food Security Act of 1985 to provide that if the Secretary of Agriculture creates a bonus rental incentive with respect to the placing of land used to produce a commodity into the conservation reserve, all previous contracts for placing land producing that commodity into the reserve must be renegotiated to provide the same increase in rental; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.R. 2111. A bill to amend the Internal Revenue Code of 1954 to eliminate the retroactive certification of employees for purposes of the work incentive jobs credit; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 2112. A bill to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. SYNAR (for himself, Mr. Tauke, Mr. Slattery, Mr. Hall of Texas, Mr. Whittaker, Mr. Daub, Mr. Dorgan of North Dakota, Mr. Leach of Iowa, Mr. Lightfoot, Mr. Stangeland, Mr. Gunderson, Mr. Boulter, Mr. Volkmer, Mr. Staggers, Mr. Bereuter, Mrs. Smith of Nebraska, Mr. Skelton, Mr. Stenholm, Mr. Emerson, Mr. Jeffords, Mr. Roberts, Mr. Combest, Mr. Dymally, Mr. Glickman, Mr. Coleman of Missouri, and Mr. Schuette):

H.R. 2113. A bill to amend the Public Health Service Act to preserve health care in rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAUB (for himself, Mr. Dorgan of North Dakota, Mr. Tauke, Mr. Synar, Mr. Stenholm, Mrs. Smith of Nebraska, Mr. Bereuter, Mr. Stangeland, Mr. Penny, Mr. Rowland of Georgia, Mr. Skelton, Mr. Coleman of Missouri, Mr. Volkmer, Mr. Emerson, Mr. Lightfoot, Mr. Leach of Iowa, Mr. Boulter, Mr. Hall of Texas, Mr. Combest, Mr. Whittaker, Mr. Slattery, Mr. Roberts, Mr. Glickman, Mr. Johnson of South Dakota, Mr. Jeffords, Mr. Schuette, and Mr. Gunderson):

H.R. 2114. A bill to amend title XVIII of the Social Security Act with respect to payments under part A for inpatient hospital services of rural hospitals; to the Committee on Ways and Means.

By Mr. WHITTAKER (for himself, Mr. Tauke, Mr. Slattery, Mr. Stangeland, Mr. Bereuter, Mrs. Smith of Nebraska, Mr. Roberts, Mr. Gunderson, Mr. Emerson, Mr. Jeffords, Mr. Boulter, Mr. Staggers, Mr. Glickman, Mr. Skelton, Mr. Stenholm, Mr. Hall of Texas, Mr. Combest, Mr. Coleman of Missouri, Mr. Schuette, and Mr. Leach of Iowa):

H.R. 2115. A bill to amend title XVIII of the Social Security Act with respect to permitting certain rural hospitals to provide extended care services through "swing-beds"; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. Hall of Texas, Mr. Boulter, Mr. Combest, Mr. Leath of Texas, Mr. Synar, Mr. Tauke, Mr. Bereuter, Mr. Coleman of Missouri, Mr. Daub, Mr. Glickman, Mr. Gunderson, Mr. Johnson of South Dakota, Mr. Lightfoot, Mr. Penny, Mr. Roberts, Mr. Rowland of Georgia, Mr. Schuette, Mrs. Smith of Nebraska, Mr. Staggers, Mr. Stangeland, Mr. Volkmer, and Mr. Whittaker):

H.R. 2116. A bill to amend part B of title XI of the Social Security Act with respect to providing due process and equity for all providers under the peer review program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ARCHER:

H.R. 2117. A bill to amend the Social Security Act to improve review procedures (particularly those involved in the disability determination process) under the OASDI, SSI, and Medicare Programs by making such procedures more cost-effective and by providing greater equity and efficiency for claimants and beneficiaries; to the Committee on Ways and Means.

By Mr. BUECHNER:

H.R. 2118. A bill to amend the Hazardous Materials Transportation Act to place certain restrictions on the transportation of radioactive waste and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE (for himself, Mr. McCloskey, Mr. Smith of Florida, Mr. Jacobs, Mr. Coleman of Texas, Mr. Kolter, and Mrs. Bentley):

H.R. 2119. A bill to amend title 35 of the United States Code to extend to all contractors, assignees, and exclusive licensees under Federal funding agreements the current requirement that the manufacturing of products through the use of inventions that are the subject of patents arising from federally supported research and development be significantly performed in the United States; to the Committee on the Judiciary.

By Mr. COELHO:

H.R. 2120. A bill to direct the Secretary of Agriculture to provide Federal assistance payments on behalf of eligible farm borrowers who enter into debt restructuring agreements in amounts that will enable viable farming enterprises to remain in operation; to the Committee on Agriculture.

By Mr. DARDEN (for himself and Mr. Lewis of Georgia):

H.R. 2121. A bill to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 2122. A bill to amend the Internal Revenue Code of 1986 to exempt from taxation qualified noncommercial transportation services provided by employers to employees to the Committee on Ways and Means.

By Mr. DYSON:

H.R. 2123. A bill to repeal the provisions of the Tax Reform Act of 1986 which require partnerships, S corporations, and personal service corporations to adopt certain taxable years; to the Committee on Ways and Means.

By Mr. FLIPPO:

H.R. 2124. A bill to impose a temporary duty on laser discs; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 2125. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Post Office and Civil Service.

By Mr. GEJDENSON:

H.R. 2126. A bill to amend the Energy Reorganization Act of 1974 to create an Office of Inspector General and an Office of Investigations in the Nuclear Regulatory Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself and Mr. Moorhead):

H.R. 2127. A bill to amend title 28 of the United States Code to encourage prompt, informal, and inexpensive resolution of civil cases in U.S. district courts by the use of arbitration, and for other purposes; to the Committee on the Judiciary.

H.R. 2128. A bill to amend title 9 of the United States Code to improve the appellate process in the Federal courts of appeals with respect to arbitration; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 2129. A bill to amend title II of the Social Security Act to require the establishment of procedures to assure that benefit payments will not be made thereunder to deceased individuals; to the Committee on Ways and Means.

By Mr. OWENS of New York:

H.R. 2130. A bill to amend title 39, United States Code, to require the disclosure of certain information in connection with the solicitation of charitable contributions by mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H.R. 2131. A bill to amend title XIX of the Social Security Act to treat a couple's income and resources as community property in determining an institutionalized spouse's eligibility for Medicaid assistance, to prevent spousal impoverishment as a result of institutionalization of one spouse, and to permit coverage of respite care under State Medicaid programs; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 2132. A bill to amend title 18, United States Code, to provide the death penalty for civilian espionage; to the Committee on the Judiciary.

By Mr. WALGREN:

H.R. 2133. A bill to amend the Clean Air Act with respect to the control of interstate air pollution; to the Committee on Energy and Commerce.

H.R. 2134. A bill to establish a national advanced technician training program, utilizing the resources of the Nation's 2-year associate degree granting colleges to expand the pool of skilled technicians in strategic advanced technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in interternational trade, and for other purposes; jointly, to the Committees on Education and Labor, and Science, Space, and Technology.

By Mr. WATKINS:

H.R. 2135. A bill to establish as an executive department of the Government a Department of International Trade and Industry, to establish the National Oceanic and Atmospheric Administration and the Bureau of the Census as independent agencies, and for other purposes; jointly, to the Committees on Government Operations; Energy and Commerce; Foreign Affairs; Merchant Marine and Fisheries; Post Office and Civil Service; Science, Space, and Technology; and Ways and Means.

H.R. 2136. A bill regarding the convening of a White House Conference on International Trade; jointly, to the Committees on Ways and Means and Foreign Affairs.

H.R. 2137. A bill to establish the National Trade Policy of the United States; jointly, to the Committees on Ways and Means; Foreign Affairs; and Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself, Mr. Roybal Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Bruce, Mr. Florio, Mr. Borski, Mr. Ford of Tennessee, Mr. Matsui, and Mrs. Roukema):

H.R. 2138. A bill to amend title XVIII of the Social Security Act to improve the availability of home health services under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HILER (for himself, Mr. Burton of Indiana, Mr. Coats, Mr. Hamilton, Mr. Jacobs, Mr. Jontz, Mr. McCloskey, Mr. Sharp, and Mr. Visclosky):

H.J. Res. 248. Joint resolution to designate the week beginning August 2, 1987, as "International Special Olympics Week", and to designate August 3, 1987, as "International Special Olympics Day"; to the Committee on Post Office and Civil Service.

By Mr. SKELTON:

H.J. Res. 249. Joint resolution to designate the period commencing November 15, 1987, and ending November 21, 1987, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ROWLAND of Georgia (for himself, Mrs. Smith of Nebraska, Mr. Skelton, Mr. Tauke, Mr. Synar, Mr. Gunderson, Mr. Volkmer, Mr. Staggers, Mr. Slattery, Mr. Hall of Texas, Mr. Combest, Mr. Whittaker, Mr. Jeffords, Mr. Roth, Mr. Bereuter, Mr. Daub, Mr. Roberts, Mr. Boulter, Mr. Stangeland, Mr. Schuette, Mr. Leach of Iowa, Mr. Lightfoot, Mr. Emerson, Mr. Stenholm, and Mr. Coleman of Missouri):

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that Medicare reconciliation legislation take into account the plight of rural hospitals; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

42. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to Federal legislation to allow development and growth of home industries; to the Committee on Education and Labor.

43. Also, Memorial of the First Pohnpei Legislature, Federated States of Micronesia, East Caroline Islands, relative to the eligibility of students of the Federated States for financial assistance in postsecondary educational institutions; to the Committee on Education and Labor.

44. Also, Memorial of the Legislature of the State of Hawaii, relative to Medicaid eligibility provisions concerning the transfer of income and assets of married spouses when one requires long-term care institutionalization; to the Committee on Energy and Commerce.

45. Also Memorial of the Legislature of the State of Idaho, relative to the redesignation of the Craters of the Moon National Monument; to the Committee on Interior and Insular Affairs.

46. Also, Memorial of the Legislature of the State of Idaho, relative to the inclusion of lamb in the Meat Import Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLIPPO:

H.R. 2139. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

By Mr. TORRICELLI:

H.R. 2140. A bill for the relief of Joseph W. Newman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Eckart, Mrs. Byron, Mr. Crockett, Mr. Gonzalez, and Mr. Lantos.

H.R. 65: Mr. Garcia, Mr. Bonior of Michigan, Ms. Snowe, Mr. Biaggi, Mr. Kildee, Mr. Crockett, Mr. Brown of California, Mr. Howard, Mr. Annunzio, and Mr. Yates.

H.R. 186: Mr. Hammerschmidt.

H.R. 241: Mr. Kleczka.

H.R. 309: Mr. Vander Jagt.

H.R. 339: Mr. Porter.

H.R. 352: Mr. McKinney.

H.R. 372: Mr. Fawell, Mr. Applegate, Mr. Barnard, Mr. Chandler, Mrs. Vucanovich, Mr. Stangeland, Mr. DeWine, and Mr. Lewis of Florida.

H.R. 378: Mr. Mfume.

H.R. 379: Mr. KOLTER, Mrs. MARTIN of Illinois, and Mr. GORDON.

H.R. 455: Mr. ASPIN.

H.R. 468: Mr. BUNNING.

H.R. 544: Mr. SMITH of New Hampshire, Mr. ROWLAND of Connecticut, Mr. EVANS, Mr. HUGHES, Mr. MCMILLAN of North Carolina, Mr. WATKINS, Mr. GORDON, Mr. SHAW, Mr. BILIRAKIS, and Mr. FOGLIETTA.

H.R. 573: Mr. KOSTMAYER.

H.R. 575: Mr. HILER and Mr. SCHUETTE.

H.R. 580: Mr. FIELDS.

H.R. 625: Mrs. SMITH of Nebraska, Mr. ROBERTS, Mr. GRANDY, Mr. GUNDERSON, Mr. SCHUETTE, Mr. EMERSON, Mr. BRUCE, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. WEBER, Mr. JONES of North Carolina, Mr. JONTZ, Mr. GLICKMAN, Mrs. MARTIN of Illinois, Mr. COLEMAN of Missouri, Mr. LIGHTFOOT, Mr. BEREUTER, and Mr. LEACH of Iowa.

H.R. 683: Mr. HAYES of Illinois, Mr. RANGEL, and Mr. HUGHES.

H.R. 729: Mr. BOSCO.

H.R. 778: Mr. AKAKA.

H.R. 779: Mr. FAWELL and Mr. AKAKA.

H.R. 792: Mr. STALLINGS and Mr. CLAY.

H.R. 810: Mr. DE LUGO, Mr. MFUME, and Mr. GLICKMAN.

H.R. 812: Mr. GRANT and Mr. BRUCE.

H.R. 896: Mr. OBERSTAR, Mr. SOLARZ, Mr. GARCIA, and Mr. CLAY.

H.R. 898: Mr. BOUCHER.

H.R. 907: Mr. WISE.

H.R. 910: Mr. HOUGHTON, Mr. HAWKINS, Mr. KLECZKA, and Mr. COYNE.

H.R. 914: Mr. ST GERMAIN.

H.R. 916: Mr. SCHUETTE and Mr. BARTON of Texas.

H.R. 921: Mr. MANTON and Mr. ATKINS.

H.R. 939: Mr. WISE, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. LEWIS of Georgia, Mr. GUNDERSON, Mr. MORRISON of Connecticut, Mr. BADHAM, Mr. LEWIS of California, Mr. BOUCHER, Mr. MCEWEN, Mr. LUNGREN, and Mr. OBERSTAR.

H.R. 1002: Ms. SLAUGHTER of New York.

H.R. 1016: Mr. MCCOLLUM and Mr. TALLON.

H.R. 1017: Mr. GARCIA and Mr. FEIGHAN.

H.R. 1028: Mr. ATKINS, Mr. SAXTON, and Mr. MACKAY.

H.R. 1041: Mr. KOLTER and Mr. FAUNTROY.

H.R. 1049: Mr. ACKERMAN.

H.R. 1065: Mr. BEVILL and Mr. GEKAS.

H.R. 1073: Mr. HAWKINS.

H.R. 1095: Mr. LEWIS of Florida, Mr. LUNGREN, Mr. NIELSON of Utah, Mr. BURTON of Indiana, Mr. DELAY, Mr. KOLBE, Mr. BUECHNER, Mr. BILIRAKIS, Mr. KYL, Mrs. VUCANOVICH, and Mr. WHITTAKER.

H.R. 1115: Mr. BOEHLERT, Mr. DURBIN, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. HUBBARD, Mr. WILSON, Mrs. JOHNSON of Connecticut, Mr. PENNY, Mr. ATKINS, Mr. FRENZEL, Mrs. SAIKI, and Mr. TRAXLER.

H.R. 1119: Mr. BORSKI and Mr. MFUME.

H.R. 1141: Mr. GREEN and Mr. THOMAS of California.

H.R. 1169: Mr. HAMILTON.

H.R. 1195: Mr. LEATH of Texas, Mr. HUBBARD, Mr. MARLENEE, Mr. TAUKE, Mr. MURTHA, Mr. YOUNG of Alaska, Mr. QUILLEN, Mr. WHITTAKER, Mr. TAUZIN, Mr. BUSTAMANTE, Mr. CLINGER, Mr. ROSE, Mr. PENNY, Mr. LIGHTFOOT, Mr. STANGELAND, Mr. OERSTAR, Mr. KOLTER, Mr. SOLOMON, Mr. ROBINSON, Mr. DOWDY of Mississippi, Mr. VOLKMER, Mr. PERKINS, Mr. CRAIG, Mrs. VUCANOVICH, Mr. CARPER, Mr. SWIFT, Mr. KLECZKA, Mr. BOEHLERT, Mr. LOTT, Mr. KASICH, Mr. BEREUTER, Mr. GRANDY, Mr. DURBIN, Mr. DE LUGO, Mr. HUCKABY, Mr. BARNARD, Mr. ROGERS, Mr. GUNDERSON, Mr. TRAXLER, Mr. MILLER of Ohio, Mr. NATCHER, Mr. ROEMER, Mr. SIKORSKI, Mr. NELSON of Florida, Mr. BLILEY, Mr. MOODY, Mr. LENT, Mr. WYLIE, Mr. MONTGOMERY, Mr. HASTERT, Mr. HOPKINS, Mr. WISE, Mr. ROBERTS, Mr. PARRIS, Mr. NIELSON of Utah, Mr. JACOBS, Mr. TALLON, Mr. HARRIS, Mr. RICHARDSON, and Mr. WEBER.

H.R. 1211: Mr. GARCIA, Mr. FUSTER, Mr. FAZIO, Mr. HOWARD, and Mr. TOWNS.

H.R. 1266: Mr. SMITH of Florida.

H.R. 1302: Mr. TOWNS and Mr. MATSUI.

H.R. 1337: Mr. EDWARDS of Oklahoma, Mr. SMITH of New Jersey, Mr. CAMPBELL, and Mr. BUECHNER.

H.R. 1341: Mr. OWENS of Utah.

H.R. 1352: Mr. SOLARZ, Ms. KAPTUR, Mr. TOWNS, Mr. GARCIA, Mr. STUDDS, Mr. HOYER, and Mr. BONIOR of Michigan.

H.R. 1373: Mr. SUNIA, Mr. WOLPE, Ms. KAPTUR, Mr. VENTO, Mr. TOWNS, Mr. SOLARZ, Mr. GARCIA, Mr. RANGEL, and Mr. SLAUGHTER of New York.

H.R. 1393: Mr. YOUNG of Florida, Mr. HEFNER, Mr. HOPKINS, and Mr. PRICE of Illinois.

H.R. 1397: Mr. TOWNS, Mr. KOLTER, Mr. FISH, and Mr. LIPINSKI.

H.R. 1398: Mr. MATSUI.

H.R. 1436: Mr. ASPIN and Mr. COELHO.

H.R. 1443: Mr. RIDGE, Mr. GARCIA, Mr. GOODLING, Mr. VENTO, Mr. HAYES of Illinois, and Mr. WORTLEY.

H.R. 1517: Mr. BURTON of Indiana, Mr. PORTER, Mr. KONNYU, Mr. BADHAM, and Mr. SHUMWAY.

H.R. 1524: Mr. DELAY.

H.R. 1572: Mr. CONTE.

H.R. 1573: Mr. PETRI.

H.R. 1598: Mr. TAUKE, Mr. GRANDY, and Mr. LEACH of Iowa.

H.R. 1604: Mr. SMITH of Florida, Mr. FISH, and Mr. HOWARD.

H.R. 1634: Mrs. BOXER.

H.R. 1659: Mr. DOWNEY of New York, Mr. LEWIS of Georgia, Mr. SMITH of Florida, Mr. GRAY of Illinois, and Mr. MARTINEZ.

H.R. 1666: Mr. CLINGER.

H.R. 1692: Mr. COURTER, Mr. KOLTER, Mr. COLEMAN of Missouri, Mr. FLORIO, Mrs. BYRON, Mr. MCGRATH, Mr. CARPER, Mr. BLAZ, Mr. DE LUGO, Mr. VENTO, Mr. OBERSTAR, Mr. DERRICK, Mr. FRENZEL, Mr. SIKORSKI, Mr. GALLO, Ms. SLAUGHTER of New York, Mr. GRANDY, Mr. HUCKABY, Mr. WYDEN, Mr. MADIGAN, Mr. DEFAZIO, Mr. SLATTERY, Mr. JOHNSON of South Dakota, Mr. NIELSON of Utah, Mr. EMERSON, Mr. HOYER, Ms. OAKAR, Mr. FASCELL, and Mr. FIELDS.

H.R. 1694: Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. VENTO, Mr. MCCLOSKEY, Mr. WALGREN, Mr. BONIOR of Michigan, and Mr. FORD of Michigan.

H.R. 1729: Mr. SUNDQUIST, Mr. KOLTER, Mr. COMBEST, Mr. MCEWEN, Mr. BUECHNER, Mr. INHOFE, Mr. HANSEN, and Mr. DAUB.

H.R. 1754: Mr. RIDGE.

H.R. 1770: Mr. SMITH of Florida and Mr. CONYERS.

H.R. 1815: Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mr. SUNIA, Mr. CONYERS, Mr. FAZIO, Mr. SOLARZ, Mr. RANGEL, and Mr. FEIGHAN.

H.R. 1872: Mr. FORD of Tennessee, Mr. FRANK, Mr. BOUCHER, Mr. OWENS of New York, Mr. DELLUMS, Mr. GARCIA, Mr. BIAGGI, Mr. TRAFICANT, Mr. BENNETT, Mr. SOLARZ, Mr. FAUNTROY, and Mr. DE LA GARZA.

H.R. 1880: Mr. DAUB and Mr. DAVIS of Illinois.

H.R. 1883: Mr. SMITH of Florida, Mr. SAXTON, Mr. DWYER of New Jersey, Mr. GALLO, Mr. GRAY of Pennsylvania, Mr. NEAL, Mr. WEISS, and Mr. MFUME.

H.R. 1885: Mr. HUBBARD, Mr. DEFAZIO, Mr. WILSON, Mr. CRAIG, Mr. TAYLOR, Mr. NICHOLS, Mr. BEVILL, Mr. LOTT, Mr. JENKINS, Mr. OLIN, Mr. HAMILTON, Mr. SOLOMON, Mr. VOLKMER, Mr. NEAL, Mr. HOUGHTON, Mr. SPENCE, Mr. MACKAY, Mr. TRAXLER, Mr. EMERSON, Mr. BATEMAN, Mr. DERRICK, Mr. CARPER, Mr. JOHNSON of South Dakota, Mr. TRAFICANT, and Mr. BEREUTER.

H.R. 1891: Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. DE LA GARZA, Mr. FRANK, Mr. HAYES of Illinois, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. MORRISON of Connecticut, Mr. ROBINSON, and Mr. WILSON.

H.R. 1950: Mr. ATKINS, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BORSKI, Mrs. BOXER, Mr. BROWN of California, Mr. DELLUMS, Mr. DIXON, Mr. EVANS, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. GARCIA, Mr. HOUGHTON, Mr. HOWARD, Mr. HOYER, Ms. KAPTUR, Mr. KOLTER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. MCKINNEY, Mr. MFUME, Mr. MURPHY, Mr. OBEY, Mr. OWENS of New York, Mr. PENNY, Mr. PERKINS, Mr. QUILLEN, Mr. RAY, Mr. ROBINSON, Mr. SIKORSKI, Mr. SOLARZ, Mr. SOLOMON, Mr. TRAXLER, Mr. WAXMAN, Mr. WILSON, Mr. WISE, and Mr. YATES.

H.R. 1959: Mr. LIGHTFOOT, Mr. OBERSTAR, Mr. GLICKMAN, Mr. ROBINSON, and Mr. ROBERTS.

H.R. 1986: Mr. GARCIA and Mr. ROYBAL.

H.R. 2070: Mr. HORTON, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. WORTLEY, and Mr. SMITH of New Jersey.

H.R. 2087: Mr. LIGHTFOOT and Mr. CLINGER.

H.J. Res. 48: Mr. TAYLOR, Mr. VANDER JAGT, Mr. ECKART, and Mr. LEATH of Texas.

H.J. Res, 67: Mr. LOTT, Mr. RHODES, Mr. COLEMAN of Missouri, Mr. HUBBARD, Mr. EDWARDS of California, Mr. COELHO, Mr. UDALL, Mr. PASHAYAN, Mr. MILLER of California, Mr. JEFFORDS, Mr. FORD of Michigan, Mr. SCHUETTE, Mr. BRENNAN, Mr. BONIOR of Michigan, Mr. FRANK, Mr. GALLEGLY, and Mr. FLORIO.

H.J. Res. 100: Mr. VENTO, Mr. LEHMAN of Florida, Mr. BUECHNER, and Mr. GARCIA.

H.J. Res. 112: Mr. BROWN of California, Mr. CLARKE, and Mr. DORNAN of California.

H.J. Res. 127: Mr. KEMP, Mrs. KENNELLY, Mr. ROYBAL, Mr. SMITH of New Hampshire, Mr. STOKES, Mr. TRAXLER, Mr. TORRICELLI, Mr. MILLER of Washington, Mr. BONIOR of Michigan, Mr. MCCOLLUM, Mr. SAVAGE, Mr. TAUKE, Mr. PEPPER, Mr. QUILLEN, Mr. MCKINNEY, Mr. MOODY, Mr. WYDEN, Mr. SISISKY, Mr. COELHO, Mr. HOYER, Mr. DIXON, Mr. DELLUMS, Mr. LANTOS, Mr. PURSELL, Mr. ASPIN, Mr. KASICH, Mr. SABO, Mr. STAGGERS, Mr. LEHMAN of Florida, Mr. LAFALCE, and Mr. ROTH.

H.J. Res. 130: Mrs. BYRON, Mr. HOCHBRUECKNER, Mr. GUARINI, Mr. MCCOLLUM, Mr. MINETA, Mr. SOLARZ, Mr. SPENCE, Mr. OLIN, Mr. VENTO, Mr. KASICH, Mr. HAYES of Illinois, Mr. BLAZ, and Mr. DENNY SMITH.

H.J. Res. 134: Mr. JENKINS, Mr. KASICH, Mr. BUECHNER, Mrs. MEYERS of Kansas, Mr. MFUME, and Mr. MADIGAN.

H.J. Res. 137: Mr. PEPPER, Mr. ROBERT F. SMITH, Mr. MARLENEE, Mr. STUMP, Mr. LEWIS of Florida, Mr. ERDREICH, Mr. ESPY, Mr. GRAY of Illinois, Mr. BEVILL, Mr. LEWIS of California, Mr. DYMALLY, Mr. HUNTER, Mr. MOORHEAD, Mr. TALLON, Mr. EMERSON, Mr. STAGGERS, Mr. OLIN, Mr. KONNYU, Mr. HAYES of Illinois, Mr. FOLEY, Mr. HAMILTON, Mr. HUGHES, Mr. WYDEN, Mr. LANTOS, Mr. WATKINS, Mr. LEWIS of Georgia, Mr.

McHugh, Mr. Martin of New York, Mr. Owens of Utah, Mr. Jeffords, Mr. Ravenel, Mr. McDade, Mr. Vento, Mr. Savage, Mr. Spence, and Mr. Lancaster.

H.J. Res. 140: Mr. Traxler, Mrs. Morella, Mr. Towns, Mr. Akaka, Mr. Oberstar, Mr. Lewis of Florida, Mr. Bonior of Michigan, and Mr. Hoyer.

H.J. Res. 144: Mr. Kemp, Mr. Bunning, Mr. Martin of New York, Mr. Bartlett, Mr. LaFalce, Mr. Gregg, Mr. Morrison of Washington, Mr. Denny Smith, Mr. Jones of North Carolina, Mr. Hefner, Mr. Lujan, Mr. Coble, Mrs. Saiki, Mr. Lent, Mr. Hubbard, Mr. Miller of Washington, and Mr. Kasich.

H.J. Res. 150: Mr. Guarini, Mr. Hammerschmidt, Mr. Harris, Mr. Hatcher, Mr. Hefner, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Ireland, Mr. Kemp, Mr. Kildee, Mr. LaFalce, Mr. Lantos, Mr. Leland, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. McDade, Mr. Mavroules, Mr. Mfume, Mr. Miller of California, Mrs. Morella, Mr. Morrison of Washington, Mr. Price of Illinois, Mr. Roemer, Mr. Rose, Mr. Roybal, Mr. Schumer, Mr. Shaw, Mr. Stark, Mr. Stokes, Mr. Synar, Mr. Tallon, Mr. Akaka, Mr. Anthony, Mr. Aspin, Mr. Bates, Mrs. Bentley, Mr. Bilirakis, Mr. Blaz, Mr. Boland, Mr. Brooks, Mr. Coelho, Mrs. Collins, Mr. Conyers, Mr. Courter, Mr. Coyne, Mr. Daniel, Mr. Dellums, Mr. de Lugo, Mr. DeWine, Mr. Dingell, Mr. DioGuardi, Mr. Dixon, Mr. Dornan of California, Mr. Dowdy of Mississippi, Mr. Duncan, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Fauntroy, Mr. Flake, Mr. Foley, Mr. Ford of Tennessee, Mr. Frank, Mr. Fuster, Mr. Gallo, Mr. Gekas, Mr. Gephardt, Mr. Gonzalez, Mr. Gordon, Mr. Gray of Pennsylvania, Mr. Tauke, Mr. Thomas of Georgia, Mr. Valentine, Mr. Vento, Mr. Walgren, Mr. Whittaker, Mr. Whitten, Mr. Wilson, Mr. Wolpe, Mr. Wyden, Mr. Yatron, Mr. Young of Alaska, Mr. Dickinson, Mr. Inhofe, Mr. Ravenel, Mr. McHugh, Mr. Wylie, Mr. Bryant, Mr. Hall of Ohio, Mrs. Kennelly, and Mr. Downey of New York.

H.J. Res. 152: Mr. Hubbard.

H.J. Res. 155: Mr. Nelson of Florida, Mr. Rangel, Mr. Rahall, Mr. Brennan, and Mr. McMillen of Maryland.

H.J. Res. 158: Mr. Applegate, Mr. Biaggi, Mr. Boland, Mr. Brennan, Mr. Callahan, Mr. Conte, Mr. Early, Mr. Feighan, Mr. Gephardt, Mr. Kastenmeier, Mr. Kemp, Mr. LaFalce, Mr. McEwen, Mr. McHugh, Mr. Olin, Mr. Packard, Mr. Shaw, Mr. Spence, Mr. Vander Jagt, and Mr. Yates.

H.J. Res. 160: Mr. Martinez and Mr. Brennan.

H.J. Res. 180: Mr. Sharp, Mr. Tauke, Mr. Buechner, and Mr. Brennan.

H.J. Res. 183: Mr. Garcia.

H.J. Res. 189: Mr. Conte and Mr. Bateman.

H.J. Res. 190: Mr. Coughlin, Mr. Lott, Mr. Rhodes, Mr. Coleman of Missouri, Mr. Edwards of California, Mr. Coelho, Mr. Vento, Mr. Pashayan, Mr. Miller of California, Mr. Ford of Michigan, Mr. Bereuter, Mr. Synar, Mr. Rodino, Mr. Sharp, Mr. Foglietta, Mr. Rangel, Mr. Buechner, Mr. Dellums, Mr. Dyson, Mrs. Martin of Illinois, Mr. Konnyu, and Mr. Florio.

H.J. Res. 201: Mr. Coats, Mr. Ireland, Mr. Nowak, Mr. Frost, and Mr. Shumway.

H.J. Res. 204: Mr. McMillen of Maryland, Mr. Martinez, Mr. Hawkins, Mr. Bartlett Mr. Derrick, Mr. Foglietta, Mr. Gekas, Mr. Dixon, Mr. Tauzin, Ms. Kaptur, Mr. Kolter, Mr. Darden, Mr. Weldon, Mr. Lungren, Mr. Thomas of Georgia, Mr. Fish, Mr. Murtha, Mr. Gunderson, Mr. Buechner, Mr. Clinger, Mr. Edwards of Oklahoma, Mr. Espy, Mr. Lewis of Florida, Mr. Green, Mr. Brown of Colorado, Mr. Spence, Mr. Hughes, Mr. Regula, Mr. Leach of Iowa, Mrs. Bentley, Mrs. Saiki, Mr. Pepper, Mr. Gaydos, Mr. Bryant, Mr. Mazzoli, and Mr. Fazio.

H.J. Res. 215: Mr. Bennett, Mr. Bevill, Mr. Biaggi, Mr. Bryant, Mr. Chapman, Mr. Clay, Mrs. Collins, Mr. de la Garza, Mr. Dixon, Mr. Donnelly, Mr. Dornan of California, Mr. English, Mr. Erdreich, Mr. Espy, Mr. Fish, Mr. Ford of Tennessee, Mr. Frank, Mr. Gordon, Mr. Gray of Illinois, Mr. Guarini, Mr. Hammerschmidt, Mr. Hayes of Illinois, Mr. Hefner, Mr. Hochbrueckner, Mr. Howard, Mr. Hutto, Mr. Hyde, Mr. Jones of North Carolina, Mr. Kasich, Mr. Kleczka, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Leland, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lipinski, Mr. Manton, Mrs. Meyers of Kansas, Mr. Moakley, Mr. Mrazek, Ms. Oakar, Mr. Parris, Mr. Quillen, Mr. Rahall, Mr. Roe, Mr. Sabo, Mr. Scheuer, Mr. Smith of Florida, Mr. Staggers, Mr. Stark, Mr. Stump, Mr. Towns, Mr. Traxler, Mr. Udall, Mrs. Vucanovich, Mr. Waxman, Mr. Weiss, Mr. Whitten, Mr. Wilson, Mr. Wolf, Mr. Wortley, Mr. Yatron, Mr. Lancaster, Mr. Volkmer, Mr. Kastenmeier, Mr. McHugh, Mr. Gregg, Mr. Fauntroy, and Mr. Brennan.

H.J. Res. 227: Mr. Ackerman, Mr. Udall, Mr. Gray of Illinois, Mr. Lehman of Florida, Mr. Lagomarsino, Mr. Solarz, Mr. Horton, Mr. Bevill, Mr. Guarini, Mr. Hayes of Illinois, Mr. Richardson, Mr. Mrazek, Mr. Leland, Mr. Wilson, Mr. Weiss, Mrs. Roukema, Mr. Chapman, Mr. Kolter, Mr. Vento, Mr. Kasich, Ms. Oakar, Mr. Green, and Mr. Bonior of Michigan.

H. Con. Res. 8: Mr. Porter.

H. Con. Res. 28: Mr. Fish, Mr. Sikorski, Mr. Hammerschmidt, and Mr. Volkmer.

H. Con. Res. 47: Mr. Daub, Mr. Espy, Mr. Gray of Illinois, Mr. Wortley, Mr. Horton, Mr. Fauntroy, Ms. Kaptur, Mr. Kostmayer, Mr. DeWine, Mrs. Bentley, and Mr. Garcia.

H. Con. Res. 62: Mr. Martinez.

H. Con. Res. 63: Mr. Fish, Mr. Bereuter, Mr. Walgren, Mr. Owens of Utah, Mr. Horton, Mr. Rangel, Mr. Regula, and Mr. Mfume.

H. Con. Res. 106: Mr. Gregg.

H. Res. 71: Mr. Towns.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 189: Mr. McMillan of North Carolina, Mr. Nagle, and Mrs. Vucanovich.

PETITIONS, ETC.

Under clause 1 of rule XXII,

32. The SPEAKER presented a petition of the American Library Association, Chicago, IL, relative to foreign control of federal libraries and document depositories; which was referred to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1827

By Mr. DYSON:

—Page 59, line 21, strike "55,200,000" and insert in lieu thereof "46,600,000".

EXTENSIONS OF REMARKS

FEULNER REVIEWS OUR PUBLIC DIPLOMACY EFFORTS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. COURTER. Mr. Speaker, the Chairman of the U.S. Advisory Commission on Public Diplomacy, Mr. Edwin J. Feulner, Jr., recently delivered an assessment of our multifaceted efforts at "telling America's story abroad."

The speech deserves the consideration of all of my colleagues who share an interest in public diplomacy which, as Mr. Feulner argues, may be thought of as a judicious combination of advocacy and education.

The speech bears the title: "American Public Diplomacy: The Whole World is Watching," and was delivered on February 24 before the World Affairs Council in San Antonio.

The text, which has been edited because of its length, follows:

AMERICAN PUBLIC DIPLOMACY: THE WHOLE WORLD IS WATCHING

(By Dr. Edwin J. Feulner, Jr.)

Tonight's topic, public diplomacy, is just as important as military preparedness.

Public diplomacy is just as vital to our nation's security as hardware or men in uniform.

What is "public diplomacy"? Basically, it is the U.S. Government's effort to build and strengthen foreign understanding and support for U.S. policies and goals.

To many of you, that may sound like a vast abstraction. We use that kind of talk in Washington too often. Let me bring it down to the human level.

More than anything else, public diplomacy is this:

At this very moment, a backyard tinkerer in Warsaw is turning his homemade satellite dish to pick up the signals of western programs. Among those he picks up is our U.S. Government-run international satellite network, WORLDNET. Ten of his curious neighbors have gathered around to see the images and sounds of freedom.

At this very moment in the Ukraine, a young housewife who was won over to the Voice of America by those first truthful reports about Chernobyl, is tuning in again. The Voice of America is one of the U.S. Government's most powerful public diplomacy tools, and is run by the U.S. Information Agency, or USIA as we call it.

At this very moment in Johannesburg, a black activist who had long been taught America was a racist society, is returning home after a one-month experience as a USIA international visitor. In his ears ring the words of Martin Luther King; in his eyes shine the vision of America striving to make those words come true.

As you can already sense, public diplomacy contrasts vividly with traditional diplomacy, which tends to be elitist, government-to-government—between foreign ministers and ambassadors—and secret.

Put another way, public diplomacy goes over the heads of foreign leaders and attempts to reach directly both foreign opinion-makers and grass-roots citizens. No government, not even a dictatorship or a totalitarian regime, can long ignore public opinion.

Public diplomacy is not a replacement for traditional government-to-government diplomacy. It is a supplement, a reinforcement.

In the case of the United States, public diplomacy is a mix of advocacy and education. "Advocacy" involves both explaining and defending our nation's policies. "Education" means developing an understanding of our culture, our people, and our way of life.

Public diplomacy today is extraordinarily exciting. An information revolution is underway domestically and worldwide. It is part of the technology explosion we see in the proliferation of satellites, computers, photocopiers, video-cassettes, audiocassettes, and cable television. Information is seeping across borders that were once closed. A personal computer inside the Soviet Union today can hold the complete works of Alexander Solzhenitsyn on a single floppy disk.

The Soviets outspend the United States about two-to-one on overall foreign information programs. They spend twice as much jamming the Voice of America as we spend broadcasting the Voice of America. They have seven times more personnel in overseas information jobs—even assuming a fair number of those are KGB agents. They pour enormous amounts into communist trade unions, front groups, etc. In the Third World they distribute twenty-five times more books than we do. Radio Moscow broadcasts in twenty more languages and twice as many hours to the Third World, as the Voice of America does.

In one recent period, the Soviet Union annually gave 9,080 scholarships to Central America and the Caribbean alone. During the same time the United States provided 2,200. Yes, we have thousands of self-financed Central American students in addition to the 2,200 that are financed by the U.S. Government, but those privately-funded students tend to be the children of the elite. They are already part of the establishment. The Soviets, on the other hand, are looking for bright young people from among the disadvantaged. After much pressure on Congress, USIA is finally implementing a Central American Undergraduate Scholarship Program. Unfortunately, there are only 154 students in the program thus far.

But, the United States does have effective tools, in terms of our technical means and the 9,000 capable people who work for the U.S. Information Agency.

USIA's budget in 1987 is about $847 million. This represents an eighty percent increase under the Reagan Administration. In constant dollars, however, it is slightly below the level of 1967.

USIA carries out a wide variety of information and educational exchange programs. Best-known is the Voice of America. Broadcasting in forty-two languages, with an average audience of a 130 million a week, VOA provides straight news, documentary, current affairs, and entertainment programs for about fifty-seven minutes. At the top of the hour, a hard-hitting editorial explains the U.S. Government's viewpoint. If you saw the kinds of letters VOA receives showing how important it is to its listeners, you'd realize what a phenomenal service it really is.

I'll share a recent story. When the VOA correspondent was covering the student riots for democracy in Beijing, he was suddenly surrounded by a mob. He first thought he was being attacked by the students. But the students, when they had found out who he was, simply wanted to touch him and thank him for what he was doing. He was the only one telling them what was going on in their own country.

Another USIA program, Radio Marti, is broadcasting the truth to Cuba and forcing Cuban national radio to tell more of the truth about Cuban domestic events. It is forcing the Cuban Government to admit some of its activities in Angola. Radio Marti is widely acclaimed for its objectivity by both political parties in the United States.

USIA also has created a whole new concept in live interactive television. Called WORLDNET, it was born several days after the liberation of Grenada. On this occasion, former UN Ambassador Jeane Kirkpatrick sat in a Washington television studio and explained U.S. policy in a live interview with journalists in five Latin American countries. The journalists in our embassies asked Ambassador Kirkpatrick questions directly. Their reports made the nightly television news in Buenos Aires, Rio de Janeiro, and other major cities.

Secretary of State George Shultz did exactly the same thing with European journalists the morning after the Libya raid last year. WORLDNET puts us four or five years ahead of the Soviets, who are just now putting an international television network together. USIA has satellite dishes in sixty-two of its most important embassies on five continents—about half its final goal.

USIA also oversees the National Endowment for Democracy, first announced by President Reagan in his Westminister speech in 1982. The Endowment supports the spread of democratic values abroad through grants to free trade unions, universities, writers, and political parties. Its grants have given printing presses to Solidarity in Poland, books to university students in Central America, and a Chinese language magazine on democratic thought for scholars in China.

USIA's Amparts speakers program takes American Government, academic, and private experts around the world to advocate and explain U.S. policies and represent the views and achievements of American society.

The long-range educational programs account for about twenty-six percent of USIA's budget. They include the Fulbright Fellowships, the Eisenhower Scholars, the Hubert Humphrey Fellowships for the Third World, and other academic exchange programs.

The International Visitor programs bring political and academic leaders to the United States for intensive briefings across the po-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

litical spectrum. I'm sure you are familiar with youth exchanges. And "Arts America" takes American artists like the Pittsburgh Symphony and the Alvin Ailey Dance Troupe overseas.

USIA has 1,000 service officers, our on-the-scene spokesmen, in some 200 posts in 130 countries. One-on-one contact is the most and important element of public diplomacy and has the most impact. As former USIA Director Edward R. Murrow said, "You may have crafted the best message and sent it thousands of miles, but success depends on the final three feet."

We are also taking new steps to make sure the Voice of America continues to come through loud and clear, through a 1.3 billion dollar modernization effort. Early in the 1990s we're going to have new 500-kilowatt transmitters located in about 10 sites around the world.

You may ask, Why modernize our international radio? I would answer that while television is the dominant medium in the West, for much of the Third World and the Soviet bloc, radio is still the primary means of communication. It will be for decades to come.

Four years ago, I visited one of our transmitter sites outside Munich, West Germany. There we still run two 250-kilowatt transmitters that we took over from the Nazis at the end of the Second World War. These transmitters use vacuum tubes that have to be hand-made, because there haven't been any made on the production line for 27 years. When Ronald Reagan gave the worldwide broadcast on Voice of America three years ago he sat at the same master control panel that Dwight Eisenhower used 32 years earlier.

An additional challenge is how difficult it has been to build a constituency in the United States for USIA and our public diplomacy programs. At this time, we have no real domestic support network for this part of our national defense. The Soviets can decree how much they are going to spend; we have to depend on the Congress and on you, the American people, to support these programs.

We are planting the seeds for the new world now, ladies and gentleman of San Antonio. Will we, by taking the necessary steps now, harvest a freer, more democratic world? Or will we, by shoving aside this little-known part of our peaceful defense, have no future but onerous mortgage payments on our fortress America, armed against a hostile world?

DEATH PENALTY SHOULD BE EXTENDED TO ALL AMERICANS CONVICTED OF SPYING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to extend the death penalty punishment to all American citizens convicted of espionage or treason against the United States.

The recent allegations of espionage activity by our Marines guarding the U.S. Embassy in Moscow and the infamous Walker spy case underscore the fact that the Soviet Union continues to engage in a massive, all-out espionage effort against the United States that targets both military personnel and civilians. Mr. Speaker, I believe that America is extremely vulnerable and we need to take decisive action to counter the comprehensive espionage effort being waged by the Soviet Union. Not only do we need to implement more effective counterintelligence measures, we need to take a look at how we treat American citizens who betray their country.

The bill I am bringing forward today is similar to current statutes regarding military personnel who engage in espionage activity. Specifically, my bill would amend section 794 of title 18 of the U.S. Code to provide the death penalty or a life sentence for any civilian found guilty of espionage or treason. Under the bill, the death penalty would apply under any one of the following circumstances:

If the accused has been convicted of another offense involving espionage or treason for which either a life or death sentence was authorized by statute.

If, in the commission of the offense, the accused knowingly created a grave risk of substantial damage to national security; or

If, in the commission of the offense, the accused knowingly created a grave risk of death to another person.

Mr. Speaker, this is a sad time for our country. It is both a tragedy and an outrage when American citizens betray their country. The safety and security of our Nation is at stake. My bill would send out a powerful message that any American citizens who engage in such heinous and despicable activity will be given the ultimate punishment.

It is with great sorrow that I introduce this bill, but I feel this action is the right action to take and one that, unfortunately, must be taken. I urge all of my colleagues to cosponsor this measure.

TRIBUTE TO JON COLLINS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BILBRAY. Mr. Speaker, I rise today in memory of a fine and honorable man, Jon Collins. Mr. Collins dedicated his life to justice and the people of Nevada.

Born and raised in Ely, Mr. Collins spent his life serving the United States and the Nevada judicial system. Honorably serving his country, Jon spent 2 years in the Pacific Theater during World War II. Often thinking of others before himself he performed heroically and bravely.

After the war, Jon continued with his education and received his law degree from Georgetown University Law School. Once he graduated, he began a long and illustrious career in the judicial system of Nevada. Jon served with integrity and compassion as both a lawyer and a judge.

Whether as a district court judge, a Nevada Supreme Court judge, or as chief justice for the State supreme court, Jon was an example to others around him. Returning to private practice in 1971, he brought with him a sense of fairness and a sense of what is right.

Mr. Speaker, the leadership and example that Mr. Collins set for the Las Vegas community will be surely missed. A man that has given as much to the meaning of integrity, compassion and justice will never be forgotten.

ISSUES OF THE FUTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 22, 1987 into the CONGRESSIONAL RECORD:

ISSUES OF THE FUTURE

Every now and then in the crush of congressional business demanding immediate attention, I gaze out my office window for a few moments and ask myself what are the great issues of the world that legislators should be thinking about for the 21st century. I try to look ahead further than usual, not just to the next hour or the next day but to the start of the next century that begins in a little more than a decade.

The question is not an idle one. Government, a major instrument for realizing the basic goals of society, is often criticized for its failure to take the long view. Increasingly our perspective should rise above our daily preoccupations to ask: Where is our country headed? What are the long-term needs? What kind of world will we leave our children? Inattention to key future issues can lead to short-sighted policies unintentionally thwarting more important long-term goals.

There is no shortage of issues to think about. Some center on technological advances—the robots, the genetic engineering, the advances in health care which will reshape our daily lives. Other issues focus on social, economic, and political trends—increased leisure, U.S. competitiveness, how to encourage better arts and sounder government, how to develop greater compassion. I ask myself what are the key items that we should be giving the highest priority.

At the top of the list, of course, is peace. The consequences of not doing something about the possibility of nuclear annihilation are beyond imagination. If we do not have peace in a nuclear age, it is not worth talking about anything else. Progress toward world peace has to begin with arms agreements between the United States and the Soviet Union. The arts of diplomacy and conflict resolution have to address regional struggles across the world, and we must work toward a positive condition in which people can solve their problems by law and by talk rather than by force.

I think about poverty, too. The world has far too many hungry, sick, and homeless. Sometimes I think people can be divided into the over-fed and the under-fed: one group worrying about dieting and the other group worrying about their next meal. Developed nations should be doing more to help their neighbors, not only for altruistic reasons but also because the problems of the poor could well spill over into the lives of the well-to-do.

I think about the environment. The degradation of the environment is second only to nuclear holocaust in its potential for destroying humanity. We have to be concerned about the destruction of the rain forest, the erosion of topsoil, the pollution of ground water, the safe handling of hazardous waste, and a wide range of other problems. The responsibility for leaving a vital natural legacy to future generations must be accepted, and major precautionary steps taken now.

I also think about population. The world's population, 4 billion in 1975, will be 6 billion by the turn of the century. Over-population is a major factor in many of the world's problems, including hunger, disease, poverty, energy insufficiency, and environmental damage. While technology offers some promise in being able to cope, the challenge remains enormous. If population growth is left unchecked, it will cause dissension, huge numbers of refugees, and increased tendencies toward revolution.

I think about our economic future and our growing global economic interdependence. Nations increasingly compete for jobs; markets for goods and services are increasingly intertwined. At home, we must upgrade our education systems and make the necessary long-term investments in scientific research, alternate energy sources, and infrastructure. International cooperation must be improved for addressing global challenges. When major problems develop in one country, such as debt repayment problems, energy shortages, or government instability, the effects can be global.

I am also concerned about children. Children represent our future, yet they are the most vulnerable members of society. Their protection must be pursued vigilantly. We have to strengthen families, improve our schools to meet the purposes of democracy, and make the necessary long-term investments in the future. Although we cannot ignore other groups, such as the growing ranks of older persons or the young men who must fight our wars, surely at the top of our list of concerns must be the children.

I also think about scientific advances. Science and technology have the potential to produce a cure for cancer, new sources of energy, space colonies, and vastly expanded food production. Yet they also have the potential to allow us to tamper with human genetic make-up, render many of today's workers obsolete, and create a new generation of weapons far more accurate and deadly than atomic arms. Ethical and social considerations must play a stronger role in technology assessment.

I also worry about freedom. Individual rights of conscience, movement, and employment must be better protected all over the world. I want to see the rule of law extended and governments improved so that people will get better legislation and better justice. Democracy needs to be expanded; accurate, uncensored information needs to be promoted.

I am also concerned about public morality. The sale of political influence, the failure to tell the truth, and the corruption of the process make morality and virtue a central issue for the 21st century. Trust, a vital ingredient in negotiations, is often absent. Political virtue—seeking the common good—is the essence of representative government. Such virtue is not for someone else to attain, but is required of us all.

Of course, a brief list cannot include all the crucial problems that need attention in the 21st century. But making even a partial list helps me to get my priorities in line and to separate the inconsequential and the trivial from the important and the urgent. Listing these challenges should not overwhelm us. Most of them already have workable solutions if we give them the priority and attention they deserve.

JEWISH EDUCATORS SCHOLARSHIP AWARDS PRESENTED

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the recipients of the 1987 Association of Jewish Educators Scholarship Award. The Association of Jewish Educators is affiliated with the community relations committee of the Jewish Federation Council, Los Angeles. It consists of teachers, administrators, and classified employees of the Los Angeles Unified School District and provides professional, social, and educational support to its members and the Los Angeles Jewish community.

Each year the Association of Jewish Educators holds a scholarship fundraiser and awards scholarships to outstanding Jewish students from Los Angeles' 49 senior high schools who have met requirements of outstanding academic performance, service to their school, service to the Jewish community, and to their community at large. The 1987 scholarship winners are: Kira Burt, senior, Grant High School; Melinda Demski, senior, Taft High School; Ellen Dayne, senior, Fairfax; Dan Frimerman, senior, Fairfax; Jonathan Klein, senior, Kennedy; Robert Klein, senior, Chatsworth; Clifford Numark, senior, Narbonne; Jonathan Levy, senior, Monroe; Laura Record, senior, Fairfax; Rachel Selk, senior, Venice; Jane Sobol, senior, Fairfax.

It is my honor to join with my colleagues in congratulating these fine young ladies and gentlemen.

HUMAN RESOURCE CENTER IN ALBERTSON, LONG ISLAND

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MRAZEK. Mr. Speaker, I rise today to share with my colleagues the important and noble role played by the Human Resource Center in Albertson, Long Island.

Since the organization was founded in 1952, the Human Resource Center has helped handicapped and retarded individuals to express themselves through art, the most personal and creative of communicative media. Aside from making artistic expression available to the disabled, it has also provided educational and training programs to handicapped adults.

On April 30, the Human Resource Center will host the Very Special Arts Festival for Nassau County. Last year's festival featured 1,200 disabled students and adults in workshops, demonstrations, arts and crafts, entertainment, and special displays. This year, the number of participants is expected to double.

Mr. Speaker, I'd like to take this opportunity to congratulate the men and women at the HRC, whose efforts ease the way for the creation of art from one of this country's most valuable minority groups. I extend special thanks to Dr. Edwin Martin, whose inspirational leadership, as president and chief executive officer, has guided this organization for the past 5 years. Dr. Martin served as Assistant Secretary of Education for Special Education under the Carter administration and is heralded as the architect of the present revisions and laws that safeguard the educational interests of the disabled. I call to the attention of my colleagues the unique accomplishments of the Human Resource Center, and I am sure that the Members of this body join me in saluting the Very Special Arts Festival of 1987.

TRIBUTE TO DANIEL J. McGINLEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BORSKI. Mr. Speaker, I rise today to join the Irish Society of Philadelphia in honoring Mr. Daniel J. McGinley, who will receive the Irish Society's "Annual Award for Educational Excellence" on April 29, 1987.

Mr. McGinley, whose parents' parents immigrated from Donnegal, has spent a lifetime educating the children of Philadelphia. After graduating from North Catholic High School, he went on to LaSalle College, and eventually earned a masters degree in education from Temple University. He has spent his career as a teacher and principal in the Philadelphia school system, and is currently serving as the president of the Philadelphia Association of School Administrators.

Daniel J. McGinley's record of service to the young people of Philadelphia has not gone unnoticed, and I am proud to join with the Irish Society in honoring this distinguished educator.

HONORING THE SALVATION ARMY JOHNSTOWN CORPS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to honor the Johnstown Corps of the Salvation Army. Established in 1887, the corps is planning their centennial celebration during the week of May 11, 1987.

In the past century, the Salvation Army has come to the aid of area residents on countless occasions. The Johnstown floods of 1889, 1936, and 1977 are the most widely known examples of the Army's Emergency Aid Program; however, they also provide valuable service on a daily basis to the community.

Included in their Social Services are programs which focus on food and shelter needs, recreational activities, antidrug and alcohol services, transient service, prison work, and their latest effort, the After School Program, for children from first through sixth grade.

The Salvation Army is to be commended for their continuous efforts and strong dedication to Johnstown and the surrounding areas. The commanding officers, Capt. and Mrs. Edmond Morris, are fine leaders, and should certainly be proud of their organization.

It is my hope that the centennial celebration is a joyous event for the Army and the communities it serves, and I wish them the best of luck for their future endeavors.

H.R. 2034, A BILL TO AMEND SECTION 507 OF THE TARIFF ACT OF 1930

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ARCHER. Mr. Speaker, Congressman MIKE ANDREWS and I have introduced a bill, H.R. 2034, to amend section 507 of the Tariff Act of 1930 (19 U.S.C. 1507) in the nature of a technical correction. This bill would amend existing provisions of the act to permit an allowance for detectable water and sediment identified in crude oil and petroleum products imports.

Section 507 of the Tariff Act of 1930 provides for an allowance—a deduction—for excessive water and sediment detected in crude oil and petroleum products imports. However, this allowance for excessive water and sediment, as contained in section 507 and U.S. Customs Service Regulations (19 CFR 151.46), permits an exemption from duty only on that amount of water and sediment in excess of 0.3 percent for crude petroleum and 0.5 percent for petroleum products imports. For example, in the case of an imported crude oil cargo containing detectable water and sediment in the amount of 0.8 percent, an importer would pay duty on the total water and sediment content of 0.8 percent; however, the importer may file for reimbursement of duty paid on 0.5 percent—the amount in excess of 0.3 percent.

In practice, these provisions do not permit full utilization of existing technology which can reliably detect water and sediment at levels below 0.3 percent. These provisions also generate inaccuracies in Federal import statistics and accounting and are inconsistent with both current commercial practices and Federal policies which govern the commercial portion of strategic petroleum reserve purchases. Such transactions are conducted on a net standard volume basis, whereby all detectable water and sediment is deducted prior to determination of a transaction volume.

The proposed amendment is noncontroversial. Indications from the U.S. Department of Commerce, the Office of the U.S. Trade Representative, the International Trade Commission and the U.S. Customs Service are that the proposed language raises no policy or technical objections.

This legislation would provide an exemption from duty for all detectable moisture and impurities—water and sediment—contained in crude petroleum and petroleum products imports. In adopting this provision, Congress would act in a manner consistent with both current commercial and other governmental practice, increase the accuracy of import statistics and fully realize the benefits of current and future technological advances. I trust that this bill can proceed quickly toward adoption.

A MECHANISM FOR ADDRESSING INTERSTATE AIR POLLUTION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to improve the mechanisms under which States address problems of interstate air pollution.

The pollution abatement measures authorized by the Clean Air Act are designed primarily to address air quality problems caused by concentrations near the pollution sources, in other words, "local" pollution. State implementation plans are designed to control and only really reach sources within a State and attainment of standards within that State. But air pollution does not respect State boundaries.

In addition, air quality standards cover pollutant precursors, such as sulfur dioxide and nitrogen dioxide. Pollutants traveling long distances are frequently transformed into sulfates and nitrates which are not directly regulated. According to the National Commission on Air Quality, national standards do not "adequately address regional air quality problems because they do not induce consideration of pollution effects in areas distant from pollution sources * * *."

Section 110 of the Clean Air Act includes some provisions to help States deal with interstate air pollution, but most people agree that these provisions have been of little help. The National Commission on Air Quality said,

> No real guidance has been provided on how States where pollution originates and States receiving pollution from other States might equitably divide the burden of reducing interstate pollution.

EPA has received at least 15 interstate air pollution petitions, but has only acted on 4. The major case is now on appeal.

For a down wind State, pollution from other States can make it difficult or impossible to meet a State's standards, no matter how stringent local regulation of emissions may be. The result is that the receiving State must require additional pollution control devices to accommodate the imported pollution. This added pollution can also use up increments of clean air in the receiving State and thus become an impediment to economic growth. In some cases, this means added costs to industries affected.

Additionally, this transported pollution can mean added costs to utilities. For example, sulfur dioxide pollution from Ohio and West Virginia powerplants has cost three Pennsylvania utilities as much as $1 billion in added costs.

WALGREN INTERSTATE AIR POLLUTION BILL

My bill would revise the interstate section of the Clean Air Act.

Section 110 of the Clean Air Act now prohibits EPA from approving any State air implementation plan unless the plan contains provisions prohibiting any source from releasing air pollution that will prevent attainment of national ambient air quality standards in another State or interfere with prevention of significant deterioration of air—PSD—in another State. However, current law has been interpreted to apply only where one source is found to prevent air quality standard attainment or to interfere with PSD in another State. Most interstate air pollution problems result from the combined impact of several sources, not one. This bill would make two changes: First, it would allow EPA to consider the combined interstate impact of a group of sources; and second, it would prohibit State plans that allow interstate emissions which interfere with—rather than prevent—attainment and maintenance of air quality.

Under the bill, EPA is directed to establish criteria to govern interpretation of the term "interfere with." This would require the agency for the first time to develop coherent, clear guidelines for the States governing control of interstate pollution.

Finally, the bill would require notice by a State in which a new source is expected to contribute to air pollution in another State. Current law requires notice only where new source emissions contribute to pollution in another State in excess of ambient air quality standards. To trigger the interstate relief mechanisms of the law under current law, States must already be in violation of air quality standards before they are entitled to notice of a potential problem from an adjacent State. States should not have to be exceeding their standards to get relief from interstate pollution. States need as much information as possible for all air pollution sources in developing air quality plans.

Interstate air pollution can be a very complicated problem and can unnecessarily pit one State against another. Yet the current law has not worked. This bill may not be the total answer, but I hope it is a start. Some of these provisions were recommended by the bipartisan National Commission on Air Quality in 1981.

Pennsylvania is a "sandwich" State, being both a receiver and a sender of air pollution to other States. In 1981 Pennsylvania sued Ohio for pollution crossing our western borders, a petition that the Environmental Protection Agency denied 4 years later, along with petitions from New York and Maine. But the problem has not gone away. As a sandwich State, Pennsylvania would welcome a real mechanism to fairly distribute the burden of pollution both coming to us from our neighbors to the west, and pollution we inevitably emit to the north and east. I urge my colleagues to support this needed legislation.

WELCOME TO THE NATIONAL ASSOCIATION OF PUBLIC TELEVISION STATIONS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BUECHNER. Mr. Speaker, I rise today to welcome the National Association of Public Television Stations to the St. Louis area and wish them a successful meeting while in my hometown.

Over the past 18 years, public broadcasting has developed to the point where it presents listeners and viewers with a viable alternative to commercial radio and television broadcasting.

Great expectations accompanied public television from the start. To its early supporters, it promised an oasis in the "vast wasteland of commercial TV." Public TV was envisaged as part enlightening and part entertaining, not elitist but democratic.

Public TV has served an important function in broadcasting, providing programming we would not otherwise see: The "MacNeil-Lehrer Newshour," National Geographic specials, "Masterpiece Theater," "Firing Line," "Upstairs/Downstairs," and fine children's programming.

The Public Broadcasting System was founded in 1969, and provides quality TV programming and related services to 314 noncommercial stations serving the United States, Puerto Rico, the Virgin Islands, Guam and Samoa.

Mr. Speaker, I am honored to have been invited to welcome the National Association of Public Television Stations' conferees to St. Louis. I do so proudly, and wish them a successful conference—and a bright future.

TRIBUTE TO FATHER BERNARD BONNOT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to an extraordinary person, Father Bernard Bonnot, a constituent of mine who recently accepted the top post with the Catholic TV Network of America [CTVNA]. Before accepting this prestigious post, Father Bonnot was director of planning and pastor of St. Stephen of Hungary Parish in the Youngstown Diocese. He served faithfully in the diocese for 19 years and his dedication and commitment to his parishioners will be sorely missed.

While the Youngstown area will miss his wisdom and leadership, the Catholic Church will benefit, on a national level, from Father Bonnot's many talents and skills in the communications field. Father Bonnot served as communications director for the Youngstown Diocese. Three years ago he helped form an ecumenical network—the Ecumenical Network of Northeast Ohio—which made possible 24 hours a day, 7 days a week religious programs, including CTVNA programming.

Father Bonnot is a native Ohioan, born in Canton in 1941. He earned his bachelor's and master's degrees from Catholic University prior to going to Rome to study at the North American College where he earned a licentiate in theology from the Gregorian University. Father Bonnot also holds a doctorate in educational administration from the University of Chicago where he taught as a teaching fellow for 3 years.

Following his ordination in St. Peter's Basilica in December 1967, Father Bonnot returned home to become assistant pastor of the Immaculate Conception Church in Youngstown, OH. He taught at Ursuline High School and served as assistant superintendent of schools and coordinated the Adult Spiritual Growth Program for the diocese religious education department. In 1980 he became full-time director of communications for the diocese. At that post he expanded and consolidated the office to provide a wide range of services in both the electronic and print media—serving a six county area. He has also served on the U.S. Bishops Communications Committee.

Father Bonnot is not only a man of great drive, vision, and talent, he is also a man of compassion—a man who has given of himself to serve those in need. In addition to his tireless work to bring religious programming to northeast Ohio—benefiting not only those seeking spiritual fulfillment and guidance, but also those not able to attend mass, Father Bonnot has served his community through the United National Association and he has served as chaplain—with the rank of major—with the National Guard and Army Reserves.

As chief executive officer of CTVNA, Father Bonnot will now be working out of New York City. Fortunately, through his new position as head of CTVNA, Father Bonnot will still be able to serve the people of the Youngstown Diocese through what I am certain will be better CTVNA programming. We will all miss Father Bonnot, but at the same time, we are all extremely proud of this outstanding individual. I am honored to pay tribute to Father Bonnot and wish him the best of luck in his new position.

MIKE O'CALLAGHAN REPRESENTS THE FINEST IN PUBLIC SERVICE

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BILBRAY. Mr. Speaker, I rise today with deep respect and a profound sense of admiration to pay tribute to an outstanding public servant and community leader, Mike O'Callaghan. On Friday, May 1, the Las Vegas Society of Fellows of the Anti-Defamation League will present Mr. O'Callaghan their Distinguished Community Service Award at a dinner which will feature as guest speaker our distinguished colleague from California, the Honorable MEL LEVINE. This honor is indeed well-deserved.

It is often correctly said that the truest measure of a man is best gauged by examining deeds over words. By that exacting standard, Mr. Speaker, few meet the measure of Mike O'Callaghan.

A true patriot, Mike first achieved recognition for his heroic contribution to the defense of our country. As an exemplary member of the U.S. Air Force, he received the Exceptional Service Award for Meritorious Service, two Purple Hearts, the Bronze Star with "V", and the Silver Star.

Mike's professional achievements have contributed to the public welfare of Nevada and to the country. Throughout the mid-sixties, he served as the first director of health and welfare of Nevada and as Director of the Job Corps Conservation Center Program in Washington, DC. As Governor of Nevada from 1971 through 1978, he was able to implement legislation for the betterment of our fair State and for the improvement of the quality of life for her citizens.

Besides his political and military careers, Mike O'Callaghan has been a member of a wide variety of organizations dedicated to the enhancement of community and Nation. Both President Ronald Reagan and President Jimmy Carter have named Mike to sit on the Board of Visitors of the U.S. Air Force Academy. Mike O'Callaghan is president of both the Golden Nugget Scholarship Foundation and of the Nevada Gaming Foundation for Educational Excellence.

And yet despite the rigorous demands placed on his time, Mike O'Callaghan has spoken eloquently and passionately in the support of our fellow democracy in the Middle East, Israel. He also serves with Sar-El, Volunteers for Israel.

Mr. Speaker, Mike O'Callaghan has served Nevada and our country with dedication, and I believe that it is only fitting that he receive the honor which is to be bestowed upon him. On behalf of Nevada, I wish to commend Mr. O'Callaghan on the unique caliber of his achievements. I offer my sincere congratulations to this highly respected leader, military man and citizen.

OUR CONSTITUTIONAL HERITAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 15, 1987, into the CONGRESSIONAL RECORD.

Sometime during this celebration of the 200th anniversary of our Constitution, we need to get deep into our bones an understanding of the kind of men and women who precedes us in this country, and the marvelous document of representative government which they produced.

The writing of the Constitution was an act of genius. Fifty-five, fairly ordinary, American citizens met and argued for 127 days during a ferociously hot Philadelphia summer, and produced one of the preeminent documents of world history. They drew up a document which, with only 26 subsequent amendments, has provided the framework of government for a nation that has become the most successful democracy on earth. I am astonished even today at its utility and at its capacity to adapt to a changing world.

Virtually all other nations which were in existence in 1787 have had to alter their form of government significantly in the invervening years. The United States, adhering to its original written Constitution, has continued with its form of government essentially unchanged. Ours is the oldest nation in the world, with the possible exception of Great Britain, to have found precisely the government which suits it best.

Strangely, the men who had the most influence in Philadelphia were not household names. Benjamin Franklin was there, but he was old and frail. George Washington was the convention's chairman, but he maintained an air of detachment. Alexander Hamilton made just one speech of note in Philadelphia, but failed to convince his audience. Thomas Jefferson was in Paris. John Adams was in London.

The hard work of the convention was done by a handful of less-known, but talented men: James Madison, Edmund Randolph, and George Mason of Virginia, Robert Sherman of Connecticut, James Wilson and Gouverneur Morris of Pennsylvania. Only one of them, 36-year-old James Madison, was well-known outside America.

James Madison deserves special attention. He was a small man. In his youth he was too sickly to achieve much. He was timid, and selfconscious as a public speaker. He was often thought to be anti-social, without humor, bookish. I often think that he could never get elected to office today, and he certainly could not ascent to political leadership in the country. But his work, more than the work of any one person, contributed to the success of the Constitution. James Madison is a national hero.

He dreamed up and saw through to completion the creation of an entirely new political system and a new political culture. An intellectual genius, he had the remarkable ability to see opportunity in a crisis, rather than letting the crisis and the problems weigh him down and paralyze him. Although the Constitutional Convention altered many of his ideas, his plan was the cornerstone. He, of course, did not produce the Constitution alone, but I think it is fair to say that the Constitution would have been significantly different without James Madison.

Madison and his colleagues produced a Constitution that became the instrument for carrying out the ideals set forth earlier in the Declaration of Independence. This extraordinary document masterfully addresses and resolves such difficult questions as the kind of government we should have, the limits of political power, how to make democracy work and our freedom secure, and how to balance freedom and responsibility within our system. And it was all done at a time in history when the establishment of a democratic government, based upon liberty and equality, was at odds with a world which cherished order and authority.

Americans still celebrate this Constitution, but not very many of us read it. We praise it, debate it, and quote it, but not enough of us know what is in it. Many—far too many—are simply ignorant of the content and meaning of our Constitution. Only a bare majority knows that the purpose of the 200-year-old document was to create a federal government and define its powers.

A Gallup Poll some years back found that: 60% of Americans were unaware that the Bill of Rights is the first ten amendments to the Constitution; 75% believed that the Constitution guarantees the right to free public education through high school; less than 40% knew that the Constitution permits citizens to preach revolution; and nearly half believed that the Constitution contains the Marxist declaration, "From each according to his ability, to each according to his need."

The Constitution should be appreciated as a living instrument. Each new generation of Americans must protect the Constitution. There is a danger in a democratic society when so few of us really understand the institutions that protect our freedoms. When asked what the delegates had created, Franklin responded: "A republic, if you can keep it."

Easily one of the most remarkable documents in the annals of history, the Constitution is unsurpassed for substance and durability. In it, power is balanced by counterpower, and authority is checked by counterauthority. A three-part federal government was set up to prevent any one arm of government from dominating the others, and the federal government is balanced by the power of the states. Under the Constitution, the United States has survived wars, waves of immigration, the Great Depression, and sweeping economic, social, and technological change.

The Constitution should not be dismissed as a product of its time and place. If you look at the major themes of American government today—due process, advise and consent, separation of powers, checks and balances, full faith and credit, equal opportunity, equal treatment under the law, the presumption of innocence, freedom of speech and religion—you will find that the basis for each of them is in the Constitution. It remains a splendid vision of justice and fairness; a document that reflects a government system which is strong enough to withstand crisis and flexible enough to permit change.

TRIBUTE TO COACH TOM FLORES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Coach Tom Flores of the Los Angeles Raiders. I do not, however, rise to honor him for his many successes on the football field, but rather for his singular success as the San Fernando Valley Child Guidance Clinic "Humanitarian of the Year."

Tom Flores has set an admirable example for those of us who are committed to making a difference in improving the lives of children. While living in the Bay Area, he regularly scheduled visits by the Raiders to Children's Hospital in Oakland. He also was successsful at organizing fundraisers every year for the hospital. Before he came to Los Angeles, Mr. Flores was honorary chairman of fundraising for "We Care," a center for children up to 6 years of age who are developmentally delayed.

The first annual Tom Flores Boy Scout Golf Tournament signaled the arrival of Mr. Flores to the southern California community. This annual event, now in its fourth year, has become the second largest fundraising event in the Los Angeles area, raising money for handicapped Boy Scouts.

Tom Flores brings dedication and devotion to the arduous, though rewarding, task of actively seeking support for children's programs. In recognition of his efforts, he is being honored as Humanitarian of the Year at a dinner in Los Angeles on April 30. I am sure that all of my colleagues who share his deep and abiding commitment to the children of our Nation will join me in extending warm congratulations to him. Moreover, I want to offer my support to Mr. Flores and my hopes that the Raider organization has now found its niche so that our community will benefit from the continued presence of Tom Flores.

SUPPORT FOR THE WORLD HEALTH ORGANIZATION

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MRAZEK. Mr. Speaker, just before the Easter recess, my distinguished colleague, Mr. PORTER and I introduced a resolution to express the support of Congress for the World Health Organization in its efforts to combat the spread of AIDS.

The AIDS virus poses the most serious public health threat of the last several decades, and threatens to undermine the achievements in health and development of many developing nations.

Best estimates indicate that between 5 and 10 million people in more than 100 nations are infected with the AIDS virus. By 1990, as many as 100 million people worldwide could be infected, with the death rates rising concurrently.

The World Health Organization, in conjunction with its member nations, has developed a Special Programme on AIDS to coordinate the worldwide effort to stem the growth of this deadly disease. The Special Programme on AIDS is designed to assist the many nations that are inadequately prepared to respond to the critical need for preventive measures, such as public education and blood testing.

WHO's role will be not only to help develop national programs, but also to coordinate global activities to omit duplicative efforts by various national health communities. AIDS is an international problem, and requires an internationally coordinated response.

WHO's leading role in successfully ending suffering from the small pox disease demonstrated their ability to marshall the resources of the world in an effective and responsible manner. I urge my colleagues to join me and Mr. PORTER in commending and supporting WHO's effort to combat the threat to world health posed by AIDS.

IRISHMAN OF THE YEAR: EDWARD F. TOOHEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BORSKI. Mr. Speaker, I rise today to congratulate the dean of Philadelphia's labor community, Edward F. Toohey, who will be named "Irishman of the Year" by the Irish Society of Philadelphia at their annual banquet on April 29, 1987.

The son of Irish immigrants, Mr. Toohey has worked his way up the labor ladder and is currently serving his 10th term as head of the Philadelphia Council AFL-CIO. Mr. Toohey has been involved with various charitable organizations, and is one of Philadelphia's most respected citizens.

The Irish Society has wisely chosen to honor Ed Toohey for his lifetime of service. I join with them in extending my warmest congratulations to this outstanding citizen.

HONORING THE UNIVERSITY OF PITT AT JOHNSTOWN'S GIRLS' BASKETBALL TEAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to honor the members of the Girls' Basketball Team at the University of Pittsburgh at Johnstown. The members of this team have accomplished an outstanding goal, and they are an honor to UPJ. The following girls are members of the basketball team:

Bobbi Byrne, Bridget Hale, Kim Rairie, Sally Mosay, Janet Kartovicky, Dee Slater, Michelle Pflueger, Rita Anderson, Karen Sayers, Jill Halapin, Margaret Gioia, and Lynne Ashbridge.

In addition to being the winners of the Mountain Cat Classic Tournament, which was held at the UPJ campus, they are the Eastern Regional Champions of District 2 NCAA. These young women can also be proud of having been one of the final four in the semifinals at Cal Poly Pomona. I congratulate each and every one of the girls for a job well done, and the coach, Ms. Jodi Gault, along with her assistant coaches, Rob Eckenrod and Terry Solema, should be honored for the fine job they have done in leading the team to victory.

Students such as these are a credit to their university, their families, and the community. Their hard work and determination have shown us what they can accomplish, and this certainly gives me a bright outlook for the future. I would like to wish them success in their future endeavors.

REDUCE COSTS TO DRILL BIT MANUFACTURERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ARCHER. Mr. Speaker, before the April recess I introduced H.R. 2033 which would continue the existing suspension of duty on tool and drill blanks primarily comprised of industrial diamonds. These blanks are important to the manufacture of industrial drills used for oil and gas exploration.

With the dramatic decline in oil and gas prices, the number of drilling rigs in the United States has been reduced from a high of approximately 3,800 in 1981 to about 900 in 1986. The reduction in drilling rigs has depressed the market for drill bits and the materials used in their manufacture, including diamond tool and drill blanks.

The suspension of duty in 1984 allowed the drill blank industry to reduce costs to drill bit manufacturers. If duty-free treatment is terminated, costs will unnecessarily be increased to manufacturers who are not in a position to absorb them. The importance of attaining cost reductions in the energy industry is obvious and I urge my colleagues to favorably consider H.R. 2033.

UNITED STATES FUNDING OF ISRAELI MILITARY TRAINERS IN HONDURAS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HAMILTON. Mr. Speaker, on December 11, 1986, I initiated correspondence with the Department of State concerning the presence of Israeli military trainers in Honduras and the involvement of the United States in the funding of that military training.

I received a response on January 20, 1987 and sent a subsequent query on January 21. I received another response on February 12 and sent another followup inquiry on February 23, 1987. The classified response of February 12 was declassified by the Department of State on March 24, and my letter of February 23 was answered by the Department of State on April 9.

The text of the several letters follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 1986.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: It has been brought to my attention that Israeli military trainers are in Honduras working with Honduran Armed Forces.

I would like to know the following: Did the United States encourage Israel to send a military training mission to Honduras? How many Israelis are engaged in this activity? Are they working in cooperation with U.S. training personnel? Do you know how these Israeli trainers are being paid? And finally, are any U.S. funds being used for this purpose and, if so, what funds?

I appreciate your early reply to these questions.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 20, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your inquiry of December 11, regarding the possible presence of Israeli military trainers in Honduras working with the Honduran Armed Forces.

To the best of my knowledge, there are no Israeli military engaged in military training in Honduras in any capacity. We understand that the last time the Government of Israel was so engaged was in the mid-1970's. There are private Israeli firms active in the sale of military and other equipment to Honduras, however, and these firms on occasion provide trainers once a sale has been made. Additionally, there was an Israeli military team present recently in Honduras to brief the government on a proposed sale of Kfir aircraft (along with a U.S. team briefing on the F-5).

I hope this information responds satisfactorily to your request.

Sincerely,
J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: Thank you for your reply of January 20 to my inquiry of December 20, 1986 concerning the presence of Israeli military trainers in Honduras. I write to seek a further clarification.

You note in your reply that "there are private Israeli firms active in the sale of military and other equipment to Honduras . . . and these firms on occasion provide trainers once a sale has been made."

This raises several questions: Do these private Israeli trainers in Honduras work in cooperation with U.S. training personnel? Do you know how these private Israeli trainers are paid? Finally, are any U.S. funds used to help pay for these trainers and, if so, what funds?

I appreciate your early reply to this follow-up to my original letter.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 12, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your letter of January 21, requesting further information on the presence of Israeli military trainers in Honduras.

We are unaware of any instance in which private Israeli military trainers (as discussed in our letter of January 20) have worked or are working with U.S. training personnel. To the best of our knowledge, any private Israeli trainers are paid out of Honduran national funds. In the past, no U.S. funds have been used to pay for such trainers; the possibility exists, however, that MAP funds may be used indirectly to pay for private Israeli trainers in the following manner.

In 1982, the Government of Honduras contracted with Israel to provide trainers for its Naval Technical School. Private Israeli trainers were present until 1984; a U.S. firm now has a contract to expand the School, and has subcontracted work to the Israeli firm which had been involved with the School earlier. We cannot discount the possibility, therefore, that Israeli trainers will be brought back to Honduras under this arrangement.

I hope this information is of use in responding to your questions.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: Thank you for your classified reply of February 12, 1987 to my letter of January 21, 1987 concerning the presence of Israeli military trainers in Honduras.

You noted that a U.S. firm now has a contract to expand the Naval Technical School in Honduras, and has subcontracted work to an Israeli firm which had been involved in providing trainers to the school earlier.

Is it U.S. policy to provide support, including financial support, for the involvement of private Israeli trainers in Honduras?

What is the value of the subcontract which has been awarded to an Israeli firm?

Is it correct that this entire amount will be paid out of MAP funds?

How many Israeli trainers do you expect will be present in Honduras under this contract?

What is the legal authority for using MAP funds to finance third country training?

What is the relationship of this private Israeli firm to the Israeli government?

Did this firm enter into its first contract with Honduras in 1982 at the request of the Israeli government?

Who paid for the initial presence of these private Israeli trainers at the Naval Technical School in 1982?

Your second letter to me on this issue dated February 12 was provided on a confidential basis. I would like to know why the reply was classified and would appreciate if you could make available an unclassified reply. I would also appreciate if you could reply to this letter, to the maximum extent possible, in an unclassified response, with a classified annex if necessary.

I appreciate the promptness of your previous response and look forward to your early reply.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 24, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your letter of February 23, requesting additional information on the presence of Israeli military trainers in Honduras.

We are still in the process of collecting the information necessary to answer your inquiries, but anticipate being able to respond fully in the near future. In response to your question regarding the classification assigned to our February 12 letter, we have declassified the contents of that message, per your request.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 9, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: You wrote on February 23, requesting additional information on the presence of Israeli military trainers in Honduras. We provided an interim response on March 24, noting that we were in the process of obtaining the necessary information to respond fully to your inquiry.

Following is our full response to the questions contained in your February 23 letter:

Q: Is it U.S. policy to provide support, including financial support, for the involvement of private Israeli trainers in Honduras?

A: U.S. MAP funds were provided to a U.S. firm, Technovate, Inc. (910 Southwest Ave., Pompano Beach, FL; telephone number 305-946-4470) in connection with the expansion of the Honduran Navy's Technical School. Technovate subcontracted work on this project to the Israeli firm Degem Systems. Such an action is permissible under U.S. regulations, but the U.S. government was not involved in Technovate's subcontracting decision.

Q: What is the value of the subcontract which has been awarded to an Israeli firm?

A: The value of the USG contract with Technovate is $688,000. The value of the subcontract awarded by Technovate to Degem is $583,000.

Q: Is it correct that this entire amount will be paid out of MAP funds?

A: Yes. The entire cost of Technovate's contract is being paid out of MAP funds.

Q: How many Israeli trainers do you expect will be present in Honduras under this contract?

A: The contract envisages a maximum of two trainers to instruct Honduran teachers in the use of electronic and motor repair teaching aids at the Naval School. Whether the trainers are of U.S., Israeli or third country nationality is up to Degem. We understand that it is anticipated that such individuals would be present in the School at various times, for a total of not more than fifteen man months.

Q: What is the legal authority for using MAP funds to finance third-country training?

A: The legal authority for using MAP funds (or other appropriated funds) to finance procurement of goods or services from outside of the United States is contained in Section 42(c) of the Arms Export Control Act.

Q: What is the relationship of this private Israeli firm to the Israeli government?

A: We understand Degem is a private firm which specializes in the development and manufacture of educational, training and teaching systems. Degem has apparently cooperated for many years with Technovate, a U.S. company involved in the same field. In accordance with Israeli government regulations, a permit from the Ministry of Defense would be required before Degem could export its services.

Q: Did this firm enter into its first contract with Honduras in 1982 at the request of the Israeli government?

A: Degem entered its first contract in 1982 at the request of the Honduran Navy.

Q: Who paid for the initial presence of these private Israeli trainers at the Naval Technical School in 1982?

A: The Government of Honduras paid for the initial presence in 1982, out of its own funds.

The above information represents the extent of the Department of State's understanding of this issue. Please contact me if you have any further inquiries on this matter.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

COMMUNITY COLLEGES: A NATURAL TRAINING GROUND FOR TECHNOLOGY EDUCATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. WALGREN. Mr. Speaker, today I am introducing the National Advanced Technician Training Act to create a Federal-local, cost-shared program in community colleges to train people in advanced technology fields. This would be a new program administered by the National Science Foundation and would draw on the unique resources of the Nation's community college network—the largest arm of higher education. In my view, community colleges are the ideal training ground for new high technology programs because of their flexibility in programs, their ability to respond quickly to changing work force needs, and their strong ties to local economies.

The National Science Foundation is the ideal agency to lead this effort. In the words of the National Science Board's Committee on Undergraduate Science and Engineering Education, "The Foundation must use its leadership and high leverage programs to catalyze significant efforts in the States and local governments and in the academic institutions where ultimate responsibility lies."

COMPETITIVENESS REQUIRES A STRONG SKILL BASE

As this Nation struggles to meet the challenge of a global economy and competition abroad, we cannot do it without a strong technician skill base. Many reports have decried our scientific weaknesses and have called for more and better trained scientists and engineers. But we will never meet the competitiveness challenges posed by other countries with Ph.D. scientists and engineers alone; they must be backed up by skilled technicians. Our ability to compete in a world-wide economy arena will rest strongly, if not more strongly, on the quality of our technicians as on the abilities of our engineers.

THE WORKPLACE OF THE FUTURE

This Nation must also respond to irrevocable changes in the workplace. Service industries with their reliance on information and communications technology are growing. Manufacturing, if it is to survive, must turn to computer based processes. High technology occupations are projected to increase more than 100 percent between 1985 and 1990—more than four times the employment growth rate in all occupations.

Today's technological transition is comparable to the industrial revolution. Pat Choate, in "Retooling the American Work Force," has observed, "In this decade virtually all of the Nation's workers, most of whom are now employed, will need to be retrained or have their skills sharpened."

Some projections: Data processing jobs will grow by 148 percent, programmer jobs will jump by 74 percent; computer analysts will increase by 108 percent. By 1990, almost half of American workers will use electronic-technical equipment daily. 1990, we should stop to think, is less than 3 years away. We must be ready to meet these needs, to train and retrain workers who will need these jobs.

Profound changes are occurring in job content and skill requirements. Consider this example of how five jobs have collapsed into one from a speech by Dr. Sue Berryman, Director, National Center on Education and Employment at Columbia University:

> The insurance industry has been subject to computerization and international competition for property and casualty coverage. Computerization has caused five distinct jobs to be folded into one. These five jobs were: Messenger, file clerk, customer assistance clerk, claims adjuster, and policy writer.
>
> When the insurance industry ran on paper, it required file clerks to categorize the paper and messengers to move it among offices. Computerization virtually eliminated these jobs and combined the other three jobs.
>
> The customer assistance clerk had been essentially an order-taker: he or she answered the telephone, recorded what the customer needed, and routed that request to either a claims adjuster or to the policy writing group. With the advent of computers, that person who now answers the telephone is expected to complete these routine and not-so-routine interactions during one call. He or she works with a computer terminal and software that gives him or her access to claims settlement files and to information about the nature of and rates for insurance coverage that the company offers. The computerization of policy writing rules and the printing speed of laser printers allow—and therefore require—the person to customize insurance contracts.
>
> Today the person who performs this combined job is often called a claims adjuster. However, the skills required to perform this job are greater than those associated with any one of the original five jobs. The job occupant is less an order taker than an advisory analyst. He or she has to have good communication skills and be able to help diagnose the customer's needs through an analytic series of questions and answers. The person needs less specific and splintered knowledge and more systematic and abstract knowledge—the ability to understand multiple arrays of information, the rules governing them, and the relationships between arrays. He or she also needs to be able to frame answers to less standarized requests. Insurance companies used to hire high school dropouts or graduates for the five jobs. They now hire individuals with at least two years of college for the restructured claims adjuster job.

SUMMARY OF BILL

The National Advanced Technicians Training Act would authorize funds for the National Science Foundation to conduct advanced technician training programs under which accredited associate-degree-granting colleges, using non-Federal funds, would provide training in technical competencies in strategic fields.

The NSF would also designate 10 centers of excellence among community colleges to serve as clearinghouses and model training programs.

The bill includes several special emphases for NSF to consider in awarding grants: People in need of retraining or upgrading to retain their jobs; workers dislocated by plant closings and technological change; working people and parents who need flexible scheduling; young people just out of high school; high school dropouts; and handicapped people with special needs.

WHY COMMUNITY COLLEGES?

Community colleges are the ideal place to meet the retraining needs we face. They can offer low-cost programs with flexible scheduling. This is particularly important to adults with jobs and families (Almost 50 percent of community college students are non-college age.) Community colleges can design programs with local industry—often on-the-job training—specifically designed to meet local industry's needs. They can attract faculty from industry, people who teach part time in a field related to their work.

The community college is an especially good training ground for displaced workers, people whose jobs are eliminated because of a plant shutdown, retooling with new equipment, or changes in the economy. From 1979 to 1984, 5.1 million jobs were lost in the United States. The Bureau of Labor Statistics estimates that between 1981 and 1986 10.8 million persons lost jobs in a manner that suggested the jobs losses would be permanent.

Our national science education policy must take advantage of community colleges as one of our most powerful and natural weapons: Community colleges are the Nation's largest delivery system of technical education, excluding industry itself. It would be a national tragedy to overlook the great training potential of our vast network of community colleges.

The Red Queen in "Alice in Wonderland," gives us guidance: ". . . it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that." This bill is an attempt to get us to "run twice as fast."

THE NATIONAL SPIRIT OF LIFE AWARD

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BUECHNER. Mr. Speaker, I rise today to congratulate the honorees receiving the National Spirit of Life Award in St. Louis this Saturday. The National Spirit of Life Award honors both labor and management.

Michael Sacco, the labor honoree, and the two management honorees, Jim LaBarbera and Michael Shanahan are to be commended for their fine work in their respective fields.

The National Spirit of Life Award is sponsored by the City of Hope. And proceeds from the awards banquet will go to a good cause: a medical research fellowship in the honorees' names at the National City of Hope Medical Center and Beckman Research Institute for the catastrophic diseases.

City of Hope seeks to influence science and medicine everywhere through its pioneering programs in patient care, research and education. It is 1 of the 6 prestigious clinical cancer research centers in the United States.

Mr. Speaker, I count it a privilege to have been asked to join this distinguished group to honor these three deserving recipients. I would like to take this opportunity to publicly congratulate the three honorees for their achievements, and to wish them much future success.

RISING STARS OF TEXAS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. COLEMAN of Texas. Mr. Speaker, Texas Business magazine has recently selected its "Rising Stars of Texas," the individuals who represent the State's emerging leadership. Texas Business wrote that:

> The year 1987 will go down in the annals of Texas as a traumatic one in which the State coped with persistent economic woes and sought fresh solutions and directions. To identify effective remedies calls for foresight, ideas and no small measure of energy from our establishment and emerging leadership.

The magazine selected eight men and women under the age of 40 who have become renowned for their willingness and dedication to contribute their ideas and expertise to their cities, their communities and the State. The 16th Congressional District of Texas, which I represent, is proud to have one of our own community leaders join this select group, Deborah Kastrin of El Paso.

Ms. Kastrin is an independent business person who currently serves as chairman of the board of the El Paso State Bank and is actively involved in aggressively promoting El Paso's economic development. She is a director of R. E. Thomason General Hospital and is a leader in the community's efforts to address the indigent health crisis. Most recently, she fought on behalf of the University of Texas at El Paso as a member of the State's Select Committee on Higher Education. Strengthening El Paso's research and development base begins with bolstering UTEP's role in the State system. Although the Select Committee's final report did not reflect everything we wanted for UTEP, we were fortunate to have someone of Deborah Kastrin's ability and stature fighting for our interests.

We are also fortunate to have someone like her who is willing to make the necessary sacrifices in terms of her time and interest, and then combine that with unparalleled personal dedication to the betterment of the entire El Paso community. Given her family background, it's no surprise, because her father is known as a pioneer advocate of improved United States-Mexico relations based on mutual economic development and increased border commerce. Deborah Kastrin has carved out a unique and public role as an advocate for new ideas, for fresh approaches, for turning the old solutions and problems upside down in her never-ending search for ways to improve our quality of life.

Mr. Speaker, we along the border are proud of her accomplishments and we are grateful to see that Texas Business magazine has rewarded Deborah Kastrin with the recognition she so richly deserves. I commend her to my colleagues and to this House, and I urge them to read the following article as a source of inspiration.

The article is as follows:

RISING STARS OF TEXAS

In the fall of 1985, when 34-year-old Deborah Kastrin was appointed to the Select Committee on Higher Education, some of her father's friends called to congratulate him on what they assumed was his appointment. To old-line El Pasoans, it was inconceivable that someone so young, and a woman to boot, would be appointed to the governor's august panel, "There are still people who think they should be talking to my father instead of to me," laughs the native of El Paso whose father, Bill Kastrin, is a long-standing and prominent business leader in the Texas border community.

Kastrin, however, is undaunted by this hidebound view of her. Since graduating from the University of Texas in December 1971 with a degree in political science and business, the ebullient brunette has established herself as a successful businesswoman in El Paso. She concedes that coming from a monied family was an advantage, but Kastrin also makes it clear that she deserves credit for her own accomplishments.

The youngest of four children, Kastrin was involved in a variety of family-owned business until several years ago when she sold her holdings in the family enterprise to her brother and sisters and became totally independent.

Last December, Kastrin became chairman of the board of the newly chartered El Paso State Bank. Capitalized at $3.8 million, the bank was created by a group of Mexican and Texas investors, with Kastrin controlling one of the largest individual shares. "I'll be making calls, which I enjoy, I'll participate in the review committee and I'll have a say in bank policies, but I will not have an office there or day-to-day responsibilities," Kastrin says.

Business interests dominate Kastrin's life, but her stint on the select committee gave her a taste of the power and politics of Austin. "I really enjoyed it," she says. A longtime supporter of Democratic Party causes and candidates, Kastrin would like to remain involved, but from behind the scenes, in state and local issues. "When I get behind something, I become 100% committed, but I like to get the lay of the land before I make a move. When I know what I'm doing, I can be extroverted, but in unfamiliar surroundings, I am introverted to a fault," she confesses.

Education is clearly of interest to her, as are health-delivery issues and—most notably—medical services to Texas's indigent population. Kastrin is obviously frustrated by the rhetoric she hears in El Paso and in Austin. "If we're not daring, we're risking mediocrity or stagnation," she says with fervor. "It's important to see young people get involved. Right now, everyone who has power wants to retain it. If they really were interested in the development of the state, rather than their own wallets, they'd allow new ideas to come in."

Her hope at the moment is to develop stronger ties on both sides of the border from her base in El Paso and widen her statewide contacts. "I want to be part of a new young network in the state," she declares.

TRIBUTE TO JUDGE JOSEPH L. McGLYNN, JR.

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to the Honorable Joseph L. McGlynn, who will receive the Irish Society of Philadelphia's "Annual Award for Judicial Excellence" on April 29, 1987.

Mr. McGlynn is a graduate of Philadelphia's Northeast Catholic High School, Mount Saint Mary's College, and the University of Pennsylvania Law School. During his distinguished legal career he has served with the U.S. attorney's office and as a judge in the Pennsylvania Common Pleas Court. Currently, he is serving as a Federal judge for the Eastern District of Pennsylvania.

I am proud to join with the Irish Society of Philadelphia in honoring Judge McGlynn for his lifetime of service to the community.

WORLD POPULATION AWARENESS WEEK

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. TORRICELLI. Mr. Speaker, more than 30 Governors have proclaimed the week of April 20 through 25 as "World Population Awareness Week." I am proud that the State of New Jersey is one of the States taking a leading role in this important event.

The citizens of New Jersey, like thousands of other Americans from Florida to Alaska, will mark World Population Awareness Week in meetings, conferences, and forums designed to broaden public understanding of the consequences of continued population growth and encourage the development of solutions. In my State, such events will take place at the New Jersey Institute of Technology and Upsala College, among many other places.

I am very pleased that New Jersey is a part of this effort and I am proud to join my colleagues, Senators BILL BRADLEY and FRANK LAUTENBERG, in supporting House Joint Resolution 148 and Senate Joint Resolution 69 to designate the third week in April nationally as World Population Awareness Week.

I submit Governor Kean's proclamation to be printed in the RECORD.

Whereas, the current world population of 5.0 billion is projected to exceed six billion by the end of this century; and

Whereas, 90 percent of this increase is expected to occur in the poorest, least developed countries of the world, which are already struggling to provide their people with adequate food, housing, sanitation facilities, employment, health care and other basic human services; and

Whereas, world overpopulation is a major cause of problems of malnourishment and hunger, resource shortages, environmental deterioration and ecological degradation that lead to social unrest, rebellion and war; and

Whereas, there are an estimated 500 million people who need and want, but lack access to, voluntary family planning services; and

Whereas, substantial fertility declines have been recorded in many countries where there has been leadership commitment implemented with the assistance of organizations such as the United Nations Fund of Population Activities to enable couples to exercise the human right of voluntarily limiting their family size;

Now, therefore, I, Thomas H. Kean, Governor of the State of New Jersey, do hereby proclaim April 20-25, 1987, as World Population Awareness Week in New Jersey, and call upon the citizens of this State to reflect upon the consequences of overpopulation and what they can do toward assisting in the achievement of population stabilization through humanitarian and voluntary action.

UNITED STATES CONTRIBUTION TO THE UNITED NATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HAMILTON. Mr. Speaker, I wish to bring to the attention of my colleagues two exchange of letters with the Department of State concerning the legality of the U.S. decision to withhold a share of its contributed funds from the United Nations in fiscal year 1987. I originally wrote on May 21, 1986, asking the State Department to comment on an op-ed piece by Ambassador Elliott Richardson and asking whether or not the United States had violated its commitment to the United Nations as specified in article 17 of the U.N. Charter.

I draw my colleagues' attention to an April 8, 1987, letter from the Department of State indicating that a member state can withhold its contributions if it is prepared "to suffer the eventual loss of its General Assembly vote" as specified in article 19 of the charter. However, that state loses its vote in the General Assembly if "the amount of its arrearages equals or exceeds the amount of its assessed contributions for the preceding 2 years." In short, the United States believes it could withhold funds without endangering its overall relationship with the United Nations. This answer is a clearer statement of U.S. policy on this issue than that outlined in a previous letter of January 20, 1987, from the Department of State.

The administration believes that reforms introduced in the United Nations through consensus-based budgeting should create a better balance between U.S. contributions and the degree of U.S. influence over budgetary decisionmaking in the United Nations. Therefore, it is asking the Congress to provide full funding for fiscal year 1988 contributions to the United Nations.

Mr. Speaker, I believe this correspondence provides a usual record of U.S. policy on the U.N. funding issues, and I encourage my colleagues to review these exchanges of letters and the Richardson op-ed article.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 8, 1987.
Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Represenataives.

DEAR MR. CHAIRMAN: The Secretary has asked me to thank you for expressing your concerns about the legality of the Kassebaum withholding provisions under Article 17 of the United Nations Charter. The delay in response to your letter of January 21 is sincerely regretted.

The Department of State has always taken the position that the United States has an obligation to pay our full assessed contribution to the United Nations under Article 17 of the UN Charter, as do all other members of the organization. Questions have been raised, however, concerning the nature and extent of this obligation.

Withholdings from the UN budget must be seen in context, both legal and political. Article 19 of the Charter provides that a member will lose its vote in the General Assembly if the amount of its arrearages equals or exceeds the amount of its assessed contributions for the preceding two years. A Member therefore can withhold from its contribution, provided that the Member is prepared to suffer the eventual loss of its General Assembly vote. The express nature of the sanction for arrearages does indicate that withholding should not be considered a fundamental breach of Charter obligations threatening the Member's overall relationship with the United Nations.

The United States has in recent years withheld a portion of its assessed contribution because both the Congress and the Administration have found budgetary decisions of the UN General Assembly to be unreasonable. These decisions have been particularly troublesome where the U.S., which is assessed one-quarter of the UN's budget, has had the same as countries that pay only one two-hundred fiftieth as much as we do. As a political matter, there clearly are limits to the obligation—limits beyond which the UN has pressed us in the recent past.

Fortunately, the new system of consensus-based budgeting adopted by the 41st General Assembly promises to create a reasonable balance between the size of U.S. financial contributions to the UN and the extent of U.S. influence over budgetary decision-making. To help assure implementation of this new budgetary decision-making process, we are proposing that the Congress fully fund our current (FY1988) contributions. In deference to the budget climate, however, we are not asking the Congress for prior year arrearages at this time.

As I mentioned in my previous letter, Ambassador Alan L. Keyes, Assistant Secretary of State for International Organization Affairs, would be pleased to discuss this issue with you in more complete detail at a time convenient to you and your staff.

With best wishes,
Sincerely,
J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 21, 1987.
Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC

DEAR MR. SECRETARY: Thank you for your letter of January 20 which concerned the financial commitment and legal obligations of the U.S. to the United Nations.

I appreciate the Administration's interest in reform in the United Nations, and I support negotiations within the UN to obtain such changes. However, your answer does not clearly address the question of whether or not the U.S. has avoided commitments under Article 17 of the UN Charter.

You state "there are respected legal opinions on both sides of the issue." You then add that to insert yourself "in the debate on the question of our legal obligations to pay our assessed contribution to the United Nations during that process would have detracted attention both within and outside the UN from the goal of reform." This position skirts the issue of the legal obligations of the United States and commitments under the UN Charter. I wish to know whether or not the U.S. has violated legal obligations and whether or not it is U.S. policy to meet these commitments.

You note that "a credible framework for reform" appears to have been reached in the recently concluded 41st General Assembly and that the Administration will seek to remove application of the withholding provision in existing legislation. I intend to review these reforms closely. Such reforms are important, and I hope the U.S. will seek their implementation in ways which do not compromise its obligations or commitment to the United Nations.

I appreciate your consideration of this matter, and I look forward to your response soon.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 20, 1987.
Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Represenatatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your letter of May 21 with regard to our financial commitment and legal obligations to the United Nations. We regret the delay in responding to your inquiry.

As you know, several acts of Congress in recent years have mandated certain cuts in our contribution to the United Nations. These statutes had to be complied with. In particular, across-the-board reductions in federal expenditures under Gramm-Rudman-Hollings required reductions in our contributions to the United Nations. In addition, Section 143 of P.L. 99-93, the Kassebaum-Solomon Amendment, provides that our contribution may not, as of October 1, 1986, exceed 20 percent of the regular UN budget until the organization adopts voting rights on budgtary questions proportionate to member states' contributions. There has been no question about the urgent need for such reform, which has been a fundamental goal of U.S. policy in the United Nations.

U.S. concern about the UN and the resulting criticisms of its procedures reflect our firm attachment to the ideals of the organization. It is in the overall interest of all member states, including the less developed countries, to strengthen the budget process so as to endure that monies are spent for the benefit of all. When budgets are ineffective and spending measures are passed primarily to support the existing structure of an organization rather than its programs, as has been the case in the UN in recent years, it is in the organization's interest to change the process which creates those inefficiencies.

During the recently concluded 41st General Assembly, we achieved what we believed to be a credible framework for reform which we believe addresses the concern which the Congress has had about the imbalance in the UN program-budget decision-making process. On the basis of this reform package, we intend to seek a change in the Kassebaum legislation which will remove application of the withholding provision for the United Nations.

The reductions in our contributions to the United Nations, as appropriated in the FY87 budget, even though mandated, raised the question of possible violation of international obligations under the UN Charter. In this area of continuing controversy, there are respected legal opinions on both sides of the issue.

The path of negotiation which culminated in the 41st General Assembly's approval of an acceptable framework for program-budget reform was an extremely fragile process which could have turned sour or to failure at any moment. For the Secretary to have inserted himself in the debate on the question of our legal obligations to pay our assessed contribution to the United Nations during that process would have detracted attention both within and outside the UN from the goal of reform. It would have shifted the focus of debate to the propriety of U.S actions and in so doing detracted from our ability to develop momentum for reform. I hope that you will understand therefore our desire not to have made a statement during these negotiations.

During the current process of implementing the reform measures in the UN, we also will have to be careful to avoid distracting the attention of member states from the requirements for achieving real reform in 1987, especially now that a framework for reform finally has been agreed to. It would not be difficult to envision members of the organization turning their attention away from the requirement to implement the reform agreement to discussions of international legal questions. It would be tragic to allow such a diversion of debate to damage the fruits of our reform effort at the recently-concluded General Assembly, attained with the support of a bi-partisan coalition in the Congress.

If you have further questions on this issue, Assistant Secretary Alan L. Keyes would be pleased to meet with you.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 21, 1986.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC

DEAR MR. SECRETARY: I enclose for the Department of State's comments, an op-ed article which Ambassador Elliot L. Richardson wrote and which appeared in the *Washington Post* of May 20, 1986.

This op-ed piece raises serious questions about United States policy toward, and financial commitments to, the United Nations, U.S. compliance with its treaty commitments, and the appropriateness of the methods used to try to change those commitments. Specifically, has the United States undertaken a unilateral action with respect to its commitment under Article 17 and thereby violated its international legal obligations under the United Nations Charter, and, if so, why has the United States done so?

I would appreciate an early response to these questions and comments on the Richardson op-ed piece.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

[From the Washington Post, May 20, 1986]

* * *AND SKIRTING THE LAW

(By Elliot L. Richardson)

When ships of the U.S. Sixth Fleet sailed into the Gulf of Sidra last month, White House spokesmen treated the episode as a police action carrying two messages. The first was that international law prohibits exclusionary zones such as Muammar Qaddafi's "line of death." The second, implicit in the deadly vigor with which the first was delivered, was that terrorism is an impermissible violation of international norms.

When a squadron of U.S. bombers struck Libyan terrorist support facilities several weeks later, the president again invoked an international norm in justification: the self-defense provisions in Article 51 of the United Nations Charter.

It is not surprising that this country, after long provocation, should act as the avenging instrument of abused international law. From the early 19th century, when President Madison sent U.S. Marines against the Barbary pirates, the United States has championed international norms, which in turn have served American interests in global stability. What is surprising is that the same country that defends international law against terrorism—and exhorts others to do so—is now violating it at the United Nations.

As a result of congressional cuts topped off with additional trimming by administration budget cutters, the United States will reduce its contribution to the U.N. this year by at least 40 percent—roughly $80 million—and in so doing violate its international legal commitments under the U.N. Charter. Defenders of the U.S. cuts argue that they will force the world body to give this country influence commensurate with its 25 percent share of U.N. costs and that in any event the U.N. cannot receive special treatment at a time of belt-tightening for the entire federal budget.

They are missing the point. United Nations dues are not determined by unilateral action. They are apportioned according to a negotiated formula anchored in Article 17, a binding provision of the U.N. Charter, and based upon members' gross national products. By no means, however, does the existence of Article 17 permanently shackle this country to payment of any particular percentage contribution. On the contrary, at U.S. urging, the General Assembly has already reduced the United States' share of the bill on three occasions in the past. If the American people want it lowered again—by whatever amount—there is a procedure for negotiating it down—that would not violate, and thus weaken, the U.N. Charter.

But the legal course has been ignored. Ironically, in their collective resort to illegality, Congress and the administration have injured this country's stature and credibility as a defender of international law at precisely the time we are exhorting others to join in its defense against terrorism. That is a double standard that should be disquieting to U.S. policy makers.

First, as a delegation of European ambassadors pointed out to Deputy Secretary of State John Whitehead, the casual disregard of U.S. treaty obligations in one case tends to debase the value of our signature on any treaty. After all, the United States is party to numerous treaties and legal commitments that are vital to our national interests—the NATO Pact, the Convention on Civil Aviation, the Nuclear Non-Proliferation Treaty, various bilateral and multilateral treaties governing extradition, the network of friendship, commerce and navigation treaties that protect and promote U.S. trade and investment abroad, and many others. Do we really want to have to explain to our allies and fellow signatories when our word is good and when we might be winking?

Second, it is worth reminding ourselves that the very norms the United States sought to defend by its actions in the Gulf of Sidra, Tripoli, and Benghazi derive their legal standing from their status in a U.N. agreement. For the Gulf of Sidra example, the source is the Law of the Sea Treaty, whose provisions on the definition of a bay on international rights of overflight and navigation and on the 12-mile territorial limit, give these principles a legal stature. For the strikes against Tripoli and Benghazi, the relevant source is the U.N. Charter itself, whose Article 51 protects the "right of individual or collective self defense."

Finally, before overturning Article 17, let us also remember one more thing. It was the United States which for many years insisted upon the binding application of this provision: first against countries that, like the U.S.S.R., continue to refuse payment for some U.N. peacekeeping activities and for technical assistance to developing countries; and more recently, against member states that are chronically late with their dues. In a 1962 proceeding before the World Court, the United Stats argued: "The legal consequence of the General Assembly assessment resolution. . . . was to create binding legal obligations of member states"—an opinion reaffirmed by the legal adviser to the State Department in 1975 and again in 1978.

Ultimately, the choice faced by the United States is starkly simple: we abide by our treaties or we don't. If Congress wants to change the terms of a treaty, the legal recourse is to renegotiate. If negotiation fails, then other methods may be considered. But to throw our legal commitments to the winds is to invite others to do the same or, as in the case of the Soviet Union, to condone their having done so.

MISCONCEPTIONS IN NORTHERN IRELAND

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MANTON. Mr. Speaker, I want to call my colleagues' attention to an article on the situation in Northern Ireland entitled "Misconceptions of Nationalism Prevent Peace" that appeared recently in the Christian Science Monitor. This article was written by Scott S. Smith, an American reporter who freelances and works as a correspondent for the Dublin-based political magazine, the Irish Nation.

Mr. Speaker, I urge my colleagues to take a moment from their schedules and read this article, which I believe offers an unusually perceptive analysis of some of the misconceptions about the situation in Northern Ireland.

MISCONCEPTIONS OF NATIONALISM PREVENT PEACE

(By Scott S. Smith)

When I was assigned to do a story on the conflict in Northern Ireland for an American magazine two years ago my assumption (based on a prior visit) was that the British government was indeed keeping troops in the province to "uphold the democratic will of the majority" and to "prevent a civil war between Protestant and Catholic extremists," as it said.

Perhaps my acceptance of the official line was also due to my Northern Irish Protestant and British heritage. After intensive discussion with all parties involved, however, I have drawn very different conclusions and believe that peace can be achieved only by discarding misconceptions both Labour and Conservative governments have fostered.

It is in the interest of the United Kingdom to withdraw from a conflict that has cost $22 billion and 2,500 lives; poll after poll shows the vast majority of citizens support withdrawal.

Britain's record was an unremittingly dark one for 800 years. Part of that story involves the use of English and Scottish Protestants to keep the native Catholic Gaels subdued in the most rebellious province of Ulster.

When the Irish Republican Army's guerrilla war brought about negotiations in 1921, Prime Minister David Lloyd George fashioned a deal that kept six of Ulster's nine counties in the UK, allegedly to "protect" Protestants (who insisted at gunpoint), laying the foundation for the current troubles.

The first line of defense for apologists of keeping a hold on the six counties is that the situation involves the simple protection of the democratic wishes of the majority. The fact is that this is an utterly artificial majority created to hold the largest piece of land for Britain after withdrawal from the rest of Ireland was forced. Furthermore while Lloyd George was assuring Irish negotiators that reunification was just a matter of time, he was secretly writing loyalist leader Edward Carson that no matter what a majority might want in the future the new statelet had to be kept in the UK.

Britain's "respect" for majority will had already been shown in its rejection of the 1918 and 1921 all-Ireland votes which overwhelmingly called for a free and united island. British concern for democracy was later shown when Catholics were gerrymandered out of even proportional representation in the North, property qualifications were attached to the right to vote (dropped only in 1974, with discriminatory identification requirements still in force), and employment discrimination was practiced to pressure members of the minority to move away. (Forty percent of Catholic men are unemployed today.) The noble idea of upholding the majority wishes has been put forth only when it served the government, the latest example of this being the Anglo-Irish accord of 1985, negotiated against the wishes of most local residents.

The fact is, of course, that majority rights must be weighed against other values. Clearly, the behavior of the loyalist majority forfeits its right to rule and the real interests of both the UK in general and Northern Ireland especially should not be allowed to be vetoed by loyalist extremists. Regional power abuse should not be encouraged, but as long as loyalists feel the Crown will back them up, they will continue to refuse to accept the Irish part of their identity.

The other concern with withdrawing the troops is that the area will degenerate into chaos. This scenario has some logical problems. First of all, it assumes that only British forces can police the area. But problems would decrease if they were replaced by an equal number (in the short term) of neutral troops.

It is hard for those not familiar with the record of Britain in the North to understand why the nonviolent portion of the Catholic nationalist population in the North is so adamant that Britain withdraw its military and political representatives, but the state has no credibility with the minority, which sees no hope for an acceptable level of reform.

As for the Protestants, they are not in any danger. For Irish nationalists this is not a "religious war" and Protestants living in predominantly Catholic areas are not bothered, unless they are members of the military and therefore seen as collaborators. So there should be no threat to Protestants after withdrawal.

Then why do Protestants so violently resist reunification? Protestant leaders admit a change in Dublin's divorce law will not change their stance and a majority of Irish Catholics favor liberalization of the law. Loss of jobs to the minority is a more legitimate concern but an end to the war would heal the economy, provide a tourism boom, and bring international aid. The roots of loyalist reaction are found in its 17th-century anti-Catholic myths and anti-Irish "racism." Catholics are convinced that living together as equals will bring reconciliation, as it has done for whites and blacks in the U.S. South.

Anyone who thinks anything short of the reunification of Ireland will bring peace misunderstands Irish nationalism. One is forced to recognize the illegitimacy of the "loyalist veto" over the future of the North and the weaknesses in the civil war scenario. It is time for Britain to act on the interests of Northern Ireland and United Kingdom and bring loyalism into the 20th century. Only when the island is reunified will Ireland achieve the peace and justice it has so long sought.

IN HONOR OF VIETNAM VETERANS OF AMERICA CHAPTER 154

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BONIOR of Michigan. Mr. Speaker, it is an honor for me today to recognize an organization that has turned a lot of hard work and dedication into a lot of happiness for people in Michigan's 12th Congressional District.

The Mt. Clemens Chapter of the Vietnam Veterans of America (No. 154) is living up to a pledge of, not only providing for the needs of Vietnam veterans, but also that of serving their entire community.

Last December, chapter 154 undertook a tremendous program to provide holiday cheer for needy individuals and families who otherwise would have had little to celebrate.

"Operation Christmas" was such a tremendous success that chapter 154 was able to provide food and gifts for 85 families. Having collected well over $7,000 in cash donations and an additional 7,000 dollars' worth of toys, chapter 154 was also able to assist the Warren Goodfellows, the Macomb County Youth Home, Turning Point—a shelter for battered spouses—and five local hospitals.

I am happy to report that the Mt. Clemens chapter, which also features an award winning color guard, does not confine its community service to just 1 month a year. Chapter 154 participates year round in such activities as Easter Seals and public television auctions.

Mr. Speaker, I am glad to acknowledge chapter 154 of the Vietnam Veterans of America and I am proud of their contribution to our community.

SALUTE TO CHINA JESSUP

HON. OLYMPIA J. SNOWE

OF MAINE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Ms. SNOWE. Mr. Speaker, Mrs. SCHROEDER and I, as cochairs of the Congressional Caucus for Women's Issues, join the Women's Research and Educational Institute [WREI] 1987 fellows in honoring China Jessup for 8 years of service as the coordinator of the Congressional Fellowships on Women and Public Policy. During her tenure, China Jessup has supervised 78 congressional fellows who have worked as legislative assistants on women's issues.

The WREI fellows provide a feminist perspective on a wide variety of issues in the offices of caucus members and in congressional committees. The fellowship expands the career opportunities of women and enhances the integration of women in politics. The American Political Science Association evaluated the fellowship program and called it "one of the most outstanding of its kind."

China Jessup has had a primary role in the support and development of this fellowship program. She has raised funds for the fellowship, coordinated the selection of fellows, supervised their training and placement, and planned seminars to enrich their experience. She has warmly and graciously assisted the fellows in adjusting to work on the Hill.

We salute your service, China, and deeply appreciate your dedication to the pursuit of women's issues and the enhancement of career opportunities for women.

HONORING MAJ. GEN. WILLIAM FAIRBOURN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. OWENS of Utah. Mr. Speaker, the State of Utah has recently lost one of its great citizens. Maj. Gen. William Fairbourn, a resident of my district and a dear friend of mine died on February 21, 1987. Over the years, General Fairbourn served his country in times of war, and in times of peace. He was a truly remarkable man who, because he was trained in the military, understood the destruction of war, and the need to work for peace. He was one of the original board members, and a past president of "Utahns united against the nuclear arms race."

Utahns united issued the following statement that reflects my own feelings about this great man.

General William Fairbourn served his country in war and peace. Bill served in World War II from Pearl Harbor through the battles of Midway and the Coral Sea, to Bouganville, Iwo Jima and Okinawa. He commanded the first marine division in the 1960's. At the time of the Cuban missile crisis, commanded the southern landing force and the fifth expeditionary force. He served as an advisor to the Joint Chiefs of Staff during the latter part of his military career.

Bill loved his country with that special intensity of a career-long officer in the military. But along with a number of senior officers, Bill understood that nuclear weapons, if used in war, would destroy the very people, the country such weapons were supposed to defend. He came to believe with great passion a nuclear arms race was no more winnable than nuclear war itself.

Bill criss-crossed this country that he loved, speaking before universities and churches, military groups and civil leaders, including a State legislature, talking sanity and restraint.

Even when serious medical problems seemed to dictate that Bill slacken his pace, he heard the call and responded with speeches and articles and leadership.

Bill understood that one need not prove one's love of country by hating others. He feared and opposed the use of the military when peaceful means of resolving problems were available. He sought reconciliation and healing, not antagonism and hate.

Bill expanded his life as a peacemaker, defending his country in time of war, and attempting to influence us all toward peace. He knew the inextricable link between peace and justice and understood the violation of justice as using resources which might otherwise feed the poor, heal the sick, and educate us all, are used to build ever more fearsome ways to destroying God's children and our planet.

Bill Fairbourn will be sorely missed by those of us who seek an end to the insane race toward nuclear destruction and a time when when the world can be at peace.

JOINT INTELLIGENCE COMMITTEE IS A BAD IDEA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BEILENSON. Mr. Speaker, a good many of our colleagues have signed on as cosponsors of bills to abolish the separate intelligence committees we now have in the House and the Senate and to substitute a joint intelligence committee in their place.

Many of us who have served on one or another of these committees believe that having a single, joint committee is a bad idea. Recently I wrote an article setting forth some of the reasons we feel that way, and I am taking the liberty of placing it in the CONGRESSIONAL RECORD so that our colleagues may have an opportunity to hear the other side of the story.

The article follows:

JOINT INTELLIGENCE COMMITTEE IS A BAD IDEA

(By Anthony C. Beilenson)

President Reagan has now given his official endorsement to the Tower Commission's recommendation for establishing a joint Senate-House Intelligence Committee to replace the separate panels which currently exist in each house of Congress. This proposal, which comes in the wake of revelations surrounding the Iran/Contra scandal, is also gaining support in Congress. But the enthusiasm which has rightfully surrounded the Commission's other recommendations should not cloud this issue—a joint intelligence committee is a bad idea.

The rationale offered by those who propose such a change is that it would reduce the likelihood of leaks of sensitive information which find their way into the press. Our ability to protect important national security secrets is a serious concern, for there have indeed been many such leaks during the past several years. But those closest to the situation, in both the government and the media, agree that the vast majority of these leaks emanate not from the Congress but from the executive branch of the government. High-ranking members of the intelligence agencies themselves admit that they believe administration officials are responsible for the vast majority of unauthorized disclosures, and even the Tower Commission had to report that Congress has been "disproportionately" blamed.

Very few in the legislative branch have access to our nation's most sensitive secrets. The House Intelligence Committee has 17 members and a professional staff of 13, many of the latter being veterans of the intelligence services themselves. On the Senate side, there are 15 committee members and a professional staff of about 20, thus making a combined total from both houses of Congress of only about 65 individuals who have access to information about sensitive intelligence activities.

On the other hand, there are often hundreds of executive-branch employees who know about each covert operation, many more in the case of covert paramilitary operations. And there are sometimes thousands who are aware of even more sensitive and potentially damaging secrets concerning intelligence-gathering programs. Given the sheer number of agency and department personnel who know about such matters, the risk of executive-branch leaks is extremely high.

This danger is further aggravated by the intense competition and rivalry which often exists among the various executive departments which carry out these operations. For example, Defense Department personnel are often extremely critical of the CIA's being "tasked" to run a particular covert operation, believing either that it should not be undertaken at all, or that the armed services themselves could do a better job. Similar objections are often raised by officials in the State Department as well; and even within the CIA itself, there will be many who think that a given covert operation is potentially dangerous and counterproductive to American interests. This interdepartmental squabbling increases the risk that disgruntled officials will leak classified information to the media.

Ask any journalist who has successfully dug out one of these secrets and he is likely to tell you that his source is someone in the executive branch, not in Congress. In fact, a recent Congressional study found that of the 147 newspaper articles divulging classified information in the first half of 1986, all but 12 specifically cited administration sources. In any case, one wonders how proponents of a joint committee can seriously believe that such leaks could be contained by reducing from 65 to about 35 the number of Congressmen and staff who review intelligence activities—while thousands of executive branch employees remain privy to these same secrets. The real solution to this problem lies in a reduction of the number of executive—not legislative—branch personnel who have access to this kind of information.

There are important reasons for us to retain the two separate intelligence committees we have now. These committees' most important function, and the one which they are directed by law to undertake, is the review, evaluation and oversight of all of the activities and programs of the entire intelligence community. That community spends many billions of tax dollars each year, and yet most members of Congress are completely unaware of the details and the costs of these programs. They rely on the small handful of intelligence committee members to do the tedious and time-consuming work of oversight, and depend on them to make sure that our money is being spent wisely and well. It would be the height of foolhardiness to even further reduce the number of elected representatives of the American people who are in a position to monitor these enormous expenditures.

There is no doubt that if we were to reduce the number of Representatives and Senators who participate in the task of oversight, our intelligence agencies would not only spend a lot more money, but the quality of our intelligence operations would decline as well. Someone has to force these agencies to choose their priorities wisely and spend the vast sums we provide them in a sensible manner.

The present two-committee system is especially important when one house of the Congress is in Republican hands and the other in Democratic hands, as was the case until just a few months ago. Each intelligence committee, like other congressional committees, is very much the creature of the Member of Congress who happens to be its chairman. If the chairman acts aggressively to ensure sufficient oversight, the committee is likely to live up to its responsibilities. If, on the other hand, his party affiliation or his position on a particular political issue (e.g., aid to the "contras") tempts him to steer the committee's investigations away from activities which might embarrass his party or threaten the policy he supports, then the oversight work of the committee will suffer badly.

Having two competing committees, with two different chairmen, and a larger and more varied assortment of members, helps to ensure that proper and sufficient oversight will take place, and provides a built-in check against politically motivated obstruction or neglect.

Finally, after what we have just been through with the Iran/Contra affair, can anyone seriously contend that we need less congressional oversight rather than more? If experienced members of Congress from both parties had been notified by the President of this foolish and probably criminal escapade at its inception, warning signals would undoubtedly have been raised. If there is an enduring lesson to be derived from this scandal, it is that congressional oversight of such intelligence operations must be more vigorous and thorough, not less. Reducing the number of Intelligence Committees from two to one is hardly the way to achieve that goal.

WHY A NONCONSTRUCTION COMPANY OPPOSES H.R. 281/S. 492

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. JENKINS. Mr. Speaker, a few days ago, I had a discussion with the manager of a transportation company in my district concerning H.R. 281, the so-called double-breasting bill. Since this bill purports to only address "sham" operations by certain construction companies, I did not fully understand the oppostion of businesses and companies who were not directly or indirectly engaged in construction activities. I am opposed to any "sham" operation within the construction industry as has been explained to me by various supporters of this legislation. However, it appears to me that this bill goes much beyond this stated objective. We should not enact any legislation that would force a union shop arrangement on an open shop arrangement, without the consent of their employees, and particularly when neither company has ever been engaged in any "sham" operation.

There must be some way to address the abuses of the "sham double-breated" operations without punishing innocent parties. If H.R. 281 reaches the House floor with its present language, which has far-reaching implications in other industries that continue to be battered in the world marketplace, I will have to oppose the bill.

The following is a detailed response from my transportation company constituent as to why he is opposed to H.R. 281 in its present form:

Why a Non-construction Company Opposes H.R. 282/S. 492

INTRODUCTION

Our company opposes the so-called double-breasting bill (H.R. 281/S. 492). We have been queried about our position because the double-breasting bill, as written, applies only to the construction industry. To simply answer that passage of this bill would establish a bad precedent for the American business community is to beg the question. Why is it bad? What follows answers that question.

THE COMPLAINT

The double-breasting bill was introduced in the 99th Congress where it passed the House and failed to come before the Senate. During the 99th Congress the unions published a pamphlet explaining their complaint. In one section of the pamphlet there is the following:

"Specific construction industry provisions of the federal labor law intended to assure protection of (collective bargaining) rights are being ignored through erroneous decisions of the National Labor Relations Board.

"As a result, contractors today freely ignore pre-hire agreements. And sham double-breasted operations—the practice of a union firm setting up a separate nonunion operations to avoid its collective bargaining obligations—are multiplying."

In other words, there are two parts to the compliant: pre-hire agreements are ignored and sham double-breasting operations exist.

WHAT IS A PRE-HIRE AGREEMENT?

Prior to the enactment of the Landrum-Griffin Act in 1959, no employer could enter into an agreement with a union without its employees first designating the union as its representative. The Landrum-Griffin Act made an exception to that rule for the construction industry only. The exception, known as the pre-hire agreement, arises where a contractor and a construction union reach an agreement on the wages, hours, and working conditions before any employees are hired, and before a union election.

A pre-hire agreement is a *voluntary* arrangement *permitted* by Congress. Because the union does not have majority status at the time these agreements are entered into, such agreements do not give rise to a presumption of majority status either during the term of the agreement or after its expiration. Accordingly, the employees subject to these agreements are entitled to a Board-conducted election at any time and the contractor is not obligated to negotiate subsequent pre-hire agreements. By contrast, since union contracts in other industries are with *majority* representatives, such contracts preclude elections during their term and the employer is obligated to negotiate for subsequent contracts. This is because a majority representative has a presumption of continued majority status after its contract expires. Of course, if during the term of a pre-hire agreement a union demonstrates that it represents a majority of the contractor's employees, it becomes the majority representative and is entitled to the presumption of continued majority status.

In 1971 the National Labor Relations Board ruled that pre-hire agreements could be unilaterally repudiated by an employer without committing a refusal-to-bargain violation under the National Labor Relations Act. *R.J. Smith Construction Co.*, 191 NLRB No. 693. As will be seen below, that decision was overruled by *John Deklewa & Sons*. 282 NLRB No. 184, February 20, 1987.

WHAT IS A DOUBLE-BREASTING OPERATION?

A holding company which owns two or more subsidiaries, one of which is union and the other non-union, is considered to be a double-breasted operation. The holding company has a union side and a non-union side. It is important to note that there is nothing morally or legally wrong with a double-breasted operation. In the trucking and construction industries it is fairly common among the larger enterprises for them to own both union and non-union companies. This allows the businesses involved to be competitive in two markets—union and non-union. Buying an old, existing company or creating a new company to compete in different market areas makes sound economic and business sense.

WHAT IS A SHAM DOUBLE-BREASTING OPERATION?

It appears that in the construction industry some union companies have been known to repudiate their voluntary pre-hire agreements and the non-union side of their business moved in to take the job. The characteristics of the *sham* operation frequently are:

1. The same individuals are operating both companies on a day-to-day basis, and

2. The two companies exchange equipment, supervision, and employees.

It is obvious that a *sham* operation does *not* include the situation where a union side operates in one part of the country and the non-union side in another part. For practical purposes, then, it appears that *sham* double-breasting operations are essentially (perhaps not legally) tied in with a repudiated pre-hire agreement in a local area.

THE PROPOSED SOLUTION

In 1987 a House bill (H.R. 281) and a nearly identical Senate version (S. 492) were introduced to address these issues. H.R. 281 has since gone to a sub-committee hearing on March 4, 1987, and a sub-committee mark-up on March 31, 1987. Nothing has happened to S. 492 yet.

Section 2(a) of H.R. 281, as marked-up, provides as follows:

"Section 2(2) of the National Labor Relations Act (29 U.S.C. § 152(2)) is amended by adding at the end thereof the following new sentence: 'Any two or more business entities engaged primarily in the building and construction industry, performing work within the geographical area covered by a collective bargaining agreement to which any of the entities is a party, performing the type of work described in such agreement, and having, directly or indirectly—

'(1) substantial common ownership;

'(2) substantial common management; or

'(3) substantial common control;

shall be deemed a single employer: *Provided*, that the existence of a contractor-subcontractor relationship between any two or more business entities working at a construction site shall not, by itself, be deemed to create a single employer or be considered as evidence of direct or indirect common management or control, within the meaning of this sentence.' "

Section 2(b) of the bill then applies the collective bargaining agreement of the union side to the open ship side of the newly defined "single employer" entity.

Those two sections attempts to take care of the perceived double-breasting situation. The remaining substantive section of the bill deals primarily with the pre-hire agreement.

AN INTERVENING EVENT

After the identical bills were introduced in the House and Senate, the National Labor Relations Board rendered a decision (February 20, 1987) which affects the situation to a large extent. The decision (*Deklewa*, which was cited above) holds that construction industry employers cannot unilaterally repudiate a pre-hire agreement. This decision has made pre-hire agreement binding, hence, the complaint of the union about "erroneous decisons of the National Labor Relations Board" has been resolved.

Illegitimate operations in the past may have repudiated pre-hire agreements in order to shift work to open shop sides of their operations. Because of the *Deklewa* decision, this practice cannot occur, and it will be much more difficult for the *sham* double-breasting operation to exist. In effect, *Deklewa* has provided a cure for *sham* operations as well.

WHY A BILL?

In view of the *Deklewa* decision, why is a bill on this subject necessary?

Answer: There is no legislative reason. However, supporters of the bill have their own reasons and continue to push for its passage. Let us take a look at their concepts.

CONCEPT NO. 1—DOUBLE-BREASTING IS WRONG PER SE

Supporters of the bill never seem to make a distinction between double-breasted operations and *sham* double-breasted operations. When Senator Kennedy introduced S. 492 on February 5, 1987, he said:

"The Construction Industry Labor Law Amendments of 1987 will close the twin legal loopholes in the law by prohibiting double breasting and the repudiation of pre-hire agreements."

This insistence on characterizing all double-breasted operations as bad is carried over into the bill. The obvious result is that many innocent people are punished along with the few guilty ones. Here are two ways the innocent contractors—those not involved in sham operations—are victimized:

1. Section 2(a) of the bill, quoted above, establishes a definition for "single employer" in the construction industry. This provision is placed near the beginning of the National Labor Relations Act and affects the entire act. Thus, as a "single employer" the union side on a job in Chicago may be picketed by union pickets in an attempt to force a union contract upon the Texas-based, non-union side of the holding company.

2. Section 2(b) of the bill refers to an existing collective bargaining agreement. In his written testimony presented to the House Subcommittee on Labor-Management Relations, Mr. Robert A. Georgine, President of the AFL-CIO Building and Construction Trades Department, said (March 4, 1987): "Only where an employer has signed a nation-wide agreement would the bill require its application to that employer's double-breasted operations anywhere in the United States". In other words, a perfectly honest non-union company—not in any way connected to a *sham* operation—located in Texas would become *automatically* a union company because its union side in New York City is signatory to a national agreement.

It is worth emphasizing that if the bill is enacted into law, both of these situations will cause many non-union companies to become union shops automatically, *without the consent of their employees*, on the day of enactment or one year later even though none of the companies involved had ever been a party to a *sham* operation. Moreover, in both situations, innocent people all over the country may be punished for a problem existing only in one local area.

CONCEPT NO. 2—CONVERT VOLUNTARY PRE-HIRE AGREEMENTS INTO COMPULSORY AGREEMENTS

As noted above, the union published a pamphlet last year dealing with this subject. Here are a few more sentences from that pamphlet:

"When Congress passed the Landrum-Griffin Act of 1959, it recognized that the construction industry required special provisions if stable labor relations were to be maintained.

"The passage of legislation approving pre-hire agreements was intended to provide workers a means to gain such protection (union representation) in the special circumstances of this unique industry.

"The prehire agreement has served both workers and employers well over the years."

In addition, Senator Kennedy's remarks (noted above) contain the following:

"Recent decisions of the National Labor Relations Board have effectively destroyed the construction industry provisions in current law."

In other words, supporters of the legislation explained that the Landrum-Griffin Act of 1959 adjusted labor relations in the construction industry so that it served both workers and employers well over the years. Then, it is asseted, recent decisions of the National Labor Relations Board have effectively destroyed that harmonious balance. Obviously, if conditions were changed once again to bring back the balance that was created by Landrum-Griffin, all would be well. This was the irresistable logic set forth by the supporters on the pre-hire aspect of the problem. The *Deklewa* decision has restored that balance. However, the supporters of the bill still push for passage.

Why?

As noted above, Mr. Robert Georgine testified for H.R. 281 on March 4, 1987. In response to a question on whether *Deklewa* has solved their problem on pre-hire agreements, Mr. Georgine stated that *Deklewa* had not gone far enough. It did not allow the union to continue as the bargaining agent after expiration of the pre-hire agreement, regardless of any showing by the unions that it represented the majority of the workers. Supporters of the legislation now emphasize the importance of this objective which is a great departure from the original objective of returning to the time when—under the Landrum-Griffin Act—the pre-hire agreement served "both workers and employers well. . . ."

This departure is in reality an attempt to amend the National Labor Relations Act. Why is the basic labor-management statute being amended in one direction on one point against the legislative history when there are many other issues equally important, if not more so, which should be addressed in the National Labor Relations Act?

THE PRECEDENTS

As noted at the outset of the single reason for opposition by non-construction companies could be stated to rest upon the proposition that passage would establish a bad precedent. In view of the discussion above, there are three bad precedents which would be created:

1. A bill would be enacted without legislative reasons to support passage. The prehire agreement has been corrected by *Deklewa* to reflect the intention of the Landrum-Griffin Act. Adequate legal remedies already exist to shut down *sham* double-breasting operations and the *Deklewa* decision removes any incentive for companies to engage in such shams.
2. Innocent people are punished along with any remaining guilty ones.
3. The National Labor Relations Act is being opened for amendment on one point only without taking into account the other areas that are in need of legitimate reform.

Any one of these three precedents is bad, but punishing innocent people is particularly obnoxious. Punishment for no cause is not an American tradition and not an activity we Americans believe our legislators should practice. The imminent threat of punishment without cause has united the non-construction industries in the business community to oppose this bill more than any labor-related issue in nine years.

CONCLUSION

H.R. 281/S. 492 must be defeated.

WORLD POPULATION AWARENESS WEEK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. GEPHARDT. Mr. Speaker, all of us are aware of the established basic trends in world population growth. This year, the world's population crossed the 5 billion mark and is adding 87 million people every year. This trend dramatizes the startling dimensions of global change that warrants our urgent attention.

At the rate of 4½ births per second, the population of this world is both growing rapidly toward a doubling in just over 50 years. It is also changing its balance from the developed to the developing world, which will add 828 million people in the next 10 years. With three-quarters of the world's people they are growing three times as fast as either Europe, North America, or the Soviet Union. Whereas in 1950 12 of the 35 largest cities were in developing regions, by the year 2000 that number will have doubled.

To highlight these important facts about our changing Earth, to clarify the problems which will result and to reflect on both consequences and proposed solutions, I am pleased to note that my own State of Missouri and nearly three dozen others have moved to promote greater understanding of the issues related to continued population growth by declaring the week of April 20-25 "World Population Awareness Week."

During that week, Missourians will gather at sites across the State—including the University of Missouri, Northwest Missouri State University, Washington University, and St. Louis University—to grapple with the challenge of providing for more responsible future growth.

The citizens of Missouri understand, as must all Americans, that we cannot detach ourselves from these problems—though they seem far-removed from our daily lives—for the difficulties being created are real. If we fail to prevent them now, our children will be confronted with them later.

The problems range from changing political constellations, to famine, disease, and unemployment, to migration that affects our economy, to a widening gap between rich and poor nations, and to the growing root causes of violence and war around the world as scarce resources are under increased demand.

As Missourians discuss these issues, similar events will take place in hundreds of cities across the country, and I am pleased to support these efforts by joining with my colleague from Missouri, Senator JOHN DANFORTH, in support of House Joint Resolution 148 and Senate Joint Resolution 69 to grant World Population Awareness Week the national designation it merits. I also ask that the proclamation of Missouri Gov. John Ashcroft be printed in the RECORD.

PROCLAMATION

Whereas, the world's population has reached 5 billion and is growing at the rate of 87 million a year; and

Whereas, rapid population growth may cause or intensify a wide range of problems in the developing world; and

Whereas, it is appropriate that we reflect on the consequences of overpopulation:

Now, Therefore, I, John Ashcroft, Governor of the State of Missouri, do hereby proclaim April 20-25, 1987, as "World Population Awareness Week" in Missouri.

TRIBUTE TO JACK BISHOP

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. DICKINSON. Mr. Speaker, I would like to point to a unique interchange between the Dothan Rotary Club, and the Slough, Berks, England Rotary Club which is now in its 23d year, and the special contribution of Jack Bishop. It is a story of an individual who concerned himself so much with fair play and service above self that he not only brought together the people of Dothan and Slough, Berks, England, but he cultivated what has become a close comradery and new consciousness of volunteer service.

Jack is a member of the Slough Rotary Club, and first came to Alabama because of his concern over media reports of racial strife throughout Alabama. Jack called up the president of the Dothan Club and wanted to visit Selma, Montgomery, and Mobile. He visited with Gov. George Wallace, and other leaders, and had the opportunity to enter into discussion and address a black church congregation on that first visit.

Through those first meetings Jack developed a close friendship with the many people he met, and wanted to further a spirit of understanding and cooperation between the cities of Dothan and Slough, Berks, as well as the people of Alabama and England. In 1977, Jack brought a group of 22 Slough Rotary representatives to Dothan and advanced the idea that club members should make visits every 2 years on an alternating basis.

In 1979, 23 Dothan Rotary Club members visited Slough, and in 1981, the Slough club sent 24 persons to visit the Dothan area. Again in 1983, 23 Dothan Rotary Club members visited Slough and attended an Order of the Garter ceremony at Windsor Castle in the St. James Chapel. This year a group of Rotarians from Dothan will again visit Slough.

In all of these exchanges which brought about understanding, Jack Bishop played a key role. Recently, Jack has suffered with meningitis which has left him with partial disabilities. Knowing of Jack's strong spirit, it is not something that will leave him on the sidelines for long. I commend Jack Bishop for his many efforts in fostering understanding among people.

A DEDICATED TEACHER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. CLAY. Mr. Speaker, one of the major issues facing our society is the crisis in education. The quality of education in our public schools is declining, and our children are not prepared for the future. Teachers are overworked and underpaid, classrooms are overcrowded, and the situation is worsening. But, despite the overwhelming obstacles, we are inspired by the many dedicated teachers who remain committed to our youths.

I am most honored to share with you the story of one outstanding St. Louis teacher, Michele B. Grant of Vashon High School.

A dedicated and highly respected teacher, Mrs. Grant welcomes the challenge of teaching in an inner city school. She refers to her job as "shining moments".

I commend the following article "Mean Mrs. Grant" to my colleagues in Congress:

MEAN MRS. GRANT

(By Steve Friedman)

Michele Byrd Grant has endured 20 years of disobedient students, teen-age pregnancies, low pay and long hours because of what she calls "shining moments."

"I had one student," she says, "just a few years ago. She said she was going to make it, and she made it."

If you're waiting for elaboration on the joys of teaching, don't bother. For Michele Grant, a science teacher at the city's Vashon High School for two decades, former Missouri Biology Teacher of the Year, state director of Missouri Biology Teachers, Science Department chairperson, runner-up for state teacher of the year, church-goer, community volunteer, lifelong student and passionate lover of learning and the learned, for Michele Grant, there is no need to make a big deal out of a job well done.

There is no reason to get worked up about working hard. There is no cause to get excited about what is expected. Success is expected.

Of course, it's not always received.

"My biggest disappointment?" she says. "That would be one that just graduated. In her junior year, she had a baby, and that's okay, but without really thinking one day I said, 'You need a baby like you need a hole in the head.' * * * Still, he was a pleasant baby, a happy little baby. Well, just like the research says, she was pregnant again. I saw her the other day, when I was coming out of the bank. She wasn't very clean. I looked at her, and I said, 'I don't need any more grandchildren.' "

Then there's the matter of a boy we'll call Jim. Jim doesn't do things that Grant asks him to do. He speaks loudly in class, without raising his hand first. He doesn't do his homework. He doesn't behave. He doesn't do what is expected of him.

"Jim's mother didn't want him," Grant says, "and she tried to give him to his father. Now Jim is living with his grandmother, and she's scared of him. His own grandmother is afraid to ask him anything.

"Well, I'm not going to let Jim do to me what he wants to do to his mother. I'm not his mother, and he's going to learn that. First, I told him, 'Jim, it's only 54 minutes a day, now we can survive that.' Didn't even get a smile from him. Then I said, 'Jim, I got to pay my mortgage, I can't let you mess with my job.'

"The solution is not to take him out of class; the solution is, 'I am me and Jim is Jim.' And Jim has to learn that when I say, 'Fly a kite,' he should fly a kite."

Insightful enough to see that Jim's problems begin at home, pragmatic enough to make sure such problems—no matter what their cause—do not interfere with her duties, Grant is a committed, caring woman who refuses to let something like tenderness get in the way of teaching.

It is one of her many contradictions.

She is so organized that she color-codes her planning book in five shades of magic markers and can tell you, without looking it up, what her class will be doing one, two or three months from today. But she's so impulsive that every year she saves to buy a car, and every summer she blows her savings on travel, or more education. She has studied at Oxford University and the Sorbonne. She still doesn't have a car (but she has an account with Laclede Cab).

She calls education a "lifetime process" and has devoted her career to helping others learn. But, after 15 years, she recently quit her volunteer job at Barnes Hospital "because it was too much like teaching, in terms of seeing too much that was depressing."

She resents criticism of the city's public schools and says, "I get really upset when I hear things about Vashon." But she admits that "there are teachers who don't want to be here, and they show it."

She complains that many of her students (the youngest are ninth graders) have bad habits so firmly ingrained by the time she gets them that correcting those habits is sometimes near impossible. Yet she refuses to read records of incoming students. She says she's seen too many students labeled unfairly.

She is outraged at teachers' salaries. ("You want to turn Vashon around? Send out contracts that say, 'We'll pay teachers who work at Vashon $10,000 extra, or $5,000 or $2,000.' ") But she doesn't belong to the teacher's union and has twice crossed picket lines during teachers' strikes. "I don't want someone else making my decisions. I want to make my own decisions." (She is paid about $35,000 a year.)

She is a model of propriety in sensible pumps, high-necked blouses, wool skirts and dark stockings, who says students "have to learn to talk about sex. If they don't have the vocabulary, you have to supply them with the vocabulary. Parents and teachers say sometimes, 'You don't need to know that.' The minute kids ask the questions is when they need the answers."

She refers to students as "my children" and has inspired scores of "Remember Me Always" in the Vashon yearbooks she buys and saves every year. But former student Beverly Bailey, who is about to graduate from St. Louis University and wants to become a physician, says, "My first impression of Mrs. Grant wasn't a good one. No one's is. Everyone thought she was a mean teacher."

"My first impression," says Stanphany Stewart, 25, another former student, who works for MasterCard, "was (that) she was a mean person."

Lillie Young, head of Vashon's English department and a friend of Grant's says, "Her bark is worse than her bite. Underneath, she's a very calm, even-tempered person. Easy to get along with. Well, maybe I better take that out. She is very dedicated to her work. The ones who really get to know her, they love her. Despite the fact that they fuss about her."

Grant knows what the kids say about her, and she doesn't mind a bit. "Old Mrs. Grant," she says with a smile. "Stern Mrs. Grant. Mean Mrs. Grant." Once, while describing how she brought order to a disorderly classroom, she called herself "The big, bad wolf."

Michele Byrd was born in Kansas City on Oct. 30, 1926. She was the 13th of 16 children born to Violetta and Ernest Louis Byrd.

When she was 2 years old, she was put to work sorting the family socks. By the time she left for kindergarten, she was an avid reader. "My father took two newspapers," she says. Both were the Kansas City Star. "One was his copy, 'cause he said we'd mess it up."

When she was in third grade, her parents traveled to Arkansas for a reunion of her father's family. When they returned, Grant learned that her paternal grandfather had been a member of the politically powerful Byrd family of Virginia. Her maternal grandmother was her grandfather's slave.

"I don't have any feelings about that," she says. "I never did have any hangups about race." Her father, she says, never discussed the matter of his ancestry with her. She calls her childhood unremarkable and says luxuries were few. "But we ate every night. We had love and attention, and the comfort of a home."

By the time she was a teen-ager, Grant was working as a soda jerk at John Watkins drugstore in the fashionable Country Club Plaza, one of the few places that would hire "brown-skinned girls." After graduation from high school, she attended St. Catherine's College in St. Paul, Minn., then, when her father's eyesight began to fail and family funds got even shorter, she transferred to Lincoln University in Jefferson City. She followed that with a master's degree in science education at the University of Illinois, then taught at a school for gifted children in Champaign for eight years. In 1966 she began her first year of teaching science at Vashon.

Twenty years later, Grant has no plans to retire. She still wakes every weekday morning at 4 a.m. At 5 a.m., she reads the St. Louis Post-Dispatch, putting aside the Everyday section until she returns home that evening. By 6:15, she arrives at Vashon (teachers are required to show up by 7:15), where she stays until sometime after 3 p.m. When she arrives home, she puts on her walking shoes and takes her late afternoon constitutional through the Central West End. On the way home, she might have some tea or grab a bite to eat. Then she'll take her stack of unlined, yellow three-by-five cards bound together with a rubber band, and she'll telephone the students whose names are scrawled on the cards. Each student has a card, and each card has a phone number, names of family members and short summaries of the most recent conversations Grant has had with those family members. Some evenings she might ask a student to read her something over the phone, especially if she has some doubts about his reading skills. Sometimes she'll discuss a particular assignment with a relative. Sometimes she'll just ask how things are at home. By 10 p.m., she's in bed.

Friday evenings, she begins her novel of the weekend. She reads at least one, often Agatha Christie, each weekend. Saturdays, she takes a group of Vashon students to a science program at Washington University. Sunday mornings, she attends a 7:30 mass, then buys her Sunday New York Times. And Monday morning, she's ready to start all over again.

Grant says she was "born in a generation and a time when people did what they were supposed to do." The teacher tends to use language like that often—words that stress duty, and discipline and rock-solid values. As for the disappointments in her life, well, she'd rather not dwell on those. Yes, she was married—for five years—and divorced, but "that was hundreds of years ago," and that's about all she'll say on the subject.

And her father, the college-educated son of a slave owner and a slave, a man who saw to it that each of his 16 children received a college education, he could only find work as an auto mechanic. Yes, Grant says, he was probably disappointed about that. But he never complained. And she won't, either.

She knows the city schools don't have funds to afford the teaching and facilities they need, and that bond issues designed to raise those funds have failed—and will probably continue failing—because they need two-thirds of the vote to pass. She knows that city high schools have a notorious reputation for student violence, and she still carries a scar on her leg from the last day of school last year, when a student flung a plastic garbage lid at her. (It was her only encounter with student violence in 20 years.) She knows that politicians regularly commission studies that show how bad the schools are. She knows that many parents send their children to private schools rather than entrust them to the care of the city schools. And she knows that she will not leave. "I stay because it doesn't matter where I go. I'm still going to take me with me."

On a Thursday, two days before Valentine's Day, Michele Grant is standing outside room 406, her classroom. She is, as always, wearing her white lab coat (for the convenience of the pockets and for the "image" she says it projects). She sports pearl earrings, a white high-necked blouse, a navy skirt, navy stockings and navy pumps. She has two valentines pinned to her lab coat.

It is 1 p.m., and as lunch hour ends, students swarm through the halls, laughing, shoving and shouting. When they see Grant, they move a little slower, shout a little more softly. She spends time between class periods in the hallway, not because she's required to, but because she thinks students need to know there are people in the hallways who are watching, and people who care about proper decorum, and that she is one of those people.

She has a free period, so she agrees to talk. She pulls up a stool to one of the tables (there are no desks, since experiments take up so much of her class time), and arranges her yellow three-by-five cards, and multi-colored planning booklet and copies of the letters she sends to parents (one sharing her "approach to teaching," and one outlining exactly what she requires from students in the way of homework and performance). The classroom telephone rings every so often (she makes a point of never answering it, deeming her time too valuable to be bothered by the office). The hefty brown and white guinea pig in a box next to the window squeals with what sounds like longing for a bigger cage.

"The best part of teaching," she says, "is you are independent, you really are your own boss."

She is interrupted by a 10th grader who comes by to share the results of her report card, on which she received all A's and a B. Grant congratulates her, then, as the phone rings and the girl leaves, continues.

"The worst part of teaching? The worst part about teaching is not teaching. The worst part is the tremendous amount of record . . ."

Two former students, Deborah Jones and Versie Dorsey, who graduated in 1976 and 1977, respectively, enter and hug Grant, who asks what they've been up to for 10 years. With them is a little boy, about 18 months old. Grant pats his head and tells him she'll be ready for him when he's ready for biology.

Past and present students know they can find Grant in room 406, and they often come looking for her here. She spends her lunch hours here because she wants to be available to students, and because she frequently assigns work to be performed over the lunch hour.

Once, during a recent lunch hour, "One little boy came up to me—well, he wasn't a little boy, he was a 12th grader—and he said his friend had gonorrhea. I said, 'You tell him that the lady in the white coat at Vashon said to go to 634 N. Grand (the city health clinic) and to get a test and to tell his girlfriend to go, too. Tell him that he owes the responsibility to that person.' "

Now, where was she. Oh, yes. "The worst part is the tremendous amount of record keeping." That, and the fact that "we're moving into gray areas with administrators. There are too many bosses.

"We got a letter a while back," she says, "saying that our attendance at PTA meetings was compulsory." (She is a former treasurer of that organization.) She removes her gold wire rim glasses and jabs a finger into the air. "I don't like to have it demanded that I do things on my time."

"They didn't appoint me to go out there (in the hall) between classes," she says. "I just decided to."

She knows, though, that many teachers avoid such decisions. "I talk to a lot of teachers," she says, "and they think I'm crazy, coming in early like I do. But"—she just jabs the air again—"you cannot do the work in the time they give you.

"Other teachers," she says, "want simple instructions on how to do experiments." She sighs. What they don't want are stories about how she has to haul in eggs and vinegar and cheese cloth, and mice and guinea pigs and cages for the experiments.

"A lot of teachers," she says, "don't want to be here, and they show that."

It's not that the teachers who complain are mean-spirited, any more than the ones who refuse to come in an hour early are lazy. It's just that they haven't, in Grant's mind, accepted the simple fact that "when you do things, you do them right." They haven't learned that "you have to give something to receive something." They haven't figured out that "you have to be responsible for your own actions, because there are consequences for everything."

"On the first day of school," she says, "I say, 'My name is Mrs. Grant, and we are assigned to each other for nine months, and we are going to survive it.'

"The first week of school," she adds, "I give them two words—'students' and 'teacher.' I want them to know what they're supposed to do, and what I'm supposed to do."

It is 8:50 a.m. on a Wednesday in October. Grant tells her ninth grade biology class to divide into groups of four. One of the girls at a rear table lingers.

"Karen," Grant says, "you don't have a choice. Your choice is to go with the group."

When the class is reseated, Grant asks questions about atoms, and isotopes and the chemical composition of various substances. Table sugar stumps the class.

The boy walks to the blackboard and writes a formula—$C_{12}H_{22}O_{11}$. Grant asks the class if the formula is correct. There's a flurry of whispering and "no's."

"This is a giveaway," she says. "Just how you know your name, that's how you should know the answer to the questions. How many people agree with the formula on the board?" Five of the 19 students raise their hands. "How many disagree?" Another five raise their hands.

"You remember your name?" she asks rhetorically. "You remember your address? You remember your phone number? That's how you will remember the formula."

She jabs the air in front of her. "Not should, or can, or ought to, but will."

She asks for a volunteer to write the corerct formula on the board. A girl gets up and scrawls a new formula—$C_{12}H_{24}O_{12}$.

Grant asks the class what they think. The results are same as the first poll.

"You were right the first time," she tells the boy whose formula is already erased. Then, in a louder voice, to the entire class, "Know what you know, learn what you learn, monitor your own thinking. When you are studying tonight," she says, "talk to the wall, talk to your mother, talk to the mirror. When you are learning, talk it out, and you will remember."

An hour later, she leads a group of seniors through an experiment that involves ammonia and a gelatin cube that changes color. When they finish, she announces their assignment. "You will reread, revise and . . ."

"Review," says the class.

"Yes, review chapter six. Your homework is to write up question number two, page 109, using the logical format. And at lunchtime, group one and two, eat real fast, then come down and set up part B of the experiment. And those of you who have not finished writing in your data books can come in at lunchtime, too. I will also be here one half-hour after school."

The bell rings, but the class does not move. Michele Grant's class is not dismissed until she says it's dismissed. "See you Thursday," she says, and they rise and start for the door. Then, in a louder voice, she add, "I expect you to do what you are supposed to do."

CHILDREN'S VIEWS ON NUCLEAR WAR

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BONKER. Mr. Speaker, the threat of nuclear war is the paramount concern of our age. It is the concern not only of adults, but of the children of the world.

One day last fall Prof. Oliver Newsome showed his sociology class at South Puget Sound Community College in Olympia, WA, a video called "What Soviet Children Are Saying About Nuclear Weapons." Produced by Harvard University professors, the film, aired on PBS stations, features interviews with two dozen Soviet children.

The sociology class, after learning that there was no United States equivalent—American children answering the same questions—decided, despite a lack of technical experience, to produce their own film.

The result is an impressive 36-minute video, capturing the responses of about 40 fifth and eighth graders from Gfiffin and Peter G. Schmidt elementary schools.

The American children were asked the same questions as their Soviet counterparts: When did you first become aware of nuclear weapons and how? What would happen in a nuclear war? Will a nuclear war happen in your lifetime? What can young people do to prevent nuclear war?

The responses, in fact strikingly similar to those of the Soviet children, are insightful rather than rhetorical. As Professor Newsome says, "We make it a point not to make a political statement." The point being that "kids have a lot to say and they should be listened to."

Indeed, both American and Soviet leaders could profit by taking to heart some of these comments made by Olympia area children:

(American and Russian adults): shouldn't teach their kids to be prejudiced of each other.

(Spoken directly to Soviet children): We aren't enemies. We can do something (about nuclear war), and let's do it now.

I'm beyond scared . . . it's passed into hatred for . . . everyone that is connected with the bomb.

Adults don't listen to kids . . . adults should listen to kids more because we've got a lot to say . . . and we will say things adults won't say.

We have to live with the mistakes of adults.

We can't lose hope. Let's make it happen.

I would like to recognize the students in Oliver Newsome's class at South Puget Sound Community College who helped produce this excellent film: Lisa Drittenbas, Chris Munson, Paul Schmidt, Shauna Burkholder, Chris Murphy, Alycia Metcalf, Erika Roberts, John Ragan, Michelle Mahlendorf, Deborah Graham, and Caroline Gall.

I would also like to commend the children who allowed their often profound comments to be taped: Rosalie Purtee, Alyson Scatton, Claire Beehler, Jeremy Watson, Julie Barnum, Brian Harrison, Kyle Corbin, Kevin Barnett, Joshua Wheeler, Tanya English, Brooke Sneva, James Baas, Gentry Taylor, Heather Miller, Shannon Moffat, Blair Conger, Ben Flint, Jennifer Snyder, Robin Reynolds, Troy Fuller, Justin Singleton, Tanya Woolsey, Heather Burnett, Jason Freeze, Daisy Ward, Jennie Baker, Lindsay Hunter, Sara Whittingham, Alison Whitney, Kris Baier, Katie Peek, Ed Wilson, Tiffany Kalihi, Amy Iverson, Nate Segerson, Thomas Woolsey, Jeni Saulino, Chris Ward, and Phaedra Kelleher.

TRIBUTE TO HENLEY JOHNS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HERTEL. Mr. Speaker, members of the Communications Workers of America Local 4008 who have benefited, over the years, from the dedicated services of Henley Johns need no introduction to the quality of his performance on their behalf as a leader, as a negotiator and as a man of high integrity and good will.

Henley Johns has just been appointed by his peers to service CWA members in the five-State area of Michigan, Ohio, Indiana, Illinois, and Wisconsin, a highly industrialized area with a large concentration of workers in the communications field.

Working men and women in the Detroit metropolitan area all know of Henley's activities to promote their welfare both in the workplace and in the communities in which they live. He understands the importance of protecting hard won contract benefits through legislation on the Federal as well as the State level.

I have been privileged to meet with Henley and other key leadership members of CWA such as Bob Schukwit, who succeeds Henley Johns as president of CWA Local 4008. These are two men whose long history of service to working men and women deserve recognition nationally as well as in their own communities. These remarks, I hope, will in some measure, provide that recognition.

HUMAN RIGHTS OF HUNGARIANS IN ROMANIA

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. SCHUETTE. Mr. Speaker, on March 25, 1987 the House Foreign Affairs Committee unanimously accepted an amendment by my distinguished colleague from California [Mr. DORNAN] on the human, cultural and self-determination rights of the 2.5 million Hungarian minority in Transylvania—Romania. May I insert into the RECORD the text of this amendment which is now part of the State Department, USIA and BIB authorization bill?

My distinguished colleague from California should be commended for his courage, dedication, and steadfastness in bringing this resolution up in the full committee in the form of an amendment. This is the first time the House has condemed in strong language the human rights abuses in Romania against its national minorities.

Plaudits go also to the American Hungarian Federation and its allied organizations, the American Hungarian Action Committee and the Transylvanian World Federation which had drafted the original resolution and had not given up despite adversities, which included the refusal of the Subcommittee on Europe and the Middle East to hold hearings on the subject despite the fact that the previous resolution introduced by my distinguished colleagues, Mr. SILJANDER, and Mr. DWYER, was cosponsored by 221 Members of the House in 1984.

Final credit must be given to Dr. Z. Michael Szaz, the Secretary of International Relations of the American Hungarian Federation, for his tireless work and relentless efforts to have the resolution be presented as an amendment in the House.

AMENDMENT TO STATE DEPARTMENT AUTHORIZATION OFFERED BY MR. DORNAN OF CALIFORNIA

Page 37, after line 13, add the following new section:

SEC. . CONCERNING OBSERVANCE BY THE GOVERNMENT OF ROMANIA OF THE HUMAN RIGHTS OF HUNGARIANS IN TRANSYLVANIA, ESPECIALLY THE RIGHT OF SELF-DETERMINATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Government of Romania has entered into treaties and accords (including the 1947 Paris Treaty of Peace with Romania, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe) which guarantee the human rights of its citizens without any discrimination as to religion and national origin.

(2) The Constitution of the Socialist Republic of Romania ensures far-reaching rights to the "co-inhabiting nationalities" in Romania.

(3) The province of Transylvania, which has two million five hundred thousand Hungarians and which had constituted part of Hungary for a millenium, was originally ceded to Romania by the 1920 Trianon Treaty.

(4) The fate of the Hungarians in Transylvania has been systematic denationalization under the various Romanian Governments, whether Royalist, Fascist, or Communist.

(5) The Government of the Socialist Republic of Romania and its regional and local authorities pursue a policy of denationalization toward the Hungarians and people of other nationalities in Transylvania by measures approximating ethnocide, including (A) the destruction of Hungarian language schools and the Hungarian Bolyai University (still in existence in 1958) and the replacement of these schools by a steadily declining number of Hungarian sections in Romanian schools, (B) the destruction, or the making inaccessible to the public and scholars, of the documents of the Hungarian past of Transylvania, and (C) the conscious dispersion of the Hungarian intelligentsia into Romanian areas and the settlement of large numbers of Romanian colonists into the Hungarian areas of Transylvania.

(6) The Socialist Republic of Romania actively interferes with the internal affairs of all its religious communities, severely limiting or banning all their social and teaching

activities and discriminates against their members in employment, education, and promotion, particularly with regard to the members of the Catholic and Protestant churches which are composed of Hungarians and Germans.

(7) The two million five hundred thousand Hungarians in Transylvania are entitled to self-determination, a right protected under the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

(b) Sense of the Congress.—The Congress deplores activities of the Government of the Socialist Republic of Romania denying the rights of the Hungarians and people of other nationalities in Transylvania.

AMERICA NEEDS SDI

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HEFLEY. Mr. Speaker, I rise today to express my support for the strategic defense initiative [SDI] and the national test facility [NTF] to be located at Falcon Air Force Station near Colorado Springs, CO.

I speak not as an expert technician or engineer, but as one who is privileged to represent 482,000 other Coloradans in Congress. What the majority of us are saying is that America must be defended.

This year, taxpayers will spend billions of dollars to defend our country. That money will be used on tanks, guns, missiles, bombers, rapid deployment forces, and the list goes on. As vital as these defense systems are in today's world, none of them can stop a nuclear missile once it is launched; whether that launch is intentional or accidental.

Americans generally don't realize that we as a nation are threatened by nearly 3,000 Soviet launchers capable of placing more than 10,000 warheads on targets in the free world. In the face of this formidable adversity, there are new defensive technologies which hold promise for dealing with these massive threats.

At present the Department of Defense's Strategic Defense Initiative Organization [SDIO], has the responsibility of developing and managing the U.S. Defense Research Program. SDIO is charged with conducting large scale studies of advanced systems which could potentially deal with the present and projected threat of targeted missiles directed at our country. If this research continues to be supported and funded as it should be, within 8 to 10 years, the goal of a reliable ballistic missile defense system could be realized.

I believe this defense system is absolutely vital for world peace. In the age of deterrence, the United States cannot continue to lag behind the Soviet Union in important areas of defense. This is exactly where we are. Today the U.S.S.R. maintains the world's only operational antisatellite and antiballistic missile defense systems, which are continually being improved and modernized.

In light of Soviet offensive and defensive capabilities, the United States simply cannot wait any longer to pursue its national commitment to research and develop our own strategic defense initiative. And we must act with speed and diligence. SDI's advanced technologies and computer tracking programs take time to develop and Congress should not be in the regrettable position of delaying these worthwhile projects.

Specifically, within the SDI framework, the national test facility [NTF] is a system for centralized management communication, command and control. The NTF will provide the focal point and essential components for the evolving SDI technologies. The test facility, with its large comprehensive computer base, simulation, and laboratory test resources, will offer the systematic level of automated testing and evaluation for defensive technologies.

The SDIO has already begun development of its interim facility for the NTF. Through an agreement with the Air Force, nearly 50,000 square feet of technical research space has been provided in the Colorado Springs-based Consolidated Space Operations Center [CSOC] located adjacent to the Falcon Air Force Station, the site for the permanent national test facility. Currently, a boost phase processor is being installed, which will become the first operational part of the interim NTF. The interim facility is scheduled to be in full operation this fall, when military personnel will begin experimentation and early research analysis. The interim facility will ultimately result in the full operation of the NTF, employing 1,500 to 2,000 military and civilian personnel.

To select a permanent site for the NTF, General Abrahamson, director of SDIO, appointed a highly qualified task force to establish cost and military performance criteria. The task force developed an extremely sophisticated process to determine the best site location to house the NTF.

The task force conducted a rigorous and exhaustive 6-month site selection process to evaluate all possible sites for the NTF and last June, the task force selected the current vacant space at Falcon Air Force Station, saying it fully satisfied all of the objectives of integration potential, proximity, site characteristics, and technical habitat.

The task force found that Falcon Air Force Station immediately provides: The amount of space needed for the construction and implementation of the NTF, without delay or cost of an environmental impact statement; a currently operating, with backup, utility system; close proximately to the military command centers of Peterson Air Force Base, Headquarters North American Defense Command, and Headquarters Unified Space Command; and direct access to a complete transportation network.

The advantages of having the NTF located adjacent to the CSOC are many. First, the state-of-the-art security facility at CSOC provides protection from threats of intrusion, terrorism, and vandalism. The CSOC structure and the proposed NTF building are both designed to provide maximum security for the electronic emission of signals transmitted by the super computers that would be employed by the test facility.

In the interest of our national defense, the start of this project is extremely important. The immediate availability, cost analysis and qualified criteria to house the NTF at Falcon Air Force Station allow the Pentagon the confidence to get the program up and running. Any delays in this project would only add additional costs.

I believe that it is imperative that we offer our full support for the SDI and NTF today, without delays, without politics, without hesitation. With these new defensive technologies, would we have the potential of rendering ballastic missiles obsolete and thus reducing any Soviet incentive to launch a first strike against the United States.

I urge my colleagues in the House to move forward on the authorization and appropriation for the NTF at Falcon Air Force Station, not because the test facility happens to be in my district—that was decided long before I was elected—but much more importantly, because it is vital to the peaceful lifestyle of my constituents and all Americans.

PRIVATE HISTORICALLY BLACK COLLEGES PREPARE FOR THE 21ST CENTURY: PURPOSE AND PROMISE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. OWENS of New York. Mr. Speaker, this week, down in Atlanta, GA, site of the 1988 Democratic national convention, an historic celebration is taking place in American higher education.

At Morehouse College—which is the alma mater of civil rights giant, the late Rev. Dr. Martin Luther King, Jr.—a series of events is honoring the president of that prestigious institution, Dr. Hugh Morris Gloster, for his remarkable contributions to American education and world understanding, and for the unusually rapid development of Morehouse in all areas during his 20 years at the school.

The occasion is significant to Congress and all Americans interested in educational excellence, because it is a testament to the kind of stellar achievement that can be realized in academia in general, and in black higher education in particular.

As bills, proposals, and budgetary decisions come before us regarding student grants and capital expenditures that affect the operation of historically black private institutions, perhaps the story of this great man and the cathedral of excellence called Morehouse College will in some way motivate this august body to support, reinstate and introduce legislation that will help ensure the continued health of these unique institutions.

I'd like to call your attention to a landmark symposium being held at Morehouse today and tomorrow, April 23 and 24, 1987, in recognition of Dr. Hugh Gloster's outstanding contributions as a scholar, teacher, educator and college administrator.

The symposium, made possible by a grant from Citicorp, has invited presidents and other top administrative officials of 45 of the Nation's private historically black colleges and universities to discussion sessions that will identify successful strategies for future growth of the colleges.

Private black colleges are at a crucial crossroad in their history. We've all heard reports in recent years about the mounting difficulties that threaten such famous institutions as Fisk University, Knoxville College, Bishope College and most recently, Atlanta University. However, thorugh prudent planning and management such as that demonstrated by Dr. Hugh Gloster, all private black colleges can continue to make outstanding contributions to American higher education.

Speakers at the symposium will include nationally-recognized authorities, such as Dr. Joffre Whisenton, president of the Southern University system in Baton Rouge, LA, and former assistant executive secretary of the Southern Association of Colleges and Schools—the accrediting agency of all colleges, historically black and white, from Virginia to Texas; Dr. Maxine Allen, executive assistant to the president and director of institutional research and planning at Norfolk State University; Dr. Ollie M. Bowman, Jr., dean of admissions at Hampton University; Mr. Henry Goldstein, president of the Oram Group, Inc.; Mrs. Vernese B. O'Neal, director of admissions at Dillard University, Dr. Donald M. Stewart, president of the College Board and most recently president of Spelman College; and Dr. Stephen J. Wright, former president of Bluefield State College, Fisk University and the United Negro College Fund.

Also attending the Morehouse symposium on private black colleges are the following representatives of the Reagan administration: Mr. Kenneth D. Whitehead, Deputy Assistant Secretary for Higher Education programs, U.S. Department of Education; Mr. Melvin Bradley, Special Assistant to the President; and Dr. Margaret Seagears, coordinator for the White House Initiative on Historically Black Colleges.

I say to you, that the theme of the symposium, "Private Historically Black Colleges Prepare for the 21st Century: Purpose and Promise", reveals the participants' commitment and optimism that the future for private historically black colleges and universities is bright and promising indeed.

Also planned in honor of Dr. Gloster is a gala recognition banquet this Friday at the famous Omni in Atlanta. The affair will feature brief tributes by national, State and local leaders from the worlds of government, education and business.

Earlier this week, Dr. Gloster was feted with a dramatic presentation in music, word, and song by the King Players, the drama group at Morehouse.

Why all the excitement about this particular college president? It is because Dr. Hugh Gloster, who will retire on June 30, 1987, after 20 years as Morehouse president, has proven to be a wizard at promoting the rapid development of colleges. He took an already outstanding private black college, Morehouse, and made it even better.

Under Dr. Hugh Gloster's leadership, Morehouse has moved steadily forward in every area of activity and has consistently operated financially stable during a period in which more than a hundred private colleges have closed and most have had crippling debts.

Under Dr. Hugh Gloster's leadership, Morehouse enjoyed its greatest progress in every area—curricular enhancement, faculty strengthening, administrative improvements, student development, land acquisition, building construction, and fundraising.

Under Dr. Hugh Gloster's leadership, Morehouse has added 10 new major areas of study, including eight majors in the department of business, which is now regarded as one of the strongest business departments of any undergraduate college, historically black or white. It also established a dual degree engineering program which enables students to study at Morehouse and at the Georgia Institute of Technology, earning degrees from both schools. Morehouse has also established a major in international studies, supported by programs in African studies and Caribbean studies, for careers in the foreign service or in overseas employment.

Under Dr. Hugh Gloster, Morehouse more than doubled its student enrollment, with four applicants for every slot in its freshman class.

Under Dr. Hugh Gloster, Morehouse more than doubled faculty size and salaries, increasing the percentage of Ph.D. holders from 25 to 65 percent, and establishing seven faculty chairs.

Under Dr. Hugh Gloster, Morehouse successfully conducted two major capital improvements campaigns that are expected to total $40 million when the current drive reaches its goal later this year.

Under Dr. Hugh Gloster, Morehouse tripled its endowment to more than $15.36 million, acquired 2 million dollars' worth of adjacent urban land, and constructed a dozen new buildings valued at $30 million—all while operating in the black, without a deficit in the 1970's and the 1980's.

Last but certainly not least, under Dr. Hugh Gloster, Morehouse opened the first medical school to be established at a historically black institution in the 20th century. It is named, appropriately, the Morehouse School of Medicine.

Late last year, Dr. Hugh Gloster became the only Georgia educator named 1 of the 100 most effective college presidents in a survey of college presidents, higher education officials, and scholars.

A member of Phi Beta Kappa, Dr. Hugh Gloster is a Morehouse alumnus. He earned his masters degree from Atlanta University and his Ph.D. degree from New York University. He has taught at New York University, LeMoyne College in Tennessee, was Fulbright Professor of English at Hiroshima University in Japan, served as director of the Experimental College conducted by Hampton Institute in the Virgin Islands, was visiting professor of American Literature at the University of Warsaw, Poland and worked in the American specialists program at universities in Poland, Spain, Tanzania, and supervised an AID Program in Sierra Leone.

Dr. Hugh Gloster of Morehouse has authored many articles on American literature and education, plus three books: "Negro Voices in American Fiction," and the co-editor of "The Brown Thrush" and "My Life-My Country-My World."

Dr. Hugh Gloster of Morehouse is a member of the boards of trustees or directors of the College Language Association, which he founded; the Martin Luther King, Jr. Center for Social Change; Morehouse College; the Southern Association of Colleges and Schools, the Southern Christian Leadership Conference; the United Negro College Fund and the Atlanta Rotary Club.

Dr. Hugh Gloster of Morehouse is a former vice president and president of the Association of Private Colleges and Universities in Georgia; former vice chairman of the Georgia Post-Secondary Education Commission; former member of the boards of trustees of the American Association for Higher Education, the College Entrance Examination Board, and the Committee on Economic Development; chairman of the executive committee of the Educational Testing Service; and the National Association for Equal Opportunity in Higher Education.

I challenge you to find many people who are more deserving of accolades than Dr. Hugh Gloster of Morehouse College. His accomplishments bespeak the potential of private historically black colleges and universities. Despite the occasional uninformed public questioning of the worth of black colleges, the need for these institutions remains vital to the strength of this country. The fact is, the purpose they served in a segregated society remains unchanged in this integrated society.

Those persons who dare to question the need for a black private college may just as well question the need for a white private college, or a Jewish private college for the same narrow-minded reason. I say to you that it is similar to questioning the need for black families in an integrated society, because black colleges are just as organic a part of daily life.

As Dr. Hugh Gloster, Morehouse president, noted in his inaugural speech back in 1967:

> Integration is a two-way street, and Negro colleges should have the opportunity to compete on equal terms for superior students.
>
> Let us hope that the time will soon come when Negro colleges will get a fair share of financial support and will not suffer of derogation by biased writers who try to justify their own perceptions.

The hallowed halls of private black institutions traditionally are bulwarks of freedom. They are the Delphic oracles of knowledge and hope for better lives for blacks. They pioneered in providing their students the compassion, patience and understanding that many experts now claim is necessary for a good education, and that many white colleges have yet to introduce. This foresightedness by private black schools is part of their very being.

During the terrible storms of segregation in years past, private black colleges were the beacons of hope and shelters of academic opportunity for eager black minds yearning to learn. Black colleges practiced a policy of open enrollment long before predominantly white colleges had to be ordered to do so by the Government. Private black colleges were in place long before the State governments decided to provide segregated public higher education for blacks.

Black colleges and universities share a glorious history and purpose that should be an inspiration to all Americans. Their humble beginnings as high schools in homes and church basements following the civil war should teach us that great endeavors don't always spring from great beginnings, but from great ideas and great dreams.

Private black colleges have at their helm and on their staffs people of a compassionate heart and understanding soul that enables them to look beyond outer trappings of poverty and chance and see the depth of a student's potential, and then to know how to bring that potential to the surface. Historically black colleges and universities provide positive role models in a wide range of positions of responsibility and authority that give students the courage and confidence that they, too, can excel.

A black college faculty will accept nothing less than the best from its students. Dr. Joseph N. Gayles put it best in an article he wrote in "Black Family" magazine back in 1982 when he was president of Talladega College in Talladega, AL:

> Students achieve at black colleges and universities because they are never given the luxury of failing if they have the potential for success. We know our students by name and by need, and we address them accordingly. They are pushed to succeed, pushed to recognize their potential, and challenged to reach their potential.

How do we know what Dr. Gayles said is true? What proof do we have of the success of black colleges? Simply that the majority of the black doctors, lawyers, engineers, educators, politicians, Supreme Court justices and other professionals received their undergraduate, and in some cases, their graduate degrees, from a historically black college or university. Look at many of the blacks who are Members of Congress. Look at yours truly. The list is legion and legend and includes such luminaries as Justice Thurgood Marshall, Leontyne Price, Representative GEORGE CROCKETT, Lerone Bennett, Marian Wright Edelman, Marion Barry, Rev. Otis Moss, Rev. Thomas Kilgore, and Gen. Daniel "Chappie" James, and myself, to name a few.

Those are just some of the reasons the events going on at Morehouse this week are so important to this Nation. The progress it has made under the direction of Dr. Hugh Morris Gloster—in which Morehouse made more overall progress than any other American liberal arts college in the 1,000 to 2,000 enrollment range during the past 15 years—are evidence of greater things yet to come in the years ahead.

America must never abandon its duty to preserve and strengthen our black institutions of higher learning.

Thank you.

NATIONAL BLACK HERITAGE TRAIL

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. LEHMAN of California. Mr. Speaker, I rise to tell this House about a success story any of us would be proud to claim. But this story belongs to a young man, a former resident of the Washington, DC area., a man named Willard Hutt.

I met Willard in 1983 when he joined my Washington, DC staff as an intern. Although Willard possessed other fine attributes, the characteristic which stands out most in my mind was his tenacity. He had a dream and he would not, could not let it die. Willard Hutt's dream was to establish a national black heritage trail—the first in the history of America.

Willard's dream began almost a decade ago as a Boy Scout project. Despite the fact that most experts discouraged him, Hutt went from office to office in the local and Federal Government pleading his cause. And in the end, Willard Hutt refused to allow the system to defeat him.

In 1987, the Secretary of the Interior wrote Willard Hutt to say:

> I write to inform you of my designation of the Washington D.C. Black History National Recreation Trail. . . your concept is now a reality.

We are all indebted to Willard Hutt for singlehandedly forging the first national black heritage trail. But Willard Hutt also deserves our gratitude for reminding us to say "I can" when others say "you cannot."

Mr. Speaker, I insert into the RECORD an article from the St. Paul Pioneer Press which tells Willard Hutt's story:

BLACK HERITAGE TRAIL PAYOFF FOR TENACITY

(By Louis Porter II)

For Willard Hutt, getting the first national black heritage trail approved was a long, tough, uphill climb filled with rough spots.

People tried to get him off the track. Bureaucratic red tape filled his path. He struggled on, fighting harder when an organization tried to take his idea. Hutt—who hopes to be a lawyer someday—already had a copyright for the proposed trail.

After nearly a decade of meetings, correspondence and phone calls, Hutt recently received a letter from U.S. Secretary of Interior Donald Hodel confirming that the Washington, D.C., trail is officially designated and congratulating him for his effort.

Hutt, 25 and now a resident of the Twin Cities, says the word "elation" only begins to describe his emotions.

"I'm on cloud nine," he said "I guess it was my tenacity that paid off."

Robert Karotko of the National Park Service helped Hutt in his effort and said he shares in the excitement for the project that seemed to take forever.

"It was a situation where the Smithsonian, the National Park Service, various communities and interest groups and District of Columbia government were all involved," Karotko said."

Although there are 766 heritage trails across the United States, Karotko said Hutt's is the first with a perspective that is both black and national.

Karotko said Hutt's original proposal included more than 20 sites. Those eventually were reduced to six sites, each with some national importance.

"It was Willard's fortitude that kept this thing going," Karotko said. "He talked to the secretary of the interior, his assistant, people in Congress. He was working it from all angles."

Hutt's work started in 1978 as a project toward becoming an Eagle Scout, the Boy Scouts of America's highest rank. He never made Eagle, in part because the trail did not fulfill the leadership requirement. Instead of leading the effort and getting fellow scouts to do some of the work, Hutt did nearly all of the trail's planning, mapping and organizing himself.

Later, while majoring in history and political science at Simpson College in Indiana, Iowa, Hutt made the trail a course project. "I got an A,' " he said.

At one point, Hutt envisioned working for a division of the National Parks Service, setting up trails across the nation to commemorate black achievement. When President Ronald Reagan cut the Parks Service budget, that dream was decided.

"I decided to do it just for educational reasons," Hutt said.

The trail begins at the District of Columbia's Mount Zion Cemetery, where many famous blacks from the 19th century are buried. Metropolitan African Methodist Episcopal Church, the oldest operating black church in the D.C. area, is the second stop. Lincoln Park, the first national park with a monument to a black person, is the third stop. A statue of Mary McLeod Bethune, who opened a college and was an adviser to presidents Franklin Roosevelt and Harry Truman, stands in the park.

Those who take the trail will make a fourth stop at the home of Frederick Douglas, the famous black journalist and abolitionist. The fifth stop is Howard University. Hutt said most people don't know the college is named in honor of Gen. Otis Howard, a white military leader who was the first to use black soldiers voluntarily during the Civil War. And the Mary McLeod Bethune Museum.

Hutt has walked that rail countless times and looks forward to walking it again, now that it is approved. This walk, he said, will be special.

Hut makes his living selling shoes, but hopes to be accepted into one of the area's law schools.

Now that his trail is finished, his next project involves the role blacks played in Minnesota history.

I've always wanted to live here," Hutt says of the Twin Cities. "I know there's a lot of history on blacks in Minnesota that needs to be researched."

IT'S TIME TO RAISE THE GAS TAX

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. EDWARDS of California. Mr. Speaker, I want to take this opportunity to share with my colleagues an article written by a fellow member of the California congressional delegation, Mr. BEILENSON. The article, which appeared in the Christian Science Monitor on Friday, April 17, makes a compelling case for an increase in the Federal gasoline tax not only as a means of reducing dependence on foreign oil by encouraging energy conservation, but also as a way to reduce the budget and trade deficits.

I encourage my colleagues to read this thought-provoking essay.

[From the Christian Science Monitor, Apr. 17, 1987]

IT'S TIME TO RAISE THE GAS TAX

(By Anthony C. Beilenson)

Energy experts are warning us about our nation's growing dependence on imported oil, and for good reason.

Last year, oil imports accounted for 39 percent of all the oil we used, compared with just 27 percent the year before. And by the early 1990s, imports are likely to account for well over half of the oil we use—a higher proportion, incidentally, than that which triggered our energy crisis of the 1970s, and brought not just the inconvenience of long gas lines, but also two serious recessions, high unemployment, and the worst period of inflation in American history.

If we want to protect ourselves against an even more disastrous energy crisis in the 1990s, we are going to have to stop importing so much oil. To do that, we could try accelerating oil exploration on public lands, developing synthetic or other alternative fuels, or protecting our domestic oil industry by imposing an oil import fee. But these and virtually all other commonly suggested means of increasing domestic production of oil have significant drawbacks, and most would take years to implement.

There's a much better way to cut oil imports: Raise the federal gasoline tax. A higher gas tax would boost our economy by slashing our trade and budget deficits.

Gas prices are now so low drivers have little incentive to conserve fuel. Americans are paying about 45 cents a gallon less than in 1981, when gas prices were at their peak; we are even paying less, in real terms, than back in 1950. The higher gasoline prices that would result would reestablish the incentives we had just a few years ago to buy more fuel-efficient cars and to cut back on nonessential driving. Consuming less gasoline means lowering demand for imported oil.

Nobody likes the idea of paying more for gasoline, but the fact is, we will be paying a lot more for it in the next few years, tax hike or no.

If we do nothing to curb our demand for imported oil, the cost of gasoline will go up because oil supplies will decline, and the Organization of Petroleum Exporting Countries will again be able to raise its prices as it gains more control over the world oil market.

On the other hand, the cost of gas will also go up if we raise the gas tax, but we will have lowered our demand for oil and kept OPEC from raising its prices. We will thus pay ourselves for gasoline, instead of sending our money abroad to fill the coffers of foreign oil producers.

Americans will pay more for gasoline either way, but if we do the sensible thing and raise the price of gasoline ourselves, we will be ensuring that tens of billions of US dollars that would otherwise be spent on imported oil are put to use here at home instead, and we will thus reap enormous benefits. Not only will we protect ourselves from the economic devastation of another oil crisis, but we will also take a giant step toward solving the most troubling economic problems facing our nation today: the trade and budget deficits.

Raising the gasoline tax is one of the few ways available to cut the US trade deficit quickly without resorting to protectionism, which invites retaliation from our trading partners. Because imported oil currently accounts for almost one-quarter of our trade deficit, lowering our demand for just this one commodity will greatly reduce the total amount of money we send overseas.

Raising the gasoline tax is also the most painless way to cut the federal budget deficit substantially. Since every penny per gallon of tax raises about $1 billion annually, raising the 9-cent federal tax by 25 cents, for example, would reduce our annual budget deficit by $25 billion. And even with that additional tax, we would still be paying less for gas than we were paying at the beginning of last year—and far less than the prices drivers pay in most other industrialized nations, where gasoline taxes range from about 80 cents to $1.70 a gallon.

By lowering the trade and budget deficits, we will be ensuring lower inflation and interest rates, less unemployment, and a higher standard of living for all Americans.

We paid a high price for our dependence on imported oil in the 1970s. We will pay an even higher price in the 1990s if we don't soon begin reversing our growing demand for imported oil. We would be fools not to act when, by asking Americans to make a relatively, small sacrifice, we can help solve three of our most critical national problems, our vulnerability to a new oil crisis, the soaring US trade deficit, and the seemingly intractable federal budget deficit. A higher tax on gasoline is a wise and necessary step that is long overdue.

ROBERT E. PAGE RECEIVES THE 1987 DANTE AWARD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of Robert E. Page, the president, publisher, and chief executive officer of the Chicago Sun-Times Co., who will receive the 16th Annual Dante Award of the Joint Civic Committee of Italian Americans, at a luncheon given in his honor on May 19 at the Como Inn in Chicago.

As chief executive officer of the Chicago Sun-Times Company, Robert Page oversees the Chicago Sun-Times newspaper, as well as the recently purchased Star Publications, a group of 12 twice-weekly newspapers that serve Chicago's south and southwest suburbs. Prior to his assuming the ownership of the Chicago Sun-Times, Robert Page served as president and publisher of the newspaper for Rupert Murdoch's News Corporation Limited.

Dedicating his life to excellence in journalism, Robert Page started his newspaper career at the Illinois State Journal in Springfield in 1952, after graduating from Illinois Wesleyan University. He served as a reporter and executive with United Press International for 20 years, working as UPI's business manager for the Midwest in Chicago between 1964 and 1967, and also had several executive assignments in New York, Boston, London, and Hong Kong. In 1972, he headed the wire service's Asian operations, and became UPI's youngest vice president, rising to vice president and general manager before leaving the news service in 1980.

Robert Page also served as general manager of the San Antonio Express News, and directed the dramatic revitalization of the Boston Herald. For his numerous and significant contributions to the newspaper publishing industry, he richly deserves the Dante Award because it was Dante Alighieri, in his "Divine Comedy," who said, "Men should never be timid about the truth."

The Dante Award was established in 1972 by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communications field who has made positive contributions to the profession of journalism.

In addition to his journalistic career, Robert Page has earnestly and enthusiastically devoted himself to civic and community affairs. He serves as a member of the Boards for the American Cancer Society, the Chicago Association of Commerce and Industry, the Lyric Opera, and the Children's Memorial Hospital. Also, he serves on the Board of Trustees of Illinois Wesleyan University and Mundelein College. He is actively involved with the Chicago Boys and Girls Club and the Better Boys Foundation, and is a member of the Illinois Better Schools Task Force.

The 16th Annual Dante Award Luncheon will be held under the auspices of the Anti-Defamation Committee of the JCCIA, chaired by Charles C. Porcelli, and many political dignitaries, civic leaders, and leaders of the communications industry will be in attendance. Peter Mobray, vice-president of Trans World Airlines will serve as the master of ceremonies for the luncheon. The invocation will be offered by the Reverend Lawrence Cozzi, C.S., the administrator of Villa Scalabrini, the Old Peoples Home in Melrose Park, and Carl De Moon, president of the JCCIA, will present the Dante Award to Robert Page.

The John Fischetti Scholarship will be awarded for the 12th time at this luncheon. The scholarship, a $1,500 annual award, was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and is named after the Pulitzer prize-winning political cartoonist.

Mr. Speaker, I extend my warmest congratulations to Robert E. Page on receiving the Dante Award, and for the strong and constructive impact he has made on our community. His career, his character, and his splendid record of achievement demonstrate that he is, indeed, a "friend of truth."

FARM DEBT RESTRUCTURING ACT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. COELHO. Mr. Speaker, today I am introducing legislation to assist farmers who are finding it difficult to meet their real estate debt payments due to the inflated value of the land that they hold. As we all know, the high inflation of the late 1970's caused interest rates to climb and many farmers bought additional land during this time. Unfortunately, during the

1980's land values began to fall and farm prices began to deteriorate. Our export markets have collapsed and our trade deficit continues to rise. Farm incomes have been shrinking and many farmers are now holding large amounts of debt at extremely high interest rates.

Many of these farmers are good managers, are extremely hard workers, and have been successful at farming for many years. However, the combination of these factors has left them hanging by their fingernails, and they will only be able to survive if we provide some Federal assistance until farm and land prices stabilize and our export markets are expanded.

The bill I am introducing today, the Farm Debt Restructuring Act, would establish a program of assistance through the Department of Agriculture to eligible borrowers who enter into qualified debt restructuring agreements. Eligible borrowers would be those who receive no less than 50 percent of their gross annual income from farm operations during three of the last 5 years. Their gross annual sales must be at least $40,000 during 3 of the last 5 years.

Additionally, a farmer must show that his gross annual revenue for fiscal year 1988-90 is likely to be more than 100 percent of his operating expenses, but not more than 120 percent.

To be eligible for assistance, a farmer must enter into a qualified debt restructuring agreement between himself and all of his farm creditors. Each creditor must agree to reduce the outstanding principal by at least 20 percent, to reduce the annual interest rate on each loan to not more than the current standard rate, and to not charge any loan origination fee or points.

After a qualified debt restructuring agreement is completed, assistance payments can be provided for up to 3 years by the Department of Agriculture to pay for the amount due on a farmer's long-term real estate debt. The maximum payment in each year will be $50,000 or 6.66 percent of the aggregate value of the borrower's farm property which is used for security on the loan. No interest will be charged on any loans granted by USDA under this program.

Farmers would be required to reimburse the Government for the assistance received under this program; however, repayment would not have to begin until 5 years after the loan is made. The repayment period could be delayed for an additional 2 years if the Secretary determines it is necessary.

I believe this bill offers a viable program for helping those farmers who are finding it difficult to make ends meet because of the inflated value of the land that they hold. I want to make clear that this will not take care of all the problems that farmers are facing. These are extremely difficult times for everyone involved with American agriculture and we will only see a resurgence when prices for our commodities come up, and our foreign markets are expanded. This legislation is intended to help farmers through these hard times, and to send a message that we will not abandon our farmers. I urge my colleagues to support this measure and work with me to improve agriculture in all parts of this Nation.

MEDAL OF HONOR WINNER DEAD AT 68

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ACKERMAN. Mr. Speaker, as this body grows seemingly younger every year, I wonder how many of my colleagues know the name of Joseph E. Schaefer? Former Army Sgt. Joseph Schaefer won the Congressional Medal of Honor for courageous action in World War II, and this modest man who never liked the term "hero" was, in fact, one of this nation's greatest heros. I say was because Joseph Schaefer passed away recently in a VA hospital in New York at the age of 68.

Schaefer served the Nation with 20 years of service in the Army, including wartime duty in Korea. But his exploits first attracted our attention with his bravery in 1944. At that time, he singlehandedly killed 21 German soldiers, captured 10 others, and helped rescue an entire squad of GI's pinned down by gunfire while fending off enemy attacks at a strategic crossroad in the German town of Stolberg.

Joe always said he was only performing his natural responsibilities and duties to his fellow soldiers, friends, and country; he just didn't look at himself as a hero. And, he admitted that at the time he was actually "scared as hell" during the fighting.

The recognition he received with the Congressional Medal of Honor let him know how grateful his Nation was for his actions, and a monument that will be erected in the Richmond Hill section of Queens County, NY will forever stand to remind future generations that while war is terrible, and even heroes get scared as hell, it takes men like Joseph E. Schaefer to make a great country and preserve its values and freedoms.

[From the New York Daily News, Mar. 18, 1987]

MEDAL OF HONOR WINNER DEAD AT 68

(By William Weusebauer)

Former Army Sgt. Joseph E. Schaefer, who won the Congressional Medal of Honor for courageous action during World War II and for years after was a living local hero in Richmond Hill, died Monday in a Veterans Administration hospital on Staten Island, it was disclosed yesterday. He was 68.

Schaefer entered Bayley Seton Hospital in Rosebank S.I., for an examination last Friday and died there early Monday night, according to officials of the Richmond Hill Association, which is carrying forward plans to raise $10,000 to erect a permanent stone memorial honoring Schaefer.

"We're going full steam ahead with plans for the monument," said Louis Neir, a member of the committee that heads the fund drive launched last February.

"We're shocked and deeply saddened by Sgt. Schaefer's death," Neir said, "He was indeed a living legend, an inspiration, and we need the monument now more than ever."

Details of Schaefer's death were not immediately available.

Schaefer lived a quiet, unassuming life in Richmond Hill after 20 years of service in the Army that included war-time duty in Korea.

He won the Congressional Medal of Honor for single-handedly killing 21 German soldiers, capturing 10 others, and helping to rescue a squad of G.I.s pinned down by gunfire while fending off enemy attacks at a strategic crossroad on Sept. 24, 1944, in the German town of Stolberg in the Ardennes Forest.

Schaefer, who led a rather private life, was later to tell an interviewer he did not "look at myself as a hero," and that he was "scared as hell" during the fighting.

Last Nov. 24, Mayor Koch signed a law designating an oval at the intersection of 108th St. and Park Lane South, in Richmond Hill, as the site for the proposed memorial. It will be near the Buddy Monument erected in the 1920s to honor veterans of World War I.

The dedication, set for 3 p.m. on May 24, remains as yet unchanged, Neir said.

Schaefer is survived by his widow, Helen; five children; five grandchildren; two sisters; and a brother.

One of only about 300 living Congressional Medal of Honor winners, Schaefer said recently he would be honored by the monument. Officials of the block association noted he did not take an active role in the fund-raising effort.

A Mass of the Resurrection for Schaefer will be offered at 9:30 a.m. Friday at the Church of the Holy Child Jesus at 86th Ave. and 111th St., Richmond Hill. Burial will be in Long Island National Cemetery at Pine Lawn, L.I. The body is at the Simonson funeral home; 119-04 Hillside Ave., Richmond Hill.

TRIBUTE TO MARGARET "PEGGY" GILL

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ROWLAND, of Connecticut, Mr. Speaker, I rise today to pay tribute to Margaret "Peggy" Gill of Wilton, CT.

Peg is an outstanding citizen, a dedicated public servant but most of all to me, she has been a good and true friend. Peg has a long standing history of service in both the community and political area. She has served as First Selectman of Wilton from 1981 to 1985 and subsequently was elected in 1986 as a member of the Connecticut General Assembly representing the towns of Wilton and Redding.

Peg has also served on the local Planning and Zoning Commission and as a director of the Connecticut Conference of Municipalities. I'd also like to note her many years of service to the Republican Party in the 5th Congressional District as well as to numerous community organizations.

Many of Peg's friends will be together April 26 to honor her and her family and I am pleased to be able to note just a few of Margaret "Peggy" Gill's accomplishments.

A TRIBUTE TO IRENE FATTORINI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the many accomplishments of Irene Fattorini of Willingboro, a devoted constituent of my 13th District who is also a recent recipient of the annual Humanitarian Award given by the Burlington County Chapter of the Knights of Columbus.

As director of the Burlington County Birthright Organization, Irene has actively played the role of not just a dedicated volunteer and caring neighbor, but of a local hero. More pointedly, Irene is a hero for the unborn and for women aged 13 to 43 who need practical advice, a kind word, and comforting assurances.

Her deeds are known to many, but they certainly merit repeating. Irene became director of Birthright 2 years after it was founded in 1974—and she has now held that position for 10 years.

She holds the meetings, handles the finances, places the advertisements, and purchases the supplies, test kits, baby equipment, and food. If a woman needs transportation, Irene provides it. When the office has to be cleaned, well, Irene handles that, too.

At present, 224 active clients are being assisted by Irene and her volunteers. From 1985 to 1986, nearly 700 women have been cared for by Birthright.

During her spare time, Irene visits nursing homes and hospitals, performs chores at her church, and remains active in other community organizations, including the ladies auxiliary of the Knights of Columbus. She was also involved in Meals on Wheels, a nutrition program for shut-ins, and was honored in 1984 by her parish as Rosarian of the Year. Through it all, she has tended to the needs of her husband and four children.

Mr. Speaker, I must commend and congratulate the Knights of Columbus for choosing Irene Fattorini as the recipient of their Humanitarian Award. She is a winner in every sense of the word, as are those who have had the opportunity to benefit from her dedication to duty.

I am sure my colleagues in the House will want to join with me in congratulating Irene on this most important occasion and for the honor which has been rightfully bestowed upon her.

COST OF TRADE PROTECTIONISM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. FRENZEL. Mr. Speaker, the April 27 issue of Forbes included an article which discusses the cost of protecting ailing industries. For instance, the estimated cost of quota protection for the specialty steel industry is $134,000 per job per year, while the tariff protection cost for stainless sheet is a mere $14,000 per job, both hefty prices to pay for protection of any industry.

For those who feel that Japan holds all of the cards in the game of trade, the article included statistics which showed that protectionism in both countries has yielded similar results. The textile apparel/footwear industry had an employment decline of 11 percent in the United States and 15 percent in Japan between 1973 and 1983. In the steel and aluminum industries, employment declined 13.5 percent in the United States and 12.6 percent in Japan over the same timeframe.

The cost of textile and apparel protectionism to American consumers is conservatively estimated at $27 billion per year. That is a hidden tax laid on all consumers, rich and poor, to help an industry which only responds by asking for more.

The article follows:

[From Forbes Magazine, Apr. 27, 1986]

THE TRUE COST OF TRADE PROTECTION

(Edited by Howard Banks)

The use of trade laws to protect U.S. companies and workers losing out to imports has been a growing business and, in today's political climate, is likely to remain so.

In 1975, 8% of U.S. imports were restrained by some form of protection ($7.9 billion out of a total of $99.3 billion). By 1984, restraint had grown to 21% of imports ($67.9 billion out of a total of $329 billion), according to a study by Gary Hufbauer, Wallenberg Professor at Georgetown University's school of foreign service. By 1986, despite the dollar's fall, it is estimated that protection covered around 25% of U.S. imports.

Protection comes in various guises—formally through the so-called escape clauses voted on by the U.S. International Trade Commission (and passed by the White House), less formally through the plethora of "voluntary" restraint agreements (VRAs) and orderly marketing agreements (OMAs), extracted from foreign manufacturers who fear losing access to the world's richest market. Compliance with both VRA and OMA limits is monitored by the U.S. Customs Service.

The big industries get the most extensive and often near-permanent protection. They have political clout and are often heavily unionized. Once in, they never give up their protected-species status. Examples: carbon steel, agriculture, textiles, automobiles. These, says Alfred Eckes, a commissioner and former chairman of the ITC, "have found ways of getting permanent relief, and they keep coming back to the trough."

For reasons lost in antiquity a few smaller industries are in the same camp. They include book manufacturing (since 1891), glassware (1922), rubber footwear, ceramic tiles, orange juice (all 1930) and canned tuna (1951).

Most smaller industries have no such luck. Between 1975 and 1986, 60 cases were argued before the ITC, and to get there they first had to prove to the U.S. Special Trade Representative that they had been injured by imports. Just 18 got aid, and only 3 are still protected.

Saving jobs is the usual political justification for protecting a particular industry. But often it works out differently.

In textiles, protection was begun to preserve New England jobs, notes Robert Lawrence, a senior fellow at the Brookings Institution now studying U.S. and Japanese policy for coping with industrial dislocation. Instead, Lawrence says, it caused a massive relocation (textile and apparel jobs declined there by 32% but rose by 28% in the South and West). Now it's this new group of workers and plants that demands—and gets—protection.

Steel, protected one way or another since the Sixties, is another example. The major companies are still no better able to cope with world overcapacity.

The mystery of Japan Inc.'s collaboration between industry and government is often held out as an example of the way to go. But Brookings' Lawrence suggests looking elsewhere. Weak unions, a lax attitude toward antitrust and an inward-looking, disciplined society there make it easier to rig markets, but their dislocation adjustment is equally permanent and just as distorting. Examples:

In textiles, the Japanese created an official recession cartel to cut capacity by "retiring" spindles. The outcome, says Lawrence, was an increase in capacity and extra carefully controlled imports. In aluminum, capacity was cut. But Japanese producers won a concession allowing them to import tariff-free, pound for pound, equal to the smelting capacity they scrapped.

Moreover, once at the MITI-arranged feeding trough, Japanese companies are never sent away. Just like here.

(As an aside, nobody looks to Europe for ideas on dislocation aid. Aid there comes as massive and seemingly unending subsidies.)

The cost involved in preserving a job through protection is enormous—often well over $100,000 per job, per year—and almost never spelled out.

In bulk steel the annual cost is put by Gary Hufbauer at nearly $7 billion, in automobiles nearly $6 billion, in dairy products $5.5 billion. The cost to U.S. consumers of protecting textiles and apparel is nearly unbelievable: Conservative estimates put it at over $27 billion a year.

Quotas cost consumers the most. The benefit is shared between surviving U.S. producers and foreign importers, which is why both prefer them.

Tariffs are cheaper. Protection for the U.S. specialty steel industry, now being reviewed, cost $134,000 per job per year for stainless steel bar, rod and tool steel, where the protection was by quota. But for stainless sheet, where protection was by tariff, the cost was about $14,000 per job.

We all want to believe that Harley-Davidson is an exception to the "once protected, always protected" rule. It has just asked that its protection from Japanese big-bike makers be ended a year early.

It isn't being overly grouchy to say, Don't be so sure. The Japanese evaded 80% of the protection (which was also designed to help Japanese-owned assemblers in the U.S.). The ITC will almost certainly hold hearings to find out whether something wonderful really did happen and there are lessons to be learned, or if Harley has chosen to look tough as it maneuvers with something else in mind.

In the end, protection doesn't preserve jobs however it's done. Robert Lawrence has found almost identical declines in employment in the U.S. and in Japan in protected industries.

Labor-intensive industries like textiles, aparel and footwear saw their share of total national employment decline nearly 11% in the U.S. and by 15% in Japan between 1973 and 1983. And in capital-intensive industries, like steel and aluminum, the share of employment went down by 13.5% in the U.S. and 12.6% in Japan.

A TRIBUTE TO PROFESSIONAL SECRETARIES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. LENT. Mr. Speaker, it is with great pleasure that I join my colleagues in recognizing April 22 as "Professional Secretaries Day." This recognition is a deserved tribute to the outstanding contributions of professional secretaries to our Nation's business and government.

Throughout my 27 years in government, I have come to depend and rely upon my secretarial staff for their loyalty, skills, and efficiency in managing the daily office operations. The backbone of the public and private sectors, government and industry, professional secretaries are the people behind the scenes upon whom we depend to get the job done. Demonstrating excellence in many fields, secretaries have earned distinction for their dedication and professionalism in the performance of their duties.

I would also like to commend the Professional Secretaries International Organization for its efforts to promote appreciation for members of the secretarial profession and to encourage others to explore career opportunities in this rewarding field.

TRIBUTE TO MR. JANSEN NOYES, JR.

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. McKINNEY. Mr. Speaker, I rise today to ask my colleagues to join me in giving proud recognition to one of my constituents, Mr. Jansen Noyes, Jr. Please share with me in honoring Mr. Noyes in his dedicated service as a member of the Board of Directors to National Industries for the Blind [NIB] for 40 years. During this 40-year period, he served in various NIB Board positions, including chairman, treasurer, and secretary.

Mr. Noyes, tireless efforts should not go unrecognized. He has devoted many hours to the development and progress of a program that began when the Wagner-O'Day Act was passed by the Congress in 1938. This act subsequently was amended in 1971, and is now commonly known as the Javits-Wagner-O'Day [JWOD] Act. This program provides employment to thousands of blind, multihandicapped blind, and other severely handicapped people. Priority was and still is given to qualified workshops for the blind and workshops for the other severely handicapped over competitive industry in the manufacturing of goods and the provision of services to be procured by the Federal Government.

In 1959, President Eisenhower appointed Mr. Noyes to the Committee on the Purchases of Blind-Made Products. He served continuously on that committee and its successor, the Committee for Purchase from the Blind and Other Severely Handicapped until 1981. The Committee for Purchase from the Blind and Other Severely Handicapped is the Federal administrative agency for the JWOD Program.

National Industries for the Blind (NIB) has served since 1938 as the central nonprofit agency for workshops for the blind. In this role, NIB provides a range of technical assistance, including, for example, contract administration, new product development, quality assurance, and rehabilitation services. NIB provides this assistance to the workshops in an effort to provide more employment opportunities for blind people across the United States.

Mr. Noyes has played a vital role during his years of service in guiding NIB. To quote Mr. George J. Mertz, President of NIB:

> It is rare to come across an individual such as Mr. Noyes who has committed himself to serving any one organization in a voluntary capacity for a continuous span of 40 years. During this time, Mr. Noyes has witnessed and has been an instrumental part of many projects and changes that have contributed greatly to the phenomenal success of the Javits-Wagner-O'Day program.

I now ask you all to join me in congratulating Mr. Jansen Noyes, Jr., on his 40 years of voluntary service to National Industries for the Blind, to the broader Javits-Wagner-O'Day Act program, and for his commitment to improve the quality of life for thousands of blind Americans.

A TRIBUTE TO BOYD ALEXANDER

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. ROSE. Mr. Speaker, Boyd Alexander has been the Director of House Information Systems (HIS), Committee on House Administration since March 1977. On April 10, 1987, Boyd left HIS to take up new duties in the U.S. Department of Commerce.

Over the past 10 years Boyd played a major role in leading the House of Representatives into the age of computer technology. Most of the improvements in the use and understanding of data processing, office automation and communications within Member, committee and House support offices occurred under this direction. The House of Representatives is regarded today as a leader among legislative institutions throughout the free world in the innovative and cost-effective use of computer technology.

During Boyd's tenure as Director, major improvements were made in electronic publication and data analysis services. The Member information network was streamlined and made easier to use; several on-line information services—including electronic mail, the newswire, the grants and contracts database—were added. Data communications of the House were enhanced by the House cable network and access to Nationwide packet data networks. The Office Management Demonstration and Training Center was designed to provide Members and staff with convenient training and automation consultant services.

As Director of HIS, Boyd Alexander developed a staff of experts in computer systems development and technology. He made a major contribution to the system that provides services to improve the quality and availability of information vital to the daily operations of the House of Representatives. Boyd's expertise will be missed; we wish him well in his new endeavors.

TALK IS CHEAP

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HYDE. Mr. Speaker, it appears that USIA Director Charlie Wick has struck a nerve in the Kremlin through a March 13, 1987, address on glasnost he gave to the American Advertising Federation. Moscow News, a publication of the Novosti press agency scored a first by running a two-page spread of Mr. Wick's speech and rebuttal by Valentin Falin, chief of Novosti. The Novosti chief was critical of his speech because of the "war imagery" alleging that Wick was "attached to the war theme" because he viewed it from "the propaganda trench he has built for himself." Mr. Falin's comments have already shown up in the foreign press.

This kind of Soviet response is not entirely unexpected. Mr. Wick's message, however, served a more important purpose. It served to illustrate that we in the West are dependent on fundamental principles which respects man's struggle for individual freedom and expression. This is why, as Mr. Wick so aptly pointed out that: "Citizens of so-called Socialist democracies continue to vote the only way they can—with their feet! There is no record of anyone trying to climb the Berlin Wall going the other way." Moreover, while we welcome positive change in Soviet attitudes, the real evidence will come from their actions and not their pronouncements. Soviet actions will provide the answer: Will they continue to jam the Voice of America? Continue to deny appearances by United States officials on Soviet television? Continue to forge documents and distort U.S. policy objectives? Or will glasnost transcend a public relations campaign—which is all it is right now—and become true openness.

Contrary to Moscow's assumptions, Mr. Wick did not speak about war in the literal sense. He often uses the "war of ideas" theme in speeches. He understands quite clearly that the long-term competition between Soviet ideologies and Western traditions—clearly stated in his speech—is that "if there was a nuclear war, there will be no winners. The loser will lose, and the winner will lose."

Glasnost may be a legitimate expression of Soviet openness or it may be a "deceptive promotion" as Wick says, "to date the answer is unclear * * * if their product is genuine * * * then it will be successful, the world will be better for it."

Mr. Speaker, I commend the Washington Post's March 26, 1987, excerpted version of Director Wick's speech to my colleagues attention:

WAR OF IDEAS

Since 1945 the world has been a battleground for a "war of ideas"—a war where the great traditions of the Western democracies—including the philosophies of Jefferson, Madison and Lincoln, have been engaged in combat against the ideologies of Marx, Lenin, Stalin and Mao.

Lately, however, this competition has become highly sophisticated.

General Secretary [Mikhail] Gorbachev's ascent to power has encouraged a new and more dynamic leadership. Moscow is marketing a new image of openness to the world. They call this product glasnost.

But glasnost is more than a product. It is a public relations compaign. The Soviets are trying to win the war of symbols. If they win, they will have won the war of public diplomacy.

And what would we lose?

Most dramatically, we could lose our security. We need not be reminded that if there should be a war, there will be no winners. The loser will lose, and the winner will lose. That will be the ultimate penalty for miscalculation.

In the longer term, if we lose the "war of ideas," we could jeopardize the very soul of the free world, its life today and its promise for security tomorrow.

Thus the following question has a seriousness unparalleled, perhaps, in our history. Does this new image portend a change in Soviet objectives? Or are they merely wrapping themselves in a Messianic mantel of false justice, a false economy, false fraternity and false promises?

. . . Is glasnost truth-in-packaging? Or is it deceptive promotion?

MONTH OF MILITARY CHILD

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. RAY. Mr. Speaker, several years ago, there was a group of children in this country that were continually neglected. These children were not poor or alone, but they were denied the same pleasures that most other children their age had. These children were military children. Because their parents had chosen to make military service a full-time occupation, these children were constantly moved around the country, never keeping friends long, living on isolated military bases.

Today that situation has dramatically changed. Our country's military has established a wide range of programs on bases around the country to enrich the lives of the military child and the military family. In turn, this has greatly improved the morale of servicemen and women and the appeal of military service.

Mr. Speaker, since 1983, Secretary of Defense Casper Weinberger has proclaimed April as "The Month of the Military Child" in order to pay proper recognition to the essential role that military youth activities and child care services play in enhancing the quality of life of military families.

It is becoming more important every year for the military to have programs dedicated to children. Until recently, directives for programs dealing with the military family were adapted from the period right after World War II when soldiers were mostly young single males. Today's priorities have been changed for the new military. Using the Army as an example, 78 percent of officers and 54 percent of enlisted men in the Army have families. There are over 40,000 single parents. The number of family members including spouses, children, and parents in the Army is over 1,231,000.

The guiding philosophy of the Armed Forces community support programs is "soldiers are entitled to the same quality of life as is afforded the society they are pledged to defend." I believe that we should support this 100 percent.

Through an extensive network of community and family support programs, the armed services have helped to improve the lives of the military family by assisting in adjustment to military life, encouraging constructive use of leisure time and strengthening the bonds between the Armed Forces and the family.

Today, military families in all branches of service benefit from education, housing, recreational and medical programs. The services operate about 390,000 family housing units. Reduced rate day-care serves over 94,000 children per day. The Department of Defense operates the ninth largest school system in the United States. Approximately 150,000 students attend 270 schools operating on U.S. bases in 20 foreign countries.

Not only have the Armed Forces gotten used to providing care for children and spouses, but they have excelled in providing a wide range of quality programs for the soldier's entire family.

I would urge my colleagues to join together with the National Association for the Education of Young Children and local child development services on military bases in planning and promoting community events that focus attention on the needs, issues, and programs related to military children.

Mr. Speaker, it is time that we appreciate the extensive work that many groups do for military families. This month local military groups like community recreation divisions, community operations divisions, military police and schools are using the occasion of the "Month of the Military Child" to focus public awarness on this situation.

Thanks to these military programs, soldiers and their families are offered benefits that might not be available to them as civilians.

I hope that my colleagues will join me in supporting these and other important programs that have a tremendous impact on the lives and the futures of many American children.

GIVING GAS STATION DEALERS A FAIR CHANCE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. WALGREN. Mr. Speaker, Congressman TAUKE and I have introduced H.R. 1842, to clarify the terms of renewal for franchises in the petroleum industry. One of the original goals of the Petroleum Marketing Practices Act of 1978 [PMPA] was to establish some ground rules for negotiations between the big oil companies and the service stations who sell their products under a franchise agreement. In practice, however, the PMPA has failed to create a fair balance between large oil companies and independent neighborhood service stations because, under present law, the producers retain the right to make changes in franchise agreements, or even abandon outright any agreements they decide are no longer serving their interests. This leaves the gas station operator little if any recourse, except to give in—even if it means going out of business.

Our legislation would strengthen the dealer's negotiating position in three ways. First, it would require all changes in franchise agreements to be "fair and reasonable." This gives the gas station operator a right to seek redress from the courts in those cases which would cause damage to their business. This provision would strengthen the negotiating position of the small business and help restore the traditional American value which holds that each party in the negotiation should have the ability to bargain effectively for a mutually beneficial contract.

Second, this legislation would require all "economically necessary" contracts between the franchisee and franchisor to be included under "fair and reasonable" provision. By explicitly reaching essential aspects of the relationship, the gas station dealer is able to bargain in full confidence that agreements will not be undercut by changes in other separate contracts such as the terms of credit card purchases.

Third, in cases where the franchise is located on property leased from a third party, this bill would grant the gas station operator an opportunity to reach his own agreement with the landowner if the franchisor is unable to renew his lease on the land. This provision is common in other businesses and affords each dealer the same chance to remain in business if they are able to arrange an equitable agreement to use the land on which the station is operating.

With these changes in the PMPA, the independent neighborhood service station could maintain the small business in the service station industry. Since the rise of the petroleum industry in the early 1900's independent small businesses have been the standard of neighborhood service stations. That kind of independent service-oriented business must be preserved.

I urge my colleagues to support this legislation to assure fairness between big oil and the service station dealers.

LOOPHOLE IN THE HAZARDOUS MATERIALS TRANSPORTATION ACT

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BUECHNER. Mr. Speaker, how many times have we turned on the news or picked up the morning paper only to see a picture of a derailed train, lying on its side, and burning out of control with toxic fumes spewing upward? On April 12, 1987 an accident similar to this happened when two freight trains derailed in a crowded neighborhood outside Pittsburgh, spilling volatile chemicals. As a result, about 850 people were evacuated. These people, however, were lucky. Suppose that train was shipping the spent nuclear fuel from the Three Mile Island Facility in Harrisburg, PA.

Mr. Speaker, as a result of the accident at Three Mile Island in 1979, about 150 tons of highly radioactive debris was produced. That waste is presently being shipped by rail to a government research facility in Idaho for further study. It is expected that it will take about 40 shipments over the next 2 years to complete the task. Along the way, however, it will be going through States such as Pennsylvania, Ohio, Indiana, Illinois, Missouri, Kansas, Nebraska, Colorado, Wyoming, and Idaho. It will be going through such highly populated cities as Pittsburgh, Canton, Indianapolis, Kansas City, and my district of St. Louis.

I understand the need to remove the radioactive waste to another facility, but I object to the fact that it is being transported by rail through densely populated areas. I have been assured that the containers used to transport the core debris have been designed and built especially for this project and are in accordance with Nuclear Regulatory Commission standards. However, I am not really comforted knowing that this radioactive waste is traveling past my house and the houses of my friends and neighbors at a distance of only 300 yards.

Mr. Speaker, I am introducing legislation today that would prohibit, in some instances, radioactive material from being transported by rail to travel through densely populated areas. This bill closes a loophole in the Hazardous Materials Transportation Act [HMTA] which regulates the transportation of all hazardous materials, including spent nuclear fuel. The Department of Transportation [DOT] has promulgated numerous regulations regarding the transportation of radioactive materials. Specifically, in 1982, DOT issued HM-164, which specifies the highway routes to be used in transporting spent nuclear fuel and other high-level radioactive substances.

Unfortunately, DOT has failed to issue regulations regarding the routing of radioactive materials by rail. As a result, spent nuclear fuel is permitted to travel through any community by rail, regardless of that community's size. Although motor vehicles carrying radioactive material must take into account accident rates, transit time, time of day and day of week during which transportation will occur, and most importantly—population density, there are no regulations governing the routing of radioactive materials by rail.

My legislation is aimed at rectifying this problem. It would add a new provision to the Hazardous Materials Transportation Act prohibiting the transportation of high and low level radioactive waste by rail through high density metropolitan areas, except when no reasonable alternate route is available. In some instances, there may not be alternate tracks that bypass a city and go through a rural area. In these cases, I believe every effort should be made to have the radioactive material transported by motor vehicle. Some will argue that transporting radioactive material by truck will increase costs and require additional trips as compared to travel by rail. However, since trucks have access to many rural routes, I believe it is better to utilize these routes and be safe rather than sorry.

Second, the bill will require an advance notice of 30 days, to be published in the Federal Register, when nuclear waste is to be shipped through a certain area by rail. Presently, only an advance warning of 7 days is required, and that notice is to be delivered to the Governor of a State or the Governor's designee.

Mr. Speaker, the effect of this legislation will be to bring a halt to the continued practice of shipping radioactive waste through heavily populated areas of my district and my colleagues' districts. I believe that some recent examples will better illustrate the problem communities will be facing if this practice continues.

On March 24, 1987, an auto collided with a train carrying a shipment of the Three Mile Island waste in south St. Louis. Although damage was minimal, this event raised an issue that a serious accident, with the potential of radiation leakage, is a very real possibility. My legislation would avoid an accident waiting to happen by requiring that radioactive shipments be routed to less densely populated areas.

Another benefit of this legislation would be provided by the 30-day notification requirement, to be published in the Federal Register, for trains carrying a shipment of nuclear waste. For example, the mayor of Crestwood, MO, recently expressed her displeasure that she was not notified that a shipment of nuclear fuel was being shipped through her city. I believe this is unacceptable and that Mayor Killoren should have been notified of the shipment.

Mr. Speaker, the time to act is now. The potential for a serious accident exists. Such an accident would have catastrophic consequences that none of us care to think about. This legislation will offer the opportunity to take preventive action before disaster strikes and I urge my colleagues to support it.

REAGAN REFORMS SAVING TAXPAYERS BILLIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. SOLOMON. Mr. Speaker, I am pleased to enter into the RECORD a very insightful column by Jack Anderson which appeared recently in a hometown newspaper, the Albany Times-Union. The headline reads: Cut Waste; New Taxes Not Needed."

The writer chides Congress for its "spend-spend, tax-tax mood," and points out that President Reagan's war against waste has saved the taxpayers we represent $30.6 billion in fiscal year 1986 and will save them another $39.4 billion in fiscal year 1987.

The column correctly points out that we are headed for an "economic smashup" which we could avoid simply by trimming the fat from the budget. We still have at least another $100 billion to go.

CUT WASTE; NEW TAXES NOT NEEDED

(By Jack Anderson with Joseph Spear)

WASHINGTON.—The good news is that President Reagan's campaign against government waste saved the taxpayers a resounding $30.6 billion in fiscal year 1986 and will save another $39.4 billion in fiscal year 1987. This enormous savings should increase each year hereafter.

The bad news is that this still leaves more than $100 billion in annual waste that has been uncovered but not eliminated. Another $100 billion is lost each year in careless habits and wasteful ways.

The worse news is that the reassembled Congress is in a spend-spend, tax-tax mood. Its first notable achievement was to ram through a highway bill larded with pork. We counted 170 pork-barrel items in the bill, which will cost the taxpayers $8.4 billion to finance.

The extravagance of Congress and the laws of economics, meanwhile, have been pushing the public debt relentlessly up, up, up. Government spending has ascended to heights that economists regard as beyond all reality. They warn that spending policies must be reversed to avoid an economic smashup.

Yet members of Congress seem impervious to the gravitational pull of economic reality; they must let some air out of the balloon before it bursts and plummets down, down, down. They are already close to losing control of the economy, some experts fear.

Another botched federal budget, with all its forbidding consequences, could be avoided simply by trimming out the fat. The campaign to locate, identify and eliminate government waste, so far, has cost about $83 million. Not one dollar of this was charged to the taxpayer; every dollar was donated by concerned Americans. The amount that has been saved is already running close to $40 billion a year. For each dollar that has been spent since President Reagan launched the anti-waste campaign, $550 million is now being saved every year.

The amount that has been saved has been meticulously tracked by the Office of Management and Budget, which gives credit to the national campaign headed by J. Peter Grace and Jack Anderson. The OMB has described their effort as "extraordinarily successful."

The prodigious government waste, meanwhile, is driving up the deficit to dangerous levels—an estimated $1.7 billion for 1987. Rather than cut out the waste, the special interests have appealed to Congress to raise more taxes. This has resulted in a marriage of the appropriators and spenders against the taxpayers.

Of course, members of Congress are willing to dip their big toes gingerly into the waters of thrift. They have joined the Grace Caucus, which has issued this ultimatum to fellow members: "We believe Congress should eliminate government waste before it even thinks about increasing taxes."

But most members of Congress still put politics ahead of economics. "Pork-barrel spending may be poor economics, but it's good politics," one congressional leader told us, not for attribution. "You can't explain economics to the American people," he added, with a shrug.

We think he's wrong.

HOW CAN APPALACHIA GET HELP?

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. RAHALL. Mr. Speaker, I would like to call the attention of my colleagues to an editorial that recently appeared in my hometown newspaper, the Register/Herald of Beckley, WV.

The editorial, which appeared on April 4, tells of life in Appalachia and how the people of that region, which includes the entire State of West Virginia, are struggling in order to survive.

This piece of journalism is to be commended for it asks the question—How? How can we give assistance to underdeveloped nations or give billions to build up foreign militaries when there are areas less than 4 hours away from the Nation's Capitol, that are severely underdeveloped? How can the administration consider abolishing the Appalachian Regional Commission? How can Appalachia get help?

[From the Register/Herald, Apr. 4, 1987]

APPALACHIA

(By Walter C. Massey, Jr.)

Hearings were held in Washington recently on the future of the Appalachian Regional Commission (ARC). Sen. Robert C. Byrd and Gov. Arch Moore of West Virginia argued in favor of preserving the regional development body.

In view of the peculiar needs facing Appalachia, of course the ARC should be preserved. The region, which includes all of West Virginia, is untypically poor by national standards. We need financial help.

Building a mile of interstate highway through our mountains can cost as much as $80 million. Bridging a gorge can produce a structure which is freakish in superlatives simply because of the extremes presented by the terrain.

The various highway corridors already completed through ARC funding has helped to open up the region, and that's important. Transportation is Appalachia's vital need, and other infrastructures, such as sewer and water lines, are also vital if the area is ever to develop economically.

Appalachia can't fund its own economic development. Certainly, the resources of West Virginia are not great enough for the job.

The conditions which caused ARC to be created decades ago have not changed. In the mountains and hollows of Appalachia, one can still find poverty and despair. In the towns and villages wracked by heavy unemployment, one can still find hopelessness. In infant mortality and other measures of public health, one can still find evidence that the future, in terms of human resources, will be no brighter for many than it is today.

An argument can always be made that problems can't be solved simply by throwing money at them. A certain logic is to be found in that argument, but it would be lost on a mayor of a West Virginia town with a crumbling water system where the major employer has shut down the local coal mine.

Where people live in tumbledown tarpaper shacks, tell them that nothing is to be gained by throwing money at their problems.

Where people have to drive five miles to haul jugs of drinking water to their homes, tell them of the evils of mindless spending on community water projects.

When county governments are cutting budgets because of shrinking revenues and can't maintain vital services such as volunteer fire departments, tell the commissioners life is too soft because the federal government has been too generous.

The financial needs of West Virginia, and all of Appalachia are vast. Billions would be required to bring most of the region up to standards taken for granted by most of the nation.

Without money from Washington Appalachia is sure to suffer more than the rest of the country, but it's true that even with the money, economic boom will not come automatically to the region.

It's been argued that the region's worst economic liability is the terrain. There's little flat land for development, it's argued.

The terrain is the dominant factor of the region, but its most devastating effect over the centuries has been on the people.

Impassable terrain means isolation, and isolation means backwardness.

It's not the fault of many West Virginians that they are so insular in their attitudes that they don't realize the potentials which exist in life.

It's not the fault of so many in Appalachia that they were brought up on quaint folkways which have little to do with the culture of America as a whole.

It's not the fault of most people of Appalachia that they are pessimistic about life and fatalistic about hard times.

Most indigenous folks of Appalachia are not in the mainstream of American commerce because it has never been a part of their heritage.

What does an unemployed West Virginia coal miner know about being an entrepreneur? Where is the entrepreneurial talent which West Virginia produces annually? In other states, of course, where business is better.

Dishearteningly, Appalachia's most valuable export is its brightest children, who move away each year, leaving little behind them which might help build the region.

Find a way to convince Appalachia's talented children to stay in the region and build futures for themselves, and you will have done something to help ease the region's economic plight.

Instant solutions to Appalachia's problems don't exist, any more than instant solutions exist for the problems facing the nation's inner cities.

We haven't found a formula for instant self-esteem, instant self-confidence, instant hope and instant visions of brighter futures for everyone.

The hope for a brighter future in Appalachia is to be found in classrooms all over the region. Make a difference there, and you will make a difference in the future of the region.

Leaving Appalachia to its own despair is hardly an answer which befits America, the leading nation in the free world.

America does much to help the underdeveloped nations of the world. Appalachia is an underdeveloped nation within America. Why can't America help her own?

CANADIAN SUPPORTS ENGLISH AS OFFICIAL LANGUAGE OF UNITED STATES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BROOMFIELD. Mr. Speaker, many of us have seen the cultural and political divisions that have arisen in Canada because of its two language policies. It is because of these difficulties faced by our neighbor to the north that I have pushed for making one language, English, the official language of the United States.

I recently received a letter from a gentleman from Toronto, Mr. Joseph J. Dary, who expressed his strong support for my English language amendment, House Joint Resolution 13. One of the many reasons he cited was the Canadian Government's attempt to force two languages on a people who, in many areas, are really satisfied with one. In his letter he states the lengths that the government will go to enforce such a policy:

> Another illustration of language stupidity: two years ago, Ontario got a new government and within months of taking office, the Liberal regime of Premier David Peterson passed an order to council saying that because 10 percent of Ontario residents speak French, the province would become partially bilingual. The decision meant that French could be used in the legislature, courts and in government advertising * * *.

He further explains his feelings about the Canadian policy by stating:

> Anyone telling you that bilingualism is working in Canada isn't telling the truth. A Supreme Court of Canada decision a couple of years ago forcing Manitoba to become bilingual within 4 years—the deadline is 1989—raised the blood pressure of many Manitobans. The court, in its questionable wisdom, ruled that an action taken by the Manitoba legislature 90 years ago to make English the official language of the government was ultra vires and that all legislation passed during that time must be translated into French.
>
> The case revolved around a traffic summons issued in English. The person getting the ticket was of French descent but understood the English language. He decided to

> test the summons in court saying it should have been issued in both languages and that French should be restored as an official language in Manitoba * * *. (Manitoba's French-speaking population is only around 5 percent.)

I believe it is clear that from Canada's experience, and this gentleman's remarks on the subject, that the United States must steer clear of such a disastrous policy and make one language, English, our Nation's official language.

THE ARMED SERVICES YMCA

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. KYL. Mr. Speaker, as we approach Armed Forces Week, May 10–16, I am pleased to join with the YMCA in saluting the young men and women who so selflessly are serving their country. The Armed Services YMCA understands that healthy, productive lifestyles improve the quality of life for these young people who are so far from their homes and family support systems.

I commend the Armed Services YMCA for establishing centers to provide support for families and singles, and for developing programs that offer a wide range of services. Many members of the military are young, in their teens or early twenties. Both single and married, whether they have small children or not, our soldiers, sailors, and aviators must make major adjustments and many personal sacrifices. They move from post to post or base to base every 2 or 3 years. The Armed Services YMCA helps them adjust to life in a new place.

The YMCA is a powerful and positive influence on our society; and its work in strengthening military families and providing social and recreational opportunities for young service men and women is something we value highly.

I know each of my colleagues share the deep gratitude I hold for the young men and women from our hometowns and communities who are serving their Nation far from their homes. They deserve our support. I commend the Armed Services YMCA for recognizing their sacrifices and needs, and I congratulate its members for 126 years of service to America.

TRIBUTE TO EVERETT ASCHER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. WAXMAN. Mr. Speaker, on June 16, 1987, the Los Angeles West Chamber of Commerce will celebrate 50 years of service to the community and is hosting a tribute to honor Everett Ascher, chairman of the board.

A former native of New York City, Everett joined the U.S. Navy as a lieutenant (j.g.) after graduating from the University of Rochester. He later served as an operations officer with the amphibious force in the Atlantic and with the 6th Fleet in the Mediterranean.

Mr. Ascher is the president of Emil Ascher, Inc., of New York, which was founded by his grandfather and is now the Nation's most complete library and largest distributor of prerecorded background music. He is also the founder of Regent Recorded Music.

Everett represents the epitome of one of those hardworking and dedicated individuals who has done much to enrich and improve our community. Such involvements include being a founder of the Los Angeles Music Center, charter member of the board of the Los Angeles Chamber Orchestra, and a member of the American Society of Composers, Authors and Publishers.

As chairman of the board of the Los Angeles West Chamber of Commerce, Everett has served his term most admirably. He has previously served that organization as secretary, treasurer, and as vice president. He is also a former president and currently serves as a director of the Holmby-Westwood Property Owners Association.

In addition to all of this, Mr. Ascher has also found time to maintain a continuing relationship with the University of Rochester, having served as a member of its trustee council and currently serving a 6-year term as a member of its board of trustees.

I ask my colleagues to join with me in congratulating Everett Ascher, his wife, Ann, and their daughter, Allison, on this special occasion, recognizing Everett's many contributions to our community and in wishing him continued success and fulfillment in all of his endeavors.

RURAL HEALTH—A NEW PRIORITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BEREUTER. Mr. Speaker, today we are introducing a series of legislative proposals designed to improve the ability of hospitals in rural areas to deliver high-quality services to individuals in their communities.

The House Rural Health Care Coalition, formed to address the unique conditions existing for providers in rural areas, has developed as its first project a package of initiatives that focuses on rural hospital reimbursement issues. This Member is pleased to be an original cosponsor of these five important proposals, and invites the interest and support of his colleagues.

The means for delivering quality health care services to rural America have long been overlooked in the law-making process. Rural health care providers have struggled for years to provide services in their communities under Federal laws and reimbursement schemes that favor health care delivery in urban and suburban areas. Accommodating the peculiarities and difficulties of rural health care has too often been a legislative and administrative afterthought, if considered at all.

Thus, the introduction of these five bills today is an exciting event for those of us who have tried for so long to educate and persuade the Health Care Financing Administration about the problems of providing rural health care. There are many excellent features in the package we are introducing today. In particular, however, two proposals will directly address matters that have consumed a great deal of this Member's time and attention over the last several years.

Both important proposals for this Member's district and State are contained in the Medicare Rural Hospital Amendments. The first has to do with the composition of the area wage index.

Rural hospitals have long been plagued with reimbursements based on an area wage index that does not take into account the fact that most rural hospitals have a high percentage of part-time workers. In Nebraska, part-time workers comprise 44 percent of the hospital work force—clearly one of the highest percentages in the Nation. The formula used by the Health Care Financing Administration assumes full-time equivalencies, with the result that reimbursements are set artificially low. And while this Member and the other Members of the Nebraska delegation have finally been successful in compelling a very reluctant HCFA to adjust the formula that determines the reimbursement, problems still exist. The bill we introduce today will require improved data collection and provide for a report on alternatives for an improved and more equitable area wage index.

Another very important feature of the Medicare Rural Hospital Amendment relates to reimbursement increases for rural hospitals located near metropolitan areas.

In this Member's district, two hospitals are located adjacent to metropolitan areas. Dodge County Memorial Hospital, located in Fremont, NE, is only 30 minutes from Metropolitan Omaha and under an hour from Lincoln. In fact, nurses from Clarkson School of Nursing in Omaha regularly commute to Fremont for selected intern programs! Beatrice Community Hospital, in Beatrice, NE, is no more than 50 minutes from Metropolitan Lincoln. Compounding Beatrice's problem is the fact that the Beatrice State Developmental Center, a State residential facility for the developmentally disabled, is also located in that community. Last year, Beatrice Community Hospital experienced a 25 percent turnover in its professional nursing staff, largely due to higher wages paid by nearby Lincoln hospitals and by the State facility.

Both the Fremont hospital and the Beatrice hospital are classified as rural hospitals for the purposes of reimbursements. Yet, their actual costs are much closer to those of hospitals located in the Omaha and Lincoln metropolitan areas. The Medicare Rural Hospital Amendments sets up an appeal process for rural hospitals located in counties adjacent to an SMSA. If the hospital can demonstrate that the reimbursements do not accurately reflect the area wage base, or if it can demonstrate that it has a case mix equal to or greater than the median case mix for hospitals located in an adjacent SMSA, it can receive the wage index used for hospitals in the SMSA. In conversations with the principal sponsor of this bill, the gentleman from Iowa, Mr. TAUKE, I have been assured that every effort will be made to apply the broadest possible construction to the appeals process. This is very important to this Member. The Fremont and Beatrice hospitals can certainly show that the area wage base used in computing their reimbursements does not accurately reflect their experience. They may not be able, however, to demonstrate that they have a case mix equal to or greater than the median case mix for hospitals located in an adjacent SMSA.

In a State where all sectors of the economy are suffering because of the difficulties in the agricultural economy, such inadequate and inequitable reimbursements further threaten the existence of hospitals in smaller communities and rural areas. If enacted, this legislation will provide much-needed relief to two hospitals in Nebraska's First Congressional District.

In the months to come, the House Rural Health Care Coalition will be offering measures to attract physicians to rural areas, improve home health care and mental health care, and generally strengthen the rural health care system. This Member is pleased to support these timely efforts, and wishes to commend all of my colleagues and their staff for developing such good and responsible legislative proposals.

STEEL IMPORTS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. CLINGER. Mr. Speaker, recently, I had the opportunity to participate in a meeting of the European Parliament as a member of a congressional delegation. I discussed with our European counterparts the progress and problems of the President's steel program to reduce steel imports into the United States. I want to share with the House the views I expressed in Madrid.

We can take heart in the reality that the President's program has made substantial progress in reducing steel imports. When President Reagan put his program into effect, imports captured 28.9 percent of our market. By 1986, steel import penetration had fallen nearly 6 percentage points to 23.1 percent, and by about 5.5 million tons.

Why? Because countries that entered into voluntary restraint agreements [VRA's] with the United States were generally in compliance with their VRA's. And, also, because our Commerce Department and the U.S. Trade Representative have vigorously enforced the terms of the 19 VRA's entered into.

But, Mr. Speaker, the non-VRA countries—like Canada, Sweden, Taiwan, and some 30 others—are thwarting the attainment of the goals we in Congress set for the program, an import market share of 20.2 percent. The non-VRA countries have entered the market to exploit their privileged status, and have increased their steel exports to our shore to the point that they now supply 5.4 percent of our market. In years past, these countries accounted for about 20 percent of our total steel imports; today, their share is about 25 percent.

The non-VRA countries not only exploit our market and industry, but also they hurt those countries that joined the President's program. In so doing, the VRA countries accepted sacrifices for the sake of a strong trade relationship with us. Not only do they ship less steel than they might owing to their VRA's, but they risk the loss of markets here to the non-VRA countries who have effectively replaced them.

We in Congress have taken steps to bring pressure to bear on the non-VRA countries to join the program and negotiate VRA's. I urged our European counterparts to do the same. Hopefully, their efforts and ours will succeed so that steel imports can be reduced to the 20.2-percent market share we stated as a reasonable limit for imports.

Mr. Speaker, if we and our European counterparts are not successful, if the non-VRA countries persist in expanding their grasp of our steel market, I think it is quite possible that the VRA approach could be abandoned in favor of a global quota. This would be unfortunate; we would put aside an approach that relies on mutual good will and mutual recognition of national interests in favor of unilateral action. Let the non-VRA countries be forewarned: they can exploit our market now and in the very near term; in the longer run, however, they will pay the price in terms of unilateral and stringent quotas.

TRIBUTE TO THE NEW JERSEY CHAPTER OF THE 8TH AIR FORCE HISTORICAL SOCIETY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mrs. ROUKEMA. Mr. Speaker, in a few days the New Jersey chapter of the 8th Air Force Historical Society will hold its annual meeting. In a time of relative peace and security, it is easy to forget the sacrifices that have been made for our benefit, but the men and women who served their country deserve our thanks and recognition.

This is especially true of the veterans of the 8th Air Force. This unit was formed in the early months of World War II when, quite frankly, when the future of democracy and freedom did not look very promising. In 1942 the 8th Air Force was deployed to England, where it was soon carrying the war directly to Hitler's Germany.

During the next 3½ years, most of the aircraft in the European theater were under the command of the 8th Air Force. At its peak, 200,000 men and women wore the shoulder patch of the "Mighty Eighth."

It is impossible to measure bravery, but one indication of the heroism of the 8th Air Force were the 17 Congressional Medals of Honor, the 220 Distinguished Service Crosses, 850 Silver Stars, 7,000 Purple Hearts, 46,000 Distinguished Flying Crosses, and 442,300 Air Medals that were awarded to its members.

Even more poignant were the human sacrifices. In the 3 months leading up to the D-day landings, the 8th Air Force suffered 20 percent of its casualties as it prepared the way for the invasion force. During April, May, and June 1944, the 8th Air Force lost over 1,300 aircraft and about 10,000 crewmen. Their sacrifice is evidence that the price of liberty is high.

After helping to win World War II, the 8th Air Force has continued to protect our national security. Today its headquarters is at Barksdale Air Force Base, LA. In the past it helped fight and win wars, while now in the nuclear age it helps deter war.

Since it was formed in 1942, over 1 million Americans have served their country and protected our freedom as members of the 8th Air Force. Over 10 years ago veterans of this proud unit formed the 8th Air Force Historical Society. It now has over 14,000 members, with chapters across the country. The New Jersey chapter was formed in 1984, and now has over 500 members.

I am pleased to say that many of those members reside in my Fifth Congressional District, including the distinguished president, Theodore J. D'Uva. It is with great pride and sincere gratitude that I honor the 8th Air Force Historical Society by presenting a ceremonial American flag to its members.

A TOAST TO THE LAST MAN'S CLUB

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. FLORIO. Mr. Speaker, I take great pleasure in congratulating the American Legion members of the Last Man's Club, Post No. 38: Robert Wythens, John William Barron, Robert Wright, and Fred Wisner. These World War I veterans recently gathered to toast their heroic and proud days in France. These members, rich and robust as the 70-year-old brandy they drank, paid tribute to their deceased friends, while enjoying the comradery of their fellow legion members.

Although over 65 years have passed since the signing of the Treaty of Versailles, the sacrifice of these World War I veterans, or any veterans of foreign war, should never go unrecognized or unrewarded. This country should never lose sight of their dedication and bravery as they undoubtedly provide an example for us all. I invite my colleagues to read the following article and letter of congratulations I sent to them and remember with me their heroism and fellowship:

[From the Courier-Post, Apr. 7, 1987]

WWI VETS FULFILL PLEDGE MADE LONG AGO

(By Joanne Sills)

CLEMENTON.—The cognac had actually been bottled twice.

Once somewhere in a vineyard in France and again when it was placed in a larger clear glass bottle 47 years ago for safekeeping—for the Last Man.

The idea was simple. The last surviving World War I veteran of the the Last Man's Club of Post No. 38 of the American Legion in Haddonfield would crack the bottle of Hennessy and toast his deceased pals.

Years after the organization was started in 1940, the charter was amended to allow the last couple of men to open the bottle because—as one veteran said last night—nobody likes to drink alone.

And that is how four World War I veterans—Robert Wythes, 96, John William Barron, 89, Robert Wright and Fred Wisner, both 88—found themselves and the bottle of cognac the center of attention at a dinner in their honor at the Silver Lake Inn.

About 200 people gathered to eat steak and potatoes, drink lots of Budweiser and other beverages, and be merry to the sounds of a four-piece band.

And were they merry.

The band, consisting of Legion members playing an accordion, a banjo, a saxophone and a guitar, played the all the hits from both World Wars. "Pack Up Your Troubles," "Let Me Call You Sweetheart," and "The Bells Are Ringing," prompted one man to play along on drinking glasses.

Finally, after numerous speeches were made and the list of all 108 World War I veterans that had joined the club were read, Robert Wright stepped up to the microphone.

"With this crowd, I'm speechless," he said, mentioning that his senses were not as keen as they used to be. "I have many happy memories of getting the post started."

"Losing so many (members) last year has made this meeting essential," he continued, adding that five men had died last year. "We'll still be with you, I think, for a couple of years more."

Then the other three veterans were called to the front of the smoke-filled room to open the bottle.

As it was opened all in the room rose to applaud and a strong scent of cognac surrounded the men.

"Don't you think we should go to the bar," joked Barron who later said the cognac was "pretty strong."

"We've waited a long time for this," said Wythes.

A letter from U.S. Rep. James J. Florio, D-N.J., was presented to the four men thanking them for their sacrifices and the examples they set. Florio called them heroes.

In the end as the door prizes were being awarded—fifths of alcohol—and the honorees settled back in chairs, the thick-glassed, old bottle of Hennessy was only partially emptied.

Wisner was asked how he felt being one of the men to actually drink from the bottle after all these years.

"I used to kid them all the time," he said holding his glass. "I said, 'I'm going to drink that.'"

LAST MAN CLUB,
SILVER LAKE INN,
Clementon, NJ, April 3, 1987.

DEAR MESSRS. WYTHES, WRIGHT, BARRON, AND WISNER: In the summer of 1914 a member of the Austrian Royal family was killed in Sarajevo, Yugoslavia. In a few short weeks, passions which had been lying just below the surface of European politics exploded, plunging the continent into war.

It was a war the likes of which the world had never seen. The use of mustard gas, airplanes, tanks, and trench warfare, brought about human losses which were staggering in comparison to any previous yardstick used by the Western World. When nearly 100,000 British fell on the first day of the Battle of the Somme the world began to call the conflagration "the War to End All Wars".

In 1917 the "doughboys" came to Europe. Plucked from farms and factories across America, hundreds of thousands of them invaded Europe to defend the Allies. The tide turned; the Germans were defeated and peace, it seemed, was assured forever.

In hindsight we, of course, know differently. Peace was not assured forever—only purchased at an expensive price for twenty years. The sacrifice of millions, including thousands of our American "buddies", allowed the world breathing space before the advent of the worst war ever waged by man against his brothers.

The sacrifices of Robert W. Wythes, Robert Wright, John W. Barron and Fred C. Wisner will never go unnoticed or unrewarded. The Nation will never forget your sacrifices and your bravery. Modern warfare as we now know it was born during your battles and it was through your sacrifice that we even begin to learn the horrors of what we must constantly strive to avoid.

Congratulations to the four of you. And more importantly, thank you to the four of you—both for the sacrifices you made seventy years ago and for the example you continue to provide today. As the Representative of the First Congressional District of New Jersey I am proud to be able call you New Jersey heroes. Thank you and next year I hope to be with you!

With best wishes,

Sincerely,

JAMES J. FLORIO,
Member of Congress.

GENERAL ABRAHAMSON'S VIEWS ON SDI

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MAVROULES. Mr. Speaker, I would like to take this time to comment on General Abrahamson's recent comments on the administration's strategic defense initiative, protesting proposed congressional cuts in star wars funding. General Abrahamson has hinted at what many SDI critics have known all along: that SDI would protect ICBM silos and not American cities, that it is a first-strike system when used in conjunction with MX, D-5, and Pershing II missiles, and that it would not remotely resemble the President's vision of "the roof that keeps the rain off," or a near-leakproof shield.

Special attention should be given to these statements made by General Abrahamson.

> It [SDI] may not be complete protection * * *. So what you try to do is to ensure that what you put up enhances stability, and that when you put it in combination with our present offensive forces * * * that you interfere with the timing of one of their attacks * * *.

Let's take this point by point.

First, many Americans believe that SDI, as characterized in President Reagan's 1983 speech, will be employed to protect the civilian population. Unfortunately, unless there is a dramatic technological breakthrough, this is not the case. Statements made by Secretary Weinberger and other officials appear to say that SDI would be employed for point defense. Used in such a capacity, SDI becomes a dangerous, destablizing first-strike system, which is the second point that I would like to make. Secretary Weinberger insists that the Soviets "know" that we would never launch a first-strike, and because of this SDI cannot be considered a first-strike system. The fact remains, however, that the Soviets center not on our intentions, but on our capabilities.

Rather than enhancing stability, as General Abrahamson suggests, SDI weakens stability; rather than bolstering deterrence, SDI weakens deterrence.

Finally, when General Abrahamson notes that SDI would "interfere with the timing of one of their attacks * * *," one must note that there is a great difference between interfering with, and defending against a Soviet ICBM attack. Meek words from a man whose system was once labelled "leakproof" and "revolutionary".

SDI, as it stands today, is a conglomeration of decades-old ABM technology which would be used to protect our offensive forces. As something far less than even "near-perfect", SDI supporters are quite comfortable with envisioning the system as a means of destroying and retaliatory attack. In other words, rather than act as a guard against a Soviet first-strike, SDI is now being fashioned as a shield for a United States first-strike. Stability and deterrence, cornerstones of our defense policy, are being undermined. All of us should be gravely concerned.

IN PRAISE OF THE ARGENTINE DEMOCRACY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. GARCIA. Mr. Speaker, the recent rebellions by certain factions in the Argentine military have only served to underscore the commitment of that nation to democracy. President Alfonsin's cool defiance of the rebellion, coupled with the outpouring of bipartisan support from all Argentines, are shining examples that democracy in Argentina is a reality and anyone who does not believe this to be the case—such as the rebellious officers—must answer to the Argentine people.

I think I speak for all of my colleagues when I say that we are fully supportive of President Alfonsin and his government and applaud his efforts to further strengthen democracy in Argentina.

I am inserting in the RECORD excerpts from President Alfonsin's speech delivered last Thursday to the Argentine Congress, published in yesterday's Washington Post, as well as an editorial from today's Financial Times on the rebellion.

[From the Financial Times Apr. 22, 1987]

ALFONSIN SHOWS HIS AUTHORITY

Argentina's example in reasserting democracy after the traumatic years of rule by military juntas has been an important catalyst in encouraging a general trend in Latin Americ towards civilian government. As the chief architect of this process, President Raul Alfonsin has acquired the moral leadership of the continent. Thus it was vital not only that the rebellion in Argentina fail but also that President Alfonsin emerge with his moral authority intact.

Both have been achieved without bloodshed and the lion's share of the credit must go to Mr. Alfonsin who behaved throughout with considerable courage and skill.

It is to be hoped that this achievement will not now be undermined by continuing unrest within the army in the wake of the rebellion.

The rebellion was sparked by middle ranking and junior officers disgruntled at the way they were being obligated to appear before the courts on charges of human rights abuses committed during the 1976-83 military juntas. The human rights trials have always been the most sensitive element in the Government's dealings with the military since President Alfonsin took office in 1983.

ORDERS DISOBEYED

But on this score no one could accuse President Alfonsin of being less than statesman-like, ensuring that the main culprits were brought to book through due process of law without a broader witch-hunt of all those involved. Indeed, he has had to tread a tight-rope between popular demands for justice for the some 9,000 "disappeared" persons and alienating the military whose co-operation has been essential in setting about the reconstruction of Argentina.

The rebellion was in no sense an attempt at a coup d'etat, but rather followed an unfortunately long hispanic tradition of the pronunciamiento whereby a group of officers use the power of arms to "pronounce" what they want the politicians to do.

Probably President Alfonsin was obliged to make concessions to the rebels. But it was far more important that he was seen to impose his authority and obtain the rebels' surrender, so upholding the supremacy of civilian rule. Nor at this stage should too much significance be read into the apparent continuation of unrest within the armed forces. For it was far more important that the rebels were shown unwilling to risk an armed confrontation.

In this context, it is worth remembering that in 1981 in Spain when parliament was seized and one of the military regions rebelled, concessions were made to ensure a bloodless outcome by limiting the number of people eventually prosecuted, and there was little effort to root out officers of dubious loyalty. Yet this did not detract from the fact that constitutional order had triumphed, and Spanish democracy emerged strengthened.

DANGEROUS TREND

The failure of the rebellion should now reinforce democracy in Argentina and provide the necessary sense of national unity that President Alfonsin needs to press ahead with his plans for a "social contract" to combat the country's serious economic difficulties.

Beyond this it should serve to discourage a potentially dangerous trend, not just in Argentina but detectable elsewhere in Latin America, of middle-ranking officers taking the law into their own hands. This was evident in the seizure of the Ecuadorian President earlier in the year and the latest rumblings in Peru. With the generals having accepted to take a back seat, these officers seem unwilling to play a new role in democratic society where their privileges are limited to military matters.

The hope is that the events of this weekend have proved these men have no right to air their grievances through resort to arms. And if they take note of the messages of international support for President Alfonsin, they will realize their behavior is unacceptable not just at home, but in the international community at large.

[From the Washington Post, Apr. 21, 1987]

FOR THE RECORD

From Argentine President Raul Alfonsin's address to Congress last Thursday:

Today Argentines were surprised by news of an army officer who, in collaboration with other officers, resisted the arrest ordered by the Federal Appeals Court of the District of Cordoba that had declared him in contempt of court for not obeying a judicial summons.

This is not the temperamental reaction of one man; on the contrary, it is a previously meditated maneuver by a group of men whose objective is to establish a situation that would force the government to negotiate its policy. Their intent is to impose on constitutional authorities legislation establishing impunity for those condemned or tried in connection with human rights violations committed by the previous dictatorship.

In no way can we accept such an attempt at blackmail. It is ethically unacceptable. It is also contrary to our democratic conscience, our constitution and to the rules and regulations governing our armed forces, which are based on the concept of discipline. History, from which Argentines have extracted a clear lesson, does not allow us to bow before a demand which would only risk the nation's future.

Therefore, there is nothing to negotiate. The democracy of Argentina is not negotiable. The era of coups has ended forever, along with the era of pressure, pronouncement and demands.

The commanders and officers of the armed forces confront one obligation: to obey the orders of their superiors and those of their commander in chief. It is to this end we have been entrusted with the nation's arms, which belong to the nation and are to be used in its defense.

THE NUCLEAR REGULATORY COMMISSION INSPECTOR GENERAL AND INVESTIGATION ACT OF 1987

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. GEJDENSON. Mr. Speaker, I am pleased to be introducing legislation to improve the ability of the Nuclear Regulatory Commission [NRC] to protect the public health and safety. The Nuclear Regulatory Commission Inspector General and Investigations Act of 1987 establishes an independent inspector general at NRC, establishes an independent Office of Investigations, and provides whistleblowers with protection from harassment. This bill is an improved version of H.R. 4835, legislation I introduced in May 1986 to establish a statutory inspector general at NRC.

This legislation is necessary because of the failure of the NRC to adequately oversee the activities of NRC employees and licensees. This seriously compromises the ability of the NRC to effectively regulate safety in the nuclear industry.

The NRC's approach to safety is reflected in the problems facing two offices at NRC, the Office of Inspector and Auditor [OIA] and the Office of Investigations [OI]. OIA is responsible for investigating and auditing NRC operations and employees, and OI is responsible for investigating possible wrongdoing by NRC licensees. The actions of NRC personnel have repeatedly compromised the ability of OIA and OI to carry out investigations in a objective, timely, and complete manner.

OFFICE OF INSPECTOR AND AUDITOR

The legislation I am introducing today replaces OIA with an independent inspector general with the institutional strength necessary to effectively oversee NRC activities. The inspector general would be appointed by the President and could only be removed by the President for malfeasance or neglect of duty. This would eliminate the current conflict-of-interest at OIA between maintaining adequate oversight over the Commission, and pleasing the Commission.

The inspector general would have access to all NRC records and documents, the power to subpoena persons and documents, and the ability to independently refer criminal cases to the Justice Department. Currently, OIA does not have subpoena power and is dependent on the cooperation of NRC staff to gain access to necessary information. As a result, its investigations have on occasion been obstructed or terminated by NRC staff.

One notable example of the inability of OIA to maintain adequate oversight over NRC occurred when it failed to investigate the leak of an NRC document, apparently from the office of one of the Commissioners, which raised serious questions about the safety of the Waterford nuclear plant to the plants' owner. This leak was discovered by the Office of Investigations which subsequently was ordered by that Commissioner to turn over to him all documents relevant to the leak. He subsequently destroyed the documents. It is difficult to understand why a matter of this nature was never investigated by the Commission.

The General Accounting Office [GAO] has been extremely critical of OIA's management and lack of independence. A 1981 GAO report uncovered severe deficiencies in OIA operations and recommended that Congress consider replacing OIA with an independent inspector general. The GAO report cited a number of instances where OIA findings, conclusions, and recommendations were revised or deleted primarily because of objections from other NRC staff. GAO recently reaffirmed its 1981 findings in testimony it gave before the Senate Governmental Affairs Committee on February 19, 1987.

The quality of oversight conducted by an inspector depends on the integrity and strength of the inspector and his or her staff. However, unless the inspector is given the independence necessary to carry out the difficult task of oversight, it is impossible for even an individual of the highest calibre to do a good job. This bill sets up an institutional structure at NRC which makes vigorous internal oversight possible.

OFFICE OF INVESTIGATIONS

This legislation would give the Office of Investigations the institutional strength it needs to effectively investigate misconduct by NRC licenses. The bill establishes OI as an independent statutory office responsible for investigating allegations that NRC licensees have not complied with NRC laws, regulations, guidelines or procedures. This would significantly strengthen OI, which currently draws its authority solely from NRC regulations and internal directives. On numerous occasions the NRC has attempted to administratively weaken OI.

Under the bill, the Director of OI would report directly to the Commission. This would prevent top NRC staff from interfering with OI investigations, as has occurred in the past. In addition, the bill expressly prohibits the Commission from preventing OI from initiating or carrying out any investigation and gives OI the authority to refer criminal cases to the Justice Department.

The bill would strengthen the investigative capability of OI by giving it access to all NRC records and documents and providing OI with subpoena power. Currently, OI is dependent on the cooperation of licensees and NRC staff when conducting investigations. This has often interfered with the successful and timely completion of investigations.

In addition, the bill requires OI to report to the Commission and the Congress semiannually on OI activities and actions taken by the Commission as a result of investigations. This would increase the accountability of OI and NRC licensees to the Congress and the public.

In 1985 the NRC proposed placing OI under the Executive Director of Operations [EDO]. The purpose of the proposed realignment was to bring the office under the control of the NRC staff. This change would have eliminated any independence of OI from NRC staff, subverting the original intent of NRC when OI was established in 1982.

The proposed realignment was strongly opposed by the Justice Department and the proposal was dropped. In his March 18, 1985, letter to the NRC, Assistant Attorney General Stephen S. Trott explained Justice's position:

> Experience itself has shown the importance of maintaining the independence of the Office of Investigations from the responsibilities, perspectives, or agendas of other NRC components, and the need for the Office of Investigations to report directly to the Commission.
>
> Personnel and organizational components within and under the EDO's office not only inspect nuclear facilities under operation or construction, but also have been sponsoring license applications before NRC administrative boards. Thus the detection and full disclosure of violations by OI may not only be (and have been) inconsistent with prior NRC inspection reports, but with positions taken by the NRC before its licensing boards.

This legislation would prevent such a reorganization and eliminate the chilling effect on OI operations represented by the potential threat of such reorganization. Again, it must be emphasized that no law passed by the Congress can ensure that the Office of Investigations fulfils its responsibility to effectively investigate allegations of utility wrongdoing. However, this legislation gives the Office of Investigations the authority it needs to maintain vigorous oversight of the conduct of NRC licensees.

WHISTLEBLOWER PROTECTION

The legislation would provide additional protections to agency whistleblowers. It would prohibit the NRC from restricting employee communications to the inspector general and to Members of Congress concerning possible safety violations or mismanagement unless the communication violates a regulation necessary to the security of the United States.

The bill would prohibit any retaliatory action against a whistleblower and would also direct the Commission to take remedial action in the event that a whistleblower has been the victim of a reprisal. In some instances, remedial action can take the form of retroactive promotion with back pay.

In addition, the bill would require the inspector general to expeditiously investigate all allegations. The inspector general is also required to submit a report of each investigation to the Commission and to the employee who made the allegation that is the subject of the investigation. The bill expressly prohibits the report from containing any information which could tend to disclose the identity of a whistleblower if the whistleblower has been promised confidentiality.

These provisions would afford meaningful protections to whistleblowers and would help restore the confidence of NRC employees in the agency's internal auditing and investigative function. Improved communication between NRC employees and the inspector general would reduce the likelihood that serious safety and management problems would go unreported to the Commission.

In April 9, 1987, testimony before the Senate Governmental Affairs Committee, one Commissioner stated that he recently experienced great difficulty convincing an employee to report his concerns about top NRC staff to OIA because the employee did not have trust in that office.

At the same hearing, the Assistant Director of Investigations at OIA, stated that in the course of his investigation of inadequate NRC regulation of the quality of construction at the Comanche Peak nuclear plant in Texas, many NRC employees were unwilling to talk to him because they did not trust OIA.

The suspicions of NRC employees of OIA turned out to be correct. Despite the fact that the Comanche Peak whistleblowers had been promised confidentiality their identities were later revealed to the very supervisors they accused of improper conduct.

In this particular case, the whistleblower complaints led to the release of an OIA report which determined that the quality control regulation conducted by NRC region IV office was so poor that it could not be relied upon as evidence that Comanche Peak had been built safely. Earlier drafts of the report also revealed serious harassment by top region IV personnel of NRC employees who attempted to enforce safety regulations.

Instead of commending the Comanche Peak whistleblowers, the Commission made them vulnerable to harassment by their superiors. At the Senate Governmental Affairs Committee hearing on April 9, 1987, Shannon Phillips, an NRC inspector at Comanche Peak, stated that harassment by region IV management has destroyed his career. I for one, commend Mr. Phillips for his courage and integrity. He has truly done the Nation a great service.

Mr. Speaker, the Nuclear Regulatory Commission Inspector General and Investigations Act of 1987 will significantly improve the ability of the NRC to maintain a safe domestic nuclear industry. I believe nuclear power is a viable energy resource. However, it would be irresponsible not to do everything possible to reduce the chances of an accident. This bill gives the NRC all the tools it needs to maintain the vigorous oversight over the conduct of NRC employees and licensees which is absolutely crucial to the effective safety regulation of nuclear power.

A CONGRESSIONAL SALUTE TO NISEI POST 8985

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. MATSUI. Mr. Speaker, it is with a great deal of pleasure that I offer my commendation and congratulations to the Veterans of Foreign Wars Nisei Post 8985 of Sacramento on the occasion of their 40th anniversary.

Founded as a result of the difficulties Nisei veterans faced when they tried to join local veterans' groups, the Nisei Post was chartered on February 9, 1947. The original membership of 92 war veterans has grown to 400 and the members have made continued and lasting contributions to the entire community of Sacramento. Many of the early members of the post served in the most-decorated unit of World War II—the 442d Regimental Combat Team, also known as the go for broke unit. All of the members of Nisei Post 8985 served the United States with unswerving pride, courage, and patriotism, and they are deserving of Sacramento's commendation and acclaim.

The Nisei Post, an organization started as a collective voice to repeal anti-Asian legislation, now serves as a preserver of a history that should never be forgotten. It retains its Japanese-American character and works for the good of the community and all the veterans of foreign wars.

I commend this historical post and the men who make it strong by standing firm in their ideals of freedom, equality, and peace among men. I extend my best wishes to all members of Nisei Post 8985, I thank them for their hard work, and I congratulate them on a job well done.

IN HONOR OF OFFICER RAYMOND CLARK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to share with my colleagues the distinguished service of Officer Raymond Clark of the Chicago Police Department.

The motto of the Chicago Police is "we serve and protect," and Officer Ray Clark has exemplified that noble purpose in his 39 years on the force. His early, growing years laid a strong foundation from which he would erect a distinguished career for himself.

Being Irish, Ray naturally attended a Catholic grammar school and high school, Sacred Heart. Following graduation from high school, Ray joined many of his classmates in military service during World War II. After serving patriotically with the Navy for 2 years, he was honorably discharged in 1946.

With characteristic ambition, Ray promptly enrolled in DePaul University to earn his college degree. Though his college career was interrupted by his acceptance into the police academy, Ray showed his commitment to education by completing his bachelor's degree at Loyola University nearly 30 years later.

In 1948 Ray married his loving wife, Jean, and together they raised eight children—six girls and two boys. Over the course of the years, Ray and his family would have many honors to celebrate as a result of his dedication to the police force.

Ray's record of accomplishments and promotions truly earned him the title of one of "Chicago's finest." As a police officer in the 1950's, Ray earned no less than nine department commendations. These honors merely foreshadowed greater success in the coming decade. The 1960's really saw Ray's career take off in leaps and bounds. In 1960 he received his first of several promotions going from police officer to sergeant. Remarkably, less than a year later he was again promoted to the rank of lieutenant. Still more remarkably, later the next year Ray became a captain—three substantive promotions in 3 years. In 1967, Ray's abilities would be recognized once again with his promotion to deputy chief of the patrol division. After a final promotion to deputy chief of detectives in 1980, Ray returned to the patrol division where he finished his long, illustrious career with the Chicago Police Department.

I'm sure my fellow Members of Congress join me in congratulating Raymond Clark on his extraordinary record in law enforcement and wish him and his family peace and happiness in his retirement years.

FAIR ELECTIONS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. CONYERS. Mr. Speaker, I would like to take this time to bring to the attention of my colleagues the purpose of H.R. 1582, the Fair Elections Act.

This act enforces the guarantee of the 1st, 14th, and 15th amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections as in past years. It also sets fair and uniform standards for independent candidates and parties in Federal elections. This, of course, further demoncratizes the electoral process, strengthens voting rights and encourages more candidate-voter participation in elections.

During the past century, State legislatures have imposed increasingly burdensome restrictions on access to the ballot by independent and minor party candidates. Barriers range from differences in signature requirements needed, geographical distribution requirements stipulating where signatures must be collected, as well as unattainable petition signatures in many States. This must be changed.

While virtually all States recognize the right of an individual candidate to run for office, many States are guilty of imposing additional restrictions on the use of party designations. For example, the States of Ohio, Oregon, Oklahoma, Alabama, Montana, North Dakota, Kansas, Louisiana, and Nebraska require additional and often unattainable petition signatures for such use. In California, 130,000 signatures are needed for a Presidential candidate to get on the ballot. If a candidate wants to have a party label listed above their name, they must register 80,000 voters into the party by January 15. One effect of these restrictions has been that millions of citizens who may otherwise vote for independent candidates, stay away from the polls which makes this country's voter trunout one of the lowest in the world.

Despite a Supreme Court decision (*Anderson* v. *Celebrezze,* 460 U.S. 780—1980) holding that early petition deadlines are unconstitutional for Presidential candidates, nine States still require early petition deadlines before August 1. These States include Kansas, Maine, North Carolina, Indiana, Florida, Oklahoma, Texas, Washington, and New Jersey.

Mr. Speaker, the fair elections bill will break this monopoly the two major parties hold over the political system. With 50 percent of our populations not voting, passage will facilitate the participation of millions of voters to be able to both run for office and support alternative candidates and parties.

Hence, it will make our election process more inclusive and democratic as well as eliminate the maze of restrictions presently imposed by State legislatures and sets fair and uniform standards for independent candidates in all Federal elections.

HATTIE H. HARRIS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, Rochester, NY, the home of Susan B. Anthony, celebrates the 90th birthday on April 25, 1987, of another of its distinguished daughters, Hattie H. Harris.

Hattie is a remarkable woman whose life and numerous achievements have been a source of strength and inspiration to me and countless others.

Hattie, a fourth generation Rochesterian, left school at age 11 to work as a buttonhole maker in a local clothing factory, enabling her parents to send her two brothers to college. When she was 17, she married Harry Harris and gave birth to their son at age 18. During the Depression, she worked for 35 cents a day as a manicurist to help support her family. Her husband's ill-health required him to live in a warmer climate than Rochester's and she was often forced to go without food or coal to heat her home in order to provide the necessary help for him.

Her struggle to survive never dampened her spirit or her zest for life. Rather, it gave her a deep sense of the needs of people and the role government played in their lives. It also made her self-reliant and confident in her abilities to surmount any and all difficulties.

Hattie quickly became well known for her involvement in local, State, and National politics. Hattie's support which was crucial to many successful candidates was not based on party affiliation, but on character. She advised many Rochersterians on their political careers including the late U.S. Senator Kenneth Keating, the late U.S. Representative Jessica Weis, and I am happy to include my own.

Rochester is an enriched community because of Hattie Harris. Her dedication to helping those in need is truly admirable and reaches far beyond Rochester's borders. One of her most notable achievements was to engineer the escape of 500 persons from Nazi concentration camps and sponsoring their immigration into the United States.

Among the honors Hattie Harris has attained are: the Jefferson Award, the Rochester Federation of Womens Club's Susan B. Anthony Award, and the Mayor's Rehabilitation Award. She is an honorary State trooper, an honorary firefighter, and the first honorary graduate of Monroe Community College where she has established three scholarships for college students.

It is a privilege and an honor to ask you to join me in sending Hattie birthday greetings and in wishing her continued good health and happiness for many more years to come.

GEN. MAXWELL TAYLOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. SKELTON. Mr. Speaker, Gen. Maxwell Taylor, World War II hero and principal advisor to two presidents, died this past Sunday at the Walter Reed Hospital. He was a man of many accomplishments in both the military and diplomatic fields. I doubt that a biographer would include in writings of General Taylor the immense influence he had on the reorganization of the Joint Chiefs of Staff and the Pentagon bill that became law last year. It was Gen. Maxwell Taylor with whom I spent a great deal of time on two occasions drafting my initial reorganization bill. Further, his testimony before the Investigations Subcommittee of the Armed Services Committee was of immeasurable help in the drafting process of this measure. He was an immensely talented and courageous American who had his roots in my home State of Missouri. All Americans today, especially those in the ranks of the military, are the beneficiaries of his legacy.

STATE OF DEMOCRACY 1987

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. JACOBS. Mr. Speaker, Robert McFarlane has been quoted as telling Oliver North, ". . . But (the world) won't know and would complain if they did. Such is the state of democracy in the late 20th Century."

Orwell's 1984 was also the state of democracy in the late 20th Century. One wonders how Newspeak overlooked the term "Project Democracy".

Upon leaving the presidency for life as a private citizen, Jefferson declared that he was accepting a promotion from servant to master. Such was the state of democracy in the early 19th Century.

REAGAN ADMINISTRATION'S POSITION ON FEDERAL LANDS RECEIPTS OPPOSED

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BOSCO. Mr. Speaker, I would like to take this opportunity to voice my strong opposition to the Reagan administration's position with regard to Federal lands receipts.

When Congress first created the National Forest Service in 1908, it mandated that 25 percent of the gross Federal lands receipts be returned to individual States who would, in turn, distribute the money to counties where Federal lands exist. Half of these revenues are targeted for country school systems, and half for the maintenance an expansion of county roads.

The Reagan administration is now proposing to change the method for calculating the States' share of these receipts, from a formula based on gross receipts to one based on net receipts. The Department of Agriculture has estimated that the proposed change would reduce receipt payments to rural counties by as much as 50 percent. The effects such a change would have on the economies of rural counties would clearly be devastating.

In an effort to fully clarify the congressional intent with regard to National Resources Receipts payments, I have recently joined a number of my colleagues on both sides of the aisle in cosponsoring Mr. SHUMWAY'S legislation, H.R. 1662. this bill, the Federal Lands Receipts Clarification Act of 1987, is necessary due to the administration's annual attempt to cut vital revenue to these rural communities. These funds are not merely a gift the Federal Government decided to bestow upon local governments. The burden of maintaining country roads needed to serve these public lands, and additional public services including fire protection and emergency medical care necessary to service National Forests, are all costs that local government's must pay. And as Federal lands are immune from local property taxes, the only way counties can make up these losses is to increase local taxes.

In closing, Mr. Speaker, I firmly believe that the present system of distributing timber, and other Federal lands, receipts is just compensation to these rural counties, and to change this formula now would be a grave injustice to the people of these communities.

PAT McCANN—A MODEL BASKETBALL COACH

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. HOWARD. Mr. Speaker, we've heard a great deal lately about the lack of emphasis that some college basketball coaches place on the education of their students athletes. Fortunately, is not often a problem at the high school level.

A constituent and good friend of mine, Pat McCann, recently stopped coaching after almost 30 years of coaching basketball at St. Rose High School in Belmar, NJ. To my mind, he is a role model for coaches at all levels.

Pat finished his career with 404 wins and 4 State parochial B titles. More importantly, he did not sacrifice academic achievement for athletic success. He insisted that his players study hard and he taught them more than just how to win on the court.

In a recent interview in the Asbury Park (NJ) Press, Pat said,

> I see the coach's role as a teacher, a teacher of values other than just winning and losing baskbetball games.
>
> The average high school kid has as much chance of making the NBA as a person has of living after falling from a three-story building. So your role as a coach should be to instruct youngsters on proper values, like respect and good sportsmanship.

Pat says nowadays there are too many coaching maniacs.

> They are worried about the refs, they're worried about all the different types of defenses, they're worried about everything except the education of kids. And that's a shame.

Pat McCann was always a gentleman both on and off the court. He knew a coach does not have to be a performer and draw attention to himself in order to be effective. In his many years as a coach, he never had a technical foul called against him.

He attended St. Rose grammar and high schools, but never anticipated that he would one day return to coach the high school basketball team. While he was in the service, he answered an ad to coach the Mather (CA) Air Force Base team. He got the job and his coaching career began.

He returned to the Jersey shore after the service and in 1958 was hired as the St. Rose High School coach.

He won four State championships, in 1961–62, 1962–63, 1965–66 and 1976–77. His greatest coaching achievement came in 1966. With what was considered an ordinary team with an 8–8 record, he barely qualified for the State playoffs. He rallied the team, they went on a streak and he won the State Parochial B State Championship.

Fortunately for the students at St. Rose, Pat's retirement from coaching is not a complete break. He will remain athletic director at St. Rose and as such, will continue to assist his students in becoming well-rounded adults.

Mr. Speaker, if every college coach had the commitment and love for his players that Pat McCann has for his, we would not be faced with the scandals involving drugs, recruiting and inferior academic performance that have plagued college sports. He was indeed a model coach and one I am proud to call a friend.

JOHN HAMBEL, DEDICATED PUBLIC SERVANT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. LENT. Mr. Speaker, in 1976 at the youthful age of 15, John Hambel volunteered to work on my congressional reelection campaign and in my Baldwin, NY, District Office. Eleven years have passed since then, and during that time, I came to rely and depend upon John as a trusted adviser and valued member of my personal staff. Recently, John accepted a position as press aide to the Nassau County Board of Supervisors. Mr. Speaker, I'd like to take a moment to recognize John Hambel's contributions during his many years of dedicated service to his Government and his country.

Through many hours of hard work, John worked his way up from volunteer intern to the position of executive assistant. In that capacity, John handled a variety of duties from resolving constituent problems to attending numerous community events and meetings as my official representative. He welcomed new challenges, determined to his utmost best.

John has been an integral and indispensable member of the Lent staff. He is admired and respected by his coworkers, and he will be deeply missed. I'd like to express my gratitude and personal appreciation to John for his many years of hard work and dedication. On behalf of my entire staff, I'd like to wish John every success in his new position and many years of health and happiness.

A TRIBUTE TO THE SAGINAW BUSINESS AND PROFESSIONAL WOMEN'S CLUB

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to an outstanding organization in my district, the Business and Professional Women's Club of Saginaw, MI. I would also like to honor them as they celebrate their 70th anniversary of service and dedication to women of their community.

I would like to take this opportunity to share with my colleagues some information about the Saginaw BPW. Throughout its history, the BPW has provided an opportunity for professional and personal growth to thousands of women. It has stood, and continues to stand, as an organization of high standards and learning, offering women the chance to develop leadership skills and other qualities to enhance their careers. Participating in the BPW also provides working women with the opportunity to meet people from a variety of fields, attend seminars and workshops, receive information and assistance in obtaining educational scholarships, personal loans, health insurance, and financial management.

As women gather to share and learn from one another's experiences and opinions, through the direction of the Business and Professional Women's Club, they continue to offer greater service to their jobs and to their community, as well as doing the best for themselves.

For young members, the BPW provides an opportunity to learn from older members, to offer their own new and innovative ideas, and to shape their goals as career women. For midlife members, the BPW is a source of continued growth, an opportunity to teach, and a place to evaluate where they have been and where they would like to go. And finally, for the mature members, the BPW offers a chance to share their experience and wisdom, to use their leadership skills in helping to maintain the organization, and to continue valuable friendships.

The Saginaw Business and Professional Women's Club has been exemplary in its service to the women of the Saginaw area throughout the years, and deserves to be recognized for its past, as well as its present contributions. I join with my colleagues in honoring all of the BPW members for 70 years of excellence, and in wishing them continued success.

HON. SILVIO O. CONTE CONGRATULATING ROBERT E. BARRETT ON BEING NAMED BY THE GREATER HOLYOKE CHAMBER OF COMMERCE "BUSINESS PERSON OF THE YEAR"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. CONTE. Mr. Speaker, I rise today to congratulate Mr. Robert E. Barrett on being named "Business Person of the Year" by the Greater Holyoke Chamber of Commerce in Massachusetts, and to acknowledge the lifelong dedication he has exhibited toward the community. I am proud to be a friend of this fine man.

A graduate of Holyoke High School, Bob received a bachelors degree in electrical engineering from Harvard University. Returning to Holyoke in 1930, he joined the Holyoke Water and Power Co. He ran HWP from 1945 until his retirement in 1974. In 1968 he became the president of the Affiliated Western Massachusetts Electric Co.

Bob has made an invaluable contribution with his time and business talent in promoting economic growth in the community. The chamber's award is given annually to a business leader based on "long-term involvement and dedication to the community." This describes Bob perfectly. Among his other accomplishments, he has served as past president and director of the Electric Council of New England, director of Associated Industries of Massachusetts, and co-founder of Nonotuck Manufacturing Co.

In promoting development within Massachusetts, Bob Barrett has improved the community and added jobs to the area. As one of Holyoke's finest and most effective businessmen, I am proud to acknowledge the fine work and dedication of this outstanding constituent and friend of mine.

IN MEMORY OF FORMER HOUSE EMPLOYEE, JOHN P. GRAY

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. BONER of Tennessee. Mr. Speaker, I recently learned of the death of John P. Gray, a native Tennessean, resident of Nashville, and former motion picture editor of the U.S. House of Representatives.

Mr. Gray died after an extended illness, but his memory will forever provide sustenance to his family and friends. Undoubtedly, his contribution while an employee of the House of Representatives helped make this institution strong and responsive.

During his period of employment with the House, from 1956 to 1963, there were tremendous changes in the way national political news was reported. John Gray helped assure that this institution and its Members were equal partners in the making and reporting of important national political events.

Mr. Speaker, I have included John Gray's obituary for his friends and colleagues here in Washington. I join them in extending my sympathy to his children and other family members.

Services for John P. Gray, age 85, 603 Comet Drive, Nashville, Tennessee, retired motion picture editor of the U.S. House of Representatives, were held March 24 in Nashville.

Doug Varnado, minister of the South Harpeth Church of Christ, officiated. Burial was held at Gardner Cemetery, Gardner, Tennessee.

Mr. Gray died Sunday, March 22 at his residence following an extended illness.

Born in Gardner, Tennessee, he was the son of the late Walter and Lillian. He graduated from high school in Martin, Tennessee and was an alumnus of Freed Hardeman College in Henderson, Tennessee. He was a member of the Church of Christ and served in several volunteer positions with the Boy Scouts of America. He also was a Mason.

Mr. Gray was married to the late Mattie Walker Gray, who was a retired secretary to former U.S. Senator Kenneth Keating of New York and former U.S. Representative Richard Poff of Virginia.

Mr. Gray served as motion picture editor of the House of Representatives from 1956 to his retirement in 1963. His 33 year career with the U.S. Government included several engineering positions in Arkansas, Maryland and Washington, DC.

He is survived by sons Joel P. Gray of Nashville, Tennessee and W. Anthony Gray of Jacksonville, Florida, a brother George Gray and a sister Dorothy Henderson both of Hot Springs, Arkansas, and four grandchildren.

OKLAHOMA YOUNGSTERS TOP SPELLERS

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. WATKINS. Mr. Speaker, as my colleagues know, I seldom use this vehicle, but an extraordinary occurrence in the third district merits the attention of this body.

The top four spellers in Oklahoma come from the Third District of Oklahoma and two of those are from LeFlore County.

Jeff Bryan, who is a sixth grader at Fanshawe, correctly spelled the missed word, "cache" and then "unctuous" in a 75-minute, 130-word marathon to win the Tulsa Tribune-sponsored eastern Oklahoma competition. And Clint Taylor of Durant, which I also have the honor to represent, won the competition sponsored by the Daily Oklahoman of Oklahoma City.

LeFlore County came in strong as Sarah Lane, a sixth grader from Panama, OK, placed third in the State spelling bee. And fourth place was won by Lauren Pratt of Pottawatomie County, also a part of the third district.

Mr. Speaker, as the buzz word "competitiveness" becomes more operative and the President, in his State of the Union address, calls for emphasis on education, I wanted my colleagues to know that the third district students are, as usual, among the best in the Nation.

I'm sure we all share the pride in these young scholars and will welcome Jeff and Clint to Washington May 25–30.

REV. AND MRS. HERBERT DAUGHTRY CELEBRATE SILVER WEDDING ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1987

Mr. TOWNS. Mr. Speaker, I am certain that my colleagues will want to join me in congratulating the Reverend and Mrs. Herbert and Karen Daughtry on the occasion of their 25th wedding anniversary. Their individual and collective achievements and accomplishments are being celebrated at a silver wedding anniversary banquet which is being hosted by their children, on Friday, April 24, 1987. Both Rev. and Mrs. Herbert Daughtry have a long and distinguished history of service not only to the New York City community, but also to the world around us.

The Reverend Dr. Herbert Daughtry is a progressive, Pan-African activist and religious scholar, who hails from a family which has produced three generations of black churchmen and leaders. As national presiding minister of the House of the Lord Churches, chairman emeritus of the National Black United Front, and president of the African Peoples Christian Organization, he has risen to a position of national and international acclaim and responsibility. Through 27 years of involvement in community and church service, Reverend Daughtry has earned the title "The Peoples' Pastor."

Reverend Daughtry has traveled and lectured in Africa, Asia, the Middle East, and the Caribbean. He has spoken to countless community and civic associations, lectured at numerous high schools, colleges and universities. In addition, on two occasions he has addressed the United Nations. He has also been interviewed extensively and written about in both newspapers and magazines and has appeared frequently on both radio and television.

Active in the struggle for community control of schools in the late 1960's Reverend Daughtry has been involved in protest actions in cooperation with Brooklyn CORE, Operation Breadbasket, Welfare Rights Mothers and many other community groups. He has served on community boards and task forces in attempts to bring change to the many institutions that affect the lives of black people. He was vice chairman of Operation Breadbasket in 1969 and cochairman of the board of directors of Bedford-Stuyvesant Youth In Action in 1968.

In the field of religion, Reverend Daughtry has served in various capacities with the World Council of Churches. He has also studied, lectured, and done research at the Theological Ecumenical Institute in Bossey, Switzerland and Virginia Theological Seminary.

In 1977, Reverend Daughtry was a major force in a coalition of concerned leaders and citizens that was instrumental in using the weapon of economic boycott to win jobs and services for blacks from downtown merchants in Brooklyn, In 1980, he played a key role in organizing the National Black United Front, a mass based progressive, Pan-African organization which had its founding convention in June of that year. At that time he was elected national chairman, which position he held until his resignation in 1985. In 1982, he initiated the founding of the African People's Christian Organization, with the expressed purpose of building an African Christian nation through emphasizing Africanness and Biblical Christianity in the context of struggle and self-determination.

During the 1984 Presidential campaign, Reverend Daughtry served as special assistant and confidante to the Reverend Jesse Jackson and was a member of Jackson's national campaign committee. In 1984 he accompanied Reverend Jackson and Roman Catholic Bishop Emerson Moore on a visit to the Vatican where they met with the Pope and encouraged the Vatican to make a consistent stand on human rights. On March 5, 1985, the New York State Senate unanimously adopted a resolution, honoring Reverend Daughtry for 25 years of service to humanity.

Reverend Daughtry has been the host and principal speaker for the past 15 years on a weekly radio program aired on Sunday mornings at 10:30 a.m. on WWRL in New York City. Among his numerous citations and awards he has received a doctor of humane letter awarded by Seton Hall University in October 1980.

Karen Smith Daughtry, a native New Jerseyite, holds a bachelor of arts degree from University College, and M.A. from Adelphi University in the area of early childhood education. She also holds a masters degree in religious educaton from New York Theological Seminary, and is a Ph.D. candidate at the Post Graduate Center for Mental Health in the field of pastoral counseling.

The mother of four children, Leah Danyatta, Sharon D'Boya, Dawnique Dakeba, and Herbert Daniel, Jr., Mrs. Daughtry has a special interest in young people as evidenced by her participation in the House of the Lord Youth Department as one of its advisers. Additionally, her keen interest in and commitment to the educational process took concrete shape when she founded the House of the Lord Elementary School, an independent educational institution dedicated to the wholistic development of children, which serves grades one through six.

Karen Daughtry is also a community activist who has particpated in countless marches, demonstrations, and programs addressing various issues and concerns in our communities. She is more often than not found with Reverend Daughtry, at Black United Front programs, demonstrations, and rallies and has been the coordinator of the Randolph Evans Memorial Scholarship Awards Dinner/Luncheon Committee since its inception in 1979.

In her capacity as the first lady of the House of the Lord Church and as the wife of the national presiding minister, Sis Daughtry has given generously of her time and talents.

She is chairperson of the House of the Lord Sisterhood Department which sponsored Jacqueline Jackson's visit to New York during the Presidential campaign of the Reverend Jesse Jackson in Janaury 1984. Additionally, she has sought to bring to the House of the Lord Church membership a higher understanding, knowledge and sensitivity to social and political issues, which impact on and relate to family life, health, the arts, educational, and personal development, all from a Christian perspective.

In addition to Mrs. Daughtry's other activities she teaches a course entitled building positive interpersonal relationships with special emphasis on building a strong black family unit at the House of the Lord Wholistic Bible Institute. She is also the visionary and chairperson of a newly formed coalition called SASAA [NOW] [Sisters Against South African Apartheid] which is dedicated to providing a channel of support from women and children who live under the racist apartheid regime in South Africa.

She was honored to receive the Fannie Lou Hamer Award from the Women's Center of Medgar Evers College in 1982 and was noted by them to be an influential part of the think tank which has greatly affected for the good, the central Brooklyn community in the last several years.

Her travels have taken her to many cities in the United States of America as well various parts of the Caribbean, Bermuda, Switzerland, England, France, India, Greece, and Asia Minor.

Certainly, Reverend and Mrs. Daughtry, both individually and together, have made their mark upon our society. Separately, they are outstanding individuals. Together, they are an unbeatable team. I extend my very best wishes to Reverend and Mrs. Daughtry on their 25th wedding anniversary, and my sincere hope for many, many more.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 23, 1987, may be found in the Daily Digest of today's Record.

Meetings Scheduled

APRIL 24

9:30 a.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

Closed business meeting, to consider those provisions which fall within the subcommittee's jurisdiction of S. 864, authorizing funds for fiscal years 1988 and 1989 for the Department of Defense.

SR-222

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To resume hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on the health threats posed by indoor air pollutants and options for reducing exposures to such pollutants.

SD-406

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board,

Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

Finance
Business meeting, to mark up S. 490, Omnibus Trade Act of 1987.
SD-215

Judiciary
Courts and Administrative Practice Subcommittee
To resume hearings on S. 548, Retiree Benefits Security Act.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 27

9:00 a.m.

Labor and Human Resources
To hold hearings on mine safety issues.
SD-430

10:00 a.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SDS-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 1320, Land and Water Conservation Fund Act Amendments of 1987, focusing on provisions relating to National Park System entrance fees.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on S. 541, to extend to certain officers and employees of the United States Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, U.S. Code, to Federal employees in the competitive services.
SD-342

Special on Aging
To hold hearings on the role of the Older Americans Act in assuring access to quality home care.
SD-628

2:30 a.m.

Finance
International Trade Subcommittee
To hold hearings on the Harmonized System.
SD-215

APRIL 28

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on S. 907, to further United States technological leadership by providing for support by the Department of Commerce of cooperative centers for the transfer of research in manufacturing.
SR-253

Energy and Natural Resources
To hold hearings to review technical issues related to the siting of a geologic repository.
SD-366

Labor and Human Resources
Labor Subcommittee
Business meeting, to resume consideration of S. 79, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-562

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to review recent actions by Department of Transportation officials in disseminating information with respect to H.R. 2, Federal-Aid Highway Act of 1987.
SD-406

Finance
Health Subcommittee
To resume hearings on the quality of long-term care.
SD-215

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 377, to impose a moratorium on the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act.
SR-232A

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.
SH-219

APRIL 29

9:00 a.m.

Environment and Public Works
Superfund and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Superfund program.
SD-192

Rules and Administration
Business meeting, to consider proposed legislation authorizing funds for fiscal year 1988 for the Federal Election Commission, and S. 2, Senatorial Election Campaign Act of 1987.
SR-301

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 839, to authorize the Secretary of Energy to enter into incentive agreements with certain States and affected Indian tribes concerning the storage and disposal of high-level radioactive waste and spent nuclear fuel.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on value engineering programs in Federal agencies.
SD-342

10:00 a.m.

Environmental and Public Works
Environmental Protection Subcommittee
To hold hearings to examine the impact on marine environment of the use of tributyltin (TBT) in marine paints.
SD-406

Foreign Relations
To resume joint hearings with the Committee on the Judiciary to review constitutional implications of the Anti-Ballistic Missile Treaty of 1972.
SD-419

Judiciary
To resume joint hearings with the Committee on Foreign Relations to review constitutional implications of the Anti-Ballistic Missile Treaty of 1972.
SD-419

Small Business
Export Expansion Subcommittee
To hold hearings on how to increase small business participation in export markets.
SR-428A

2:00 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on the President's proposed budget request for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on the space station program.
SR-253

Energy and Natural Resources
To hold hearings to review the Department of Energy's proposed establishment of a Monitored Retrievable Storage (MRS) facility.
SD-366

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold oversight hearings on the Indian Financing Act and the Buy Indian Act.
SR-485

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.
SH-219

APRIL 30

9:00 a.m.

Select on Indian Affairs
To hold hearings on S. 721, to provide for and promote the economic development of Indian tribes.
SD-628

9:30 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Justice Programs, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of James L. Kolstad, of Colorado, to be a Member of the National Transportation Safety Board.
SR-253

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 44 and S. 843, bills to extend and improve the procedures for the protection of the public from nuclear incidents.
SD-406

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to review modifications to AT&T decree.
SD-226

Veterans' Affairs
To hold hearings on proposals providing employment and education assistance to veterans.
SR-418

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 568 and S. 252, bills to establish the San Pedro Riparian National Conservation Area, Arizona, and S. 575, to convey public land to the Catholic Diocese of Reno/Las Vegas, Nevada.
SD-366

Governmental Affairs
Business meeting, to mark up S. 328, to revise Federal law regarding prompt payment on completion of contracts for service or delivery of property.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

Small Business
Export Expansion Subcommittee
To continue hearings on how to increase small business participation in export markets.
SR-428A

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To hold a closed meeting.
S-407, Capitol

2:30 p.m.
Judiciary
To hold hearings on pending calendar business.
SD-226

MAY 1

10:30 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposed legislation to authorize construction of a Federal office building and a trade and cultural center on Pennsylvania Avenue.
SD-406

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on proposals to restructure the Department of Energy's uranium enrichment program.
SD-366

MAY 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings to review economic problems of rural communities.
SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council
SD-138

MAY 6

9:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Nuclear Regulatory Commission.
SD-406

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.
S-146, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold hearings on S. 6, Veterans' Health Care Improvement Act, S. 216, to increase the per diem rates paid to States for providing care to veterans in State homes, S. 631, to improve the procedures for the procurement of medical and pharmaceutical supplies by the VA, S. 713, to facilitate the recruitment of registered nurses by the VA, proposed Veterans Administration Health Personnel Recruitment and Retention Act of 1987, and other related proposals, and proposed legislation approving VA construction of major medical facilities.
SR-418

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on defense agencies.
SD-192

2:00 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 7

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on emergency planning.
SD-406

Veterans' Affairs
To continue hearings on S. 6, Veterans' Health Care Improvement Act, S. 216, to increase the per diem rates paid to States for providing care to veterans in State homes, S. 631, to improve the procedures for the procurement of medical and pharmaceutical supplies by the Veterans' Administration, S. 713, to facilitate the recruitment of registered nurses by the VA, proposed Veterans' Administration Health Personnel Recruitment and Retention Act of 1987, and other related proposals, and proposed legislation approving VA construction of major medical facilities.
SR-418

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Army and Army Reserve Components.
SD-146

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (FAA operations).
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 191 and S. 261, bills to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, and S. 451, to authorize a study to determine the appropriate minimum altitude for aircraft flying over national park system units.
SD-366

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings to review the status of the Department of Energy's defense materials production facilities.
SD-366

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on proposals to restructure the Department of Energy's uranium enrichment program.
SD-366

Joint Economic
To hold hearings to review the employment/unemployment statistics for April.
Room to be announced

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (R, E & D, F & E, Airport Grants).
SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 11

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation.
S-146, Capitol

MAY 12

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Board for International Broadcasting, and the Equal Employment Opportunity Commission.
S-146, Capitol

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 84, authorizing funds for the Land and Water Conservation fund, and S. 735, relating to the distribution of revenues received under the Land and Water Conservation Fund Act.
SD-366

MAY 13

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988, to receive public testimony on certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

MAY 14

9:00 a.m.
Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold joint hearings with the House Committee on the Post Office and Civil Service's Subcommittee on Census and Population to review the 1990 census questionnaire.
SD-342

9:30 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing employment assistance to veterans, and proposed legislation approving VA construction of major medical facilities.
SR-418

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To resume hearings on S. 84, authorizing funds for the Land and Water Conservation fund, and S. 735, relating to the distribution of revenues received under the Land and Water Conservation Fund Act.
SD-366

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

MAY 18

2:00 p.m.
Energy and Natural Resources
To hold hearings on proposed legislation to expand the clean coal technology program.
SD-366

MAY 20

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the VA home loan guaranty program.
SR-418

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.
S-146, Capitol

JUNE 10

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 9, Service-Disabled Veterans' Benefits Improvement Act, S. 453, to improve the standards for determining whether a radiation-related disease is service-connected, proposed Veterans' Radiation Exposure Compensation Act of 1987, and other related proposals.
SR-418

JUNE 23

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.
SD-192

JUNE 30

9:30 a.m.
Veterans' Affairs
Business meeting, to consider S. 9, Service-Disabled Veterans' Benefits Improvement Act, proposals providing VA compensation, pension, education assistance, home loan, and other related benefits, proposed legislation providing for disability payments based on nuclear-detonation radiation exposure, and proposed legislation relating to the administration of the VA loan guaranty program.
SR-418

CANCELLATIONS

APRIL 23

2:00 p.m.
Select on Indian Affairs
To hold hearings on proposed legislation to revise certain provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
SR-485

SENATE—*Thursday, April 23, 1987*

(Legislative day of Tuesday, April 21, 1987)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven.—Matthew 6: 9-10.

So You teach us to pray, Lord. May we embrace the wisdom of those petitions: the glory of Your name, the coming of Your kingdom, the doing of Your will. Your word declares that You "work in everything for good to those who love You who are called according to Your purpose." You know our hearts: our desires—our motives—our hopes and dreams—our weaknesses and frustrations. Your will for us, out of Your infinite unconditional love is "good and acceptable and perfect." Deliver us, Gracious God, from all that prevents us conforming to Your best for us individually, our families, and the Senate. Forgive our indifference, our intransigence—our unbelief and lead us in the way of truth and justice and righteousness, the way everlasting. To the glory of Your name, the coming of Your kingdom, and the doing of Your will on Earth as in heaven. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. KERRY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

KISSINGER—RIGHT AND WRONG ON ARMS CONTROL

Mr. PROXMIRE. Mr. President, there is probably no one who has more clearly earned the title of elder statesman and supreme foreign policy expert than Henry Kissinger. Like all people who have had extensive, foreign policy experience in positions of authority, Henry Kissinger has an established record to defend. He also has a partisan identification with previous Republican administrations. But in general his judgment as a supremely practical eminence has been richly vindicated.

So when Henry Kissinger speaks out on foreign policy, the rest of us should listen and carefully. In a recent letter to the Washington Post, Mr. Kissinger assessed the present status of arms control in the wake of the Iceland meeting between President Reagan and Secretary Gorbachev. Kissinger called the consequences of that meeting an arms control revolution. In the judgment of this Senator, Kissinger's conclusions about how arms control should proceed in the wake of Reykjavik are about 80 percent on target and about 20 percent seriously in error. They certainly advance an understanding of the practical possibilities for arms control in the next few years.

Kissinger suggests three components of what he sees as the Reykjavik revolution. Here they are: First, an agreement to reduce strategic forces by 50 percent coupled with a moratorium for 10 years on deployment of the strategic defense initiative—or SDI; second, an agreement to withdraw Soviet and United States missiles of ranges of 1,500 kilometers and above from Western Europe and European Russia; third, an American proposal to do away with all ballistic missiles over a 10-year period, countered by a Soviet proposal to do away with all strategic forces or all nuclear weapons.

Kissinger wisely in the judgment of this Senator, rejects each of these proposals as not only unrealistic, pie-in-the-sky impractical objectives. But he contends that in general they would have a seriously adverse effect on the national security of our country. Kissinger contends that the two heads of state are proceeding too quickly, reaching too far, proposing too much. He is right. What then does he propose in place of these spectacular arms control fireworks? He suggests that superpower arms control agreements should not be the product of what are primarily public relations meetings aimed at trying to convince the world that each side is the true friend of peace. Instead Kissinger calls for "a moratorium on public diplomacy." He wants both sides to quietly negotiate before they return to the numbers game. That means lowering objectives. And here is the Kissinger solution: First, an interim agreement. Second, a modest reduction of strategic forces. Third, a limitation on the number of warheads each missile can carry. Fourth, an extension of the time during which either side can abrogate the ABM Treaty from 6 months to 2 years. Fifth, intermediate range forces should be reduced by the same percentage as strategic forces, but not to zero. Sixth, immediate efforts should be undertaken to improve the conventional military balance, either by arms control or by a buildup.

I started this statement by contending that Mr. Kissinger was 80 percent right but about 20 percent wrong. Why? Where is he wrong? Here's where: He is wrong in his contention that 10 years in the laboratory would atrophy SDI. Even the strongest and most thoroughly informed proponents of SDI have made a record that shows that 10 more years in the laboratory would constitute a minimum for SDI before this country could wisely start deployment. Estimates before the Defense Appropriations Subcommittee indicate that 1997 is a target for SDI deployment that very likely cannot be met even if the project is fully funded which is highly unlikely. Second, Kissinger is wrong in expecting that either the United States or our European allies will devote the resources to a conventional weapon buildup that can match the Soviets in an arms race. Mr. Kissinger is even more mistaken if he believes that the Soviet Union does not know this. They do know it. Therefore the Soviets are most unlikely to agree to a negotiated conventional arms agreement that could shove the Warsaw Pact conventional forces down to the conventional arms level of the NATO alliance. So why not a big NATO conventional arms buildup? Answer. Any U.S. buildup is blocked by Gramm-Rudman or some still to come variation thereof. Any Western

European conventional arms buildup is even more firmly estopped by even tougher economic constraints and a West German democracy's memories of the World War II nightmare.

Does all this mean that the arms control outlook is hopeless? No, indeed. Mr. Kissinger is absolutely right that we should be moderate and patient in expecting arms control progress. We should recognize that the superpowers have made useful arms control progress since the dawn of the nuclear age. The Limited Test Ban Treaty, the Anti-Ballistic Missile Treaty, SALT II, the Nuclear Non-Proliferation Treaty all represent significant if slow progress in the past 25 years. We can and should build on that progress and on those treaties. We should in the future especially emphasize the importance of strengthening verification of compliance with our agreements with the Soviet Union. We should far more aggressively use such enforcement devices as the Standing Consultative Commission. There must be a steady, unremitting consultation between the office of the President of the United States and the Secretary General of the Communist Party of Russia to settle disputes over treaty compliance. The Reagan administration seems on the verge of abolishing what is left of the slow and limited but promising arms control progress of the past to make a great leap forward toward a never-never land of no nuclear weapons and love and harmony. Mr. Kissinger is right that this is a leap into unreality. He is right that we need modest arms control progress. This offers our best hope for peace.

Mr. President, I ask unanimous consent that the article to which I have referred from the November 18, 1986, Washington Post, entitled "The Reykjavik Revolution: Putting Deterrence in Question" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 18, 1986]

THE REYKJAVIK REVOLUTION: PUTTING DETERRENCE IN QUESTION

(By Henry Kissinger)

President Reagan has suggested that the sole remaining issue in arms control negotiations is when an agreement will be signed. This makes it imperative to face the fact that the melange of agreements, near-agreements and contradictory proposals that emerged at the Reykjavik presummit run the risk of undermining deterrence and the cohesion of the Western alliance.

There are three components to what can properly be called the Reykjavik revolution:

(a) An agreement to reduce strategic forces by 50 percent coupled with a moratorium for 10 years on deployment of the Strategic Defense Initiative. Though the Soviets have asked for more—to confine SDI to the laboratory for 10 years—I suspect that this issue will be compromised.

(b) An agreement to withdraw U.S. and Soviet missiles of ranges of 1,500 kilometers and above from Western Europe and European Russia.

(c) An American proposal to do away with all ballistic missiles over a 10-year period, countered by a Soviet proposal to do away with all strategic forces or, in its even more exalted form, with all nuclear weapons.

Grotesque as this may sound to the layman, a 50 percent cut of strategic forces would not ease the growing vulnerability of land-based missiles. It would increase the vulnerability of sea-based forces. And it would not diminish the Soviet capacity to exterminate American and allied civilian populations. The 6,000 warheads remaining after a 50 percent cut would be more than enough to maintain all existing threats.

Standing by itself, a 50 percent reduction could be counted as a modest symbolic success. It emphatically would not justify a prolonged moratorium on deploying SDI; I am convinced that such a delay would atrophy that program.

The key issue, however, is not the arcane disputes of military experts. It is that the Reykjavik edifice puts the entire postwar structure of deterrence into question, because it makes it even more doubtful that the United States would use nuclear weapons in defense of its allies. A 50 percent cut coupled with a moratorium on strategic defense would accentuate the tendency toward mass extermination inherent in current strategy. This would increase European fears that the United States would not respond to Soviet aggression against them with nuclear weapons from its own territory.

And the Reykjavik proposals would eliminate altogether the possibility of nuclear retaliation, either American or European, from European soil. They remove American medium-range missiles from Europe without diminishing significantly the capacity of the Soviet Union to attack Europe either with the hundreds of shorter-range missiles stationed in Eastern Europe or with intercontinental missiles based in the Soviet Union. And, according to the State Department, the proposals require the abandonment by France, Britain and China of their national missile forces.

It has been argued—and I agree—that changing technology requires a substantial buildup of conventional forces in any event. But wise statesmanship would take care not to leave a vacuum while the transition to a greater reliance on a conventional strategy is taking place—a process that cannot be completed in less than 15 years, assuming it takes place at all; defense budgets are under pressure in all democracies. It cannot be in the interest of the West simultaneously to weaken the credibility of the deterrent based in the United States and to eliminate all means of nuclear retaliation based in Europe while there is no nonnuclear force at hand or foreseeable to fill the gap.

No wonder that Soviet leader Mikhail S. Gorbachev and Foreign Minister Eduard Shevardnadze insist that any future negotiations proceed from the Reykjavik basis, which would force the West to deal with Soviet conventional superiority around its periphery only by threatening or using the very nuclear weapons it has stigmatized by its arms control policies. Such a state of affairs tempts Soviet adventurism.

German Chancellor Helmut Kohl, French President Francois Mitterrand and British Prime Minister Margaret Thatcher have gone further in expressing their disquiet than I would have thought possible in the light of the domestic pressures on them. Did the U.S. negotiators understand that they were maneuvering allies into a position where their need to hold on to nuclear missiles could be represented as an obstacle to agreement? Or that the U.S. position on nuclear weapons at Reykjavik was so close to that of the British Labor Party that it could deprive the Conservatives of a potential issue as the British elections approach? To be sure, the United States should not intervene in allied domestic politics. But neither should it weaken the Atlanticists in Europe in their often desperate struggle against a course perilously close to neutralism.

To some extent the European allies have invited this highhanded American behavior by their tendency to take a free ride on American efforts. But I cannot believe that the best way to bring about a reassessment of NATO strategy is through negotiations at the summit with the Soviet Union about which allies are neither notified nor consulted yet which go to the very heart of their own security system.

While strategy stagnates, political conflicts are neglected. The preoccupation in East-West diplomacy with arms control overwhelms political issues such as Afghanistan, the Middle East or Central America. Such political negotiations as take place turn into ritualistic repetitions of standard positions. There is a considerable risk that over the next decade some conflict or other will slide out of control in a strategic environment made increasingly intractable by arms control diplomacy.

The United States in fact is likely to wind up in the worst of all worlds. Domestically the reiteration of the Reykjavik formulas will strengthen those who seek to emasculate SDI in the mistaken belief that so doing would speed arms control. It will, unintentionally, to be sure, strengthen neutralists and unilateral disarmers around the world.

How did the United States get into this position? Perhaps the fundamental reason is the absence of a system for setting long-range goals. American negotiating positions generally reflect an uneasy compromise among idealists, skeptics and technicians. The internal struggle absorbs more energy and thought than the elaboration of national strategy.

In the Brezhnev era the United States and its allies were often rescued from incoherence by the inflexibility of an aged Soviet leadership and the wariness of Andrei Gromyko, who suspected a deep design behind every tenuous bureaucratic compromise. But Gorbachev, perhaps tutored by Anatoly Dobrynin, is more subtle. At Reykjavik the Soviets suddenly embraced American schemes, such as the proposal to eliminate all American and Soviet medium-range missiles from Europe, and thereby made U.S. internal contradictions startingly evident.

And the imminence of negotiations causes the American bureaucratic process to generate spontaneous inconsistencies. The new justification for SDI, first advanced publicly at Reykjavik, is a good example. What had previously been advocated as a program to protect the civilian population against missile attack emerged at Reykjavik as a hedge against Soviet cheating after all ballistic missiles are eliminated. But if the United States can do without strategic defense in the 10 years when, under the American scheme, ballistic missiles are retained, why is it necessary to acquire a missile defense after ballistic missiles are eliminated? At that point a defense against airplanes would make much more sense. In any event, Congress is unlikely to spend billions for an anti-missile defense in a non-ballistic missile world.

The disputes within the bureaucracy mirror the disagreements of the body politic. For the moment the domestic stalemate has produced an eerie silence about Reykjavik. Conservatives are silent because, while uneasy about American proposals, they are reassured by the apparent diplomatic deadlock. Liberals are silent because, while uneasy about the deadlock, they do not want to be caught off guard by a sudden breakthrough. In this vacuum the bureaucracy pushes forward the only available program, which happens to be the unfortunate Reykjavik formula.

It will be painful to alter course, especially when a superficial success and accolades seem so near. But America's leaders must remember that their work will last longer in history than in headlines.

To devise more promising approaches the National Security machinery must be put in a position to raise its sights. It must stop acting primarily as the arbitrator between extreme positions developed for purposes of bureaucratic compromise. Moreover, the present negotiating method leaves too big a gap between the numbers crunchers at Geneva and the secretary of state or the president. Experience teaches that the Geneva forum tends to be submerged in detail and summits oscillate between atmospherics and imprecision. There can be no real progress by endlessly modifying numbers. It is necessary to begin with a vision of a more secure world and develop negotiating positions and strategies in relation to it.

The strangest aspect of the current situation is that by a rational analysis, and indeed by an analysis of their body language, both sides want an agreement. But they are so preoccupied with tactical maneuvering that they pass each other like ships in the night. The U.S. position drowns in technical complexity; the Soviets seem obsessed with their new-found skill at public relations. The most desirable moratorium would be on public diplomacy. Both sides should negotiate quietly about what they are trying to achieve before returning to the numbers game.

This will surely require a lowering of stated objectives. Perhaps the best solution is to aim for an interim agreement; a modest reduction of strategic forces, a limitation on warheads each missile can carry and an extension of the time period for abrogation of the Anti-Ballistic Missile treaty from six months to two years. Intermediate-range forces should be reduced by the same percentage as strategic forces but, in order to maintain the psychological link to Europe, not to zero. Immediate efforts must be undertaken to improve the conventional military balance in Europe, either by arms control measures or by a buildup. Indeed Reykjavik will prove a blessing if it shocks the alliance into overcoming the evasions of recent decades and developing a coherent military and arms control strategy.

The key role will be the president's. He has an important choice to make: he can try to abolish nuclear weapons at one fell swoop or he can be the president to inaugurate a new approach that will ultimately make the world a safer place. He is now leaning toward the first approach, which is impossible, is demoralizing to the allies and would relegate him to arbitrator of technical disputes.

The second course is still open to him. I continue to believe that the Soviets attach extraordinary importance to concluding an agreement with the most popular and most conservative president of his era. There is still time to interrupt the compulsive momentum, to reassess and to proceed to what can be a lasting service to the cause of peace.

Mr. PROXMIRE. Mr. President, I reserve the remainder of the time of the majority leader for his use later in the day.

I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

BICENTENNIAL MINUTE

APRIL 23, 1789: PROTOCOL FOR PRESENTING A BILL

Mr. DOLE. Mr. President, visitors in the galleries, and those watching congressional proceedings on television, often express curiosity over the formal behavior of the Senate and House clerks who formally present the bills and messages from the other Chamber. From time to time even some of the clerks who have performed this function have wondered why they were required to bow entering and leaving the Chamber. The fact is that the protocol for presenting a bill was set during the first Congress. One hundred and ninety-eight years ago today, on April 23, 1789, the Senate approved a committee report establishing the following procedures:

When a Senate bill was sent to the House of Representatives it would be carried by the Secretary of the Senate, who was instructed to "make one obeisance"—that is, to bow—to the chair when entering the House Chamber, bow again when delivering it at the front desk, and bow again when leaving the Chamber.

The Senate then provided that when the House sent bills to the Senate, they should be carried by two members of the House, who would similarly bow to the President of the Senate. Of course, the House would hear nothing of such inequality, and instead assigned the clerk of the House to carry messages to the Senate.

Today, bill clerks representing the Secretary of the Senate, and clerk of the House, perform this ritual in the manner prescribed by the first Congress. The only alteration has been to eliminate the middle bow, when the papers are presented at the front desk. Otherwise, the courtly manners of the 18th century still survive and flourish in the 20th century Senate.

SENATE SECURITY

A DISASTER WAITING TO HAPPEN

Mr. DOLE. Mr. President, we are still digging out and hearings are going on and we are still questioning about the security fiasco in Moscow. Senator ROTH and I introduced a tough counterespionage bill. Other Senators have their own ideas and, I expect, will have their own bills. Ultimately, I think the Senate will pass some new legislation this session.

But good security has to start at home. And we have a big job to do right here in the Senate. In fact, security on Capitol Hill can be summed up this way: It is a disaster, waiting to happen.

DOLE STUDY OF SECURITY IN SENATE

During the last Congress—as the questions of spies, "bugs" and leaks began to pop up—it was clear to me that we better take some time to be sure we were not part of the problem.

As majority leader, I asked the appropriate committees of the Senate—Rules, Governmental Affairs, Intelligence—to take a very, very careful look at our own security situation; to find out if we had any problems; and to make recommendations on what needed to be done.

The report that resulted from that initiative made pretty scary reading!

We found out that hundreds and hundreds of people are walking around Capitol Hill with security clearances and access to sensitive information. And no one—no single office, or official—has a record of who they are.

We found out that each Senate office has its own unique way of handling classified information. And all too often, that unique way was no set way at all. We uncovered many reports of classified documents lying out on desks; in the hands of uncleared people; stuck away in unlocked file cabinets.

We found out, at the bottom line, that no single individual in the Senate had comprehensive responsibility for security; In other words, no one was in charge.

The Senate's security system could not be called ineffective—because we did not have a security system. At least, not one that was comprehensive, coherent and up to the challenge of 20th century espionage technology.

99TH CONGRESS LAID THE GROUNDWORK

In the last months of the 99th Congress, and with the cooperation of the distinguished then minority leader, now majority leader, Senator BYRD, we made a good start at putting the Senate's house in order. In the offices under my control, we drastically reduced our holdings of classified material. I ordered some long-overdue technical studies, to find out what had to be done to keep us safe from electronic eavesdropping and "bugging;" and we got to work on the needed changes.

Most important, we sat down and laid out a plan to give the Senate the kind of security system—covering personnal, facilities, everything—that was sorely needed.

Now, quite frankly, the 100th Congress has not moved forward very far from where we were last year. And I have discussed this in a letter I sent to Senator Byrd, and our staffs have discussed it. We believe, in a bipartisan way, as we started last year, we can continue to make progress on this front.

I ask unanimous consent that my letter to the majority leader be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, April 13, 1987.

Hon. Robert C. Byrd,
Majority Leader, U.S. Senate, Washington, DC.

Dear Bob: As you will recall, as Majority Leader in the 99th Congress, I asked three Senate committees—Rules, Governmental Affairs and Intelligence—to do a study of Senate procedures for handling classified information.

The study was an eye-opener. Its bottom line conclusion was that there was no comprehensive, effective security system in the Senate for the handling and storage of classified information; no good handle on which Senate staff had clearances and access to classified information; and no central authority in charge of the security of classified information in the Senate.

Jointly, we began the process of working out legislation to address the problem. Unfortunately, the 99th Congress ended before we were able to enact the needed legislation.

Recent events demonstrate again how important maintaining the security of classified information is to our country. For that reason, I propose that we undertake a new initiative, along the lines of last year's, to enact legislation putting into place a comprehensive, effective system for control of classified information in the Senate. I believe our staffs should aim to have legislation ready to introduce no later than April 24, the first full week after our return from recess.

I look forward to hearing from you, and working with you, on this nonpartisan matter at your earliest convenience.

Sincerely yours,

Bob Dole,
U.S. Senate.

Mr. DOLE. Mr. President, I hope together we can put together legislation to set up a "Senate Office of Security"—the Senate equivalent of the kind of centralized authority the "Dole-Roth" bill calls for in the State Department.

And that office will be headed up by a strong, experienced security "pro"—with the powers and the political backing he needs from the Senate, to do the job that has to be done.

FUNCTIONS OF SENATE SECURITY OFFICE

The office will have three main functions: First, it will put the detailed, final touches on a security plan along the lines that we recommended last Congress. That plan will be mandatory on every Senate office, every Senate employee, every Senator.

Second, the office will be given the mandate, and the instruction, to inspect every Senate office very thoroughly; find out who is doing things right, and who is not. And every office will have to be certified, as having in place the kind of system for handling classified information that meets the security needs of 1987.

And, finally, that office will have the final say on who really needs access to classified information, and who does not. The requirement is that we have an authoritative, complete list of all cleared personnel; and can insure that only people whose names are on that list ever see any classified information in the Senate.

ONLY THE FIRST STEP

Now, again, passing this bill is not the whole answer. In my view, at least, other reforms are also necessary. For example, I believe we should consolidate the two congressional intelligence committees into a single, streamlined body.

But the real key is to recognize the problem and get to work. The Soviets are not resting on their laurels—even though, sadly, they've got plenty of laurels to rest on.

And they are not picky about their targets: They will go after the Senate, or the House, just as they go after the Embassy in Moscow; the consulate in Leningrad; and every other vulnerable American target, here in Washington, or anywhere else in the world.

The watchword is: Be alert. Or be sorry! I want to make sure the Senate is alert.

Mr. President, I think this is rather timely, because I note that there are hearings being held in the House and I am certain there will be hearings in the Senate. Members of the House and Senate will be calling witnesses from the State Department and other governmental agencies and there will be a lot of criticism, as there probably should be.

But I just hope in the process that we do not overlook the reality of the problems under the Capitol dome.

I reserve the balance of my time.

Mr. PROXMIRE. Mr. President, let me just say to my good friend, the minority leader, that he is 100 percent right. It is about time somebody spoke out on this. This has bothered this Senator for many, many years. I am delighted that we are taking some real steps to do something about it.

Mr. DOLE. I thank the Senator.

Mr. CRANSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for 4 minutes.

Mr. PROXMIRE. Mr. President, if the Senator will yield for an observation, the majority leader asked me to be sure that we went directly on the bill after the leaders' time had expired. However, I am sure that he would, under these circumstances, agree that the Senator from California should be allowed to speak.

The ACTING PRESIDENT pro tempore. If there is no objection, the Senator from California is recognized.

Mr. CRANSTON. I appreciate this opportunity.

THE UNITED STATES-SOVIET NUCLEAR TALKS

Mr. CRANSTON. Mr. President, I want to register a dissent from some of the "yes, but" protestations that have been voiced in recent days in and out of Government over the prospect of a United States-Soviet agreement to eliminate, or at least drastically reduce, the number of medium- and shorter-range nuclear missiles.

No one can quarrel with sentiments expressed on both sides of the aisle that we should approach nuclear arms talks with the Soviets with "cautious optimism," that we not go "racing" into "cosmetically attractive" agreements that might in actuality prove detrimental to our national security or to the security of our allies.

No reasonable person advocates that we make rash decisions or take precipitous action on so important a matter.

Steps toward the mutual elimination of nuclear weapons—whatever their range and wherever their location—must be taken with due deliberation and with careful forethought.

If there is some fatal flaw in an agreement the Reagan administration concludes with the Soviet Union, then the Senate of course should reject it.

But it is unlikely that the Reagan administration, for all of its other weaknesses, will accept a fatally flawed treaty. I for one do not expect that to happen.

Therefore, subject to inspecting the fine print, I expect to support the treaty if one is submitted for Senate approval.

More than that, I expect to go all out in helping mobilize support for the treaty.

Frankly, I do not anticipate that the treaty will constitute a major arms control breakthrough that will drastically reduce the danger of nuclear war.

But it will be a beginning. And it appears clear that some small steps need to be taken before bigger steps can be tried.

The precedent of an arms reduction agreement with the Soviet Union that is mutually advantageous and fully verifiable, negotiated by a conservative Republican administration and consented to by a Democratic Senate, will enhance the prospects for future, more meaningful bipartisan moves toward peace and away from the nuclear brink.

We must not permit a deadly cycle to develop where Republicans oppose democratic arms agreements and democrats oppose Republican agreements.

We also must halt the deadly cycle of the United States and the U.S.S.R. repeatedly flip-flopping positions. Examples:

At one time we offered a mutual halt to bomb testing; the Soviets rejected it. Now they propose it, and we reject it.

At one time the Soviets favored defensive missile systems; we did not. Now we do, they do not.

Recently we offered the zero-option; they opposed it. Now they offer it, and we are hesitant.

I say let us both agree on a small, good treaty now and go on from there.

Like a poker player, Gorbachev may be calling us to see if we are bluffing about wanting nuclear arms control. We should do the same to him.

If either of us is bluffing, it will soon become obvious. If, on the other hand, we both are sincere, the world at very long last may be on the way to a true peace rather than a temporary, tenuous cease fire.

Unless we end the nuclear arms race, a nuclear holocaust is bound to happen—bound to happen—sooner or later.

There is a limit to how far we and the Soviets can push our luck.

An international poker game appears to be going on, and I say it is time for a change: We need a nuclear new deal.

I yield the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. I rise to commend my good friend, the assistant majority leader, for the very excellent statement which he made. He is so right. We must not simply oppose a measure because it is a Republican measure, and I am sure the Republicans should not oppose it simply because it is a Democratic measure. We should find some way of being able to work together with the Soviet Union so we do not propose something, and they object to it, then they propose the same thing which we oppose and we object to. Obviously that is exactly what happened.

Nobody has spelled it out more clearly than my friend from California. I think it is a fine contribution. I hope we will learn a lesson from it.

Mr. CRANSTON. Mr. President, I thank my friend from Wisconsin very, very much.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed out of order for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEETING WITH FOREIGN MINISTER ABE

Mr. BYRD. Mr. President, yesterday I met with former Japanese Foreign Minister Shintaro Abe. He has come to Washington this week as Prime Minister Nakasone's special envoy in advance of the Prime Minister's visit here next week. We had what is known in diplomatic circles as a frank discussion. I told him that the time for promises is past and the time for actions has come.

Yesterday, I also joined Senators, DOLE, BENTSEN, and DANFORTH in sending a letter to Prime Minister Nakasone which was handed to Mr. Abe. That letter covers much of the same ground as my meeting with Mr. Abe.

Mr. Abe and I discussed several specific issues as well as the general relationship between our two countries. I emphasized that I respect Mr. Nakasone for the leadership and courage that he has shown and will need in the future. It will not be easy to transform the Japanese economy to become more open to imports. He responded that we needed to get our deficits down. I reminded him that the United States bears a heavy defense burden for other nations in the free world including his nation, and that if we spent only 1 percent of our gross national product on defense, as does Japan, we would have no deficit problem.

We also discussed the problems of Kansai Airport, supercomputers, fighter aircraft, and semiconductors. While I recognized that Mr. Abe might not be able to give complete substantive answers yesterday—and I did not expect him to—I expressed the hope that Japanese answers in the future would be more satisfactory than were those that were given yesterday.

On the issues of Kansai Airport and supercomputers, Mr. Abe suggested that there would be improvements in Japanese procedures for bidding but he gave no guarantees or improved results. And in the final analysis our judgment has to be based on how these promises translate into increased imports from the United States into Japan, and decreasing exports from Japan into the United States and other countries of the world. So his response was not even a commitment to procedural changes when it came to supplying electronic equipment for Kansai Airport, purchasing fighter aircraft and opening Japanese markets to semiconductors. I asked about access to the Japanese services trade market, which will grow substantially in the future and become increasingly important to the United States. The lack of access to the services trade market is currently illustrated by the exclusion of U.S. firms from bidding on contracts which will be let on the mammoth Kansai Airport project. When I raised this issue with Mr. Abe his reply was partial and equivocal. He said that U.S. access would be limited only to construction of the airport buildings, he did not say precisely it would be limited to that. But my understanding of his answer was that U.S. access would be limited only to the construction of the airport runways and aprons, and only by way of joint ventures with Japanese firms.

So United States firms cannot win a contract alone, without sharing it with a Japanese firm, and cannot even bid on the substantial electronics package involved in a major airport, or the various services such as restaurants, shops, and so forth. This is not what I think could reasonably be called "openness."

Mr. Abe did not even make a procedural commitment when it came to fighter aircraft and semiconductors. The aircraft decision, according to Mr. Abe, has not been made, and he could not say when it would be made. On the question of violating the semiconductor agreement, he simply asserted that the Japanese were complying with it. That assertion, Mr. President, strains a reasonable mind. The Japanese definition of an open market may not compare with our own definition. Nevertheless, the importation of semiconductors into the Japanese market has been restrained, and the Japanese have been dumping, below cost, in the Third World. While denying violation of the semiconductor agreement, Mr. Abe said it was extremely difficult to control other sovereign nations, but Japan is doing what it can. But, this is a part of a solemn agreement, which must be abided by.

How can we trust that other agreements will be adhered to if this violation of an agreement is to be an example?

In fact, Mr. President, the retaliatory actions by the administration were exceedingly mild. The products subject to retaliation amount to about 1 day's worth of imports from Japan—less than one-half of 1 percent of Japanese sales in the United States.

Mr. Abe urged to me to try to prevent legislation that might lead to sanctions or retaliation. I said to him that many Members in Congress share my view that we need a level playing field in the Japanese market. In terms of official tariffs and quotas, the Japanese market may look open. But the actual operation of the Japanese economy is very protectionist.

Year after year, we have been told that new commitments by Japan would make the situation better. Yet, year after year, the trade deficit has deteriorated even further. It has reached a point where we must see results. Our people are demanding more than promises. I for one am not willing to lean on promises any longer. We have had them up to our ears. Promises unfulfilled are worse than promises that were never made. My West Virginia coal miners cannot live on promises.

As we noted in the joint letter, Prime Minister Nakasone appointed an advisory group on economic structural adjustment for international harmony, the Maekawa Commission. In its report early last year, that commission emphasized the need for historical transformations in Japan's traditional policies on economic management. In particular, it recommended active efforts to expand import promotion policies. Unfortunately, we are still waiting 1 year later to see such active efforts on a broad front.

Japanese efforts to open their market to American goods is best characterized by an old Japanese legislative tradition known as "Ox Walk"—it is tediously slow, painstakingly maddening, more expeditious action is necessary.

I hope that our frank exchange of views yesterday will help to resolve a very serious problem that exists between two allies. Certainly, it is in the best interest of each country to do that as quickly as possible. I look forward to the coming visit of Prime Minister Nakasone next week particularly in light of reports that he will be unveiling a program to lend debtor nations in Latin America moneys accumulated in trade surpluses from other nations. This appears to be a constructive step and indicates movement in Japan-United States cooperation in coping with international economic problems.

Mr. President, I ask unanimous consent that the joint letter to Prime Minister Nakasone be entered into the RECORD, and also that a story which appeared in yesterday's Washington Post with the headline "Opposition's 'Ox Walk' Delays Nakasone tax bill" be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 22, 1987.

HON. YASUHIRO NAKASONE,
Office of the Prime Minister, Nagata-Cho, Chiyoda-Ku, Japan

DEAR MR. PRIME MINISTER: In anticipation of your forthcoming visit to the United States, we would like to highlight, in advance, several areas of concern to us and our colleagues on the current stage of the relationship between our two nations. In particular, we will be focusing our attention on trade, as well as national security matters.

Recent events have highlighted the fact that tensions involved in our overall relationship stem in large part from the massive imbalance in our trading relationship. We believe that it is best to confront the underlying problems as vigorously as possible now, rather than attempting to smooth them over with rhetoric and political posturing. We wish to avoid misunderstandings and misperceptions, and to reduce to a minimum the resentments which public opinion pools in both our nations indicate have developed. In order for this to occur, it is critical that immediate and effective steps be taken to reduce our overall trade imbalance, but also that the explanation for the specific steps be made clearly, thoroughly, and repeatedly. As well, it may be necessary that new mechanisms for dialogue, involving both the public and private sector, could profitably be developed to help resolve current issues and forestall confrontations in the future. More importantly, as allies and friends, it should be possible to chart a course for future world economic expansion on a cooperative, not adversarial basis. It seems important to us to head off and resolve problems before they reach the stage where the pressures for retaliatory or other punitive measures become irresistible.

The actions taken by the President this past Friday, April 17, 1987, as a result of disappointing Japanese performance in complying with our bilateral semiconductor agreement, have broad support in the Congress. Indeed, as you know, both Houses passed by overwhelming votes, resolutions asking for such action. Even so, we believe the specific steps announced by the President were very mild in their economic impact, and we regard those steps as primarily symbolic in nature. Removing those steps would not be acceptable to us, nor to a large majority of our colleagues until the practices which led to their imposition have been demonstrably corrected.

This latest action underlies two specific standards which we believe require our constant attention: fairness and results. It is absolutely essential that existing trade agreements be enforced in such a way that tangible results accrue, rather than nominal commitments. The entire range of bilateral trade agreements should be reviewed, and it may well be productive to discuss the question of compliance with those arrangements, as well as the need for additional agreements in the near future.

Fairness, in our opinion, is best implemented through the promotion, across the entire range of product and service industries, of market access to American exports that are competitive in quality and price terms. If such had been the case with regard to semiconductors in the 1970's, current damage-control activities would, of course, be unnecessary. Therefore, competitive American exports, such as supercomputers, telecommunications equipment and services, fighter aircraft, agricultural products, coal, and a wide range of other goods and services must gain access to the Japanese market today if we are to avoid further explosive trade problems. There is a growing feeling that there is both conscious resistance to such market openings (reflected in recent news stories on barriers to your importation of our supercomputers), as well as broad range of practices in Japanese society working against market openings. Some may conclude that it may be impossible, even if responsible government officials in Japan desire it, to accomplish much progress in the opening of the Japanese market. Evidence to the contrary is necessary to combat this perception, or it is likely that additional efforts will be attempted to close off the American market to Japanese goods.

For the last several years, the U.S. has acted as the locomotive for world economic growth by rapidly expanding its imports. With the depreciation of the dollar, this situation is changing and current surplus countries, including Japan, must assume a larger and more responsible role in promoting world trade and economic growth by a sustained program to accelerate imports. For that reason, we have been greatly impressed with the initiative you took in creating the Advisory Group on Economic Structural Adjustment for International Harmony. We believe that the overall theme of the need for "historical transformations" in Japan's "traditional policies on economic management", including sustained "active efforts" to "expand import promotion policies" are laudable and courageous. We are, however, somewhat disappointed with the progress which has been made to date in implementing into government policies the crucial recommendations of this blue-ribbon commission.

Two additional specific areas, illustrated by important projects currently susceptible to near-term decision-making by your government, are worthy of discussion at this time. First, practices in international services trade are now being defined and developed, but are an area of fast growing international importance, particularly to the U.S. A vigorous attempt to promote open competition in services would be a very important indication of good faith. Therefore, Japanese policy permitting fair and open bidding for construction contracts on the Kansai airport project assumes far greater weight than the particular value of those contracts themselves. Therefore, if your government were to restrain fair competition for those services contracts, it would be a discouraging signal.

Second, it has been apparent that Japan needs and desires a new generation fighter aircraft. It is clear that our security relationship is one of the brightest portions of our overall relationship, and we believe that cooperation should be nurtured further. Clearly, very substantial economic benefits would accrue to both our nations if that fighter aircraft were to be purchased from the United States. Not only would Japan experience substantial savings, but other major positive factors such as interoperability and long-term cooperation on defense matters will be greatly enhanced. The decision to purchase your new aircraft from the U.S. would be taken, in particular, as a sign of good will by Japan and as a tangible guarantor of a continuation of our close security relationship. Given the many mutual benefits of such a development, we urge an early favorable decision along these lines by your government.

We understand that you may be bringing with you some initiatives intended to relieve the overall problems which confront our relationship. Any new initiatives are, of course, very welcome. We believe that you have personally played a very positive force in attempting to identify ways to relieve the problems associated with Japanese-American relations, and believe that mutually reinforcing good faith efforts can result in tangible progress. We are also quite aware that there is an acute need to improve American competitive performance across a range of industries, and we are open to any constructive criticisms which emphasize the key standards of a "level playing field" in our economic relationships. We look forward to discussing these matters with you in further detail next week in Washington.

Sincerely,

ROBERT C. BYRD.
LLOYD BENTSEN.
BOB DOLE.
JOHN C. DANFORTH.

OPPOSITION'S 'OX WALK' DELAYS NAKASONE TAX BILL

(By John Burgess)

TOKYO, April 22 (Wednesday)—The Japanese parliament normally the most dull and predictable of institutions, erupted last night in shoves and body blocks as the opposition gave its all trying to stop adoption of a national sales tax.

Early this morning, rancor gave way to paralysis. A *gyu-ho*, or "ox walk," was under way, a long-unused delaying tactic in which opposition lawmakers somehow took 20 minutes each to cross about 30 feet of carpet and steps to the ballot box.

The show as so unusual that national television broke into regular programming to broadcast parts of it live. Finally, something exciting was happening at the Diet, as parliament is known.

The Japanese crave *wah* (harmony) in most parts of their lives, including politics. Since coming to office in 1982, Prime Minister Yasuhiro Nakasone has managed to preserve it while leading the nation through such contentious issues as higher defense spending, a bitter trade dispute with the United States and a split-up of the huge national railway system.

But a plan he announced last year to tack a 5 percent tax onto many commercial transactions has brought *wah* to the breaking point and, many people here believe, put a limit on how long Nakasone can hang on in office.

Business in the 51-year-old granite building that houses the Diet is normally a study in the Japanese penchant for arranging things behind the scenes before they are brought up for formal action.

The mechanisms of democracy are there. Like the U.S. Congress, the Diet has procedures for reconciling differing versions of a bill passed by the upper and lower houses. However, the last time there was such a difference was in the 1950s.

The fates of bills are normally decided before they reach the Diet. That takes place at the nearby headquarters of the Liberal Democratic Party, which has been in power for all 32 years of its existence. The party runs a system of committees and hearings in parallel to the Diet's.

This is not to say that opposition voices count for nothing. For the ruling party to act alone would be to risk a political crisis and public censure for arrogance and abuse of democracy. People want *wah*.

Since the new year, the opposition parties have been betting everything on stopping the sales tax. Nakasone says that the nation needs it for financial modernization, but this support is decreasing, even in his own party.

The opposition's efforts began with boycotts of Diet business in January. Though the ruling party, known as the LDP, always had the votes to proceed alone, it was wary of charges of arrogance if it ignored the opposition. It became even more reluctant when its own constituents began lining up against the tax.

So it waited and negotiated. The deadline for passing the new national budget for the year beginning April 1 came and went. So a 50-day temporary budget was enacted.

Early this month, Nakasone concluded that no more time could be wasted. The impasse was holding up not only the tax, which he swore was going to go through, but also consideration of a supplementary budget that is supposed to speed up the Japanese economy and appease the United States in the dispute over trade.

Last week, they forced the budget through the budget committee with a vote by show of hands. Opposition members angrily rushed the chairman's podium, demanding that the vote be rescinded. The LDP people did the same to protect their accomplishment.

Tonight, with negotiations for a compromise exhausted, the LDP began action on the budget on the floor of the lower house. The opposition was lying in wait. It had shipped in boxes of bananas for its members to eat through the all-night session that seemed certain.

"This is the time when we shall see whether democracy is in decline," said an elated Takako Doi, chairman of the main opposition Japan Socialist Party.

With a doctor and nurse on call, the LDP put forward a resolution to limit debate. LDP members quickly voted in favor. The opposition struck back with an "ox walk," its first since May 1977.

Suddenly the speaker suspended the vote. Opposition lawmakers rushed forward, forming a noisy human chain around the podium. Officials were unable to recover the ballots. The vote was thrown out and, at 1 this morning, the process started all over.

Yoshiaki Kiuchi of the centrist Clean Government Party led the "ox walk" this time. It took him 13 minutes to walk about 20 feet to the foot of steps leading up to the speakers' podium, where votes are cast.

He tried to maintain a dignified nonchalance, ignoring the many catcalls from LDP members: "No smiling!" You can go slower!"

It took Kiuchi another seven minutes to ascend the half dozen or so steps to the voting point. When he finally handed is green tag signifying a "no' vote to an official, applause broke out.

Nakasone was seated in the rear of the ornate paneled chamber. He was not watching, however. He was dozing.

The vote took about three hours. The LDP won and the Diet moved on at the same pace to another opposition motion.

FARM DISASTER ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 1157, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The Senate resumed consideration of the bill.

(Mr. FOWLER assumed the chair.)

Mr. COCHRAN. Mr. President, we are now back on the bill, as I understand it, which was the subject of debate yesterday in the Senate, having been reported from the Committee on Agriculture in an effort to do something to solve some discrepancies that arose when the committee sought to assist some who might have been left out of the effort to provide disaster assistance benefits which were needed because of drought and other tragedies that occurred on farms and in rural America during the past year.

I understand that in the discussion of an amendment which is to be before the Senate on the subject of the soybean marketing loan program questions were asked yesterday about the effect of that amendment on existing law and the loan rates provided to support soybean production in this country.

Because this question has been raised, I would like to try to explain what is sought to be accomplished by the amendment that will be offered by the distinguished Senator from Minnesota [Mr. BOSCHWITZ] which is cosponsored by several other Senators, Republicans and Democrats.

The text of the amendment is substantially the same as a bill which was introduced in the Senate in January of this year, S. 308. That bill was introduced by this Senator in an effort to require the Secretary of Agriculture to implement a marketing loan program for soybeans. That was the primary goal of the legislation, and I think it is agreed by cosponsoring Senators of this amendment that that is the primary purpose of this amendment, to force the Secretary of Agriculture to implement a marketing loan program for soybeans.

The reason we feel very strongly that that ought to be done is the success that has been demonstrated in the two programs which have a marketing loan program in place to assist in the marketing of commodities. Those two commodities are cotton and rice.

There is no effort being made to change existing law with respect to the prescribed authority for loan rates for soybeans except in one particular instance and that is to suspend for 1 year only the authority of the Secretary to reduce the loan rate from the prescribed $5.02 by 5 percent.

I am going to put in the RECORD a description of the existing provisions as they relate to the loan rate for soybeans so that the RECORD will be very clear on that subject. But in summary, let me say that this amendment makes no changes in these existing provisions. It does not change the authorized soybean loan rate for any crop year including the 1987 crop year. It affects the loan rate, however, by suspending the Secretary's discretionary authority to lower the loan rate up to 5 percent for 1 crop year only, 1987. I think that is the answer to the question that was raised by the distinguished Senator from Montana [Mr.

MELCHER] during yesterday's discussion of the effect of the amendment.

So I hope this will clarify the intent of those of us who are sponsoring the amendment. The only thing really new in this amendment is the sunflower program. The marketing loan program is not new. It would be new to soybeans. But it is not new. It has been tried and proven to be effective, Mr. President. We are searching for ways to do something about the trade deficit which reached $170 billion last year. We are looking for ways to revitalize rural America, create new job opportunities. If we really wanted to do something smart and economically feasible, we would support those industries and those economic activities with which rural America is already acquainted. Rather than create a new bureaucracy or some new, innovative, and untried program for job creation, let us support the farmers. Let us support the businesses which sell to the farmers, and we can do it in a more cost effective way by making a modest investment toward making our agriculture sector more competitive in the international market.

That is what we are really bringing to the attention of the Senate today in this amendment. Let us implement a program that will help our soybean industry become more competitive in the international marketplace.

What has happened in the soybean industry is that we have seen a reduction of some 15 million acres, an idling of 15 million acres of soybean production, because the soybean farmers and exporters cannot sell what is being produced in the international marketplace. What has happened as a result of that idling of acreage and that cutback is that 15 million new acres have been put in production by overseas competitors who sell below the U.S. loan rate.

That is the problem that would be corrected and addressed in an economically feasible, sound way if this amendment is adopted. So I hope Senators will look carefully at it, Mr. President, and weigh the cost against the proven record of the program in the other commodities where it has been implemented.

Mr. President, I ask unanimous consent that my statement about the effect of the amendment on the soybean loan rate be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WHAT DOES THIS AMENDMENT DO TO THE SOYBEAN LOAN RATE?

This amendment does not increase the authorized soybean loan rate for any crop year. Current law, the Food Security Act of 1985, Section 801, subsection (1), paragraphs (1)(B) and (1)(C), establishes the soybean loan rate for respective crop years as follows:

Paragraph (1)(B)—The support price for the 1986 and 1987 crops of soybeans shall be $5.02 per bushel.

Paragraph (1)(C)—The support price for each of the 1988 through 1990 crops of soybeans shall be established at a level equal to 75 percent of the simple average price received by producers for soybeans in the preceding 5 marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the level of price support may not be reduced by more than 5 percent in any year and in no event below $4.50 per bushel.

This amendment makes no change in these provisions, therefore, it does not change the authorized soybean loan rate for any crop year, including the 1987 crop year.

This amendment affects the loan rate by suspending the Secretary's discretionary authority contained in Section 801, subsection (1), paragraph (2), the Food Security Act of 1985, to lower, for market competitive reasons, the loan rate up to 5 percent for one crop year only—1987.

WHY IS THIS CHANGE NECESSARY?

USDA Prospective Planting Report, dated March 31, 1987, indicates a significant decline in soybean acreage again this year. Acres planted could be as low as 56.9 million, down 7 percent from last year. This acreage would be the lowest planted since 1976 and 14.5 million acres below the 1979 high of 71.4 million acres. There is some concern about shorting domestic supplies to processing facilities if this rate of decline continues. The total industry, producers through all handlers, will be hurt if this happens. The certainty this amendment would give to what the 1987 crop loan rate would be—$5.02—and having that information this early in the year could influence acres planted.

The marketing loan provision is significantly more effective in making the industry competitive in international markets than the Secretary's authority to lower the loan rate up to 5 percent. Once the Secretary lowers the loan rate 5 percent, there still remains a fixed price floor for foreign competitors and their governments to price under.

Is this proposal new and one that requires hearings to properly understand?

Of course, the marketing loan may not be understood by everyone, but this amendment, as it applies to soybeans basically requires implementation of existing authority. The proposal was debated in 1985 and included in law.

The discretionary soybean loan deficiency payment provision is part of other commodity marketing loan programs. The Secretary has exercised his discretion and included this provision in the cotton program in 1986 and again in 1987.

WHAT IS NEW ABOUT THIS AMENDMENT?

The sunflower program is new.

Mr. MELCHER. Mr. President, will the distinguished Senator from Mississippi yield for a question?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. MELCHER. I thank my friend for yielding.

I want to be sure that I understand whether the distinguished Senator from Mississippi agrees with the Senator from Minnesota [Mr. BOSCHWITZ] when he said the cost of including the 1987 soybean crop in a marketing loan program would be $1 billion.

Mr. COCHRAN. The understanding that I have—if the distinguished Senator will permit me to respond—is that the Congressional Budget Office has made an analysis of the 4-year cost of this amendment and the Soybean Program, and the assessment of the cost is $2.156 billion over that period of time. For fiscal year 1987, the cost would be $50 million; for fiscal year 1988, $1 billion; for fiscal year 1989, $98 million; for fiscal year 1990, $126 million; and the cost gets smaller in the out years. Beyond that, they estimated that the cost will go down to $21 million in fiscal year 1992. The cost over a 4-year program of the amendment is $1 billion. The $2.15 billion figure is the total 4-year cost of the Soybean Program.

So I would agree that the distinguished Senator from Minnesota was correct, in that the additional cost of the amendment in the Soybean Program would be $1 billion over 4 years.

Mr. MELCHER. If the Senator from Mississippi will further enlighten me, is there a cost figure just for the 1987 crop?

Mr. COCHRAN. Mr. President, I have a figure of $50 million for the fiscal year 1987 crop.

Mr. MELCHER. I thank the Senator.

Mr. President, there is a little bit of confusion on this cost. Fifty million dollars for 1 year for the 1987 crop, out of an additional cost of $1 billion for 4 years, seems like a rather modest amount. The problem seems to hinge on that, I believe.

I suspect that the Department of Agriculture might have a different figure—I am not sure—but the key paragraph in the letter dated April 22, signed by Deputy Secretary Peter Myers, in regard to soybeans, reads as follows:

> The Department is opposed to a marketing loan for soybeans. Enactment of a soybean marketing loan for the 1987 crop at this time will result in reduced demand for the remaining 1986 U.S. soybean crop. Foreign buyers of U.S. soybeans and soybean products will purchase only hand to mouth until the lower priced 1987 crop becomes available. The South American crop will be sold in export markets as quickly as possible to avoid lower prices in the fall of 1987. There will be an immediate negative price impact which will result in increased 1986 crop CCC loan forfeitures and budget outlays. This will also result in a huge cost to the soybean program with little export improvement from increased price competitiveness with South American countries until May-June 1988 due to the South American Soybean Production cycle. The funding of this marketing loan through a one time sale of assets is budget gimmickry. What assets can be sold next year to fund the program? The General Accounting Office has severely criticized the use of asset sales to reduce outlays.

Mr. President, that is a rather damning statement by the administration on this proposed amendment. I suspect that part of the reason for it is based on their conclusion that bringing the 1987 crop in now on the marketing loan will upset the sale with respect to other soybean-producing countries.

However, I think the Senator from Minnesota and the Senator from Mississippi have accurately portrayed the dilemma we are in with soybeans. The world price on corn and other feed grains is low because we have a huge surplus in this country overhanging the market that will go on into calendar year 1988. That surplus is a continual drag on the market.

I am quite amazed that the amendment is drafted to include the 1987 crop, because I think it is virtually too late, realistically, to feel that soybean producers can change their plans, whatever they are. This is the latter part of April. The bill will not become finalized until after a conference committee and it gets to the President and he signs it into law, and that likely will be sometime in May.

So, while there may be merit in having soybeans on a marketing loan program, I am rather shocked, I guess, that at this late date we are presented with the argument to include the 1987 crop and make it effective for this crop.

I am going to oppose the amendment, but I want to make it clear that, as one member of the Senate Agriculture Committee, I am very open to the presentation of the marketing loan concept for soybeans for the 1988 crop. We will have hearings on that in the committee, specially designed to hear from the producers and others in the business of crushing and marketing soybeans. I think it might be wise to do that. I feel rather at a loss to consider the 1987 crop at this late date in the planting season.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, the chairman of the committee [Mr. LEAHY].

Mr. LEAHY. Mr. President, I concur with what the Senator from Montana has said. I understand the concerns of those who will propose this amendment.

I ask the Chair: Am I correct that there is no amendment now pending before the body?

The PRESIDING OFFICER. The Senator is correct. There is no amendment pending.

Mr. LEAHY. If debate ceased, the Chair would then be required to move us to third reading. Am I correct?

The PRESIDING OFFICER. The chairman of the committee is correct.

Mr. LEAHY. I mention that, Mr. President, only because we have had now a fine exercise. Everybody has had a chance to speak on the floor, on this bill. We have certainly seen the efficacy of the Sergeant at Arms in bringing Senators to the floor, out of other very important meetings, two or three times yesterday. I hope that is not going to be necessary today.

It is certainly my intention—everybody has had a chance to discuss this—to finish this bill today. I understand that we will have a caucus at 2:30 this afternoon. It would make a lot more sense to finish the bill before that caucus at 2:30; because if the bill drags on too long, I might even succumb to the temptation of an amendment here or there. I would hate to be the cause of my colleagues still being here late tomorrow afternoon, when they may have other matters to attend to in serving the public interest, such as being back in their home States by that hour. I suspect that if we do not finish before the caucus, we will be on this bill tomorrow.

I will oppose this particular amendment, should it actually be brought before the Senate. I will oppose it because of the cost of it. I see it as a partial rewrite of the 1985 farm bill. I do not think it is appropriate on this piece of legislation. It certainly would guarantee—on the basis of the letter received from the Department of Agriculture—a vote of the bill. Nobody gains by that.

It is not a matter that would allow us to get through a conference. In fact, should it be there, it might even make a conference seem like a wasted activity; and I would not want to put the conferees on this bill, nor my friends in the other body, to an unnecessary conference, when they all have very serious things to do on their schedule.

So, if we are going to go through this exercise I will oppose it and would urge other Senators to oppose it.

I would also note, though, that if the amendment is going to come up it ought to come up because it is fast approaching third reading time; otherwise, as I said, we run the real risk of finding us all around here late tomorrow afternoon still discussing this bill and knowing that the majority leader has a number of other items he still wants to bring up once this is over.

So, I would suspect, to use the time-hallowed parliamentary phrase, it is time to fish or cut bait around here, and let us do that.

The distinguished Senator from Indiana and I have tried every which way to accommodate Senators who have amendments. We have certainly spent a great deal of time working with Senators on both sides of the aisle yesterday, modifying some amendments and making them acceptable, and I should also compliment those Senators who had amendments. I think a number of Senators with amendments worked very, very diligently here yesterday to put them into a compromise form to make them acceptable so that we could take them by voice vote. And I would urge similar accommodation of us today.

I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman.

I simply join him again in pointing out the situation I think all Members should be aware of, and that is that we have a piece of legislation with a very narrow focus of helping certain victims of disaster. It is a compassionate, tightly drafted bill, and the House of Representatives has acted to keep it narrow.

Mr. President, the fact is that there are a lot of ideas about how agriculture might be improved that do not relate to the purpose of this bill.

The marketing loan for soybeans that the distinguished Senator from Mississippi has discussed this morning is one of those ideas. It has not been explored through hearings, with careful research for this particular crop year. It would have an immediate impact. It would be substantial.

The same is true for various ideas for advancing deficiency payments for corn farmers. Other suggestions have been made for other crops. All those ideas are out there.

Mr. President, not only are the ideas out there, the drafters of the amendments are still out there drafting them. If Senators have some confusion as to what is going on, we are marking time because the drafters of the amendments are trying to calculate whether they are going to be able to be successful with their amendments in an atmosphere in which the American farmer does not want a lot of change to the farm bill nor do agricultural groups generally.

Most Senators are aware of a letter that was sent on March 17, 1987, signed by the American Farm Bureau Federation, the American Soybeans Association, the National Cattlemen's Association, the National Corn Growers' Association, the National Cotton Council, the National Pork Producers Council, and the U.S. Rice Producers' Legislative Group. These groups said that they support the implementation of the various provisions and authorities of the Food Security Act of 1985. Reading from the text of the groups' statement:

> We recommend that the Food Security Act of 1985 not be reopened by the Congress as it has only been in place for less than 15 months and is operating in its first crop marketing year. This legislation must be given sufficient time to work so that it might have its intended impact on the current U.S. agricultural situation.

This is written to Senator LEAHY, chairman of the Senate Agriculture Committee, and Congressman DE LA GARZA, chairman of the Agriculture Committee in the House of Representatives. The statement continues:

> The agricultural organizations and commodity groups represented here are prepared to join with you, in urging other members of the United States Congress to maintain the farm program provisions of the Food Security Act of 1985. We will also press the Administration to use to a maximum the authorities available to it under the current farm legislation in order that American agriculture might become more competitive in the export markets, while at the same time maintaining farm income.
>
> We look forward to working with you on this important issue.

The administration has broad latitude with regard to implementing marketing loans, as far as that is concerned, for soybeans and other commodities. That authorization is in the farm bill.

What American farmers want is some degree of certitude as planting occurs in this 1987 crop year.

Senators may want to try to embroider the edges of the 1987 programs by amending this legislation. But the U.S. Department of Agriculture, so as not to be misunderstood at all—and the distinguished chairman read this paragraph of the Department's letter, but I repeat it again—

> To summarize, there is almost nothing in HR 1157 which is desirable to the Department. Most of the proposed amendments are poor policy choices and even worse budget choices. If H.R. 1157 is enacted by Congress, in its present form with some of the proposed amendments, it is likely that the Department would recommend that the President veto the legislation.

Among the aspects of the House bill that USDA objected to was $135 million in addition to the $400 million payment cap contemplated when the disaster program was originally approved in 1986. The Department is saying even that might be enough reason for the President to veto the bill, quite apart from a $1 billion soybean marketing loan program in the first year and/or a movement of the corn deficiency payments up several months with a nearly $3 billion impact upon the budget. In addition, the Department characterizes the proposal to pay for the soybean marketing loan by selling assets as "gimmickry."

The Department of Agriculture points out that at some point the Government will run out of assets to sell. It costs a lot of money to implement big farm programs. So I ask, should we proceed in a floor debate in the Senate without appropriate ideas developed through full committee review, as to what the impact would be upon the people who are supposed to be helped?

Mr. President, at the proper time, if the amendment is offered—if the drafters ever finish their work—if we are still here on the floor debating the proposition—I will point out that the soybean farmers who are supposed to be the beneficiaries of this marketing loan program are going to be hurt by it. They are going to be badly hurt. People who propose this amendment better rest with the thought that they bear some responsibility for what will be a severe impact on the price of soybeans for farmers, here and now, not in the hereafter.

That is a serious problem.

I would suggest before Senators approach the floor trying to help the soybean farmer or the corn farmer—I mention those two because I am a corn farmer and I am a soybean farmer—that they weigh carefully the overall impact of the changes proposed. I am planting both crops on my farm this year as I have often done before. I know the prices and I know the costs. I know the farmers involved with those two crops. When Senators come on the floor suggesting that the Government ought to help me as a soybean farmer, I perk up my ears, but when they suggest a marketing loan in this crop year, that is a disaster.

So I am going to oppose this amendment if it ever arrives. I hope it will not arrive.

The point of this speech, Mr. President, is to signal those who are feverishly drafting more and more legislation to help me as a soybean farmer, to please cease-fire. Let us have one year in peace. Let us plant our crops because soybean prices have been going up, Mr. President, not down.

I would just point out as a topical item that once this bill came on the floor of the Senate yesterday morning and the rumor went around the commodities futures markets that this marketing loan program for soybeans was about to hit, the price of soybean futures went down in a hurry. That was the reaction of people, and they guessed right. Adoption of this program would depress the price in a hurry.

It is no bargain to simply sell all the soybeans we have in the world at such depressed prices that we finally find the bottom, and then reassure soybean farmers that they will not be hurt because they will receive even more money under the Price Support Program at the expense of American taxpayers generally. That is not a very successful program, as I see it, Mr. President. But that is what the marketing loan business is all about. It is a fire sale paid for by the rest of the taxpayers while those people who are soybean farmers, with soybeans in storage currently, watch the value of their inventories decline very rapidly.

So, Mr. President, I hope the amendment will not arrive. I will support the distinguished chairman in blowing the whistle whenever he wants to. As far as our side is concerned, we have had plenty of time to offer amendments. Time has been going on and on and on. I would suggest, if there is to be a caucus of one party or another at 2:30, that that might be an appropriate time to wind up the debate. I would hope there would not be further amendments to clutter up the bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend the Senator from Indiana for his speech. I have some prepared notes I was going to present, but they pale beside what he has said. He has laid out the issue very, very well. He has laid out the arguments. I join with him and say I hope there will not be an amendment. But if there is, I am going to strongly oppose it and hopefully get on and get this piece of legislation through, clear our differences with the other body, and get it to the President.

So I commend the Senator from Indiana. He has been working very patiently and diligently with Members on both sides of the aisle to get amendments through.

Mr. CHILES. Will the Senator from Indiana yield?

Mr. LUGAR. I am delighted to yield.

Mr. CHILES. I understand we do not have an amendment pending yet, so all of our remarks are sort of prefacing an amendment if it were pending.

If the amendment follows the form which has been shown to the Senator from Florida, the Senator from Florida, in his capacity as chairman of the Budget Committee, joined by the ranking member, the Senator from New Mexico, would pose a point of order on the amendment in that it does contain new budget authority for the year 1988. That budget authority has not been cleared in a budget resolution. So at some appropriate time, that point will be raised.

Mr. LUGAR. That is reassuring.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 161

(Purpose: To improve the bill)

Mr. BOSCHWITZ. Mr. President, the amendment to which my colleague from Vermont and my colleague from Indiana have alluded will now be offered.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. BOSCHWITZ], for himself, Mr. COCHRAN, Mr. HEFLIN, Mr. PRYOR, Mr. KARNES, Mr. BOND, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BURDICK, Mr. DANFORTH, and Mr. MCCONNELL, proposes an amendment numbered 161.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new sections:

SOYBEAN PROGRAM ADJUSTMENTS

SEC. 6. (a) Effective for the 1987 through 1990 crops of soybeans, section 201(i) of the Agricultural Act of 1949 (7 U.S.C. 1446(i)) is amended—

(1) in paragraph (2), by adding at the end thereof the following new sentence: "The paragraph shall not apply to the marketing year for the 1987 crop of soybeans.";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "If" and all that follows through "may" and inserting in lieu thereof "In the case of each of the 1987 through 1990 crops of soybeans, the Secretary shall"; and

(B) in subparagraph (B), by striking out "If" and all that follows through "the Secretary shall" and inserting in lieu thereof "The Secretary shall"; and

(3) by adding at the end thereof the following new paragraphs:

"(7)(A) The Secretary may, for each of the 1987 through 1990 crops of soybeans, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forego obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) a loan deficiency payment rate equal to the difference between—

"(I) the loan payment rate; and

"(II) the prevailing world market price for soybeans as determined by the Secretary; by

"(ii) the quantity of soybeans the producer is eligible to place under the loan.

"(C) Payments to a producer under this paragraph shall be made—

"(i) as soon as possible after the certification of eligible soybeans has been provided by the producer and after the producer waives the right to place the soybeans under the loan program; and

"(ii) at the option of the Secretary, in the form of in-kind negotiable certificates in such manner as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

"(D) Producers shall have the option of taking a loan deficiency payment on any part of eligible production at any time during which a nonrecourse loan could be obtained, and on which production such payment has not been made, without foregoing such option on the balance of the eligible production.

"(E) To avoid overpayments, the Secretary may require an accounting of soybeans for which a loan deficiency payment has been made before issuing another loan deficiency payment to the same producer.

"(F) The producers of soybeans placed under loans that are outstanding on the date of enactment of this paragraph may, at the option of the Secretary, for a reasonable time period established by the Secretary, receive a loan deficiency payment in exchange for repaying such loan and interest.

"(8) If a producer is permitted to repay a loan for a crop of soybeans under this subsection at a level that is less than the full amount of the loan, the Secretary shall support the price of cottonseed at such level as the Secretary determines will cause cottonseed to compete on equal terms with soybeans on the market.".

(b) Section 1001(2)(B)(v) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(v)) is amended—

(1) by striking out "or rice" and inserting in lieu thereof "rice, or soybeans"; and

(2) by striking out "or 101A(b)" and inserting in lieu thereof ", 101A(b), or 201(i)(7)".

SUNFLOWER MARKETING LOAN PROGRAM

SEC. 7. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) The Secretary shall make available to producers loans and purchasers for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical oil content of sunflowers and soybeans and not result in excessive total stocks of sunflowers taking into consideration the cost of producing of sunflowers, supply and demand conditions, and world prices for sunflowers, except that such level may not be less than 8½ cents per pound.

"(2) If the Secretary reduces the level of loans and purchases for a crop of soybeans under subsection (i)(2), the Secretary may reduce the level of loans and purchases for the crop of sunflowers under paragraph (1) by the amount the Secretary determines is necessary to maintain domestic and export markets for sunflowers, except that the level of loans and purchasers may not be reduced by more than 5 percent in any year. Any reduction in the loan and purchase level for sunflowers under this paragraph shall not be considered in determining the loan and purchase level for sunflowers for subsequent years.

"(3)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(4) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(5)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year.

"(B) The Secretary shall make a final announcement of such level not later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(6) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

SALE OF AGRICULTURAL NOTES AND OTHER OBLIGATIONS

SEC. 8. (a) The Secretary of Agriculture, under such terms as the Secretary may prescribe, shall sell notes and other obligations held in the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) in such amounts as to realize additional net proceeds sufficient to offset any additional outlays incurred as the result of the amendments made by sections 6 and 7.

(b) Consistent with section 309A(e) of such Act, any sale of notes of other obligations, as described in subsection (a), shall not alter the terms specified in the note or other obligation, except that, on sale, a note or other obligation shall not be subject to section 333(c) of such Act (7 U.S.C. 1983(c)).

(c) Notwithstanding any other provision of law, each institution of the Farm Credit System shall be eligible to purchase notes and other obligations held in the Rural Development Insurance Fund and to service (including the extension of additional credit and all other actions necessary to preserve, conserve, or protect the institution's interest in the purchased notes or other obligations), collect, and dispose of such notes and other obligations, subject only to such terms and conditions as may be agreed to by the Secretary of Agriculture and the purchasing institution and as may be approved by the Farm Credit Administration.

(d) Prior to selling any note or other obligation, as described in subsection (a), the Secretary of Agriculture shall require persons offering to purchase the note or other obligation to demonstrate—

(1) an ability or resources to provide such servicing, with respect to the loans represented by the note or other obligation, that the Secretary determines is necessary to ensure the continued performance on the loan; and

(2) the ability to generate capital to provide the borrowers of the loans such additional credit as may be necessary in proper servicing of the loans.

Mr. BOSCHWITZ. Mr. President, I offer this amendment in my behalf and also in behalf of Senators COCHRAN, HEFLIN, PRYOR, KARNES, BOND, DURENBERGER, GRASSLEY, BURDICK, DANFORTH, and MCCONNELL. The amendment is the amendment my good friend from Indiana said should not be offered and it is a marketing loan for soybeans.

The Senator from Indiana said that the soybean farmers are going to be hurt and hurt badly. He said futures prices came down on the market yesterday because there is talk that this amendment will be offered. Indeed, they did come down, Mr. President. They came down by half a cent, and half a cent on a price of $4.50 is not, in my judgment, the catastrophe that my friend from Indiana foresees.

The basic economics of agriculture do not change, and the basic economics include the coming of a rather large crop from South America. That will have a greater impact, surely, on the price of soybeans than this legislation.

Mr. President, this amendment establishes marketing loans for soybeans and also for sunflowers.

As I said in my statement yesterday, these two crops are linked, and, therefore, the amendment must apply to both.

The underlying price support for soybeans remains set at 75 percent of the 5-year moving market average price. However, the authority for the Secretary to reduce the price more than 5 percent to improve competitiveness is precluded for the 1987 crop. We can expect, then, that the price support for the 1987 crop year will be $5.02 a bushel.

I do not see the distinguished Senator from Montana on the floor, but in speaking with him late yesterday afternoon about this, I indicated that the soybean loan rate might be in the middle $4.50's this year. I was mistaken. Under the 1985 farm bill, the minimum price would be $4.77 because, under the farm bill, the loan rate snaps back and more than 5 percent can be applied to it.

For the crop years 1988 to 1990, the Secretary may reduce price support prices more than 5 percent to improve competitiveness for soybeans under the amendment we have offered today. What we essentially are doing is rolling back price support reductions 2 years for soybean producers, noting that the loan rate on soybeans came down very markedly at the time the 1985 farm bill was passed.

At the same time, we are making soybeans competitive on the world market through utilizing a marketing loan.

In 1981, this country grew 70 million acres of beans. Again, as I said last evening, Mr. President, soybeans are the farmers' largest cash crop.

The 1987 prospective planting report indicates that as few as 57 million acres may be planted this spring. As our acreage has dropped, other producers, especially those in Argentina and Brazil, have taken up the slack. The only reason we have been able to hold onto any of the world market is that Brazil had a poor crop. We are proving once again that foreign producers are more than willing to take up the markets that we step away from. Without the marketing loan in soybeans, we are going to step away from the soybean market because of the disparity that exists between the price of other feed grains and soybeans at the present time, as I described last night.

The marketing loan does not solve all of our problems, but it does tell the rest of the world that we are no longer going to hold the place of soybeans and sunflowers above the market clearing level.

If this amendment is adopted, Argentina and Brazil will still be able to set the price of beans in the world if they so choose, but it will be competitive no matter where they go. In order to control the cost of the soybean marketing loans, the Secretary is given the opportunity to offer a payment to producers who agree to forgo obtaining a nonrecourse commodity loan on their soybeans. So that this is a so-called POP payment. And, for the purpose of not wanting to impact the budget adversely, we put that in so that there could be a "POP" payment and the loan would not be made. In that way outlays, indeed, would be reduced.

The payments would be equal to the difference between the loan rates and the loan repayment rate multiplied by the quantity of soybeans for which the producers would otherwise be able to put under loan. The POP payment would preclude them putting it under loan.

The provision has worked well in the Cotton Program and essentially eliminates the severe cash demand on the CCC which is created if producers are required to take out a nonrecourse loan in order to receive the benefits of the marketing loan.

I might say to my friend from Vermont and also the distinguished Senator from Indiana that they are going to get up and say that this is going to be a very costly program. I say to them that, in the event the $4.77 price continues, the Federal Government is going to obtain a large number of soybeans in its inventory because we are going to, indeed, cause more plantings to arise around the world. And since 40 or 45 percent of our soybean production is shipped overseas, we are going to find ourselves, the Government will find itself with very, very large numbers of bushels of soybeans that are surrendered to the Government if we keep the loan at $4.77 and do not impose a marketing loan as we are suggesting.

Another important aspect of the amendment is the sunflower marketing loan. Sunflower producers and processors have been unintended victims of our wheat and feed grain programs. The sunflower industry has virtually dried up because producers have too much incentive to participate in wheat and feed grain programs. The 8½-cent marketing loan will give the producers and processors the chance to get their industry back on its feet.

Cottonseed and its products are also part of the oilseed complex. It is important that we give the Secretary instructions to make sure that the historic price relationship between soybeans and cottonseed is maintained. This amendment contains such language.

The cost estimates of this amendment are all over the board. Frankly, I do not agree with the Congressional Budget Office estimates, nor does the Department of Agriculture, as I understand it. In the long run, the marketing loan will probably save money, because we prevent the default of commodities to the CCC and keep the entire agriculture infrastructure operating. This adds to the gross national product and it is surely better than just storing commodities and letting them rot over a period of time.

However, I understand that we must operate as if the CBO knew for sure what is going to happen in the future. And all of us have a cognizance of what these projections have been with respect to agriculture, whether it is the CBO or USDA. So I have taken the position all along that sound economics really have to dictate in these instances. And certainly in this case the marketing loan is sound economics, more so than allowing the loan to be at $4.77 this year, thereby creating a great deal of production in other countries and causing the CCC at the end to wind up with a very large stock on hand.

Exactly what the cost is is hard to determine. We do have to go by the CBO estimate. Many people disagree with them, I among them.

Therefore, in order to offset the CBO estimate of additional costs, we have included language instructing the Secertary to offset additional outlays that this amendment compels by selling rural development insurance fund loans, so-called RDIF loans, which they have done before for similiar purposes. The USDA has sold such loans in the past, so it will not be anything new to them.

I realize a section 303 point of order, as the distinguished chairman of the Budget Committee spoke about, is indeed in order for incurring new budget authority for a year in which there has been no budget resolution. But it is my understanding that it takes a majority of Senators voting to waive that point of order and I suppose we simply will have to vote on it, though I would hope we would vote on the amendment up or down rather than a point of order.

Questions have been raised concerning a section 311 point of order, but we will go into that in the event that it comes up.

However, the statement of my friend from Indiana that soybean growers are going to be hurt and hurt badly are indeed certainly not shared by the Soybean Association, which has sent a letter to all Senators hoping that this amendment that we are proferring this morning will indeed be accepted and passed. And it is indeed important that we do get this done. Soybeans have been on the outside with respect to the Farm Program.

The distinguished Senator from Indiana talks about not opening up the farm bill. He may recall that I wrote a letter to all Senators saying we should state the costs on the farm bill, though I have always made exceptions with respect to soybeans because of the disproportions that have arisen under the farm bill with respect to soybeans.

Marketing loans are not new. Marketing loans are not something that require extensive hearings so we can get past the planting season. Marketing loans are part of the 1985 farm bill.

The impact of marketing loans have been observed in at least two major commodities and I think that marketing loans indeed are in order for soybeans as well. It really is the only way that we can preserve that industry or we are going to see a very substantial portion of it shipped offshore.

Mr. President, I yield the floor.

Mr. KARNES. Mr. President, I rise today as an original cosponsor of the amendment offered by Senator BOSCHWITZ which provides a mechanism to assure the long-term strength of the U.S. soybean industry.

Soybean production represents a $430 million component of Nebraska's agriculture sector. Until recently, soybeans have been a growth industry as reflected in Nebraska's soybean production increasing from 812,000 bushels in 1970 to 95.5 million bushels in 1986. Because of this growth, the soybean industry has chosen to be independent of the traditional Government programs which apply to program crops. However, the industry is changing. World production has increased by 16 percent since 1979, while U.S. production has decreased by 10 percent. Foreign soybean acreage has increased at the same rate U.S. acreage has decreased. Most of this foreign soybean production is sold in world markets below U.S. prices with the benefit of export subsidies. Responding to these changes necessitates flexible, market oriented agricultural policies which allow our producers the opportunity to market their production on comparable terms with soybeans producers worldwide.

Change has long been a benchmark in American agriculture. The extent of these changes can be quickly identified by reflecting on the impact of agriculture's first two industrial changes. The first industrial change was brought about by the use of mechanization and the second by the availability of fertilizers and chemicals to enhance productivity. American agriculture is now in the middle of its third major industrial change—that of transitioning from a domestic to an international industry and into the very competitive international marketplace—a marketplace which is very volatile and which responds to external pressures far beyond basic principles of supply, demand, and production efficiency. This third change is proving to be quite difficult for many segments of our agricultural industry—an industry essential to our economy in that it generates approximately one-fifth of our Nation's gross national product and provides one of every five U.S. jobs.

This amendment is designed to be of positive help to the long-term strength and stability of American agriculture in general and the U.S. soybean industry specifically. The principle feature of this amendment provides for mandatory use of the marketing loan concept for soybeans. Current law allows the discretionary use of this provision; however, it is a provision which the Secretary of Agriculture has chosen not to implement. Results of the marketing loan are clearly successful in the Cotton and Rice Program where its use is mandatory. The success of the marketing loan is, in part, reflected in other countries commodity planting decisions. After one year of marketing loan operation, we are seeing world production of cotton decreasing an estimated 10 million bales, and we are seeing projections of U.S. Cotton Program costs decreasing from $2.2 billion in 1986 to estimates in the $200 million range for 1989 with no acreage reduction programs—in other words, full domestic production with less government cost. This is the goal we should be striving to achieve—full domestic production, maximum use of our production resources, maximum contribution to the U.S. economy from its agricultural sector with decreasing government cost. U.S. producers can compete very successfully and effectively for international markets if comparable advantages are provided equal to the obvious subsidies presently available in the U.S. sphere. I believe use of the marketing loan concept provides an effective method of dealing with these subsidies and other factors which put our U.S. producers presently at artificial disadvantage.

This amendment also provides for use of a loan deficiency payment which provides opportunity for producers to receive the income protection offered by the loan rate in exchange of forfeiting their access to the nonrecourse loan. This effectively eliminates the possibility of government ownership of soybeans to the extent producers chose to utilize this option, assures the marketing function stays in the hands of producers, and keeps soybeans moving in the market rather than accumulating in government storage with the attendant storage expense.

Mr. President, I believe this amendment is good for producers in my State of Nebraska as well as all segments of the U.S. soybean industry. This amendment is a positive statement in support of a strong production agricultural industry—an industry which is an essential source of strength to the U.S. economy. I believe this amendment will prove to be a worthy investment in this industry and I ask the support of my colleagues for its prompt adoption.

I thank the Chair.

I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I congratulate the distinguished junior Senator from Nebraska on his speech which I understand is his first speech here on the floor of the Senate, and what an appropriate one it is that he talks about a crop that is of such great importance to farmers in his State, and indeed Nebraska is, as is Minnesota, a very rural State.

So I congratulate him for it. He made some very important points. The fact that after 1 year of the marketing loan in the case of cotton, the production worldwide has decreased, and while the U.S. production has not decreased so that we are indeed achieving with the marketing loan—I have not always been such a big fan of marketing loans—what we set out to achieve.

Furthermore, the distinguished Senator from Nebraska points out, in this his major speech on the floor of the Senate, that the so-called POP payment is a payment made—instead of making the loan, the payment that is made—to the farmer reflecting the difference between the loan rate and the market price. And that payment is made, and the Secretary has the option of making such a payment instead of making the loan. So that is a guarantee that all the soybeans will be in the marketplace. None of them will be under the loan. None of them will be surrendered to the Government. Indeed that is a very constructive aspect of this amendment, if I might say so myself, Mr. President.

The distinguished Senator from Nebraska also points out that agriculture is one-fifth of the gross national product. And I continue to point out that soybeans is the largest cash crop that farmers produce.

So I congratulate the distinguished Senator from Nebraska on his major speech here. I congratulate him not only on its substance, but also on the fact that it deals with an item of such great importance to his State.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Minnesota spoke on this issue, and the Senator from Nebraska has, and I understand the Senator from Alabama is about to. The Senator from Montana spoke earlier, prior to the amendment being brought to the desk. The Senator from Indiana and I have spoken to it. I wonder if I might ask the Senator from Minnesota or the Senator from Alabama if they have any idea of how many Senators may be here to speak on this amendment. I want to make sure everybody gets a chance to speak on it. If I could get some kind of an idea, the Senator can have all the time he wants.

Mr. HEFLIN. I will answer the question. I would say, if the full Senate was to understand the issue, 99.

Mr. LEAHY. Of course, I say to my good friend from Alabama, having been alerted by their staffs that the Senator from Alabama is about to speak, probably all Members of the Senate have their television sets turned on so as not to miss a word of it, realizing that they could not possibly give the issue the color, the vitality, and the expertise that the Senator from Alabama is about to. They will really sit there, take notes, and cancel whatever else is on the agenda so they can do it.

But having said that, I was wondering if perhaps the Senator from Alabama might have some general idea about how long it will take.

Mr. HEFLIN. I yield to the distinguished Senator from Minnesota. He has been keeping tabs more than I have.

Mr. BOSCHWITZ. I thank the Senator for yielding. We expect probably six or eight more. And we will get on the phone and push a button to see if we cannot get them over here, because we do not want to delay the passage of the bill.

Mr. LEAHY. I appreciate the Senator from Minnesota saying that. As the Senator knows, the Senator from Indiana and I have done everything possible to make sure everybody's rights have been protected on this issue. In fact, the Senator from Mississippi has also spoken on it. We try to protect everybody's rights, and we naturally will. But again I will urge those who are going to speak to come forth. We eagerly await it. I sit here in anticipation barely able to contain myself with the anticipation of wanting to hear about this amendment.

With that, I yield the floor.

Mr. HEFLIN. Mr. President, I rise today to support this amendment that would mandate a $5.02 per bushel marketing loan for soybeans.

In my opinion, the needs of the soybean producers of this country were ignored during the consideration of the 1985 farm bill. The soybean farmers saw their only form of support, the loan rate, drastically reduced from $5.02 to $4.77 per bushel with expectations of the loan rate being reduced further to $4.50 per bushel. This is not fair, Mr. President.

When the Food Security Act of 1985 was before the Senate, I drafted and offered an amendment that gave the Secretary of Agriculture the discretionary authority to implement a marketing loan. This amendment was accepted by the Senate and retained by the Senate-House conferees and is a part of the 1985 farm bill. However, the Secretary has chosen not to implement this provision even though Congress has sent communications to him requesting that he do so and even passed resolutions calling on the Secretary to implement this marketing loan.

Mr. President, the marketing loan is not a "cure-all" program, but it has proven somewhat successful in the cotton and rice programs. I personally feel that the marketing loan is responsibile for making U.S. cotton again competitive in international markets. Our export projections of cotton have increased almost 300 percent. This same marketing loan is also responsible for the liquidation of CCC inventory of forefeited cotton. There is no costly surplus of cotton today.

This same concept will prove successful in keeping U.S. soybeans competitive while providing some reasonable level of price support. At current price levels in Alabama, this marketing loan program will not cost the U.S. Treasury any money. Soybeans are presently trading above the $5.02 per bushel loan rate set forth in this amendment. However, this program will send a signal to the international markets that U.S. soybean producers are ready to compete at any price level.

The soybean crops in Argentina and Brazil will soon be entering the international market. Traditionally, they have found a way to undercut U.S. prices, even though their production costs are calculated by some economists to be more than twice that of the U.S. soybean producer.

Mr. President, the U.S. Government has shared in the world bank loans and other programs that have and are subsidizing the Argentine and Brazilian soybean producers.

Unfortunately, back in the early seventies we had an embargo that was placed on U.S. exports of soybeans and as a result of that embargo the Argentina and Brazil soybean industries have become leading competitors of the soybean producers in the United States.

I feel it is only equitable to give our American farmers the tools to compete with these countries that have received subsidies from our own government.

Mr. President, I do have some concern that implementing a marketing loan at this time may result in some decline in soybean prices. For that reason, I have tried to persuade my colleagues to increase the soybean loan rate with this amendment from $4.77 per bushel to $5.02 per bushel. Soybean farmers in my State have been asking for this particular program since 1985. I am trying to work with my colleagues to see that they have such a program.

Now, Mr. President, in looking over the cotton program and how the marketing loan has worked relative to it, I find that there are, of course, press reports showing big payments that have been made to some people in the cotton business. But I want to point out to the Senate that the reason those big payments were made was because of the discretion of the Secretary of Agriculture. He had two plans before him. In the farm bill there are two plans pertaining to cotton, and under the plan that he elected to go with during the year 1986 it calls for the large transitional payments, it calls for the payments to the first handlers, and these are the payments that have received criticism across the country because of their enormity.

Mr. President, these enormous payments resulted because he selected that plan, because he exercised the discretion to proceed in that manner. In the farm bill, under a different plan, an alternate plan, plan B, which was a pure marketing loan, it gave authority to the Secretary to allow a cotton producer to repay the Commodity Credit Corporation loan at a level that is the lesser of the loan rate or the prevailing world market price during 1986. This concept is a pure marketing loan which targeted all of the benefits to the farmer.

The other alternative, plan A, which the Secretary chose to activate, limited the amount of direct payments to the farmer to 80 percent of the established loan rate. Direct benefits from a marketing loan reduced below the loan rate were to be made available to the first handlers of cotton, the cotton merchants in many instances. Generally these first handlers were not farmers. Such payments were not mandated by Congress but again was and is the result of discretionary authority exercised by the Secretary. This was in my opinion one of the ills of the program.

For the crop year of 1987, however, let me congratulate the Secretary of Agriculture because he has now chosen to follow plan B, which will correct most of the ills of the program. However, the new concept of a marketing loan, which Senator COCHRAN and Senator PRYOR developed, and in which I played some small part, specifically the element of this concept that the Secretary has now chosen to follow in 1987, and not the big payments that he made when he exercised the discretion in 1986, is responsible for making U.S. cotton competitive in international markets.

The USDA has now conservatively estimated that the cotton experts for this crop will reach 6.5 million bales. Experts in the industry have projected that the exports could reach as high as 7 million bales. As of September 1986, the U.S. cotton export sales commitments were already 4.7 million bales, which is almost two and a half times the total exports during the crop year 1985. In other words, you had exports of slightly more than 2 million bales in 1985. As a result of the marketing loan the exports will reach probably 7 million bales of the 1986 crop.

Now, these impressive export sales are the response by our overseas customers to U.S. cotton prices that were on a par with world prices for the first time in nearly 2 years. Now that competitive prices are ensured for U.S. cotton, this commodity is poised to make a dramatic turnaround this year. In my opinion, the turnaround would not have been more timely. The cotton industry was in near crisis. Projected world production in carryover stocks was at the highest level in history. Excessive foreign production stimulated by foreign government subsidies and the overvalued dollar was making the price of the cotton as much as 21 cents a pound lower than ours. As a result U.S. exports in 1985, which were around 2 million bales, were at the lowest point since World War II.

I also believe the new cotton program will force changes in the number of acres planted to cotton in foreign countries. Statistics show that the acreage adjustment process abroad has already commenced. China plantings are down 26 percent. Southern Hemisphere planting are off 11 percent. Although the figures I have on the 1986 acreages are now preliminary, it is thought that China will go down again this year by another 5 percent and Australia by another 25 percent.

This new cotton program is also responsible for the change that has occurred in stocks held by the Commodity Credit Corporation. Since the sale of some 800,000 bales on January 6, 1987, the CCC does not have a single bale of forfeited cotton. The only cotton stocks controlled by the CCC are those held under current commodity loans. There is no costly surplus of cotton today, and there is little reason to expect any forfeitures in the future.

The cotton program has had another unique result. It is encouraging to observe that the world price, as calculated by the USDA, has risen over 100 percent since July 1986. The world price as of February 19, 1987, was 53.57 cents per pound. I do not have the figures up to date, but it is in that neighborhood.

Projecting cotton prices in the future is dangerous. The industry believes that the trend will continue upward and that it will maintain a level below the 1987 loan rate of 52.25 cents. This price range will eliminate any cost to the U.S. Treasury under the marketing loan apparatus.

What has happened is that the marketing loan has worked; and as a result of its working, today you do not have to go into the marketing loan. The prices now are above it.

We have a similar situation with soybeans. If we enact a marketing loan, I believe that what will happen is that the other countries which are competitors will realize that U.S. soybean producers are going to be competitive. American competitivenes—which is now the word we hear so much about—will come forth; and as a result, since they have much higher cost of production, they say, "We can't go into the world markets and compete with American ingenuity; we therefore will start reducing our plantings."

To me, this is an opportunity that we can go forward with, with soybeans, to regain the world markets we formally had with soybeans, and it is a great opportunity for us to take advantage of the marketing loan.

We have gone through this and seen how it has worked with cotton, and I understand that it has had similar success in rice. I am not familiar with rice in all its programs. I have a general understanding of it. But we raise very little rice in my home State, and therefore I have not followed it as closely. But I understand that there is a similarity of success with the rice program.

Looking at this, it seems to me that we have an opportunity to move forward. We say, "Well, we are dealing with a disaster bill, and therefore we don't want to have a Christmas tree and we don't want to add things to it." Well, we are dealing with disaster, and we are dealing with the soybean disaster. The soybean disaster has not occurred in 6 months. It is not because of a 3-month drought. It is because of ill-conceived policy over a long period of time. Therefore, to me, this amendment on soybeans falls rightfully under the disaster label and should be include in this bill.

If we go back, we see the ill-conceived policy that has come about. At one time, soybeans were around $10 a bushel, for American-produced soybeans. Then we put an embargo on it, which was an ill-conceived idea, in the early 1970's. Then we have had the ill-conceived ideas of how we are going to encourage the Brazilian economy and the Argentinian economy in order to be sure that the loans that have been made by large banks are protected.

It was an ill-conceived idea and a disaster relative to soybeans in order that we might try to protect large banks and that we allow our State Department to come forth as they have.

So we are dealing with disasters—not a disaster that is caused by a drought of 2 or 3 months, but we are dealing with disasters that have occurred relative to ill-conceived plans dealing with soybeans, dating back beyond a decade, and which have carried forward to the present time.

So I say it is proper that soybeans be protected in a disaster bill. This is not a Christmas tree. It is something that is needed and has been needed for a long, long time.

Mr. President, I urge the Members of the Senate to consider this carefully, to consider the fact that we have a commodity that has problems, to consider the fact that a program has proved successful in other commodities, and let us move forward at this time to help solve this disaster program, which has not been just over a short period of time but has been in existence for a long period of time.

Mr. BOSCHWITZ. Mr. President, the American Soybean Association has written a letter to all Senators encouraging support for this amendment. The letter says, "This amendment has the total, unqualified support of the American Soybean Association."

The letter goes on to say, "The policies enacted in the 1985 farm bill are causing the export of the U.S. soybean industry abroad." Of course, that results from the fact that by utilizing the PIK certificates, the historic relationship between feed grains and soybeans has gone astray. Unless we do something to correct the price of soybeans, farmers will make a choice in providing rations to their animals that will not include soybeans.

The letter goes on to say, "Foreign soybean production has risen 14 million acres in the past several years, while U.S. acreage fell by an identical amount."

It is just that trend that we are seeking to end.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the American Soybean Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASA WASHINGTON OFFICE,
Washington, DC, April 23, 1987.

DEAR SENATOR: Senate Rudy Boschwitz will today offer an amendment to H.R. 1157 to provide for a marketing loan for the 1987 through 1990 crops of soybeans. He will be joined in sponsoring the amendment by Senators Cochran, Pryor, Heflin, Danforth, Bond, Karnes, Burdick, McConnell, Grassley and others.

This amendment has the total, unqualified support of the American Soybean Association. ASA farmer leaders recently developed and unanimously support the soybean program "that provides a minimum annual $5.02 per bushel income support that avoids soybean stocks build-up and maintains market prices for U.S. soybeans at competitive levels."

The policies enacted in the 1985 farm bill are causing the export of the U.S. soybean industry abroad. The result is a devastating effect on the income of U.S. soybean farmers and processors. Lower loan rates for other crops, such as corn, established under the 1985 law, have altered traditional cash price relationships between soybeans and other commodities. This is stimulating foreign soybean production undermining our international competitiveness and exporting our soybean industry overseas. Foreign soybean production has risen 14 million acres in the past several years, while U.S. acreage fell by an identical amount. Unless this situation is corrected by passage of the Boschwitz amendment, the U.S. is destined to see its domestic soybean production and export sales decline dramatically in the near future as foreign nations increase their production and exports in response to incentives provided by current U.S. policy.

The Boschwitz amendment resolves this competitiveness dilemma by establishing a soybean marketing loan program with minimum loan rates for soybeans at $5.02 per bushel for the 1987 crop with annual 5% reductions thereafter. Under a marketing loan, the farmer would repay the loan at the lower of the loan rate or the world price. It would allow U.S. soybeans to be priced at fully competitive levels with exports from foreign nations and restore traditional price relationships with other crops.

This amendment would allow the U.S. soybean industry to regain its historical export market shares and put pressure on our foreign competitors to scale back their production and exports. Most important, this amendment would support the income of soybean farmers in the difficult years ahead.

Sincerely,

WAYNE BENNETT,
First Vice President.

Mr. MELCHER. Mr. President, I spoke earlier on this amendment, but obviously it deserves a little more attention.

I really do not have any strong opposition to the concept of marketing loans for soybeans. I think we have to view it as it is today.

This amendment affects the 1987 crop, and we are well into the planting season for this year. It appears that it is really out of line to flip-flop when farmers are about halfway through their planting season, for the spring.

So I wish to put this in the right perspective. Not only have they been planting soybeans, they have been planting corn, and they have been planting other small grains. It fits into a pattern on farms as to how many acres they are going to have in one crop as compared to another.

I really hope that soybean farmers across this country have not gotten off their tractors today as this debate has been unfolding, have not left their tractor seats and left their equipment in the field and come into the house to turn on their TV sets and watch and listen to this debate.

The reason I hope that they have not done that is that I would judge they would have to be confused. First of all, this amendment is for this year. They already have their plans laid out and the fields ready and those that are not seeded in yet are going to be seeded in very shortly.

So this proposed change for this crop comes pretty late. That is one thing. Then the question is how much does it cost? We get confusing answers.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. MELCHER. I yield.

Mr. BOSCHWITZ. I say to my friend from Montana that this is the first vehicle on which we have been able to offer this amendment this year that we need and are very anxious to bring up. We have no further legislation and we wished to make sure this bill came up so we could add this amendment. We have not delayed and as the Senator knows, the vast, vast majority of soybeans have not yet been planted.

Mr. MELCHER. I thank my friend from Minnesota.

I, too, have to keep my perspective. We do not produce soybeans in Montana. Of course, they do in Minnesota and I can understand his interest in this matter.

It is rather confusing on the basis of cost. CBO has a figure. The administration has some figure they have not produced in their letter they sent up to Chairman LEAHY. But they have some figure and it is pretty large.

Second, what would be the result on the soybean market? That is what all soybean farmers would want to know. The Department of Agriculture has a rather bleak picture as described in this letter to Chairman LEAHY on what would be the result and it is all negative. They do not hold back. They view it as a real disaster to try to change the plans right now at this particular time to affect the 1987 crop.

There is real confusion on it. The farmers are used to that. So if they are watching, it will not surprise them that there is some confusion here in Washington. Here on this Senate floor we have no idea what the cost or what the effect would be, what would be the price fall, what is the overall effect on a crop and farming in general all across the country.

But I think even farmers believe there should be some limit on the confusion that we have here. In the futures trading in Chicago or Kansas City, or wherever futures are traded, they have that term "pit," like the wheat pit. That is where the people are trading in wheat futures. They gather around and there is mass confusion. It is hard to follow.

For a novice it is even hard to understand what they are doing. But there is a corn pit, a cattle pit. I suppose there is a soybean pit where these futures are traded. And what does that mean? It means that people are betting on what the price is going to be for those specific commodities in the future. You have bidding, someone buying and someone selling, and they are just betting on what the price is going to be.

The biggest pit of all is right here. This Senate and our colleagues over in the other body are betting on what the price is going to be.

The Senator from Minnesota in offering this amendment on soybeans has clearly and accurately, I believe, reflected on the relationship of the price of corn and feedgrains and its effect on soybeans.

So, what is that? Well, in general when corn prices are down soybean prices are down.

The Senator from Minnesota accurately portrayed yesterday that because there is too much corn the corn prices are down. Soybean prices are not quite low enough in order to get sales abroad, so we should have a lower price on soybeans. This is what this would bring about. That is the reason for making this amendment.

So, let us hear from the Department of Agriculture. What do they say? I have already read that key paragraph of the Department of Agriculture letter to Chairman LEAHY, and I will not repeat it.

But the effect is that the administration says no, no, no. That is what that letter says. In fact, the letter even ridicules the idea. Reading that paragraph and digesting it on soybeans, I presume mostly because it would have some effect on the soybeans that have already been produced or are already under loan, already in surplus stocks, makes it clear that it is a pretty tough letter ridiculing the idea. They just cut this amendment to ribbons. In fact they are pretty mean. They say that it is gimmickry on the basis of how the cost would be offset.

It is a pretty harsh term that pits this Republican administration against the amendment of a stalwart and distinguished Republican Senator from Minnesota.

I would suggest and humbly suggest that the Republican Senators who are interested in this amendment might write a letter back to the Department of Agriculture, and the administration, and draw it to the attention of the President and just emphatically suggest to them why not get rid of this surplus that overhangs the market, and drives the price of corn and soybeans down.

The amendment of the Senator from Minnesota would allow the price of soybeans to get lower. The price is too low for these commodities principally because the surplus overhangs the market.

Why not get rid of the surplus, move it out?

How? Use the export programs that we have enacted into law.

They allow the Department of Agriculture and allow the administration to cut the price. We do not need any amendment to do that. They already have that authority to cut the price.

The Senator from Minnesota, I think, understands just as well as I do what authority they have to do that. Why do they not use it? Why do they not move this stuff out? It costs a lot of money to keep it in storage. It does not do any good just sitting there. Why just sit on it?

They always talk about cash sales. I am talking about cash sales right now. I am talking along the same track that this amendment does. This would mandate them to use the authority they already have. Does this body on the opposite side of the aisle have some special influence over this administration? I would hope so. I would expect that maybe it has not been used enough. Maybe the strong letter by the administration against the amendment has not been responded to in kind yet.

Maybe they will say, "Where is the need? Who wants it?"

Well, Mr. President, there are a lot of people around the world who want it. They either want it at a reduced price that they can pay, or, if they cannot pay for it, they would accept it as a donation.

I cannot believe that very many people swallow this line that nobody needs it, nobody wants the food. The facts are different. That concept that nobody needs it or nobody wants it is a crazy concept. Most of the population of the world is underfed and undernourished. Most of the developing countries, because they have such high rates of unemployment, such stagnant economies—well, maybe stagnant is too modern a term—such slumping economies, most developing countries simply cannot spend much to get the food that their people need.

I just say this: Ask them what they need. Ask them what they need and can utilize.

Mr. President, saying get rid of the surplus, move it out, is not some wild idea. It is what those farmers on those tractors all across this country say. It is what those business people in agribusiness also across this country say. Those who understand what surplus commodities and storage mean both in cost for the Treasury and in cost for producers and their businesses agree. Understanding that, they all say the same, "Move out the surplus. Get rid of it."

That is the kind of letter that ought to be given back to the Department of Agriculture in response to their letter. That is the kind of word that should be given to the State Department in response to their negative attitudes on moving out surplus commodities. That is the word that ought to go to the President.

It is a matter of utmost importance that the entire Cabinet, the entire White House, and the President himself understand what is needed here in relationship to the price of commodities.

Producers and farmers have had enough of these low prices. They have had enough of the inactivity of not moving out surplus commodities. I do not believe this amendment should get anywhere today. I believe perhaps the concept is right for soybeans to have a marketing loan, but I do not believe it is right to just bring it right out in about the middle of planting season and say, "Here it is, a new program."

We would be better advised to really consult with the people and put it together right, figuring out how it is going to be paid for and think about the 1988 crop. I think that is about the best we can do in regard to soybeans and the marketing of that commodity.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to raise a 303(a) point of order against this amendment. I do not yet do so because I see the Senator from Minnesota on his feet and I suspect he has something more he wants to say. I know of some other Senators who were going to speak but have decided not to speak. I just want to notify my colleagues I am going to shortly do that. But I do not want to preclude the chance for the Senator from Minnesota to respond.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I accept the fact that the chairman will make a motion under section 303(a) of the Budget Act. I would like to answer briefly my friend and colleague from Montana.

Mr. President, I thank the Senator from Montana for calling me stalwart, distinguished, and all those things. Indeed, those words apply to him as well. It is interesting how times change because we now find my good friend from Montana making arguments that he perhaps would not have made last year, citing at great lengths letters from the Secretary of Agriculture and giving great credence to that letter where not long ago he took perhaps a different view, if I may suggest.

The Senator from Montana points out that he does not want to have a change in the program for soybeans in the midst of planting season.

I respectfully point out to him that the planting season has essentially not begun for soybeans and that the Secretary has until August 1 to announce what the loan will be on soybeans; that the Secretary really has not announced a program for this year anyway, so that we would be adding some substance and some certainty rather than uncertainty.

My good friend from Montana complains about the possible cost of this amendment and then he speaks so feelingly about just moving out the surplus, just getting rid of the surplus and he wants to give it away. That also has a cost attached to it and I would suggest with all due respect to my friend from Montana, the distinguished Senator, the stalwart, I might say, from Montana that the cost of this amendment will be substantially less.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. Yes, I yield to the Senator from Montana.

Mr. MELCHER. I thank my friend for yielding. Would not my friend agree that if the surplus of corn and the surplus of soybeans from last year's crop be reduced, the price for both commodities would have a tendency to go higher?

Mr. BOSCHWITZ. Yes; no question that the law of supply and demand does work in the marketplace and I do not contest that for a moment.

Mr. MELCHER. And, therefore, I take it my distinguished and stalwart friend is very much in agreement that the surplus commodities should be disposed of as rapidly as possible?

Mr. BOSCHWITZ. I say to my friend from Montana that I know that he is the principal adherent in the Senate to the section 416 program and that together with him I am one of the principal proponents of the Public Law 480 program. I certainly hope that we will be able to utilize both programs to their fullest and also various credit programs so that we can increase exports. I would say to him that the programs are all part of the solution.

But, report give-away programs have a cost, as he well knows, and so I only point out that in the event that you want to criticize the amendment on the basis of cost, it cannot be cured by taking an action that would have even a greater cost.

Mr. MELCHER. Will the Senator yield again?

Mr. BOSCHWITZ. Yield once again to my friend from Montana.

Mr. MELCHER. I thank my friend for yielding. I do not want to leave anything taken for granted, but I am sure my friend agrees that if a price can come up from reduction of surplus commodities overhanging the market, that that brings down the cost out of the Treasury for deficiency payments, or for absorptions in this case of soybeans under loan.

Mr. BOSCHWITZ. I would point out to my friend from Montana that this amendment would give the Secretary the authority to make the so-called POP or loan deficiency that would thereby not allow any new soybeans to come under loan. The soybeans that are going to be put under loan in 1987 at a minimum of $4.77, which when taken together with the interest on the 9-month loan could effectively have about a $5 price, is going to bring about a good deal of additional production abroad particularly in Argentina and Brazil which have the climate to produce soybeans. Therefore, there may be a large surrender of beans to CCC and we will find ourselves in exactly the position that the Senator from Montana does not want to put us in. I agree with him that we do not want to have yet a new mountain of surplus commodities, soybeans in this event, that we would have to contend with. They will overhang the market to use his term, a term that I, too, have used on numerous occasions. And that would create a continuing, and exacerbate the continuance, of the problem with respect to soybeans.

It is our effort to try to avoid that situation just as has been done with cotton and rice in part through the use of a marketing loan.

Mr. President, I would say to the distinguished chairman that I see that the senior Senator from Nebraska wishes to speak.

Mr. LEAHY. If the Senator would yield, the Senator from Nebraska [Mr. EXON], says he wants to speak and I know the Senator from Indiana wishes to speak again.

Mr. BOSCHWITZ. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, I have looked with keen interest at the amendment offered by the Senator from Minnesota and others. And while I recognize and realize that our soybean producers have not been essentially a part of the farm program in the past, I recognize that they are in deep difficulty today and, therefore, I would look at the marketing loan concept, which is the heart and soul of the proposal offered by the Senator from Minnesota, as one that we should consider.

I am merely here on the floor of the U.S. Senate today to offer a word of caution. The word of caution is simply this: The main reason for the measure before us is for some wheat disaster payments that should have been included in the original bill and was not. Therefore, this is a corrective piece of legislation that I understand has general support, probably near unanimous support, on each side of the aisle. And, therefore, I think it is important that we move this through and get that oversight corrected.

The chairman and the ranking member thereof of the Agriculture Committee are in opposition to the amendment proposed by the Senator from Minnesota. I would simply say: Are we making a mistake by trying to correct what has to be corrected sometime this year, in the opinion of this Senator, and that is the very difficult situation that our soybean producers are in, are we making a mistake by piecemealing, piecemealing, if you will, Mr. President, corrections that are needed in the 1985 farm bill?

Now, there are some people on this floor that think the 1985 farm bill was a good one. I do not think it was good. I did not support it in the initial instance. And while there are some good parts of that bill, I think that the 1985 farm bill needs some major surgery.

I think that if we are going to have any chance at major surgery on the 1985 farm bill, this amendment and all other suggestions should be referred properly to the Agriculture Committee, led ably by the two managers of the bill that is before the Senate. I, of course, speak of the Senator from Vermont and the Senator from Indiana.

It seems to me that while we might not always agree as to what should or should not be done, basically, in agriculture, I still send the word of caution that this is an extremely complicated and complex field. And, as badly as I think the soybean producers need some help right now, I think that they could wait and allow the Agriculture Committee to come up with needed corrections—surgery, additions, call it what you will—to the 1985 farm bill after our Agriculture Committee has had a chance to assimilate all of the suggestions that are being made, including one for some marketing loan help for the soybean producers.

Therefore, I say, Mr. President, that I think that this is not the bill, this is not the time, and this is not the place to make the corrections that possibly should be made under the amendment offered by the Senator from Minnesota.

I think it would be much, much better and much wiser if we would take the advice of the chairman, the ranking minority member, and a real expert on agriculture, the man seated immediately next to me, Senator MELCHER, from Montana, and refer this and all other changes that should be made in the opinion of this Senator in the 1985 farm bill to the Agriculture Committee. The facts of the matter are that no hearings have been held on this matter. I am not saying that they necessarily have to be held. But if we are going to piecemeal corrections that this Senator feels are necessary in the 1985 farm bill with amendments being offered on this wheat proposition on the floor of the U.S. Senate, than I think we are not taking action in a judicious manner; I think we are not taking action in a manner that is appropriate to the major change that I think is necessary in the 1985 farm bill.

But, be that as it may, I would simply say, Mr. President, that I will oppose this amendment not necessarily because I do not think something like this is necessary but I believe that this should be referred to the Agriculture Committee, and that the needs of the soybean people should be looked at in the total context of the wheat people, the corn people, the cotton people, the cattle feeders, the hog producers, and all other livestock and grain or food and fiber producers that you could think of. I suspect that there are some other minor or major changes that have to be made in the 1985 farm bill.

If we start piecemealing, taking care of this group with an amendment here, and with that group with an amendment over here, without due consideration by the Agriculture Committee, and without their holding hearings that I think are necessary to get the total picture of changes that should be made, I think we would be giving up very early in this session of the 100th Congress any chance for the meaningful changes that myself and others feel are necessary in the 1985 farm bill.

Some might say, well, but you, the Senator from Nebraska, have stood on the floor from time to time and offered amendments. That is true. I have stood on the floor and offered amendments that I thought were critically necessary for agriculture. My friend from Montana, seated next to me, and this Senator stood on the floor not too many months ago and filibustered or minifilibustered, call it what you will. We were successful in extending, and maintaining the target prices on grains for the second-year period when it was only included in 1 year as the bill came out of the Agriculture Committee.

So, yes, we stood our ground. But that was the time and that was the place. That was the last train out of the station. We stood, we did what we thought was right, and the Senate went along with us. I simply say that the agriculture train is not leaving the station on this minor bill with regard to restoring the correction with regard to wheat disasters that should have been covered and was not in the original piece of legislation.

Therefore, Mr. President, I hope that the Senate will listen to those of us who have stood here on many occasions and fought hard representing the hard-pressed agriculture interests. Indeed, there is today, Mr. President, a depression in agriculture basically in my State. If it were not for the billions of dollars flowing into the farm programs in the Federal Government today, there would be an awful lot of farmers in much more trouble than they are right now.

So I would simply say that this is not the time to rush into this, as attractive as this amendment might sound, and with as much support I might give it under other circumstances.

So I yield to the wisdom of the chairman, the ranking minority member, such members of the Agriculture Committee as Senator MELCHER and others, and I would hope that we would defeat this amendment and attack this problem more appropriately at another day when we can take a look at the whole picture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator has yielded the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nebraska for his comments about the distinguished chairman and myself and the committee. Let me also mention that I appreciate very much the spirit of the distinguished Senator from Minnesota and the Senator from Nebraska, who gave excellent speeches on this subject today.

The marketing loan concept is not the issue before the Senate today. As others have pointed out marketing loans have been used in cotton and rice. It may be appropriate that the Secretary of Agriculture would want to use marketing loans for soybeans or other crops.

As has been pointed out by Senator HEFLIN of Alabama, authority is given the Secretary to use the marketing loan concept for soybeans. He believes that would benefit soybean farmers and benefit the country. So the marketing loan concept is not at issue, and clearly not at issue is whether the Senate wants to help soybean farmers. The Senate clearly wants to help soybean farmers. And the Senate would like to help farmers in each context.

Mr. President, because we perhaps are coming to a decision on the budget point, I just want to review quickly the merits of both the budget point and the total merits of the amendment. The merits of both budget point and the amendment really ought to be understood. The marketing loan idea being presented today comes down to the thought that as a soybean farmer, if I went to the U.S. Government with 100 bushels of soybeans that I did not want to send to the market, why would I not want to go to the market? Well, because I thought the price was too low.

So I go to the U.S. Government and under Senator BOSCHWITZ' plan I could get a $5.02-a-bushel loan using those soybeans as collateral.

Senator BOSCHWITZ' amendment suggests that I could repay that loan not at $5.02, but at whatever the market price might be, somewhere along the trail. The thought is clearly the market price would plummet. And it would, indeed. It would seek whatever the world level might be. We do not know how far down that might be. It might be quite a bit down, as Senators have pointed out. If other governments are subsidizing heavily, the price could decline further.

But as a farmer I could pay off that loan at some point in the marketing cycle at whatever that plummeted price might be.

How could this work? Who will pick up the difference? Obviously the difference will be picked up by the U.S. Government, by the taxpayers. The taxpayers are already picking up a tab of perhaps $25 billion or $26 billion a year for the U.S. farm programs.

The initial estimate is that the first year of the Boschwitz' amendment another $1 billion of support would be required beyond that already in farm programs to pay for the soybean marketing loan program. Over a 4-year period of time the cost is estimated at $2 billion. No one knows whether that would be an adequate sum. As a matter of fact, we have usually underestimated the cost of each of these programs. In this particular case, because the loan that I could get from the Federal Government would be going up from $4.77 to $5.02, at the time the world price would be going down, the gap paid by taxpayers generally would increase.

Furthermore, the soybean program has a feature which is important to the soybean growers such as myself. There are no limits on the number of acres of soybeans I could plant. That is not true if I participated in the program as a corn farmer; I must set aside 20 percent of my historical acreage. Not so with soybeans. In the event that $5.02 becomes the loan rate, it might be a very strong incentive for me to go out to the back 40 and put in some more soybeans. I can very well imagine that many persons who have the ability, because of climate and soil, would do precisely that.

So at the very moment that we raise loan rates, which provides an incentive to produce more soybeans, the world price would clearly fall even further. Our production would become larger; our surpluses which we thought might disappear in this particular scheme, in my judgment, would become larger.

All of us should study the marketing loan concept for soybeans. In due course we shall in the Agriculture Committee. I am sure the distinguished chairman will have appropriate hearings at which people will want to think out and be heard on theoretically how this loan program might work. But, Mr. President, the immediate problem is this year.

Let me just reiterate the points that I think are pertinent. Foreign buyers of U.S. soybeans and soybean products will purchase only hand to mouth from now until the 1987 crop becomes available, because the 1987 crop under this new marketing loan would have very low prices. That means soybeans will be dead in the market, from April 23 onward, and the current prices will fall. They will fall very substantially for everybody who is now in the soybean market.

The South American crops that have not really entered the market in great numbers will certainly come in with a vengeance if this amendment passes because the need will be apparent to them to get rid of their soybeans fast, given the fact that very inexpensive American soybeans will be available in the coming year.

There would be an immediate price impact on 1986 crop soybeans, resulting in 1986 crop loan forfeitures and increased budget outlays. I doubt, Mr. President, a billion dollars will cover what is going to occur in the first year, let alone a 5-year period of time.

In short, Mr. President, I argue that prudence would dictate that we not, as has been pointed out by the distinguished Senator from Montana, take farmers off their tractors today, keep them riveted at their televisions waiting to see whether they ought to plant more acres of soybeans. I would say, Mr. President, that every bit of prudence dictates we not change the program in the middle of the stream. The idea may have some merits but certainly not now. All signs point to danger for soybean farmers if this amendment is enacted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LUGAR. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana has yielded the floor. The Senator from Vermont.

Mr. LEAHY. Mr. President, I note that the distinguished chairman of the Budget Committee is soon going to make a motion on this matter. I can only concur with what the Senator from Indiana has said. I would also stress—and he alluded to this in his statement—that we will look at this question, we will look at it in the committee. We have already begun to consider it in committee. We will continue to do so. It is not the last we are going to hear about a marketing loan for soybeans. However, this is a piece of disaster legislation. It is not an appropriate vehicle to make in effect a major rewrite of part of the 1985 farm bill. I hope, and I strongly urge, my colleagues on both sides of the aisle to reject this amendment, to consider the budget considerations, and to support the chairman of the Senate Budget Committee when he makes his anticipated motion. If we were to have this amendment on this piece of emergency legislation, there is no way in God's green Earth this legislation is ever going to become law.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will be very brief. I see the chairman of the Budget Committee is on the floor. I wish to answer quickly some of the points that were made by my friend from Indiana. He pointed out that more soybean acreage might be planted. I would dispute that, Mr. President. That would mean corn acreage would have to be diverted to soybean production and certainly that is not very likely to occur. There is no set-aside, he says, in soybeans. That is correct. And there is no setside because there is no deficiency payment, and that has been the exchange over the years.

My good friend from Indiana says the South American crop is going to come on to the market with a vengeance. I do not know how he thinks it is going to come on to the market no matter what happens. They are going to come on to the market and they are going to sell their crop. In the event that the marketing loan would bring about a reduction in price—and at this point in the marketing year that is not by any means clear—it will indeed impact the South American producers quite heavily because they are reducing their production of wheat and corn and turning to soybeans. In the event the marketing loan is put into effect—and even if there is a drop in the world price—that will influence them not to increase their plantings of soybeans in the coming year.

The Senator from Indiana points out that there will be costs associated with the fact that there would be a lower repayment on the loan itself. On the other hand, if we allow present law to continue, it means that there will be a loan of $4.77 plus the interest brings it up to about $5, and there is no question that will bring about additional production, which means that there will be a large surrender to the CCC and as he points out and as others pointed out before, the estimates of cost have been way off the mark.

This amendment deals with sound economics. This amendment deals with not selling the beans to the Government as is likely to occur but, rather, bringing them out to the market where they should be. That is the purpose of the POP provision in this amendment. So that indeed we will not cause additional cost to the Government, that we will not cause additional storage cost, interest cost or have that crop overhanging the market.

I thank the chairman of the committee for his indulgence during this debate and also the ranking minority member.

Mr. McCONNELL. Mr. President, I am glad to be an original sponsor of this important legislation. I rise today along with my good friend from Minnesota, Senator BOSCHWITZ, to encourage my colleagues to approve this amendment, an amendment, I might note, with broad based, bipartisan support.

I think this proposal represents an idea whose time has come. For too long soybean growers have been forced to compete on world markets with a dropping loan rate at home, leaving them with no income protection. This amendment would rectify this serious situation.

By mandating a $5.02-loan rate for soybeans in 1987, and authorizing the Secretary to make loan deficiency payments, it allows soybean growers to operate under a de facto marketing loan. Soybean producers will be able to compete on world markets, while maintaining their incomes. To maintain American farmer's competitiveness, the loan rate is lowered marginally in the outyears to $4.77 in 1988, and $4.56 in 1989.

Some will contend that the cost of the provisions of this amendment is prohibitive—I think these cost arguments are exaggerated. The $500 million price-tag is predicated on a national average of $4.77 per bushel and a 2-billion bushel crop. Both of these are unlikely occurrences. Given the desperate situation that these farmers face, I think the benefits of enacting this amendment far outweigh whatever costs we might incur.

This amendment is strongly supported by the Kentucky Soybean Association, and I am glad to lend my support to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the Boschwitz-Cochran amendment and urge its immediate adoption. This amendment, which has garnered the bipartisan support of our colleagues from all across the country, is absolutely essential to the continued viability of our Nation's soybean and sunflower growers. Without its adoption we can anticipate further erosion of our soybean production capabilities as well as the closure of one of this Nation's few sunflower processing plants.

Earlier this spring I had an opportunity to meet with Minnesota soybean growers. They did not ask for anything extraordinary—a chance to be competitive in the international marketplace—a greater commitment from this administration to remove trade barriers abroad—the same level of price protection that other commodity groups enjoy. The amendment we bring before the Senate today is designed to partially address those concerns.

Mr. President, make no mistake about it, the needs of our soybean growers are very real and completely legitimate. When Congress passed the 1985 farm bill, we promised farmers we would protect their income during this turbulent transition to a market-oriented farm economy. For those who grow rice, cotton, corn, wheat, sugar beets or tobacco, the experience to-date seems to indicate that Congress has kept its promise. But the same cannot be said for our soybean and sunflower growers.

For example, in an attempt to be more competitive, Secretary Lyng has chosen to slash the soybean loan rate rather than implement a marketing loan for soybeans. A cut in the loan rate translates into an immediate cut in soybean farmers' income, a fact which is driving them out of beans. The results are obvious—our growers have decided it makes more sense not to plant soybeans than to plant them for $4.77 a bushel or $4.56 a bushel. Such a policy may make sense to someone who wants to further contract American agriculture, but to those of us who are from rural America and understand its pain, such a policy is shortsighted and insensitive.

Mr. President, change normally comes slowly, and certainly does not come easily in rural America, a fact which is borne out by the continued decline in farmers, farmland values, and farm related economic activity in Minnesota. But if it takes changes in the way we do business in this country to move our products abroad, let us find the least disruptive policy. For my part, I won't support a policy that gains market share by cutting farm income. Our farmers deserve better.

Anyone who was born, raised or spent any time in rural America knows how hard our farmers work. Even as we sit in our comfortable offices they are heading out into the fields. Odds are they will be working when we go to bed, and will probably be back out in the tractor before we awake.

And farmers understand the definition of commitment. Year after year they struggle to keep what their forefathers worked to develop. It takes real commitment for these hardworking souls to go back into the fields after being hailed, flooded or parched out, probably more than any politician or bureaucrat could know.

But the question must be asked, how many farmers must we lose in the name of this particular version of a market-oriented farm policy? I think we have lost more than enough. The empty store fronts in rural Minnesota testify to that.

Quite frankly, it will take time to regain markets. And its time for some people to understand that. They are so intent on beating our competitors and exporting our surpluses that slashing the standard of living in rural America by cutting farm program benefits has become their favorite tool. Well, I think it is time to try a different approach. I think it is time to try a soybean marketing loan.

Mr. President, Congress gave the Secretary of Agriculture discretionary authority in the 1985 farm bill to implement a marketing loan program for soybeans. If we did not think there was a need for that authority, Congress would not have done so. The Department's conscious decision not to use that authority has been detrimental to soybean growers. Rather than give the Department another opportunity to slash farm income, now is as good a time as any to mandate a marketing loan for beans.

I would be remiss if I did not point out the positive impact this amendment would have on the sunflower industry in northwestern Minnesota. Most people do not understand that, unlike other commodities, there is no price support program for sunflowers. As such, the growers and the industry are extremely vulnerable to domestic and international developments. The Department's recent change in the oat program illustrates this perfectly.

In a successful, though unexplainable effort to bring more oats into production, the Department of Agriculture unintentionally provided an incentive to shift acres out of sunflowers and into oats. The diversion was so large that the viability of a very important sunflower processing plant in my State was seriously jeopardized. In an attempt to correct the damage caused by the administration's decision, the amendment before us would establish a price support loan program for our sunflower growers. Without this provision, the sunflower industry in northwestern Minnesota will face a very bleak future.

My farmers do not want a handout—they want the same marketing loan option that other commodity growers have. The amendment has been drafted in such a way as to be Gramm-Rudman neutral, or very close to it. So the issue before the Senate is not one of busted budgets or welfare payments to corporate farmers. The issue is one of fairness, of equitable treatment of sunflower and soybean growers, of maintaining of farm income.

In conclusion, Mr. President, I want to take this opportunity to congratulate all those who worked so hard to put this package together. It is impossible to understate the importance of this amendment to thousands of Minnesota's soybean and sunflower growers. I urge my colleagues to keep that in mind as you cast this most important vote.

Mr. BOND. Mr. President, today I join my distinguished colleagues in offering this very important amendment to H.R. 1157. This amendment outlines a program under which U.S. soybean producers can reverse recent trends and once again become competitive in the world market. In addition, provisions are included for sunflowers and cottonseed oil which assure that the oil crops will maintain their historic price relationships. This amendment seeks to put us back in a position where export markets can be actively pursued while producers are able to maintain adequate levels of income support.

It is common knowledge that soybean farmers have been affected by the same problems in the 1980's that the rest of the agricultural sector has been plagued with—declining crop prices, falling land values, rising cost of credit, decreasing share of the world market, and an erosion of public support for agriculture. Soybeans, however, were shortchanged in the debate surrounding the Food Security Act of 1985 and as a result are now at a disadvantage both domestically and abroad. In fact, I believe that the current situation puts soybean producers in the worst possible position: prices are held above world market levels thus stimulating foreign production while the inability to respond to fluctuations in world market prices has resulted in unfair advantages for substitute commodities.

Mr. President, this inequity is of great concern throughout my home State of Missouri. In 1985, Missouri cash receipts for soybeans were ranked sixth in the Nation and No. 1 among the major commodities at $758 million. Missouri is also privileged to be the home of the world headquarters of the American Soybean Association.

But it is not just my State's farmers who are affected as soybeans are produced throughout the country. Last year approximately 500,000 farms produced 2 billion bushels of soybeans in 29 States. In fact, the 63 million acres of soybeans planted in 1985 were worth the combined values of wheat, cotton, and rice. The importance of maintaining export markets is illustrated by the fact that over 40 percent of U.S. soybeans are exported.

Over the last 6 years, Brazil and Argentina have reacted to U.S. soybean provisions by expanding acreage by more than 15 million acres. Over the same period, U.S. soybean acreage has fallen by 11 million acres and our share of the world soybean market has fallen from 83 to 74 percent. In 1979, the United States accounted for 37 percent of the world total vegetable oil trade, while Brazil and Argentina combined has less than 20 percent. By 1986, this relationship had been reversed and the South American's share approached 34 percent while the United States share dropped to 18 percent. Given these conditions, it is essential that the U.S. soybean industry be free to compete against the predatory trade practices exhibited throughout the world.

Mr. President, the U.S. soybean industry has proven a sincere commitment to retain its leadership position in the world market. Recent studies have shown that variable costs of production in the Corn Belt are up to 15 percent lower than those of Argentina and Brazil. Also, marketing costs associated with transportation to export terminals are significantly lower in the United States due to our highly developed infrastructure and United States soybean yields are consistently above those of Argentina or Brazil.

The amendment which we are offering today is one that will benefit not only producers but the Government as well. The implementation of a marketing loan will provide producer income support while encouraging competitiveness, thus encouraging commercial soybean sales in domestic and export markets. This in turn will discourage CCC ownership of soybeans. Export demand will increase as the result of competitively priced soybeans. As demand increases and prices strengthen, the option of loan forfeiture becomes less and less attractive. This reduces direct Government outlays as well as storage payments.

Mr. President and fellow colleagues, for the reasons I have just described, I urge your support of our amendment. This crucial legislation will correct the inequitable position which soybeans and sunflowers have been put in since the implementation of the Flood Security Act of 1985.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, on behalf of Senator DOMENICI and myself and pursuant to section 303(a) of the Budget Act, I do hereby raise a point of order against the Boschwitz-Cochran-Pryor sunflower marketing loan amendment. The amendment would provide new budget authority for fiscal year 1988 in the amount of $1.6 billion. Section 303(a) of the Budget Act prohibits consideration of an amendment which provides new budget authority for the fiscal year until the concurrent resolution on the budget for such fiscal year has been adopted. So, pursuant to 303(a), I do raise a point of order on the Boschwitz amendment.

The PRESIDING OFFICER. A point of order has been raised.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I move to waive the Budget Act for consideration of this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has moved that there be a waiver. Is there a second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the——

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa seek recognition?

Mr. HARKIN. Yes, I do, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Thank you, Mr. President. I understand, Mr. President, this motion to waive is a debatable motion. I ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I had intended to take the floor prior to the distinguished Senator from Florida to raise some questions about the amendment offered by the Senator from Minnesota.

I have heard most if not all of the arguments on the floor, both pro and con, on this amendment. Obviously, what the Senator from Minnesota seeks to do is provide a market loan for soybeans for this crop year. Now, obviously there is a cost involved in that. What I am concerned about, if I could have the attention of the Senator from Minnesota.

Mr. BOSCHWITZ. I would say to my friend from Iowa it is the 1987 crop year. We are still in the 1986 crop year technically.

Mr. HARKIN. I mean the crop year for which they are planting soybeans right now, and some have already been planted in the South. The soybeans that will be harvested yet this calendar year. The Senator is correct; we are still in the 1986 crop year. What I am concerned about is how the Senator from Minnesota intends to offset the $2.3 billion cost of this amendment over the next 5 years. As I understand—and I would ask the Senator from Minnesota to correct me if I am wrong—the amendment of the Senator from Minnesota, he intended to offset this $2.3 billion cost by further asset sales from the Rural Development Insuance Fund. I ask the Senator from Minnesota if that is correct?

Mr. BOSCHWITZ. The Senator from Iowa is correct.

Mr. HARKIN. Mr. President, the Rural Development Insurance Fund loans are 40-year loans for the Farmers Home Administration sewer and water loan programs.

Mr. President, in my figuring, to offset the $2.3 billion cost over the next 5 years, we will need to sell about $4.5 billion of the remaining $5.2 billion in the current loan portfolio because of the discounting of the loans when they are sold. What that means, Mr. President, is that this will draw down on the RDIF Loan Program to below $1 billion.

My question to the Senator from Minnesota is this: What will be the effect on the sewer and water loan program over the next few years? As the Senator knows, in the absence of new appropriations, any new loans will have to be made from existing loan prepayments which, under his amendment, now will be only about $20 million a year, or about one-tenth of the current lending level.

So again I ask the Senator from Minnesota: What is going to be the effect on our small towns and communities in Iowa and Minnesota and all over the country if we only have one-tenth of the amount of money left to fund the sewer and water programs?

Many of these small towns and communities are crying out because they are mandated by EPA to meet effluent standards, or they do not have safe drinking water and want to have clean drinking water. Yet, we are taking the money out of that to fund for this 1 year the marketing loan for soybeans.

So, again I ask the Senator from Minnesota: What is going to be the effect on our small towns and communities?

Mr. BOSCHWITZ. It is my understanding—in response to the question of the Senator from Iowa—that the RDIF is not a revolving fund, so that the repayments made into the fund, as these loans mature over the years—and they are very long-term loans—do not replenish the funds. The funds, in the event they are going to be replenished, have to come out of the Treasury, in any event.

So if the Senator is concerned about that fund, I think his concern is misplaced. These loans have been sold in the past, and they are very sound loans. So that, other than the discounting of interest rates, they do not take very large discount beyond that. The Senator should not be concerned about the fund or the inability to have money to do the things he wants to do. They are not replenished by the repayments that are made on the preceding loans.

Mr. HARKIN. Can the Senator from Minnesota assure me and other Senators that this is not a destruction of the farmers' sewer and water loan program; that, in fact, we will continue to have the same levels that we have had in the past, because of the repayment of these loans, as we go forward for the next several years?

Mr. BOSCHWITZ. The Senator from Iowa knows and I know that I cannot speak for the Appropriations Committee, and we surely cannot project around here more than 20 minutes, much less oncoming years; so I cannot give the Senator any assurances. But the assurances are not weaker or stronger because of the sale of the loans. It does not make any difference.

Mr. HARKIN. I still make the point that basically what we are doing is salvaging one program, a very needed program, the sewer and water loan program, to pay for this.

We all know what we are facing next year and the year after and the year after, with Gramm-Rudman-Hollings. What is going to happen is that the cost of the sale of these assets——

Mr. BOSCHWITZ. If the Senator will yield, we are not salvaging the program. As I pointed out to the Senator, the problems are going to continue, and there will have to be new appropriations. It is not a revolving fund.

I respectfully say to the Senator from Iowa that if you allow the trend to continue, there will be more surrender to the Government with regard to soybeans. In any case, I respectfully disagree that we are salvaging the Rural Development Act, and as to whether the loans are necessary for rural sewers and other things, it is not related.

Mr. HARKIN. I would again respectfully disagree with the distinguished Senator from Minnesota.

I know what we are going to face, going into those next years. We are going to look back and say: "You took money out of RDIF, took money out of the sewer and water program, and because those loans will not be paid back, we will have to have new appropriations." We will be very hard pressed, under Gramm-Rudman-Hollings, to come up with that.

So, to pay for this 1-year shot for marketing loans for soybeans, we are going to be under the gun for the next 3, 4, or 5 years, I submit, on sewer and water loan programs for our small towns and communities, because we will not have those payments coming back in to offset the new loans.

Regardless of whether it is a revolving fund or not, the fact remains that that money is coming in. I am sure that on the balance sheet of the Budget Committee—I cannot speak authoritatively on this—it would be looked at as new loans going out, even though it will not be specifically a revolving fund. We will have to come up with new moneys.

I caution Senators that while those of us in rural areas might want to support something for soybean farmers, many of us representing small towns and communities may be facing hard times ahead for a very important sewer and water loan program, because that is where we are taking the money from.

Mr. COCHRAN. Mr. President, a major objective in developing new farm policy in 1985 was to improve the price competitiveness of agricultural commodities. As implemented for the cotton and rice programs, the marketing loan provision is proving to be very effective in increasing both domestic and export sales. This amendment requires the Secretary of Agriculture to implement the marketing loan provision for the soybean program.

This amendment would allow soybean farmers to sell their crop for a competitive price based on world supply and demand, forcing foreign producers, or their governments, to do the same. Currently, Brazil, Argentina and other nations see they are virtually guaranteed a world price equal to, or with subsidies just under, the fixed U.S. loan rate. This price guarantee has encouraged world competitors to increase their production by 16 percent since 1979, while the United States reduced its production by 10 percent. Foreign soybean acreage has increased by 15 million acres since 1979, while U.S. farmers cut the same 15 million acres.

It is time to take steps to reverse this alarming trend, and send a signal to our foreign competitors that U.S. farmers are not going to be subsidized out of the soybean business. The marketing loan is an effective policy tool to address the price competitiveness issue in an international marketing environment. The cotton program provides an excellent example of the effectiveness of the marketing loan in increasing exports, raising commodity prices, and reducing Government stocks and costs.

As the 1986-87 cotton marketing year began, U.S. cotton stocks had increased to 9.3 million bales, the highest level since 1967. This represented a 5 million bale increase in one season, the largest single-season change in history except for 1937-38. Exports dropped to 1.9 million bales for the 1985-86 marketing year, and total offtake was the lowest of the century.

With the marketing loan in operation for the 1986-87 marketing year, exports are projected to be about 6.8 million bales, the second largest in 28 years and almost 350 percent higher than the previous year. Moreover, domestic mill use will exceed 7 million bales resulting in total offtake this marketing year of 13.8 million bales, the second largest in 20 years. With this offtake, carryover stocks will be about 5.5 million bales, a 41-percent reduction from the beginning level with no CCC owned bales.

Cotton program cost is declining also. After increasing to $2.2 billion for 1985-86, cotton program cost is estimated to decline to $1.8 billion for 1986-87, and is projected to continue declining and in 1990-91 to total only $210 million. And the National Cotton Council projects that these cost reductions will occur even though the acreage reduction requirement will likely be zero during the last 3 years of the farm bill.

Reduced government stocks and program costs are only some of the benefits of the marketing loan provision. The additional cotton moved into the market, about 4.6 million bales, produced significant returns for the economies of local communities throughout the Cotton Belt and Nation. According to a National Cotton Council study, an additional 4.6 million bales produced, processed, and sold would generate about $6 billion in economic activity associated with crop production, ginning, warehousing, shipping, merchandising, seed crushing, and textile processing.

Of course, these comparisons only partially reveal the economic returns from program expenditures that allow additional cotton to be marketed. Not included in the study are the purchases of such essential inputs as fertilizers, chemicals, seed, fuel, and equipment. No account was taken of additional wages for expanded labor requirements, nor of the downstream economic activity associated with the conversion of yarns and fabrics into apparel, home furnishings, and industrial textile products. And, finally, the numbers do not reflect the indirect economic activity made possible by this expanded cotton-related activity such as the purchase of automobiles, food, housing, entertainment, et cetera. The U.S. Department of Commerce suggests that every dollar of farm-related economic activity generates about $2.5 in general economic activity. The total impact, therefore, is great.

Mr. President, it is important, therefore, to adopt a program that will help assure a strong and growing soybean industry by developing and maintaining markets in order to secure the industry's maximum economic potential for the Nation's economy. The cotton marketing loan program is proving to be an effective strategy for improving the economy of rural towns and communities as well as the Nation by moving additional cotton into markets. This amendment requires a similar policy be adopted as the soybean program.

In conclusion, I recommend my colleagues vote for this amendment for two reasons: First, the marketing loan program has proven to be effective, and second, expenditures for a marketing loan program result in more than producer income support—they are an effective investment strategy for revitalizing rural America.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Minnesota to waive the point of order made by the Senator from Florida under section 303(a) of the Budget Act. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "nay."

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—33

Armstrong
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Cochran
Conrad
Danforth
Dixon
Dole
Durenberger
Ford
Fowler
Grassley
Heflin
Johnston
Karnes
Kasten
McCain
McClure
McConnell
Mikulski
Pressler
Pryor
Sarbanes
Sasser
Shelby
Symms
Thurmond
Weicker
Wilson

NAYS—63

Adams
Baucus
Bentsen
Bingaman
Bradley
Byrd
Chafee
Chiles
Cohen
Cranston
D'Amato
Daschle
DeConcini
Dodd
Domenici
Evans
Exon
Garn
Glenn
Gore
Graham
Gramm
Harkin
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Inouye
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Pell
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Wallop
Warner
Wirth

NOT VOTING—4

Biden
Hatch
Nickles
Packwood

So the motion was rejected.

(Later the following occurred:)

Mr. ROTH. Mr. President, on the last vote, I was recorded "yea." Due to a misunderstanding on my part, I thought I was voting to sustain the point of order. I should have voted "nay" on the motion to waive the point of order. I have discussed this with both the leader of the Democratic side, the majority leader, and the Republican leader. I ask unanimous consent that I be permitted to change my vote to "nay" and have it so recorded. I should also point out that this would not change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. ROTH. I thank the leadership for their cooperation.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will provide for new budget authority for fiscal year 1988 before the adoption of the concurrent resolution on the budget for that fiscal year and, therefore, is out of order under section 303(a) of the Budget Act.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order before the Senator proceeds. The Senator will suspend for just a moment.

The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I should note for my colleagues a couple of things. One, I am gratified by the vote because I think it emphasizes the point that the Senator from Indiana and I have been trying to make: we are going to try to get through the farm legislation within the budget, and we are going to reflect that in the nature of the farm legislation as it is brought on the floor. This vote gives us a strong backing for that from the Senate, and I express my appreciation to all my colleagues who backed that effort.

However, I know of the serious concern of the Senator from Minnesota and the Senator from Mississippi and others, I want to assure them this is not the last time we will hear about the marketing loan for soybeans. We have begun to consider it in committee. The Senate Committee on Agriculture, Nutrition, and Forestry will continue to do so. If they have people that they would like to have testify before the committee, I will be happy to make that possible for them. But this bill is not the appropriate vehicle. This bill is an emergency piece of legislation.

I should also note the committee will consider appropriate changes in the 1985 farm bill. I mention this for those Senators who may still be carrying around pocketfuls of amendments to this bill. We will look at these changes in scheduled hearings at the appropriate time.

A number of Members have expressed an interest in changes in particular sections of the 1985 farm bill. I would emphasize to all my colleagues on both sides of the aisle they will be given a forum to raise such changes, and they will be given an appropriate vehicle to consider these changes both in committee and on the floor. But not on this kind of legislation without hearings. This is not the time, and this is not the place to write a 1987 farm bill. But vehicles will be made available, and appropriate hearings will be made available to a number of Members.

The distinguished Presiding Officer and other Senators have raised questions about changes they would like to see. Such vehicles will be made available and we will carefully look at these issues.

Mr. HARKIN. Mr. President, will the distinguished Senator from Vermont yield?

Mr. LEAHY. I certainly will yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to again bring to the attention of the body that just prior to this vote I had engaged in a colloquy with the distinguished Senator from Minnesota. And I had spoken about my concerns about the amendments just voted on, that in fact what it did in my own term is salvage the rural development insurance fund which provides the money for sewer and water loans for small towns and communities to pay for the marketing loan provisions of the amendment. The Senator from Minnesota at that point had said that it was not a revolving fund.

In further checking with the general counsel's office at the Department of Agriculture and others at Farmers Home, I am now told that it is indeed a revolving fund, that it is a revolving fund, and that the Appropriations Committee, on which this Senator is a member, annually sets limits on how much of the revolving fund can be then loaned out for new sewer and water programs for that next fiscal year.

So it is indeed a revolving fund.

Again, I would point out that while I had a great deal of sympathy for the thrust of the amendment offered by the distinguished Senator from Minnesota, and while I know that a lot of soybean farmers in the Midwest support him on this amendment, that in good conscience I could not support it because of what it did to the countless small towns and communities in Iowa, and indeed all over the country who rely upon the sewer and water loan program to upgrade their standard of living for the residents of those small towns and communities.

I pointed out in my remarks prior to the vote that about $4.5 billion of the fund, $5.2 billion remaining, would have to be sold from the portfolio. That would reduce it down to less than $1 billion.

What that woud mean is that the Appropriations Committee would have been limited every year to about $20 billion of the money coming in to loan back out.

I would just point out that in the Senator's own State of Minnesota there are 36 applications pending for $25 million. Yet we only had $20 million for the whole United States.

So I believe the Senate acted correctly in not waiving the Budget Act, and indeed in not approving the amendment offered by the Senator from Minnesota.

Again, I would also hope, and I know that I can trust the word of the distinguished chairman of our Committee on Agriculture, that we will indeed be moving some legislation this year. And I am certain that this will be brought up in subcommittee and in full committee. We can debate it, and I am sure we will have another chance to address this issue on the floor of the Senate.

I would just hope that at that time we do not seek to take the money out of these very important revolving funds which are so important for our small towns and communities.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I would like to respond to the Senator from Iowa. Indeed, this is a revolving fund. There is no mistake in that. However, it is not the type of revolving fund as he has in mind. It is not a fund like the CCC where the principal repayment can thereupon be loaned out once again.

I was correct when I said just prior to the vote that there has to be an annual appropriation with respect to all direct loans that are made in this effort.

So that I, respectfully, say to my friend from Iowa that we were not salvaging it, that he is on the Appropriations Committee, he has the ability to see to it that adequate appropriations are made, and that any direct loans that are going to be made under this fund for the purposes that he has stated have to be appropriated each year.

While I was technically in error that this is indeed a revolving fund, nevertheless I was not mistaken that there does have to be an annual appropriation, that some revolving fund such that you can use the principal as it is repaid for new loans. This one requires an annual appropriation.

So we are not salvaging that account. It was not our intention to do so. We would not have used it as an offset for the amendment if that would have been the result.

I know my friend from Iowa is concerned about these things. I trust that he will be reassured by my statement.

I might tell you that, Mr. President, we have discussed it with both the Appropriations and the Budget Committees.

I yield the floor.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 162

(Purpose: To require the designation of certain lands as "wetlands" under the Water Bank Act)

Mr. DASCHLE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 162.

At the end of the bill, add the following new section:

DESIGNATION OF CERTAIN LANDS AS WETLANDS UNDER WATER BANK ACT

SEC. —. The Secretary of Agriculture shall designate as "wetlands", for purposes of section 3 of the Water Bank Act (16 U.S.C. 1302), areas in the Kingsbury, Hamlin, Lake, Miner, Brookings, and Codington counties of the State of South Dakota that suffered from floods in 1986: *Provided, that,* notwithstanding the designation of such lands as wetlands total payments to owners and operators under the Water Bank Program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987.

Mr. DASCHLE. Mr. President, I rise to offer a technical clarification of the Water Bank Act. This clarification, while modest in scope, will have an important positive affect on a flood-stricken group of landowners in east central South Dakota.

East central South Dakota has experienced unusually heavy amounts of precipitation in recent years. Last year, the President declared the area a disaster and Lake Thompson, normally a small prairie pond, has swelled to the point that it now covers almost 18,000 acres of once productive farm land. The flooding problem continues into this year and many experts expect much of the farm land will be flooded for 10 years or more.

The silver lining in this cloud, however, is the prime wildlife habitat that has been created with the flooding of this farmland. Clearly much of the acreage flooded in this area would be an ideal location for the Department of Agriculture to lease from landowners under the Water Bank Program. Lake Thompson is situated along a main North American migratory flyway for a variety of species of ducks and geese. The vast lake, now the largest in South Dakota, is already a favorite location for waterfowl nesting, breeding, and feeding.

In addition to the tremendous opportunity we have to protect these wetlands for waterfowl habitat, the payments made to landowners under the Water Bank Program will provide a modest income for financially strapped farmers whose land will be flooded and useless for years to come. Enrollment of the flooded lands in the program will benefit the environment, the sportsman, and the farmer.

Despite the many benefits to the environment and beleaguered farmers associated with enrollment of these lands, the Department of Agriculture maintains that the Kingsbury land cannot be enrolled into the Water Bank Program. Local experts in the Water Bank Program maintain this land is eligible under the land classifications identified in water bank statute. No one can deny the benefits the enrollment of this land in the program will have on this important nesting area on the northern flyway for ducks and geese.

Notwithstanding the fact that this land meets the "wetlands" definition in the act, the Department of Agriculture officials in Washington, persist in issuing broad interpretations that indicated that the land will not be accepted into the program. Its own officials at the local level acknowledge that the land should qualify under the program, but Washington continues to block its enrollment.

Mr. President, my amendment is very simple. It simply says that this land, which clearly complies with the water bank definition of "wetland," ought to be allowed to enter into a water bank leasing agreement pending available funds. This amendment perhaps states the obvious, but it is clearly needed. Without it, it appears that the Secretary will continue to block wetlands from enrollment in the Water Bank Program. Clearly defined eligibility requirements were written into law. My amendment only seeks to reinforce the fact that the Secretary is to abide by those statutory requirements in the water bank law.

I urge the passage of this amendment so that flooded lands in east central South Dakota can be enrolled in the Water Bank Program.

Mr. PRESSLER and Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, let me, first of all, commend my colleagues for their leadership on this amendment and with this problem. I am happy to cosponsor this amendment and to say that I think it is a step in resolving a very unique and severe problem in our State.

This agricultural disaster relief bill is supposed to be directed toward unique situations such as we have experienced.

My colleague has very ably described the circumstances. So I will not repeat that. But as the Senate now knows from Senator DASCHLE's remarks, a large area in eastern South Dakota was declared a Presidential disaster area last year due to severe flooding. This has been especially true in Kingsbury County where over 15,000 acres of farmland have been flooded by Lake Thompson which has gone from a small lake to the largest lake in our State. It is a bizarre circumstance. As one who has driven through that area all my life, I find it hard to believe that it has happened as it has.

Several farms have been flooded entirely and dozens of other farms are partially under water. Due to the topography of the area, this water cannot be drained. Hydrologists look at it, and various experts, say it cannot be drained.

As a result, much of this land will remain flooded for 10 years or more. To deal with this problem, we have been working for several months to allow farmers to enroll this land in the water Bank Program. Unfortunately, USDA said the land is not eligible for the Water Bank Program.

All this amendment does is make this flooded land eligible for the Water Bank Program. It will not increase the cost of the Water Bank Program but will just allow these farmers to try to have their land enrolled in the program.

So, Mr. President, in conclusion I am happy to join with my colleague, Senator DASCHLE, in this amendment. We are discussing a disaster bill today. Farmers in the area who have had their entire farm flooded for possibly 10 years certainly have suffered a disaster. This amendment allows us to address the issue for 10 years rather than coming back year after year asking for disaster assistance. Mr. President, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I believe the amendment is a good one. Naturally, when it raised the question of wetlands, we looked at it carefully. It does not change the definition of the term wetlands under the Water Bank Act. It does not change the eligibility criteria under which lands are considered for water bank contracts. Instead, it requires the Secretary to use the authority which he now has under section 3 of the Water Bank Act to designate certain lands with wetland characteristics as wetlands. It is a narrow amendment. It resolves a specific problem relating to flooding in South Dakota.

The distinguished Senator from South Dakota [Mr. DASCHLE] spoke with me about this. I know of the matter he raises. Senator PRESSLER has also just referred to their particular areas of South Dakota. It is a narrowly defined amendment. I have no objection to it. I think it is a good one. I support it.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that a letter from George S. Dunlop, Assistant Secretary for Natural Resources and Environment of USDA, be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Thank you for your letter concerning the enrollment of flooded lands in Kingsbury County, South Dakota, under the Water Bank Program (WBP).

We appreciate the problem that landowners are experiencing with the flooding in Kingsbury County. However, the flooded land that you are referring to would not qualify as eligible wetlands under the WBP. The Water Bank Act provides for Type 1 through Type 7 wetlands as eligible for the WBP. We understand the flooded land was formerly cropland and pasture land and would not meet the criteria for determining inland fresh wetland areas (Type 1 through Type 7) as described in Circular 39, Wetlands of the United States, published by the U.S. Department of the Interior. Congress would have to amend the Water Bank Act to have this land included in the program.

Your interest in the WBP is appreciated.

Sincerely,

GEORGE S. DUNLOP,
Assistant Secretary,
Natural Resources and Environment.

Mr. LUGAR. Mr. President, the USDA had some qualms about this amendment, and for this reason I appreciate very much the cooperation of Senator DASCHLE and Senator PRESSLER in working through an amendment which—I would agree with the distinguished chairman of the Agriculture Committee—fits the policy purposes of the wetlands program and puts a limit on the potential for expenditures as a result of this particular amendment. The language added: "*provided that,* notwithstanding the designation of such lands as wetlands, total payments to owners and operators under the water bank program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987," I think is important to accomplish this purpose. Further, I agree that this amendment deals with a situation that does fit the general context of a natural disaster—land under water due to flooding—and that the farmers want to at least be given an opportunity to see whether their land fits the program requirements at the national level. For these reasons we support the amendment.

Mr. DASCHLE. Mr. President, I rise to express my gratitude to the ranking member and the chairman for their support and their cooperation. They have been immensely helpful in trying to resolve the issue. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate. If not, the question is on agreeing to the amendment.

The amendment (No. 162) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 163

(Purpose: To require the Secretary of Agriculture to appoint a panel to conduct a study on the cost effectiveness of ethanol production)

Mr. DOLE. Mr. President, I have two amendments which have been given to the managers of the bill. They do not cost any money. They are study amendments. The first one I will offer will be an ethanol cost-effectiveness study. There has been one study done by the USDA, showing a rather distorted view because the study was done solely by USDA. Under this amendment there would be other representatives who would be part of a seven-member panel that would make the study: feedgrain producers, feedgrain processors, members of associations involved in the production and marketing of ethanol, and other industry or university-related authorities. The panel would consist of four members representative of the ethanol industry, and then two of the remaining three members shall be employed by the Federal Government. I believe this seven-member panel would present a more objective study.

We outline what the panel shall review: assess the economics and cost of production factors, assess ethanol technology, assess the economic impact on U.S. agriculture, analyze the tradeoffs, analyze the effect on the agriculture economy resulting from increasing levels of ethanol production and the impact fuel ethanol production has on agriculture prices. And we set a date for submission of a report not later than 90 days from the date of enactment. They shall report back to the House and the Senate Committees on Agriculture. So I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 163.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

ETHANOL COST EFFECTIVENESS STUDY

SEC. . (a) The Secretary of Agriculture shall establish a panel to conduct a study of the cost effectiveness of ethanol production.

(b) The panel shall consist of 7 members appointed by the Secretary, of which—

(1) 4 members shall be persons who are representatives of:

(A) feed grain producers;

(B) feed grain processors;

(C) members of associations involved in the production and marketing of ethanol; and

(D) other related industries or institutions of higher education, or both; and

(2) no more than 2 of the remaining 3 members shall be employees of the Federal government.

(c) The panel shall—

(1) review and assess the economics and cost of production factors involved in the manufacture of ethanol in modern ethanol production facilities;

(2) assess ethanol technology, production, and marketing advances that have enabled the ethanol industry to grow rapidly since the inception of the industry in 1980;

(3) assess the economic impact on United States agriculture from fuel ethanol production from United States agricultural commodities;

(4) review and analyze the tradeoffs between Federal production and marketing incentives for fuel ethanol and other agricultural programs designed to enhance farm income and control agricultural production;

(5) analyze the effect on the agricultural economy resulting from increasing levels of ethanol production, including increased employment, increased tax receipts, expanded economic activity, export potential of residual products, and net costs or savings;

(6) provide an analysis of the impact fuel ethanol production has on agricultural prices and farm income; and

(7) analyze the effect of increased ethanol production on the balance of trade, energy security, and air quality in the United States.

(d) Not later than 90 days after the date of enactment of this Act, the panel shall submit a report describing the results of the study to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary of Agriculture.

Mr. LEAHY. Mr. President, I have seen the ethanol cost-effectiveness study and I have heard the comments of the distinguished Republican leader in this regard. The study raises some good points, and I have no objection to the amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Republican leader for a most constructive amendment. I think the information to be garnered by this panel will be very useful to all of us who are deeply interested in the ethanol situation. On this side, we accept the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 163) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 153—CORRECTION

Mr. LEAHY. Mr. President, I ask unanimous consent that in amendment No. 153, which was passed on Wednesday, April 22, in sections 4 and 5 of that amendment, the citations 103AC(c)(1)(B) and 101AC(c)(1)(B) be corrected to read 103A(c)(1)(B) and 101A(c)(1)(B), respectively.

I know this is exciting. [Laughter.]

Mr. President, this is simply to correct an error in the citation that appears in that amendment.

The PRESIDING OFFICER. The Chair will not attempt to repeat that. [Laughter.]

Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 164

(Purpose: To require the Secretary of Agriculture to submit a report to Congress if a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans.)

Mr. DOLE. Mr. President, the second amendment I offer is another study amendment, because I want to make sure the USDA understands that we are concerned about marketing loans for soybeans, feed grains, wheat, and other commodities which are not covered in the 1985 Farm Act. We have been discussing this with the Secretary of Agriculture and others in the Department of Agriculture.

This amendment would require the Secretary of Agriculture to issue a report to the House and Senate Agriculture Committees by July 1, explaining why he has not implemented a marketing loan for wheat, feed grains and soybeans, if he has not used his existing discretionary authority to do so.

The report would require an analysis of the costs compared to the current program and ask for an anlaysis of the effectiveness of the marketing loan programs for cotton and rice.

The Secretary would be required to explain what any expected differences would be between the effectiveness of a marketing loan for cotton and rice and a possible marketing loan for wheat, feed grains and soybeans.

The report also requires the Secretary to analyze whether the generic certificate program result in the same effect for grain export pricing as would be achieved through a marketing loan.

BACKGROUND

Mr. President, many of us feel a marketing loan for wheat, feed grains and soybeans would make these commodities immediately competitive in world markets. The Secretary has authority to implement a marketing loan for these commodities, but has decided against using this authority.

The cotton and rice programs have a marketing loan in place and exports of these commodities have picked up dramatically. If there is a reason why a marketing loan would not be as effective for other commodities then we would like an analysis explaining why this would be so.

We are also asking for an analysis of whether an aggressive use of the PIK Certificate Program could have the same effect for grain export pricing as using a marketing loan.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 164.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

MARKETING LOAN REPORT

SEC. ? . If a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans under sections 107D(a)(5), 105C(a)(4), and 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(a)(5), 1444e(c)(4), and 1446(i)(3)) before the date of enactment of this Act, the Secretary of Agriculture, no later than July 1, 1987, shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains—

(1) a statement of the reasons for not establishing marketing loan programs for the 1987 crop of wheat, feed grains, and soybeans;

(2) and comparison of—

(A) the cost of the price support and production control programs for the 1987 crop of wheat, feed grains, and soybeans; and

(B) the cost of such programs if such marketing loan programs were established;

(3) an analysis of the effectiveness of the existing marketing loan programs for cotton and rice;

(4) and comparison of—

(A) the effectiveness of the current marketing loan programs for cotton and rice; and

(B) the effectiveness of marketing loan programs that could be established by the Secretary for wheat, feed grains, and soybeans; and

(5) an analysis of whether the generic certificate program established by the Secretary produces the same effect on the price of exported grain as would be achieved by establishing marketing loan programs.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the Senator from Mississippi [Mr. COCHRAN] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have no objection to the amendment.

Mr. LUGAR. Mr. President, during the long discussion we have had today about the marketing loan concept, many Senators have indicated that this may have validity with regard to crops other than cotton and rice. The marketing loans for cotton and rice were described by the distinguished Senator from Mississippi as very successful programs.

Criteria as to what constitutes a successful program for farmers, for the infrastructure of agriculture, for consumers, and for world trade are not clear cut for all Senators at this time. I commend the distinguished Republican leader for getting to the heart of the matter and requesting study of a number of possible areas for which Senators will want information. This subject will be revisited by the Senate Agriculture Committee. Hopefully, Senators will have this information before them before we become involved in a serious debate involving billions of dollars in the agricultural economy in the future.

I accept the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 164) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 165

(Purpose: To establish a soybean loan deficiency payment program and a sunflower price support program)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. CONRAD), for himself, Mr. DOLE, and Mr. BURDICK, proposes an amendment number 165.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SUNFLOWER PRICE SUPPORT PROGRAM

Sec. . Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) The Secretary may support the price of sunflowers through loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflowers and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers and soybeans, except the level of loans and purchases may not be less than 8½ cents per pound.

"(2)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(3) If producers are permitted to repay loans for a crop of soybeans under subsection (i) at a level that is less than the full amount of the loan, the Secretary shall—

"(A) make loans and purchases available for the crop of sunflowers in accordance with paragraph (1); and

"(B) permit producers to repay loans for the crop in accordance with paragraph (2).

"(4)(A) The Secretary may, for each of the 1987 through 1990 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflowers the producer is eligible to plant under loan.

"(C) For purposes of this paragraph, the loan payment rate shall be not less than the amount by which—

"(i) the loan level determined for such crop under paragraph (1); exceeds

"(ii) the level at which a loan may be repaid under this subsection.

"(D) At the option of the Secretary, payments to a producer under this paragraph shall be made in the form of cash or negotiable certificates redeemable for any agricultural commodity owned by the Corporation, or any combination thereof.

"(5) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(6)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(7) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

Mr. CONRAD. Mr. President, this is a very simple amendment. It is a protective amendment. It is an amendment that provides discretionary authority for the Secretary of Agriculture to establish a marketing loan program for the 1987-90 crops. But, more important, it requires that if the Secretary would exercise his discretion to invoke a marketing loan program for soybeans that he do the same thing for sunflowers.

Sunflower growers have never had, nor in the past wanted, a sunflower program. However, the current world price situation in the edible oils markets and the potential for Federal Government action to completely destroy the sunflower industry in the United States requires standby authority. And that is precisely what this is, it is a standby authority.

Since 1981, acreage planted to sunflowers has declined from 5.9 to 1.9 million acres in the country, a decline of nearly 70 percent.

This is the minimum level at which a domestic sunflower industry can survive. I want to emphasize that. We are now at the minimum acreage for the sunflower industry in the country to survive.

It is possible that the Secretary of Agriculture will initiate a marketing loan program for soybeans. I think it is unlikely but it is possible.

The pressure for such action stems from the rapid erosion of the competitive position of U.S. producers in soybean markets. Initiating a market loan would restore our market position and reduce the cost of the loan program for soybeans in the long run.

However, while such a program would guarantee soybean growers a reasonable price, it would push the world price of edible oils down, slashing sunflower oil prices, and driving the domestic sunflower industry into bankruptcy.

This amendment requires no budget outlays. Only in the event that a soybean marketing loan is implemented would there be some cost.

The bottom line is that our amendment is designed to protect an industry which is important to our State and other States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is a no-cost amendment. I understand it is purely defensive, partly triggered by the debate we have had today. It would answer questions of the Secretary's intent in the future in this area.

I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from North Dakota's amendment draws attention to the fact that changes in one crop may bring about changes for other crops. In the case of sunflowers, the marketing loan for soybeans would have disastrous consequences without some defensive mechanism. We perceive this amendment to be a purely defensive option. It points out the fact that the Secretary of Agriculture, under current law, has the authority to institute a marketing loan for soybeans. The amendment would provide equity between those two groups.

For that reason, we are prepared to support the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 165) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH. Mr. President, we can all appreciate the hard toll last year's natural disasters took on our Nation's agricultural producers. If we had a vital, vigorous agriculture economy, farmers and ranchers might survive hail and other natural catastrophes. But it has been a long time since the farming sector has had a healthy year, and without Federal assistance many of Colorado's growers would have been faced with imminent bankruptcy following my State's own natural disaster.

Colorado was not spared last summer's rash of natural disasters. As I mentioned yesterday, April 22, in debate on the floor, during the first week of August, three hailstorms pounded the counties of Weld, Larimer, Logan, and Boulder, causing more than $24.3 million in crop damage. The following weekend, I visited with farmers in this area and was astounded at the competitiveness of the destruction—I walked through corn fields in which the crop had been so severely damaged that it was unrecognizable.

I believe last year's Congress acted responsibly in enacting legislation which provided $400 million in partial relief from the hail, flood, drought, and heat losses suffered by America's farmers and ranchers. This assistance was certainly not overly generous, replacing only losses in excess of 50 percent of a farmer's total production. And it was made less generous when the costs of the program exceeded last year's appropriation by $135 million—reducing farmer's assistance to 37 cents for every dollar lost to natural catastrophes.

In the past, I understand that the beneficiaries of the disaster payment program have been primarily producers of program crops—those crops eligible to receive price and income support from the Department of Agriculture. However, the program enacted for the 1986 producers also included provisions giving assistance to the nonprogram crop producer—an unusual but welcome addition, and for which many Colorado producers are deeply appreciative.

However, it seems to me that one group of producers was inadvertently excluded from receiving disaster assistance. These are those farmers who grow program crops—such as corn or wheat—but who have chosen not to participate in the Federal price support programs.

These producers are not less deserving of disaster assistance than the grower of speciality crops and vegetables. In Colorado, many of the producers in the hail-damaged area grew corn to use as feed for livestock—as you may know, cattle is an important industry for my State. These farmers experienced just as much destruction from last August's hailstorm as did their neighbors who grew vegetables or participated in the Federal price-income support programs.

I believe that this is a problem which needs to be examined further. I respectfully request that the Agriculture Committee look into this problem and propose solutions which I hope we could act on in the near future.

Mr. LEAHY. Mr. President, I am sympathetic to the concern of the Senator from Colorado for his feed grain producers whose crops were seriously damaged by hailstorms last year. It is always my wish to help farmers who were affected by natural disaster.

The Senator from Colorado is correct in pointing out that many of the farmers who received benefits from last year's disaster program were producers on nonprogram crops. However, that leads to another important point: There were no programs in which those producers could participate.

As the Senator from Colorado knows, there are programs for feed grains producers. These programs have been established for many years. Feed grains producers in the State of Colorado have every right and opportunity to participate in that program. They also have every right not to participate.

I fear that rewarding producers who do not participate in the farm programs—even though they have suffered unfortunate crop losses—with the same benefits conferred on program participants would be very bad policy—especially in these very difficult times.

I think it would be useful, however to explore with the Senator of Colorado whether his livestock producers who grow their own grain for feed could get some relief from USDA through an emergency feed program. USDA has broad authority to administer such a program. I would be happy to work with the Senator from Colorado on this matter.

Mr. President, I think that we are very—I almost hate to say this—I think there is a strong possibility that we are near completion of this bill. There are a couple of other points.

Unless someone else seeks recognition, I was just going to suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 166

(Purpose: To revise the basis for computation of emergency compensation for the 1986 crop of feed grains and to require that the compensation be payable in the form of negotiable certificates)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself and Mr. GRASSLEY proposes an amendment numbered 166.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)) is amended—

(1) in clause (ii), by striking out "marketing year for such crop" and inserting in lieu thereof "first 5 months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops."; and

(2) by adding at the end thereof the following new clause:

"(iii) Notwithstanding any other provision of law, established price payments for the 1986 crop of feed grains under this subparagraph shall be payable in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.".

FEED GRAIN DEFICIENCY PAYMENTS

Mr. DOLE. Mr. President, Senators GRASSLEY, KARNES, and I are offering an amendment to make the final portion of the 1986 feedgrain deficiency payments immediately available. Advancing feedgrain payments will allow producers to receive money now when spring credit needs are greatest, instead of in October, as established in the 1985 farm bill.

The 1985 farm bill mandates feedgrain deficiency payments to be calculated by subtracting the difference between the target price and the season average price. This means for the 1986 corn crop, final deficiency payments would not be made until October 1987 since feedgrain producers are on a September to August marketing year.

The method established in this amendment would calculate feedgrain deficiency payments for the 1986 crop on a 5-month weighted average price, as was the case prior to the passage of the 1985 farm bill.

A HELPFUL CHANGE

Mr. President, I would underscore that this change in the method of calculating feedgrain deficiency payments will provide producers with $2.7 billion in income payments during spring planting, when credit needs will be greatest. The proposal has no impact on overall Government outlays since the feedgrain deficiency payments will be made regardless of whether payments are made now or in October. We are simply trying to advance the money to the farmer sooner—the amount would be the same but he would have it sooner.

DEFICIT IMPACT

Some of my colleagues may raise the concern that the amendment would raise the 1987 budget deficit by $2.7 billion since the funds are being transferred from fiscal year 1988 into fiscal year 1987. I would simply state this is a unique situation since the amendment would also decrease the fiscal year 1988 budget deficit by the same amount. In effect, there is no increase in Government spending over a 2-year period and adoption of the amendment would be a significant help to many cash-strapped farmers.

EQUITY

This change would also ensure equity between commodity programs since Congress did pass similar legislation prior to adjournment of the 99th session for wheat. Congress made the change for wheat since the level of the deficiency payment was known to be the difference between the target price and the adjusted loan rate. The same situation now exists for feed grains. We should not discriminate against feed grains simply because they have a different growing season.

CONCLUSION

Mr. President, this is a one-time change that will be important to corn and other feedgrain producers.

Mr. DOLE. Mr. President, let me indicate that this would advance the final portion of the 1986 deficiency payment for feed grains instead of delaying to October 1.

I have already indicated to the managers it is fairly obvious from the previous vote that we are not going to succeed because even though we are talking about whether it happens during this fiscal year or the next fiscal year, we are charged with the cost.

I would say to the credit of my distinguished colleague from Iowa, Senator GRASSLEY, I do not know how many hours he met with CBO and USDA and other officials for the last 3 days trying to figure out some way to help the farmer and at the same time get by the budget point of order.

I think we have so far been unable to resolve that rather sticky problem. It would seem to me at this point rather than to offer the amendment, to have the debate, and since we probably know what the outcome is going to be because we are talking about increasing the fiscal year 1987 deficit, it is fairly obvious we are not going to get a favorable vote and probably should not under those circumstances.

But in checking with the House, I am advised that there may be a House bill coming over to do precisely the same thing. It may be subject to the same point of order in the House. It may not pass the House, but if it comes over then we will be back to revisit this and obviously the Senator from Iowa and others could amend other Senate bills as they are brought up whether it is in the supplemental or some other bill.

Let me indicate that I do not intend to pursue the amendment at this time. Others may wish to pursue the amendment. I do not intend to pursue the amendment.

This is a matter of concern to many farmers. This would help a lot of farmers save on interest costs and, in cases where they cannot borrow money, would permit them to have the money at an earlier date. It would be of immeasurable benefit not just to farmers but to rural communities throughout the Midwest.

Having said that and having had the experience of vote counting around here for a while, I withdraw the amendment.

I thank both the managers for their patience and willingness to try to help us work out some way around the budget problem, but as yet, we have not been able to do that. We will continue to pursue that effort and it may be my colleague from Iowa will want to comment on his efforts.

Mr. GRASSLEY. Mr. President, the issue is simple. Only trying to find a way of solving a simple issue around here does not turn out to be so simple, particularly under Gramm-Rudman.

But all we did in 1986, before the announcement of the farm program in deciding how the deficiency payment would be paid for various feedgrain programs, we put off the last payment into October 1987 so it would be charged against fiscal year 1988.

Now, why did we do that? We did that, quite frankly, so it would be easier for us to get to Gramm-Rudman targets for the fiscal year we are in, 1987.

Now, it is not going to cost taxpayers any more whether or not this money is paid out after October 1 or whether it is paid out sometime before September 30 of this year. But the way CBO is costing these things, they are saying that there is a cost to this. The people in the USDA are saying that there is no cost. So for several hours yesterday and today, we have been working with CBO and USDA people trying to figure out how there could be a cost to this thing, and we could not get a resolution of it so that we could come before this body and not be subject to the waiver or even to a violation of our own commitment to the people of staying within the Gramm-Rudman targets that we have committed ourselves to.

But I think we ought to understand that Gramm-Rudman is all done in 1990 or 1991, whenever it is, the adoption of this amendment today would not end up costing the taxpayers one more penny than it otherwise would.

So, as Senator DOLE said, as we discuss this issue right this very minute on the floor of this body, the Agriculture Committee of the other body is considering doing exactly the same thing. Now, it is also my understanding that they are running into the same problems we do of how do you cost this out so it is not charged as a future deficit to 1987, even though long term there is not one more penny cost to the taxpayers.

I would suggest that, as far as I am concerned, even after hours of conversation with CBO and USDA not being able to resolve this, I am not satisfied that there is not a solution to it. I hope for one or two things, either on another vehicle on the floor of this body we can offer this amendment and have it not be subject to a point of order, or that by the time the House provision gets over here we will have it worked out.

But I think we ought to all understand that this is not an attempt to put more money in the pockets of the farmers of the United States, because in the final analysis it is not going to put one more penny in the pockets of farmers, except it is going to allow $2 billion-plus that would be paid on October 1 to be paid a little earlier. And within just a few weeks, we are going to be discussing here the Farm Credit System problems that are before us. There is a general problem with a large percentage of the farmers getting the operating capital that they need. And this sort of money being advanced now at this point for a large percentage of the farmers at least in the upper Middle West would solve a considerable amount of credit problems that we have. So I hope we can work this out in the future. I compliment Senator DOLE for bringing the issue before this body at this time.

Mr. LEAHY. Mr. President, the Senator from Kansas and the Senator from Iowa raise an important issue. I have discussed it with them. We discussed it yesterday and again today. As the Senator from Iowa has just said, hours were spent on both days in trying to work out an appropriate procedure.

The Senator from Kansas, who is certainly one of the most knowledgeable Members of this body on what may or may not pass, has pointed out that as an amendment to this bill the amendment would not in all likelihood pass. This does not mean that we should not examine this issue.

But the Senator from Kansas is absolutely right in raising the issue as is the Senator from Iowa. We will continue to look at this issue. It is a matter of concern to me as chairman of the committee. We will continue to look at it and determine whether in a different form, and on a different bill, it may be an appropriate matter to come before the body. I will certainly pledge to both Senators that I will work with them any way I can to look at this issue.

I do appreciate their consideration, both of the Senate and of this particular bill, in offering and then withdrawing the amendment. It is a great help to all of us. I want them to know that it is a matter of concern to me and that I will work with them to address the issues that have been very properly raised here on the floor.

Mr. LUGAR. Mr. President, I wish to join the chairman in expressing appreciation to the distinguished Republican leader and to Senator GRASSLEY for raising this issue. My own recollection is that, at the time of the consideration of the 1985 farm bill, we came near the end of conference with a cost estimated to be about $55 billion over

3 years. That figure pales in comparision with what the actual costs are going to be if they are $25 billion a year over 3 years.

Nevertheless, there was an attempt in the farm bill conference to cut the total cost of the farm bill by $3 billion during the first 3 years. One of the methods adopted was to delay the timing of deficiency payments.

The money is owed to farmers. The Senator from Iowa has stated that correctly. The payments will have an impact in his State and my State and other States that have a large number of corn farmers, with regard to farm credit and the agricultural infrastructure.

But I appreciate the fact that the distinguished Senators have carefully studied this problem and decided to withdraw this amendment so that the Senate Agriculture Committee and the House Agriculture Committee may consider its impact.

The problem that the managers of this bill have faced is the potential for the introduction of costly, major amendments to a very narrow disaster bill. Due to the thoughtfulness of the distinguished Senators from Kansas and Iowa, we have averted that problem on an issue that must be revisited. I congratulate them for raising it and for giving us the opportunity to review the situation.

The PRESIDING OFFICER. The Republican leader has the right to withdraw the amendment. The amendment is still in order.

Mr. DOLE. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. Without objection, the amendment is withdrawn.

Mr. DOMENICI. Mr. President, I do not want to delay things, but I want to tell the managers I am waiting for an analysis of an amendment that I was going to offer that I will not offer. So I will need about 3 or 4 minutes shortly to just give an analysis of what that amendment would have done. Obviously, in the outyears, it would have been subject to a point of order as I analyzed it myself, so clearly I would not have offered it.

While I wait for the explanation of my amendment, which will be here shortly, I do want to indicate for the Record, while I was not on the floor when the distinguished chairman of the Budget Committee, Senator Chiles, in his behalf and I believe he included my name as a joint movant with reference to the soybean amendment, indicated that he wanted to make a point of order that it violated the Budget Act, I clearly compliment him for that and do now indicate that I am pleased that it worked.

I am very pleased that the Senate overwhelmingly indicated that we do not want to add significant numbers of billions of dollars to this bill, in violation of the Budget Act and in violation of the budget resolution and all that comes with it.

I am sure that the result of that vote has caused a number of amendments, which would have done as much damage or more in terms of dollars to this year's budget and to the process, to not be offered. I think the Senate sent a very clear signal that they do not want to use this bill to add to the budget deficit, nor do they want to use it to significantly modify the farm program in terms of costs here and now on the floor at this time.

Mr. President, again I do not intend to delay much longer, but I do say to the managers that I do need another 4 or 5 minutes and I will return and make my statement.

Mr. LEAHY. If the Senator would yield, we also have, I think, one remaining technical amendment which is also going to take 2 or 3 minutes. I note that the Senator from New Mexico is not going to go forward with his amendment. I agree absolutely with his reasons for this. Once we take care of the technical amendment and have the comments from the Senator from New Mexico, I see no remaining business left and we would then be able to go to final passage.

I explained this for the benefit of Members who might have recently come into the Chamber.

I have not heard a request for the yeas and nays on final passage. Should anybody want them on this side, please let me know. But I do not know of any request, nor do I intend to ask for any.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 167

(Purpose: To achieve uniformity in the computation of disaster payments for all commodities by basing the computation of peanut and soybean disaster acreage on 1986 planting)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. Heflin, Mr. Boren, Mr. Bumpers, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. Leahy), for himself, Mr. Heflin, Mr. Boren, and Mr. Bumpers, proposes an amendment numbered 167.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Dixon). Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

SUPPLEMENTAL PEANUT AND SOYBEAN PAYMENTS

Sec. 7. Section 633(B)(a)(5)(B)(ii) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by adding at the end thereof a new sentence as follows: "Notwithstanding the preceding language of this clause with respect to the 1986 crops of peanuts and soybeans, with respect to producers of such commodities whose 1985 plantings were prevented or below normal levels because of rotation practices carried out by such producers, the limitation shall be based upon the historical plantings of such commodities as determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S. 590h(b)): *Provided*, That the supplemental payments authorized by the enactment of this sentence may be made only to the extent such payments are provided for in advance in an appropriation Act: *Provided further*, That notwithstanding any other provision of Public Laws 99-500 and 99-591, applications for such payments shall be filed by May 31, 1987.".

On page 4, line 20, strike out "section 5" and insert in lieu thereof "sections 5, 6, and 7".

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator Bumpers of Arkansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, this is an amendment that is offered by the distinguished Senator from Alabama [Mr. Heflin], and others noted, to correct again an inadvertent involvement with the peanut program caused by the inclusion of an earlier amendment.

Mr. BUMPERS. Mr. President, I am pleased to cosponsor this amendment and to have participated in its drafting. It will offer protection against inequitable treatment for certain soybean farmers who suffered losses due to natural disasters in 1986.

In 1987, many producers in Arkansas have attempted to qualify for disaster payments authorized in the continuing appropriations bill of late 1986. These were to be commodity certficate payments, not loans, to be made to producers who lost more than 50 percent of their crop due to drought, flood, or other natural disasters in 1986. Besides the 50 percent loss threshold, a producer had to be in a designated disaster county and had to grow of the eligible crops.

A curious provision in the law limited the amount of eligible soybean acres on which a loss could be claimed to no more than the acreage planted with the same crop in 1985. This particular rule was a prohibiting factor for many producers in Arkansas who suffered sizeable losses in 1986, but who didn't plant soybeans in 1985. The ASCS in Arkansas estimates that 30 to 50 producers fell into this category.

In the northeastern part of my State, a very wet winter in 1984-85 prevented farmers from planting winter wheat. The loss of the wheat planting eliminated the wheat/soybean rotation normally practiced, and forced many farmers to plant milo as a compatible substitute. Also, many producers throughout eastern Arkansas switched to milo in 1985 as part of a necessary rotation for protection against cyst nematodes. Cyst nematodes are a major problem for soybeans in Arkansas, and milo can be used as an effective rotation crop because the farming practices and chemicals used are compatible and because milo is a nonhost plant for nematodes. However, in both examples, because of the 1985 rotation, the law prevented compensation for losses suffered in 1986 soybean crops.

Mr. President, it is simply not equitable to provide relief to a producer who grew soybeans in 1985 and deny that same relief to his neighbor who did not. Both suffered disasters. If a producer had been able to stay with the crop he grew in 1985, he would have gotten relief. Yet if he couldn't, even because of circumstances beyond his control, he was put into a different class and therefore denied relief.

This amendment will correct this inequity and allow 1986 disaster compensation for soybean producers whose 1985 plantings were below normal levels or totally prevented because of necessary rotation practices. I certainly believe this is a fair and necessary change, and I urge my colleagues to support the amendment.

Thank you, Mr. President.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared to support this technical amendment on our side. We appreciate the careful draftsmanship of the amendment so that the acreage is determined on a historical basis as opposed to the problem of basing it on a specific year. Because of this careful draftsmanship, we are prepared to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Vermont [Mr. LEAHY].

The amendment (No. 167) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, what is now the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont is advised that, if there are no further amendments to be proposed, the Chair is prepared to consider the bill on third reading.

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was read the third time.

Mr. LEAHY. Mr. President, we have had third reading. Again, I should note it is not my intention to ask for a rollcall for final passage. But I understand that the distinguished Senator from New Mexico intends to speak on this bill. So we may want to hold debate open for him.

I note, Mr. President, that I am extremely grateful to the chief of staff of the Senate Agriculture Committee, Charles Riemenschneider, who has worked so hard on this bill. I am also extremely grateful to the general counsel of the Senate Agriculture Committee, John Podesta, and to Carolyn Brickey, Bob Young, Bill Gillon, Mary Dunbar, Ed Barron, Leslie Dach, and Chis Coffin, who each had to pitch in and work on some very significant parts of this bill. This process has been especially difficult as we have had a number of amendments that came up that had not been considered in committee.

They have, of course, been ably assisted by the Republican side of the committee, with staff chief Chuck Conner and counsel Tom Clark and others on the Republican side, who have worked very hard with them.

I should also note—and it is something that I have seen during 13 years in the Senate—that there is usually more bipartisan spirit displayed in these agricultural bills than in other types of legislation.

I note for the record my personal appreciation of the Senator from Indiana. Senator LUGAR and I have worked closely all the time he has been in the Senate on agriculture matters. It has been an association that I have appreciated. I am especially appreciative of his efforts in trying to get this piece of legislation passed. I think we have demonstrated to the Senate that we are very, very serious about having farm legislation come up that addresses the point it is intended to address. We will have appropriate hearings on other issues, many of which are of great concern, some of which will be hotly debated. But these issues will be brought up in the regular course of business. We will be able to tell the Senate that we will vote on legislation that reflects what it was intended to reflect. We will be able to tell the Senate that we will not rewrite major farm bills on the floor of the Senate; and, that we will conduct our business in the appropriate fashion through the committee in hearings and then bring the bills to the floor. I appreciate very much my good friend from Indiana and his help in that regard.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I deeply appreciate the distinguished chairman mentioning the excellent staff work on his side of the aisle and paying tribute likewise to Chuck Conner. He is the staff director on our side. I would like to mention specifically by name Tom Clark, Charlie Oellermann, and Dave Johnson as those who did an exceptionally good job—as the chairman pointed out—in fielding a good number of amendments, and modified of course some amendments that might have been debilitating to this legislation.

Let me just point out again my appreciation to the chairman and remind him of the opportunity we had to work together when he was the chairman of the subcommittee on general legislation of the Agriculture Committee when he first came to the Senate. I was then the ranking member and working on CFTC and FIFRA legislation. In those days it offered us ample opportunity to deal with complex issues. I appreciate especially our association now and his chairmanship of this committee.

I think he has made an essential point that I would reiterate: At the time the farm legislation came to the floor of the Senate last year, and for that matter the year before that, there was a general expectation—"Katie bar the door"—that almost anything was fair game. The thought in fact was a very defensive one—that farm legislation should never come to the floor unless one anticipated a budgetary catastrophe or at least something veering out of control that was beyond the management of the bill or beyond the Senate's control.

I think that this situation is unfortunate for American agriculture. It just seems to me that the committee, in its consideration of the two pieces of legislation which have been debated before the Senate recently, narrowly defined the objectives of the bills and kept amendments within those bounds during committee consideration. We are now trying to persuade fellow Senators that the responsible way to handle agricultural legislation, as well as any other kind of legislation, is to take one issue at a time, with careful hearings, good background, and testimony.

This legislation we have considered in the last 2 days was widely predicted as a so-called vehicle on which tens of amendments might be grafted. In fact, as we know, tens were drafted by legislative counsel, and offered to cover the whole gamut of American agriculture without proper consideration of their ramifications. I am grateful to my colleagues and to the chairman for steering this bill in a way in which it very narrowly focused on disaster relief, which was the intent of the bill. I am further grateful to the chairman for his assurances that many major problems that were not addressed today will in fact be taken up in the committee in due course after hearings and full debate. I thank the Chair.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two matters. First, I think we are all aware of the Immigration Reform and Control Act as it relates to migrant workers and agriculture. Frankly, I am thoroughly amazed at the regulations that have just been promulgated with reference to what kind of agricultural activities are going to be covered by special agricultural workers and which are not, and they are very, very specific.

For instance, just thinking of one, according to the Department of Agriculture, harvesting Christmas trees is a migrant type of work but harvesting alfalfa is not. They are all over the waterfront. Frankly, I believe for many parts of this country and for many Senators who voted for the special agricultural worker exemption they are going to be amazed when they read those regulations and see that for many temporary farm-type activities, agriculture in the purest sense, these early promulgated rules are going to exclude them and include many others.

Now, I would have offered an amendment today to clarify it, but I think it is a little premature. I think many of us will communicate, I am sure many Senators will when they hear from their farm communities, about the distinctions without differences, the inclusions and the exclusions.

So I think maybe the Senator from New Mexico will just serve notice today to the Secretary that I really believe they ought to do some thinking about those regulations as to migrant worker availability and either be more general or, if they are going to be specific, start considering which parts of agriculture they are excluding that many clearly thought were included. That is one point, and I will not offer the amendment today.

Now, Mr. President, I do want to make a general comment about a portion of this bill as it pertains to budgeting because it never ceases to amaze me how we find new ways to pay for things. I think some expect new bookkeeping and new scoring mechanisms to perhaps make it easier to spend more money and yet not spend more money, if the Presiding Officer understands what I am saying.

So before we wind this bill up, I want to make a few points that relate to the budget and appropriations processes. I believe this discussion is both important and very relevant while we are dealing with this matter.

This bill does something that we never before did in Congress. It authorizes payments with PIK certificates that are subject to appropriations.

Now, we have paid people with PIK certificates. I think we all understand it is almost a new kind of currency. As a matter of fact, I think it is, indeed, part of the St. Louis exchange. They have some activities in PIK certificates, a new kind of market.

But let me repeat, we have never used PIK certificates to pay for something and then suggest that the PIK certificates would be appropriated when you consider their origin. Their origin is part of the Commodity Credit Corporation [CCC], which is an entitlement program.

I understand that these generic PIK certificates are very popular among the farm and agricultural industry, so popular, as I indicated, that they have evolved into their own new and growing form of currency.

It is not my purpose here to question this new form of currency. I think 8 or 9 months ago on the floor of the Senate one evening I reminded the Senate that we are going to get into some kind of big problem; we were paying for disaster relief that evening as I recall with PIK certificates. But I do have some concerns, and I want to make them very clear, that the appropriation of PIK certificates should be handled, in my opinion, just like any other discretionary appropriation. Since we are breaking new ground, I want my comments to be clear. I am not speaking now for the chairman of the Budget Committee, Chairman CHILES. I have not had a chance to go over this with him. But clearly in my mind when we get around to appropriating on this bill, so there will be no misunderstanding at least from my standpoint on how the appropriation of PIK certificates will be scored, I believe the appropriation of PIK certificates should be handled just like any other discretionary appropriation.

At first blush this bill, in the context of the budget, looks very good. That is, it is an authorization bill that is subject to appropriations.

Many might say, "Why should the Budget Committee not be very pleased with that. That is what you want. You do not want anything to be automatic. You want it to be appropriated. So this is an authorizing bill subject to appropriations."

In fact, some might say, "Isn't that the way the budget process wants it to be?" The answer is "Yes." The problem is that PIK certificates show up in the Commodity Credit Corporation [CCC] account, an account which is an entitlement and has its own very special scoring rules.

Mr. President, to fully explain I must first describe CCC scoring.

The CCC receives its farm price support funds from two sources: Authority to borrow from the Treasury up to a limit of $25 billion outstanding at any one time, and authority to enter into contracts up to any amount. These two sources are permanently available to CCC under substantive law without the need for any Appropriations Committee action. In any given fiscal year, the amount of usage from either or both sources makes up the budget authority level for the CCC.

It is important for CCC to have available enough borrowing authority—as opposed to contract authority—to cover its commitments.

Since the amount of borrowing authority available to the CCC is limited by law to $25 billion, it happens from time to time that the CCC does not have enough unencumbered borrowing authority to carry on its business. In that situation, the administration requests a "reimbursement for net realized losses" the effect of which is to free up borrowing authority so CCC can do its work while at the same time reducing the amount of contract authority CCC would have to use.

Thus, enactment of a reimbursement for net realized losses does nothing more than adjust the mix between borrowing authority and contract authority within the existing budget authority total.

For that reason, Mr. President, we do not score an appropriation to reimburse CCC for net realized losses as increasing the total budget authority level available to CCC. Only the mix of funds changes within the total. This means, of course, that outlays are not changed by such action. It also follows that no point of order would lie under section 311 for a reimbursement for net realized losses for the CCC.

Now to the issue at hand. If the appropriators fund a discretionary program—like the one authorized in this bill—by earmarking funds that are appropriated for CCC net realized losses, the additional discretionary spending is not counted.

This should not be the case. And the Senate should insist that discretionary spending, such as provided for in this bill, be offset.

I have an amendment that would have taken care of the problem of providing a funding offset for this bill. My amendment would have transferred funds from an account which had already been appropriated money—the FmHA Emergency Disaster Loan Program. This amendment is a simple and straight forward way of paying for the additional spending authorized by this bill. It is probably the fastest and surest way of getting the assistance to those farmers who need it.

Because my amendment would transfer funds from a loan program to a direct payment program, there would be a small increase in out-year budget authority and outlays and, therefore, the amendment itself would be subject to a section 303 budget act point of order.

Because of this, I will not offer my amendment.

But I want everyone to be clear on this next point—especially the chairman and ranking members of the Appropriations Committee. When we eventually get around to appropriating these PIK certificates for this bill they will be scored as regular budget authority and outlays and must be offset or be subject to a budget act point of order.

Now, I want to close by saying it is my hope that we do not find another way to appropriate just because these are PIK certificates out of the CCC. I hope that we account for the cost of them just like we do other discretionary appropriated items. It may be funny money, as some people think, but it is real bucks. And it should be scored as such.

The issuance of PIK certificates cost real taxpayers' dollars. We issue these certificates called payment-in-kind certificates, and there is no way of getting around the fact that we give real money, real taxpayers' dollars. I hope that we do not use this to find another circuitous way of saying it really is not to be charged against the Appropriations Committee in the appropriations accounts.

Mr. LEAHY. Mr. President, I think that is it. I ask for final passage.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1157), as amended, was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I thank all my colleagues. I am pleased to say that this is now the second piece of agriculture legislation we have been able to pass in the past few weeks relatively unscathed, keeping within the parameters that the bill was originally designed. I hope the other body will accept the changes we have made. I am not going to ask for conferees to be appointed; the House may be able to accept it the way it is. If not, then we would seek conferees. Then I hope the President would sign it.

I do thank all my colleagues not only for their consideration but so many on both sides of the aisle who were willing to withhold amendments when they realized we were very serious about not allowing major changes in this bill.

Mr. LUGAR. Mr. President, I thank the chairman again for his leadership. I thank all Senators for their assistance. We are pleased with the outcome.

GEOTHERMAL ENERGY

Mr. HECHT. Mr. President, just before the Senate adjourned for the Easter recess I introduced S. 1006, a bill to promote the emerging geothermal energy industry in this country. The bill amends the Geothermal Steam Act of 1970 to allow companies that hold geothermal leases to retain those leases where temporary market conditions preclude powerplant construction.

I was gratified that a bipartisan group of Senators, who had cosponsored last year's version of this bill, agreed to join with me this year as original cosponsors of this legislation. I congratulate them on their interest in geothermal energy, and now I would like to invite the rest of my colleagues to consider cosponsoring this legislation.

Geothermal energy development is characterized by large front-end development costs, risky powerplant technology, and diligence requirements on Federal leases that are more stringent than the equivalent requirements for Federal oil and gas leases. The current temporary glut in the world energy market, and the temporary surplus in U.S. electrical power generating capacity, together threaten to undo much of the progress made by the geothermal energy industry over the last 15 years.

Mr. President, it would be very unwise for us to allow this to happen. Geothermal energy is renewable, it is clean, it reduces our need for foreign energy imports, and it protects our electric ratepayers from "rate-shock," because, by its very nature, it tends to be added to the rate base in relatively small increments of about 150 megawatts or less.

The national energy security study, which was recently released by the administration, points out that geothermal energy now contributes about 2,000 megawatts of electricity in the United States, but that this could double by 1995. We have a real opportunity, through this legislation, to assist this renewable energy industry in meeting that goal.

Last year's continuing resolution resolved a major side issue that has held up lease extension legislation for a number of years. This was the issue of providing protection for significant geothermal features in our national parks. The bill I introduced conforms that landmark park protection provision to a regulatory system involving the lease extensions provided under this same bill. With the park protection issue essentially resolved, I hope the Senate will be able to act favorably, and soon, on this legislation that is so important to our renewable energy industry.

Thank you, Mr. President. I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me briefly?

Mr. DIXON. I am always delighted to yield to the distinguished majority leader.

Mr. BYRD. I thank the Senator.

Mr. President, I merely want to announce that we hope to proceed to the consideration of the star schools legislation momentarily. Until then, I ask unanimous consent that Senators may speak out of order and may introduce bills and resolutions, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TAX AMNESTY ACT—S. 254

Mr. DIXON. Mr. President, I rise today to address the pressing problem posed by the "tax gap." The tax gap, that is, the difference between the amount of taxes that would be collected if there was 100-percent compliance with our tax laws and the amount that is actually collected, is steadily increasing. The increasing awareness of this tax gap has contributed to the growing interest and support for tax amnesty legislation. Just the other day, the Maryland General Assembly passed a State tax amnesty bill. The State of Maryland expects that this measure will raise an additional $20 million in revenues.

The State of Maryland joins a number of other States—including Illinois, Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, and Idaho, which have enacted, and in many instances, already implemented tax amnesty programs.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability without being subject to criminal or civil prosecution. In Illinois, for example, the State collected approximately $150 million, far more than the Illinois Department of Revenue originally estimated. As a matter of fact, Mr. President, the State of Illinois Department of Revenue said that we would not raise more than $15 million in a tax amnesty program, and we raised over 10 times that much.

In addition, other States have also demonstrated impressive results. Over 130,000 delinquent taxpayers came forward in California and over $72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. However, the State programs have resulted in placing additional taxpayers back on the rolls. These are additional revenues that the States would otherwise not have been able to collect.

It is true that Federal tax collection efforts are more sophisticated than those of the States. However, compliance with the Federal tax laws is declining. Today, almost one-fifth of the taxes legally owed and due the United States are currently not being collected. This tax gap amounts to roughly $100 billion a year, and it grows every year as the percentage of taxpayers who comply with our Nation's tax laws continues to fall. The Treasury Department has estimated that the tax gap was in excess of $92 billion in 1985, and it projects that this level could rise to between $386 to $473 billion by the turn of the century. Think of it: Almost a half-trillion dollars by the turn of the century.

Revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficits. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination. A tax amnesty/tougher enforcement program can help break the current budget gridlock by making it possible to comply with the Gramm-Rudman-Hollings deficit reduction targets while preserving our ability to meet both essential defense and domestic needs.

Congress has recognized the growing problems which undermine the voluntary compliance that our tax laws fundamentally depend upon. The Tax Reform Act contained a number of provisions designed to improve tax compliance. Indeed, incorporated in that bill was an attempt to deal with the interrelated problems of fairness, complexity, and noncompliance.

Perhaps the most crucial measure of the success of any tax reform is its impact on future compliance. If taxpayers believe the Tax Reform Act really simplifies the Tax Code and makes it fairer, then the slide in voluntary compliance levels may be reversed.

In my view, however, tax reform speaks only to future compliance. It fails to address the issue of collecting even some part of the billions and billions of dollars that the tax system lost in past collections. Neither will increased collection efforts by the IRS result in the payments of the vast majority of these outstanding delinquent balances.

It should not be assumed that there is no way to recover any part of the tax gap from prior years. The successful tax amnesty programs conducted by my own State of Illinois, as well as Massachusetts, California, New York, and other States have demonstrated the potential of this idea at the national level.

Early in this 100th session of Congress, I reintroduced S. 254, the Federal Tax Amnesty Delinquency Act. My bill establishes a 6-month amnesty period, to begin on July 1 after the bill is enacted. The amnesty period would cover all tax years through 1985 still subject to collection by the IRS.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. All Federal taxes would be covered by the amnesty, not just the Federal income tax.

I was greatly disappointed that the Tax Reform Act did not include a one-time amnesty provision. Amnesty and tax reform fit very well together. However, it is not too late to take advantage of the benefits of tax amnesty as we phase in the new tax reform. I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fairminded review of this proposal will result in large, bipartisan support for such a program.

Mr. President, let me simply say in conclusion that as I make these remarks I see the majority leader standing there and shortly we are going to enter onto a very contentious period of time in this Senate concerning the adoption of a budget with dramatic differences between the two sides here in the Senate, differences between the two Houses, differences between the Congress and the President of the United States about how we ought to arrive at this budgetary problem. It is a very serious problem.

I would suggest to my colleagues—I note there are not many on the floor now, but I see my distinguished friend from the State of New York talking to the minority leader who is very interested in this and who has indicated that he wants to join me in this struggle—and I want to say to my friends that there is revenue to be had. I want them to listen to that. There is revenue to be had without taxation. My State, New York, Massachusetts, California, brought in much more money than they expected. Please listen to this. My State brought in 10 times what the department of revenue said would be brought in by tax amnesty.

Yet every time we discuss it we shrink from it here. We debated it a couple of times in the last several years and nothing was done. I am saying to you in a time when we have a budgetary problem beyond comprehension, when we have all these differences between the two great parties, differences between the Houses, differences between the Congress and the President of the United States, if we are ever going to try a thing like this, why do we not try it now? This is the opportunity to possibly bring in some revenue that would do the job to make up the difference of the shortfall that is impressed upon us by the requirements of the Gramm-Rudman-Hollings law and the things we want to do with defense spending and domestic needs.

I appeal, Mr. President, once again to my colleagues to consider this one more time, tax amnesty.

I am prepared to say it is my view that if we adopted a tax amnesty proposal it would bring into the Federal Government upwards to $20 to $25 billion in new revenue that is not now on the books and brings tens of thousands of taxpayers that are now unknown to the Government onto the rolls and I think it is worthwhile doing, and I know that IRS is against it. They have been continuously against it. I want to say, Mr. President, that the time to address this question has come.

I thank the President, and I thank my colleagues for their attention.

The PRESIDING OFFICER. The majority leader.

CALENDAR

Mr. BYRD. Mr. President, the distinguished Republican leader and I have discussed the following request. Both measures have been cleared. The Republican leader is here on the floor. I have reference to Calendar Order Nos. 90 and 100.

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, with the distinguished Republican leader's acquiescence I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 90 and 100, that they both be considered having been read the second and third time and passed en bloc and that the motion to reconsider en bloc be laid on the table and that statements by Senators BRADLEY and LAUTENBERG be included in the RECORD in the appropriate place anent Calendar Order No. 90.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF CERTAIN STUDY RIVERS FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

The bill (H.R. 14) to designate certain river segments in New Jersey as study rivers for potential inclusion in the National Wild and Scenic Rivers System was considered.

Mr. BRADLEY. Mr. President, this legislation the Senate is considering today is identical to a bill Senator LAUTENBERG and I introduced last Congress. Its purpose is to direct the Department of the Interior to study the potential addition of the Maurice River, the Menantico Creek, and the Manumuskin River in south New Jersey to the National Wild and Scenic Rivers System. Companion legislation was introduced by Congressman WILLIAM HUGHES in the House of Representatives. This legislation was very recently approved by the full House.

The National Wild and Scenic River Act, enacted in 1968, offered the first Federal protection for the Nation's rapidly disappearing network of free-flowing rivers and streams. This landmark law preserves selected rivers and river corridor landscapes which possess outstanding scenic, recreational, historic, and cultural values. I believe the Maurice, Manumuskin, and Menantico Rivers have just those kind of unique resources. As early as 1977, each of these rivers was recommended for inclusion in the national inventory of scenic rivers by the commissioner of the New Jersey Department of Environmental Protection.

The Maurice River has its headwaters in small tributaries in Gloucester and Salem Counties. In its progress toward the Delaware Bay, the river meanders through wooded and wetland terrain. As the river nears the bay, it widens and becomes tidal. The river winds in broad loops past the communities of Laurel, Port Elizabeth, Mauricetown, Dorchester, Leesburg, Shell Pike and Vivalre. The Menantico and Manumuskin Rivers also have a rich diversity, passing through fresh water wetlands, swamp forest, upland forest, and local communities.

These rivers host a variety of plant and animal life, including a number of threatened and endangered species. Additionally this river area is lauded as one of the finest for canoeing in the coastal region and is recognized for its pristine water quality.

Those who live in south New Jersey would like to assure that the rivers' water quality and recreational opportunities are maintained through sound planning and management. The Wild and Scenic Rivers Act would help provide this protection through the development of a management plan. The proposed study has the support of all the local municipalities and citizens, as the testimony today will make clear.

The Wild and Scenic Rivers Act has been successful in preserving a number of our Nation's free-flowing rivers. The Maurice, Menantico and Manumuskin Rivers are excellent candidates for the preservation and protection afforded by this act.

I thank my colleagues for their consideration of this important measure. I look forward to the Senate's consideration and approval of this legislation.

The bill (H.R. 14) was ordered to a third reading, read the third time, and passed.

ABANDONED MINE LAND RECLAMATION

The bill (H.R. 1963) to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONGRESSIONAL BUDGET RESOLUTION—S. CON. RES. 50

Mr. BYRD. Mr. President, I have cleared this request with the Republican leader. I ask unanimous consent that on tomorrow I be authorized at any point to call up Calendar Order No. 94, Senate Concurrent Resolution 50.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, momentarily I would hope to bring up the star schools bill. We are waiting for the presence of some Senators who wish to be consulted before that measure is brought up.

In the meantime I ask unanimous consent that the Senators may speak out of order on that or any other subject and may offer bills and resolutions if necessary as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPREME COURT'S DECISION IN THE DEATH PENALTY CASE

Mr. KENNEDY. Mr. President, the Supreme Court's decision yesterday in the McCleskey capital punishment case is a sad day for justice in America, and is deeply troubling to all Americans committed to equal justice under law.

No civilized society can permit race to be taken into account in determining who shall live and who shall die. The statistics before the Court demonstrated beyond a reasonable doubt that, as Justice Brennan stated in dissent, "race casts a large shadow on the capital-sentencing process."

Perhaps the Court will reconsider its regrettable decision. If not, then it is up to Congress and the State legislatures to undo it—and perhaps that is the way it should be done in our democracy.

I do not regard past votes in Congress supporting capital punishment as dispositive of our ability to reverse this decision by legislation.

The struggle for racial justice has been one of the great transforming principles in our society and our history, and it is also capable of transforming the debate in Congress. The racism infecting our present system of capital punishment must end.

ORDER OF BUSINESS

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I hope we are able to get to the star schools bill. We are making an effort. We may not be able to get a time agreement, but at least we can get it up.

We have indicated to the distinguished Senator from North Carolina, Senator HELMS, who may wish to offer amendments that we are not about to enter any time agreement unless he agrees to it to protect everyone's right on amendments. We do hope we can at least bring the bill up to start working on it.

TRAILWAYS ABANDONMENT PROCEEDING

Mr. DOLE. Mr. President, today I have sent a letter to the Interstate Commerce Commission urging them to deny an appeal by Trailways bus system to abandon several routes that would otherwise result in a loss of bus service to nearly three dozen Kansas communities.

The ICC's decision will determine whether elderly Kansans receive medical care, whether businesses will be able to receive necessary supplies to remain in business, and whether many rural hospitals will be able to receive life-saving medical supplies in time.

A recent decision made by the ICC ruled that even though Trailways had operated its routes in Missouri at a loss, the service could not be abandoned because no other public transportation was available for small towns along the line.

I urge the ICC to apply the same reasoning to the Trailways application that was used in the Missouri decision. I would hope you will disallow Trailways from abandoning any of its routes in Kansas by upholding the ruling of the Kansas Corporation Commission. I ask unanimous consent that the text of my letter to ICC Chairman Heather Gradison be printed in the Record.

There being no objection, the text of the letter was ordered to be printed in the Record, as follows:

Since federal deregulation of the bus industry first began in 1982, Kansas has lost all seven bus abandonment decisions apealed to your authority. These abandonments have been severe blows for the communities that were served, but the recent application by Trailways to abandon services to 35 Kansas communities will have even broader ramifications.

In many cases, (your decision) will determine whether elderly Kansans receive medical care, whether businesses will be able to receive necessary supplies to remain in business, and whether many rural hospitals will be able to receive life-saving medical supplies in time.

A recent decision made by your authority ruled that even though Trailways had operated its routes in Missouri at a loss, the service could not be abandoned because no other public transportation was available for small towns along the line.

I urge you to apply the same reasoning to the application filed by Trailways to terminate a significant portion of its routes in Kansas. I am encouraged by your recent (Missouri case) ruling, and hope you will uphold the Kansas Corporation Commission ruling to disallow Trailways from abandoning any of its routes in my home state.

STAR SCHOOLS PROGRAM ASSISTANCE ACT

Mr. DOLE. Mr. President, we have been in contact with the distinguished Senator from North Carolina, Senator Helms. I am now able to proceed with the legislation on this side. I think Senator Helms does make a point. As he said, he had some questions about the bill and wanted to be here, but he is also the ranking member on Foreign Relations. They are in a committee meeting, and it is pretty hard for him to be there and here. I just make the point, I know it is not by design or anything, it happens to be an extraordinary meeting of that committee so he does have some legitimate concern we could address if it should happen again. But he has granted permission to bring the bill up and to have a vote on it.

Mr. BYRD. Mr. President, I thank the Republican leader. I thank Mr. Helms. In accordance with what the distinguished Republican leader has said, I ask unanimous consent that the Senate proceed to the consideration of Calender Order No. 85.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 778) to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Star Schools Program Assistance Act".

PROGRAM AUTHORIZED

Sec. 2. The Education for Economic Security Act is amended by adding at the end thereof the following new title:

"TITLE IX—STAR SCHOOLS PROGRAM

"SHORT TITLE

"Sec. 901. This title may be cited as the 'Star Schools Program Assistance Act'.

"STATEMENT OF PURPOSE

"Sec. 902. It is the purpose of this title to encourage improved instruction in mathematics, science, and foreign languages through a star schools program under which demonstration grants are made to eligible telecommunications partnerships to enable such eligible telecommunications partnerships to develop, construct, and acquire telecommunications audio and visual facilities and equipment and obtain technical assistance for the use of such facilities.

"PROGRAM AUTHORIZED

"Sec. 903. (a) General Authority.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment and for technical assistance.

"(b) Authorization of Appropriations.—(1) There is authorized to be appropriated $100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992.

"(2) No appropriation in excess of $60,000,000 may be made in any fiscal year pursuant to paragraph (1) of this subsection.

"(c) Limitations.—(1) A demonstration grant made to an eligible telecommunications partnership under this title may not exceed $20,000,000.

"(2) Not less than 50 percent of the funds available in any fiscal year under this Act shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981).

"ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS

"Sec. 904. (a) General Rule.—In order to be eligible for demonstration grants under this title, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, health institutions, and industry, except that any such agency or corporation shall contain representation of the interests of elementary and secondary schools who are eligible to participate in the program under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981); or

"(2) a partnership which includes three or more of the following which will provide a telecommunications network:

"(A) a local educational agency, which has a significant number of elementary and secondary schools which are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981),

"(B) a State educational agency,

"(C) an institution of higher education,

"(D) a teacher training center, or

"(E)(i) a public agency with experience or expertise in the planning or operation of a telecommunications network,

"(ii) a private nonprofit organization with such experience, or

"(iii) a public broadcasting entity with such experience.

"(b) Special Rule.—An eligible telecommunications partnership must be organized on a statewide or multistate basis.

"APPLICATIONS

"Sec. 905. (a) Application Required.—Each eligible telecommunications partnership which desires to receive a demonstration grant under this title may submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each such application shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought which may include—

"(A) the design, development, construction, and acquisition of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to elementary and secondary school teachers (particularly teachers in schools receiving assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)) in using the facilities and equipment for which assistance is sought; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages;

"(3) describe the teacher training policies to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(4) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(5) provide assurances that a significant portion of the facilities, equipment, technical assistance, and programming for which assistance is sought will be made available to elementary and secondary schools of local educational agencies which have a high percentage of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981);

"(6) describe the manner in which traditionally underserved students will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this Act; and

"(7) provide such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary shall, in approving applications under this title, give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign language resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including public and private elementary and secondary schools (particularly schools having significant numbers of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)), programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities including the capability of training, retraining, and inservice upgrading of teaching skills;

"(6) the eligible telecommunications partnership will serve a multistate area; and

"(7) the eligible telecommunications partnership will, in providing services with assistance sought under this Act, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this title, the Secretary shall assure an equitable geographic distribution of grants.

"DISSEMINATION OF COURSES AND MATERIALS UNDER THE STAR SCHOOLS PROGRAM

"SEC. 906. (a) Each eligible telecommunications partnership awarded a grant under this Act shall report to the Secretary a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers which will be transmitted over satellite, specifying the satellite on which such transmission will occur and the time of such transmission.

"(b) The Secretary shall compile and prepare for dissemination a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers equipped with satellite transmission capabilities, as reported to the Secretary under subsection (a) of this section.

"(c) The Secretary shall distribute the list required by subsection (b) of this section to all State educational agencies.

"EVALUATION

"SEC. 907. (a) EVALUATION.—The Office of Technology Assessment may, upon request, beginning after September 30, 1987, conduct a thorough evaluation of the use of the telecommunications systems supported by grants made under this title.

"(b) REPORTS.—The Office of Technology Assessment shall, after a request made under subsection (a), prepare and submit a report to the Congress, on the evaluation authorized by this subsection.

"STUDY OF FEASIBILITY OF AN EDUCATIONAL SATELLITE

"SEC. 908. (a) The Office of Technology Assessment may, upon request, conduct a study and evaluation of the cost of designing, building, and launching a satellite for educational purposes, together with an analysis of—

"(1) the demand for the use of a satellite for educational purposes; and

"(2) the ability of users of such a system to repay the cost of such a satellite.

"(b) If the Office of Technology Assessment finds, after a study and evaluation conducted under subsection (a), that the cost entailed in designing, building, and launching such a satellite could be repaid within 10 years by the potential users of such a satellite, the Office of Technology Assessment shall notify the Congress of its findings.

"DEFINITIONS

"SEC. 909. As used in this title—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, and a State educational agency;

"(2) the term 'institution of higher education' has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

"(3) the term 'local educational agency' has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

"(4) the term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934;

"(5) the term 'Secretary' means the Secretary of Education;

"(6) the term 'State educational agency' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

"(7) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. KENNEDY. Mr. President, today we are considering S. 778, the Star Schools Program Assistance Act. I am asking you to vote favorably for a new idea in education that matches the technology of the future with America's needs for the present. Our proposal is to link together the universities, colleges, secondary schools, and businesses of this country by satellite, so that the best teaching resources in the country will be available to all of our students. We call this idea star schools, and we believe it offers great promise, at a cost we can afford, in dealing with one of the most serious long-term challenges we face.

The economic battles of tomorrow are being fought in the classrooms of today, and the news from the front is not good. In survey after survey, American students are at the back of the class in math, science and foreign language achievement.

Japanese students score twice as high as our students in both chemistry and math achievement tests.

It should come as no surprise that the Japanese also have twice as many engineers working in their industries and have twice as many patents per capita as we do.

It is unlikely that this trend will be reversed by present policies. If anything, the education gap will widen. Only 35 percent of the high schools in America even offer a physics course. The National Science Board reports that by 1995 we will need twice as many teachers in math and science as we have today. But for every qualified math and science teacher entering the field, 13 are leaving for greener pastures.

And this exodus is taking place in the face of the serious shortage of math and science teachers on hand today. The National Science Teachers Association estimates that 30 percent of all math and science teachers in this country are completely unqualified or are seriously underqualified to teach these subjects.

The cost of a traditional national program to recruit, train, hire and upgrade the Nation's math and science teachers so that American students would have qualified instruction is between $10 and $20 billion.

The alternative we are proposing is affordable, and would address this challenge by offering grants to State and multi-State telecommunications partnerships to provide math, science and foreign language courses by satellite and other telecommunications devices to local schools.

Two elements are critical in establishing programs to link a region in this way—hardware and homework.

The hardware necessary for a satellite education program includes transmitters based on the ground, transponders—receiving and transmitting units on a satellite—and down links, which are satellite dishes.

Homework means creating the necessary network of participants for a satellite project to succeed. It requires cooperation between businesses, secondary schools, teacher training centers, and the higher education community. It means training teachers at those schools most severly hindered by a lack of financial resources to complete this critical instructional task.

Under our proposal the burden will be on the States and regions to perform this hard work. Through this legislation, Congress will be challenging them to assess their needs for better education, to match needs with resources available in the region, and to target resources to the most deserving elementary and secondary schools and other institutions.

Our proposal asks the Federal Government to bear the cost of the initial hardware, programming, and training for the networks which have done the homework to make the program successful.

Grants of up to $20 million would be available to partnerships of local educational agencies, State educational agencies, public or private nonprofit entities with experience in telecommunications, institutions of higher education, and teacher training centers on a statewide or multistate basis.

Total budget authority of $100 million be available over the next 5 years, with a maximum of $60 million authorized in any single year.

Participating networks will be required to provide a description of available education offerings to the Secretary of Education.

The descriptions would then be distributed to all State educational agencies so that institutions which have received equipment might benefit from new programming even if they are not part of the formal network. Over time, the program will become a national project of shared education resources.

Even a one-room schoolhouse—with a satellite dish outside the door—will have access to a world of new information.

The advantages to all secondary schools in having access to this information are clear, but the benefits are greatest in rural areas and school districts with limited resources.

Often, such schools are now unable to provide even minimal quality courses in math, science, and foreign languages.

The star schools proposal will help to bring educational excellence to all. Teachers will have access to the additional training needed to instruct their students.

Colleges and universities will be linked to previously unavailable resources. Small and rural universities and schools may benefit the most, but excellent schools will benefit, too. No institution has a monopoly on knowledge; sharing resources will permit even our best institutions to enhance their stature.

The cost of continued failure in education is enormous. It can be measured in billions of dollars in trade resources lost alone. But the true cost of inaction will be the lost talents of an entire generation of America's youth. Students deserve a better education, and this legislation can bring it to them.

If it succeeds, we shall once again make good the promise of American excellence in our schools.

I urge the Senate to approve the Star Schools Program, and to join in this effort to bring more and better instruction to students in every State.

Mr. President, one of the developments that I think is being experienced in some school districts all across our country with scarce resources is the following: The school board or the Education Committee has to make a judgment on how they are going to allocate scarce resources. In many of those school districts, they have young, talented students who want to major in math and science and in foreign languages. But that number might have decreased over recent years from 40 maybe 4 or 5 years ago down to 20 at this time. They may be enormously gifted and talented young people but, because of the crunch on the budget of these various school districts, the school board has to make a decision about which courses to continue and which to drop.

Time in and time out we have heard in our Education Committee, as the former chairman of the Education Committee, the Senator from Vermont, Senator STAFFORD, remembers, and our own chairman currently, Senator PELL, remembers, time in and time out the courses that are being dropped are the math, science, chemistry, physics, and the foreign language courses. So at a time when we ought to be breathing life into these various programs, we are finding an increasing pinch in school district after school district all across this country.

Now, we believe that we have seen enough programs which have been successful using the satellite technologies to beam quality teachers into schools, which may have a smaller number of gifted and talented students who want to work in these various areas but the school district is going to channel them out or they are going to be required to travel miles in order to get the instruction, where you can take the best of high school teachers in math and science and have their instructions beamed into school districts which may not be able to afford a school teacher.

What we are thinking about is not only to use this kind of technology between secondary schools, but between colleges and secondary schools, between businesses and secondary schools or colleges or community colleges in terms of training programs. The ability to transfer that kind of information at this time is enormously important.

Often we, in the past—and I have joined with others in the past—in our effort to provide greater attention for math and science courses, have supported increases in appropriations for math and science courses. What has happened in many instances is those resources are spread out over school districts and a school district may get $400 or $600 to work in math or science. That certainly is not really enough to develop a continuing and ongoing program in these particular areas, even if we get into a few hundred million dollars. And we have seen from the National Science Foundation and the National Teachers Association, who have studied this particular issue, that if we did it in the traditional way we are talking $10 billion or $20 billion in order to try to upgrade our schools all across our Nation.

We do not believe that this is the only answer to try to get greater attention and focus on science, math, and foreign language courses in our schools. It is not the only answer. We know the work that is being done by the National Science Foundation in innovative and creative ways in trying to find means to be able to address what is really a matter of a national crisis. But we do believe that we have sufficient evidence to date to recognize that with the kind of approach that we know included in this program, to try it on an experimental basis and, if it is successful, to make a general application across our country to require the pooling of information—and that is going to be absolutely essential, a pooling of information—make that kind of information available even outside a particular regional area so if, for instance, other regions of the country have the technical capability to draw down on the various people, that they will be able to take advantage of this, as well.

It seems to me, Mr. President, that this is an idea whose time has come. It is a limited program. I think it is well thought out. We have had days of hearings on this program. I think it offers some real hope of trying to do more with scarce resources.

And I am very hopeful that we can move ahead with this legislation.

We had very strong bipartisan support for this in our committee, and in the full committee. And I would hope that we could move ahead and send a very clear and important message to students, to teachers, to parents, to universities, and to the private sector that we are here in Congress serious about trying to deal with this issue.

I listened to the eloquence of my good friend from Illinois speak about the fact that we are going to be debating the budget considerations and probably the trade measures later in the next few weeks. Underlying a great deal of the problems in terms of trade has been the capability for the United States to compete, particularly in these areas of math and science; 40 percent of all new wealth that has been created in the last 15 years has been created through progress in math, in science, and in those fields. It seems to us, Mr. President, that we hopefully can be ahead of the curve instead of behind the curve on this important issue. I would hope that later in the afternoon we will have an opportunity to vote on this measure.

I yield the floor.

Mr. SANFORD. Mr. President, as one of the cosponsors of this legislation, I would like to take this opportunity to commend my distinguished colleague from Massachusetts for having introduced this forward-looking proposal to improve mathematics, science, and foreign language instruction. Citizens literate in the sciences, mathematics, and foreign languages will clearly and increasingly be the cornerstone of our economic competitiveness and of the quality of our life.

We must bear in mind that education is the foundation of the process that leads to a Nobel Prize in physics, a cure for AIDS, new products and materials for industrial, military, or industrial consumption, or an improvement in the process of production.

Just as science and engineering are essential to both the development of high technology industries and to the modernization of traditional industries, science and mathematics are the essential tools of all people in a modern society.

North Carolina has long recognized the importance of mathematics and science education. We established the Nation's first high school designed especially to provide challenging educational opportunities for students with special interest and potential in the sciences and mathematics. Over the years, this school and our fine network of public and private colleges and universities have yielded the many highly skilled graduates North Carolina has needed to assume jobs and contribute to our enriched economy, particularly in Research Triangle Park.

What has primarily accounted for the success we've had in the Research Triangle has been strong cooperation among business, government, and academia. Today's proposal will further fuel such cooperation by encouraging the formation of partnerships among elementary and secondary schools, institutions of higher education, and private organizations and public agencies with experience and expertise in planning and operating a telecommunications network.

For years, I was proud to be associated with an agency that used just such an approach to bringing mathematics and science to rural schoolchildren in Appalachia. The Learning Channel was created specifically to bring education into a region that lacked resources and properly certified teachers. Today, the Learning Channel offers educational opportunities to 8 milion homes, schools, and businesses in the 13-State Appalachian region, the Rocky Mountains and Alaska.

That the Learning Channel has been able to accomplish so much has been a function, as much as anything else, of the creative relationships it has forged with NASA, the National Science Foundation, the Appalachian Community Service Network, the Education Department, and a wide range of businesses and nonprofit groups. Together, they are helping to develop the minds and talents of millions of children who otherwise might be short-changed.

Today's bill will help further the creation of other networks like the Learning Channel, bringing together the Nation's telecommunications and broadcasting resources to develop another of our Nation's greatest resources—our children. It will help bring educational excellence into the lives of the next generation of leaders. I strongly urge the support of my colleagues for this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Mr. President.

I rise in support of this legislation as one of the cosponsors.

Mr. President, I just completed a tour of all Maryland counties in my first 100 days as a new Senator from Maryland. One of the issues that continually arises is the question of teacher supply and teacher availability. How can we have enough teachers in the classroom? As I particularly visited many of the rural counties in Maryland, we find that we cannot meet that teacher shortage. This is most acute in particularly the science and technology area.

In one of my counties we see that a particularly talented science teacher was being paid $18,000 a year. Over a 5-year period he might even go to $22,000. The private sector down the road offered him a salary of $38,000. He said to me, "Senator MIKULSKI, I have got to be a good dad, and not worry about being a good teacher." He left us. How we will keep him I am not sure. But one thing I do know is we can find talented science teachers and use them through the star wars concept to go into the remote areas of Maryland, Minnesota and Massachusetts. Surely if we have the money to build a station in space, we should use the money to use space technology to put teachers in classrooms.

I think that it would solve an important national problem. I would like to congratulate the Senator from Massachusetts on a most innovative idea in which we can make teachers available, accessible, and in an affordable way in classrooms that we now do not have. I hope the Senate supports this legislation.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I do want to join the distinguished Senator from Massachusetts in praise for the idea of Star Schools Program.

Our Nation, of course, has had a constructive and conscientious education reform movement taking place now for a few years. Attention has been paid in that reform movement to curriculum, graduation requirements, teacher education and many other important areas that need to be addressed. In most communities citizens, teachers, school administrators, school boards, elected officials, and even students are working on that school improvement. However, in order for our citizens of the 21st century—and those you would have to know are the people who are students of today and tomorrow—to be competitive and to be prepared, we must make some changes in the method of teaching, we must use the technology available to us to best instruct our students, and to train and to retrain our teachers. Because of staffing problems, because of costs involved, and many other things that we can mention sometimes students do not get to take the classes that of necessity they need because not enough students are at a particular level to offer that class.

These students will not be able to have their needs met. And in other instances schools do not have the most qualified teachers, those teachers possessing the most current knowledge in their field, or those able to teach at the level to meet the individual student's needs.

I suppose this is really more of a problem in rural areas maybe than in more metropolitan and urban areas, particularly suburban areas of the country. But it is a problem in every State, the very least to say. But of course this happens more frequently in advanced classes than in beginning classes but can also happen at any level. Students in rural areas and small schools are especially victims of the limited curriculum. Math, science, and foreign languages are subjects that are absolutely needed by our future citizens to make us competitive, and in areas where typically schools have fewer qualified teachers new teaching methods and strategies to address these problems are essential.

Using telecommunications and interactive television, the star schools concept will help remedy these situations. This project can bring the most qualified teachers with the most up-to-date curriculum to the classrooms across the country. It has the exciting potential of linking strong instruction and curriculum with previously unchallenged minds of students. Through this technology the most needed teachers, those in the areas of greatest teacher shortage—that is probably today math, science, and foreign language, but tomorrow it might be some other areas of instruction—can be matched with schools having the greatest need. Updating teacher knowledge and training is another essential component in providing the best possible learning situation for our children.

This bill will allow access to resources previously unavailable to many teachers and to teacher training institutions.

I wholeheartedly support the use of advanced technology to help our Nation address the critical problems we face in preparing all of our students for their roles as productive citizens. And I encourage each of my colleagues to support this initiative so we can begin to make a difference for all of our students.

I want to thank Senator KENNEDY because I know that we have many rural schools in my State which are going through the needs that are unmet today, and this may be a tool to help them do that better job.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, first of all, I want to compliment the very able chairman of the committee, the manager of this bill, Senator KENNEDY, for his authorship of the concept of star schools. The bill itself has been so well described, by previous speakers. How the Star School Program will work, and the necessity for it has been outlined by the able Senator from Massachusetts, Senator KENNEDY, so I will not take the time on this side to go into detail at this point.

The purpose, of the bill is to increase and improve availability of instruction in math, science, and foreign languages to elementary and secondary postsecondary schools and teacher training centers. That really is a brief summary of what it does.

With regard to the star schools bill, the amendment which I offered at full committee will require that 50 percent of the funds in this program be spent for services and equipment at chapter I eligible elementary and secondary schools and this amendment has now been incorporated in the legislation. My amendment assures that students from poor elementary and secondary schools will be among the principal beneficiaries of this program to improve math and science instruction.

The strength of the Star Schools Program lies in its partnership approach in the judgment of this Senator, this partnership approach is necessary to address an important educational problem: How to improve mathematics, science, and foreign languages instruction at our elementary, secondary, and postsecondary educational institutions using the benefits of modern technology.

I think it is especially important, Mr. President, that we move ahead in instruction in mathematics, in science, and in foreign languages, that we move aggressively, and that we use the most advanced technology that we have to do so.

I am well aware, being a little bit provincial, that this program can reach rural America as well as urban America because, as it is structured in the New England area, it will reach many isolated areas in my own State of Vermont which is often described as the most rural State in the country.

So it is going to reach areas where it is needed most, in my opinion, rural areas so that modern technology can bring the most updated instruction to students in rural schools especially students who are from economically disadvantaged families.

I have often said, Mr. President, that in my judgment the very best investment we can make with the American tax dollars is in education.

Without that investment, I do not see how we can expect to be competitive in today's technological world. I attended a caucus meeting today on the competitive position of the United States, and education was one of the principal areas discussed. The caucus came to an agreement about certain things we need to do in this country. I am sure they would consider this to be one of the things we need to do, to go ahead with this program and assure that we have available in the future as many talented and educated individuals in this country as we possibly can. One of the ways we can assure that is through the Star Schools Program that Senator KENNEDY and the other members of our committee have proposed.

Mr. LEAHY. Mr. President, I would like to say a few words in favor of S. 778. This measure would link universities, colleges, secondary schools and businesses by satellite, as a means of sharing the best available teaching resources. The purpose is to offset the weakness in math, language and science education nationwide.

The need to strengthen these vital programs is clear. Survey after survey shows that American students lag far behind students from Japan and other countries in math, science, and foreign language achievement. The results of the Japanese stress in these areas is clear. The Japanese have twice as many engineers working in industry and have twice as many patents per capita as we have.

Contrast this with the United States where only 35 percent of the high schools offer a physics course. On top of this, the Nation's students are watching as their math and science teachers leave for the private sector. Of those left, it is estimated that 30 percent are either unqualified or seriously underqualified. The National Science Board estimates that by 1995 twice as many math and science teachers will be needed as we have today.

It is abundantly clear that the poor showing by American students has had a serious impact on our Nation's ability to compete in the world marketplace. Much has been spoken recently about competitiveness here in Congress and elsewhere. If we are truly serious about becoming more competitive in the world market, one of the first places to start is by improving the quality of the math, science, and language programs in our schools. In addition to improving our competitiveness, there are two other reasons why I believe that S. 778 is a good step toward addressing our educational deficiencies.

First, the bill would fund educational networks that would benefit greatly rural areas and school districts with limited resources. In many cases, schools in these areas are unable to offer quality courses in math, science, and foreign languages. The benefits are many for students and teachers in these areas who would otherwise have no access to the resources of a major university or business.

Second, in an era of budget belt tightening, S. 778 is a much less expensive alternative to a traditional program to recruit, train, and upgrade math, science, and language teachers. S. 778 proposes an outlay of $100 million over 5 years while a traditional program would cost $10 to $20 billion.

In conclusion Mr. President, I call upon the Senate to support S. 778 and ask to be listed as a cosponsor.

Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues in supporting S. 778, the Star Schools Program Assistance Act. This bill provides grants to State and multistate telecommunications partnerships to provide math, science, and foreign language courses by satellites to elementary and secondary schools.

S. 778 authorizes $100 million over the next 5 years for the purchase of equipment and the training of teachers, and for other materials which are necessary to allow students to take full advantage of the academic opportunities afforded by this advanced technology.

This bill also envisions many different organizations within the community working together to enhance our students' education. Local educational agencies, local businesses, and colleges and universities are asked to cooperate in developing effective methods of sharing educational training and teaching ideas through satellite communication technology.

In the Senate, we have often spoken of the need to increase our competitiveness in the world market. We cannot underestimate the role of education in achieving this goal. The study of math, science, and foreign languages will certainly enhance the skills of our young people and will prepare them for the challenges they will encounter as members of the work force. This bill, the Star Schools Program Assistance Act, contributes to that effort by revolutionizing the methods by which knowledge is transmitted to our children.

I urge my colleagues to support this bill—in doing so, we will take the much needed leap into the future of education.

Mr. HELMS. Mr. President, I must oppose S. 778. The bill authorizes the spending of $100 million to establish a new grant program. Grant moneys will be used to develop telecommunications networks, design and construct facilities, acquire equipment and satellite time, and to train elementary and secondary teachers in the use of the technology in science, math, and foreign language courses.

Mr. President, I oppose this program because it is—quite frankly—a waste of taxpayers' money. The program duplicates substantial ongoing telecommunications activities conducted by the National Science Foundation and NASA together with extensive private sector involvement. It also duplicates training and development activities under the chapter 2 block grant of the Education Consolidation and Improvement Act, and the Education for Economic Security Act. It is totally inappropriate to authorize this new Federal categorical program.

At a time when this Congress should be reducing Federal spending rather than expanding it, I urge my colleagues to vote against S. 778.

Mr. THURMOND. Mr. President, Senator KENNEDY is to be commended for his initiative to move communications technology to the forefront in dealing with some of our country's most perplexing problems in education.

However, I disagree with the approach of this bill. This bill places too much emphasis on support for the purchase of telecommunications equipment through Federal funding and not enough emphasis on developing quality educational programs.

As Henry J. Cauthen, president of the South Carolina Educational Television and Radio Network, stated in his testimony before the Senate Labor and Human Resources Committee:

> The communication technology is there . . . and the nation's public broadcasting system provides the framework and foundation from which these services can be developed. What we are most in need of at this time is funding to develop quality formal teaching materials in sufficient quantity to meet the rapidly increasing needs of education.

Because the public broadcasting system is already in place, I believe that is the system we need to improve. I am concerned this approach will merely setup a duplicate system, neither of which will have sufficient quality educational programs.

Moreover, private groups are already providing the types of education envisioned by S. 778, at no expense to the Federal Government. The current programs which provide satellite transmitted academic courses are widely received and tremendous resources have been committed by schools, colleges, and the private sector to make it work.

S. 778 is also not a high priority. When we are being forced to consider reductions in Federal domestic programs to reduce the deficit and meet the Gramm-Rudman-Hollings budget targets, it is extremely difficult to rationalize creating a new $100-million program.

Should the Congress be able to find an additional $100 million for domestic programs, it would be much better spent on programs that assist the needy in more substantial ways and through existing Federal programs. Purchasing telecommunications equipment does not fit into the category of aiding the needy.

Accordingly, I do not support this measure.

Mr. CONRAD. Mr. President, today we have an opportunity. An opportunity to make a difference in our tomorrow. We have before us legislation—the "Star Schools" Program—which can be an important element of a nationwide, quality educational system for our children.

In my home State of North Dakota, the cost to educate each pupil is high, due to our small population and the large distance pupils must travel to reach their schools. Often the schools make do with just the basics because they cannot afford added curriculums.

Further, my State has had to cut education funding because of the economic downturn facing North Dakota in agriculture and energy.

Yet students in North Dakota can perform with or better than any students in the world if given the proper working tools.

The goals envisioned in the bill would allow the children in my State, and in the States of my colleagues, to experience educational opportunities unrivaled in this world.

Imagine, a network of telecommunication systems bringing the best educational resources available in the country to every school, rural or urban, in the Nation. That is what we can do for our children today.

American education is at a crossroads. Do we continue to provide unequal educational experiences for our children because of lack of resources and inability to disseminate quality information, or do we use creative and innovative techniques like the "Star Schools" Program to attempt to ensure that each and every one of our children has the access to the best education available anywhere in the world?

Do we continue to fall behind other countries in math, technology, science, language, and the arts? Or do we reverse this decline and take this opportunity to reestablish ourselves as the world leader in education.

What will be the cost to our country if we fail to provide our children with an education that allows them to compete on a global scale?

Let us give the children in the rural areas of North Dakota and other States the chance to reach their full potential. When we give them that chance, they will be the best.

Mr. President, I wish to commend Senator KENNEDY and the Committee on Labor for developing this innovative legislation. I urge my colleagues to give this measure their strong support. Thank you.

Mr. HARKIN. Mr. President, the Star Schools Program Assistance Act is an important step forward in providing a comprehensive network of quality educational services that will reach out to elementary and secondary schools in areas most in need of expanding their educational resources, particularly those in rural areas.

This bill would assist educational groups, through grants, to develop, construct and acquire facilities and equipment in order to improve the instruction of math, science, and foreign languages by the use of telecommunications. I take as an example—Morning Sun High School, Morning Sun, IA. This school and two neighboring schools are using microwave television to offer 4 years of Spanish, precalculus, psychology-sociology, and anatomy courses. It is doubtful that few, if any, of these courses could be offered if the television courses were not available. Clearly, educational offerings like this enhance students' learning and competitiveness in future educational endeavors.

I am very supportive of this bill because of its advantages for not only secondary schools, but for the tremendous impact it can have in rural school districts. Often schools in some rural areas are unable to provide quality courses in math, science, and foreign languages. Students suffer by not receiving a wide array of current math and science information, and thus are inadequately prepared to face educational challenges of the future.

I thank my colleague, Senator KENNEDY, for accepting my amendments included in the committee substitute. The first amendment addresses the need for demonstration projects to be regionally dispersed throughout the Nation. My second amendment assures that new educational opportunities offered to network participants will be targeted particularly toward areas with scarce resources and limited access to courses in science, math and foreign languages.

Students in small rural districts have fewer courses from which to choose than do their counterparts in larger school districts. Small schools also cannot compete with larger districts in teacher salaries, which may mean settling for a staff with fewer advanced degrees and less on-the-job experience. Student's learning in small rural schools may also be slowed by a lack of competition and class discussion. The Star Schools Program and the telecommunications network it would establish would address all of these issues.

Mr. PRYOR. Mr. President, in 1984 Congress approved the Education for Economic Security Act—Public Law 98-377, sweeping education reform measure that focused on the deficiencies of the math, science, and foreign language programs—termed critical areas—in American public schools. The legislation we are considering today, S. 778—the Star Schools Program Assistance Act, is a logical progression from the original education for economic security bill, and I am pleased to cosponsor this measure. S. 778 would provide grants for the development, construction, and acquisition of telecommunication facilities and equipment to further improve our education programs, with continued emphasis on math, science, and foreign languages.

We continue to hear the American public school system compared unfavorably with the systems of instruction in other countries—Japan in particular. It is distressing to note the now familiar statistics: Japanese students score twice as high as American pupils on both math and science achievement tests; the United States ranks next to last when the test scores of American eighth graders are compared with the performance of their counterparts in 13 other developed countries. Other comparative studies manifest similarly disheartening results. With this evidence before us, the immediate task should be to determine a course of action to address the problem.

S. 778 recognizes that all students need to have access to basic and advanced courses of the highest quality in the critical areas outlined in the education for economic security bill. Demonstration grants would be awarded to eligible telecommunications partnership—including educational institutions and agencies, as well as organizations with telecommunications expertise—that would in turn offer access to the math, science, and foreign language courses lacking in their curriculum. This legislation emphasizes the need to assist disadvantaged students and areas with limited resources—a provision of great importance to my own State of Arkansas, and other States with a number of rural school districts.

My colleagues may be interested to note, Mr. President, that the Arkansas Department of Education [ADE] has been involved with a pilot Satellite Instruction Program that is in keeping with the goals of the star schools proposal. As many rural Arkansas school districts cannot maintain instructors in foreign languages and some advantaged science courses, the ADE arranged satellite transmittal of programs of instruction from the Utah Department of Education and Oklahoma State University to nine small school districts in the State—Altus-Denning, Cord-Charlotte, Crossett, Cushman, Marmaduke, Ozark, Paron, Poyen, and Witts Springs. The program now serves over 200 students, and in the 1988-89 school year five more districts may be added to this network. S. 778 would broaden the scope of the Arkansas project even further.

The Star Schools Program Assistance Act authorizes $100 million over a 5-year period, with a limit of $60 million in any given year. Local education agencies eligible for chapter 1 assistance are targeted in this bill, and priority will be given applications that offer new resources to traditionally underserved populations, as well as those proposals that will serve a broad range of institutions.

If we are to address the problems in our educational system adequately, the Federal Government should be committed to the development of effective and innovative strategies, such as the approach offered in the Star Schools Program Assistance Act. I urge my colleagues to support this measure.

Mr. COCHRAN. Mr. President, I join my colleagues today in support of the Star Schools Program Assistance Act. By offering grants to State and multi-State telecommunications partnerships, this bill would begin to address America's need for improved educational services in the areas of math, science, and foreign languages.

These telecommunications partnerships would establish networks to provide math, science, and foreign language courses by satellite to school districts and schools which are eligible for chapter 1 moneys. Students in rural areas would have the opportunity to participate in physics, trigonometry, and foreign languages courses in some instances for the first time. Partnerships experienced in telecommunications as well as the subject matter itself would be able to share their knowledge and expertise with students across the country.

The bill authorizes $100 million over a period of 5 years for the operation of this program. A maximum of $60 million could be authorized in any single year. Telecommunications partnerships receiving grants would be able to use the money for the development and construction of equipment and facilities as well as for the development of educational programming. In addition, 50 percent of the funds available annually will be used by chapter 1 recipients to purchase equipment and provide teacher training and programming.

The Star Schools Program Assistance Act establishes a unique partnership between experts in the telecommunications and educational fields and school districts in our country in need of improved and varied curriculum. Passage of this bill will provide all students with the opportunity to enhance their education. I urge my colleagues to join us in support of this legislation.

Mr. MATSUNAGA. Mr. President, I rise to express my strong support for S. 778, the Star Schools Program Assistance Act. I wish to commend the senior Senator from Massachusetts [Mr. KENNEDY] for introducing this forward-thinking legislation, and I am pleased to be an original cosponsor.

This bill would create a grant program for regional consortia of universities, colleges, local education agencies and businesses in order to develop satellite systems which will allow the best teaching resources in the area to be shared by all. An educational telecommunications network would open up a vast new teaching resource for Hawaii and the Pacific/Asian territories, where we have traditionally faced much more difficult communications problems than the mainland States. Sharing resources among the islands that comprise the State of Hawaii can in itself be difficult. However, the prospect of creating a network of the best teachers and the best curriculae is one which is tremendously exiciting and promising.

Mr. President, with this legislation, the United States can take an important step toward improving our competitiveness in the world economy. We can upgrade the teaching facilities of our schools at a pace that would otherwise be impossible. Further more, we can put into place a network in the United States that can eventually allow us to interact with other countries, both underdeveloped countries and technologically advanced, in order to bring an understanding of foreign cultures and international relations that will open up regional and world markets to American businesses.

Mr. President, education is a vital investment, and the star schools bill is an investment in the future of our children which can brighten their horizons.

I urge passage of S. 778.

Mr. DOMENICI. Mr. President, I am pleased to express my support today for the Star Schools Program Assistance Act. This bill would help establish telecommunications networks to improve mathematics, science, and foreign languages instruction.

I believe that this bill could go a long way to help curb our Nation's deficiencies in math, science, and language education.

Given the realities of resource and teacher shortages in these subjects, this bill could greatly assist students in rural schools, and other traditionally underserved populations, obtain the courses and information they need for quality education.

The idea is sound to use telecommunications to bring together the educational resources of a region, to bring those resources together so youngsters throughout the region can use them fully.

In New Mexico, I helped establish a similar partnership called TECHNET. TECHNET brings together the technical resources of New Mexico in ways that will benefit the State.

With this bill, partnerships like TECHNET could harness the great resources of our national laboratories and universities, making their knowledge available to rural areas of each State.

I commend Senators KENNEDY, and STAFFORD, as well as other Senators, together with the staff of the Labor and Human Resources Committee, for their fine work on this important legislation. I urge its early approval by the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. SANFORD] be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, in a moment I am going to send to the desk one minor technical amendment. This amendment simply changes one word in order to clarify which institutions are eligible to form partnerships under this act. This technical amendment reflects an intention that has already been expressed in the committee report to encourage public-private partnerships under the act. So in a moment I will send that amendment to the desk.

AMENDMENT NO. 168

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. (Ms. MIKULSKI). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 168.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 1, strike out "nonprofit".

Mr. KENNEDY. Madam President, I know of no objections to the amendment and I hope the amendment will be adopted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. We know of no objection. We urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 168) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I know of no other amendment. I believe we are ready for a vote on the substitute, as amended.

Madam President, I ask unanimous consent that it be in order to ask for the yeas and nays on this measure.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I ask, Madam President, that the yeas and nays be ordered on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I indicate to the membership, I would hope we could have this vote in the next few minutes. We will try to give as much notice to our colleagues as possible.

AMENDMENT NO. 169

(Purpose: To include certain Bureau of Indian Affairs schools in eligible telecommunications partnerships)

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of the Senator from New Mexico [Mr. BINGAMAN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. BINGAMAN, proposes an amendment numbered 169.

Mr. KENNEDY. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 18, before the comma insert the following: "or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965".

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 778, the Star Schools Program Assistance Act. As a cosponsor I rise to express my support for the bill. I would, however, like to explain the amendment that was offered on my behalf by Mr. KENNEDY and that was accepted by the managers of the bill.

I commend Mr. KENNEDY and the other committee members on this initiative, but I was concerned with one point. The legislation requires that telecommunication partnerships eligible for grants under the act include three or more of the following groups: local educational agencies, State educational agencies, institutions of higher education, teacher training centers, or public agencies with experience in planning and operating a telecommunications network. I was concerned that schools operated by the Bureau of Indian Affairs under the Department of the Interior as well as schools contracting with the Bureau of Indian Affairs would be excluded from participating in these partnerships. My amendment simply includes these schools. The amendment does not change the bill's qualification that an educational agency's participation is contingent upon having a significant number of disadvantaged students within its jurisdiction. BIA schools will be subject to the same qualification. I simply believe that BIA schools would be ideal members of any partnership as they best understand the needs of the students in their areas—areas the committee hopes will benefit from this bill.

Mr. President, the committee report accompanying this bill states that the committee is particularly concerned with improving math and science instruction for traditionally underserved and disadvantaged populations. I am particularly pleased that Indian schools can benefit from this legislation. Because of scarce resources and other impediments, tribal schools are disadvantaged institutions. Exactly this type of school will be able to offer higher quality math, science, and foreign language instruction as a result of the partnerships, created to take advantage of this legislation.

The need to improve education in rural and disadvantaged areas is great. My State of New Mexico is very rural. Most communities lack sufficient resources to offer the highest quality of instruction in math, science and foreign languages. Schools in New Mexico educate admirably under the adverse circumstances that many must confront; this bill can only help these schools offer higher quality education.

Furthermore, I am very pleased that this bill aims to improve math, science, and foreign language instruction. A 17-nation study has shown that American students trail all industrialized countries except Sweden in most mathematic skills. A recent study completed by the Southern Governors' Association emphasized the inadequacy of our Nation's foreign language instruction. The National Commission on Excellence in Education wrote in their report, "A Nation at Risk," that "the educational foundations for our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people." Competitiveness is an issue we have now all heard about. The reports mentioned above clearly indicate that we need to improve our educational system in order to improve our competitiveness. I think that this legislation is a step in that direction Better instruction in math and science will lead to brighter and more capable students that will eventually develop quality services and products that will rival any world-wide.

Mr. President, I again thank the chairman and express my support for the bill.

Mr. KENNEDY. Madam President, I have no objection to the amendment. As a matter of fact, I think it is a valuable one. In the legislation we talk about how we hope that there will be a focus in areas which fall within title 1, and we list some of those areas in the legislation.

The amendment of the Senator from New Mexico would add Indian reservations. I think it is completely consistent. We certainly hope they would benefit from these programs. If there are other concerns of the members of the committee, we will be glad to consider those in conference so I hope the amendment will be accepted.

Mr. STAFFORD. Madam President, we have no objection to the amendment and are prepared on this side to accept it. I would only hope that it might be possible in conference to make some very minor changes, not of substance, to the matter.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 169) was agreed to.

Mr. KENNEDY. Madam President, we are ready to go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question now occurs on final passage of S. 778. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN], would vote yea.

Mr. SIMPSON announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 16, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—77

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Hecht
Heflin
Hollings
Inouye
Johnston
Karnes
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Warner
Weicker
Wilson
Wirth

NAYS—16

Armstrong
Boschwitz
Gramm
Heinz
Helms
Humphrey
Kassebaum
Kasten
Proxmire
Quayle
Roth
Rudman
Symms
Thurmond
Trible
Wallop

NOT VOTING—7

Biden
Durenberger
Hatch
McClure
Nickles
Packwood
Simon

So the bill (S. 778), as amended, was passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Star Schools Program Assistance Act".

PROGRAM AUTHORIZED

SEC. 2. The Education for Economic Security Act is amended by adding at the end thereof the following new title:

"TITLE IX—STAR SCHOOLS PROGRAM

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Star Schools Program Assistance Act'.

"STATEMENT OF PURPOSE

"SEC. 902. It is the purpose of this title to encourage improved instruction in mathematics, science, and foreign languages through a star schools program under which demonstration grants are made to eligible telecommunications partnerships to enable such eligible telecommunications partnerships to develop, construct, and acquire telecommunications audio and visual facilities and equipment and obtain technical assistance for the use of such facilities.

"PROGRAM AUTHORIZED

"SEC. 903. (a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment and for technical assistance.

"(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated $100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992.

"(2) No appropriation in excess of $60,000,000 may be made in any fiscal year pursuant to paragraph (1) of this subsection.

"(c) LIMITATIONS.—(1) A demonstration grant made to an eligible telecommunications partnership under this title may not exceed $20,000,000.

"(2) Not less than 50 percent of the funds available in any fiscal year under this Act shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981).

"ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS

"SEC. 904. (a) GENERAL RULE.—In order to be eligible for demonstration grants under this title, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided

by educational institutions, teacher training centers, health institutions, and industry, except that any such agency or corporation shall contain representation of the interests of elementary and secondary schools who are eligible to participate in the program under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981); or

"(2) a partnership which includes three or more of the following which will provide a telecommunications network:

"(A) a local educational agency, which has a significant number of elementary and secondary schools which are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981) or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965,

"(B) a State educational agency,

"(C) an institution of higher education,

"(D) a teacher training center, or

"(E)(i) a public agency with experience or expertise in the planning or operation of a telecommunications network,

"(ii) a private nonprofit organization with such experience, or

"(iii) a public broadcasting entity with such experience.

"(b) SPECIAL RULE.—An eligible telecommunications partnership must be organized on a statewide or multistate basis.

"APPLICATIONS

"SEC. 905. (a) APPLICATION REQUIRED.—Each eligible telecommunications partnership which desires to receive a demonstration grant under this title may submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought which may include—

"(A) the design, development, construction, and acquisition of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to elementary and secondary school teachers (particularly teachers in schools receiving assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)) in using the facilities and equipment for which assistance is sought; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages;

"(3) describe the teacher training policies to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(4) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(5) provide assurances that a significant portion of the facilities, equipment, technical assistance, and programming for which assistance is sought will be made available to elementary and secondary schools of local educational agencies which have a high percentage of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981);

"(6) describe the manner in which traditionally underserved students will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this Act; and

"(7) provide such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary shall, in approving applications under this title, give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign language resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including public and private elementary and secondary schools (particularly schools having significant numbers of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)), programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities including the capability of training, retraining, and inservice upgrading of teaching skills;

"(6) the eligible telecommunications partnership will serve a multistate area; and

"(7) the eligible telecommunications partnership will, in providing services with assistance sought under this Act, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this title, the Secretary shall assure an equitable geographic distribution of grants.

"DISSEMINATION OF COURSES AND MATERIALS UNDER THE STAR SCHOOLS PROGRAM

"SEC. 906. (a) Each eligible telecommunications partnership awarded a grant under this Act shall report to the Secretary a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers which will be transmitted over satellite, specifying the satellite on which such transmission will occur and the time of such transmission.

"(b) The Secretary shall compile and prepare for dissemination a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers equipped with satellite transmission capabilities, as reported to the Secretary under subsection (a) of this section.

"(c) The Secretary shall distribute the list required by subsection (b) of this section to all State educational agencies.

"EVALUATION

"SEC. 907. (a) EVALUATION.—The Office of Technology Assessment may, upon request, beginning after September 30, 1987, conduct a thorough evaluation of the use of the telecommunications systems supported by grants made under this title.

"(b) REPORTS.—The Office of Technology Assessment shall, after a request made under subsection (a), prepare and submit a report to the Congress, on the evaluation authorized by this subsection.

"STUDY OF FEASIBILITY OF AN EDUCATIONAL SATELLITE

"SEC. 908. (a) The Office of Technology Assessment may, upon request, conduct a study and evaluation of the cost of designing, building, and launching a satellite for ed*** BAD MAG TAPE ***ucational purposes, together with an analysis of—

"(1) the demand for the use of a satellite for educational purposes; and

"(2) the ability of users of such a system to repay the cost of such a satellite.

"(b) If the Office of Technology Assessment finds, after a study and evaluation conducted under subsection (a), that the cost entailed in designing, building, and launching such a satellite could be repaid within 10 years by the potential users of such a satellite, the Office of Technology Assessment shall notify the Congress of its findings.

"DEFINITIONS

"SEC. 909. As used in this title—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, and a State educationah agency;

"(2) the term 'institutioj kf higher educatioj' has the saie ieajing givej that teri ujder sectikj 1201(a) kf the Hicher Educatikj Act kf 1965;

"(3) the teri 'hkcah educatikjah agejcy' has the saie ieajijg givej that teri ujder sectioj 198(a)(10) kf the Eheiejtary ajd Seckndary Educatikn Act of 1965;

"(4) the term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934;

"(5) the term 'Secretary' means the Secretary of Education;

"(6) the term 'State educational agency' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

"(7) the term 'State' means each of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I especially want to thank the staffs for their fine work on this bill.

Amanda Broun of my staff has been tireless and effective in preparing this legislation for the floor.

David Evans and Anne Young of Senator PELL's education staff were also very helpful, as were Polly Gault and Ellin Nolan with Senator STAFFORD.

Bob Silverstein of Senator HARKIN's staff worked well to clarify the bill's importance for our rural schools.

Mr. BYRD. Mr. President, I would like to commend the managers of this bill, Senators KENNEDY and STAFFORD.

It is clear that the future of this country is in the hands of our children. But, it is a future filled with difficult challenges. If our children are to meet these challenges, then we must use all of the tools available to us to provide them with the best possible education.

Without a sound math and science background, our children will be relegated to the economic back seat. Yet, many of our schools lack the highly trained personnel that are necessary to teach these rapidly changing subjects. Further, many rural schools simply do not have the resources to develop and implement the curriculums in these subjects. Often, these schools do not even have the money to hire teachers in the advanced sciences and mathematics.

The Star Schools Program as envisioned in this bill would make use of our technological base to help our schools meet the pressing need for better math and science education. By making satellite time and technologies available to teachers and students on a regular basis, we can make quality education and instruction far more available than it is today. With a satellite dish, even a one-room schoolhouse can tap the world of knowledge.

Mr. President, I am pleased to support this bill and again commend the managers of the bill for their efforts in seeing it through the Senate.

UNANIMOUS-CONSENT AGREEMENT—S. 853

Mr. BYRD. Mr. President, there will be no further rollcall votes today. On tomorrow the Senate will proceed to the consideration of Calendar Order 96, S. 853 amendment of the National Traffic and Motor Vehicle Status Act. There may be rollcall votes on that. Have we not entered an order that I may call that up at any time on tomorrow?

The PRESIDING OFFICER (Mr. WIRTH). The Senator is correct.

Mr. BYRD. Mr. President, while the distinguished Republican leader is here, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the Senate proceed to the consideration of Calendar Order No. 96, S. 853.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I should further announce that on tomorrow, if action is completed on that bill, I would expect and hope to go to the nominations on the Executive Calendar, proceeding with any one or more of them on tomorrow. I should say to Senators that a motion to proceed to a nomination on the calendar is not debatable. Of course, the nomination itself is debatable. Senators may expect rollcall votes on tomorrow.

I thank all Senators.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, that Senators may speak therein up to 5 minutes each, and that the period not extend beyond 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET REFORM

Mr. HATFIELD. Mr. President, the Senate will soon begin consideration of the concurrent resolution on the budget for fiscal year 1988. During that consideration, I expect there will be discussion of various budget reform proposals that have been advanced from several quarters in the past few months. The President has called for new budget procedures, Senators and Representatives have drafted and introduced legislation, the Director of the Office of Management and Budget criticizes Congress for its past performance and calls for something new, and the chorus swells.

This is understandable, even predictable. The siren song of reform is always tempting. When we are frustrated by current circumstances, it is exciting, even exhilirating, to mount the barricades, rally the disaffected, and call for reform. Reform movements are a highly valued part of American political tradition.

But reform is not always progress. Change for it's own sake doesn't do anything but create a false sense of achievement, and sets us up for further disappointment. So before we all jump on the reform bandwagon, I think we ought to study these proposals, and think about whether they will really improve things. I myself am skeptical.

Take the proposal for a 2-year budget and appropriations process, for example. This has a great deal of appeal, if for no other reason than it holds out the hope of relieving the pressure of the legislative calendar, eliminating annual marathon sessions on budget resolutions and appropriations bills, and in general making our lives easier. The proponents of the 2-year process, including my good friend Senator DOMENICI, argue that we ought to pass a 2-year budget resolution, then pass 2-year appropriations bills, and use the next year to conduct oversight and consider authorization bills, while the Federal budget hums along unattended. If I had any hope that this dream could become reality, I would be as enthusiastic as anyone in supporting this proposal. Those of us on the Appropriations Committee and the Budget Committee have put in very long hours all too often, and we more than anyone else would dearly love to have a respite. But the performance of this proposal is not going to live up to its promise. The Federal budget is not static, Mr. President. It is very much alive. It is responsive to economic conditions and political circumstances, and it should be. If we experience rising unemployment, we will have more Federal spending on some programs. If we have higher inflation, we will have more Federal spending on some programs. If we have higher interest rates, we will have more Federal spending. If the price of oil goes up, we will have more Federal spending. If we have a farm disaster, we will have more Federal spending. If we have a space shuttle disaster, we will have more Federal spending. In some areas, the increased spending will automatically occur, because of all the entitlement programs we have created. In other areas, the increased spending will be the result of deliberate action of the President and Congress in response to a perceived need. There is nothing wrong with that—we are supposed to be responsive, and to use the Federal budget as an instrument of policy.

If we think for 1 minute, Mr. President, that we can adopt a 2-year budget and appropriations process and insulate ourselves from these political and economic factors, we are kidding ourselves. Rather than spending the second year of the 2-year cycle conducting oversight and considering authorization bills, we will spend our time considering supplemental and rescission bills in response to changing requirements.

We need look no further than the past 6 months for evidence of what I am suggesting. Last fall we ended the 99th Congress believing that we had taken action sufficient to reduce the Federal budget deficit to the Gramm-Rudman-Hollings target for fiscal year 1987 of $144 billion. We returned in January for the 100th Congress to be greeted by the news that the deficit would more likely be $174 billion. Now if reality would depart from hope to the tune of $30 billion over 3 months, how far off the mark would we be over the course of 2 years? Would we simply stand idly by and not respond to a change of that magnitude, explaining to a beleagured public that we were in our second year of oversight, authorization legislation, and general contemplation, and that remedial action on the budget would have to wait? If the farm economy absolutely collapses, are we going to tell our farmers their timing is wrong, and they'll just have to wait for Federal assistance? If another earthquake rocks Italy or El Salvador, will we ignore our long-tradition of humanitarian aid because our schedule calls for devoting time to other matters? Of course not. We will respond, as we should.

Nor is this simply a matter for Congress to consider. The President is involved as well. Last October the President signed the continuing resolution for fiscal year 1987, embracing all 13 regular appropriations bills providing a total of nearly a half trillion dollars. Twelve weeks later, he was back, asking for more, presenting Congress with a supplemental request of $12.4 billion. The President couldn't sit still for more than 12 weeks without asking for more money. What makes anyone think he would sit calmy for 12 months, if he thought a request for additonal funds was necessary?

My point, Mr. President, is that it may be nice to dream of a 2-year cycle and the peace it would bring, but it won't happen. If we adopt a 2-year process, we will spend the first year acting on the budget resolutions and appropriations bills, and the second year making adjustments to them. The calendar will be every bit as crowded.

Another idea that has been advanced is something known as enhanced rescission authority. This idea has taken form in Senate Concurrent Resolution 16, offered by the Senator from Indiana, Mr. QUAYLE, and incorporated in S. 832, offered by the Senator from New Mexico, Mr. DOMENICI. Those gentlemen propose an expedited procedure for rescissions that goes far beyond that already incorporated in the existing Budget Act. Under this scheme, the President would transmit rescission messages to Congress within 3 days after signing an appropriations bill, the messages would be introduced as legislation on the day of their arrival, and the Committee on Appropriations would have no more than 5 calendar days for consideration. The committee could make no substantive revision, in short, no amendments, to the legislation, and would be discharged after 5 days. The rescission bills would be privileged, eligible to be called up without debate, and within 5 more days, there would have to be a vote. No amendments, no motion to reconsider would be in order. Debate would be limited to 4 hours.

Mr. President, for an institution that bills itself as the "world's greatest deliberative body," that was characterized by the Founding Fathers as the "saucer that cools the legislative tea" poured by our more impetuous bretheren in the other body, we have certainly become enamored of expedited procedures, hamstringing our leadership and eliminating our cherished right of prolonged debate. If this Rube Goldberg scheme were implemented, we would be beseiged with scores, possibly hundreds, of rescission bills from a President determined to revisit policy disputes with congressional funding priorities within 2 weeks of signing the bills that established those priorities. What a silly sight that would be.

More fundamentally, this scheme would threaten the very important process of building coalitions and making compromises. That process is integral to legislating and governing. Surely the proponents of this scheme know that. We couldn't have farm legislation if different commodity groups with different interests didn't compromise their differences and work together for the good of the whole. We would not have had a highway-transit bill if Members from rural areas and Members from urban areas had not worked together to support each other's interests. The President would not have had $100 million in aid to the Contras if he had not agreed to certain restrictions. That is the nature of things, Mr. President. It is the way our laws are made. It is not anything to be embarrassed about. And if we give the President this new procedure, we will allow him to subject us, under a mandated procedure, to a systematic picking apart of coalitions painstakingly built over months of hearings, debate, and negotiations, and only days after he signs bills embodying the results.

To those whose interest in reducing Federal spending overrides these concerns, I also say that this is the wrong proposal to give relief. This proposal only addresses funding provided in appropriations bills. As Senator DOMENICI noted when he introduced his bill, appropriations bills account for less than half of Federal spending, far less when defense spending is excluded. This enhanced rescission scheme doesn't address entitlements funded beyond the scope of appropriations bills. It doesn't address the revenue side of the budget at all, and heaven knows we get revenue measures around here from time to time that cost us revenue and increase the deficit. If this proposal were to address the entire budget, and not just less than one quarter of it, then it might have some merit. But it doesn't, and enhanced rescission proposals should be opposed.

If the proponents seek action on the President's rescission proposals, let them utilize the process established by the Budget Act in 1974. Simply introduce a rescission bill. It will be referred to the Appropriations Committee. The committee will have 25 days to consider the bill, or be discharged. The bill would then go to the calendar and be considered according to the same rights and privileges as other legislation.

A number of the proponents of enhanced rescission proposals complain that this body never votes on the President's rescission requests. I dispute that. For example. In 1981 the President requested $14.7 billion in rescissions and we enacted $15.1 billion, and there have been other rescissions enacted since then. If Members want votes on rescission requests, let them introduce bills under the current procedures. Apparently no one wants to do that, since the existing procedure has been used once in the past 6 years. If we have no interest in trying the existing procedure, I doubt that a new scheme is going to work any miracles.

I have taken enough time for today, Mr. President. There are other budget reform proposals that I might want to discuss at another time—wrong-headed notions such as an automatic continuing resolution; a joint resolution on the budget, requiring a Presidential signature; and restoring the sequester procedure to the most recent monstrosity created in the name of reform, Gramm-Rudman-Hollings. But I will desist for now, Mr. President. Let me just close by saying that every reform proposal I have seen so far is really just a way to substitute procedure for performance. We are not going to work our way out of our Federal deficit difficulties with procedural gimmicks. There is nothing wrong with our present system if we summon the will to make it work. And if we do not have will, no new procedures will work any better.

SECRETARY SAMUEL PIERCE'S REMIC'S DECISION

Mr. CHAFEE. Mr. President, I wish to express my strong support for the decision yesterday by Secretary Samuel Pierce of HUD approving Fannie Mae's request to issue Real Estate Mortgage Investment Conduits (REMIC's). I believe this decision will enhance competition in mortgage finance markets and lead to lower interest rates for American home buyers.

As the original sponsors of the REMIC's legislation, it was my clear intention that Fannie Mae and Freddie Mac should be treated as any other mortgage securities issue with full authority to issue REMIC's. As chairman of the Taxation Subcommittee, with jurisdiction over REMIC's legislation, I heard strong support for Fannie Mae's full participation under my bill, from every private sector witness who supported REMIC's concept.

The matter of Fannie Mae's participation was similarly considered and supported in the House.

Fannie Mae's participation in REMIC's is an important element in the success of the REMIC's instrument.

There is no reason that has been shown for arbitrarily restricting Fannie Mae's authority to issue REMIC's. To the contrary, the market should be broadly defined in order to ensure the full benefits of REMIC's to the home buyer are realized.

I hope that this matter is now behind us so that REMIC's can now develop as Congress envisioned.

NBA FRANCHISE IN CHARLOTTE, NC

Mr. SANFORD. Mr. President, I am pleased to congratulate the people of Charlotte, NC, on the selection of their city as the site of a National Basketball Association franchise. This thriving metropolis, which is the largest city in North Carolina, has sought this franchise for a long time and its efforts have now been rewarded.

Charlotte is uniquely qualified to host the new Charlotte Spirit franchise. First, hundreds of thousands of people live in the Charlotte metropolitan area and have indicated that they will support the team by their advance purchase of over 14,000 season tickets.

Second, a new coliseum is under construction in Charlotte and will seat 23,000 when it is completed in the summer of 1988. This facility is being built specifically for basketball and will be a great site for the new team.

Finally, North Carolina is basketball country. We have long been proud of our college and high school teams. With the addition of the Charlotte team during the 1988-89 season, we now have a team that the entire State can support.

I also want to congratulate George Shinn of Charlotte, who was so instrumental in bringing the NBA franchise to the Queen City. When others doubted that it could be done, George persevered and I am proud of this new addition to our rich sports scene in North Carolina.

VESSEY NAMED PRESIDENTIAL ENVOY

Mr. DOLE. Mr. President, the White House has confirmed that former Chairman of the Joints Chiefs of Staff, Gen. John Vessey, has been appointed as Presidential envoy to Hanoi for the purpose of accelerating United States-Vietnamese dialog to solve the POW/MIA issue.

As we all know, Hanoi made a commitment in 1985 to engage the United States on resolving the fates of our MIA's as a separate, humanitarian issue and to work for its complete resolution within 2 years. Early negotiations were promising and many of our hero's remains have been returned. But as this year's deadline approaches, we find that both technical and policy talks have stalled—the Vietnamese claim this is due to internal political reasons. Well, now they've had their elections and I would hope that they will once again negotiate in good faith and not attempt to link resolution of the POW/MIA issue to other political matters. It's clearly in Vietnam's interest to resolve this remaining vestige of the war.

ADMINISTRATION EFFORTS

With the Vessey initiative, the administration has again clearly demonstrated their seriousness on the POW/MIA issue. As early as last fall, President Reagan saw the need to accelerate Vietnamese cooperation and approved one of America's finest, Jack Vessey, as his personal emissary to Hanoi. This appointment was just recently presented to the Vietnamese; unfortunately the initiative was leaked. Nonetheless, Jack Vessey will do a fine job—the next move is up to the Vietnamese.

We would all hope that a realistic agenda for resuming the talks will be forthcoming and that Hanoi will continue serious negotiations on humanitarian grounds. Many American families wish to resolve once and for all the fates of their loved ones who served our country so selflessly. We must all continue our commitment to seeing a speedy resolution to the POW/MIA issue and we wish Jack Vessey all the best in his efforts on behalf of a grateful nation.

HONORING PATRICIA CREGAN

Mr. D'AMATO. Mr. President, I rise today to offer my praise and encouragement to a fine Senate staffer, Patricia Cregan, who is leaving the Senate Appropriations Committee at the end of this week to accept a position in the private sector.

Pat served with distinction as majority clerk for the Appropriations Subcommittee on Transportation and Related Agencies from October 1983 though the end of the 99th Congress. For the last several months, she has held the position of minority clerk on the same subcommittee where she has continued to display the competence and professionalism that characterize her work in the Senate.

As the ranking minority member of the Transportation Subcommittee, it has been a pleasure for me to have had Pat's able assistance on transportation issues of concern to the subcommittee. She brought to her job a wealth of experience gained from her previous positions on the staff of the House Budget Committee, and as a budget analyst in the Office of the Secretary at the Department of Transportation.

In 1981, when Pat joined the Senate Appropriations Committee staff, she worked on general budget matters, or "scorekeeping." This experience in "bean-counting," as she refers to it, was undoubtedly helpful in developing her keen ability to maintain a comparative perspective on the broad range of issues included in appropriations bills. When she joined the Transportation Subcommittee in 1983, she had a wide understanding of the many competing programs and issues that comprise a governmentwide funding bill.

Pat Cregan does not hail from New York State—in fact, she is from Youngstown, OH—nevertheless, this New York Senator and his staff can attest to her good work on transportation issues of concern to our State. We wish her much success and happiness as she begins her new career.

WHATEVER I CAN DREAM, I CAN ACHIEVE

Mr. BURDICK. Mr. President, I would like to pay tribute to Elizabeth Hughes of Williston, ND, the first-place winner of the National Journalism Contest sponsored by the President's Committee on Employment of the Handicapped.

This 17-year-old high school senior wrote a paper called "Whatever I Can Dream, I Can Achieve," which describes a young woman with spina bifida who works for the CIA. Elizabeth is in Denver today receiving a cash scholarship and a certificate at a National Conference on Employment of People with Disabilities.

Elizabeth's first place honors are well-deserved, and I am proud of the writing skills this young North Dakotan displays.

I know many of my colleagues in this body are interested in employment of the handicapped, and think you might benefit from reading Elizabeth's perceptions of one disabled woman's efforts to contribute to society.

I ask unanimous consent that her report be printed in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WHATEVER I CAN DREAM, I CAN ACHIEVE

(By Elizabeth Hughes)

She is one of 240 million American citizens.

She is one of 35 million Americans with a disability.

She is one of 12,000 Americans born each year who have spina bifida.

She is Michelle Duffy, a young woman who has dared to dream and achieve things many of us never thought possible. Michelle has been paralyzed since birth because of spina bifida, but she does not allow her disability to affect her individual goals and aspirations. Michelle says, "If I can dream it, I can achieve it." Energetically, she continues, "I plan to always live my life to the fullest."

Michelle's biggest dream has been to become independent. While living with her family in the Washington, DC area, Michelle reached a certain degree of independence by working as a receptionist at the CIA. Michelle's job proved to be one of the most positive influences of her life. Her job entailed some work on computers, but the largest portion of her work centered around working with her and for others. Personal contact, Michelle says, has always been very important to her. She says, "People are the essence of life. I thrive on contact with others." At her job, Michelle viewed herself as no different from anyone else. Her work had given her direction, and Michelle remarked fondly, "I was there to make my contribution to 'The Agency' just like everyone else." As an employee, Michelle created new opportunities and experiences for herself, achieved a unique sense of personal pride for her independence, and expanded her horizons; however, she still felt her family was providing too many services for her.

Two years ago, Michelle had to leave her work and join her family in their move to Montana. To establish herself in her new home, she became active in community affairs. As both a paid employee and a volunteer, Michelle loved her work, and it became an integral part of her life; however, Michelle felt that something was still missing. She says, "I wanted to go back to Washington, DC. My experiences in Montana helped me grow so much, but I needed more." The dream of independence burned inside Michelle.

Michelle knew that the only way that she could return to her job in Washington, DC, was if she could be accepted at a group home for young people with disabilities, and she also knew her acceptance rested upon her ability to reach a certain degree of physical independence.

"I wanted so desperately to go back home to my friends and my job. I knew it would be difficult to leave my family, and even more difficult to attain the physical independence and adaptability required for my acceptance into the home, but I was determined to succeed," said Michelle. She began her battle for independence because, as she remembers, "Returning to my job was the most important thing for me. As a young working woman, I felt I had more of a purpose in life. I was a contributing member of the work force, and it made all my efforts seem so worthwhile."

In order to return to her cherished position at the CIA, Michelle encountered a major challenge—attainment of almost complete physical independence. Faced with this arduous task, Michelle presented her new set of personal goals to her family and they too accepted the challenge of preparing for her return. They combined their efforts with a home health nurse and together they struggled through the daily physical and emotional trials. All the while, they visualized Michelle's dream: to return to work and to her friends. Michelle's mother, Yvonne Duffy, said, "It was so exciting to see Michelle set her goals, work toward them, and achieve them. All of us shared in her sense of accomplishment. It was a wonderful time for all of us."

The dream of independence came true for Michelle early last year when she was accepted into the Cheshire Homes for independent living. Because the home is near Washington, DC, Michelle has been able to return to her previous position at the CIA.

Michelle's parents made the journey with her to the East to help her get settled in her new home. It was difficult for the Duffys to think of returning home without Michelle, but when they visited Michelle at work, they saw it was the best thing for her. They saw their daughter from a new perspective. She had always been their little girl, and now she was successfully filling the role of a young woman in the work force. They saw in Michelle a new sense of self confidence, pride, proficiency, and fulfillment. As her family boarded the plane to return to Montana, teary-eyed Michelle said, "If it were not for our move to Montana, I don't think I would ever have left home. Maybe I would never have found the desire to reach my full potential. It really was the best thing for me."

Through her work, Michelle gained enough confidence to venture into other areas of interest. She participated in other activities, and became more involved. She found the courage to journey to a shopping center by herself, and she reached a major goal by traveling alone to New York to visit relatives during her Christmas vacation.

Michelle's family had seen her personal moments of victory and triumph: Michelle's first shower by herself, changing her colostomy bag, and dressing herself completely. But as Michelle's father said, "Until now, we had not realized how much independence meant to Michelle. Initially, we knew Michelle's job was important to her, but we never knew just how important. She struggled to get where she is." Michelle has proven to herself and everyone else that her work represents independence, and independence is vitally important to her. Her father continued, "Now we truly see that Michelle is a success."

Yes, she is one of 12,000 Americans born with spina bifida each year.

Yes, she is one of 240 million American citizens.

Yes, she is a success.

Even more importantly, she is one very determined young woman.

Michelle reflects, "Through my independence and my job, I have discovered the magic within myself. My work has inspired me to make my dreams become reality." Michelle is a wonderful example that whatever one can dream, can truly be achieved.

A TRIBUTE TO THE ANNISTON ARMY DEPOT

Mr. HEFLIN. Mr. President, I am proud to rise today to pay tribute to the employees and the command of the Anniston Army Depot, which is located in Calhoun County in northeast Alabama. I recently visited this facility for the eighth time. Each visit has added to my admiration for the work done by Army civilian employees and Army personnel whose joint efforts have produced one of the most efficient operations in all Government services. Senator SAM NUNN joined me during one of my visits, and he, likewise, marveled at the accomplishments of this Army base.

The Anniston Army Depot is 1 of 12 depots in the Army's Depot System Command. These depots are located throughout the United States and in West Germany and provide direct support as supply sources to Army units around the world. The responsibility of the Anniston Army Depot includes combat vehicle rebuild and conversion programs, small arms and artillery rebuild, and the maintenance of various missile systems. The depot is also the largest ammunition storage facility within the Army's Depot System Command. Anniston Army Depot also exercises command and control of the Lexington-Bluegrass Depot activity. For more than 40 years, the citizens of Anniston and the employees of the Anniston Army Depot have been working to keep America's defenses strong. They have labored to provide American servicemen all over the world with the most reliable equipment and supplies that are available anywhere in the world. Anniston and the depot have a history of working together for our Nation. They have provided a solid foundation for the American servicemen and women. They should be commended for their efforts.

The Anniston Army Depot first opened its gates in 1942 as the Anniston Ordnance Depot. Building had started in 1940, when possible conflict was envisioned after the war broke out in Europe. The Army discovered that the area in the Appalachian foothills met several requirements; the hilly terrain provided good locations for storage facilities which could be separated from each other and not easily seen; the location was far enough inland to be safe from any enemy naval attacks, thought possible at that time; rail lines ran along the depots' borders providing access for shipping; and the surrounding agricultural community provided the stable work force that was necessary. In the years between 1943 and 1945, the Anniston Ordnance Depot proved itself, handling more than 1¼ million tons of material. Workers shipped or stored ammunition for 65 cents an hour and often worked three shifts a day to get bullets to the troops. It was homefront efforts, such as this, that provided America with a great advantage during World War II. Without this commitment, we might have still won the war—but I am certain it would have taken many more years and many more lives before we would have emerged victorious.

Since World War II, the Anniston Army Depot has continued in its great service of our national defense. In the 1950's, the depot's growing mission was evident by the addition of warehouses and ammunition igloos, as well as the installation of an automatic data processing system for stock control. The David L. Stanley Maintenance Facility, the center of the depot's tank rebuild program, was also completed in 1953. This facility was named for a great civilian Federal employee who devoted his life's work to the improvement of the depot.

In 1962, the depot was renamed Anniston Army Depot and was placed under the direction of the Army Materiel Command. It continued its growth during the sixties and added the calibration mission for six Southeastern States and logistics support for the Lance, Shillelagh, and TOW missile systems. The Dragan missile was added in 1971.

In September 1976, Anniston Army Depot, along with all of the other Army depots, was placed under the direction of the U.S. Army Depot System Command. In the recent past, the depot has begun maintenance work on the M-1 Abrams tank, which is the new tank being deployed today by the U.S. Army.

The Anniston Army Depot is big business for both Alabama and for Anniston. Facilities at the depot are valued at $717 million and the depot operates under an annual budget which approaches $255 million. The depot has a work force which is usually between 4,800 and 5,000 employees and an annual payroll of almost $120 million. As such, the depot is the largest employer within the 14 county third congressional district. The depot covers over 25 square miles of land with more than 18,000 acres of woodland and 40 acres of lakes and streams. There are almost 2,000 buildings and structures with 8.5 million square feet of floor space, approximately 250 miles of roads and streets and 46 miles of railroad tracks.

A major asset which the depot enjoys is its link with the local community. The Anniston Army Depot is, indeed, an integral part of the Anniston community. Many employees have spent their entire working lives at the depot and feel a real sense of family among their fellow employees. In each achievement, they share a sense of accomplishment and enjoy working as members of a team.

Mr. President, I know that in the future, the accomplishments of the Anniston Army Depot and of the community of Anniston will be great. I know that each will work together in their service of our country. Though their efforts are not usually rewarded with glory or military decoration, they provide an essential service for our national defense. Without their work, our national defense would not be as strong as it is. As their representative, I take pride in their achievements and salute their success.

SDI AND THE AMERICAN PEOPLE

Mr. WALLOP. Mr. President, a recent poll conducted this month by the highly regarded polling firm of Penn and Schoen Associates of New York, for the Committee on the Present Danger, shows that the American people not only want SDI research but they fully expect that a strategic defense against Soviet ballistic missiles be deployed.

Mr. President, the poll also demonstrates that Americans remain concerned about the growth in Soviet nuclear and military power, and that, contrary to claims made by the opposition to SDI, Americans understand that any strategic defense ought to defend both the U.S. population and military capability.

Mr. President, 44 percent of those polled believe that the Soviet Union has a stronger nuclear force than the United States, compared with 37 percent who believe we possess the stronger force. Almost 60 percent of Americans believe the Soviets spend more on defense than we do, while 50 percent think that the Soviet military is stronger than the United States military. A remarkable 66 percent believe that U.S. military spending should be increased or kept at current levels.

Mr. President, on SDI the attitudes of Americans are consistent with all polls that do not characterize strategic defense as star wars—an intentionally derogatory phrase that confuses rather than informs. Seventy-seven percent of all Americans support research and development of SDI. Only 20 percent oppose it. Seventy-four percent, Mr. President, 74 percent favor setting up an SDI system in the United States, while only 19 percent oppose it. When asked if an SDI system should defend primarily people or primarily missiles, or both, a surprising 75 percent of those polled thought both should be defended. This abolishes the myth that the American people are not sophisticated enough to understand that their security is strengthened when the Armed Forces of the country are protected. The American people do not oppose a strategic defense that protects missiles; they prudently understand that such a defense should protect both.

Perhaps the most interesting statistic, Mr. President, is the first question in the poll. Let me read it for my colleagues: "The United States currently has a system to defend against nuclear missile attack. True or false?" Sixty-four percent answered true to this question, Mr. President. We all know that the American people are grossly in error here. But only because they have properly applied common sense to the question of the Nation's defense. It is we in Congress and in the executive branch who have failed in not providing such a defense for the American people. Maybe we should listen more carefully to their counsel?

Mr. President, I ask unanimous consent that the general summary of the Committee on the Present Danger poll be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL POLL NO. 1063 FOR THE COMMITTEE ON THE PRESENT DANGER

This volume contains the general summary of and detailed crosstabular results of a national survey conducted for the Committee on the Present Danger by Penn & Schoen Associates, Inc. In all, 1004 interviews were conducted from April 3, to April 5, 1987, using a random sample of U.S. residents that accurately reflects a typical cross-section of American citizens. All interviews were conducted from the central telephone facilities of Penn & Schoen.

GENERAL SUMMARY: CPD NATIONAL NO. 1063

Question No. 1: Now I would like to ask you some questions about defense. I would like you to tell me if you think the statement is true or false. The United States currently has a system to defend against nuclear missile attack. Do you think that is true or false?

All: True, 64; false, 31; don't know, 5.

Question No. 2: The Soviet Union currently has a system to defend against nuclear missile attack. Do you think that is true or false?

All: True, 67; false, 29; don't know, 4.

Question No. 3: The United States spends more on strategic defense than the Soviet Union. Do you think that is true or false?

All: True, 33; false, 56; don't know, 11.

Question No. 4: The Soviets have pulled their troops out of Afghanistan. Do you think that is true or false?

All: True, 8; false, 86; don't know, 6.

Question No. 5: The United States has more nuclear weapons today than it did 20 years ago. Do you think that is true or false?

All: True, 89; false, 8; don't know, 3.

Question No. 6: The U.S. nuclear arsenal has more explosive power than 20 years ago. Do you think that is true or false?

All: True, 91; false, 6; don't know, 2.

Question No. 7: Who has the stronger nuclear force—the United States or the Soviet Union?

All: U.S., 37; U.S.S.R., 44; don't know, 19.

Question No. 8: Which country spends more on its military forces today—the United States or the Soviet Union?

All: U.S., 31; U.S.S.R., 59; don't know, 10.

Question No. 9: Who has a stronger military right now—the United States or the Soviet Union?

All: U.S., 36; U.S.S.R., 50; don't know, 14.

Question: No. 10: What percentage of this country's total economic output do you think now goes to national defense—under 10%, 10-20%, 21-30%, 31-40%, 41-50% or over 50%?

All: Under 10%, 5; 10-20%, 23; 21-30%, 24; 31-40%, 18; 41-50% 10; over 50%, 12; don't know, 7. (The correct answer is: Under 10%.)

Question: No. 11: What percentage of every dollar the Federal government spends goes to defense—under 10%, 10-20%, 21-30%, 31-40%, 41-50%, 51-60%, 61-70% or over 70%?

All: Under 10%, 6; 10-20%, 20; 21-30%, 23; 31-40%, 18; 41-50% 12; 51-60%, 6; 61-70%, 3; or over 70%, 2; don't know, 10. (The correct answer is: 21-30%.)

Question: No. 12: In general, do you think that spending on defense should be increased, decreased or kept the same?

All: Increased, 27; decreased, 31; kept same, 39; don't know, 3.

Question: No. 13: The Strategic Defense Initiative, or SDI, is a research program to develop a system to destroy incoming nuclear missiles before they reach their targets. Do you favor or oppose the U.S. going ahead with the research and development phases of the SDI?

All: Favor, 77; oppose, 20; don't know, 3.

Question: No. 14: If such a system could be developed, would you favor or oppose setting up the SDI system in the United States?

All: Favor, 74; oppose, 19; don't know, 7.

Question: No. 15: Do you see the SDI as a new weapon or as a way to limit the usefulness of nuclear weapons?

All: New weapon, 29; limit, 60; don't know, 11.

Question: No. 16: Do you think that the SDI should be used primarily to protect cities from attack, primarily to protect our missiles from attack or for both purposes equally?

All: Cities, 16; missiles, 4; both, 75; don't know, 6.

Question: No. 17: In general, do you think the Strategic Defense Initiative would make the world safer, less safe, or would it not make much difference?

All: Safer, 49; less safe, 8; no difference, 40; don't know, 3.

Mr. WALLOP. Mr. President, I also ask unanimous consent that a brief news release of the American Defense Preparedness Association on their awards for superior work in the strategic defense initiative be printed in the RECORD.

There being no objection, the news release ordered to be printed in the RECORD, as follows:

DR. TELLER AND GENERAL RANKINE RECEIVE TOP STRATEGIC DEFENSE INITIATIVE AWARD

The American Defense Preparedness Association (ADPA) announced today that Dr. Edward Teller and Air Force Major General (select) Robert R. Rankine, Jr., were the recipients of the prestigious ADPA Stragetic Defense Award for 1986. They were presented at the second annual Strategic Defense Initiative (SDI) Technical Achievements Awards Banquet on March 4 in Washington, DC., at the Washington Hilton Hotel.

Dr. Teller, member of the White House Science Council and a pioneer physicist, has been one of America's earliest and most stalwart supporters of the President's SDI program. He developed many of the advanced principles that form the basis for the wide-ranging SDI research and development program now underway throughout the country.

Gen. Rankine also received the ADPA Strategic Defense Award for his contributions to the SDI program since its inception in 1983. He developed the basic organization, and was its first Director from September 1983 until April 1984. Currently, General Rankine is the Director of Space Systems, Command, Control and Communications, for Headquarters, U.S. Air Force.

KEMP KEYNOTE SPEAKER

The keynote speaker for the second annual SDI Awards Banquet was Rep. Jack Kemp (R-NY), one of the most ardent supporters of the President's SDI program. More than 700 industry and government officials were in attendance for his remarks on the SDI program.

OTHER AWARD WINNERS

McDonnell Douglas Astronautics Company, Huntington Beach, CA, received the Strategic Defense Technical Achievement Award for the Delta 180 Project. On Sept. 5, 1986, the Delta 180 space launch vehicle, manufactured by McDonnell Douglas, was successfully launched on its maiden flight only 16 months after project initiation.

Captain Mark Welty of Patrick Air Force Base, FL., received the SDI Director's Award for work on the Delta 180 experiment, the first operational space detection and intercept mission. Lt. Gen. James Abrahamson, Director of the SDI Organization, presented the award to Captain Welty. Welty performed as the Delta 180 Network Support Manager for the Eastern Test Range, Patrick Air Force Base, during the experiment.

The SDI Laboratory Award was won by the Air Force Geophysics Laboratory, Hanscom Air Force Base, MA. Mr. Donald R. Smith, representing the laboratory, accepted the award for a project known as SPIRIT, which involved developing and successfully flying in space the first of a new generation of high resolution and sensitivity long-wave infrared radar spectral sensors. One of the sensors was launched in April 1986 from Poker Flat Research Range, Alaska.

TECHNICAL ACHIEVEMENT AWARDS RUNNERS-UP

Flexible Lightweight Agile Guided Experiment (FLAGE): Major General Eugene Fox, Vice Commander of the U.S. Army Strategic Defense Command, Huntsville, Ala., represented the government and industry team receiving recognition for the successful FLAGE flight on June 27, 1986. The flight, conducted at the White Sands Missile Range in New Mexico, culminated in a FLAGE vehicle destroying an incoming aircraft-launched, ballistic cone-shaped object at 12,000 feet above the ground.

Rapid Retargeting and Precision Pointing (R2P2) Facility: The R2P2 system is a National Test Facility for the development and evaluation of SDI Acquisition, Tracking and Point (ATP) systems. Martin Marietta Aerospace, Denver, CO, developed the facility and opened it on Dec. 19, 1986, a completion date established 18 months prior.

RUNNERS-UP FOR THE SDI LABORATORY AWARD

A joint effort by Harry Diamond Laboratories, Adelphi, Md.; Sandia National Laboratories, Albuquerque, NM; and Los Alamos National Laboratories, Santa Fe, N.M., took place in the Harry Diamond Laboratory, Aurora facility. The experiment involved an electron beam from one arm of a radiation generator being used to develop a multi-gigawatt burst of microwave radiation. The experiment in September 1986 resulted in the generation of new world record power levels of 44 gigawatts average power and more than 200 gigawatts of peak power.

The Marquardt Company of Van Nuys, CA, was honored for its development of a new generation of propulsion valves, which resulted in a new industry standard in miniature valve components. Mr. Horst Wichmann was the engineering manager, and accepted the award for The Marquardt Company.

SDIO AND ADPA

The presentation of the SDI Award combines the efforts of the SDIO, directed by Lt. Gen. James Abrahamson, and the ADPA, headed by General Henry Miley, U.S. Army-Ret.

The SDIO was formed to manage and direct research into the feasibility of a nuclear ballistic missile defense system. In 1983, President Reagan challenged scientists to develop technologies which could "intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies." Shortly after that, the SDIO was formed.

The American Defense Preparedness Association was established in 1919, and sponsors approximately 50 meetings each year to discuss developments and issues in military preparedness. ADPA has its headquarters in Arlington, VA, and focuses on increasing the cooperation between government and industry to guarantee a healthy, responsive military production base.

Mr. WALLOP. Mr. President, I again suggest to my colleagues that we listen to the counsel of those whom we propose to represent and begin to defend Americans.

Mr. President, I yield the floor.

THE COUNCIL ON COMPETITIVENESS REPORT

Mr. BAUCUS. Mr. President, one of the main responsibilities of government is to provide for American national security. National security means not only military security, but also economic security.

In fact, Mr. President, our country will ultimately be only as strong militarily as we are economically. A stronger American economy means increased productivity. It means better, higher paying jobs for more Americans. It means reversing the trade deficit that we have with Japan and other major industrial countries. It means a whole host of actions we have to take, if we are going to be not only strong generally but also provide an increased standard of living for ourselves and our children.

To that end, Mr. President, we Americans have to be more competitive in the world than we have been during the last dozen or so years. It is a complicated problem. It requires a comprehensive solution.

We need a three-pronged attack. We must obtain greater access to foreign markets. We must reduce the Federal budget deficit. And we must boost economic productivity.

The goals cannot be accomplished by Government alone. It will take a cooperative effort among many elements of our society.

That is why the work of the Council on Competitiveness is particularly important. The council consists of representatives of businesses, unions, and education groups who have joined together to address the competitiveness crisis.

Yesterday, the council released an important report entitled "America's Competitive Crisis: Confronting the New Reality." This report eloquently describes the nature of the crisis, and makes solid recommendations about how it should be addressed. I urge my colleagues to read it closely.

I ask unanimous consent that the text of the executive summary be printed in the Record following Senator Chafee's statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, I am pleased to join with my colleague Senator Baucus, in placing in the Record the executive summary of a report that the Council on Competitiveness released yesterday. The report, "America's Competitive Crisis: Confronting the New Reality," analyzes the economic and structural causes of the problem.

Senator Baucus and I are cochairmen of the Congressional Competitiveness Caucus and thus we wanted to bring this material to the attention of our colleagues, many of whom are members of the caucus. The executive committee of the caucus met today to discuss the legislative agenda of the caucus, which we plan to announce on April 27, 1987.

I hope that my colleagues will find these two reports of the Council on Competitiveness, as well as the forthcoming recommendations of the caucus, helpful as we grapple with the increasingly important problem of improving our international competitiveness.

Exhibit 1

America's Competitive Crisis: Confronting the New Reality

(A Report by the Council on Competitiveness)

EXECUTIVE SUMMARY

In setting the stage for an extended discussion on competitiveness, four preliminary observations are critical. First, it must be recognized that the trade deficit is only part of the problem and its resolution is only part of the solution. Second, America's competitiveness problems are long-standing, dating back to the 1960s and 1970s. Third, America's competitiveness crisis is complex, calling into question such long-time U.S. strengths as productivity growth and technological innovation. Fourth, competitiveness is a basic pocket-book issue directly related to our standard of living. Just as all sectors of U.S. society contributed to the competitiveness problem, all must work together to restore America's competitive advantage.

Defining competitiveness

Efforts to restore America's competitive position must proceed from an accurate definition of what competitiveness is. Otherwise, public policies and private sector initiatives could very likely address the wrong problems, with potentially disastrous consequences for American producers and consumers alike.

The Council endorses the definition offered by the President's Commission on Industrial Competitiveness in 1985: "[Competitiveness is] the degree to which a nation, under free and fair market conditions, produces goods and services that meet the test of international markets while simultaneously maintaining and expanding the real incomes of its citizens."

The U.S. competitiveness problem has three dimensions: (1) longstanding structural problems, such as declining productivity growth, slow commercialization of new discoveries, and inadequate human resource development; (2) macroeconomic policies that drove up the value of the dollar between 1980 and 1985, and exacerbated these long-term structural problems; and (3) the trade and economic policies of our foreign competitors.

The recent decline of the dollar will help U.S. producers compete. So will an aggressive trade policy that promotes U.S. commercial interests at home and abroad. It is critical to understand, however, that competitiveness is not simply the ability to sell abroad or to maintain a sustainable trade position at some exchange rate. The very poorest nations often boost exports just by significantly devaluing their currencies. The consequences, however, are sharp declines in relative wages and relative standards of living—a high price to pay. The complexity and severity of the problem require the United States to focus on both macroeconomic and structural solutions. Productivity growth, technological innovation, the quality and design of products, and an educated and motivated workforce are all critical to enhanced competitiveness.

Measuring America's performance

Just as competitiveness cannot be simply defined, neither can it be simply measured. The long-term erosion of American competitiveness does not show up completely in any single measurement, but rather is demonstrated by several indicators. Together, they paint a portrait of a decline that began more than 20 years ago.

Wages, Income and Profits. Although trade figures receive the most attention and have prompted the most alarm over America's competitiveness crisis, there are several signs that the broadest and most meaningful overall indicator is America's standard of living. The U.S. standard of living has been growing much more slowly than in the past, and real wages have actually declined. From 1973-1985, real average hourly wages in all nonagricultural sectors in the United States fell by about 5 percent. Since 1979, corporate profitability has also decreased. Furthermore, the new jobs created in the United States from 1979-1985—in some areas of the services and retail trade sectors, for instance—pay on an average far less ($272 weekly wage) than did the jobs that were lost ($444 weekly wage).

Productivity. Over the past 25 years, productivity growth in the United States has been significantly lower than in many other advanced industrial nations. Preliminary estimates indicate that in 1986 U.S. business sector productivity growth increased by only 0.7 percent. For nonfinancial corporations, productivity growth in 1986 was zero. The aggregate U.S. productivity level remains the highest in the world, but U.S. producers' once-substantial advantage has narrowed considerably or disappeared altogether in a number of key sectors—such as steel, autos, machine tools and semiconductors.

Merchandise Trade. The United States did not register a merchandise trade deficit in this century until 1971. Since then, however, U.S. trade deficits have risen dramatically. The 1986 deficit was $170 billion, up 20 percent from 1985. The deterioration in our trade position was most pronounced in manufactured products, which account for three-fourths of all U.S. trade, and extended even to high-technology manufactured products, which posted the first deficit ever in 1986.

Current Account. The 1986 current account deficit is $140 billion, up from the record $118 billion deficit in 1985. As a result of five years of living and consuming beyond its means, the United States has seen its 1981 current account surplus of $6.3 billion turn into a $140 billion deficit. The United States has gone from a net creditor, with $150 billion of foreign assets in 1982, to a net debtor, with $220 billion of foreign debt in 1986. It is estimated that U.S. foreign debt could increase to between $500 and $800 billion by 1990.

Technology. Technology is critically important to U.S. competitiveness, both as it is transformed into marketable products and as it is used to improve productivity. Yet, there are a number of signs that U.S. technological superiority is being eroded.

The United States continues to spend far more on R&D than any other nation, but both Japan and West Germany spend a greater percentage of their national incomes on civilian R&D than the United States. In addition, the United States is having difficulty translating its scientific breakthroughs into commercially successful products.

The federal investment in R&D facilities and equipment has declined 95 percent in the past twenty years, although some improvement has occurred since 1984. The growth in R&D spending by U.S. companies has increased from the low levels of the 1970s, in part due to the R&D tax credit, but the growth has been even higher in Japan and West Germany.

The share of U.S. patents going to American citizens has been declining since the mid-1960s and reached a new low in 1986, when foreign nationals received almost half (45 percent) of U.S. patents. And despite recent improvements, the United States continues to trail its major competitors, Japan and West Germany, in the number of engineers and scientists per capita.

Human Resources. Increased productivity and technological innovation depend directly on educated, skilled and motivated people. There are many indications, however, that the United States is not doing an adequate job of educating students, training current employees and retraining dislocated workers.

Tens of millions of American adults (some estimate 20 percent of the total) are functionally illiterate. More than one-quarter of today's high-school students drop out before graduation. A recent study of reading skills of 17-year-olds found that less than half performed at higher than basic or intermediate levels. A separate study of math skills showed that U.S. twelfth-grade students significantly trailed their foreign counterparts. There are now approximately two million displaced American workers in the United States.

Although 75 percent of the current workforce will still be working in the year 2000, programs to upgrade their skills through training are inadequate. Continuing labor-management tensions in some areas help contribute to low U.S. productivity, as do inadequate reward systems and incentives.

Capital Formation. The availability of sufficient capital, plus the willingness to invest it aggressively in new factories, research facilities, automation and the like, is essential to the nation's competitiveness. The United States is failing to keep up with its major competitors in several critical areas.

The enormous and growing Federal budget deficit has affected capital formation by driving up interest rates and by siphoning off resources that could be used more productively. Over the past decade, the U.S. discount rate has been significantly higher than those of West Germany and Japan. Although U.S. interest rates have been halved in the past four years, foreign interest rates also have declined. America's gross fixed capital investment (as a percentage of Gross National Product) fell further behind that of its major international competitors in 1985. Despite the late 1986 surge in orders, overall business spending on new plant and equipment fell 1.7 percent from 1985 levels. The gross private savings rate in the United States remains well below the levels of foreign nations, as does the personal savings rate, which reached a new low of 3.9 percent of disposable income in 1986.

Federal policy implications

The growing acknowledgement of the competitiveness problem increases the likelihood of new policy initiatives. The danger in policy formulation is no longer insufficient attention to the problem, but excessive reliance on competitiveness as an umbrella under which to promote a number of often-conflicting policies, many of which have little or nothing to do with competitiveness and some of which may actually harm it.

Although the first order of business is to address the macroeconomic policies that have resulted in currency misalignment, it is not enough simply to change macroeconomic policies. The U.S. government should develop a trade policy that better safeguards U.S. interests in an economic environment where foreign government intervention has become commonplace. Government must also develop policies that can better promote the effective development and use of America's abundant technological and human resources. In adopting these changes, government will be fulfilling its obligation to create an environment that is conducive to private sector productivity.

Federal Budget Deficit.

The first step must be a sustained and substantial reduction in the federal budget deficit. Otherwise, simultaneous efforts to reduce the value of the dollar and stem the inflow of foreign products will be ineffective: domestic interest rates and inflation will increase, leading to further reductions in the standard of living. In reducing the federal deficit, policymakers must be careful not to erode long-term competitiveness in the name of short-term fiscal frugality. For instance, tax increases that further reduce business incentives to invest and innovate or expenditure cuts concentrated on productive human resource development, R&D support, and programs that enhance productivity could be counterproductive.

International Economic Policy. A more effective mechanism for coordinating macroeconomic policy and exchange rates among advanced industrial countries must be developed to prevent the massive trade imbalances that are politically and economically unsustainable. A credible U.S. deficit-reduction package will help facilitate the ongoing efforts of the Group of Five (United States, Japan, West Germany, Great Britain and France).

Similarly an effective solution to the Third World debt crisis has not been implemented. The result has been a continuing deterioration of the debt situation in many lesser developed nations and a continued deterioration in the U.S. trade position with these countries.

As the world's largest economic power, the United States must continue to take the lead in improving multilateral trade agreements. American efforts to initiate and shape a new round of GATT negotiations are important steps in moving toward the creation of a more open trading system. Special emphasis should be placed on improving the operations of current rules and expanding coverage to sectors such as services, and special attention to issues of intellectual property and direct foreign investment.

Domestic Trade Policies. The Council is encouraged by the growing recognition of the importance of trade to the nation's overall well-being, and by ongoing efforts of the Congress and Administration to develop a trade policy that better safeguards U.S. commercial interests, trade must become a national priority, not just today, but in the future, and active implementation and enforcement of U.S. trade rights must become a hallmark of U.S. trade policy.

Technology Policies. A number of policy improvements have been made to enhance the development and diffusion of U.S. technology. Reductions in antitrust barriers have encouraged greater cooperation in the private sector. Steps have been taken to improve the protection of U.S. intellectual property and to increase government funding of basic research. The Administration and Congress are currently examining recommendations in several broad areas: improve R&D collaboration among corporations and between the business and higher education sectors; improved transfers of federal funded technology to the private sector; increased financial support, through direct funding or tax incentives; and enhanced scientific literacy. There has been no action to boost tax incentives for R&D investment.

HUMAN RESOURCES POLICIES

Several positive initiatives have been adopted or are being considered that would enhance the ability of American workers to improve their contribution to U.S. productivity. The Council is especially encouraged by the number of state and local efforts to improve the primary schools; by the fact that the Administration and Congress are committed to developing an adjustment policy for dislocated workers; and by the number of new Engineering Research Centers administered by the National Science Foundation. The Council is disturbed, however, by the proposed reductions in college student aid and vocational education.

Private sector initiatives

U.S. corporations, colleges and universities, and labor unions have a primary responsibility for restoring American competitiveness. Mobilizing the full capabilities of workers, investing capital wisely, picking markets strategically, educating and training people broadly and managing assets prudently—all are the ultimate responsibility of the private sector. Unfortunately, too few have recognized the severity of the competitive crisis or responded sufficiently. Efforts to translate research breakthroughs into commercial products are inadequate; labor-management antagonisms in some areas remain unacceptably high; product quality by the standards of the new competition remains unacceptably low; and the United States needs to do more in the area of manufacturing technology.

Nevertheless, improvements have been made. Among the more promising signs are: the expanded number of partnerships and joint ventures involving business, higher education and labor; more cooperative labor-management relations; a new focus on productivity growth; the increased use of advanced technology to improve production; and adoption of innovative management and marketing techniques by small, medium and large companies alike.

Change will not occur overnight. And simply improving on past performance will be insufficient—given that America's foreign competitors are constantly improving, too.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. I thank the Chair.

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while awaiting the arrival of one more speaker, I believe, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

THE DEATH OF JAMES L. BONDSTEEL

Mr. MURKOWSKI. Mr. President, I rise to express the sorrow that the untimely death of Jim Bondsteel causes for me and for all Alaskans who knew him or knew of him. Jim was killed last week in an automobile accident.

Jim was not afraid to die. He proved that long ago in the An Loc Jungle of Vietnam, where his heroism and valor earned the Nation's highest decoration: The Medal of Honor. He also proved, in both his military career and in his service to Alaska veterans as a VA readjustment counselor and as a Veterans' benefits counselor, that he was committed to the service of his fellow men and women.

Nor was Jim afraid to live. There can be no greater affirmation of life than assuming the joy and responsibility of being a spouse and parent. Jim's family, like his career, provides eloquent testimony to the depth of his commitment of life.

Mr. President, I join Alaska in mourning the death of this fine young man. My sadness is only slightly tempered by the pride I take in knowing that Jim's life is evidence that America continues to produce men and women of the high caliber we will need to succeed in the very competitive world in which we live.

On behalf of all Alaskans who knew Jim and were touched by him, I express my deepest condolences to his family.

Thank you, Mr. President.

ANWR

Mr. MURKOWSKI. Mr. President, I wish to call my colleagues' attention to a report just completed by the Department of the Interior on the Coastal Plain of the Arctic National Wildlife Refuge—Commonly referred to as "ANWR." That report compiles the results of 5 years of study of the wildlife and oil and gas resources of the Coastal Plain. Based on those studies, Secretary Hodel has recommended that Congress authorize oil and gas exploration on the Coastal Plain of ANWR.

The Alaska National Interest Lands Conservation Act of 1980 [ANILCA] set aside more than 100 million acres in Alaska as national wildlife refuges, parks, and wilderness areas. One of the areas set aside was ANWR, encompassing some 19 million acres, 8 million of which are designated wilderness. Because of the important wildlife values and potentially enormous oil and gas resources of ANWR's 1.5 million acre Coastal Plain, Congress expressly left open the question of whether to permit oil and gas exploration in that area.

After more than 5 years of biological baseline studies, surface geological studies, and two seasons of seismic exploration surveys, the Department of the Interior has concluded that ANWR's Coastal Plain is the most promising onshore oil and gas prospect in the United States. It has also concluded that oil and gas exploration and production activities can be successfully carried out in a manner compatible with protection of the area's significant wildlife values.

Mr. President, the Department of the Interior's report is another comformation of an assertion I have made before—that the issue on whether to allow oil exploration on ANWR's Coastal Plain is not an issue of oil versus caribou. We have proven, with over 20 years of experience at Prudhoe Bay, that we can have both resource development and protection of the Arctic environment. The caribou will not be sacrificed if we elect to take an inventory of the oil and gas resources in this very promising area.

In this regard Mr. President, I ask unanimous consent that the transcript of a conversation I had with Dr. Thomas Bergerud be printed in the RECORD. Dr. Bergerud, a professor at the University of Victoria in British Columbia, is widely recognized as the leading caribou biologist in the world. He is of the opinion that oil and gas exploration and production can occur on the Coastal Plain of ANWR without a detrimental impact on the caribou.

I also direct my colleagues to a sampling of the press reaction to the Department of the Interior's report. I ask unanimous consent that the text of a New York Times editorial, entitled "In Alaska, Drill, But With Care," and a Washington Post editorial entitled, "Caribou Versus Motorist," be printed in the RECORD. Both of these editorials endorse the Secretary's recommendation to proceed with exploration of the Coastal Plain of ANWR.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF A CONVERSATION BETWEEN DR. TOM BERGERUD OF THE UNIVERSITY OF VICTORIA, BRITISH COLUMBIA, AND SENATOR FRANK H. MURKOWSKI

FM: Dr. Bergerud, I understand that you have devoted a good portion of your life to research on caribou. Can you tell me a little bit about your background and the observations you've made on the caribou in various areas of the world.

TB: Well, I've been working with caribou since 1955. I was a chief biologist in Newfoundland for many years and then the director of the game department.

I worked with the Newfoundland herds, then I worked with the Labrador herds, the herds in Quebec, Ontario and lately in British Columbia and the Northwest Territory. I've had one field in Alaska.

I spent 22 years on the calving grounds when the cows were giving birth. I spent 19 years with the animals during the rut. I've devoted my whole professional life to the well being of the species.

FM: You've been quoted as calling caribou one of the world's most adaptable animals. Could you elaborate a little bit about what you mean or is that a fair statement?

TB: Well, they're not the world's most adaptable, but they're very highly adapted to the Arctic environment and they are also adaptable. They can make plastic responses, they can adapt to man establishing buildings and so forth in their area.

They can tolerate being near man. In fact, reindeer which is the same species as caribou, is one of the animals that man has been able to domesticate. So they certainly are adaptable—they're able to take great extremes in the environment and their natural environment being so tough—I mean that is why they have prospered because they have been able to come up with these adaptations.

FM: I'm interested in the question of activity associated with oil and gas exploration in the area of caribou habitat or in their calving ground.

What happens when there's exploration in an area where they traditionally come to calve?

TB: Well, the calving grounds of most of the big herds are on the northern edge of the annual distribution of the herds.

There is a debate about why caribou go to calving grounds and I think that is very important in trying to understand what would be the significance of the development on the calving grounds.

The paper that I've been publishing and is becoming more generally accepted is that caribou go to calving grounds as an antipredator strategy. They go to the very northern edge of their range and this allows them to get away from wolves. Wolves usually den along tree lines, so that is the most important thing to keep in mind.

The caribou are going to calving grounds in my view to escape wolves not because there is some unique food supply or forage there. Some people would say that if we displaced caribou from an area they are going to decline. And usually this is based on a view that they think that the food resources are critical on these calving grounds and in fact I've done some studies up in Alaska on the calving grounds and can show that actually the food is quite poor. Where the bulls are, south of the calving grounds, the food is much better and if the cows were really interested in food supply they would have stayed back with the bulls. But, they've gone up to get away from the predators.

Now because they're worried about predators they are liable to disturbance—when they see a vehicle coming down the road it represents a predator to them. They are not disturbed by the road without the vehicle. We can expect that if we have a road with traffic in a calving ground that the bulls will probably pay little attention to the road but that the cows will move back perhaps a mile from the road and then they will resume their normal activities.

In fact, we don't want the caribou to habituate to the traffic because in fact this is their natural predator response.

FM: Do I understand you to say that the mere presence of roads, drilling pads, and drill rigs will not necessarily displace the caribou? Rather, it is the activity associated with those structures—men and vehicles working, etc.—which may cause the caribou to move away from the area. If the men and the vehicles weren't there, the fact that there was a road or a pad wouldn't necessarily disturb the caribou?

TB: It's the disturbance that causes them to be displaced, if they are going to be displaced. It doesn't necessarily need to be traffic.

One person did a study up there on the Central Arctic Herd and he made a fence and he had burlap bags hanging on the fence. When the bags flapped in the wind, the caribou avoided this fence, in my view because it resembled a predator.

If you have things that look like predators it's the predator response on the road that makes them peel away.

Now this is mostly the cows and the calves. The bulls are not nearly as shy of predators. They actually go into the willow valleys to feed. That's what they have to do to get big and breed females. The female has to stay away from predators so her calf will live.

And even if there's a lot of traffic on the road, the displacement is only a mile on each side of the activity. So if we do want to keep all the traffic going, we will lose a strip of occupation of about two miles wide.

The big thing is that we don't have a barrier. I don't see why we should worry about this two miles on each side because the range is not limiting.

If there was so much traffic when the herd was migrating so that they didn't go across, then they would stay south. And if they stayed south, in the case of the Porcupine, it would mean they would stay closer to the foot hills. And if they stayed closer to the foothills there would be more predation because that's where there are more bears and wolves.

If we monitor the percent calves—even if they are displaced—and we are prepared to manage the predators, we can always have positive recruitment. And the herd can continue to prosper.

FM: How does noise associated with the activities of man affect the caribou?

TB: Right now in Ongava (sp?) the NATO exercise roar over the caribou with jets. People are all upset, but I've looked at a lot of caribou with noise.

I was in the Delta Herd in Alaska. That herd is near an army base. Right at calving time the army people used to come out with their big Huey helicopters which really look sinister at very low elevations and the caribou were so habituated to this noise that they didn't even stand up.

I've also watched caribou when dynamite has gone off. If the noise doesn't have any impact on their well being, they habituate with it. If you roar up to a caribou in a ski-doo and start shooting at it, then the noise of a ski-doo has very dire consequences for them and they will not habituate to it.

But a noise of a feeder station or an airplane that does not result in any further consequences but the noise, they will soon habituate to it and will pay it little mind.

FM: Do you know of any areas where caribou are currently in close contact with the activities of man?

TB: I was over in Norway once in 1979 and I watched a caribou herd right in the middle of Army maneuvers. In Norway they maneuver in the national parks in unusual situations. The caribou were paying no heed to this.

The Central Arctic herd next to the Porcupine herd of course has a tremendous amount of development—pipes and feeder lines and so forth, and that herd has prospered; increasing from some 3,000 to 15,000 during the development. I think that's the acid case that shows that caribou can co-adapt to this.

They cannot co-adapt to being over harvested, but they can certainly take living side-by-side with an ethical man.

Now what often happens is when we have these developments we upset the predator-prey relationship. Wolves run up and down the TAPS highway on the Central Arctic herd. So sometimes we upset the balance not through what is disturbance, but because we have given a benefit to the predator.

Sometimes it will work the other way. The bears and the wolves stay away from the development, stay away from the calving ground and the caribou actually prosper.

The survival of calves on the Central Arctic herd has been very high since development and this coincides with a reduction in the wolves because of greater hunter access.

FM: Doctor, I want to thank you very much. You have provided an unique insight based on your 32 years of observing the caribou all over the world. We very much appreciate your thoughtfulness in giving your views and actual experience in observing this tremendous resource of all of North America and Europe. Undoubtedly we will have a chance to call on you again. Thank you.

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is "vital to our national security" because it "would reduce America's dependence on unstable sources of foreign oil."

Mr. Hodel is guilty of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil. But the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusal environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil, after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion. How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the Washington Post, Apr. 23, 1987]

CARIBOU VERSUS MOTORIST

It's the caribou versus the motorist, again. Secretary of the Interior Donald P. Hodel has recommended opening part of the Arctic National Wildlife Refuge in Alaska to oil drilling. That was what the oil companies hoped he might do. A predictable shriek has gone up from the defenders of the refuge. The decision is up to Congress.

Environmental quarrels always seem to generate billowing exaggeration. Another major oil discovery in Alaska would certainly be convenient, postponing the effects of the decline in Prudhoe Bay production that the government expects within the next year or so. But it's not quite so vital as Secretary Hodel suggests. With or without more Alaskan wells, oil production in this country is likely to stay on a downward trend.

As for the caribou, however, oil drilling seems very unlikely to be the dire threat to them that their friends here in Washington claim. While the two cases are not entirely comparable, the Interior Department points out that the number of caribou around Prudhoe Bay, 60 miles west of the refuge, has tripled in the 19 years since oil operations began there. The aesthetic objections to oil drilling may be substantial, but the caribou do not seem to share them.

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. The area that Mr. Hodel would open to drilling is 1.5 million acres, running about 100 miles along the state's north coast near the Canadian border. He points out that adjacent to it is an area five times as large that remains legally designated as wilderness, putting it off limits to any development whatever.

Human intrusion on the scale of oil exploration always makes a difference in a landscape. But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life.

Drilling in the Arctic Refuge is not crucial to the country's future. But there is a respectable chance—about one in five, the department's geologists say—that exploration will find enough oil to be worth producing commercially. That oil could help ease the country's transition to lower oil supplies and, by a small but useful amount, reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of the secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CHANGES TO UNIFIED AND SPECIFIED COMBATANT STRUCTURE MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with Section 161(b) of Title 10, United States Code, this is to inform you of changes to the unified and specified combatant structure which I have recently approved.

(1) Establishment of the unified U.S. Special Operations Command (USSOC).

(2) Establishment of the specified Forces Command (FORSCOM).

(3) Establishment of the unified U.S. Transportation Command (USTRANSCOM).

(4) Disestablishment of the specified Military Airlift Command (MAC), to be accomplished upon the certification of CINCTRANS to the Secretary of Defense and the Chairman, Joint Chiefs of Staff, that TRANSCOM is fully operational.

(5) Disestablishment of the unified U.S. Readiness Command (USREDCOM) with transfer of designated functions to U.S. Central Command, U.S. European Command, U.S. Southern Command, U.S. Transportation Command, and Forces Command.

RONALD REAGAN.

THE WHITE HOUSE, *April 23, 1987.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on April 10, 1987, he had approved and signed the following enrolled joint resolutions:

S.J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week";

S.J. Res. 64. Joint resolution to designate May 1987 as "Older Americans Month"; and

S.J. Res. 74. Joint resolution to designate the month of May 1987 as "National Cancer Institute Month".

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes;

H.J. Res. 32. Joint resolution designating the month of May 1987 as "National Child Safety Awareness Month";

H.J. Res. 67. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week";

H.J. Res. 108. Joint resolution designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week"; and

H.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewery".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 106. Concurrent resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 32. Joint resolution designating the month of May 1987 as "National Child Safety Awareness Month"; to the Committee on the Judiciary;

H.J. Res. 67. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week"; to the Committee on the Judiciary;

H.J. Res. 108. Joint resolution designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week"; to the Committee on the Judiciary; and

H.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewery"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 106. Concurrent resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary.

MEASURES HELD AT THE DESK

Pursuant to the order of the Senate of April 21, 1987, the following bill was held at the desk pending further disposition:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHILES:

S. 1078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to State and local educational agencies for dropout retention and recovery demonstration projects; to the Committee on Labor and Human Resources.

By Mr. McCAIN:

S. 1079. A bill for the relief of Jose M. Arvayo; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 1080. A bill to amend the Automobile Information Disclosure Act to provide information as to whether or not certain motor vehicles are capable of using gasohol; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. KENNEDY, Mr. GLENN, Mr. HARKIN, Mr. MATSUNAGA, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. HOLLINGS, Mr. BOSCHWITZ, Ms. MIKULSKI, and Mr. BURDICK):

S. 1081. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 1082. A bill to temporarily suspend the duty on tetra amino biphenyl until 1993; to the Committee on Finance.

By Mr. DeCONCINI:

S. 1083. A bill to delay implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 by four months.

By Mr. FORD (for himself and Mr. JOHNSTON):

S. 1084. A bill to establish the amount of the costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 1085. A bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI:

S. 1086. A bill to require the United States Trade Representative to initiate an investigation of unfair trade barriers maintained by Japan against United States construction services; to the Committee on Finance.

S. 1087. A bill to eliminate unfair, restrictive, and discriminatory foreign practices in the marine transportation of automobile imports into the United States; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1088. A bill to provide the Federal Trade Commission with authority to regulate the advertising of commercial airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (by request);

S. 1089. A bill to amend title 38, United States Code, to improve the State Veterans' Home Grant Program; to the Committee on Veterans' Affairs.

S. 1090. A bill to amend title 38, United States Code, to provide authority for higher monthly installments payable to certain insurance annuitants, and to exempt premiums paid under servicemen's and veterans' Group Life Insurance from State taxation; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S.J. Res. 117. Joint resolution designating July 2, 1987, as "National Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURDICK (for himself, Mr. Mitchell, Mr. Breaux, Mr. Chafee, Mr. Wallop Mr. Bumpers, Mr. Ford, Mr. Hollings, Mr. Warner, Mr. Gore, Mr. Pryor, Mr. Chiles, Mr. Boren, Mr. Proxmire, Mr. Levin, Mr. Lugar, Mr. Dole, Mr. Biden, Mr. Gramm, Mr. Quayle, Mr. Kasten, Mr. Symms, Mr. Murkowski, Mr. Simpson, Mr. Daschle, Mr. McClure, Mr. Domenici, Mr. Shelby, Mr. Armstrong, Mr. Sasser, Mr. McConnell, Mr. Wirth, Mr. Grassley, Mr. Stafford, Mr. Inouye, Mr. Roth, Mr. Stevens, Mr. Cochran, Ms. Mikulski, Mr. Bradley, Mr. Baucus, Mr. Bond, Mr. Durenberger, Mr. Graham, Mr. Nunn, Mr. Garn, Mr. Hecht, Mr. Pell, Mr. Sarbanes, Mr. Johnston, and Mr. Thurmond):

S. Con. Res. 52. Concurrent resolution to recognize and congratulate Ducks Unlimited, Incorporated, in honor of its 50th anniversary; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. Heinz):

S. Con. Res. 53. Concurrent resolution to authorize the reprinting of Senate Report 100-9, 100th Congress, 1st session; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 1078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to State and local educational agencies for dropout retention and recovery demonstration projects; to the Committee on Labor and Human Resources.

DROPOUT RETENTION AND RECOVERY ACT

● Mr. CHILES. Mr. President, I am pleased to introduce today the Dropout Retention and Recovery Act of 1987.

The bill is similar to S. 1771 which I introduced in the 1st session of the 99th Congress to keep our youth, especially the disadvantaged, on a path toward opportunity, self-sufficiency, pride and accomplishment.

At a time when our economy and our Nation's competitive posture demands a better educated and more highly skilled workforce, our educational establishment is losing more and more of tomorrow's workers to the streets. They are lost to truancy, to lethargy, to crime, to teen pregnancy, to drug abuse, and worst of all, to hopelessness. The student dropout rate has grown to more than 25 percent, with the rate in some urban communities twice or three times that amount. If current trends continue, we will have a national dropout rate of 40 percent by the year 2000.

I believe my bill improves legislation currently under consideration in the Labor and Human Resources Committee. My proposal allows State educational agencies to apply for demonstration funds on behalf of one or a group of local educational agencies. School districts with the most dramatic dropout problems often need the most assistance in developing successful grant applications and successful dropout prevention programs. Rural areas especially need help. We must reach these communities to impact the dropout problem.

My bill requires that each school district applying for assistance submit the application to the State educational agency for review and comment. We need to ensure that local efforts do not duplicate or compromise State efforts. My bill also requires that each project develop a plan detailing how to meet the non-Federal share of program costs.

Effective efforts at dropout prevention require a comprehensive approach from schools, community leaders, families, and State and local resources. We must encourage cooperation among all parties. For this reason, my bill requires that each project appoint an advisory board broadly representative of the community. Ideally, a board will include representatives of schools, local employers, clergy, and other social services agencies.

This legislation authorizes a more intensive study of the dropout problem and finances it as a separate line-item appropriation. The $50 million in seed money is not a large investment when measured against the scope of the dropout problem. My approach maintains separate appropriations for the demonstration programs and the study. More importantly, I believe a 3-year study will provide us with a more informed analysis of "what works" in dropout prevention. The Department should have time and resources to gather new information and embark on the study immediately, rather than later.

Even more distressing than the national dropout rate are the staggering dropout rates found among a number of "at risk" populations. The dropout rate for black Americans in certain areas is more than twice that for whites. Statistics assert that chronic joblessness is concentrated among poor and minority youth who have dropped out of school. These trends show up in the staggering level of unemployment among black youth.

In 1972, the unemployment rate for black teenagers was 35 percent. The rate has now climbed to 43 percent. Only 6 of every 100 black teenagers not in school are employed full time. Between 1970 and 1983, 22 million new jobs were created but just 4,200—less than two hundredths of 1 percent of these jobs—went to black male youth. Statistically, black dropouts are less likely to return to school than white dropouts and are more likely to remain unemployed.

The situation proves even more troubling for Hispanic Americans. Studies show that while Hispanic Americans represent our youngest and fastest growing ethnic group, they are also far more likely to drop out of school than any other group. Immigrants seeking freedom and opportunity must often overcome both language and cultural barriers to persist and succeed in the American educational system. Recent reports from Miami, Houston, Los Angeles and New York indicate that far too few succeed.

While the scope of this problem is easily recognizable in our major cities, the dropout situation is not peculiar to urban areas. Former Kentucky Gov. Julian Carroll asserted during hearings in the 99th Congress that in his mostly rural State, 99 percent of male welfare recipients, 90 percent of female recipients, and 70 percent of prison inmates are former high school dropouts.

The dropout rate in my own State of Florida ranks among the Nation's worst. The U.S. Department of Education recently estimated that Florida's graduation rate ranks 49th in the Nation, with only 61.2 percent of students earning a high school diploma. The problem is as troubling in our mostly rural counties—St. Lucie County, Glades County, Jefferson County—as it is in Dade County. Our dropout rate worsens dramatically among migrant students, who, even if they remain enrolled, will attend only 75 school days each year.

Mr. President, we cannot sit by and accept such an appalling record. Our future workforce's declining capability is a time bomb waiting to go off. Japan, our chief competitor in the international marketplace, boasts a mere 2-percent dropout rate. Higher Japanese achievement levels clearly indicate that they are accomplishing more with a higher percentage of the school-age population than we are.

In the last 5 years, our economy has produced 8 million new jobs but 60 percent of these jobs pay an annual salary of $7,000 or less. This illustrates an important part of the dropout problem. As we try to reassert U.S economic power, we must develop an economy that offers an incentive to stay in school or return to school. We must offer our young people real opportunity. We cannot become a nation of hamburger flippers.

With the dropout problems, as with other domestic problems, we can pay now or we can pay later. We can make a small investment in our education budget and try to stimulate a trend reversal. Or, we can pay later in expenditures for unemployment, income maintenance and other social services, and for law enforcement and correctional facilities. Ironically, it is much less expensive to invest additional funds to keep a student through 3 years at Miami Jackson High School than to keep an inmate for a 3-year sentence at the Miami Dade Correctional Center.

Yet, the Federal Government alone cannot solve the dropout problem. States and local communities share primary responsibility. But right now, State and local educational agencies are attempting to address the dropout problem without guidance on effective methods to prevent students from dropping out and to bring dropouts back to school.

The Dropout Retention and Recovery Act seeks to fill this vacuum. The act provides startup funds for model demonstration programs aimed at dropout prevention. At the same time, it authorizes a study to collect, evaluate, and disseminate information gained from these programs. My bill includes as a study topic the impact of school reform on the dropout problem. In my State and others, schools have tightened graduation requirements to improve high school achievement levels. Unfortunately, these reform efforts have accelerated the dropout problem among under-achieving, "at risk" youth. We must develop methods to help these students meet higher standards. The new projects will not merely duplicate State and local efforts. Federal funds will not supplant State and local dollars. In fact, the Federal share of program costs will decline each year and phase out completely after 3 years.

For some of our "at risk" youngsters, dropping out of school is the last stop on a rough road: Loss of interest or motivation, inadequate counseling, or inappropriate teaching methods. For others, dropping out is symptomatic of much larger problems: Drug abuse, involvement in crime or youth gangs, pregnancy, and poverty. Causes vary from student to student, school to school, and State to State. My bill is broad enough to encompass differences. It supports, where appropriate, programs that expand parental involvement, improve guidance and counseling services, and offer vocational options, staff training, day care services, remedial and basic skills programs, and extended day and summer programs.

I recognize that some innovative State programs show promise in addressing the dropout program. The youth opportunities unlimited initiative in Texas has demonstrated results in retaining over 90 percent of participating high-risk youth and encouraging a majority of program participants to pursue postsecondary education. The program utilizes job training partnership act funds, along with private resources and community-based organizations' support.

In my own State of Florida, the intensive learning alternative program in Hillsborough County coordinates efforts by the State department of health and rehabilitative services and the county school board to provide high-risk youth with special classes, peer counseling and increased parental involvement. New Directions High School in Sarasota County allows students to individualize their schedules, attending academic classes for half of the day and vocational training, volunteer work, or part-time employment during the other half.

Most of these promising initiatives combine school with community resources. The Dropout Retention and Recovery Act encourages applicants to coordinate efforts with local employers, community-based organizations, community colleges and other State and Federal efforts such as vocational education programs and projects funded under the Job Training Partnership Act.

As chairman of the Senate Budget Committee and the Appropriations Subcommittee responsible for the Department of Education, I insist that our education dollars be well spent. This legislation provides not only seed money for new projects but facilitates State and local contributions toward solving the dropout problem.

New projects may be criticized as too costly. Cumulative costs of special remedial instruction, counseling, day care, and job training may appear high for each student served or each dropout brought back to school and sent out into the job market. Even so, I expect a high return on the investment, and these efforts will cost less than the alternatives. If we point States and localities in the right direction and succeed in keeping more of our "at risk" youngsters in school, off the streets, out of trouble, and out of jail, then we will save in the long run. If we give more of these youngsters the kind of education and job training necessary for self-sufficiency—job skills to move them and the economy forward—we will save many times over.

The General Accounting Office reviewed the dropout prevention literature and found it severely lacking. The Congressional Research Service completed similar research and found no national data on dropout programs. A review by the National Academy of Sciences' National Research Council on evaluations of employment and training programs for youth confirms that little information exists on how to prevent youth from dropping out of school, encourage their reentry, or recruit and retain dropouts in "second chance" employment and training programs.

Mr. President, the dropout situation demands a national response—not a huge, expensive program but one that provides limited support to the best local solutions and spreads the word on what works and what doesn't. We cannot sit by and watch an underclass emerge. As a nation, we cannot afford to watch our human capital erode. We must redirect our economy to one that offers solid opportunity. We must redirect our youngsters toward chasing an achievable American dream. We can afford to do no less.●

By Mr. McCAIN:

S. 1079. A bill for the relief of Jose M. Arvayo; to the Committee on the Judiciary.

RELIEF OF JOSE M. ARVAYO

● Mr. McCAIN. Mr. President, today I am introducing a private bill for the relief of Jose M. Arvayo who, in 1979, at 5 months of age, was misdiagnosed by a staff physician at McConnell Air Force Base in Wichita, KS, where Jose's father was stationed. Instead of the correct diagnosis of bacterial meningitis the infant was said to have had a relatively harmless upper respiratory infection and sent home with his parents.

The following morning, the infant's condition had deteriorated drastically. His parents rushed the baby to the base hospital. The attending physician immediately recognized the severity of Jose's illness and sent him by ambulance to a civilian hospital. Following examinations by several physicians, the infant's condition was diagnosed as bacterial meningitis. The Arvayos were informed of the diagnosis and of the possibility that Jose could sustain permanent and severe central nervous system damage and mental retardation. However, no mention was made that the Air Force physician's failure to diagnose and treat properly Jose's condition during the previous day very possibly led to the severe consequences of his disease.

In 1981, the Arvayos, never suspecting the Government doctor's negligence, approached an attorney on a routine complaint involving a military medical insurance matter. Upon learning of the background of the complaint, the attorney recognized the possibility of the Air Force physician's negligence, and so informed the Arvayos. Following an investigation, they filed a claim for damages on behalf of Jose on December 16, 1981, nearly 3 years after the Government physician's negligent omission.

In the Federal district court, the Government introduced a motion to dismiss on the ground that the Arvayos had failed to file their claim in a timely fashion as required by the Federal Torts Claims Act [FTCA], which stipulates a 2-year period. The Government contended that the limitations period commenced at the time of Jose's injury. The district court considered the motion and determined that the limitations period did not begin to accrue until the Arvayos learned of the Government physician's negligence. In the ensuing trial, the court found the Government negligent for failing to diagnose and treat bacterial meningitis in time. It further held that but for the Government's omission, Jose would not have suffered brain damage and mental retardation. The court found that a fair and compensatory award was the sum of $1.95 million for past, present and future hospital expenses, pain and suffering, and permanent disabilities.

The Government appealed the district court's decision to the Tenth Circuit Court of Appeals. The appellate court rejected all of the Government's aguments regarding the actual merits of the case. The court of appeals nevertheless reversed the decision on the issue of whether the limitations provision of the FTCA has run its course prior to the filing of Jose's claim.

The action of the tenth circuit's decision was to deny the Arvayos the only means which they had to support their son throughout his life. As a consequence of his illness, Jose has an intelligence quotient of only 20, meaning that at the age of 16 he will have developed to the level of a 3-year-old. The child will require continued medication for seizures and regular medical and mental examinations for the rest of his life. He will have to see a variety of physicians just to keep his body functioning. He will also require speech and language therapy to develop his ability to articulate sounds and understand language as he grows older. Jose's condition is permanent. The cost of this in emotional terms is beyond compensation. The cost in financial terms is well beyond the capacity of most people.

The court of appeals recognized the extent and severity of Jose's injuries and the hardship those injuries will place on his parents. It expressed regret that the Arvayos' otherwise most meritorious case had to be denied because of a mere technicality. In its opinion the court stated:

> It is with regret that our decision prevents any recovery by Jose and Tina Arvayo on behalf of their son, Jose, Jr. The damage to Jose, Jr., and the continuing pain and trauma for the entire family is a tragedy, not to speak of the financial hardships they will surely endure.

The court, in an extraordinary departure, included in its opinion a suggestion to the Arvayos that they appeal to Congress for private relief. The court simultaneously implored Congress to grant the suggested relief, given the unusual circumstances of this case and the particularly acute plight of the Arvayos.

Mr. President, the facts speak for themselves. I believe this desperate situation deserves our attention and resolution.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Jose L. Arvayo and Tina D. Arvayo on behalf of their infant son, Jose M. Arvayo, the sum of $1,950,000. Such sum was awarded in a judgment entered against the United States in *Arvayo* v. *United States,* Civ. No. 82-1611 (D. Kan. 1984), which was reversed in *Arvayo* v. *United States,* Civ. No. 84-1479 (10th Cir. 1985) on the ground that the claim of Jose M. Arvayo was not presented to the appropriate Federal agency within two years as required by section 2401(b) of title 28, United States Code. The payment of such sum shall be in full satisfaction of any claim of Jose M. Arvayo against the United States arising out of the failure of a physician of the United States Air Force to diagnose and treat bacterial meningitis afflicting Jose M. Arvayo.

SEC. 2. LIMITATION ON ATTORNEY'S AND AGENT'S FEES.

Not more than 10 percent of the sum appropriated by section 1. shall be paid or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than $1,000.●

By Mr. BOSCHWITZ:

S. 1080. A bill to amend the Automobile Information Disclosure Act to provide information as to whether or not certain motor vehicles are capable of using gasohol; to the Committee on Commerce, Science, and Transportation.

PROMOTING THE USE OF GASOHOL

● Mr. BOSCHWITZ. Mr. President, I am introducing legislation to help reduce the confusion that too many people have about gasohol. My bill would simply require that manufacturers indicate on the window sticker of all new cars manufactured in any model year after 1988 whether the vehicle can be operated on gasohol.

Gasohol is a blend of 10 percent ethanol—or grain alcohol—and 90 percent gasoline. Ethanol can be made from a variety of bases including grain or sugarcane. It's interesting to note that ethanol fuels have been increasing in popularity in this country for some time. In 1980, 80 million gallons of fuel ethanol was sold in the United States. By 1986, that figure had skyrocketed by almost 1,000 percent to an estimated 795 million gallons. This fuel is particularly popular in the Midwestern States, where there is an abundance of grain that can be readily converted into ethanol.

By the way, Mr. President, it is important to distinguish gasohol, which is a blend of gasoline and ethanol, from methanol, which is wood alcohol. Methanol can cause both hot and cold weather driving problems and increase the nitrous oxide emissions of a vehicle. My measure does not include alcohol fuels made from methanol.

Gasohol is reported to have an octane rating—a measure of gasoline's antiknock capability—as much as three numbers higher than gasoline. Higher octanes slow down and even out the burning process which makes engines run smoother and with more power—that's why the gas stations make such a big deal about their upper grade fuels with higher octanes. Mixing ethanol with gasoline provides an octane boost which could facilitate gasoline production by permitting oil refiners to produce lower octane gasoline for blending purposes. So, gasohol has great potential to help our Nation's much needed efforts to conserve our oil supply and reduce our dependency on foreign oil.

And these needs are real ones. The depressed state of our domestic oil industry and our increasing dependency on oil imports are not secrets. Domestic oil production has declined by 800,000 barrels per day over the past year. Last year, we imported approximately 6 million barrels of oil a day—about 1 million barrels a day more than in 1985. Imports from Arab OPEC nations more than doubled in 1986, giving the United States its highest level of OPEC imports since 1981. In fact, we are now importing about 37 percent of our daily oil consumption. That's higher than 1973 at the time of the oil embargo. The Department of Energy has estimated that we may be importing as much as 50 percent of our daily consumption by the early 1990's.

The Department of Energy has also stated that there is probably no difference between burning alcohol fuels or gasoline with regard to the environment. In fact, nitrous oxide emissions are probably reduced by using gasohol. Other emissions, such as carbon monoxide and unburned hydrocarbons, also do not seem to change. Also, ethanol could effectively help our efforts to phase lead—which causes higher octanes, but is harmful to the environment—out of gasoline. Ethanol gives any type of gasoline a lead-free octane boost. Furthermore, in 1978, the Environmental Protection Agency determined that alcohol fuels are in compliance with the Clean Air Act.

Despite gasohol's rising popularity and beneficial qualities, a misperception has been cultivated that some automobiles cannot run smoothly on gasohol. Unfortunately, this misperception has handicapped the gasohol industry and hindered the consumers' ability to make educated decisions on both automobiles and fuel.

Automobile manufacturers are presently required by law to indicate on all new car window stickers certain information that enables consumers to make well informed decisions on whether or not to purchase the car. Requiring manufacturers to include engine performance using gasohol on that label is a step that further assists the American consumer. It is my understanding that in all cases the sticker will reflect that the automobile can operate on gasohol—thereby removing all doubts about the fuel.

Simply stated, my bill allows the consumer to see through the fog that has been created on the gasohol issue and make educated decisions on whether or not to use the fuel. I urge my colleagues to support this measure and urge its rapid consideration.●

By Mr. BINGAMAN (for himself, Mr. KENNEDY, Mr. GLENN, Mr. HARKIN, Mr. MATSUNAGA, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. HOLLINGS, Mr. BOSCHWITZ, Ms. MIKULSKI, and Mr. BURDICK):

S. 1081. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Governmental Affairs.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

Mr. BINGAMAN. Mr. President, I believe the Senate is well aware of legislation I pushed in the 98th and 99th Congresses to establish a national nutrition monitoring system. Today, I am again introducing this bill. Joining me as original cosponsors are Senators KENNEDY, GLENN, HARKIN, MATSUNAGA, RIEGLE, DURENBERGER, LEVIN, SIMON, HOLLINGS, BOSCHWITZ, MIKULSKI, and BURDICK. Identical legislation is also being introduced in the House by Representatives MACKAY, BROWN, and WALGREN. With their leadership, the House overwhelmingly passed nutrition monitoring legislation last year.

While the legislation did not pass the Senate then, I am optimistic that with the past support from over 70 organizations representing food producers, consumers, members of religious organizations, senior citizens, health and nutrition professionals, scientists, education officials, advocates for children and low-income people, public officials, and minorities, that it will succeed in the 100th Congress. Last year the House-passed bill was reported out of the Governmental Affairs Committee before it died in the final days of the 99th Congress.

Despite considerable nutrition information from various sources, the fact remains that we do not have a comprehensive nutrition monitoring program. The embarrassing result is we simply do not know the current nutritional status of our citizens. This legislation would lay the groundwork for a truly coordinated data-gathering program.

Over nine agencies of the Federal Government now engage in nutrition research and training at an estimated cost of well over $200 million. The Department of Agriculture, the Department of Health and Human Services, and the Department of Commerce all collect data and conduct research through 19 different surveys. Given such disparate data collection, analysis, and reporting it's no wonder that we need an integrated approach. In 1985, in a report to the President and Congress, the National Agriculture Research and Extension Users Advisory Board stated that because of poor coordination among the appropriate Federal agencies, each agency ignored opportunities to economize and perhaps make the results more conclusive. Even the Hunger Task Force, appointed by President Reagan, recommended that the USDA and the HHS coordinate their two surveys on a continuous and timely basis.

A second deficiency of our nutrition monitoring is this lack of timely data. This issue becomes more critical as we continue to vote for or against health care, food assistance, food and environmental safety, agriculture production, and biomedical research. How can we make informed decisions when there is no current baseline data on the nutritional and health status of the U.S. population? We do not even know whether our current policies are having the intended effect or whether with better information we could make effective changes. The decisions we make today are based on data collected in the 1970's. A more complete understanding of the relationship between diet, nutrition, and health would pay off in knowledge and fiscal savings.

Briefly, this bill streamlines the administrative functions of nutrition monitoring. It consolidates the authority within an Interagency Board to assist the Secretaries of Health and Human Services and the Department of Agriculture in the development, management, and implementation of a coordinated program and a comprehensive 10-year plan. An Advisory Council would be appointed by the President and Congress to give scientific and technical advice on the development and implementation of a national nutrition monitoring program. No new funds are authorized under it.

This will ensure the effective use of Federal and State dollars. It will help develop State and local initiatives to improve monitoring methods and standards. It will stimulate academic, industry, and governmental partnerships. And it will improve methods to cut the costs of monitoring.

In conclusion, Mr. President, I believe this legislation is long overdue and I urge support for it.

Thank you, Mr. President.

By Mr. THURMOND:

S. 1082. A bill to temporarily suspend the duty on tetra amino biphenyl until 1993; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY

● Mr. THURMOND. Mr. President, today I am introducing legislation to temporarily suspend the duty on the chemical tetra amino biphenyl (A/K/A Diamino Benzidene). This chemical, commonly eferred to as "TAB," is imported into the United States from West Germany. TAB is an essential raw material used for the production of a high performance fiber called "PBI." There is no American producer of TAB.

PBI is a unique heat-and-chemical-resistant fiber that can be used as a suitable replacement for asbestos. PBI has a wide range of thermal protective applications such as flight suits and garments for fire fighters, boiler tenders, and refinery workers.

Mr. President, in the 98th Congress I introduced similar legislation to apply duty-free treatment to TAB. This bill was ultimately incorporated into the Omnibus Tariff and Trade Act which became law in 1984. The duty suspension for TAB expires in 1988.

There is still no domestic producer of TAB. Thus, the temporary suspension of duty on this chemical as called for in my bill will not cause injury to any U.S. manufacturer of the product.

Mr. President, there are a large number of jobs that are directly related to production of PBI, as well as additional positions resulting from the research, development, and marketing of this product. These jobs hinge on the ability of the domestic manufacturer of PBI to produce this product efficiently and at a competitive price for the available markets. Temporary removal of this import duty on this principal raw material will lower the production cost for PBI fiber and enable the domestic manufacturer to establish a competitive market for products containing PBI.

Mr. President, it is extremely important that we do everything in our power to prevent the loss of American jobs to foreign markets. This is an excellent opportunity to help keep some American jobs at home. For that reason, I am hopeful the Finance Committee and the Congress can favorably consider this bill in the near future.●

By Mr. DeCONCINI:

S. 1083. A bill to delay implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 by 4 months; to the Committee on the Judiciary.

DELAY OF EMPLOYER SANCTIONS PROVISION OF THE IMMIGRATION REFORM AND CONTROL ACT

Mr. DeCONCINI. Mr. President, I am introducing today legislation to delay the implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 for 4 months. The sanctions are due to go into effect on June 1, 1987. My bill would delay that implementation date until October 1, 1987.

Let me point out at the outset that my bill would not repeal the provision making it illegal under our laws to hire an illegal alien. The 1986 act enacted such a change in our law beginning on December 1, 1986. The Immigration Act of 1986, however, delays actual enforcement of the employer sanctions provision for a 6-month public information period. My bill will extend the public information period for an additional 4 months.

I am taking this action because I find that the public information campaign required by the Immigration Act has not adequately taken place. Under the provisions of the law, the appropriate Cabinet members were required "to disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education". It is obvious that the administration's efforts to comply with this provision have been far from adequate. I understand that Congress must bear a great deal of the blame for this problem because of our failure to enact the supplemental appropriation bill which contains some funds to implement parts of the Immigration Act.

Mr. President, I find that there is widespread misunderstanding and ignorance of the requirements and protections of the employer sanctions provisions. In my discussions with employers, unions, and individuals who would be most affected by the sanctions, I find that they are totally unaware of the real provisions of the law and are overwhelmed with rumors and misinformation. The bill I introduce today would give the administration adequate time to quiet the fears and inform the misinformed and uninformed.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chapter 8 of title II of the Immigration and Nationality Act is amended in section 274A. (8 U.S.C. 1324A.):

In section 274A.(i)(1) substitute "10-Month" for "6-Month" and "ten-month" for "six-month" so that the first line of the section reads:

"(1) 10-MONTH PUBLIC INFORMATION PERIOD.—During the ten-month * * *."

In section 274A.(j)(1) substitute "16 months" for "one year" in the first line so that it reads:

"(1) IN GENERAL.—Beginning 16 months after the date of enactment * * *."

By Mr. FORD (for himself and Mr. Johnston):

S. 1084. A bill to establish the amount of the costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers; to the Committee on Energy and Natural Resources.

URANIUM ENRICHMENT

Mr. FORD. Mr. President, today I am introducing legislation to fix the amount of prior unrecovered and unrecouped Government cost of providing uranium enrichment services to its customers. There has been a substantial controversy over this matter for some time. For some time there has been a need for Congress to settle the controversy. My bill will settle it.

The Committee on Energy and Natural Resources is in the midst of a series of hearings on the status of the Department of Energy's Uranium Enrichment Program. Our first hearings were held on March 9 and March 13. Additional hearings are scheduled for May 4 and May 8.

These hearings show a Federal enterprise that is in deep trouble and in danger of losing its customers—America's utilities—to foreign providers of enrichment services that are backed by their home governments. One of the major uncertainties that burdens the U.S. program is the allegation that its enrichment customers may have to assume a large obligation to recover so-called prior unrecouped Government costs of providing the service. The issue of these costs and which customers should bear responsibility for them is highly controversial. Uncertainty as to how the issue will be resolved is perhaps the main reason why domestic utilities have to consider switching their business to foreign providers.

This matter was considered at the end of the last Congress in the continuing appropriations legislation, House Joint Resolution 738. The conference report describes the issue as follows:

> These costs are an outgrowth of initial calculations in the enrichment program, primarily valuation of plants originally constructed for defense purposes, together with cumulatively imputed interest on that amount. Calculation of an appropriate amount reflecting that initial calculation together with imputed interest which should be returned to the Treasury from revenues paid by enrichment customers has been controversial, both because differing methodologies yield different results and because such repayment to the Treasury is perceived by some as a major new departure in the approach by which appropriations and customer revenues have funded uranium enrichment activities. Because of the controversial nature of this issue, as well as the fact that estimates of an appropriate repayment obligation have ranged as low as $350 million and as high as $7.5 billion, this is a matter that the conferees believe should be determined by the Congress after full opportunity to inquire into the matter, rather than be determined unilaterally by DOE.

My bill will serve as a focus for the debate on this issue as well as others that must be considered and resolved if the U.S. Uranium Enrichment Program is to continue to function to achieve its goals. Under my bill, the Government's costs of providing uranium enrichment services under section 161(v) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(v)) that have been incurred and not recovered prior to fiscal year 1987 of the United States is determined to be $364 million. A table showing the derivation of this figure appears at the conclusion of these remarks. The methodology for arriving at the entries to this table follows.

Column I of the attached table is the net appropriations to the enrichment program measured in millions of as-spent dollars. Net appropriations are defined as the difference between outlays and revenues, from 1969, when the commercial operation of the enrichment enterprise began, through the end of fiscal year 1986. Outlays include operating, plant and equipment and other costs, including those incurred for the cancelled Portsmouth, OH, Gas Centrifuge Enrichment Plant. Revenues include all funds received from the sale of enriched uranium. These costs total to $1,774,500,000 at the end of fiscal year 1986. This is based on cost data from DOE's annual budget submissions and financial reports of the enrichment enterprise.

Column II represents revenues that would have been received from the sale of enriched uranium to the Government if the Government had been paying the commercial price for the enrichment service. The Government purchases enrichment services for defense purposes, for example, the operation or nuclear powered submarines. The inferred cost of services provided to the Government is equal to outlays incurred in providing enrichment services for Government users. From 1969 through 1983, Government revenue is calculated by multiplying the number of separative work units provided to the Government by the commercial price. From 1983 through 1986, funds were provided to the enrichment enterprise in appropriations bills for the SWU's produced for the Government, although they were insufficient to cover outlays. For those year, the difference between the amount provided in the appropriations bills and the commercial price is in column II.

Column III, the total of column I and column II, is equivalent to the net amount of money borrowed or received in each year. This is the principal upon which interest is calculated.

The interest rates in column IV are the average long-term cost of money to the U.S. Treasury. This is documented in the financial reports of the Uranium Enrichment Program in each year.

Interest is calculated on each net revenue figure from column III, from the year when the money was borrowed or loaned to the end of fiscal year 1986, at the fixed rate in column IV. Each year is treated as a separate "loan." Column V is the total amount owed on the loan, principal plus interest, for each year. The total amount that has been incurred but not recovered from 1969 through 1986 is $364,000,000 in 1986 dollars.

Mr. President, I ask unanimous consent that the table and the text of this bill be inserted in the Record at the proper point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 161(v) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(v)) is amended by inserting after the phrase "over a reasonable period of time: * * *" the following:

"*And provided further,* That the Government's costs of providing services under paragraphs A and B of this subsection that have been incurred and not recovered prior to Fiscal Year 1987 of the United States are hereby determined to be $364 million, and such amount shall be recovered in charges for services under paragraphs A and B within a 20-year period commencing on October 1, 1987, along with interest on the unpaid balance at a rate equal to the average yield on long-term government obligations as determined by the Secretary of the Treasury on October 1, 1987:"

CUMULATIVE DEBT

FY	App net	Gov't rev	Rev net	Int rate	Prin & Int
1969	−105.7	60.0	−45.7	4.985	−104.5
1970	−89.1	60.0	−29.1	5.785	−71.6
1971	29.1	60.4	89.5	5.665	204.5
1972	−69.7	21.1	−48.6	5.242	−99.4
1973	−76.1	29.9	−46.2	5.600	−93.8
1974	302.9	22.3	325.2	6.782	714.7
1975	−79.9	34.1	−45.8	7.015	−96.6
1976	−300.0	53.0	−247.0	6.644	−470.0
1977	−507.0	116.3	−390.7	6.403	−683.0
1978	−283.8	114.3	−169.5	6.979	−290.8
1979	−91.0	121.5	30.5	8.202	53.0
1980	−204.0	109.8	−94.2	9.685	−164.0
1981	−237.5	177.3	−60.2	11.335	−103.0
1982	56.3	230.0	286.3	12.395	456.9
1983	79.8	98.2	178.0	11.050	243.8
1984	10.6	124.2	134.8	11.052	166.2
1985	−300.1	90.0	−210.1	10.875	−232.9
1986	90.7	115.6	206.3	6.319	206.3
Cum	−1,774	1,638	−136.5		−364.0

Interest is calculated by compounding the current year revised net appropriation to 1986 at the current year's interest rate. The cumulative debt is then the sum of all principal and interest amounts.

By Mr. GLENN:

S. 1085. A bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the efforts of radiation on human beings, and for other purposes; to the Committee on Governmental Affairs.

THE NUCLEAR PROTECTIONS AND SAFETY ACT OF 1987

Mr. GLENN. Mr. President, I rise to introduce a bill, the Nuclear Protections and Safety Act of 1987.

More than 2 years ago, I became aware of a problem at a DOE-owned nuclear facility, the Feed Materials Protection Center at Fernald, OH. The plant had had a significant release of uranium oxide to the atmosphere, and there was an evident reluctance on the part of both the contractor and DOE to deal candidly with the circumstances surrounding this incident. An investigation by my staff, which culminated in a hearing held in Cincinnati in April 1985, revealed that the history of this plant was replete with instances of massive discharges of radioactive and other hazardous materials to air and to ground during the 35-year existence of the plant. The emphasis was on production, with far less emphasis on safety or environmental protection. The contractor continued to received bonuses based on production performance, and the needs and concerns of both workers and people in the surrounding community were ignored. Both soil and ground water were contaminated, including drinking water wells off site.

These conditions were so shocking that I asked the General Accounting Office [GAO] to begin a series of investigations, not only of DOE-owned facilities in Ohio, but at places located in other areas of the United States as well. Five GAO reports have been delivered to me over this 2-year period, and they detail a callous disregard for safety and environmental protection at nearly all of the sites surveyed by the GAO. Safety analysis reports for a number of DOE's nuclear reactors have not been completed or are inadequate; widespread contamination of soil and ground water exists at DOE sites in Ohio, Tennessee, South Carolina, and Washington. It will cost billions of dollars to repair the damage, and in some cases, the damage is irreparable.

In addition to all this, the Department of Energy's handling of health and safety matters for workers at its facilities has been inept. There is widespread distrust among workers at these facilities as to the adequacy and implementation of occupational health and safety standards. This, combined with some egregious past mistakes on the part of the Department of Energy in the handling of research contracts on health effects of ionizing radiation have resulted in a situation where epidemiological studies on radiation effects conducted by the Department of Energy or funded by the Department of Energy are not given credibility by the people who would be most affected by the results of such studies. DOE, whose primary mission is the production of nuclear materials, is the chief sponsor of such research, so the potential for conflict of interest is clear and compelling.

It has now been a year since the accident at Chernobyl. That terrible nuclear accident has itself prompted some hard looks at the safety conditions in our Government-owned nuclear facilities, with some disturbing results.

For example, the N-reactor at Hanford, in the State of Washington, has been shut down for 4 months now, since an independent panel of nuclear experts examined it and questioned the safety of its operation. We should remember that the N-reactor is the one in our country most resembling the reactor at Chernobyl. But that is not our only reactor safety problem. The Savannah River facility in South Carolina has one reactor shut down because of cracks in the reactor vessel; another reactor may be developing such cracks as well. The problems at these facilities go beyond those resulting from operating reactors past the reasonable lifetime of the equipment. Some of the problems appear to be a result of incompetence or carelessness. For nearly 7 years, the DOE operated its Savannah River reactors at a much higher rate of power than the emergency core cooling system could handle. GAO investigators looking into safety concerns at DOE facilities on my behalf brought this fact to light at a hearing I held last month.

While DOE took steps late last year to reduce the power levels of the Savannah River reactors, an outside panel of experts—the National Academy of Sciences—did not have confidence that the reduction was sufficient and has strongly advised DOE to reduce further the power levels of these reactors.

The fact that independent reviews of DOE's reactor operations have shown such problems indicates that such reviews need to be institutionalized.

Let me say this: I think DOE has now been sensitized to the situation that exists around the country with regard to their facilities. I must compliment them for some of the actions they have taken but they have not gone far enough, fast enough, and they are too late in some of their activities. We should have been putting some of this emphasis on many years ago. It is better late than never.

So I am glad they are moving and are now sensitized to this. But I do think that to protect this country for the future we need to institutionalize these changes being made and make certain that whatever administration is in power and whoever the people at the Department of Energy, that these nuclear concerns will get the same kind of emphasis from one administration to another.

In addition, DOE's abuse of the environment at and around its defense facilities is a national disgrace and must be stopped. My own home State of Ohio is suing DOE because of its continued lack of compliance with environmental laws, and as I indicated earlier, such conditions exist at several DOE facilities around the country. I do not know how many lawsuits are being filed in other States to make sure DOE comes into compliance but our State attorney general back home in Ohio has filed such suits in Ohio to make certain that we do get compliance in our State.

The basic problem in all these areas stems from the fact that the Department of Energy is in charge of both nuclear production and safety and health implications at the same time, without any outside oversight. The legislation I am introducing today will remedy this intolerable and dangerous situation. We cannot afford to risk permanent harm to our citizens and our land in the name of national security.

First, the bill creates an independent oversight board to ensure the safe operation of nuclear facilities owned by the Department of Energy.

Second, the bill will substantially increase the safety of workers at the Department of Energy nuclear facilities by eliminating DOE's exemption from the application of Occupational Safety and Health Act [OSHA] standards. If the bill passes, the National Institute for Occupational Safety and Health [NIOSH] will be able to walk into any DOE facility and do a health hazard survey.

Third, the Environmental Protection Agency will be given the sole jurisdiction to regulate mixed hazardous and nuclear waste at DOE facilities. This will ensure that adequate environmental standards are applicable to DOE activities.

Finally, the bill creates a Radiation Research Review Board with heavy representation by the Department of Health and Human Services to oversee DOE's research program on the health effects of ionizing radiation.

Mr. President, more than 35 years of neglect in environment, safety and health by the Department of Energy and its predecessor agencies cannot be mitigated overnight. It will take much effort, some time, a great deal of money, and dedication and will on the part of both the executive branch and the Congress.

I think it will be in the billion of dollars that we will have to pay before we get new procedures in and clean up procedures completed to clean up the mess that we have around some of these plants. It is going to take a lot of dedication and will on the part of both the executive branch and the Congress.

The passage of this bill would be a significant step on the road to recovery. I urge my colleagues to support this legislation, and I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Nuclear Protections and Safety Act of 1987".

TITLE I—INDEPENDENT NUCLEAR SAFETY BOARD OVERSIGHT OVER DEPARTMENT OF ENERGY FACILITIES

SHORT TITLE

SEC. 101. This title may be cited as the "Department of Energy Nuclear Safety Board Oversight Act of 1987".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds that—

(1) there is a great need for vigorous investigation of events at nuclear facilities controlled by the Department of Energy; and

(2) continual review and assessment by expert outside authorities would be of assistance in identifying actual or potential safety problems and needed standards at these nuclear facilities.

(b) The purpose of this title is to establish an Independent Department of Energy Nuclear Safety Board which shall promote nuclear safety at Department of Energy nuclear facilities by—

(1) annually reviewing and evaluating the implementation of health and safety standards, as well as all applicable Department of Energy Orders at each nuclear facility;

(2) conducting independent investigations of events at Department of Energy nuclear facilities;

(3) reviewing and assessing the content and application of all Orders governing Department of Energy nuclear facilities;

(4) recommending to the Department of Energy improvements in its nuclear facilities, operations, and health and safety standards; and

(5) informing the Congress of its findings and recommendations.

ESTABLISHMENT OF NUCLEAR SAFETY BOARD

SEC. 103. Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended by adding at the end thereof the following new section:

"INDEPENDENT NUCLEAR SAFETY BOARD

"SEC. 212. (a) There is established a Department of Energy Nuclear Safety Board (hereafter in this section referred to as the 'Board').

"(b)(1) The Board shall be composed of 3 members appointed by the President, by and with the advice and consent of the Senate, from among respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and prescriptive functions of the Board. No more than 2 members of the Board shall be of the same political party. Not later than 90 days after the date of the enactment of this section, the President shall submit such nominations for appointment to the Board.

"(2) Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

"(3) No member of the Board shall have any significant financial relationship in any firm, company, corporation, or other business entity engaged in activities regulated by the Commission either as licensee or contractor, or have such a relationship within the 2 years preceding his appointment.

"(c)(1) The Chairman and Vice Chairman of the Board shall be designated by the President. The Chairman and Vice Chairman may be reappointed to such offices.

"(2) The Chairman shall be the chief executive officer of the Board and shall, subject to such policies as the Board may establish, exercise the functions of the Board with respect to—

"(A) the appointment and supervision of personnel employed by the Board;

"(B) the organization of any administrative units established by the Board; and

"(C) the use and expenditure of funds.

The Chairman may delegate any of the functions under this paragraph to any other member or to any appropriate employee or officer of the Board.

"(3) The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman.

"(d)(1) Except as provided under paragraph (2), the members of the Board shall serve for terms of 6 years. Members of the Board may be reappointed.

"(2) Of the members first appointed—

"(A) one shall be appointed for a term of 2 years;

"(B) one shall be appointed for a term of 4 years; and

"(C) one shall be appointed for a term of 6 years,

as designated by the President at the time of appointment.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

"(4) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(e) Two members of the Board shall constitute a quorum for issuing reports, but a lesser number may hold hearings.

"(f) The Board shall hire such staff and make such expenditures for consultants and services as are necessary.

"(g) The Board shall have the following functions:

"(1) The Board shall annually review and evaluate the implementation of health and safety standards, as well as all applicable Department of Energy Orders, at each Department of Energy nuclear facility. The Board shall annually review and assess the content and application of all Orders governing Department of Energy nuclear facilities, and recommend necessary changes in their content and application.

"(2)(A)(i) The Board shall investigate those events at Department of Energy nuclear facilities which the Board determines to be significant because of possible adverse effects on the health or safety of the public or because such events could be the precursors of events that may adversely affect the health or safety of the public.

"(ii) The Board may request the Secretary of Energy to make an investigation of the events described in subdivision (i) and to report its findings to the Board in a timely fashion. Whenever the Board concludes such an investigation, the Board may analyze the findings of the Secretary for the purpose of making its own conclusions and recommendations.

"(B) The purpose of any Board investigation under this paragraph shall be—

"(i) to determine if the Secretary is adequately implementing health and safety standards, as well as all applicable Department of Energy Orders, at Department of Energy nuclear facilities;

"(ii) to ascertain information concerning the circumstances of the event involved, and its implications for the public health and safety;

"(iii) to determine whether such event is part of a pattern of similar events at other Department of Energy nuclear facilities which could adversely affect the public health or safety or which could be the precursor of events which could adversely affect the public health or safety; and

"(iv) to provide such recommendations to the Secretary for changes in Department of Energy Orders, safety regulations and requirements, and other regulatory policy as may be prudent or necessary.

"(C) For the purpose of this paragraph, the term 'event' shall include an action or failure to act by any person, including the Secretary, or a continuing series of actions or failures to act by any person, including the Secretary, including operational failures, that the Board determines to have an actual or potentially adverse effect on public health and safety as provided in this paragraph.

"(3) The Board shall have access to and may systematically analyze operational data from any Department of Energy needed facility to determine whether there exist certain patterns of events that indicate safety problems.

"(4) The Board may conduct special studies pertaining to safety at any Department of Energy nuclear facility.

"(5) The Board may evaluate information received from the scientific and industrial communities, and from the interested public, with respect to—

"(A) events with actual or potential adverse effects on health and safety; or

"(B) suggestions for specific measures to improve health and safety at Department of Energy nuclear facilities.

"(6)(A) The Board shall recommend to the Secretary those specific measures that should be adopted to minimize the likelihood that events will occur at any Department of Energy nuclear facility which could adversely affect the public health or safety. The Secretary shall respond in writing to the recommendations of the Board within 120 days of receipt of such recommendations. Such written response shall detail specific measures adopted by the Secretary in response to such recommendations.

"(B) The recommendations of the Board made pursuant to subparagraph (A) shall also be sent to Congress, and when possible, made available to Federal, State, and local government agencies, concerned with health and safety at Department of Energy nuclear facilities, and to the public.

"(7)(A) The Board may establish reporting requirements which shall be binding upon the Secretary.

"(B)(i) The information which the Board may require to be reported under this paragraph may include any materials designated as classified material pursuant to the Atomic Energy Act of 1954, or any materials designated as safeguards information and protected from disclosure under section 147 of the Atomic Energy Act of 1954.

"(ii) Information received by the Board may be made available to the public upon identifiable request, and at reasonable cost. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

"(C) Notwithstanding any provision of law, the Secretary of Energy and all contractors operating Department of Energy nuclear facilities shall fully cooperate with the Board in the investigations and provide ready access to such facilities and to all information necessary to complete the review and evaluation of the Board.

"(D) In order to protect information, the Secretary of Energy may deny access to information received by the Board to any person who—

"(i) has not been granted an appropriate security clearance or access authorization by the Secretary of Energy; or

"(ii) does not need such access in connection with the duties of such person to enforce this paragraph.

"(8) The Board shall issue periodic reports which shall be made available to the Congress, and when possible, to Federal, State, and local government agencies, and the public concerned with health and safety at Department of Energy nuclear facilities. Such reports shall contain recommendations of specific measures to reduce the likelihood of occurrence of nuclear events similar to those investigated by the Board and of corrective steps to enhance or improve safety conditions at such facilities investigated by the Board and other facilities as considered appropriate by the Board.

"(h)(1) Within 1 year after the receipt of the first annual review issued by the Board pursuant to subsection (g)(1), and for each subsequent annual review issued by the Board, the Secretary of Energy shall implement each recommendation of the Board with respect to each operating Department of Energy nuclear facility covered by the report unless the Secretary notifies the Board and the Congress (and includes specific facts and findings in support) that implementation of the recommendations cannot be accomplished because—

"(A) it is technically infeasible; or

"(B) the President specifically exempts the facility from implementing the recommendations by determining it is in the paramount interest of the United States to do so.

"(2)(A) Any exemption granted under paragraph (1) shall be for a period not in excess of 1 year, but additional 1 year exemptions may be granted upon the President's making a new determination. The President shall report each January to the Congress regarding all exemptions from the Board's recommendations granted during the preceding calendar year, together with specific facts and findings in support of granting each such exemption.

"(B) If the reason for an exemption granted under paragraph (1) is, in whole or in part, the cost of implementing the recommendation, no such exemption may be renewed due to lack of appropriation unless the President shall have specifically requested such appropriations as a part of the budgetary process, and the Congress shall have failed to make available such requested appropriation.

"(i)(1) The Board or, on the authorization of the Board, any member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable.

"(2)(A) Subpenas may be issued only under the signature of the Chairman or any member of the Board designated by him and shall be served by any person designated by the Chairman or any member. The attendance of witnesses and the production of evidence may be required from any place in the United States at any designated place of hearing in the United States.

"(B) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(C) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this paragraph shall be fined not more than $500, or imprisoned for not more than 6 months, or both. Upon certification by the Chairman of the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the United States Attorney may proceed by information for the prosecution of the person for the offense.

"(j) For purposes of this section, the term 'Department of Energy nuclear facility' means—

"(1) a production facility or utilization facility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy;

"(2) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary; and

"(3) a waste storage facility under the control of jurisdiction of the Secretary, other than a facility developed pursuant to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) and licensed by the Nuclear Regulatory Commission.

The term does not include facilities or activities covered under Executive Order 12344 (codified in 42 U.S.C. 7158).

"(k) There are hereby authorized to be appropriated for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 the sum of $5,000,000.".

ASSISTANCE BY OTHER AGENCIES

SEC. 104. (a) Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by—

(1) inserting "a." before "There is hereby established"; and

(2) adding at the end thereof the following new subsection:

"b. (1) The Advisory Committee on Reactor Safeguards shall provide assistance as requested by the Independent Nuclear Safety Board (as established in section 212 of the Energy Reorganization Act of 1974).

"(2) To assist the Board, the Advisory Committee on Reactor Safeguards is authorized to expand its membership by up to 5 additional members and corresponding staff which shall be dedicated to assisting the Independent Nuclear Safety Board.

"(3) The Secretary of Energy shall fully reimburse the Advisory Committee on Reactor Safeguards for all costs incurred in assisting the Board for activities conducted pursuant to this subsection.".

(b) Section 309 of the Department of Energy Organization Act (Public Law 95-91; 42 U.S.C. 7158) is amended by inserting at the end thereof the following:

"(c) The Director of the Naval Nuclear Propulsion Program may from time to time provide assistance and advice to the Board.".

ASSISTANCE BY THE NATIONAL ACADEMY OF SCIENCES

SEC. 105. (a) In order to assist the Board in conducting the first annual review, the National Academy of Sciences or some other independent group or organization of experts chosen by the Board shall evaluate and interpret the differences between Nuclear Regulatory Commission regulations and Department of Energy Orders governing nuclear facilities, including but not limited to the implications for safety.

(b) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of subsection (a).

TITLE II—APPLICATION OF OSHA AND NIOSH TO DOE NUCLEAR FACILITIES

FINDINGS AND PURPOSE

SEC. 201. (a) Congress finds that—

(1) worker health and safety at Department of Energy nuclear facilities could be made substantially safer by applying the standards developed by experts in the field of occupational health and safety;

(2) the Secretary of Labor has a longstanding responsibility for the health and safety of workers (including the enforcement of occupational health and safety standards and other protective labor standard programs) and could provide substantial assistance in creating and enforcing the standards; and

(3) the Secretary of Health and Human Services has a continuing responsibility for evaluating health needs related to radiation and toxic substances standards and could provide substantial assistance in creating and enforcing the standards.

(b) The purpose of this title is to provide and enforce better standards for employee health and safety at Department of Energy nuclear facilities.

APPLICATION OF OSHA TO DOE NUCLEAR FACILITIES

SEC. 202. (a) Paragraph (1) of section 4(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)) is amended to read as follows:

"(1)(A) Notwithstanding any other provision of this Act, this Act shall apply with respect to employment performed in—

"(i) a production facility or utilization facility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy;

"(ii) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary; and

"(iii) a waste storage facility under the control of or jurisdiction of the Secretary.

"(B) This subsection shall not apply to a facility or activity covered under section 309 of the Department of Energy Organization Act (42 U.S.C. 7158).".

(b)(1) All regulations and standards relating to occupational health and safety applicable to nuclear facilities described in section 4(b)(1) of the Occupational Safety and Health Act of 1970 (as amended by subsection (a)) that are in effect on the date of enactment of this Act shall remain in effect until superseded by regulations and standards promulgated by the Secretary of Labor in accordance with paragraph (2).

(2) After consultation with the Secretary of Energy and employee representatives, the Secretary of Labor shall promulgate regulations to govern the application of such Act to such facilities. The regulations shall include—

(A) the occupational health and safety standards to be applied to such facilities, subject to paragraph (3); and

(B) the manner and process for enforcement of the standards, which shall include provisions for—

(i) the safeguarding of information, consistent with the needs of employees of the Occupational Safety and Health Administration;

(ii) mechanisms and processes for enforcement, including the right of entry for unannounced inspections without probable cause;

(iii) receipt of complaints from individuals and protection of the individuals from retribution for making the complaints; and

(iv) such other regulations as are necessary to carry out this title and the amendments made by this title.

PERFORMANCE OF NIOSH FUNCTIONS AT DOE NUCLEAR FACILITIES

SEC. 203. Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, the Director and the Institute shall perform functions authorized by this Act at nuclear facilities described in section 4(b)(1).".

COOPERATION WITH INSPECTIONS AND INVESTIGATIONS

SEC. 203. Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end thereof the following new subsection:

"(h)(1) Except as provided in paragraph (2), the Secretary of Energy and each contractor operating a nuclear facility described in section 4(b)(1) shall—

"(A) cooperate with the Secretary of Labor and the Secretary of Health and Human Services in the conduct of an inspection or investigation under this Act at such facility;

"(B) grant access to such facility to enable the conduct of such inspection or investigation; and

"(C) provide all information that is necessary to conduct such inspection or investigation.

"(2) To protect the confidentiality of information, the Secretary of Energy may deny access to any person who—

"(A) has not been granted a security clearance or access authorization by the Secretary; or

"(B) does not require such access in connection with the duties of such person to enforce this Act.".

TITLE III—MIXED HAZARDOUS WASTE

SHORT TITLE

SEC. 301. This title may be cited as the "Mixed Hazardous Waste Amendment Act of 1987".

FINDINGS

SEC. 302. The Congress finds that—

(1) the generation, transportation, treatment, storage, and disposal of solid waste mixed with radioactive material poses potential hazards to public health, safety, and environment unless carefully planned and managed;

(2) the Department of Energy's facilities are actual or potential producers of such solid waste mixed with radioactive material; and

(3) the authority of the Environmental Protection Agency and authorized States to regulate the disposal of solid waste mixed with radioactive material at the Department of Energy's facilities should be clarified.

PURPOSE

SEC. 303. The purpose of this title is to clarify the intent of Congress that the generation, transportation, treatment, storage, and disposal of solid waste mixed with radioactive material at Department of Energy facilities, including facilities not licensed for the disposal of radioactive materials is subject to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

CLARIFYING AMENDMENT TO DEFINITION OF SOLID WASTE

SEC. 304. Section 1004(27) (42 U.S.C. 6903(27)) of the Solid Waste Disposal Act is amended—

(1) by inserting "(A)" after "(27)";

(2) by striking out ", or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The term 'solid waste' does not include—

"(i) source, special nuclear, or byproduct materials as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), unless such materials are a part of any mixture or combination, if the other constituent part of such mixture or combination is a solid waste, within the meaning of subparagraph (A); or "(ii) wastes at the time they are emplaced at a repository, as defined in section 2(18) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(18)).".

APPLICABILITY OF AMENDMENTS

SEC. 305. This title and the amendments made thereby—

(1) are clarifying in nature with respect to the purpose stated in section 303; and

(2) shall not be construed as—

(A) altering the intent of Congress that the Solid Waste Disposal Act, as in effect prior to the amendments made by this title, applies to mixtures and combinations of solid wastes which contain radioactive material from the commercial nuclear industry; or

(B) affecting, modifying, or amending the Uranium Mill Tailings Radiation Control Act of 1978.

TITLE IV—RADIATION STUDY ADVISORY BOARD ACT OF 1987

SHORT TITLE

SEC. 401. This title may be cited as the "Radiation Study Advisory Board Act of 1987".

FINDINGS

SEC. 402. The Congress makes the following findings:

(1) After many years of study there remain unresolved questions about the health effects of radiation exposure from many sources, such as nuclear weapons manufacturing and testing, nuclear reactors, radioactive wastes, and the medical uses of nuclear materials.

(2) The epidemiology of radiation-caused injury and disease, including cancer, birth defects, and genetic damage, must be further examined and better understood.

(3) Public health authorities must be able to direct research efforts on the health effects of radiation so that effective means of protecting the public against dangerous exposure to radiation can be developed and achieved.

(4) The Secretary of Energy is primarily responsible for the production of nuclear materials and nuclear weapons. In addition, the Secretary is required to study the health impact of activities of the Department of Energy. These dual responsibilities have the potential to create public concern as to the integrity and value of the health studies conducted by the Secretary.

ADVISORY BOARD

SEC. 403. (a)(1) To advise and assist the Secretary of Energy in conducting epidemiological studies of the effects of radiation under section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813), and any other law, the Secretary of Health and Human Services shall establish an advisory board known as the Radiation Research Review Board (hereafter referred to as the "Board").

(2)(A) The Board shall consist of 8 members appointed by the Secretary of Health and Human Services, 1 member appointed by the Secretary of Energy, and 2 members appointed by the Secretary of Labor. The Secretary of Health and Human Services shall make appointments to the Board so that the membership of the Board includes individuals who are expert in epidemiological studies of the health effects of radiation, and public health officials who are concerned with such health effects.

(B) The Secretary of Health and Human Services shall consult with the Director of the Centers of Disease Control, the Director of the National Cancer Institute, the Director of the Center for Devices and Radiological Health, and others in formulating the membership of the Board.

(b)(1) Prior to any authorization or expenditure of funds in an amount greater than $100,000 by the Secretary of Energy for epidemiological studies of the health effects of radiation, the Secretary of Energy shall provide the Board with all requests for proposals concerning such studies.

(2) The Board shall review the proposals provided under paragraph (1) and promptly make appropriate recommendations to the Secretary of Energy in writing if the Board believes the proposal should be modified or not funded.

(3) The Secretary of Energy shall—

(A) implement the recommendations of the Board submitted pursuant to paragraph (2) prior to authorization or expenditure of any funds; or

(B) inform the Secretary of Health and Human Services and the Congress of his intention not to implement the Board's recommendation, specifying in detail the reasons for this decision.

(4) The Board shall annually review the studies conducted pursuant to this title, and advise the Secretary of Energy as to the suggested scope and direction of future studies needed.

(5) The Secretary of Energy, with the assistance of the Board, shall—

(A) insure that all studies undertaken under this title shall be subject to peer review; and

(B) promulgate guidelines for the provision of data from such studies to qualified researchers who are not associated with the Department of Energy in order to implement subparagraph (A).

(c) The Secretary of Health and Human Services shall provide such funds, facilities, and staff as are necessary for the Board.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

The opening section states the title of this bill as the "Nuclear Protections and Safety Act of 1987".

TITLE I

Section 101 states that this title may be cited as the "Department of Energy Nuclear Safety Board Oversight Act of 1987".

Section 102 states the Congressional findings and purpose for the establishment of a Department of Energy Nuclear Safety Board ("Board") to review safety and events at Department of Energy (DOE) nuclear facilities. The Board will be a new and entirely independent agency with no operational responsibilities for DOE nuclear facilities, and no statutory responsibility of any kind for the commercial nuclear industry.

Section 103 amends Title II of the Energy Reorganization Act of 1974 by creating the Board, composed of three members appointed by the President with the advice and consent of the Senate. The Board members are required to be experts in the field of nuclear safety, and will serve staggered terms of office to ensure continuity. The Board will have the power to hire staff and consultants.

Subsection (g) sets forth the Board's two broad functions. First, the Board will annually review and evaluate the implementation of health and safety standards at DOE facilities, including recommending changes in the content and application of those standards. Second, the Board will investigate all "events", defined in subsection (g)(2)(c) including, but not limited to, operational failures at DOE facilities. An "event" includes accidents or any actions or failures to act which could cause failures at DOE facilities having a potentially adverse effect on public health and safety.

The Board shall make recommendations to the Secretary of DOE. The Board's recommendations and periodic reports shall be made available to the Congress, and when security limitations permit, to interested federal, state and local government agencies, and the public.

Subsections (g)(6) and (h)(1) set forth the requirement that the Secretary of Energy respond to the Board's annual review of DOE facilities and implement each recommendation of the Board, unless the recommendation falls in either of two possible exceptions. The first exception is that the Board's recommendation cannot be accomplished because it is technically infeasible, and hence, impossible to implement. This requirement should be strictly construed. The second exception requires a specific, presidentially ordered exemption for any facility, if the President determines it is in the paramount interest of the United States to grant such an exemption. The exemption is effective for a period of one year, but is renewable upon issuance of a new presidential determination. While an initial exemption may be granted because of the cost of implementing the recommendation, no further exemptions will be allowed unless the President shall have specifically requested the needed appropriation from the Congress.

The Board will have the necessary powers to conduct hearings, including subpoena power to obtain witness testimony. Contumacy of Board process will be enforced in the appropriate United States federal district courts.

Subsection (j) sets for the definition of the term "nuclear facility" which includes DOE production and utilization facilities, and excludes naval reactors governed by Executive Order 12344. Subsection (k) authorizes the sum of five million dollars ($5,000,000) annually for the Board's first six years of operation.

Section 104(a) amends section 29 of the Atomic Energy Act of 1954, and provides for the Board to receive the assistance of the Nuclear Regulatory Commission's (NRC) Advisory Committee on Reactor Safeguards (ACRS). This section would empower ACRS to expand by as many as five additional members and related support staff. Subsection (b) would amend Pub. L. 98-525 and permit, but not require, the Director of the Naval Nuclear Propulsion Program to provide assistance to the Board from time to time. Section 105 would authorize a one-time comparison study of NRC regulations and DOE orders.

TITLE II

Title II would establish the applicability of the Occupational Safety and Health Act of 1970 (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) to Department of Energy nuclear facilities.

Section 201 states the Congressional findings and purpose for repealing the current exemption in section 4(b)(1) of the Occupational Safety and Health Act of 1970 (OSHA), which effectively removed DOE nuclear facilities from OSHA coverage.

Section 202 defines the nuclear facilities to be covered. Subsection (b)(1)(b) would specifically maintain all existing occupational safety and health standards at DOE nuclear facilities until the Secretary of

Labor provides superseding standards. Subsection (b)(2) requires the Secretary of Labor to consult with the Secretary of Energy and worker representatives prior to promulgating regulations to govern the creation of standards and an effective enforcement mechanism for OSHA governance of DOE nuclear facilities.

Section 203 would specifically amend section 22 of the OSHA Act and require the Director of NIOSH to perform all his functions, as required, at DOE nuclear facilities.

Section 204 provides for OSHA and NIOSH to receive the Secretary of Energy's assistance in carrying out their duties under ths title. OSHA and NIOSH will adopt safeguards to prevent unauthorized release of information provided by the Secretary of Energy.

TITLE III

Title III would resolve the application of Resource Conservation and Recovery Act (RCRA) 42 U.S.C. section 6901 et seq., to DOE facilities. Essentially, it clarifies Congress' intent that RCRA applies to a mixture or a combination of a hazardous waste regulated under RCRA and a radioactive material subject to the Atomic Energy Act (AEA).

Section 301 states that Title III may be cited as the "Mixed Hazardous Waste Amendment Act of 1987". For purposes of this title, "mixed hazardous waste" refers to a hazardous waste as defined under RCRA and associated regulations in a mixture or combination with a radioactive material subject to the Atomic Energy Act.

In Section 302(1) Congress recognizes the significant dangers to health, safety and the environment posed by the generation, transportation, treatment, storage and disposal of mixed wastes unless regulated under RCRA's "cradle-to-grave" management system. In section 102(2), Congress finds that DOE's facilities governed under the Atomic Energy Act produce mixed wastes. In section 102(3), Congress finds that the authority of the Environmental Protection Agency (EPA) and states to regulate mixed wastes at DOE facilities needs to be clarified in view of the continuing controversy over the applicability of RCRA to such wastes. "Authorized states," as referred to in section 102, means states granted authority by EPA to carry out a federal RCRA program.

Section 303 clarifies Congress' intent that the Solid Waste Disposal Act (SWDA), 42 U.S.C. section 3251 et seq., as amended by RCRA, applies to mixtures of solid wastes, as defined under RCRA, and radioactive materials which are generated, transported, treated, stored or disposed of at Department of Energy facilities governed under the Atomic Energy Act, including facilities not licensed by the Nuclear Regulatory Commission or delegated states for the disposal of radioactive materials.

Section 304 is the operative section of Title III. It clarifies that mixtures of solid wastes and certain radioactive materials as defined in the Atomic Energy Act are subject to applicable requirements under the SWDA, as amended by RCRA. Specifically, section 304 amends the current definition of "solid waste" under section 1004(27) of RCRA (42 U.S.C. section 6903(27)). This definition is important because "hazardous waste", as defined under RCRA section 1004(5), is a subset of "solid waste" as defined in section 1004(27). In other words, in order to be regulated under RCRA as a hazardous waste, a material must first meet the definition of "solid waste."

Currently, the term "solid waste" under RCRA expressly excludes radioactive materials governed under the Atomic Energy Act, i.e. "source, special nuclear and byproduct materials." [42 U.S.C. section 2014(e), (z), (aa)] Title III would retain this exclusion in section 1004(27) except where these radioactive materials are part of a mixture or combination, and the other constituent part of such mixture or combination is a "solid waste" as defined in RCRA section 1004(27). If this mixture of combination, despite its radioactivity, meets RCRA's definition of hazardous waste, it would be subject to RCRA hazardous waste regulation.

Title III also clarifies that the term "solid waste" does not include nuclear wastes at the time they are transported to and emplaced in a repository, as that term is defined in the Nuclear Waste Policy Act, 42 U.S.C. section 10101(18) (NWPA). This provision is intended to exclude from RCRA regulation the transport of nuclear waste and its emplacement in a geologic repository developed pursuant to the NWPA. Moreover, if such wastes are disposed of in any place other than in a repository, developed pursuant to the NWPA, such wastes remain subject to RCRA.

Section 305(a)(1) and (2)(B) are self-explanatory. Section 305(a)(2)(A) provides that Title III shall not be construed as altering Congress' intent that the SWDA, as in effect prior to these amendments, applies to mixed wastes produced by the commercial nuclear industry. EPA and the Nuclear Regulatory Commission have been working to develop a system for joint regulation of commercial mixed wastes under RCRA and the AEA. Title III should in no way alter the agencies' work to effectuate Congress' intent that RCRA apply to commercial mixed wastes.

TITLE IV

Section 401 states that this title may be cited as the "Radiation Study Advisory Committee Act of 1987".

Section 402 states the Congressional findings and purpose for the establishment of a federal advisory committee, the Radiation Research Review Board ("Board"), under the leadership of the Secretary of Health and Human Services to assist the Secretary of Energy in conducting epidemiological studies of the effects of radiation. This assistance is important because public health and occupational health specialists at other departments can assist the scope and quality of government research funded by DOE.

Section 403 provides for the creation of the Board. It shall consist of eight members appointed by the Secretary of Health and Human Services, who is required to appoint individuals who are expert in epidemiological studies of the health effects of radiation and public health officials who are concerned with such issues, and to consult particular experts in his Department in this process; one member will be appointed by the Secretary of Energy and two members appointed by the Secretary of Labor.

This section provides for the Board to review all formal agency requests for proposals for epidemiological studies funded by the Secretary of Energy. The Board will send recommendations for modification or deletion of proposed studies to the Secretary, who will implement the recommendations of the Board or inform the Secretary of Health and Human Services and the Congress of his intention not to implement the Board's recommendation.

Subsection (b)(4) requires the Board to annually review the studies conducted pursuant to this title, and advise the Secretary of Energy on the direction of future research. To improve the research conducted, subsection (b)(5) provides for researchers not associated with DOE to review data, and for peer review of the research. It is anticipated that the Board will not result in increased costs to the government, inasmuch as its work is not expected to be time consuming, and suitable experts are already employed by the Secretary of Health and Human Services, Labor, Energy, and in other governmental departments.

By Mr. MURKOWSKI:

S. 1086. A bill to require the United States Trade Representative to initiate an investigation of unfair trade barriers maintained by Japan against United States construction services; to the Committee on Finance.

TRADE BARRIERS AGAINST U.S. CONSTRUCTION SERVICES

Mr. MURKOWSKI. Mr. President, today I am introducing legislation regarding the ability of United States firms to participate in the Japanese construction market. I urge the Senate Finance Committee to include this measure as an amendment to the trade bill under consideration. This measure is identical to a provision included in the House trade bill through the good efforts of Representatives RITTER and LENT of the House Energy and Commerce Committee.

My bill will require the United States Trade Representative to investigate whether or not Japan is allowing United States architectural and engineering firms to participate in Japanese construction projects.

This is in response to the difficulties we have encountered in our efforts to convince the Japanese Government that United States firms should be allowed to participate in the construction of the Kansai International Airport.

Mr. President, it is not my intention to engage in antagonizing Japan. We have two distinct and important relationships with Japan. Japan is a crucial and strong ally of the United States in the Pacific rim, and our positive and politically strategic relationship must remain as strong as possible. On the other hand, Japan and the United States compete in trade and commerce. This, too, is an important and vital relationship which should benefit both trading partners. Yet, our trade relations have developed serious conflicts relating to lack of market access to goods and services produced in the United States.

These conflicts are boldly illustrated by Kansai International Airport. I am extremely concerned over the lack of measurable progress to resolve this issue.

A year ago, Ambassador Mansfield went to Osaka. In meetings with the Japanese Government and industry, his message was the same, "The United States wants open bid and tender on Kansai Airport and other major projects in Japan."

In the past 12 months, we have made every effort to negotiate with the Japanese on this matter. In 1986, over 30 meetings between United States and Japanese officials took place. This does not even skim the surface of industry's efforts.

This issue recently was raised at the United States-Japan subcabinet meeting in Tokyo in March. After the meeting Ambassador Yeutter indicated to me that again, no progress had been made.

The Kansai International Airport Co., has awarded over a billion dollars in contracts to Japanese firms. To my knowledge, only three U.S. firms have received contracts, and the New York Port Authority may be given a small airport management contract. Yet combined, these contracts total approximately $2 million of an $8 billion project.

Mr. President, we have essentially been stonewalled on Kansai, and we must remember that this $8 billion project is the tip of a $60 billion iceberg of future Japanese public works projects.

In contrast, Japanese firms are doing well in the open United States construction market. In 1981, their U.S. business was less than $50 million. In 1985, it was almost $2 billion and we expect 1986 figures to be nearly $4 billion. It is important to remember that the Japanese are participating in public works projects in the United States. The Japanese construction firm Ohbayashi is participating in $26.3 million of the Los Angeles subway tunnel, $63 million of the Federal Dam in Oregon, another $50 million for a tunnel in Arizona and $30 million of a hydroelectric facility in Kentucky.

Yet, American firms have been locked out of the market in Japan for the past 20 years.

As I have mentioned to my colleagues before, the Kansai project is an enormous undertaking. It will be an engineering wonder. And, it is a project in which U.S. firms have expertise and competitive ability to participate if given a fair chance.

U.S. firms have expressed strong interest in participating in Kansai. However, they face formidable barriers.

Last March, United States and Japanese subcabinet-level officials met to discuss foreign participation in Kansai. Immediately thereafter, the chairman of the leading construction industry trade association held a news conference on the matter. His words appeared the next day in all the major newspapers in Japan. "Foreigners need not apply." His successor held his own news conference in May to repeat the message. The day after my subcommittee hearings in June 1986, the head of the leading Kansai business organization held a similar new conference to declare the Kansai projects off limits to foreign firms.

Certain United States observers and Japanese industry experts have described a Japanese business practice referred to as "Dango" or mutual consultation. There have been allegations that the "Dango" system, understood as a system of closed meetings among major construction companies and their affiliated suppliers could lead to anticompetitive behavior, specifically, the rotation of winning bids among insiders in the system. Japanese construction companies enforce this system through boycotts and threatened boycotts of customers.

Prime contractors tell the subcontractors who regularly work for them not to work for foreign firms. One American firm actually has a construction license in Japan but the subcontractor boycott is so effective he can't even build his own buildings. All he has been able to build are two Mrs. Fields cookie shops.

Bear in mind that the individual who said, "Foreigners need not apply," won a contract worth almost $2 billion in rehabilitation work in Manhattan in a joint venture with Zeckendorf. In fact, all the major players active in keeping American firms out of Kansai have expanding and profitable business interests in the United States.

This situation requires strong congressional action. Kansai is symbolic of the entire market access problem in Japan. While other market access issues, like supercomputers, are very complex, it is easy for the average citizen to understand a score of 2 billion to nothing. They know U.S. firms can build airports. Kansai has come to mean, "Closed to American participation."

Mr. President, Congress needs to direct the administration to conduct an unfair trade investigation on Kansai. I am concerned that some officials in the administration may be reluctant to self-initiate section 301 actions against Japan. But, if our Government does not take action now on Kansai, we can expect no action from Japan to open Kansai. If we lack resolve on this $8 billion project, will we ever find the resolve to demand market access on other Japanese projects?

I urge my colleagues to support this measure. We simply have to take action now to insure that Japan opens market opportunities to United States firms.

Mr. President, in introducing this legislation, I reflect specifically on the ability of United States firms to participate in the Japanese construction market, a matter which I know the majority leader has addressed of late. I believe he has mentioned the issue of Kansai as it relates to the ability of the United States to participate in the Japanese construction market, recognizing that Japan is currently doing about 1.8 billion dollars' worth of construction in the United States.

As the majority leader is aware, we have done zero last year in Japan and zero the year before last. It is pretty hard to find anything we have done except two store fronts for Mrs. Field's Cookies in Tokyo.

I appreciate the interest that the majority leader has shown in Kansai.

It is my understanding that this matter has been moved in the House from the committee level to the floor.

I thank the majority leader, who has been patient in listening to my remarks.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

Mr. BYRD. Mr. President, I thank Mr. MURKOWSKI for his timely remarks, and especially I appreciate what he has said about our problems in getting construction work in Japan. I look forward to our continuing to work together in such matters.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Trade Representative shall immediately initiate an investigation under section 302 of the Trade Act of 1974 regarding those acts, policies, and practices of the Government of Japan, and of entities which are owned, financed, or otherwise controlled by the Government of Japan, that are barriers in Japan to the offering or performance by United States persons of architectural, engineering, construction, and consulting services in Japan.

By Mr. MURKOWSKI:

S. 1087. A bill to eliminate unfair, restrictive, and discriminatory foreign practices in the marine transportation of automobile imports into the United States; to the Committee on Finance.

FOREIGN TRADE PRACTICES IN THE MARINE TRANSPORTATION OF AUTOMOBILE IMPORTS

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to expand market opportunities for U.S. shipping firms and merchant seamen to provide transportation services to trading partners who sell automobiles in our market.

This legislation calls on the President to negotiate trade agreements to eliminate unfair and discriminatory trade practices which inhibit U.S. firms from providing shipping services for foreign-made automobiles into the United States.

It might be of interest to the President to recognize that as a consequence of this effort, last year there were four ships built in Japan, and those ships are now crewed by American seamen, for the purpose of bringing to our friends the Japanese, the recognition that since we were buying the cars, it was only appropriate that we participate in the transit of those cars from Japan.

As a consequence of this and other efforts, we are now increasing jobs in the maritime industry, by simply asking for a fair share.

Last year, I introduced similar legislation calling upon the President to negotiate auto carrier agreements with Japan. At that time, not one U.S. firm had been successful in negotiating an agreement to carry autos to the United States on U.S.-owned vessels. As a result of the introduction of that legislation, and the continued efforts of United States industry, four agreements have been signed between United States firms and Japanese automakers, including Toyota, Honda, and Nissan. These U.S. firms will begin providing auto carrier services later this year, creating some 120 new jobs and opportunities for U.S. seamen.

As demonstrated by these agreements, U.S. firms have the ability to compete in the services trade, if given the fair opportunity to do so. I believe they deserve the full support of our Government in obtaining such opportunities. Therefore, the legislation I am introducing today will call upon the President to negotiate for auto carrier opportunities with trading partners which import more than 50,000 autos to the United States annually.

As my colleagues are aware, Japan is not the only trading partner selling automobiles to our consumers. Korean firms are now entering the market in force, and eastern Europeans are penetrating the United States market as well. While the Japanese have negotiated four automobile carrier agreements with United States firms, we need to make other countries aware that the United States is competitive in providing transportation services for automobiles.

This legislation does not establish quotas, nor does it require retaliation. However, it will require negotiations with our trading partners to insure that U.S. firms will have competitive opportunities in services trade.

Mr. President, I will urge the Senate Finance Committee to include this measure as a provision of the trade legislation it will soon mark-up.

I ask my colleagues to join me in supporting this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) millions of automobiles manufactured in foreign countries are imported into the United States each year, and those imports contribute substantially to the deficits of the United States in the balance of trade and the balance of payments;

(2) unfair, restrictive, and discriminatory practices of exporting countries and commercial interests of those countries engaged in the marine transportation of foreign automobiles to the United States have practically precluded United States flag vessels owned and operated by citizens of the United States and manned by United States seamen from participating in such transportation, with further adverse effects of the balance of trade and balance of payments of the United States; and

(3) United States flag vessels carrying automobiles are competitive with foreign flag vessels, and it has recently been demonstrated in a few instances at least that, when such unfair, restrictive, and discriminatory practices are removed or suspended, agreements can readily be negotiated with foreign automobile manufacturers and exporters for the ocean transportation of the automobiles they import into the United States in United States flag vessels owned and operated by citizens of the United States and manned by United States seamen.

SEC. 2. UNFAIR, RESTRICTIVE, AND DISCRIMINATORY PRACTICES IN THE MARINE TRANSPORTATION OF AUTOMOBILE IMPORTS.

(a) IN GENERAL.—The President shall take all appropriate and feasible actions within the power of the Presidency, including the full exercise of all rights of the United States under international treaties, to negotiate trade agreements with each foreign country from which at least 50,000 automobiles are imported into the United States per year that—

(1) will eliminate unfair, restrictive, and discriminatory practices in the marine transportation of automobiles, and

(2) establish arrangements and procedures under which a fair and reasonable portion of all automobiles are hereafter transported to the United States by vessels owned and operated by United States citizens and manned by United States seamen.

(b) REPORT.—The President shall, by no later than the date that is 180 days after the date of enactment of this Act, and semiannually thereafter, report to the Congress on the progress of all negotiations conducted by reason of subsection (a).

By Mr. LAUTENBERG:

S. 1088. A bill to provide the Federal Trade Commission with authority to regulate the advertising of commercial airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE CONSUMER PROTECTION POWERS TRANSFER ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation designed to protect American air travelers from unfair, deceptive or anticompetitive trade practices by airlines.

Currently, the Department of Transportation has jurisdiction over unfair, deceptive, or anticompetitive practices within the airline industry. This authority was transferred to the Department of Transportation when the Civil Aeronautics Board was sunset in 1984.

My bill would transfer this authority from the Department of Transportation to the Federal Trade Commission, where it rightly belongs.

It would also direct the FTC to issue regulations to prevent deceptive advertising by airlines. Those regulations would require airlines to disclose limitations of seats available at advertised fares, the policy of the carrier with respect to cancellation and refunds, and to disclose the ontime performance of advertised flights. The bill would also direct the FTC to issue rules to prevent airlines from changing the conditions of frequent flier programs without fair notice.

Mr. President, deregulation has, in many respects, been a success. Air travel became an affordable means of travel for millions of Americans. Business commutation by air became not only possible, but practical.

I came to the Senate from the private sector. I strongly believe in the role of the free market. That's what deregulation was all about. But the market isn't perfect. It needs to be policed. But it hasn't been. And airlines are taking advantage of the public.

One enemy of competition is lack of information, or inaccurate information in the form of deceptive advertising or scheduling. Competition can also be foiled by mergers and other anticompetitive practices. Unfortunately, we find all of those in today's airline industry.

Many of the problems encountered with the airline industry today result from an abrogation of responsibility by this administration, and the fact that airlines are exploiting that failure of the administration.

The Department of Transportation's duties have included oversight of antitrust and consumer protection. Mr. President, this should not be the case. The DOT should not be in the business of deciding complex antitrust matters. Nor should it be responsible for protecting the American consumer. It has enough to do overseeing safety and efficiency, and to maintain an aviation system with the capacity to meet public demand.

Yesterday, I questioned FTC Chairman Oliver about airline jurisdiction when he appeared before the Appropriations Committee. Although not endorsing such a transfer of responsibility, he stated very clearly that it would be consistent with the mission of the FTC. And that the pool of resources available at the FTC would make the job feasible.

I hope the Senate will look seriously at this legislation. I hope the Senate will look at what's happening to the average air passenger in this country, and decide that something's wrong. That something has to be done.

Airline advertising is just one of the problems facing the traveler today. By looking at most ads, it's difficult, if not impossible, to get the real bottom line: Will I be able to get a seat on the flight I want, at the price advertised? Or am I just being set up for the old bait and switch? In many cases, it's not even in the fine print.

The consumer has a right to information. To know how many seats are really available the advertised low fare; what the cancellation and refund policy of an airline is; how far in advance tickets must be bought; when you can travel, and if luggage will arrive with passengers.

On-time performance has also become a major problem. Planes advertised to depart at 8 a.m. often don't get off the ground until after 9. I introduced separate legislation to address this problem, S. 757. The bill I am introducing today would require the FTC to make sure consumers know who's sticking to their schedules, and who's not. It would help make the airlines truly competitive.

Last weekend, the New York Times reported that consumers are up in arms about arbitrary changes in frequent flier programs. The rules are being changed in the middle of the game. That's not right. These were incentive programs designed to induce passengers to use a specific airline. Now they're changing the terms of their bargains. But no one is doing anything about it. The FTC is the agency that can best oversee airline advertising and treatment of consumers. The flying public deserves no less.

My bill would require the FTC to take a look at airline practices. It would direct the agency to prevent deceptive advertising by airlines. Consumers would know what they're really getting; what fare they'd really be paying; and what the chances of getting to their destination on time are. It would also protect the rights of frequent fliers, and keep airlines from unfairly changing the rules in the middle of the game.

The FTC is a watchdog. That's what the airline industry needs right now. It's what the airline consumer needs right now. It's what the airline consumer needs. The airlines need to know that there's somebody looking over their shoulder, and watching out for the consumer. This bill would provide that service for the consumer. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airline Consumer Protection Powers Transfer Act of 1987".

FEDERAL TRADE COMMISSION POWERS

SEC. 2. Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by striking out "air carriers and foreign air carriers subject to the Federal Aviation Act of 1958,", and inserting in lieu thereof "carriers,".

FREQUENT FLIER PROTECTION

SEC. 3. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end thereof the following:

"(4) It shall be an unfair method or competition in or affecting commerce, or an unfair or deceptive act or practice in or affecting commerce, within the meaning of this section, for an air carrier or a foreign air carrier—

"(A) to change the rules of a frequent flier program to the general detriment of the participants in such program without reasonable advance notice;

"(B) to prevent a participant in a frequent flier program from utilizing, during a reasonable period of time after a change in the rules of such program has become effective, credits accumulated by the participant under the rules as in effect before such change.".

COMMERCIAL AIR CARRIER ADVERTISING

SEC. 4. (a) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Federal Trade Commission shall prescribe rules to prevent deceptive advertising by air carriers and foreign air carriers. Such rules shall require such carriers to—

"(1) disclose limitations, if any, on the availability of seats at advertised fares;

"(2) disclose the policy of the carrier with respect to the nonrefundability, if any, of unused tickets; and

"(3) disclose the on-time performance record of the carrier with respect to any flights for which scheduled times of departure or arrival of flights are included in the advertisement.".

REPEAL OF CERTAIN AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION RELATING TO AIR CARRIERS

SEC. 5. Section 411 of the Federal Aviation Act of 1958 (49 U.S.C. 1381) is repealed.

REGULATIONS

SEC. 6. The Federal Trade Commission shall, within 180 days after the date of enactment of this Act—

(1) issue regulations to implement section 5(a)(4) of the Federal Trade Commission Act, as added by section 5 of this Act; and

(2) issue regulations required by section 5(n) of the Federal Trade Commission Act, as added by section 6 of this Act.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.●

By Mr. CRANSTON (by request):

S. 1089. A bill to amend title 38, United States Code, to improve the State Veterans' Home Grant Program; to the Committee on Veterans' Affairs.

STATE HOME AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1089, the proposed "State Home Amendments Act of 1987." The Administrator of Veterans' Affairs submitted this legislation by letter dated April 2, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 2, 1987, transmittal letter and enclosed analysis of the proposed bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Home Amendments Act of 1987".

SEC. 2. (a) Section 5035(b)(4) of title 38, United States Code, is amended by adding at the end the following: "Notwithstanding any other law, if the Administrator determines that a State has submitted drawings and specifications for a project which are at least 80 percent complete and that the application which describes the project will meet all the remaining requirements within six months, the Administrator may award a grant for the project and record as an obligation of the United States Government the amount of the grant requested or a lesser amount which the Administrator deems appropriate but may not certify the amount for payment until the Administrator determines that all requirements of this section are met. The Administrator shall rescind award of the grant and deobligate the funds if all requirements of this section are not met within six months of the date of such award. Notwithstanding the order of the projects on the applicable list, the Administrator may increase by up to 10 percent the amount of a grant which the Administrator has awarded when:

"(A) the grant was awarded prior to the agreement by the State to a contract for the construction or acquisition of the project and

"(B) the terms of the contract agreed to by the State for construction or acquisition of the project results in an increase in the estimated cost of the project.

"The amount of a grant as increased may not exceed 65 percent of the estimated cost of the project.".

(b) The amendment made by this section shall take effect on October 1, 1987.

SEC. 3. Except for a project described in an application which the Administrator deferred prior to July 1, 1987, the Administrator between June 30, 1987, and October 1, 1987, may award a grant for a project for construction or acquisition of State home facilities if prior to July 1, 1987, the Administrator notified the State submitting the application for the grant of the availability of funding for the grant and if the Administrator finds that—

(a) there are sufficient funds available to make the grant requested with respect to such project;

(b) such grant does not exceed 65 percent of the estimated cost of construction (or of the estimated cost of facility acquisition and construction) of such project;

(c) the application contains such reasonable assurances under of section 5035(a) of title 38, United States Code, as the Administrator may determine to be necessary;

(d) the plans and specifications for such project are in accord with regulations prescribed pursuant to section 5034(2) of title 38, United States Code; and

(e) the carrying out of such project together with other projects under construction and other facilities will not result in more than the number of beds prescribed by the Administrator pursuant to section 5034(1) of title 38, United States Code, for the State in which such project is located being available for furnishing nursing home care to veterans in such State.

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington DC, April 2, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to improve the State Veterans' Home Grant Program." We request that it be referred to the appropriate committee for prompt consideration and enactment.

With the enactment of Public Law 99-576, Congress substantially revised provisions of law governing the award of grants under the State veterans home program. In a far-reaching change, Congress eliminated provisions requiring grants to be awarded in order of the date on which applications for those grants were received. Section 224 of Public Law 99-576 calls instead for VA, effective July 1, 1987, to award grants according to a prioritized list of grant projects established as of July 1 of each year. The law generally establishes the priorities to be applied. Although the VA is proceeding with implementation of these changes, we believe additional changes are needed to perfect those amendments. We recommend these changes both to avoid inequities in awarding grants which may arise where States have relied in existing practice and to increase the effectiveness of the program's operation.

Effective July 1, 1987, section 224 of Public Law 99-576 replaces the current State home grant award procedures with procedures requiring prioritization of grant projects. By eliminating provisions of law under which VA currently approves applications, the law effectively prohibits VA from using those procedures after June 30, 1987. And although VA has many applications currently on file, the new law includes neither a "grandfather clause" for applications which have been pending for some time but not approved before July 1, 1987, nor interim procedures for approving such applications. The law does call for VA to award grants in the order of their priority (as established on a July 1 priority list) during the fiscal year beginning on October 1 of the calendar year in which the list was made. Accordingly, the new law provides no authority at all for awarding grants during the period from July 1, to October 1, 1987. A number of States with long-pending applications have been advised this fiscal year of the availability of funding for their projects, and have incurred substantial costs in reliance on such notice. Most of these States cannot complete in full by July 1, 1987, the many statutory requirements for final approval. Some of these States could conceivably lack sufficient priority under the new scheme to ever be funded in the foreseeable future. There is no indication that Congress anticipated this problem.

Our draft bill, accordingly, would establish an interim mechanism to resolve these problems. The mechanism would permit the Administrator to award a grant between June 30, 1987, and October 1, 1987, if the Administrator had previously notified the State submitting the grant application of the availability of Federal funds for the grant. Of course, the application would also have to meet all the statutory and regulatory requirements for approval of a grant.

The draft bill contains a second amendment designed to avoid similar inequities that may arise in awarding grants under the new provisions. Under these provisions, States must meet all the requirements of law and VA regulations before the Administrator may award a State home grant. These requirements include completion of all plans and specifications and obtaining bid tabulations from prospective contractors. Meeting all the statutory and regulatory requirements is expensive and may amount to as much as 5-10% of the amount of the grant requested. As a result, States do not normally start to meet the more expensive requirements until the VA notifies them early in a fiscal year that Federal funds are available for the projects. From this point, however, it often takes over a year for the requirements to be met. Because VA currently may only obligate funds for a grant when the State meets all requirements and the application is approved by the Administrator, funds are often not obligated until the next fiscal year. This results in a significant unobligated balance at the end of the year. Because of the time required by a State to meet all the statutory requirements for these grants, VA may be unable to approve a grant in the next fiscal year under the new priority system even though a State had been notified that funds were available the previous fiscal year and had incurred significant costs in reliance on that notice. This new system requires the Administrator to award grants to projects during any fiscal year in the order of the projects' priority on the list established the previous July 1. There is no guarantee, however, that a project, which is high enough on a July 1 priority list so that Federal funds are available in one fiscal year, will be high enough on next fiscal year's July 1 priority list to be awarded a grant that fiscal year. The draft bill would establish a mechanism to avoid such a dilemma.

This amendment would permit the Administrator to approve and obligate funds for a State home grant for a project which is high enough on a priority list to be notified of the availability of Federal funds even though the State has not met all requirements for a grant. This would decrease the unobligated balance of State home grant funds that would be carried into the next fiscal year. In addition, it would give States sufficient time to meet all the requirements for State home grants if their proposed projects are high enough on the priority list to be notified that Federal funds are available for them. To receive this "conditional" approval, however, the Administrator would have to determine that the drawings and specifications submitted for the project are 80 percent complete and that the State's grant application for the project will meet all the remaining requirements within six months. In addition, the funds would not be released to the State until all the grant requirements are met. Moreover, if the State does not meet these requirements within six months, the VA would rescind the grant and deobligate the funds. These deobligated funds could then be used for other grants in accordance with the priority list. If a State's estimated costs of its project increases during this period due to a higher than expected acquisition or construction contract price the VA could increase the original grant award by up to 10 percent. We anticipate that enactment of this provision would decrease States' uncertainty regarding VA's award of State home grants.

While enactment of this bill would significantly improve the effective, equitable operation of a program which helps VA meet the extended care needs of aging veterans, it would impose no new costs.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF PROPOSED BILL

Section 1 of the draft bill states the bill's title: "State Home Amendments Act of 1987."

Section 2(a) would amend 38 U.S.C. § 5035(b)(4) to permit the Administrator to award and obligate funds for a State home grant on a conditional basis if the Administrator determines that the State has submitted drawings and specifications which are 80 percent complete and that the State's project will meet the statutory and regulatory requirements for a grant award within six months. Grant funds could not be released to the State awarded the grant, however, until the State meets all the statutory and regulatory requirements. If the State did not meet these requirements within six months of the date of conditional award, the grant award would be rescinded and the funds deobligated. The State's application would, however, be given a new priority. If a State's estimated cost of its project increases during this six month period due to a higher than expected acquisition or construction contract price, the VA could increase the original grant award by up to 10 percent. The VA's participation in the project could still not exceed 65 percent of the project's total estimated cost, including equipment. Enactment of this provision would not result in any additional costs to the Government.

Section 2(b) would provide that the Administrator's authority to award grants on a conditional basis provided for in section 2(a) of this bill would be effective October 1, 1987.

Section 3 of the draft bill would authorize the Administrator to award a grant for a State home project between June 30, 1987, and October 1, 1987, if the State submitting the application for the project was notified prior to July 1, 1987, of the availability of funding for the grant. The application would also have to meet all statutory and regulatory requirements for a State home grant. Enactment of this provision would not result in any additional cost to the Government.

By Mr. CRANSTON (by request):

S. 1090. A bill to amend title 38, United States Code, to provide authority for higher monthly installments payable to certain insurance annuitants, and to exempt premiums paid under servicemen's and veterans' group life insurance from State taxation; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION INSURANCE AMENDMENTS

Mr. CRANSTON. Mr. President, as Chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1090, the proposed Veterans' Administration Insurance Amendments of 1987. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) This Act may be cited as the "Veterans Administration Insurance Amendments of 1987".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

AUTHORITY FOR ANNUITY ADJUSTMENTS

SEC. 101. (a) Subchapter 1 of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 727. Authority for higher monthly installments payable to certain annuitants

"(a) Notwithstanding sections 702, 723, and 725 of this title, the Administrator may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of National Service Life Insurance, Veterans Special Life Insurance, or Veterans Reopened Insurance who is receiving such proceeds under a life annuity settlement option. The Administrator may make such adjustments only in accordance with a determination that the adjustments are administratively and actuarially sound for the program of insurance concerned.

"(b) The Administrator shall determine the amount in the trust funds in the Treasury held for payment of proceeds to National Service Life Insurance, Veterans Special Life Insurance, and Veterans Reopened Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

"(c) The monthly annuity amounts authorized in sections 702, 723, and 725 of this title shall remain the minimum rates payable.".

(b) The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 726 the following new item:

"§ 727. Authority for higher monthly installments payable to certain annuitants.".

Section 102. (a) Subchapter II of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 762. Authority for higher monthly installments payable to certain annuitants

"(a) Notwithstanding section 744 of this title, the Administrator may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of United States Government Life Insurance who is receiving such proceeds under a life annuity settlement option. The Administrator may make such adjustments only in accordance with a determination that the adjustments are administratively and actuarially sound.

"(b) The Administrator shall determine the amount in the trust fund in the Treasury held for payment of proceeds to United States Government Life Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

"(c) In no event shall calculations of the monthly installment amount be less than that authorized in section 744 of this title.".

(b) The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 761 the following new item:

"§ 762. Authority for higher monthly installments payable to certain annuitants.".

EXEMPTIONS FROM STATE TAXATION

Section 201. Section 769 of title 38, United States Code, relating to Servicemen's and Veterans' Group Life Insurance, is amended by adding at the end thereof the following new subsection:

"(g)(1) No tax, fee, or other monetary payment may be imposed or collected by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid under an insurance policy purchased under this subchapter.

"(2) Paragraph (1) of this subsection shall not be construed to exempt any company issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that company from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity."

VETERANS' MORTGAGE LIFE INSURANCE

Section 301. Section 806 of title 38, United States Code, is amended to read as follows:

"§ 806. Veterans' Mortgage Life Insurance

"(a) The United States shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran, unless the veteran elects in writing not to be insured under this section or fails to timely respond to a request from the Administrator for information on which his premium can be based.

"(b) The initial amount of insurance provided hereunder shall not exceed the lesser of $40,000 or the amount of the loan outstanding on such housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and at no time shall exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, no insurance shall be payable hereunder. If any eligible veteran elects not to be insured under this section, he may thereafter be insured hereunder only upon application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Administrator.

"(c) The premium rates charged a veteran for insurance under this section shall be paid at such time and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator deems appropriate to cover only the mortality cost of insuring standard lives. The Administrator is authorized and directed to deduct the premiums charged veterans for life insurance under this section from any compensation or other cash benefits payable to them by the Veterans' Administration. Any veteran insured hereunder not eligible for cash benefits from the Veterans' Administration may pay the amount of his premiums directly to the Veterans' Administration for insurance hereunder.

"(d) The United States shall bear all of the costs of insurance under this section to the extent such costs exceed premiums established by the Administrator. Premiums collected on insurance under this section shall be credited to the "Veterans Insurance and Indemnities" appropriation and all disbursements of insurance proceeds under this section shall be made from that appropriation. Appropriations are authorized to carry out the purposes of this section.

"(e) Any amount of insurance in force under this section on the date of death of an eligible veteran insured hereunder shall be paid only to the holder of the mortgage loan, for payment of which such insurance was granted, for credit on the loan indebtedness and the liability of the United States under such insurance shall be satisfied when such payment is made. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

"(f) With respect to insurance issued under this section, the Administrator is authorized to adopt such regulations relating to eligibility of the veteran for insurance, maximum amount of insurance, effective date of insurance, maximum duration of insurance, and other pertinent factors not specifically provided for in this section, which in his judgment are in the best interest of veterans or the Government. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) or regulations issued by the Administrator under this section. The Administrator shall issue to each insured veteran a uniform type of certificate setting forth the benefits to which he is entitled under the insurance.

"(g) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) satisfaction of the veteran's indebtedness under the loan upon which the insurance is based;

(2) the veteran's seventieth birthday;

(3) termination of the veteran's ownership of the property securing the loan; or

(4) discontinuance of payment of premiums be the veteran.

"(h) Termination of life insurance under this section will in no way affect the guaranty or insurance of the loan by the Administrator."

(b) The table of sections at the beginning of chapter 21 is amended by striking out "806. Mortgage Protection Life Insurance." and inserting in lieu thereof "806. Veterans' Mortgage Life Insurance".

SECTION 302. (A) Mortgage protection life insurance granted to any veteran before the effective date of these amendments shall be known thereafter as "Veterans' Mortgage Life Insurance", and shall continue in force with the United States as insurer, subject to the terms of secton 301 of this Act. Nothing in this Act shall impair rights of any veteran or mortgage loan holder under section 1 of Public Law 92-95, as amended, which matured prior to the effective date of this Act.

(b)(1) Effective October 1, 1987, the Administrator of Veterans Affairs shall discontinue the policy of insurance purchased in accordance with section 1 of Public Law 92-95.

(2) All premiums collected or received on or after the effective date of these amendments by the insurer under the policy purchased pursuant to section 1 of Public Law 92-95 shall be promptly forwarded to the Administrator of Veterans Affairs and credited to the Veterans Insurance and Indemnities Appropriation. Any positive balance of the contingency reserve maintained by the insurer under such policy remaining after all charges have been made shall be payable to the Administrator and deposited by him in the Veterans Insurance and Indemnities Appropriation, subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

EFFECTIVE DATE

SECTION 401. The amendments made by sections 101 through 201 shall take effect on the date of enactment of this Act, and with respect to the provisions of section 201 shall apply to premiums paid on or after such date.

SECTION 402. The amendments made by section 301 shall take effect October 1, 1987.

VETERANS ADMINISTRATION, OFFICE
OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: It is my pleasure to submit a draft bill to grant authority: (1) to increase the amount of monthly payments to annuitants under certain Veterans Administration (VA) insurance programs; (2) to exempt premiums collected under the Servicemen's (SGLI) and Veterans' Group Life Insurance (VGLI) programs from taxation by State or other governmental authorities; and (3) to allow VA to assume all administrative functions under the Veterans' Mortgage Life Insurance (VMLI) program. I respectfully request that the draft bill be referred to the appropriate committee and promptly enacted.

ANNUITY ADJUSTMENTS

Section 101 and 102 of our proposal would authorize the Administrator to periodically increase the dollar amount of monthly annuity benefits payble to beneficiaries under the United States Government Life Insurance (USGLI), National Service Life Insurance (NLSI), Veterans Special Life Insurance (VSLI), and Veterans Reopened Insurance (VRI) programs. The operation of these programs may be likened to a mutual insurance company, that is, the assets which have been derived from premium income and interest earnings are held in trust for the benefit of the policyholders and their beneficiaries. Separate trust funds have been established for each program, and the reserves have been invested in U.S. Treasury securities. The programs are participatory in nature, so that any surplus resulting from mortality savings or excess interest earnings is distributed to policyholders in the form of dividends. With the exception of VRI, the administrative costs of the programs and the expenses of claims based on the extra hazards of military service are borne by the Government.

Generally speaking, these forms of insurance were created to protect members of the armed forces who could not obtain commercial life insurance, at least at affordable rates, due to the hazardous nature of military service. USGLI was established in 1919 to accommodate the conversion of War Risk Insurance issued during World War I, and was closed to new issues in 1951. The largest government life insurance program, NSLI, was established in 1940, in anticipation of the expansion of the armed forces during World War II. It, too, was closed to new issues in 1951. Congress authorized VSLI in 1951 to meet the demands of the Korean conflict. VSLI was closed to new issues in 1956. VRI was made available as a limited reopening of the NSLI program for certain disabled veterans. Eligibility for VRI opened on May 1, 1965, for a period of one year.

A policyholder under the USGLI, NSLI, VSLI, or VRI program may, during his or her lifetime, select as a settlement option that the proceeds be paid as lump sum, in a limited number of monthly installments, or as a lifetime annuity. After the policyholder's death, the first beneficiary may elect to receive payment under any settlement option which will provide payment over a longer period than that selected by the policyholder. If a policyholder or beneficiary opts for an annuity settlement, interest, at a rate set by statute, accrues on the unpaid balance of the proceeds.

Due to current interest earnings and mortality experience, the reserves held for the payment of NSLI annuity settlements, for example, are generating gains in excess of $33 million annually. Actuarial projections show that gains on annuity reserves will continue to be at least $26 million per year through 1989.

Under existing statutes, specific interest rates are mandated for calculating insurance annuity payments, thereby limiting the amounts that can be paid to the annuitant beneficiaries. The current interest rates on the funds, however, exceed the statutory interest rates. Consequently, substantial gains on annuity reserves are earned which are now credited to the general reserve of the trust fund and paid to the policyholders through the regular annual dividend.

Inasmuch as these gains are derived from the annuity accounts, equitable considerations suggest that excess earnings should be distributed to the beneficiaries rather than continuing to be available as dividends to policyholders. If enacted, our bill would enable the Administrator to periodically adjust the payments to annuitants when it is prudent to do so. In practice, adjustments would be based on mortality savings and the accumulation of interest earned on annuity reserves. In the interests of fairness and security, however, the amount of the existing monthly payments will be retained as guaranteed minimums for monthly annuity installments.

Our proposal to adjust annuity payments by increasing the dollar amount of monthly installments by a fixed perentage is the most administratively feasible and actuarially sound means of equitably distributing these gains. A fair distribution would not be accomplished by simply increasing the interest rate for annuity calculations because it would cause annuitants who have been receiving payments over longer periods of time to receive increases that are relatively smaller than the increases of more recent annuitants. Moreover, the fact the annuity reserve gains are partially due to mortality savings makes it actuarially unsound to base annuity increases on interest earnings alone.

At the present time, only NSLI ("V" policies) annuity reserves are producing gains sufficient to justify an increase in annuity payments. We anticipate increasing "V" policy annuity payments by at least 50 percent for the next five years. Subsequent increases may be higher or lower depending on future interest earnings and mortality experience. Dividends to "V" policyholders are expected to continue to increase annually at the current rate or higher, notwithstanding the proposed increase in "V" annuity payents. It is unlikely that any higher monthly payment established under this proposal, would thereafter have to be reduced. If such a situation arose, however, the bill would require the Administrator to readjust the amount of such payments to maintain the soundness of the trust funds.

Our proposal, if enacted, would benefit approximately 130,000 payees by permitting the return of their equity in the fund. There would be no net cost to the Federal government.

STATE TAX EXEMPTIONS

Section 201 of our proposal would amend section 769 of title 38, relating to the Serviceman's (SGLI) and Veterans' Group Life Insurance (VGLI) programs, to exempt the premiums paid under these programs from State taxation. In 1980, Congress exempted the civilian counterpart of SGLI/VGLI, the Federal Employees Group Life Insurance (FEGLI) program, from payment of State premium taxes. In view of the legislative exemption granted FEGLI and the similarity of FEGLI and SGLI/VGLI, we believe SGLI/VGLI should likewise be exempted from State premium taxation.

SGLI was established in 1965 to meet the insurance needs of the Vietnam Era servicemember. Although the Government has provided life insurance coverage to members of the Armed Forces since World War I, Congress adopted a significantly different approach when creating SGLI. The previous insurance provided military personnel was individual insurance, underwritten by the Government, and administered by the VA.

SGLI, however, was patterned in most respects after the FEGLI program. Like FEGLI, SGLI is group life insurance administered by the commercial life insurance industry with Government participation limited primarily to program supervision. Although the SGLI program has undergone several major modifications since its inception, most notably the expansion of the categories of individuals eligible for coverage and increases in the maximum amounts of insurance, the primary role played by the commercial insurance industry remains unchanged.

VGLI was established in 1974 to provide five-year, nonrenewable term insurance to recently discharged veterans. Like SGLI, VGLI is group insurance which, although supervised by the VA, is underwritten and administered by the commercial life insurance industry.

Both SGLI and VGLI are provided under Group Policy No. 32000 which the VA obtained from the Prudential Insurance Company of America. Both programs are self-supporting in that the insureds pay all costs of providing the insurance, including administrative expenses and taxes. The Federal government, however, does pay any costs traceable to the extra hazards of military service. In recent years, there have been no such costs.

Most states, the District of Columbia, and the Commonwealth of Puerto Rico require insurance carriers underwriting group life insurance policies to pay taxes on premiums collected each year. Prudential is responsible for paying the taxes on SGLI and VGLI premiums collected. The requirement to pay taxes is, of course, reflected in the amount of the premiums charged the insureds. Since the inception of both programs, the insureds have paid over $50.8 million in State premium taxes. Approximately $2.45 million was paid in the policy year ending June 30, 1986, alone.

As noted earlier, Congress, by enacting the Omnibus Reconciliation Act of 1980, Pub. L. No. 96-499, § 405, 94 Stat. 2599, 2606-07 (1980), exempted the civilian counterpart of SGLI and VGLI, the FEGLI program, from payment of State premium taxes. That a similar tax exemption is appropriate for SGLI/VGLI is evident from the similarity of both the objectives and structure of the three programs.

In the FEGLI program, the Office of Personnel Management makes group life insurance available to both present and retired Federal employees under a policy of insurance obtained from the commercial life insurance industry. Under the terms of the FEGLI policy, as is required under the SGLI/VGLI policy, the private insurer provides an Office of Insurance and has the responsibility to: (a) settle and pay claims; (b) contract for and administer reinsurance contracts with other insurers in the programs; (c) participate with other insurance carriers in maintaining a conversion pool to cover individuals separated from Federal service who wish to convert their coverage to private insurance; (d) maintain a contingency reserve for adverse fluctuations in future charges; and (e) prepare annual financial statements covering its activities. Other similarities in the programs include the automatic coverage provided to most insureds, the Government's collection of premiums by deduction from the individual insureds' military pay or Federal salary, and the Government's maintenance of records detailing an individual's insurance status while in the military or employed by the Federal government.

In view of the similarities in the programs and the fact that FEGLI has been specifically exempted from State premium taxation, we believe that SGLI and VGLI should receive a similar exemption. Equity suggests such an exemption in that it would allow equal treatment of civilian and military Federal personnel. As in the FEGLI program, the proposed tax exemption would not apply to a tax, fee, or other monetary payment imposed on the net income of profit accruing to or realized by an insurance company from business conducted under the SGLI or VGLI programs if the tax, fee, or payment is applicable to a broad range of business activity.

Exemption of the SGLI/VGLI program from State taxation would reduce expenses of administration and the resulting savings would ultimately be passed on to the insureds in the form of lower premium rates. As any savings would inure to the benefit of the insureds, there would be no savings or costs to the Government.

ADMINISTRATION OF VMLI

Sections 301 and 302 of our proposal would amend section 806 of title 38, United States Code, to authorize the VA to assume all administrative functions under the Venterans' Mortgage Life Insurance (VMLI) program. The VMLI program, established under Pub. L. No. 92-85, 85 Stat. 320 (1971), provides automatic mortgage life insurance coverage to disabled veterans who receive VA assistance in obtaining specially-adapted housing. Currently, a private insurance company (Bankers Life Insurance Company of Nebraska) acts as the insurer in this program under contract to the VA. Reliance on a private insurance carrier, as required by Pub. L. No. 92-95, has proven costly and inefficient. Assumption by the VA of the insurer's role would improve program efficiency and result in significant administrative cost savings. Veterans' substantive rights would be unaffected by our proposal, which would not change the terms of insurance coverage.

At present, the private insurer's responsibility under the VMLI program is quite limited. The private insurer merely collects premiums from a small number of veterans not receiving cash benefits from the VA (approximately one percent of all insureds) and pays claims for death benefits.

The private insurer's functions under the program could be assumed by existing VA insurance operations, resulting in a considerable saving in overhead costs. In addition, the profit charged by the commercial insurer would be eliminated. The cost per claim processed by the private insurer, derived by adding administrative expenses and taxes divided by the number of claims processed, has exceeded $300 in recent years. In contrast, it is estimated that, if the VA assumed all administrative functions under the program, the cost per claim processed would decline dramatically to about $25 per claim. A significant cost saving would thus be realized.

The VA Insurance Centers in St. Paul, Minnesota, and Philadelphia, Pennsylvania, have already assumed substantial administrative responsibility for the VMLI program. The duties presently performed by the VA include notification of eligibility, control and processing of correspondence, computation of premiums and reserve credits, recordkeeping, and control of premium deductions from veterans' benefit payments. Further, the Government remains responsible for liabilities incurred under the program. Consolidation of all VMLI functions in the VA would add little to the Government's administrative burden, while greatly enhancing program efficiency.

We estimate that this consolidation would result in net cost savings totaling $75,607 in fiscal year 1988, increasing to $86,345 in fiscal year 1992.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of the draft legislation and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

By Mr. LAUTENBERG:

S.J. Res. 117. A joint resolution designating July 2, 1987, as "National Literacy Day"; to the Committee on the Judiciary.

NATIONAL LITERACY DAY

● Mr. LAUTENBERG. Mr. President, I am pleased to introduce a resolution to designate July 2, 1987, as National Literacy Day. It is vital to call attention to the problem of illiteracy, to help others understand the severity of this problem and its detrimental effect on our society, and to reach those who are unaware of the service and help available for illiterate people.

In the book "Illiterate America" by Jonathan Kozol, the author describes an invisible minority, the growing crisis of illiteracy in America. In this country it is often said that we live in the information age. Yet for many Americans, information is inaccessible. Over 27 million American adults cannot read. An additional 35 million read below the level needed to function successfully. The cost of these wasted human resources is estimated at $225 billion, although, in truth, no value can be put on the devastation of illiteracy.

The cost includes the lifetime earnings that will not be realized by men and women who cannot get and hold jobs requiring any reading skills. The cost includes child welfare expenditures for the children of adults who lack the skills to get jobs. The cost includes prison maintenance for the inmates whose imprisonment can be linked to their illiteracy. The cost includes on-the-job accidents and damage to equipment caused by the inability of workers to read and understand instructions for the operation of machines.

And the human cost is even higher. The daily activities that we take for granted—reading the newspaper, reading a menu, reading a street or subway map, reading a note from a child's teacher—become a nightmare for illiterate people. They devise remarkable strategies of evasion and coping. The creativity that goes into hiding the inability to read is a terrible waste and a tragic commentary on the losses illiterate people suffer.

It is vital to call attention to the problem of illiteracy. Our society must begin to understand the severity of this problem and its detrimental effects. Perhaps even more essential is the need to reach the people who need help in overcoming their illiteracy and to make them aware of the services that are available.

Mr. President, for these reasons, I am introducing a resolution to designate July 2, 1987 as National Literacy Day. I urge my colleagues to support this resolution.

I ask unanimous consent that text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Whereas literacy is a necessary tool for survival in our society;

Whereas 35,000,000 Americans today read at a level which is less than necessary for full survival needs;

Whereas there are 27,000,000 adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as 2,300,000 persons, including 1,200,000 legal and illegal immigrants, 1,000,000 high school dropouts, and 100,000 refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas 1,000,000 children in the United States between the ages of 12 and 17 cannot read above a 3rd grade level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of graduates of urban high schools read at less than a 6th grade level;

Whereas 85 percent of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 percent illiteracy rate among black youths is expected to increase to 50 percent by 1990;

Whereas one-half of all heads of households cannot read past the 8th grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1987, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's Disease and related dementias home and community based services block grant.

S. 104

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 225

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 322

At the request of Mr. SARBANES, the names of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 437

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Dakota [Mr. DASCHLE], the Senator from Illinois [Mr. DIXON] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 437, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies.

S. 604

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 668

At the request of Mr. MCCLURE, the name of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 668, a bill for the relief of Bela Karolyi.

S. 675

At the request of Mr. MITCHELL, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 685

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans.

S. 743

At the request of Mr. CHAFEE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 743, a bill to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent to which radon in the Nation's schools poses a threat to children and employees within such schools, and for other purposes.

S. 778

At the request of Mr. Kennedy, the names of the Senator from Mississippi [Mr. Stennis], the Senator from Colorado [Mr. Wirth], the Senator from Arkansas [Mr. Pryor], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 778, a bill to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

At the request of Mr. Leahy, his name was added as a cosponsor of S. 778, supra.

S. 902

At the request of Mr. McClure, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 902, a bill to amend the Food Security Act of 1985 and the National School Lunch Act to extend to 1992 the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs and to amend the Agriculture and Food Act of 1981, the Child Nutrition Amendments of 1986, and the School Lunch and Child Nutrition Amendments of 1986 to extend to 1992 the national donated commodity processing program.

S. 904

At the request of Mr. Grassley, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of S. 904, a bill to amend the Job Training Partnership Act to establish a literacy training program to serve individuals most in need of literacy skills who are not presently being served.

S. 933

At the request of Mr. Ford, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 933, a bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes.

S. 1076

At the request of Mr. Bradley, the name of the Senator from Maine [Mr. Cohen] was added as a cosponsor of S. 1076, a bill to amend title XVIII of the Social Secretary Act to improve the availability of home health services under the medicare program, and for other purposes.

SENATE JOINT RESOLUTION 11

At the request of Mr. Thurmond, the names of the Senator from Virginia [Mr. Trible] and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 44

At the request of Mr. Durenberger, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of Senate Joint Resolution 44, a joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 48

At the request of Mr. Hatch, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987 through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. D'Amato, the names of the Senator from Connecticut [Mr. Weicker], the Senator from California [Mr. Cranston], the Senator from Virginia [Mr. Warner], the Senator from Utah [Mr. Hatch], the Senator from Maryland [Mr. Sarbanes], the Senator from Iowa [Mr. Grassley], the Senator from Wisconsin [Mr. Proxmire], the Senator from Mississippi [Mr. Stennis], the Senator from Michigan [Mr. Riegle], the Senator from California [Mr. Wilson], the Senator from New York [Mr. Moynihan], the Senator from Hawaii [Mr. Matsunaga], the Senator from Georgia [Mr. Nunn], the Senator from South Dakota [Mr. Pressler], the Senator from Minnesota [Mr. Durenberger], the Senator from Illinois [Mr. Dixon], the Senator from Nevada [Mr. Hecht], the Senator from Minnesota [Mr. Boschwitz], the Senator from Alaska [Mr. Murkowski], the Senator from Kansas [Mr. Dole], the Senator from Maine [Mr. Mitchell], the Senator from New Hampshire [Mr. Humphrey], the Senator from Pennsylvania [Mr. Specter], the Senator from North Dakota [Mr. Burdick], the Senator from Florida [Mr. Chiles], the Senator from Virginia [Mr. Trible], the Senator from Indiana [Mr. Quayle], the Senator from Ohio [Mr. Metzenbaum], the Senator from Wisconsin [Mr. Kasten], the Senator from South Carolina [Mr. Hollings], the Senator from Georgia [Mr. Fowler], the Senator from Rhode Island [Mr. Pell], the Senator from Massachusetts [Mr. Kerry], the Senator from Nebraska [Mr. Exon], the Senator from South Dakota [Mr. Daschle], the Senator from Nevada [Mr. Reid], the Senator from Hawaii [Mr. Inouye], the Senator from Missouri [Mr. Danforth], the Senator from Arizona [Mr. DeConcini], the Senator from Arkansas [Mr. Bumpers], the Senator from Connecticut [Mr. Dodd], the Senator from Colorado [Mr. Wirth], the Senator from North Carolina [Mr. Sanford], the Senator from Vermont [Mr. Leahy], the Senator from Utah [Mr. Garn], the Senator from Oregon [Mr. Packwood], the Senator from Ohio [Mr. Glenn], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. Thurmond, the names of the Senator from New Mexico [Mr. Domenici], the Senator from Virginia [Mr. Warner], the Senator from North Carolina [Mr. Sanford], the Senator from South Carolina [Mr. Hollings] and the Senator from Nevada [Mr. Reid], were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. Hatch, the name of the Senator from Alabama [Mr. Shelby], was added as a cosponsor of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. Specter, the names of the Senator from Delaware [Mr. Roth], and the Senator from Tennessee [Mr. Gore] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. Symms, the names of the Senator from Rhode Island [Mr. Pell], and the Senator from Utah [Mr. Hatch] were added as cosponsors of Senate Joint Resolution 115, a joint resolution making an urgent supplemental appropriation for emergency assistance to the Polish independent trade union organization NSZZ "Solidarnosc" for the fiscal year ending September 30, 1987, and for other purposes.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DeConcini, the names of the Senator from Nevada [Mr. Reid], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE CONCURRENT RESOLUTION 52—TO RECOGNIZE AND CONGRATULATE DUCKS UNLIMITED, INC. ON ITS 50TH ANNIVERSARY

Mr. BURDICK (for himself, Mr. Mitchell, Mr. Breaux, Mr. Chafee, Mr. Wallop, Mr. Bumpers, Mr. Ford, Mr. Hollings, Mr. Warner, Mr. Gore, Mr. Pryor, Mr. Chiles, Mr. Boren, Mr. Proxmire, Mr. Levin, Mr. Lugar, Mr. Dole, Mr. Biden, Mr. Gramm, Mr. Quayle, Mr. Kasten, Mr. Symms, Mr. Murkowski, Mr. Simpson, Mr. Daschle, Mr. McClure, Mr. Domenici, Mr. Shelby, Mr. Armstrong, Mr. Sasser, Mr. McConnell, Mr. Wirth, Mr. Grassley, Mr. Stafford, Mr. Inouye, Mr. Roth, Mr. Stevens, Mr. Cochran, Ms. Mikulski, Mr. Bradley, Mr. Baucus, Mr. Durenberger, Mr. Bond, Mr. Graham, Mr. Nunn, Mr. Garn, Mr. Hecht, Mr. Pell, Mr. Sarbanes, Mr. Johnston, and Mr. Thurmond) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. Con. Res. 52

Whereas Ducks Unlimited, Incorporated, is one of the largest and most successful private wetlands and waterfowl conservation organizations in the world, having raised nearly $400,000,000 and conserved more than 4,000,000 acres of wetlands throughout North America;

Whereas wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all citizens;

Whereas wetlands constitute only a small percentage of the land area of North America, are estimated to have been reduced by half in the contiguous States, and continue to disappear at the rate of nearly 700,000 acres each year;

Whereas governments alone cannot adequately protect valuable wetlands without help from private organizations;

Whereas the members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to achieve outstanding conservation objectives;

Whereas Ducks Unlimited has established and maintained a singleness of purpose for the protection and enhancement of waterfowl habitats that is a standard other organizations have sought to achieve; and

Whereas January 29, 1987, was the 50th anniversary of the founding of Ducks Unlimited and its pioneering leadership in continent-wide waterfowl conservation programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and congratulates Ducks Unlimited, Incorporated, for its 50 years of unprecedented accomplishments in the protection and enhancement of wetlands waterfowl habitat.

Mr. BURDICK. Mr. President, on January 29, 1987, Ducks Unlimited, Inc., celebrated its 50th anniversary. This unique organization was started in the late 1930's by sportsmen who recognized that waterfowl populations were declining dramatically due to the destruction of important habitat. Ducks Unlimited's first project in 1938 was to protect that water supply for a 27,000-acre marsh in south-central Manitoba. In 1970, an affiliate organization in Mexico was established; and in 1985, a cooperative venture was undertaken with NASA to inventory some 60 million acres of wetlands. Ducks Unlimited is now one of the most successful private wetlands and waterfowl conservation organizations in the world. Over the past half century its members and supporters have raised nearly $400 million to conserve more than 4 million acres of wetlands throughout North America. Their work continues today through projects in important waterfowl areas throughout the United States and Canada. Last year alone, Ducks Unlimited Raised $50 million for wetlands preservation and enhancement in the Central United States and Canada. More than $400,000 of that amount was generated by the 9,000 members of Ducks Unlimited in North Dakota, who also have given generously of their time and energy to maintain and improve the continent's wetlands waterfowl habitat.

I am proud that Ducks Unlimited recently established a regional field office in Bismarck as part of their new U.S. habitat improvement program. But Ducks Unlimited has chapters in all of our States. The organization is one of the foremost examples of what can be accomplished when private individuals join together to protect and enhance an important natural resource. The benefits from their efforts accrue to all of us through the preservation of wetlands. In addition to providing habitat for waterfowl, these marshes and swamps also contribute to our national economy and general welfare. In recognition of 50 years of outstanding effort, we and our House colleagues have submitted this concurrent resolution in hopes of passage prior to the Ducks Unlimited annual convention to be held in early May.

Mr. President, I want to thank especially the 50 Senators who are original cosponsors of this worthwhile concurrent resolution. We hope that the remainder of our colleagues will join with us in honoring Ducks Unlimited.

Mr. MITCHELL. Mr. President, during the early 1930's, the prairies of the Western United States and Canada were hit by severe drought which not only had a devastating impact on the region's farmers but also on the marshes which dot this landscape. These wetlands typically produce more than half of all the ducks and geese in North America.

The drought also had a profound influence on a unique group of U.S. sportsmen and women, who had watched the numbers of ducks and geese plummet as marsh after marsh went dry. On January 29, 1937, these sportsmen and women decided to organize a private effort dedicated to perpetuating and increasing the continent's waterfowl by restoring and preserving prairie wetlands. They named their new organization "Ducks Unlimited", and they pledged themselves to raise money to protect the waterfowl habitat of North America.

Over the next 50 years, Ducks Unlimited purchased leases to conserve more than 4 million acres of wetlands habitat, constructed more than 3,000 wetlands projects and created more than 15,000 miles of shoreline for nesting waterbirds.

Last year alone, the 1,500 members of Ducks Unlimited in Maine raised $150,000 to preserve and enhance the continent's wetlands. These dedicated individuals also have given generously of their time and energy to achieve conservation objectives thousands of miles away.

For the last half century, Ducks Unlimited has remained steadfastly committed to its solitary goal of raising funds for wetlands waterfowl habitat. In recognition of that effort, I am joining today with the chairman of the Senate Environment and Public Works Committee, Senator Burdick, in introducing a resolution to congratulate Ducks Unlimited on its 50th anniversary.

While most of the members of Ducks Unlimited are primarily, although not solely, interested in waterfowl hunting, much of their efforts in Maine and elsewhere are directed unselfishly toward funding wetlands protection and enhancement projects that provide them with little direct benefit. Their work benefits all of us through the preservation of our rich waterfowl heritage and, even more significantly, through the protection of our rapidly dwindling wetlands.

The wetlands of this continent are an immensely valuable resource in desperate need of all the public and private protection we can muster. Each day nearly 2,000 acres of wetlands are destroyed in the United States and Canada. In this country nearly 60 percent of all the marshes, bogs, and swamps that once existed already have been lost.

We should applaud every effort to protect the wetlands of North America not only because they provide habitat for waterfowl, but also because they contribute in many ways to our national economy and general welfare. Fish and wildlife nurtured by wetlands support much of our fishing, hunting, trapping, and birdwatching. In Maine, these activities contribute well over $250 million each year to the State's economy. The commercial fishing industry of Maine and the Nation also is largely dependent upon the wetlands of our estuaries. In addition to these benefits, wetlands buffer the effects of storms, purify water, aid in replenishing ground water supplies, and provide substantial protection from flooding.

For all the wetland protection benefits we've received, I hope by colleagues in the Senate will join in saluting the more than 600,000 members of Ducks Unlimited in each of our States for their 50 years of pioneering leadership in the international conservation of waterfowl and wetlands.

Mr. GRAMM. Mr. President, I take great pleasure in joining so many of my colleagues on both sides of the aisle in sponsoring this resolution to recognize and congratulate the 600,000 members of Ducks Unlimited, Inc. on 50 years of wetlands conservation activities throughout North America.

Ducks Unlimited [DU] stands as a shining example of what can be accomplished through the initiative and efforts of individuals who are willing to donate time and resources to a cause in which they believe. I take great pride in representing the 35,000 Texans who are among the members of this fine organization. The 163 chapters throughout our State have provided invaluable assistance to DU as it works to protect wetlands habitat areas.

Over the past 50 years, as a result of the efforts of the volunteers who comprise the DU membership, more than 4 million acres of wetlands throughout North America have been preserved and close to $400 million have been raised through private, voluntary fundraising activities. The value of this work and the critical need for its continuation can be readily recognized when one realizes that wetlands on the North American Continent are disappearing at the alarming rate of more than 700,000 acres per year.

Mr. President, I congratulate Ducks Unlimited, Inc. and its members on 50 successful years. They will have my best wishes and my support as DU continues its valued conservation efforts.

SENATE CONCURRENT RESOLUTION 53—AUTHORIZING THE REPRINT OF A SENATE REPORT

Mr. MELCHER (for himself and Mr. HEINZ) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring), That the Senate Report 100-9, 100th Congress, 1st Session, entitled "Developments in Aging", be reprinted as a Senate document and that there shall be printed an additional 1,500 copies of Volume 1 and an additional 500 copies of Volume 2. All additional copies shall be for the use of the Special Committee on Aging.

AMENDMENTS SUBMITTED

VETERANS' EMPLOYMENT, TRAINING, AND COUNSELING AMENDMENTS

CRANSTON (AND OTHERS) AMENDMENT NO. 160

(Ordered referred to the Committee on Veterans' Affairs)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill (S. 999) to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Employment, Training, and Counseling Amendments of 1987".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.

Section 2003A(c) is amended in the matter preceding clause (1) by inserting "be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training and shall" after "shall".

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—(1) Section 2004 is amended to read as follows:

"2004. Local veterans' employment representatives

"(a)(1) The Secretary, acting through the Assistant Secretary for Veterans' Employment and Training, shall make available for use in each State, directly or by grant or contract, such funds as may be necessary to support the assignment of local veterans' employment representatives under this section.

"(2) Funds provided for use in a State under this subsection shall be sufficient to support the assignment of—

"(A) at least one full-time local veterans' employment representative in each local employment service office (i) at which 1,000 veterans registered during the 12-month period ending on the most recent June 30, or (ii) which has a service area in which 5,000 veterans reside. One additional such representative shall be assigned to such office for each additional 1,500 veterans who registered at such office during such period or 5,000 veterans who reside in such service area, whichever results in the assignment of the greater number of such representatives; and

"(B) in the case of each local employment service office at which less than 1,000 veterans registered during such period and which has a service area in which less than 5,000 veterans reside, an individual serving as a local veterans' employment representative on a part-time basis that bears the same proportion to full-time employment (rounded to the nearest one-eighth) as the number of veterans who registered during such period bears to 1,000 or the number of veterans who reside in a service area bears to 5,000, whichever results in the higher fraction of full-time service.

"(3) Each local veterans' employment representative shall be a veteran. Preference shall be given in the assignment of such representatives to disabled veterans. If the Secretary finds that no disabled veteran is available for any such assignment, such assignment may be given to a veteran who is not a disabled veteran. The Secretary shall monitor the assignment of such representatives to ensure compliance with the provisions of this paragraph.

"(b) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State and shall be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training.

"(c)(1) Except as provided in paragraph (2) of this subsection, the services of local employment representatives shall be fully devoted to discharging the duties and functions prescribed for State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training in section 2003 of this title.

"(2) The duties of local veterans' employment representatives shall include providing, or facilitating the provision of, counseling services to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S..C 1721 note), are certified as eligible for participation under such Act.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2)(A) Paragraphs (1) and (2) of subsection (a) of section 2004 of title 38, United States Code (as added by the amendment made by subsection (a)(1)) shall take effect on October 1, 1987.

(B) Paragraph (3) of such subsection (as so added) shall take effect with respect to assignments made after the thirtieth day following the date of enactment of this Act.

(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by inserting "and the assignment of local veterans' employment representatives under section 2004 of this title" after "title"; and

(B) by striking out "section" and inserting in lieu thereof "sections"; and

(2) by amending the sixth sentence to read as follows: "Each budget submission with respect to such funds shall include separate listings of the proposed number, by State, of disabled veterans outreach program specialists appointed under section 2003A of this title and local veterans employment representatives assigned under section 2004 of this title, together with in-

formation demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

SEC. 4. PERFORMANCE OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES AND DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.

(a) Chapter 41 is amended by inserting after section 2004 the following new section:

"2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) The Secretary shall develop, and provide for the implementation and application of, standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title and shall monitor the activities of such specialists and representatives.

"(2) Such standards shall be designed to provide for—

"(A) in the case of such specialists, the effective performance at the local level of the duties and functions of such specialists under section 2003A(b) and (c) of this title,

"(B) in the case of such representatives, the effective implementation at the local level of the duties and functions of such representatives under section 2004(c) of this title, and

"(C) the monitoring and rating activities prescribed by subsection (b) of this section.

"(b)(1) State Directors of Veterans' Employment and Training and Assistant State Directors of Veterans' Employment and Training shall regularly monitor the performance of such specialists and representatives through the application of such standards.

"(2) A State Director of Veterans' Employment and Training, or such Director's designee, shall formally participate (by submitting recommendations and comments) in each annual performance rating of a disabled veterans' outreach program specialist or local veterans' employment representative.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following: "2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.".

SEC. 5. INFORMATION REGARDING POTENTIAL EMPLOYERS.

Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide to the Secretary of Labor and to the Administrator (1) not more than 30 days after the date of the enactment of this subsection, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve, and (2) thereafter, on the fifteenth day of each month, updated information regarding the list.".

SEC. 6. CLARIFICATION OF RESPONSIBILITIES OF EMPLOYMENT SERVICE PERSONNEL.

(a) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1), by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs"; and

(2) in clause (2), by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4), by inserting "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et. seq.))" after "programs";

(2) in clause (6), by inserting "(including part program conducted under Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clause:

"(9) Provision of counseling services to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment.".

SEC. 7. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Chapter 41 is further amended by adding at the end the following new section:

"2011B. National Veterans' Employment and Training Service Institute

"In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, the Secretary shall establish and operate a National Veterans' Employment and Training Service Institute for the training of disabled veterans' outreach program specialists, local veterans employment representatives, and State and Assistant State Directors for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job training, placement, or related services as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is further amended by adding at the end the following new item:

"2011B. National Veterans' Employment and Training Service Institute.".

SEC. 8. SHARING OF INFORMATION REGARDING EMPLOYERS.

Section 2008 is amended—

(1) by inserting "(a)" before "In"; and

(2) by adding at the end the following new subsection:

"(b) The Administrator shall require each regional office of the Veterans' Administration to provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis the names and addresses of employers located in the area served by such regional office that offer a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (Public Law 98-77: 29 U.S.C 1721 note).".

SEC. 9. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) PAYMENTS TO EMPLOYERS.—The second sentence of section 8(a)(1) of the Veterans' Job Training Act (Public Law 98-77: 29 U.S.C. 1721 note) is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran shall be—

"(A) in the case of a program of job training of 4 or more months duration—

"(i) for the first 4 months of such program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during such months;

"(ii) for any period after the first 4 months, 50 percent of the product of (I) the actual hourly rate of wages paid to the veterans by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that period; and

"(iii) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for such first 4 months pursuant to subclause (i) if the percentage specified in subclause (i) of this clause were 50 percent rather than 30 percent; and

"(B) in the case of a program of job training of less than 4 months duration—

"(i) for the months prior to the final scheduled month of the program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during the months prior to such final scheduled month;

"(ii) for the final scheduled month of the program, 50 percent of the product of (I) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that month; and

"(iii) upon the veterans' successful completion of the program, the amount that would have been paid, above the amount that was paid, for the months prior to the final scheduled month of the program pursuant to subclause (i) of this subclause if the percentage specified in subclause (i) were 50 percent rather 30 percent.

(b) COUNSELING.—Section 14 of such Act is amended by striking out subsection (b) and iserting in lieu thereof the following:

"(b) The Administrator and the Secretary shall jointly provide for—

"(1) a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of (A) avoiding unnecessary termination of employment, (B) referring the veteran to appropriate counseling, if necessary, and (C) facilitating the veteran's successful completion of such program;

"(2) a program of counseling services (to be provided pursuant to subchapter IV of chapter 3 of this title and sections 612A, 2003A, and 2004 of this title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(3) a program of information services under which (A) each veteran who enters a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (i) through Veterans' Administration counseling and career development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of title 38, United States Code) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (ii) through other appropriate agencies in the community, and (B) veterans and employers are encouraged to request such services whenever appropriate.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Administrator with appropriate vocational counseling in light of the veteran's termination.".

(c) Authorization of Appropriations.—Section 16 of such Act is amended—

(1) by inserting after the first sentence the following new sentence: "There is also authorized to be appropriated, in addition to the appropriations authorized by the preceding sentence, $60,000,000 for each of the fiscal years 1988 and 1989 for the purpose of making payments to employers under this Act.";

(2) in the final sentence, by striking out "1988" and inserting "1991".

(d) Deadlines for Veterans' Applications and Entry Into Training.—Section 17 of such Act is amended to read as follows:

"Sec. 17. (a) Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after June 30, 1989; or

"(2) for any such program which begins after December 31, 1989.".

(e) Conforming Amendment.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(f) Data on Participation.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on a not less frequent than quarterly basis, collect from the heads of State employment security agencies and State Directors for Veterans' Employment and Training information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, are referred to employers participating under this Act, participate in programs of job training under this Act, and complete such programs.".

SEC. 10. REVISIONS OF NOMENCLATURE

(a) Secretary of Labor.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(7) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003(a), 2003A(a)(1) and (d), 2005(a) (as redesignated by the amendment made by section 5(1)), 2006(a), 2007, 2008(a) (as redesignated by the amendment made by section 8(1)), 2009 and 2010(b) are amended by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary".

(b) Assistant Secretary of Labor for Veterans' Employment and Training.—(1) Sections 2000, 2002, 2003A(a)(1), (3), and (5) and (d), 2006(a) and (d), 2009(a)(1), and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2)(A) The heading of section 2002A is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of Chapter 41 is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training.".

(c)(1) State and Assistant State Director for Veterans' Employment and Training.—Section 2003 and 2003A(b)(2) are amended by inserting "and Training" after "State Director for Veterans' Employment" and "Assistant State Director for Veterans' Employment", respectively, each place those terms appear.

(2)(A) The heading of section 2003 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training.".

Mr. CRANSTON. Mr. President, as Chairman of the Veterans' Affairs Committee, I am today submitting an amendment to S. 999, the proposed "Veterans' Employment and Training Amendments of 1987." Joining me as cosponsors of this measure are my good friends and fellow committee members, the Senator from Hawaii [Mr. Matsunaga], Arizona [Mr. DeConcini], and West Virginia [Mr. Rockefeller]. This substitute amendment to S. 999—a bill which I introduced on April 9, 1987, to improve veterans' employment, job training, and counseling services and programs under chapter 41 of title 38, United States Code, and the Veterans' Job Training Act [VJTA]—would modify the bill so as to add provisions to authorize appropriations for fiscal year 1988 and fiscal year 1989 for VJTA and to extend the deadlines governing application and entry into job training programs under VJTA, as well as make certain technical changes and corrections in existing provisions in the bill.

Mr. President, on April 9, I made a detailed statement, beginning on page S 5031 of the Record, explaining the provisions of S. 999, which this amendment would modify. Rather than again describe these provisions, for an explanation of them I would refer my colleagues to my introductory statement on S. 999. Thus, the balance of my remarks will be directed to the changes to that measure that are proposed in this amendment.

AUTHORIZATION OF VJTA APPROPRIATIONS

First, Mr. President, in order to provide for the continuation of VJTA, this legislation would amend section 9 of S. 999 to add a new subsection (c) to authorize VJTA appropriations of $60 million for each of the fiscal years 1988 and 1989. It had been my intention originally to include this authorization of appropriations in S. 999 along with the various VJTA program reforms proposed in the bill. Unfortunately, however, the authorization was inadvertently omitted in the drafting of the measure.

Mr. President, this funding would enable approximately 40,000 additional veterans to participate in VJTA job training programs over the next 2 fiscal years. At present, except for the remainder of a modest amount of funds—$471,000—available to this program from deobligated moneys resulting from early terminations of individual veterans' job training programs, funding for this program was exhausted a number of months ago. With regard to the deobligated moneys, I am very pleased that in February officials of the Department of Treasury reversed an earlier determination that these funds, which were originally appropriated in fiscal year 1984, could not be spent after the end of fiscal year 1986. However, the funds thus to be made available for reobligation by the end of fiscal year 1987—up to $8 million—will soon be absorbed entirely by providing an estimated 1,500 veterans with job training opportunities. Meanwhile, more than 20,600 veterans are currently certified and eager to participate in VJTA.

As part of an effort to provide additional funding in fiscal year 1987, I joined earlier this year with my good friend from West Virginia [Mr. Rockefeller], in introducing S. 553, the proposed "Veterans' Job Training Act Extension of 1987," which includes a provision to extend through fiscal year 1987 and fiscal year 1988 the as-yet-unutilized portion—$30 million—of the fiscal year 1986 authorization of appropriations for VJTA. More recently, the Veterans' Affairs Committee incorporated the provisions of S. 533 in section 106 of S. 477, as reported on March 18, 1987, the proposed "Homeless Veterans' Assistance Act of 1987," which the Senate passed on March 31. Also, on April 9 the Senate again passed the provisions of title I of S. 477 as reported, which includes section 106, as title IX of H.R. 558, the proposed "Urgent Relief For the Homeless Act." Efforts are underway in both bodies now to add $30 million in fiscal year 1987 supplemental appropriations pursuant to this Senate-passed authorization.

Mr. President, I am very hopeful that we will succeed in promptly enacting the extension of the authorization of VJTA appropriations for fiscal year 1987, as would be authorized in S. 477 and H.R. 558, and for the next 2 fiscal years, as would be authorized by S. 999, as amended by this measure—as well as the actual appropriations so greatly needed to revitalize this important job training program and to sustain its operations in the coming years.

OTHER PROVISIONS

Second, Mr. President, in light of the authorization of fiscal year 1988 and 1989 appropriations, this measure would add a new subsection (d) to section 9 of S. 999 to amend section 17 of

VJTA in order to extend the deadlines for eligible veterans to apply for training and to enter into job training programs. Under this bill as amended, these deadlines would be changed from July 2, 1987, to June 30, 1989, and from January 2, 1988, to December 31, 1989, respectively.

Finally, Mr. President, a number of proposed minor corrections to the existing provisions of S. 999 are included in this amendment. The title of S. 999 would be amended to include counseling—thus, renaming the bill the "Veterans' Employment, Training, and Counseling Amendments of 1987"—in recognition of the array of job counseling services under chapter 41 of title 38 and the increased emphasis on the provision of such services in VJTA that would be mandated by S. 999. In addition, section 4(a)(2) of S. 999, requiring the participation of Assistant State Directors of Veterans' Employment and Training in annual evaluations of Local Veterans' Employment Representatives [LVER's], would be amended. Specifically, the State Director of Veterans' Employment and Training or his or her designated representative, rather than the Assistant State Directors, would be charged with responsibility for participating in the annual ratings of LVER's, and the responsibility to participate in the performance ratings would be expanded to include the ratings of Disabled Veterans' Outreach Program specialists [DVOP's]. These proposed changes reflect the fact that some States do not have Assistant State Directors of Veterans' Employment and Training and the need for increased accountability with respect to DVOP's as well as to LVER's.

CONCLUSION

Mr. President, the provisions in S. 999, as they would be modified by this amendment, would enhance in numerous and important ways VJTA and the job counseling, training, and placement services available to our Nation's veterans. I urge all of my colleagues to support S. 999, as proposed to be amended.

ACREAGE DIVERSION PROGRAM FOR WINTER WHEAT

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 161

Mr. BOSCHWITZ (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. HEFLIN, Mr. BOND, Mr. KARNES, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BURDICK, Mr. DANFORTH, and Mr. MCCONNELL) proposed an amendment to the bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986; as follows:

At the end of the bill, add the following new sections:

SOYBEAN PROGRAM ADJUSTMENTS

SEC. 6. (a) Effective for the 1987 through 1990 crops of soybeans, section 201(i) of the Agricultural Act of 1949 (7 U.S.C. 1446(i)) is amended—

(1) in paragraph (2), by adding at the end thereof the following new sentence: "This paragraph shall not apply to the marketing year for the 1987 crop of soybeans.";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "If" and all that follows through "may" and inserting in lieu thereof "In the case of each of the 1987 through 1990 crops of soybeans, the Secretary shall"; and

(B) in subparagraph (B), by striking out "If" and all that follows through "the Secretary shall" and inserting in lieu thereof "The Secretary shall"; and

(3) by adding at the end thereof the following new paragraphs:

"(7)(A) The Secretary may, for each of the 1987 through 1990 crops of soybeans, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) a loan deficiency payment equal to the difference between—

"(I) the loan payment rate; and

"(II) the prevailing world market price for soybeans as determined by the Secretary; by

"(ii) the quantity of soybeans the producer is eligible to place under the loan.

"(C) Payments to a producer under this paragraph shall be made—

"(i) as soon as possible after the certification of eligible soybeans has been provided by the producer and after the producer waives the right to place the soybeans under the loan program; and

"(ii) at the option of the Secretary, in the form of in-kind negotiable certificates in such manner as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

"(D) Producers shall have the option of taking a loan deficiency payment on any part of eligible production at any time during which a nonrecourse loan could be obtained, and on which production such payment has not been made, without foregoing such option on the balance of the eligible production.

"(E) To avoid overpayments, the Secretary may require an accounting of soybeans for which a loan deficiency payment has been made before issuing another loan deficiency payment to the same producer.

"(F) The producers of soybeans placed under loans that are outstanding on the date of enactment of this paragraph may, at the option of the Secretary, for a reasonable time period established by the Secretary, receive a loan deficiency payment in exchange for repaying such loan and interest.

"(8) If a producer is permitted to repay a loan for a crop of soybeans under this subsection at a level that is less than the full amount of the loan, the Secretary shall support the price of cottonseed at such level as the Secretary determines will cause cottonseed to compete on equal terms with soybeans on the market.".

(b) Section 1001(2)(B)(v) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(v)) is amended—

(1) by striking out "or rice" and inserting in lieu thereof "rice or soybeans"; and

(2) by striking out "or 101A(b)" and inserting in lieu thereof ",101A(b), or 201(i)(7)".

SUNFLOWER MARKETING LOAN PROGRAM

SEC. 7. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(I)(1) The Secretary shall make available to producers loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical oil content of sunflowers and soybeans and not result in excessive total stocks of sunflowers taking into consideration the cost of producing sunflowers, supply and demand conditions, and world prices for sunflowers, except that such level may not be less than 8½ cents per pound.

"(2) If the Secretary reduces the level of loans and purchases for a crop of soybeans under subsection (i)(2), the Secretary may reduce the level of loans and purchases for the crop of sunflowers under paragraph (1) by the amount the Secretary determines is necessary to maintain domestic and export markets for sunflowers, except that the level of loans and purchases may not be reduced by more than 5 percent in any year. Any reduction in the loan and purchase level for sunflowers under this paragraph shall not be considered in determining the loan and purchase level for sunflowers for subsequent years.

"(3)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(4) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(5)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year.

"(B) The Secretary shall make a final announcement of such level not later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(6) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

SALE OF AGRICULTURAL NOTES AND OTHER OBLIGATIONS

SEC. 8. (a) The Secretary of Agriculture, under such terms as the Secretary may prescribe, shall sell notes and other obligations held in the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) in such amounts as to realize additional net proceeds sufficient to offset any additional outlays incurred as the result of the amendments made by sections 6 and 7.

(b) Consistent with section 309A(e) of such Act, any sale of notes of other obligations, as described in subsection (a), shall not alter the terms specified in the note or other obligation, except that, on sale, a note or other obligation shall not be subject to section 333(c) of such Act (7 U.S.C. 1983(c)).

(c) Notwithstanding any other provision of law, each institution of the Farm Credit System shall be eligible to purchase notes and other obligations held in the Rural Development Insurance Fund and to service (including the extension of additional credit and all other actions necessary to preserve, conserve, or protect the institution's interest in the purchased notes or other obligations), collect, and dispose of such notes and other obligations, subject only to such terms and conditions, as may be agreed to by the Secretary of Agriculture and the purchasing institution and as may be approved by the Farm Credit Administration.

(d) Prior to selling any note or other obligation, as described in subsection (a), the Secretary of Agriculture shall require persons offering to purchase the note or other obligation to demonstrate—

(1) an ability or resources to provide such servicing, with respect to the loans represented by the note or other obligation, that the Secretary determines is necessary to ensure the continued performance on the loan; and

(2) the ability to generate capital to provide the borrowers of the loan such additional credit as may be necessary in proper servicing of the loans.

DASCHLE AMENDMENT NO. 162

Mr. DASCHLE proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

DESIGNATION OF CERTAIN LANDS AS WETLANDS UNDER WATER BANK ACT

SEC. . The Secretary of Agriculture shall designate as "wetlands", for purposes of section 3 of the Water Bank Act (16 U.S.C. 1302), areas in the Kingsbury, Hamlin, Lake, Miner, Brookings, and Codington Counties of the State of South Dakota that suffered from floods in 1986: *Provided*, that, notwithstanding the designation of such lands as wetlands, total payments to owners and operators under the Water Bank Program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987.

DOLE (AND OTHERS) AMENDMENT NO. 163

Mr. DOLE (for himself, Mr. GRASSLEY, and Mr. KARNES) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

ETHANOL COST EFFECTIVENESS STUDY

SEC. . (a) The Secretary of Agriculture shall establish a panel to conduct a study of the cost effectiveness of ethanol production.

(b) The panel shall consist of 7 members appointed by the Secretary, of which—

(1) 4 members shall be persons who are representatives of—

(A) feed grain producers;

(B) feed grain processors;

(C) members of associations involved in the production and marketing of ethanol; and

(D) other related industries or institutions of higher education, or both; and

(2) no more than 2 of the remaining 3 members shall be employees of the Federal government.

(c) The panel shall—

(1) review and assess the economics and cost of production factors involved in the manufacture of ethanol in modern ethanol production facilities;

(2) assess ethanol technology, production, and marketing advances that have enabled the ethanol industry to grow rapidly since the inception of the industry in 1980;

(3) assess the economic impact on United States agriculture from fuel ethanol production from United States agricultural commodities;

(4) review and analyze the tradeoffs between Federal production and marketing incentives for fuel ethanol and other agricultural programs designed to enhance farm income and control agricultural production;

(5) analyze the effect on the agricultural economy resulting from increasing levels of ethanol production, including increased employment, increased tax receipts, expanded economic activity, export potential of residual products, and net costs or savings;

(6) provide an analysis of the impact fuel ethanol production has on agricultural prices and farm income; and

(7) analyze the effect of increased ethanol production on the balance of trade, energy, security, and air quality in the United States.

(d) Not later than 90 days after the date of enactment of this Act, the panel shall submit a report describing the results of the study to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary of Agriculture.

DOLE (AND OTHERS) AMENDMENT NO. 164

Mr. DOLE (for himself, Mr. COCHRAN, Mr. GRASSLEY and Mr. KARNES) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

MARKETING LOAN REPORT

SEC. . If a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans under sections 107D(a)(5), 105C(a)(4), and 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(a)(5), 1444e(c)(4), and 1446(i)(3)) before the date of enactment of this Act, the Secretary of Agriculture, no later than July 1, 1987, shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains—

(1) a statement of the reasons for not establishing marketing loan programs for the 1987 crop of wheat, feed grains, and soybeans;

(2) a comparison of—

(A) the cost of the price support and production control programs for the 1987 crop of wheat, feed grains, and soybeans; and

(B) the cost of such programs if such marketing loan programs were established;

(3) an analysis of the effectiveness of the existing marketing loan programs for cotton and rice;

(4) a comparison of—

(A) the effectiveness of the current marketing loan programs for cotton and rice; and

(B) the effectiveness of marketing loan programs that could be established by the Secretary for wheat, feed grains, and soybeans; and

(5) an analysis of whether the generic certificate program established by the Secretary produces the same effect on the price of exported grain as would be achieved by establishing marketing loan programs.

CONRAD AMENDMENT NO. 165

Mr. CONRAD proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

SUNFLOWER PRICE SUPPORT PROGRAM

Sec. —. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) The Secretary may support the price of sunflowers through loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflowers and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers and soybeans, except the level of loans and purchases may not be less than 8½ cents per pound.

"(2)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(3) If producers are permitted to repay loans for a crop of soybeans under subsection (i) at a level that is less than the full amount of the loan, the Secretary shall—

"(A) make loans and purchases available for the crop of sunflowers in accordance with paragraph (1); and

"(B) permit producers to repay loans for the crop in accordance with paragraph (2).

"(4)(A) The Secretary may, for each of the 1987 through 1990 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflowers the producer is eligible to plant under loan.

"(C) For purposes of this paragraph, the loan payment rate shall be not less than the amount by which—

"(i) the loan level determined for such crop under paragraph (1); exceeds

"(ii) the level at which a loan may be repaid under this subsection.

"(D) At the option of the Secretary, payments to a producer under this paragraph shall be made in the form of cash or negotiable certificates redeemable for any agricultural commodity owned by the Corporation, or any combination thereof.

"(5) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(6)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(7) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

DOLE (AND GRASSLEY) AMENDMENT NO. 166

Mr. DOLE (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)) is amended—

(1) in clause (ii), by striking out "marketing year for such crop" and inserting in lieu thereof "first 5 months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops."; and

(2) by adding at the end thereof the following new clause:

"(iii) Notwithstanding any other provision of law, established price payments for the 1986 crop of feed grains under this subparagraph shall be payable in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.".

HEFLIN (AND OTHERS) AMENDMENT NO. 167

Mr. LEAHY (for Mr. HEFLIN, for himself, Mr. BOREN, and Mr. BUMPERS) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, insert the following new section:

SUPPLEMENTAL PEANUT AND SOYBEAN PAYMENTS

SEC. 7. Section 633(B)(a)(5)(B)(ii) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by adding at the end thereof a new sentence as follows: Notwithstanding the preceding language of this clause with respect to the 1986 crops of peanuts and soybeans, with respect to producers of such commodities whose 1985 plantings were prevented or below normal levels because of rotation practices carried out by such producers, the limitation shall be based upon the historical plantings of such commodities as determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)):

Provided, That the supplemental payments authorized by the enactment of this sentence may be made only to the extent such payments are provided for in advance in an appropriation Act: *Provided further*, That notwithstanding any other provision of Public Laws 99-500 and 99-591, applications for such payments shall be filed by May 31, 1987.".

On page 4, line 20, strike out "section 5" and insert in lieu thereof "sections 5, 6, and 7".

STAR SCHOOLS PROGRAM

KENNEDY AMENDMENT NO. 168

Mr. KENNEDY proposed an amendment to the bill (S. 778) to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign language, and for other purposes; as follows:

On page 12, line 1, strike out "nonprofit".

BINGAMAN AMENDMENT NO. 169

Mr. KENNEDY (for Mr. BINGAMAN) proposed an amendment to the bill S. 778, supra; as follows:

On page 11, line 18, before the comma insert the following "or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on oversight of value engineering programs in Federal agencies on Wednesday, April 29, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, April 29, 1987, at 9 a.m., to consider an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1988. The committee will also be marking up S. 2, the "Senatorial Election Campaign Act of 1987".

For further information concerning this meeting, please contact Jack Sousa, elections counsel for the Rules Committee, on 224-5648.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, on Monday, the Department of the Interior issued its final report on the future management of the 1.9-million-acre coastal plain of the Arctic National Wildlife Refuge, Alaska.

Section 1002 of the Alaska National Interest Lands Conservation Act [ANILCA] directed the Department of the Interior to prepare and transmit a report to Congress which describes the fish and wildlife resources of the coastal plain; identifies and estimates the volume and extent of potential hydrocarbon resources; assesses the potential impacts of exploration and development; discusses transportation of oil and gas; discusses the national need for domestic sources of oil and gas; and recommends whether further exploration, development, and production of oil and gas should be allowed.

On the basis of the information contained in the final report, the Secretary of the Interior has recommended that the Congress enact legislation directing the Department to conduct an orderly and environmentally sensitive oil and gas leasing program for the coastal plain.

Mr. President, I am well aware that many other individuals, both in and out of the Congress, do not share the Secretary's conclusions with regard to oil and gas leasing in this area. Serious concerns have been raised about the potential adverse impacts of oil and gas production and development on (1) the Porcupine caribou herd and other wildlife; (2) native subsistence activities; (3) air and water quality; and (4) wilderness values of the coastal plain.

Pursuant to ANILCA, it is now up to Congress to decide where we go from here. The coastal plain is closed to further exploration and development for oil and gas unless the Congress specifically acts to open the area.

To begin this decisionmaking process, I am announcing today the scheduling of 4 days of oversight hearings on the Department's final report. These hearings will be conducted on June 2, 4, 8, and 11. The hearings will begin each day at 9:30 a.m. and conclude at approximately 12 noon. The hearings will be held in room SD-366 of the Dirksen Senate Office Building. Should you wish information about testifying, submitting a statement, or other information, please contact Tom Williams at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 12 p.m. to mark up projection forces and regional defense portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 2 p.m. to mark up strategic forces and nuclear deterrence portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 3:15 p.m. to markup fiscal year 1988 foreign assistance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 1987, at 10 a.m. and 2:30 p.m. to hold hearings on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aging, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 2:30 p.m. to conduct a hearing on reauthorization of the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.9 billion in budget authority, but over in outlays by $13.3 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through April 10, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since the last CBO report.

With best wishes,
Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF APR. 10, 1987

[Fiscal year 1987—in billions of dollars]

	Current level [1]	Budget resolution (S. Con. Res. 120)	Current level +/− resolution
Budget authority	1,089.5	1,093.4	−3.9
Outlays	1,008.3	995.0	13.3
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,255.0	[2] 2,322.8	−67.8
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (Public Law 99-509).

FISCAL YEAR 1987, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF APR. 10, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100–6)	−7	−1	
Surface Transportation and Relocation Act (Public Law 100–17)	10,466	−80	2
Technical corrections to FERS Act (Public Law 100–20)	1	1	
Total enacted this session	10,456	−84	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund [1]	(3)	(3)	
Payments to health care trust funds [1]	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund [1]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [2]	57	50	
Total entitlements	754	467	
Total current level as of April 10, 1987	1,089,479	1,008,321	833,857
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,321	
Under budget resolution	3,871		18,543

[1] Interfund transactions do not add to budget totals.

[2] Included at request of Senate Budget Committee.

Note.—Numbers may not add due to rounding.●

THE PITTSBURGH THREE RIVERS REGATTA: "THE NO. 1 EVENT IN THE NO. 1 CITY"

● Mr. HEINZ. Mr. President, the Pittsburgh Three Rivers Regatta—a weekend extravaganza of water, land, and air entertainment—celebrates the waterways that are vital to the economic and recreational health of the city and our region of Pennsylvania. This free, family oriented event, which attracts over a half-million spectators each year, will celebrate its 10th anniversary this August, in what many have called the No. 1 event in the No. 1 city.

The Pittsburgh Three Rivers Regatta was founded in 1978 by Eugene F. Connelly, who has been its president and general chairman ever since. Mr. Connelly was responsible for assembling the regatta's operating committee, which includes the Gateway Clipper Fleet, Pittsburgh History and Landmarks Foundation, Port Authority of Allegheny County, and the city of Pittsburgh—all of which still participate in planning the annual event.

In the past 10 years, the Three Rivers Regatta has become a Pittsburgh tradition. Pittsburgh's water festival activity actually dates back to 1949, when Jones & Laughlin Steel Corp. raced its steamboat *William Armous Jones* against United States Steel Corp.'s vessel *The Homestead* on the water surrounding what is now Point State Park. Since that steamboat race 38 years ago, water activities and festivals have occurred along the Monongahela, Allegheny, and Ohio Rivers.

The Three Rivers Regatta became the Nation's first international water festival in 1982 when the city of Pittsburgh and the regatta hosted the Champion Spark Plug Grand Prix, the first Formula One powerboat race in America. This premiere U.S. event served as the prototype for successful nationwide tours the past 4 years.

The regatta includes a variety of colorful events:

The Great Mid-American Sternwheel Race—a nostalgic, authentic sternwheel boat competition that features a variety of paddle boats racing 12 to 13 miles per hour on Pittsburgh's rivers.

The Anything That Floats Race—costumed crews of 10 to 20 participants design, construct, and power original crafts on Pittsburgh's rivers. Sometimes termed "the most bizarre event in The Three Rivers Regatta," Anything That Floats has featured such entries as "Swan River Ballet" with grown men in tutus and "Here's to the Lady," a patriotic entry that featured a 7-foot-tall statue of Lady Liberty next to a New York skyline.

The Great American High Dive Team—some of the Nation's leading professional high dive champions provide entertaining feats while plunging into the Allegheny River.

A Spine-Tingling Air Show—a unique event that features a wing walker, stunt aerobatics and the U.S. Army's Golden Knight's sports parachute team.

Other events include St. Brendan's International Cup Race featuring rowing teams from Boston, New York, Annapolis, and Washington, DC; celebrity aqua bike races; a water ski show; a lighted boat parade and grand decorated boat parade; and a spectacular hot air balloon race. National and local corporate sponsors make these events possible and media partners add excitement and provide publicity.

The Pittsburgh Three Rivers Regatta continues to enhance the city's regional and national image by focusing on the gift the rivers present to Pittsburgh and by educating residents and visitors about the importance of Pittsburgh's rivers to the local economy, recreation, and industry in America's most livable city.

Since 1984, the Three Rivers Regatta has been a member of the International Festival Association, an organization of the finest festivals from around the world.

Mr. President, I hope that all interested Americans will take the opportunity this year or in the future—to visit and take advantage of the unique recreational and cultural opportunity presented by the Three Rivers Regatta.●

THE ENSLEY FELLOWSHIP IN ECONOMIC POLICY

● Mr. ADAMS. Mr. President, more years ago than I care to recall, I graduated from the University of Washington with a degree in economics. While I supplemented that training with a legal education, I have always believed that economics gave me a good deal of the background I needed to go on and make a career of public service. Well, I have recently heard about another University of Washington economics graduate who has made a contribution to the public welfare while staying true to that most dismal of sciences and most demanding of academic disciplines.

Grover Ensley, who did his undergraduate work in economics at the University of Washington, served in the Bureau of the Budget under Presidents Roosevelt and Truman and then came to Capitol Hill in 1949 to become the executive director of the Joint Economic Committee until 1949. After leaving the committee, Dr. Ensley held a number of positions including the presidency of both the National Association of Mutual Savings Banks and the International Savings Bank Institute. In keeping with his training and his commitment to service, Dr. Ensley has now decided to create an endowed fellowship in economics at the University of Washington.

That decision will, I believe, add luster to an already distinguished academic department; it will also be in keeping with Dr. Ensley's interest in both the field of economics and the future of our economy. I applaud his decision and congratulate both Dr. Ensley and the University of Washington on the occasion of the creation of the Ensley Fellowship in Economic Policy.●

GEOGRAPHY AWARENESS WEEK

● Mr. MOYNIHAN. Mr. President, the distinguished senior Senator from New Jersey has been widely recognized for his scholarship and expertise on so many subjects. In an April 21, 1987, op-ed article in the Washington Post, the columnist James J. Kilpatrick cites the characteristically insightful thinking of the Senator from New Jersey with respect to education. Specifically, his emphasis on the importance of geography in our Nation's schools. Simply put: our children must know both from whence they came and where they go—geography teaches them this. If they are to lead this Nation into the 21st century, they must be aware of the world in which they live. Thanks to our distinguished colleague from New Jersey, they will.

Mr. President, I commend this article to the attention of the Senate, and ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 21, 1987]

LOST IN GEOGRAPHY

[By James J. Kilpatrick]

Let us hear it for Bill Bradley, the senior Senator from New Jersey! The hooray is not for his prospective candidacy for the White House, though the Democrats couldn't do much better. Neither is this a cheer for his uncommon good sense in matters of taxation. Let's hear it for Bradley's resolution to declare "Geography Awareness Week."

That's right. The long, tall gentleman from Denville wants to set aside the week of Nov. 15-21 to direct national attention toward the revival of a subject that has all but disappeared from most of our public schools. He came to the floor of the Senate on March 17 loaded with depressing news.

He cited, by way of example, a survey taken in January of 5,000 high school seniors in eight major cities. Brace yourself. Twenty-five percent of the students tested in Dallas could not identify the country that borders the United States on the south. In Boston, 39 percent of the students could not name the six New England states.

Brace yourself again. In Baltimore, 45 percent of those tested could not respond correctly to this instruction: "On the attached map, shade in the area where the United States is located." Nearly half of the students in Hartford could not name even three countries in Africa. Forty percent of those in Kansas City could not name three countries in South America.

Bradley had another survey, this one taken by the University of North Carolina in 1984. This was a survey not of high school seniors, but of college students. Fewer than half of them, when asked to identify the two largest states, could name Texas and Alaska. Almost 80 percent couldn't think of the two smallest states.

The senator had even gloomier tidings to report. He cited two surveys by The New York Times, one taken in 1950, the other in 1984. Thirty-seven years ago, 84 percent of the college students knew that Manila was the capital of the Philippines. In 1984, only 27 percent responded correctly. Almost 70 percent of these students could not name even one country in Africa between the Sahara and South Africa. The situation grows worse, not better.

Said Bradley: "This news is not only shocking; it is frightening. We depend on a well-informed populace to maintain the democratic ideals which have made our country great. When 95 percent of some of our brightest college students cannot locate

Vietnam on a world map, we must sound the alarm. We cannot expect to be a world leader if our populace doesn't even know who the rest of the world is!"

Amen to all that, and again, amen. Fifty or 60 years ago, when some of us were plowing through the public schools, we got great chunks of geography. We had whole books on the subject—fascinating books, filled with pictures of exotic lands. We learned about the Tigris and the Euphrates, about rice in China and coffee in Brazil and windmills in the Netherlands. We colored maps. For some reason, France was always blue. The first time I flew to Paris, and looked out the window, I confidently expected to see an azure landscape down below. It was mostly green, which was the color for Peru.

As I recall, we concentrated at one point on North America. This must have been about the fifth grade. The textbook offered Mexicans in serapes and sombreros, Eskimos in fur hats beside improbable igloos. We had to memorize the state capitals, and some of these were tough. Remembering the capitals of Washington, Kentucky and North Dakota wasn't easy.

Geography was a wonderful subject! I don't know that we ever got deeply into economic geography, but we learned a good deal about people and places. Some of it was trivial: name a mountainous country famed for yodeling. Some of it made an impact: Why is the Mississippi muddy, and what does this tell us of soil erosion?

Bradley is right when he warns that the decline of geography in our schools will have serious consequences in years to come. The globe dwindles. The planet shrinks. I was 6 years old when Lindbergh flew to France. It seemed an unbelievable adventure. Now the unbelievable becomes routine. Satellites and supersonic planes have turned strangers into neighbors. Our children and grandchildren ought to get to know them better.

Bradley's awareness week may get no more attention than most of the special weeks beloved of Congress, but if his resolution prompts even a few states into restoring geography to its old eminence, the effort will be worthwhile. What are the principal crops of Mexico? If our kids don't know, they ought to find out.●

BIG CYPRESS NATIONAL PRESERVE

● Mr. JOHNSTON. Mr. President, on Tuesday, April 21, 1987, the Committee on Energy and Natural Resources filed the report to accompany S. 90, a bill to add lands to the Big Cypress National Preserve in Florida (S. Rept. 100-45).

At the time the report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1987.
Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 90, the Big Cypress National Preserve Addition Act of 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 90.

2. Bill title: Big Cypress National Preserve Addition Act of 1987.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, April 8, 1987.

4. Bill purpose: S. 90 would establish the Big Cypress National Preserve Addition, comprising approximately 136,000 acres adjacent to the preserve's current boundaries in the State of Florida. The bill would direct the Secretary of the Interior to acquire and develop the Addition and would authorize the appropriation of such sums as may be necessary for this purpose.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991	1992
Land acquisition expenses: [1]						
Estimated authorization level	44.4	0.0	0.0	0.0	0.0	0.0
Estimated outlays	.0	10.4	12.7	13.9	5.4	2.0
Related technical and administrative expenses: [2]						
Estimated authorization level	1.3	2.0	1.4	1.1	.7	.7
Estimated outlays	1.3	2.0	1.4	1.1	.7	.7
Payments in lieu of taxes:						
Estimated authorization level			.2	.5	.8	.9
Estimated outlays			.2	.5	.8	.9
Total estimated Federal cost:						
Estimated authorization level	45.7	2.0	1.6	1.6	1.5	1.6
Estimated outlays	1.3	12.4	14.3	15.5	6.9	3.6

[1] Includes 80 percent of total estimated purchase price of land and related relocation expenses—net of severance damages, based on the assumption that funds for these costs will be appropriated in full during fiscal year 1987 and expended within 5 years of enactment.

[2] Includes estimated annual expenses to administer the addition beginning in 1989. These costs are estimated to be under $0.1 million in the first year, rising to about $0.5 million a year by 1992.

The costs of this bill fall within budget function 300 and 850.

Basis of estimate: For purposes of this estimate, CBO has assumed that S. 90 will be enacted and initial appropriations provided by July 1, 1987 and that the full sums estimated to be required will be appropriated in each fiscal year as shown in the above table. Funding levels for land acquisition and related expenses have been estimated on the basis of information obtained from the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) and the State of Florida, adjusted to reflect CBO's technical assumptions and a July 1, 1987 enactment date.

Section 5 would limit federal expenditures for land acquisition under the bill to 80 percent of total acquisition costs. This section defines "total costs" to mean total acquisition costs for the project (which CBO assumes to include any relocation expenses required under Public Law 91-646) less any costs incurred by the U.S. and Florida departments of transportation for severance damages resulting from the construction of Interstate 75. CBO estimates total acquisition costs under this definition to be about $54 million, of which $43 million would be borne by the Department of the Interior. Resulting federal outlays would be incurred during fiscal years 1988 through 1992.

In addition, annual federal appropriations would be required to cover technical and administrative expenses relating to the acquisition, including appraisal services, mapping, and in-house oversight. These expenses are expected to add about $6 million to total costs over the five-year period.

Finally, enactment of S. 90 would result in an additional appropriation requirement for federal payments in lieu of taxes (PILT) made under Public Law 94-565. Outlays for PILT payments are dependent on the rate of federal land acquisition and on annual appropriations actions, which are often not sufficient to cover the entire obligation. CBO estimates that full funding of the PILT requirement would result in an increase in outlays of up to $0.2 million in fiscal year 1989, rising to up to $1 million by 1993 and then falling until they reach $0.1 million a year. For purposes of this estimate, it has been assumed that payments would be made on the 133,600 acres transferred from private ownership and would not be constrained by limitations on PILT payments associated with county population size. If population estimates are factored in, estimated PILT outlays would be likely to fall; however, at this time, CBO does not have sufficient information to make such a calculation.

No costs for development of recreational access or facilities have been included above. These costs, which are expected to be minimal, would most likely be borne by the state. Similarly, additional administrative costs for the report required under Section 6 of the bill are not expected to be significant.

Possible savings in total acquisition costs that might be achieved through a pending land exchange with a large private landowner have not been incorporated in this estimate. While S. 90 would specifically permit both intra- and interstate land exchanges as methods of acquisition, any interstate exchange such as the one currently under negotiation would require Congressional approval under separate legislation and is thus beyond the scope of this estimate. However, if the exchange is approved, federal costs for land acquisition within the Addition's boundaries could be largely eliminated. The project's "total cost" (i.e., total value of donated or exchanged land plus cash purchases less damages) would still be about $54 million. However, federal outlays would be limited to the cash purchase of small parcels located west of the Preserve and to reimbursements to the state for its donations. This assumes that Florida would purchase the remaining private acreage north of the Preserve and would donate that land and about 2,400 acres it already owns to the Department of the Interior. The federal government would then reimburse Florida for 80 percent of the value of its donation, less 20 percent of the value of federally acquired lands. An equalization payment that would be received as part of the land exchange agreement would more than offset the resulting $4 million in federal outlays. Thus, if this land in exchange were to be consummated, the federal government would have net receipts from the land acquisition process of $46 million.

6. Estimated cost to State and local governments: Under the provisions of Section 5, the State of Florida would incur 20 percent of total net acquisition costs, or about $11 million. Because Florida's share requirement may be met through donations of state-owned land, its cash outlays may be lower. Annual outlays for related technical expenses or for the development of recreational or subsurface access are not expected to add significantly to the state's budget.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis.)●

RICHARD HOPPER

● Mr. HECHT. Mr. President, I wish to take this opportunity to bring to the attention of my colleagues the excellent work of a Nevadan who works for the Environmental Protection Agency. Indeed, I take great pride in recognizing EPA radiation specialist Richard Hopper for his unsurpassed dedication in his work in Eastern Europe following the nuclear reactor accident in the Soviet Union last year. I feel Richard's efforts and devotion to duty reflect great credit upon himself, EPA, and our Nation.

Richard's knowledge of radiation stems from many years of firsthand experience at the EPA Las Vegas Laboratories and Nevada test site in southern Nevada. His career began in 1967, when, at 23 years old, Richard accepted an assignment as a radiation monitorist with the Public Health Service, a division of the former Department of Health, Education, and Welfare. His duties at that time were similar to those he performs today: to monitor radioactivity and radiation levels and study the associated environmental impacts. After 4 years with the Public Health Service, and a short period in the private sector, Richard joined the newly-established EPA radiation team in 1973, where he has since worked in various radiation related fields.

In 1979, 4 years after joining EPA, Richard was called to Three Mile Island in Pennsylvania following the partial meltdown of the nuclear reactor. As part of EPA's informal emergency response team, he assisted in the long-term recovery program and the monitoring of radon levels to determine when the area would again be safe for human occupancy and normal operations.

Although the experience at Three Mile Island was eventful for Hopper, it proved to be a mere preparation for what was to come seven years later in Eastern Europe. The terrible news of the nuclear accident at Chernobyl was accompanied by many cries of concern from Americans living in the countries affected by the explosion's radioactive fallout. U.S. diplomatic missions in Poland, Hungary, and Bulgaria wanted U.S. experts to determine whether evacuation of U.S. women and children in those countries was necessary. Accordingly, the State Department responded to their pleas by asking Richard Hopper, EPA's radiation expert, to do the job.

So, with little hesitation, Richard caught the red-eye flight to Washington for an official briefing before heading abroad. And, on May 3, 1986, Richard arrived in Warsaw and began demonstrating that he is not only an expert in radiation analysis, but also that he possesses a gift of selfless concern for all people. His working days stretched easily to 18 hours in length as he provided personal attention to pregnant women and other concerned individuals. Additionally, before Richard left Poland, he briefed consular staffs and families in Kracow and Poznan, visited with students and staffs at the schools attended by United States and British Embassy children, and set up a monitoring system at the Embassy which he then trained the staff to use and maintain after his departure.

I think the U.S. Ambassador to Poland best described Richard Hopper's performance when he wrote to the Secretary of State saying, "His superb technical competence was perhaps expected, but he proved to be equally well qualified and adept at dealing with press inquiries, explaining his findings, reassuring worried mission members, and maintaining an invariably cooperative and cheerful attitude through long and very intensive workdays. He . . . earned our unanimous admiration and respect." Secretary of State Shultz later wrote that Richard "worked with tireless effort and engaging good humor, visiting many posts in a short time. Both he and his support group in Las Vegas deserve special commendation."

Mr. President, Richard Hopper has now returned to his normal functions at the Environmental Protection Agency, which he carries out in an exemplary fashion. I would like to thank him for his fine services to Nevada, our Nation, and the world. I feel quite privileged to have the opportunity to acknowledge Richard's work. I am proud to count him as a Nevadan, and I would like to close by wishing him and his wife, Jacki, the best of luck in the future.

60TH ANNIVERSARY OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

● Mr. SARBANES. Mr. President, on April 26, 1987, the Maryland-National Capital Park Planning Commission [MNCPPC] will celebrate its 60th anniversary. The Maryland General Assembly created the commission in 1927 and empowered it to acquire, develop, maintain, and administer a regional system of parks in Prince Georges and Montgomery Counties. Over the next 60 years MNCPPC played an instrumental role in meeting the needs of residents in Prince Georges and Montgomery Counties for parks and recreational facilities.

The Maryland General Assembly also presented the commission with the charge of preparing and administering a general plan for the physical development of a regional district. This was a significant responsibility given the growth that was to take place over the next decades in the Maryland counties adjacent to our Nation's Capital.

The commission—a bicounty agency—administers an extensive park system of over 42,700 acres that is used by the 1.3 million people who reside in Montgomery and Prince Georges Counties. They, the users, can attest to the outstanding park system that ranges from the small neighborhood park to the regional park consisting of thousands of acres offering a wide variety of recreational activities.

The Maryland-National Capital Park and Planning Commission has made significant contributions to the State of Maryland in the fields of planning, parks, and recreation. It also has been nationally recognized for its achievements. Three times—in 1973, 1977, and 1984—MNCPPC was awarded the prestigious National Gold Medal Award for "excellence in park and recreation management" from the National Sports Foundation. In 1983 the foundation also recognized the Maryland-National Capital Park and Planning Commission by honoring it with the Special Recreation Gold Medal Award. This award was in special recognition of the Prince Georges Department of Parks and Recreation, Special Populations Division, for "outstanding community achievement for physically and mentally handicapped citizens." The American Planning Association has also cited the commission for its outstanding planning achievements.

The work of the Maryland-National Capital Park and Planning Commission over the last 60 years is something of which to be proud. These achievements are especially important to the citizens who live in Prince Georges and Montgomery Counties and who have enjoyed the park system with their families and friends over the years. I am certain that they join us in celebrating the 60th anniversary of the commission.●

MILWAUKEE BREWERS WINNING STREAK

● Mr. KASTEN. Mr. President, I rise today to pay tribute to the Milwaukee Brewers who Monday broke the American League record with 13 consecutive wins at the beginning of the baseball season.

With relative youngsters like Rob Deer and Dale Sveum and the always dependable Robin Yount and Paul Molitor, the Brewers are leading the league in hitting. The young pitching staff no one thought would produce this quickly is already fifth in the American League, and has a no hitter to its credit.

More than statistics, however, you have to admire their spirit. Last Sunday afternoon, for example, with the temperatures creeping into the 80's the Brewers proved they could withstand the heat when they were down 4 to 1 to the Texas Rangers in the bottom of the ninth. Our team pulled off a miracle with two homers and won 6 to 4. After the game, Brewer Manager Tom Trebelhorn commented that the Milwaukee fans "really got our adrenaline flowing. We were down three runs and hadn't hit yet, but they were ready. They got us pumped up."

The fans are supportive, and like the team, they come through in the clutch. Whether they win or lose, Wisconsin sports fans always support their teams. And even after last night's 7 to 1 loss against the Chicago White Sox, Milwaukee fans who made the trip to Chicago for the game paid tribute to their team with a 15-minute standing ovation. The State of Wisconsin has shown the rest of the United States that it has more to offer than dairy products, quality paper, manufactured goods and a first-rate education system.

There is much to be proud of in Wisconsin.

The Green Bay Packers and the Milwaukee Bucks demonstrated Wisconsin's winning ways in the sixties and seventies, and now the Brewers are continuing that tradition. They have carried that championship fever all the way to the front pages of newspapers, and top stories of radio and television stations around the country.

All of this brings back memories of old Brewer greats like Tommy Harper, Kenny Sanders, George Scott, and Larry Hisle.

In years past the Brewers have been referred to as "Harvey's Wallbangers," and "Bambi's Bombers." Now they are talking about "Trebelhorn's Troops." All in all, I am one person who is very proud of the "True Blue Brew Crew."

Mr. President, I ask that the following articles be printed in the RECORD; an April 21 article from USA Today and an April 22 article from the Washington Post.

The articles follow:

[From USA Today, Apr. 21, 1987]

BREWERS MIXING ALL THE RIGHT INGREDIENTS

(By Mel Antonen)

On opening day, veterans hobbled. Rookies were everywhere. Six other players had fewer than two years experience, and Milwaukee was expected to continue its trend of sixth-place finishes.

Through the first two weeks, the upstart Brewers are on a historic rampage, tying a major league record with 13 consecutive victories.

The Brewers were picked by many to finish last in the American League East.

"We have to become positive about our team and our chances of staying in the race," veteran third baseman Paul Molitor said.

The engineer of the Brewers' streak is rookie manager Tom Trebelhorn, a social science major and math minor who is a substitute high school teacher in the offseason.

Trebelhorn replaced the retiring George Bamberger with four games left in the 1986 season. The Brewers won their last three games.

The Brewers are young, but have a mix of veterans—Molitor, Cecil Cooper, Jim Gantner and Robin Yount—who played with the team when it won the American League championship in 1982.

"We've done what we've had to and made few mistakes," Yount said. "That's what you need to put a streak together.

"We just want to keep riding the wave."

Whether it's math or manufacturing runs, Trebelhorn loves to teach. On the field, he stresses fundamentals. His lesson plan: Execute, stay loose and have fun.

The lessons are sinking in.

The Brewers stole five bases in a game against Texas. Seven players are hitting .320 or better. Left-handed pitcher Teddy Higuera is 3-0 and reliever Dan Plasec has five saves.

Want more heroes? The Brewers take turns in the spotlight:

Pitcher Juan Nieves, 22, pitched the first no-hitter in Brewers history when he beat the Baltimore Orioles 7-0.

Outfielder Rob Deer, who was acquired by the Brewers from San Francisco in December 1985, is hitting .391 with seven home runs and 17 RBI.

He hit two home runs Sunday, including a three-run shot in the last of the ninth inning that tied the Rangers 4-4. His home run Saturday was the difference in a 4-3 victory against Texas.

Shortstop Dale Sveum hit the game-winning home run against Texas Sunday. He had a hit in each of the first 10 games and his average is .383. After making 30 errors at third base last season, he has none this season.

Yount is hitting .333 with 11 RBI. His two-out diving catch in center field sealed Nieves' no-hitter.

Rookie B.J. Surhoff and Bill Schroeder are the catchers. Surhoff's first major league home run gave the Brewers a 12-inning, 12-11 victory against Boston in the third game. Schroeder is hitting .360.

First baseman Greg Brock's heads-up defense against Boston was typical of the Brewers.

With Marc Sullivan on first, Brock let Spike Owen's popped up bunt drop. He picked up the ball and turned it into a doubleplay in the Brewer's first win.

Billy Jo Robidoux hit a seventh-inning single to drive home Glenn Braggs with the game-winning run in the second win against Boston.

Brewers fans have chanted "162-0," but the fast start doesn't automatically translate into a pennant.

Out of the 13 teams that have started the season with at least eight consecutive victories, only six went on to win the division or pennant.

Only two, the 1955 Brooklyn Dodgers and 1984 Detroit Tigers, won the World Series.

Trebelhorn takes it all in stride: "I'm just sitting back and letting them play and having fun watching like everyone else."

Club President Bud Selig gives general manager Harry Dalton credit for building the Brewers.

"Harry stayed with it after some tough years after 1982," Selig said. "I don't know what's going to happen the rest of the year, but he's done an outstanding job."

In the last three seasons, the Brewers have finished seventh, sixth and sixth. They are a long way from the AL East title. But they are a long way from the basement, too.

[From the Washington Post, Apr. 22, 1987]

TREBELHORN'S TROOP COMMANDS ATTENTION

(By Richard Justice)

CHICAGO.—Tom Trebelhorn, the rookie manager of the Milwaukee Brewers, is standing in the middle of two dozen reporters, who have now asked about his team, his philosophies, his divorce, his children, his hit-and-run signal and his superstitions (he doesn't have any, incidentally).

In a scene that would have made Andy Warhol proud, 39-year-old Tom Trebelhorn, and unassuming substitute teacher from Portland, Ore., has become a very famous man in a very short period of time, one of the more intriguing and engaging stories on a very intriguing and engaging baseball team.

The Milwaukee Brewers and their 13-0 start before their first slip have made a country curious and a city fanatical. Ask George Webb, the Milwaukee fast-food man who's giving away 150,000 burgers in a Wednesday tribute to the Brewers.

Ask any of the 30,000 fans who stood in line outside County Stadium to buy tickets last Thursday and Friday. Ask the Brewers, who boarded a bus near their stadium on Monday morning and watched in amazement as hundreds of fans stood in line to buy tickets for this weekend's series with the Baltimore Orioles.

Ask Trebelhorn, who held an optional early round of hitting Sunday morning and was amazed when every player showed up. When they finished, they went inside their clubhouse and had an Easter egg hunt, then went back out and eventually rallied for five ninth-inning runs to win No. 12.

"You sit here and can't believe it's happening," said first baseman Greg Brock, a shy man who suffered through four sometimes painful seasons in Los Angeles as The Guy Who Replaced Steve Garvey on the Dodgers. "You come out of spring training, and you're feeling positive, but this . . . It just seems to keep building."

Or ask Bud Selig, the hyper owner of the Brewers, who says he keeps walking around asking himself, "Is this real? I keep pinching myself, and I can't feel it. I'm not sure this is happening."

The Brewers believe it is. Their pitching staff averages 25 years of age per man, and five of them have been clocked at 90 mph or better. What's more, they have first- or second-year players at catcher (B.J. Surhoff), shortstop (Dale Sveum) and right field (Glenn Braggs) and still haven't depleted a farm system that appears to be one of the game's five best.

"One thing about our young players is that losing is strange to them," said center fielder Robin Yount, who at 31, with 13 years in the major leagues, is one of the old men of the Brewers. "They came from winning minor league teams, and they expect to win. That kind of thing is contagious."

Who are these guys who've taken the summer game by storm, averaging seven runs a night, hitting .330 with men on base and coming from behind seven times in those 13 games?

They are Yount and Paul Molitor, the veteran millionaires and "the heart of this team," Trebelhorn said. "They play like kids, and that's very important for kids to see."

They are baby-faced left-hander Dan Plesac, a 1983 first-round pick who failed as a starting pitcher after he was unable to develop an off-speed pitch to go with his devastating fastball and slider.

The Brewers, desperate for a reliever to replace Rollie Fingers, moved Plesac to the bullpen, and last season at the age of 24, he became one of the best in the league (saving 14 games and stranding 76 percent of his inherited base runners). This year, he leads the majors with five saves in seven appearances.

They are Sveum, who made 30 errors in 91 games, mostly at third base, last season. With Molitor coming back from an injured elbow, Sveum was supposed to be a utility infielder in 1987. Then starting shortstop Ernest Riles and backup Eddie Diaz both got hurt, and the job became Sveum's.

Not only has he been a Cadillac defensive player, he hit .383 during the streak, and incredibly, .500 with men on base.

They are reliever Chuck Crim, who was brought to the major league camp this spring when 20-game winner Ted Higuera held out and John Henry Johnson got hurt. He not only earned a spot on the team, he has become an important part of the Brewers, helping bridge the middle innings between the young starters and Plesac. A sinkerball specialist, Crim has a 0.66 ERA in five appearances.

And they are 26-year-old outfielder Rob Deer, who spent eight seasons in the San Francisco Giants' system before being traded to the Brewers for two minor-leaguers in late 1985.

Given a chance to play for a team that didn't want to raise his average and shorten his stroke, Deer combined a .232 batting average and 179 strikeouts with 33 homers and 86 runs battled in last season.

This year, he has been phenomenal, hitting .400 with seven homers and 17 RBI.

GOOD SCOUTS

None of this is to say things fell together for the Brewers in one miraculous spring. The hardest thing to judge about baseball is who is doing what in the areas of scouting and player development, and about a year ago, it became clear that no one had done a better job than the Brewers.

As it turned out, even when their major league team was winning big in the early 1980s. Milwaukee scouts were driving more miles and seeing more players more often than anyone else. The 1981-83 drafts—when the Brewers weren't picking especially high—brought starters Bill Wegman, Mike Birkbeck and Mark Ciardi, relievers Plesac and Crim, designated hitter Billy Jo Robidoux, infielders Sveum and Riles and right fielder Braggs.

Baseball people who haven't drafted as well say the Brewers picked wisely because they were always picking high, but that was only the case with Yount, Molitor and catcher B.J. Surhoff, the first pick of the 1985 draft.

"We were on no particular timetable," said Brewers General Manager Harry Dalton, who has held similar positions with the Orioles in the 1960s and the California Angels in the 1970s. "Anyone who tells you they have a real specific blueprint is fooling themselves."

THE MANAGER

Of Trebelhorn, we now know that he does not drink, chew or curse, that he's addicted only to his daily runs and an occasional Tab. We know that each night before he leaves the clubhouse, he posts the next day's lineup, so that if a player needs extra time to think about a certain pitcher, he'll have it.

We know that he began spring training by telling the Brewers something about having a businesslike approach to the game. There would be no clubhouse card games. There would be coats and ties worn on all trips. There would be limited time in the training room.

We know that he communicates with his players. When the Brewers traded for Brock last winter, Trebelhorn's first phone call was to Cecil Cooper, the man Brock was to replace, Cooper says Trebelhorn phoned to say: I don't want you guessing about your role. You're not being phased out, so come to spring training ready to be the designated hitter.

"I appreciated that," Cooper said.

Trebelhorn said he was just a guy trying to do a job the best way he knows how.

"I can only do what I think is right," he said. "Sparky Anderson told me to be yourself and do what you think is right, and that's the best advice I've gotten."

After managing Vancouver to the Pacific Coast League championship in 1985, Trebelhorn asked to be moved to Helena, Mont., in the rookie league, although it might have been easier to get from Vancouver to Portland, where his three sons and ex-wife lived.

Dalton agreed, then in 1986 when an explosion ripped through the Brewers' spring clubhouse in Arizona, seriously burning third base coach Tony Muser, Dalton offered the job to Trebelhorn. And when manager George Bamberger retired in September, Trebelhorn got another promotion.

Dalton said he hired a man of "character, intelligence and patience. We had resisted rushing a lot of our kids to the majors, but we knew it was time for some of them. Tom had already managed most of them at Vancouver."

Didn't he worry about hiring a man without experience?

"Not really," he said. "I've hired about a dozen managers, and I'd say half of them had no big league experience."

It was Dalton who first hired Earl Weaver, Bamberger, Buck Rodgers and Harvey Kuenn. Of Trebelhorn, he said, "This spring, he ran the most organized camp I've ever seen, and remember Earl Weaver ran a pretty good one."

STRONG LEFT ARMS

Higuera and Juan Nieves are the final two pieces of the puzzle. In the case of Higuera, a Fernando Valenzuela look-alike—and name-alike, whose full name is Teodoro Higuera Valenzuela—who is 35-19 after two seasons, the Brewers, like the Dodgers went the extra step. They had a tip about a young left-hander, and instead of dismissing the rumor, sent a scout to Mexico to see him.

With Nieves, the deal is more complicated. A Puerto Rican, he was an undrafted free agent and was being sought by the Brewers, Toronto Blue Jays and New York Yankees. Most baseball people agree the Yankees offered more money, but the Brewers did a college-style recruiting job. Dalton says, "We also outlined everything we had in mind for his career. I think he was impressed by that, and by the fact we'd been talking to him longer."

The rest was a matter of a few trades. The Deer deal was made "because we needed home runs," and it turned out to be one of the most lopsided ever made. The Brock trade was made because they needed a left-handed bat, and even though the price was highly regarded pitcher Tim Leary, "We felt we had some kids who could take his place," Dalton said.

And veterans such as Cooper, Yount, Molitor and second baseman Jim Gantner bridge the 1982 American League championship team with the gaps of 1987.

"This is a miracle and a great American drama," Dalton said. "But it didn't just all happen by accident. We worked hard and did a lot of planning for this."

Still, no one could expect this kind of start. No one could expect so many hits to fall at the right time or the Brewers to hit 21 homers in 13 games or get game-winning RBI from seven different players. If the Brewers thought their young pitching might be decent, they certainly didn't expect relievers Plesac, Chris Bosio and Crim to have a combined 1.16 ERA on the morning of April 21.

And then again . . .

"People say we've been lucky," Trebelhorn said, "and in a way that's true. But going into the hole and starting a double play is not luck. We're going to have a bad streak, but we're going to keep showing up. Who knows how we'll react? But I've seen enough of these guys to believe it won't be a problem."●

MOTHER'S PEACE DAY

● Mr. LEVIN. Mr. President, on May 7, Women's Action for Nuclear Disarmament [WAND], Metropolitan Detroit Chapter, will celebrate Mother's Peace Day. There will be several events during the day, culminating in a special evening presentation at which time Lillian Genser, director of the Center for Peace and Conflict Studies, will receive WAND's first annual Mother's Peace Day award.

It is no coincidence that WAND is observing this day so close to Mother's Day. Although many women made an effort to establish a regular observance in honor of mothers, it was not until 1915 that a national day was proclaimed. However, as early as 1870, Julia Ward Howe of Boston called for an international meeting of women to consider their roles in ending wars. She became the first president of the American Branch of the Women's International Peace Association and a day was chosen for a "festival, a day which would be called Mother's Day, and be devoted to the advocacy of peace doctrines—a time for women and children to come together; to meet in the country, invite the public, and recite, speak, sing and pray for those things that make for peace."

Women working for peace is a year-round effort. I commend WAND for its ongoing work in this effort and for its recognition of Lillian Genser as an outstanding advocate for peace.●

AFGHANISTAN: LETTERS FROM THE STATE OF ILLINOIS

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its 8th year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the Record two letters each day from various States in the Nation. Today, I submit two letters from the State of Illinois and ask that they be printed in the Record.

The letters follow:

West Frankfort, IL.

Dear Senator Humphrey. I recently read of the advance knowledge our country had—when Germany, under Hitler's dictatorship, persecuted the Jewish peoples—and we chose to take no action to save even the allowable immigrants.

Please Senator, I was a very young man when the above took place but after gaining the present insight about what is happening in Afghanistan I can no longer claim the innocence of youth.

Whatever happens good or evil on this planet is the collective responsibility of us all. If we continue to place our heads in the sands of time to hide from reality, how can we walk upright in the light of the relative freedom we know as Americans?

We all say, "Never again", but we allow abortions daily, human beings are starving in Africa, more than a million died in Cambodia, and human beings are being slaughtered in Afghanistan—Now.

Sir, please do what you can to get our heads out of the sand and into the light of compassion, dignity, and respect for the lives of our fellow planeteers.

Respectfully,

Larry W. Ogden.

Sandwich, IL.

My Dear Senator Humphrey: I recently read an article in the Reader's Digest about the atrocities being done to the people in Afghanistan by the Russians. By our keeping silent about it, we are also condoning these acts. I urge you to do everything you can to bring to the American public and your colleagues what is happening there and to let the Russians know we don't like what they are doing. I think we should put whatever pressure we can on the Russians to stop.

Thank you for your assistance.

Sincerely,

Doris Miller.●

GUARANTEED JOB OPPORTUNITY ACT

● Mr. SIMON. Mr. President, recently, we held our first hearing outside of Washington on S. 777, my proposal to guarantee a job opportunity to all Americans.

The first hearing we held was in Rock Island, IL. It was interesting to note the support that we got from business, labor, and citizens, generally.

There is an assumption, on the part of some people, that business will automatically be opposing the jobs program.

My belief is, if we explain it properly, we can secure the support of business. The statements by the representatives of Deere & Co. and the Quad Cities Chamber of Commerce are an illustration of that.

Their statements are both excellent, and I ask to insert them in the Record at this point.

The statements follow:

Illinois Quad City Chamber of Commerce,
Moline, IL, March 27, 1987.

Hon. Paul Simon,
U.S. Senator, Chairman, Subcommittee on Employment and Productivity.

Dear Senator Simon: On behalf of the Illinois Quad City Chamber of Commerce, I wish to express appreciation in the opportunity to present a statement regarding S. 777, the Guaranteed Job Opportunity Act, which you have recently introduced in the Senate.

As you are aware, the Illinois Quad City Chamber of Commerce is an organization consisting of business representatives, professionals, and interested community citizens. Naturally, our organization is interested in programs promoting the economic health and well-being of our community.

With respect to S. 777, we concur with your view that it is more beneficial to promote individual dignity and worth by developing a program whereby one receives compensation for a positive contribution through meaningful employment, rather than doing nothing or starving.

It is our hope that as S. 777 continues on its legislative journey, you and your fellow Senators and Congressmen strongly resist any attempts to convert this proposal into a "make work program".

When one contemplates the condition of this nation's needs, in both the private and public sectors, a well constructed and administered program of providing meaningful employment opportunities for the thousands who are currently unemployed, because they may lack required skills, cannot help but be beneficial in the long run.

While there will be undoubtedly those who will view S. 777 as just another "liberal, do-good idea", if one seriously considers the existing expenditures in welfare, unemployment compensation, and numerous other existing federal and state programs, the common sense approach taken in S. 777 cannot be argued with.

You are to be commended, Senator, for your initiative and leadership in proposing this legislation at a most critical point in our country's history.

In the months to come, we will be watching the reaction and progress this legislation generates with your colleagues in Congress. As it approaches final form, we will offer more specific comments to help strengthen the final bill.

Thank you for this opportunity to appear before you this morning and present our views on this most timely issue.

Sincerely,

Eric F. Schwarz,
President.

Guaranteed Job Opportunity Act

Thank you, Senator Simon, it is a pleasure to see you again and we at Deere & Company add our welcome to you and your staff to the Quad Cities. I am Robert Anderson, Manager of Public Policy Planning at Deere & Company. Deere is the world's largest manufacturer and marketer of agricultural equipment, and also produces and sells a full time of industrial equipment and grounds care equipment. In the past few years we have also been establishing new lines of business to supplement our traditional manufacturing enterprise including credit and insurance services, health maintenance organization management, rotary engine research, and government sales. Our world headquarters are located here in Moline, Illinois.

As we all know, the continuing five year economic recovery in this country has not been universally felt. This is particularly true here in our community. The Quad Cities have been severely affected by the downturn in the farm economy and the resulting loss of jobs in the farm equipment industry and other related agri-business operations. In addition, severe pressure from world-wide competition in the construction equipment industry in general has caused further economic problems here.

With these circumstances as background, we are pleased to commend Senator Simon for his sincere and thoughtful efforts to find ways for others to help people help themselves. There is work here to be done and there are people willing to work. The proposed "Guaranteed Job Opportunity Act" is designed to match the people with the work. Though I understand S. 777 is not intended to be a permanent employment proposal, it should help people earn, as opposed to simply receive, money while they continue to look for more permanent employment.

For our neighbors who have exhausted their regular unemployment compensation and other income supplements, the assistance provided by this proposal can be of great help and significance. While Deere hopes and works to assure that the need for such a program in the future may be minimal, we commend the Senator for urging the Congress to establish a program which can help people who want and need work as well as help the communities which can benefit from their work.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, there has been considerable discussion in recent months of the Soviet Union's implementation of reforms. Actions taken by the Soviet Government under the premise of greater openness are accounted daily in newspapers, radio, and television. Thus far, numerous prisoners of conscience have been released, and democratic voting procedures are being tried in several local elections. Although most changes are minimal, I encourage the Soviets to continue them.

In addition to the changes that have already occurred, Secretary Gorbachev and other Soviet officials have made promises of future reforms. It has been stated that emigration levels will surpass 10,000 this year—a level that has not been reached since 1979. If the Soviets hope to improve relations with the United States from this change in policy, words are not enough. Actions are necessary for the United States to take the Soviet Union's claims seriously.

The Soviet Government continues to disregard the rights of its Jewish citizens. Jews are harassed and discriminated against, anti-Zionist literature is distributed openly, and religious literature is prohibited. These blatant violations of human rights must end in order for relations to improve.

Many Jewish citizens have suffered as a result of the Soviet Government's inhumanity. Among them is Naum Meiman. Naum's wife, Inna, recently died of cancer. I cannot help but believe that the Soviets' delay in releasing Inna to the West for critical treatment may have caused her death. Naum was not permitted to come to the United States to comfort Inna in her final days, nor to attend his wife's funeral.

After many years of misery, Naum still desires to live life in the West. It is time for the Soviet Union to allow him some happiness. I urge the Soviet Government to grant Naum Meiman an exit visa immediately.●

COVERT ACTION

● Mr. SIMON. Mr. President, one of the most thoughtful Members of either House of Congress is Congressman LEE H. HAMILTON of Indiana.

Some time ago he had an article in the Washington Post about covert action, questioning the wisdom of much of what we now take for granted.

His basic conclusions:

> "Covert action should be used skeptically. The U.S. Government should not carry out any covert action that a fully informed American public would not support."

I agree with that completely.

Covert action ought to be a very rare thing.

Even when there are actions taken by people that we find ourselves in basic agreement with, initiating covert action can be counterproductive because it reinforces an image of Uncle Sam trying to bully the world.

In a case like Afghanistan, where there is an actual invasion, people there who are trying to resist the invaders should be assisted. But even in cases like that we should take that covert action with great care.

I urge my colleagues to read the Washington Post article by Congressman HAMILTON. It makes as much sense today as when it was published.

Interestingly, it was published in August 1986, 3 months before we learned about our weapons supply to Iran. If people in the administration had heeded the advice of LEE HAMILTON long before we got involved in supplying weapons to Iran, we would not have this awkward, embarrassing situation that confronts us today.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 17, 1986]

THE TROUBLE WITH COVERT ACTION

(By Lee H. Hamilton)

Seven months ago, Jonas Savimbi, the leader of a group of rebels seeking to overthrow the Angolan government, was received at the White House. Administration officials, including the president and member of the Cabinet, publicly pledged support for his group, UNITA, and have since revealed details about the weaponry that the United States is apparently providing.

This dramatic shift in U.S. policy has proven controversial. But remarkably, Congress and the public have been constrained from openly debating its merits. That's because the aid to Savimbi is deemed "covert" and, as such, is not subject to approval or even scrutiny by the whole Congress. Angola, more than any recent case, illustrates the tensions between "covert" operations and the principles of open, democratic government.

What is "covert" action? In simple terms, it is a clandestine effort undertaken to shape events in a manner favorable to U.S. foreign policy interests. It includes a range of activities: unattributable propaganda, the provision of financial or material support to individuals, groups and foreign governments, or military operations.

The rationale for covert action is that it increases the number of foreign policy options available to the President and enables the United States to influence events in situations where no public role would be possible or productive. Because it is unattributable, a covert action can help the U.S. support friendly nations or their policies without exposing them to the criticism that they are pawns of the United States. Covert action can sometimes provide a middle ground between diplomacy and war. It can also help the United States avoid confrontation that might result if its role were officially acknowledged. For these reasons, many covert actions can and should be supported.

But covert action should be viewed skeptically. The U.S. government should not carry out any covert action that a fully-informed American public would not support. While occasionally necessary, it should not be the preferred tool of foreign policy. Particularly close scrutiny should be given to paramilitary or military covert actions. It is hard to keep them secret or sustain their public support, and their mode of operation makes accountability virtually impossible.

By law, the president can initiate a covert action unilaterally. The president is only required to make a determination (a "finding") that a certain covert action is in the national interest, and to notify the House and Senate Intelligence committees of the finding. The committees review the finding in secret and support most plans for covert action. However, they do not have legal authority to stop a covert action if they disagree. Their only recourse is to urge the president to reconsider. Congress can block a covert action only by the enactment of a specific restriction on the availability of funds.

I believe there are four specific problems with covert actions, especially those in support of military or paramilitary operations.

First, while covert actions can have benefits, they often entail significant risks. Exposed covert operations can result in considerable embarrassment to the United States, a setback in relations with other counties and the loss of life. Public exposure of covert actions can also jeopardize U.S. intelligence collection capabilities.

Large-scale military covert actions run especially large risks. They develop a momentum of their own. They have a tendency to get out of control, and they simply cannot be kept secret. Extensive warfare generates intensive media investigation about who is backing whom, and recipients of aid soon boast about U.S. assistance. Those who oppose a covert action leak to undercut policy; they who support policy leak to convince their followers that the President is waging the good fight against communism. Nicaragua and Angola are prime examples of the near-impossibility of keeping a military covert action secret.

Another risk relates to the growing number of covert operations and their escalating costs in recent years. Those in the administration who favor covert actions should not forget that there is great residual suspicion in the public and the Congress about their usefulness, and that members are paying increasing attention to the size of the CIA's contingency reserve fund.

Second, covert actions consume an inordinate amount of time of the intelligence community and divert it from the performance of its chief function: the dispassionate collection and analysis of intelligence. The time devoted to hearings and oversight by the Intelligence committees is mirrored by the amount of time spent by the administration defending and managing covert operations. This detracts the director of central intelligence and other executive branch officials from supervising intelligence collection and analysis. It also detracts from proper oversight by the Congress of these same activities.

A third problem with covert action is that it is too easy to initiate, requires the review of only a very few people in the executive branch, and tempts policymakers to use it as a convenient tool to change policy without the approval of Congress. This is a mistake. Covert action is a necessarily secret means of implementing policy; it should not be a means to change policy in secret. When a covert action runs contrary to the well-understood and publicly-enunciated policy of the United States, it runs the risk of Congressional opposition, a cut-off of funding and a major foreign policy fistfight between the executive and legislative branches.

Covert action should not be used to impose a foreign policy the American people would not ordinarily support.

This problem is especially serious in the case of large-scale military operations. Today the administration is seeking to combat communist and communist-supported governments around the world, and military covert action is the cutting edge of policy. The president can fund a war secretly, without public debate, deepening U.S. involvement in what the administration calls "low-intensity" wars. Yet the power of the purse and the power to declare war are enumerated powers of Congress in the Constitution.

In cases like Angola, the president is trying to have it both ways. If an operation is secret, then why do officials from the president down talk about it openly, and why does he meet with UNITA's leader, Jonas Savimbi, in the White House? The chief advantage of "secrecy" in this instance is to enable the administration to circumvent congressional and public debate of a major change in U.S. foreign policy, one that has important implications for U.S. policy throughout southern Africa because of Savimbi's close ties with the South African government.

A fourth problem with covert action can be seen in the administration's handling of the Nicaragua issue this year. The administration made its case for assistance to the Contras publicly, but now intends to manage and implement this assistance as a covert action, with all that entails.

No program once out in the public view can realistically be put under wraps again. A hybrid overt-covert program may enable the Executive to get around its immediate political problems in Washington or in Honduras, but it defies logic. Under these circumstances the Intelligence Committees are forced to perform their oversight of the Contra program in secret, even though the American public knows the program exists and expects public accountability for it. This arrangement is incompatible with our system of government.

Each of the problems with covert action listed above contributes to a reluctant conclusion that the congressional review process needs improvement. At present, the Intelligence committees only sit and listen as the administration outlines a finding and initiates a program. They are unable to block the initiation of a program, and are able to shape policy only to the extent the president accepts their advice. Committee rules make it extremely difficult to conduct public discussion of covert action, and Committee members are limited in their oversight function when they cannot appeal to the judgment of their colleagues or the public at large. The policy process is not working well when the Congress can only attempt to block wayward covert actions after the fact, after U.S. prestige and people's lives have already been committed.

These problems could be overcome by a greater respect in the administration for Congress's role in reviewing covert actions. The need for accountability is acute today because of the growing prominence of paramilitary and military covert action in U.S. foreign policy. The review process can work better provided the executive branch and the Congress understand it and use it with civility, prudence and discretion.●

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will come in at 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of Calendar No. 96, S. 853. The distinguished Republican leader and I have discussed the program for tomorrow.

Following action on that measure, or at any time during the day, it will be my plan to proceed to the consideration of nominations on the Executive Calendar, one of which is Calendar No. 2, Arnold Lewis Raphel, of New Jersey. I will also hope to be able to proceed to the consideration of Calendar No. 79, Trusten Frank Crigler.

Rollcalls may very well occur on proceeding to take up these nominations or on the nominations themselves, or on other matters.

Mr. President, aside from the items that I have mentioned, the Senate may take up any other matter on which clearance has been gotten, and with the approval of the distinguished Republican leader.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there by no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to, and at 5:32 p.m., the Senate recessed until tomorrow, Friday, April 24, 1987, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 1987:

Department of Defense

June Gibbs Brown, of Virginia, to be Inspector General, Department of Defense, vice Joseph H. Sherick, resigned.

Department of Justice

Charles F. Rule, of the District of Columbia, to be an Assistant Attorney General, vice Douglas H. Ginsburg.

Department of Agriculture

Ewen M. Wilson, of Virginia, to be an Assistant Secretary of Agriculture, vice Robert L. Thompson, resigned.

Department of Labor

David F. Demarest, of Virginia, to be an Assistant Secretary of Labor, new position.

Dorothy Livingston Strunk, of Maryland, to be Assistant Secretary of Labor for Mine Safety and Health, vice David A. Zegeer, resigned.

Department of Transportation

Lawrence M. Hecker, of Connecticut, to be Deputy Administrator of the Federal Aviation Administration, vice Richard H. Jones, resigned.

National Advisory Council on Educational Research and Improvement

Ruth Reeve Jenson, of Arizona, to be a member of the National Advisory Council on Educational Research and Improvement for the term expiring September 30, 1989, vice Donna Helene Hearne, resigned.

Corporation for Public Broadcasting

Marshall Turner, Jr., of California, to be a member of the board of directors of the Corporation for Public Broadcasting for a term expiring March 26, 1992, vice Richard Brookhiser, term expired.

National Institute of Building Sciences

Louis L. Guy, Jr., of Virginia, to be a member of the board of directors of the National Institute of Building Sciences for a term expiring September 7, 1989, vice Phillip D. Winn, term expired.

National Railroad Passenger Corporation

Robert D. Orr, of Indiana, to be a member of the board of directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990, reappointment.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 1370:

To be general

Gen. John A. Wickham, Jr., [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 3033:

To be chief of staff

Gen. Carl E. Vuono, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 711, to be appointed as senior Army member of the Military Staff Committee of the United Nations:

Lt. Gen. H. Norman Schwarzkopf, [redacted] U.S. Army.

In the Air Force

The following-named officer under the provisions of sections 9333 and 9335, title 10, United States Code, for appointment as Dean of Faculty, U.S. Air Force Academy:

Col. Erlind G. Royer, [redacted]FR, U.S. Air Force.

The following officers for appointment in the regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Upendrakumar Kharod, [redacted]
John M. Sandru, [redacted]

To be major

Michael D. Jones, [redacted]
Jay C. Newbauer, [redacted]

DENTAL CORPS

To be lieutenant colonel

Harold B. Canning, [redacted]

To be major

Robert H. Beaumont, [redacted]
Thomas A. Bierman, [redacted]
David L. Guerra, [redacted]
Joseph M. Hanson, [redacted]

To be captain

John J. Mikotowicz, [redacted]

The following officer for appointment in the regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than captain:

LINE OF THE AIR FORCE

Nicholas S. Evanish, [redacted]

The following individuals for appointment as reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

David M. Bear, [redacted]
James E. Harris, [redacted]
Jerome A. Olack, [redacted]
Hubert O. Platt, [redacted]

The following Air National Guard of the United States Officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10, United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10, of the United States Code. (Effective dates in parentheses).

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John H. Bubar, [redacted] (1/10/87).

Maj. Philip R. Bunch, [redacted] (12/6/86).

Maj. Allen R. Dehnert, [redacted] (12/10/86).

Maj. Brian D. Fields, [redacted] (12/6/86).

Maj. Georg F. Fondren, Jr., [redacted] (12/10/86).

Maj. Claude R. Frick, [redacted] (12/18/86).

Maj. Michael E. Harold, [redacted] (12/16/86).

Maj. Robert E. Horstman, [redacted] (12/10/86).

Maj. George L. Jones, [redacted] (2/2/87).

Maj. Frank E. Landis, Jr. [redacted] (11/15/86).

Maj. Ronald A. Marks, [redacted] (12/12/86).

Maj. Jesse P. Pritchett, [redacted] (12/15/86).

Maj. Paul J. Richter, [redacted] (12/6/86).

Maj. Robert O. Seifert, [redacted] (12/7/86).

Maj. Jerry P. Shanahan, [redacted] (12/6/86).

Maj. Charles F. Skidmore, [redacted] (2/2/87).

Maj. Michael J. Smith, [redacted] (1/3/87).

Maj. Richard F. Trigilio, [redacted] (12/29/86).

Maj. Harry A. Trosclair, [redacted] (11/8/86).

Maj. Kenneth P. Uhl, [redacted] (11/1/86).

Maj. Robert A. Wilson, [redacted] (12/6/86).

Maj. Harold T. Yeary, [redacted] (12/7/86).

Maj. Ronald B. Yuss, [redacted] (10/19/86).

LEGAL CORPS

To be lieutenant colonel

Maj. Roland F. Berlingo, [redacted] (12/15/86).

Maj. John T. Flynn, [redacted] (12/14/86).

Maj. Frederick B. Hunt, Jr., [redacted] (12/17/86).

Maj. Lawrance L. Paulson, [redacted] (12/6/86).

MEDICAL CORPS

To be lieutenant colonel

Maj. Ronald J. Stephens [redacted] (12/18/86).

Maj. Jai H. Yang, [redacted] (12/4/86).

NURSE CORPS

To be lieutenant colonel

Maj. Kathleen A. Aymin, [redacted] (11/15/86).

Maj. Carolyn K. Dennis, [redacted] (12/6/86).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel, under title 10, United States Code, section 624:

Ahrens, Paul R., [redacted]
Anderson, David C., [redacted]
Anderson, Gary W., [redacted]
Armstrong, Charles L., [redacted]
Bachiller, Rayfel M., [redacted]
Battaglini, James R., [redacted]
Beck, Mark T., [redacted]
Biddle, Robert M., Jr., [redacted]
Bishop, Paul W., [redacted]
Blair, Carl N., [redacted]
Bloomer, David R., [redacted]
Blose, Robert B., Jr., [redacted]
Booker, James L., Sr., [redacted]
Boone, Robert B., [redacted]
Bowman, Thomas G., [redacted]
Boyce, Michael H., [redacted]
Braddy, James C., [redacted]
Braithwaite, Robert E., [redacted]
Brannon, Thomas O., [redacted]
Brindle, Eugene D., [redacted]
Brinkley, Clyde S., Jr., [redacted]
Brophy, Mark L., [redacted]
Browning, Darrell A., [redacted]
Brunn, Bruce E., [redacted]
Buller, Richard E., [redacted]
Cabana, Robert D., [redacted]
Caudill, Dee H., [redacted]
Caughlan, Thomas A., [redacted]
Cavallaro, Richard C., [redacted]
Chadwick, David L., [redacted]
Chambers, Stephen W., [redacted]
Cheney, Stephen A., [redacted]
Chessum, James P., [redacted]
Cibuzar, Paul F., [redacted]
Cipparone, John S., [redacted]
Clemmer, Wayne A., [redacted]
Cobb, James K., [redacted]
Cohen, Robert S., [redacted]
Cole, Larry P., [redacted]
Cole, Raymond [redacted]
Collins, William B., [redacted]
Composto, Joseph [redacted]
Conatser, Larkin E., [redacted]
Conry, Kevin A., [redacted]
Cook, Larry G., [redacted]
Corley, Max A., [redacted]
Cortez, Christopher [redacted]
Cotton, Norris G., [redacted]
Coulson, Gerald S., [redacted]
Cox, Jimmy R., [redacted]
Craig, Alan S., [redacted]
Dank, Alan H., [redacted]
Darner, William C., [redacted]
Davis, Donald L., [redacted]
Davis, John A., [redacted]
Deloney, Ronald V., [redacted]
Demars, Melvin W. Jr., [redacted]
Denton, Henry M., [redacted]
Deutsch, Frederick M., [redacted]
Dockery, Charles L., [redacted]
Duda, Gerald J., [redacted]
Dunkelberger, Thomas E., [redacted]
Durham, James M., [redacted]
Durham, Jan M., [redacted]
Dyar, Robert W. Jr., [redacted]
Esmann, William J., [redacted]
Fegan, Joseph C. III, [redacted]
Finley, Bruce V. Jr., [redacted]
Flanagan, Robert M., [redacted]
Flinn, George W., [redacted]
Fox, Thomas R., [redacted]
Gaieski, John M., [redacted]
Gallagher, Richard J., [redacted]
Geil, Jerome L., [redacted]
Gilleylen, Thomas W., [redacted]
Goodman, John F., [redacted]
Goulding, Vincent J. Jr., [redacted]
Gregor, Christopher J., [redacted]
Griffin, Barry P., [redacted]
Hales, John R., [redacted]
Hammond, Charles W. Jr., [redacted]
Hannigan, Timothy J., [redacted]
Harleman, Thomas G., [redacted]
Harris, Thomas E., [redacted]
Hayden, Mark K., [redacted]
Hemler, Jeffrey E., [redacted]
Henry, Thomas R., [redacted]
Herdering, Carl M., [redacted]
Himes, John M. [redacted]
Hirvonen, Keith M. [redacted]
Hobbs, Richard P. Jr., [redacted]
Hoke, Michael D., [redacted]
Holcomb, Keith T., [redacted]
Holmes, George E., [redacted]
Hornberger, Stephen G., [redacted]
Huck, Richard A., [redacted]
Hughes, Patrick J. Jr., [redacted]
Hull, Jeffrey L. [redacted]
Humston, Douglas E., [redacted]
Hunt, Billy D., [redacted]
Hutchinson, Richard F., [redacted]
Inghram, Richard B., [redacted]
Jillisky, Donald R., [redacted]
Jobin, Edward J., [redacted]
Johnson, Gregory J., [redacted]
Jones, Eric A., [redacted]
Joslyn, William J., [redacted]
Judge, Bruce, [redacted]
Kelly, Richard L., [redacted]
King, Steven J., [redacted]
Knott, David A., [redacted]
Lammon, Ray A. Jr., [redacted]
Lange, Lee F. II, [redacted]
Lasswell, James A., [redacted]
Lavan, Earl L., [redacted]
Leavitt, Robert N., [redacted]
Lee, James H. III, [redacted]
Lenard, James D., [redacted]
MacKenzie, John D., [redacted]
Mahoney, Roger E., [redacted]
Maloney, Richard A., [redacted]
Martinson, Martin J., [redacted]
McBride, Dennis C., [redacted]
McClure, John K., [redacted]
McHale, Kevin J., [redacted]
McKenzie, Scott W., [redacted]
Mendelson, James S., [redacted]
Meng, Ronald L., [redacted]
Mott, Michael I., [redacted]
Mullarkey, John J., [redacted]
Musella, Martin L., [redacted]
Mytczynsky, Stefan, [redacted]
Napoleon, Henry Jr., [redacted]
Norako, Vincent W. Jr., [redacted]

O'Connor, Dennis M., [redacted]
O'Donnell, Hugh K., Jr., [redacted]
Olson, Michael L., [redacted]
Outlaw, Larry D., [redacted]
Owen, Richard L., Jr., [redacted]
Pardo, Cruz, [redacted]
Paulson, Ned G., [redacted]
Perkins, Mitchell M., [redacted]
Peterson, Dale A., [redacted]
Pizzo, Mark B., [redacted]
Poley, Bruce E., [redacted]
Poole, Jerry L., [redacted]
Poole, John P., [redacted]
Potter, Michael B., [redacted]
Prendergast, Walter N., [redacted]
Price, Robert A., [redacted]
Pugh, Paul F., [redacted]
Reavis, Thomas A., [redacted]
Roesch, Robert W., Jr., [redacted]
Rosacker, Ralph C., II, [redacted]
Rueger, Ronald L., [redacted]
Ruthenberg, Joseph L., [redacted]
Ryan, Charles A., [redacted]
Ryan, Victor W., Jr., [redacted]
Sattler, John F., [redacted]
Schultz, Mark P., [redacted]
Settle, Robert H., [redacted]
Shreve, Larry L., [redacted]
Simpson, Gary B., [redacted]
Simpson, Laurence E., [redacted]
Sinclair, Mark R., [redacted]
Skipper, Charles O., [redacted]
Slick, Clyde H., [redacted]
Smith, Byron E., [redacted]
Smith, Paul R., [redacted]
Sparks, Grant M., [redacted]
Sparrow, Linden L., [redacted]
Spratt, Ronald E., [redacted]
Stewart, Darrell L., [redacted]
Stoops, Christopher B., [redacted]
Storey, David K., [redacted]
Storey, James A., III, [redacted]
Strock, James N., [redacted]
Stull, Jonathan W., [redacted]
Sullivan, Patrick H., [redacted]
Sutherland, Bonni L., [redacted]
Swords, Michael J., [redacted]
Tavella, Anthony T., III, [redacted]
Taylor, Timothy M., [redacted]
Thornton, Charles H., Jr., [redacted]
Tonkin, Terry L., [redacted]
Turner, Donald G., [redacted]
Uberman, Joseph S., [redacted]
Varela, Gerald J., [redacted]
Vonwald, Gregory J., [redacted]
Whitlow, William A., [redacted]
Wilbur, Paul A., [redacted]
Winchester, John D., [redacted]
Wright, Larry W., [redacted]

THE JUDICIARY

James T. Turner, of Virginia, to be a judge of the U.S. Claims Court for the term of 15 years, vice Haldane Robert Mayer.

Paul V. Gadola, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice John Feikens, retired.

DEPARTMENT OF JUSTICE

K. Michael Moore, of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years, vice Willard Thomas Dillard III, resigned.

William S. Price, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years, reappointment.

George J. Terwilliger III, of Vermont, to be U.S. attorney for the district of Vermont for the term of 4 years, vice George W.F. Cook, resigned.

Romolo J. Imundi, of New York, to be U.S. Marshal for the southern district of New York for the term of 4 years, reappointment.

HOUSE OF REPRESENTATIVES—*Thursday, April 23, 1987*

The House met at 11 a.m.

Archbishop Mesrob Ashjian, prelate, Armenian Apostolic Church of America, New York, NY, offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit, amen.

Almighty God, Divine Leader of all nations, bestow Thy blessings on this Nation and this august body that they may be ennobled in the constant search for peace, freedom, and justice for all mankind.

We thank Thee in the name of the Armenian people for Thy eternal wisdom and divine mercy in providing them a safe refuge in these United States from the ravaging inhumanity of their enemies.

We beseech Thee on this day, to be mindful of the Armenian people who sorrowfully commemorate the 72d anniversary of the martyrdom of 1,500,000 Armenians in 1915. Mindful of Your teachings, we ask not for retribution or revenge but for repentance and redemption.

We pray that never again on this Earth will the horror of genocide afflict any of Thy children. Spare them the grief and anguish which we continue to suffer to this day.

Grant to all of the nations of mankind, the compassion and love which Thy Son offered to us through His sacrifice, that we may live freely with joy and happiness amidst all the glories of Thy creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DURBIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 91, answered "present" 1, not voting 37, as follows:

[Roll No. 54]

YEAS—304

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilbray
Boggs
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Donnelly
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—91

Armey
Badham
Barton
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Clay
Coble
Coughlin
Craig
Dannemeyer
Daub
Davis (IL)
DeLay
Dickinson
Dreier
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Grandy
Gregg
Hawkins
Hefley
Henry
Hiler
Holloway
Hopkins
Hunter
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lott
Lowery (CA)
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinari
Moorhead
Parris
Penny
Ridge
Roberts
Roemer
Rogers
Roukema
Schaefer
Schroeder
Sensenbrenner
Sikorski
Skeen
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stump
Sundquist
Swindall
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Young (AK)

ANSWERED "PRESENT"—1

Bonker

NOT VOTING—37

Annunzio
Atkins
Bartlett
Bentley
Boland
Boulter
Collins
Conyers
Courter
Crane
Daniel
Davis (MI)
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dymally
Frost
Gibbons
Guarini
Hatcher
Jones (TN)
Kemp
Leach (IA)
Leland
McDade
McKinney
Miller (CA)
Moody
Obey
Pepper
Rangel
Rodino
Saiki
Stangeland
Taylor
Wilson

□ 1120

Mr. MARTIN of New York changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 240. An act to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that on 1-minute speeches there will be only one before the business today. Other recognition will be postponed until the completion of business.

The Chair recognizes the gentleman from California [Mr. Pashayan].

ARCHBISHOP MESROB ASHJIAN, PRELATE, ARMENIAN APOSTOLIC CHURCH OF AMERICA

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, it is a pleasure for me to welcome Archbishop Mesrob Ashjian, prelate of the Armenian Apostolic Church of America, and to introduce him to the Congress. The archbishop traveled here from New York City.

Archbishop Ashjian was born on January 3, 1941, in Beirut, Lebanon. At the age of 16 he was accepted into the Cilician Seminary in Antelias, Lebanon. He was ordained deacon in 1958.

Following his ordination as a celibate monk he received the name Mesrob in honor of the 1600th anniversary of the birth of Mesrob Mashdotz who established the Armenian alphabet.

Archbishop Ashjian continued his education at the Ecumenical Institute of Bossey, Switzerland, and received a masters of theology from the Princeton Theological Seminary in 1970. In October 1977 he was consecrated bishop and in December he was elected to his present position as prelate of the Armenian Apostolic Church of America, which serves the Armenian communities in the Eastern United States and Canada.

He was elevated to the rank of archbishop in June 1983, during the pontifical visit to the United States and Canada by Catholicos Karakin II, the religious leader of the Cilician See of the Armenian Apostolic Church.

I want to thank the archbishop for being with us today, and to wish him continued success in his dedicated work in the church.

□ 1130

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON TODAY DURING 5-MINUTE RULE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 11 today, Thursday, April 23, 1987, for the purpose of holding a hearing on H.R. 82—a bill to amend the Merchant Marine Act of 1920 to require vessels used to transport sewage sludge to be built in the United States.

The ranking minority member of the committee, the gentleman from Michigan [Mr. Davis] and the ranking minority member of the Subcommittee on Merchant Marine, the gentleman from New York [Mr. Lent] have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from California?

There was no objection.

GUIDELINES FOR CONSIDERATION OF H.R. 3, THE TRADE BILL, IN THE RULES COMMITTEE

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise to explain the Rules Committee position on proposed amendments to the trade bill, H.R. 3.

The Rules Committee expects to meet on the trade bill on Monday April 27, of course I do not know now what sort of rule the committee will grant on the 27th, but Members should be advised, in case the committee grants a modified closed rule, all amendments must be submitted in advance of the committee meeting the committee asks that Members submit their amendments by 6 p.m., Friday, April 24. In the event we grant a modified close rule, it is the intention of the committee not to make in order any amendments submitted after the 6 p.m., April 24 deadline.

To assist Members interested in offering amendments, the Rules Committee is putting together a committee print. The various committees have reported their portions of the trade bill, and the Rules Committee print will represent our best estimate of what will be the original text for purposes of amendment. The Rules Committee print will be distributed to all Members and to all committees as soon as it is printed. Amendments should be drafted to page and line numbers as they appear in that committee print and should be submitted to the committee no later than 6 p.m., Friday, April 24.

Once again, I call Members attention to the April 24 deadline.

Mr. Speaker, I remind Members that the purposes of these guidelines is to provide fair and orderly consideration of the trade bill in the Rules Committee and on the floor. I have sent out a "Dear Colleague letter to all Members explaining these guidelines. I appreciate my colleagues' cooperation in this matter.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. For purposes of debate only, I yield to the gentleman from Illinois, the minority leader.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, the gentlemam was having a little discussion with respect to the rule for the trade bill next week, and in my preliminary discussions with the Speaker, which I will resume again hopefully later on this afternoon to finalize our in-house agreement, it is my understanding of what the gentleman was saying that the Rules Committee must have in hand by 6 o'clock Friday, tomorrow, all those amendments that Members would like to have the Rules Committee consider when they meet Monday. is that not correct.

Mr. MOAKLEY. The gentleman is correct.

Mr. MICHEL. Mr. Speaker, can the gentleman tell me whether or not the base bill which we are going to consider is actually in final form at this moment?

Mr. MOAKLEY. In answer to the gentleman, it is being printed now. It will be in the hands of the membership late this afternoon or very early tomorrow morning.

Mr. MICHEL. Well, I want to say again what kind of restriction this places on the minority. As a matter of fact the Gephardt amendment is not in final form, that we know of. It is going to be one of the more controversial amendments to be considered. It is not finalized, and we as the minority are supposed to respond to a comprehensive bill like this by 6 o'clock tomorrow night with amendments printed, substitutes, or whatever, in an effort to respond to what we may or may not like in the base bill.

Mr. MOAKLEY. In answer to the gentleman, actually the minority and majority Members are in the same situation. Nobody has a copy of this bill, and as soon as it is available, all Members, both majority and minority, will receive it at the same time.

Mr. MICHEL. Mr. Speaker, I would like the gentleman to know that we are going to try to comply, because we know how strongly the Speaker feels about deadlines, but to set this kind of tight deadline and then with no flexibility to get us up to this point where within 12 hours or 24 hours we have to come up to match a 900-page bill with clarifying amendments that every Member has a right and entitlement to frankly work his will, I have to really express my reservations about the kind of procedure.

We are going to try to comply, but it is going to be mighty, mighty difficult, and I just wish sometimes the members of the majority would have to experience what it is to be in the minority and to respond under that kind of a tight schedule.

Mr. MOAKLEY. I appreciate the gentleman's reservation, and as I said, the statement was made today at this time in order that we could be as fair as possible given the parameters that both the minority and majority are under.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Ohio, for the purposes of debate only.

Mr. LATTA. Mr. Speaker, I have in my hand the letter to which the gentleman referred, and I am somewhat dumbfounded by the date. It is April 9, and it just came to our attention today. Could the gentleman give us some explanation about this?

Mr. MOAKLEY. I am informed by my counsel that the date was a mistake. It went out yesterday; it was not held back for any purposes. Everybody got the letter at the same time. The date was erroneous.

Mr. LATTA. Mr. Speaker, I think that it is also important to point out, and I do not believe too many of the Members were listening to what the gentleman read in this letter, and to which the minority leader referred, that the Rules Committee is going to come up with a complete print. Is that not correct?

Mr. MOAKLEY. The gentleman is correct.

Mr. LATTA. And the Rules Committee is going to provide that only amendments submitted by 6 o'clock tomorrow night, Friday, April 24, will be in order. That is correct, is it not?

Mr. MOAKLEY. As I said in my statement, I am not sure at this moment what type of rule there will be, but that is if we come up with the type of rule that allows these amendments, and my statement is only advisory at this time, and it is not binding, but it was just to give Members some idea of what is requested by the Rules Committee in the event that we come out with this type of rule.

□ 1140

Mr. LATTA. Last, those Members wishing to file amendments must file 35 copies of the amendments according to this letter.

Mr. MOAKLEY. The gentleman from Ohio knows this is just normal procedure with the Rules Committee, that we request 35 copies whenever anybody gives any amendment to our committee.

Mr. McGRATH. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Speaker, for the purpose of understanding the Rules Committee guidelines, are we to assume that the Gephardt amendment, the so-called Gephardt amendment will be part of the body of the bill, and the only amendments, therefore, that would be necessary would be those to strike them, if we choose to do so? Or is there going to be an amendment as an addition to the bill?

Mr. MOAKLEY. The Gephardt amendment is going to be a separate part amendment and not part of the base text of the bill.

Mr. McGRATH. I thank the gentleman.

SUPPLEMENTAL APPROPRIATIONS, 1987

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 148 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 148

Resolved, That all points of order for failure to comply with the provisions of sections 302(f) and 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344, as amended by Public Law 99-177), and with the provisions of clause 2(l)(3)(B) of rule XI, are hereby waived against the consideration of the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes. During the consideration of the bill, all points of order against the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived, except against the language beginning on page 52, line 3 through page 53, line 2. The following amendments shall be considered to have been adopted in the House and in the Committee of the Whole: (1) an amendment to strike out the paragraph beginning on line 5, page 32 through line 8; (2) an amendment to strike the colon on line 13, page 121 and all that follows up to the period on line 15; and (3) an amendment to strike the colon on line 8, page 123 and all that follows up to the period on line 10. No amendment which changes or affects the subject matter of either section 5 or 6 of chapter II of title I shall be in order in either the House or in the Committee of the Whole except amendments to strike each section, each said amendment to be debatable for not to exceed one hour, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Chapter IV of title I shall be considered as having been read, and no amendment which changes or affects the subject matter of said chapter shall be in order in either the House or in the Committee of the Whole except the amendments in the following order: (1) the amendments by Representative Edwards of Oklahoma, or his designee, printed in the report of the Committee on Rules accompanying this resolution, said amendments shall be considered en bloc, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for not to exceed sixty minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto; and (2) an amendment to strike out said chapter IV, said amendment to be debatable for not to exceed thirty minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. It shall also be in order to consider the other amendments printed in the report of the Committee on Rules accompanying this resolution, by and if offered by the Member designated, or his designee, each such amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and all points of order against each such amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Ohio [Mr. LATTA], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 148 waives points of order against H.R. 1827, a bill making supplemental appropriations for the fiscal year ending September 30, 1987. As is customary during consideration of appropriations bills in the House, general debate on the bill will be governed by a unanimous-consent agreement.

This rule waives two provisions of the Budget Act against consideration of this supplemental appropriations bill. Section 302(f) of the Budget Act is waived against consideration of the bill. This section of the Budget Act prohibits consideration of measures that would cause appropriations subcommittee allocations, established pursuant to the budget resolution, to be breached.

The rule also waives section 311(a) of the Budget Act. This section of the Budget Act prohibits consideration of legislation which would cause the new budget authority or outlay ceilings established by the concurrent resolution on the budget for the current fiscal year to be exceeded.

Mr. Speaker, a supplemental appropriations bill is by definition a measure to respond to unanticipated and urgent funding requirements. These requirements were not anticipated in the drafting and consideration of the budget for this fiscal year. If we are to consider these urgent funding questions, therefore, it is necessary for us to waive these provisions of the

Budget Act. Moreover, I would note that a majority of the members of the Budget Committee do support these waivers due to the emergency nature of the funding at issue.

In addition to the waivers I have just discussed, Mr. Speaker, the rule waives clause 2(l)(3)(B) of rule XI against consideration of the bill. This rule requires that if the bill provides new budget authority that a statement required by section 308(a) of the Budget Act must accompany the bill. Since this statement was not provided by the Appropriations Committee, this rule must be waived if we are to take up this measure in a timely fashion.

This rule also waives clause 2 and clause 6 of rule XXI against all of the provisions of H.R. 1827 except those I will specify. These clauses of rule XXI prohibit unauthorized appropriations and reappropriations, respectively, in general appropriations bills. The only provisions which are not protected from points of order for possible violations of rule XXI are those found on page 52, line 3 through page 53, line 2. These provisions, which provide for certain investigations to be undertaken by the Secretary of Agriculture, are arguably within the jurisdiction of the Committee on Agriculture and were therefore not protected by this waiver.

Three distinct amendments will be considered to have been adopted upon adoption of the rule. These so-called self-executing amendments are specified in the text of the rule. The first such amendment will strike the paragraph on page 32, lines 5 through 8. This paragraph would have repealed certain provisions adopted as part of last year's continuing resolution which provide for expedited congressional consideration of resolutions providing funding for Central America.

The second and third self-executing amendments strike similar language attached to two parts of the homeless assistance funding package found in title IV of the bill, on pages 121 and 123 of the bill. In both instances, the language restricted the availability of the amounts provided in the bill, totaling some $100 million, until released in a subsequent appropriations act. In the interest of insuring that this vital funding will be available at the earliest possible date, and without the need for further action by Congress, the rule will therefore provide for the elimination of these "fencing" provisions upon adoption of the rule.

Mr. Speaker, as our colleagues are aware, there are two important arms control initiatives contained in this bill: A proposal to enter into a mutual and verifiable limited nuclear testing moratorium and a proposal to maintain the numerical sublimits of the SALT II Treaty until and unless the President certifies that the Soviets have breached these limits. This rule, Mr. Speaker, provides that no amendments may be offered to these arms limitation provisions, although a motion to strike each section will be in order. Each motion to strike, if offered, will be debatable for up to 1 hour, the time being equally divided and controlled by the proponent of the motion and a Member opposed thereto.

Next, Mr. Speaker, the rule provides special procedures for consideration of chapter IV of title I of the bill, the chapter which contains supplemental appropriations for foreign assistance and related programs. Under this rule an amendment is made in order to this chapter if offered by Representative EDWARDS of Oklahoma or his designee. The text of the Edwards amendment is printed in the report accompanying this rule, and if the amendment is offered it will be debatable for up to 1 hour, the time being equally divided and controlled by the proponent of the amendment and a member opposed thereto. In addition to the Edwards amendment, Mr. Speaker, the rule provides for a motion to strike the entire foreign affairs chapter. If such motion is offered, it is debatable for up to 30 minutes, the time being equally divided and controlled by the proponent of the motion and a member opposed thereto.

Other than the Edwards amendment and the motion to strike, Mr. Speaker, no other amendments or motions will be in order if offered to the foreign affairs chapter of the bill. It was the judgment of the Committee on Rules that this procedure would ensure an opportunity to consider a different funding mix for this part of the supplemental, as well as a complete elimination of the funding, without otherwise delaying timely completion of consideration of the supplemental appropriations bill.

In addition to the Edwards amendment to the foreign affairs chapter of the bill, the rule also specifically makes in order one other amendment. This amendment, to be offered by Representative MILLER of California or his designee, is printed in the report to accompany this rule and is debatable for up to 1 hour with the time being equally divided and controlled by the proponent of the amendment and a member opposed thereto. The rule waives the provisions of clause 2, rule XXI against the Miller amendment. This clause of rule XXI, which prohibits consideration of provisions which change existing law in a general appropriations bill, is otherwise waived against the bill but must be separately waived against this amendment as well. The Miller amendment relates to the authorization of funds for the San Joaquin Valley Drainage Program in California.

Mr. Speaker, it is urgent that we take up this supplemental appropriations bill. Over two-thirds of the funding in the bill, some $6.7 billion, is provided to compensate for losses incurred by the Commodity Credit Corporation from various agricultural programs: $1.3 billion of the total is provided for defense. Over $500 million in urgent supplemental appropriations and transfers are provided for several Central American democracies. Critically important funding of over $400 million for homeless assistance, following House action on the authorization bill earlier this year, is provided in this bill. And as I have already noted, there are two compelling arms control issues which will be considered in the context of this legislation.

Overall, the supplemental would result in spending of approximately $2.2 billion over the spending ceiling set in the budget resolution for the current fiscal year. I would note, however, that this level of spending is some $1.1 billion below the President's supplemental request. As I have already noted, this bill provides for funding requirements that were not anticipated last year, but which it is urgent that we consider as soon as possible.

Mr. Speaker, the rule providing for consideration of H.R. 1827 is a fair rule, and one which will expedite the work of the House on this legislation. I urge adoption of the rule and yield to the gentleman from Ohio for purposes of debate only.

□ 1150

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House should get on with this rule so that we can defeat this budget-busting supplemental appropriation bill. What we need, Mr. Speaker, is not a different rule. What we need is a different bill.

We need a bill which provides only necessary supplemental appropriations, not a bill loaded down with unnecessary extra spending and a lot of legislative provisions which are unrelated to necessary supplemental appropriations.

Mr. Speaker, in its request, the administration proposed supplemental appropriations that offset funding increases with reductions in lower priority programs. The President's net request for this bill was actually a reduction of about $350 million in budget authority. This bill includes none of the President's rescissions and proposes few offsets of any sort, thereby increasing budget authority by $6.6 billion above the administration request. The resultant $3 billion increase in fiscal year 1987 outlays is a major breach in the Gramm-Rudman-Hollings law.

Mr. Speaker, this bill includes two amendments that would undermine the credibility of our nuclear forces—on which the Western alliance must rely for the foreseeable future to deter aggression—and seriously damage our ability to achieve arms control agreements providing for deep, equitable, and effectively verifiable reductions in Soviet and American nuclear arsenals. The proposed cutoff of funding for U.S. nuclear testing above 1 kiloton would preclude the very testing needed to maintain the safety, effectiveness, reliability, and survivability of our nuclear weapons. In addition, such a ban would not be effectively verifiable.

The proposal to mandate United States compliance with certain limitations in the SALT II Agreement—which the United States Senate refused to ratify, which would have expired had it been ratified, and which has been violated time after time by the Soviets—would send exactly the wrong message to Moscow. It would allow them to discard the limitations that constrained them the most, while perhaps choosing to stay within those that constrained the United States the most. And by writing into law parts of an agreement that has permitted, and would continue to permit, large increases in Soviet strategic forces, we would destroy the very foundation which could lead to real reductions that this administration has been working to establish.

The President told Congress, during his State of the Union Address on January 27, 1987 that:

> Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell you in this Congress I will veto any effort that undercuts our national security and our negotiating leverage.

These amendments would do just that.

Mr. Speaker, the bill also contains a number of objectionable provisions in the domestic area. For example, it would prohibit the use of funds to implement Executive Order 12564 relating to the drug testing of Federal workers.

It would provide $10 million for conducting a poll of farmers, analyzing farm programs, and measuring agricultural commodities in order to study mandatory production limitations. Returning to strong Federal controls offers no hope of providing relief to American farmers.

The bill would amend the Food Stamp Act to give a small minority of beneficiariess a windfall costing $365 million over fiscal years 1987-92. Although the provisions purport to aid the homeless, less than 2 percent of the increase would actually go to this segment of our population.

Mr. Speaker, now that I have described some of the reasons we need to defeat this bill, let me mention some of the provisions in the rule which provides for its consideration.

The first sentence in the rule waives the Budget Act, not once but twice. Section 311(a) of the Budget Act is waived because this bill is literally a budget buster. Even according to the figures cited by the chairman of the Budget Committee, this bill is approximately $2.265 billion over the ceiling for fiscal year 1987 budget authority set forth in the budget resolution for fiscal year 1987. Using more up to date economic assumptions, the bill is over the budget resolution by an amount far in excess of the $2.265 billion figure cited by the chairman of the Budget Committee.

Mr. Speaker, in addition to requiring a budget waiver for exceeding the budget resolution spending ceiling, this bill requires a second budget act waiver because several Appropriations Committee subcommittees exceeded their allocations under the Budget Act.

Mr. Speaker, I should note that the majority members of the Budget Committtee had a little trouble making up its mind about whether to support these Budget Act waivers.

On the morning of April 20, the chairman of the Budget Committee wrote a letter to the chairman of the Rules Committee stating that, "A poll of members of the Budget Committee indicates that a majority would oppose waivers of sections 302(f) and 311(a) of the Budget Act against consideration of H.R. 1827."

Then later in the same day apparently after some members of the Budget Committee had felt the leadership heat and saw the light. The chairman of the Budget Committee wrote a second letter reversing their earlier conclusion. The second letter states that "a poll of members of the Budget Committee indicates that a majority would support emergency waivers of sections 302(f) and 311(a) of the Budget Act in order to permit consideration of H.R. 1827." All I can conclude is that there must be some aching arms among the Democrats on the Budget Committee today.

Mr. Speaker, in addition to waiving two sections of the Budget Act, the rule also waives a reporting requirement under rule XI, because the committee report fails to include a required statement.

Finally, the rule waives points of order against most provisions in the bill because they violate rules which prohibit unauthorized appropriations, legislation on appropriation bills, or reappropriations.

Mr. Speaker, the rule does not specify an amount of time for general debate. The Appropriations Committee will set that by unanimous consent.

Mr. Speaker, the rule provides that three amendments will be considered to have been adopted when the rule is adopted. The first of these has been agreed to by both the Democratic and Republican leadership. It retains certain expedited procedures. The second and third allow the expenditures of certain funds for the homeless without having to go back through the appropriations process.

While amendments are in order to most parts of the bill, there are two areas where amendments are restricted.

First, the provision in the bill dealing with SALT II compliance and the provision dealing with a ban on nuclear testing will not be subject to amendment except one motion to strike each section. Each motion to strike is debatable for 1 hour.

The second area where amendments are restricted is chapter IV of title I, dealing with foreign assistance and related programs. No amendments will be in order to chapter IV except: First, an amendment by the gentleman from Oklahoma [Mr. EDWARDS] which would redistribute the money to Central American democracies more in keeping with the administration's request; and second, an amendment to strike out chapter IV. The Edwards amendment would be debatable for 1 hour. The motion to strike would be debatable for 30 minutes.

One other amendment is specifically made in order and protected against a point of order which otherwise could be lodged against it. This is an amendment by the gentleman from California [Mr. MILLER].

Mr. Speaker, I should note that there are other amendments which were requested to be made in order, but were excluded. The chairman of the Committee on Veterans' Affairs and the ranking minority member of that committee had jointly requested an amendment to allow $20 million of the funds for the homeless in this bill to be used for homeless veterans. Mr. Speaker, the Rules Committee majority turned this worthwhile amendment down. I should note that funds under this amendment would have gone to veterans facilities in nine locations including Cleveland, OH. Mr. Speaker, this amendment should have been included.

Mr. Speaker, for all the reasons I have cited, we should adopt this rule so that we can proceed to defeat the bill it makes in order.

□ 1200

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, this rule is a good example of everything that is wrong in this Congress. First of all, this rule is by definition allowing a budget buster.

It waives the Budget Act specifically. What it specifically waives is those sections of the Budget Act that set numerical limits on spending.

Anyone who votes for this rule says that our commitments to the budget do not matter whatsoever. I am going to repeat that. Anyone who votes for this rule says that our commitments to the budget and the budget process do not matter whatsoever.

Another problem with this rule is that it is a closed rule. I do not care how many people want to describe it as giving the Members of the House a chance to do what we want. It does not do that.

This is not an open rule, and it goes in the tradition of this Congress so far, in the whole course of this session of Congress, we have had one open rule on the floor, so we have got another closed rule before us here today.

This speaker and this majority caucus are proceeding under a closed shop procedure. Democracy is a victim of this process and this procedure.

Once again we have it in this bill. House Members, we are being told, are not to be trusted. We might actually do what our constitutents want us to do. We might actually be fiscally responsible and live up to our commitments and our promises.

That cannot be countenanced so, therefore, every bill that comes out on the floor has to come out under a closed rule so the Speaker and the majority caucus can control what votes we take on the House floor.

That is terribly wrong, and it is high time that we get some changes.

The Rules Committee ought to be embarrassed to bring rule after rule out that does not allow this House to work its will.

Finally, this rule is another example of what is going wrong with the economy in this country. Big-spending liberals in this Congress are creating major economic problems.

Every month since this Congress has been in session, we have had inflation go up. Why? Because of bills and rules just like this one.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, once again our friends from the Appropriations Committee have done what we think is an attempt at legislating on an appropriations bill.

There is some discussion as to whether it actually is, or it is not, because of some craftily written language.

Nonetheless, I appeared before the Rules Committee, and I asked that a waiver not be granted. The Rules Committee acceded to our request.

Therefore, they were very gracious, and I feel that we must support, and I will support, the rule.

I will withhold my decision as to the vote on final passage after discussions during the general debate on this and other issues.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose the bill and the rule. This supplemental appropriations bill represents the liberal Democrats at their worst.

In this one bill the liberal Democrats block drug testing, punish America's allies in Central America, and give money to Communist governments in Africa and to other governments but consistently vote against the United States in the United Nations. Furthermore, in this bill the liberal Democrats unilaterally cripple America's defenses.

This week the liberal Democrats reward the Soviets for corrupting our marine guards, and bugging our Embassy by offering to give the Soviets a victory in disarming America here in the United States House of Representatives.

In addition, this bill by spending too much money guarantees an increase in interest rates, makes more likely a recession, and kills jobs in America.

Finally, the bill simply has many flaws. Over the last few years, the Appropriations Committee has more and more decided to bury its pork somewhere in this kind of a bill.

Let me say flatly, the reason we have got the rule that was written today is because the liberal Democratic leadership of this House knows they could not bring this bill to the floor with an open rule and have it survive.

They cannot allow their Members to be forced to vote out in the open for item after item of pork barrel spending, for disarming America, for putting our allies at a disadvantage for helping the United States, and for giving aid to Communist governments that are consistently voting against the United States.

Therefore, we structure a rule to protect the Members by in effect having all congressional government occur in committees.

I think every Member who believes individual Members should be responsible should vote to defeat this rule. I think every Member who wants to create jobs instead of kill them should vote against this rule. I think that every American who wants to see us stand up to the Russians should vote against this rule, because this bill in its current form weakens America unilaterally, cripples us in our relationship with our allies, and is essentially the worst of everything that was defeated in 1984.

It is a classical liberal Democratic bill.

□ 1210

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise with regret but resolutely to oppose this rule. I voted for most of the rules that the Rules Committee has put before us on appropriations bills, on supplementals, and we have often had to vote to waive technical problems with the Budget Act. But this rule waives the essence of the Budget Act. The limit on overall spending, on overall budget authority for fiscal 1987.

We just voted for a budget a couple of weeks ago, and we told the American people that we were going to deliver on that budget. Yet, today shortly thereafter, we are being asked for the fiscal year that we are in now to waive that very control that exists because of that budget resolution.

I cannot, in good conscience, support that, nor do I think that it should have support. The Appropriations Committee has a difficult job to do, but it is a job that I think we have a right to expect. The funds in this supplemental, much of the funding here is required. It can be found in the $600 billion of Government spending that is under the jurisdiction of the Appropriations Committee. We have a right to expect that they will come to the floor with the necessary transfers to do the job.

I think that that is what the Appropriations Committee should be bringing us and I think the Rules Committee should insist on it. By bringing us a rule that waives the Budget Act, that waives the spending limit and allows an expenditure of $2.26 billion over the budget, we are doing ourselves and the country a disservice.

I would hope that my colleagues would join me, not to vote technically on a budget waiver issue, but to vote on the substance. Sections 302(a) and 302(b) are our tools to ultimately enforce the budget and to ask the Appropriations Committee to do the hard job of making the choices.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule as I also oppose the bill. There are many reasons to vote against this rule, and they will be enumerated. I would like to focus attention on only one.

This rule protects the committee's prohibition of expenditures by the Department of Transportation of funds to study the privatization of Amtrak. Privatization is an important safety valve that we should avail ourselves of if we are going to do that hard business of cutting spending and achieving budget balance. We must have privatization as an alternative and it must be studied on every possible occasion. To prohibit the very study of this important subject by this bill is unacceptable, and for that reason, I urge everybody to vote "no" on the rule; vote "no" on the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding me this time.

Mr. Speaker, I just heard some comments about pork barrel again and Congress attempting to go beyond the Budget Act in an attempt to provide pork-barrel programs for communities and this part of the country.

I would like to say when we say $1 trillion for star wars, it is "Statesmanship." When it is millions of dollars for Contra aid, it is "National Security." When it is money for foreign aid, it is "Diplomacy." But when it is money for bridges and for roads and for American workers, it is "Pork Barrel." I am tired of that.

I think we should tell it like it is. If we had an open rule every time we come to the floor, the way we operate down here, we would not pass one piece of legislation. That Rules Committee has to ferret through the opinions of many Members and come out with a rule. Now, it is not the best rule, but I am going to support it. I am going to support very fervently the Dyson amendment.

I have a flight-service program in my district, my airport, Youngstown Municipal Airport, that actually went to court to keep it open years ago, and unless we pass this Dyson amendment, I will not have a shot to keep it open.

Now, with the fog, the snow, and the inclement weather in the Great Lakes area, how in God's name can Congress continue to make our skies more dangerous? We are starting to cut off our nose to spite our face with this Gramm-Rudman rhetoric garbage, and we are letting American fall apart.

I am for the rule. I commend the Rules Committee for making some tough decisions. Let us start getting down to some business here in the House that actually trickles down to people in our communities.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule for a number of reasons. Now, I acknowledge that there is a need for an urgent supplemental appropriations bill; in the Commodity Credit Corporation area; perhaps for the Papal visit we have coming up. But, there are some limitations in the bill.

We have had a request from the administration, although that request also, was far too much, in my opinion, for an urgent supplemental. But there are so many problems with the rule and with the bill, and I think the wisest thing to do today would be to defeat the rule at the beginning for a variety of reasons.

No. 1, we could save time; we would not go through this whole exercise today and perhaps have it even fall over into next week, and then have to go to the Senate and who knows when they will act? In this form, it would surely be vetoed and the veto would be sustained.

I am convinced that the Appropriations Committee could come back very quickly, probably early next week, with a truly urgent supplemental appropriations bill that would address those areas where we have a real need. I acknowledge up front that there are some areas that I do support in terms of trying to get some urgent supplemental appropriations.

The problem with the rule itself is that it is a continuation of what we have been dealing with all year.

Mr. Speaker, it is ironic in this year of our Constitution's bicentennial that we, the people's representatives, are being increasingly denied participation in making the law. And yet, that's just what these restrictive rules do. They restrict the right of the duly elected representatives of the people to offer amendments to legislation. So far in this historic 100th Congress, the Rules Committee has reported three closed rules, two modified closed rules, and one open rule. Today's rule is therefore the sixth restrictive rule out of seven reported.

Put another way, 86 percent of the time rules have denied Members full and open participation in the legislative process—and that's not counting the numerous bills considered under the suspension and unanimous consent procedures which also prohibit amendments.

By contrast, in the first session of the last Congress, six of the eight rules reported by this date were open rules, and only two were restrictive—one closed and one modified closed rule. In other words, whereas in this Congress 86 percent of the rules have been restrictive, in the last Congress at this time only 25 percent were restrictive. If this isn't cause for concern and alarm, I don't know what is, unless we're aiming for a Congress of robots.

Mr. Speaker, this tendency toward shutting Members out of the amendment process is not new under your reign, though the rate is significantly more alarming. It has been an evolutionary trend toward restrictive rules. In the 95th Congress, only 12 percent of the rules were restrictive; in the 96th Congress it was 19 percent; in the 97th it was 20 percent; in the 98th Congress it was 28 percent; and in the 99th Congress it was 36 percent.

This is also the first time in my memory that we have shut down an entire chapter of a general supplemental to all amendments except one motion to strike the entire chapter—and especially a chapter as important as the foreign aid chapter on which several Members were interested in offering specific amendments. This is just one more indication that in our constitutional bicentennial, the people's representatives are losing increasing control over the pursestrings—probably the most important power given to us under the Constitution. This is just one more important reason to defeat this rule.

When I first came to this city some 20 years ago we did not have all these closed rules. Back then, the only thing that ever came to the floor—that was really a closed rule—was a bill out of the Ways and Means Committee; and that was when Wilbur Mills asked for one on a tax bill for fear it would open up the entire Tax Code and it would have impacts that we did not expect. But we did not have a closed rule on everything that came to the floor.

It may come as a shock to some that the Appropriation Committee needn't come to the Rules Committee if its bills conform to House rules. They are one of the few committees that has privileged access to the floor. But when provisions in an appropriations bill transgress House rules, they must either get protection from the Rules Committee or take chances on the floor with points of order.

The real thing that we should be doing is not even have appropriations go to the Rules Committee; just bring them straight to the floor. One thing that was really curious to me about this bill is that in spite of a large request for rescissions it does not approve any of the 73 new rescission proposals totaling $5.8 billion that the President submitted to Congress as part of an overall effort to achieve the deficit reduction goals of Gramm-Rudman-Hollings. There is not one nickel in here for any rescissions. None.

Surely, there were some areas last year where we passed some legislation that maybe a recission would have been in order. But let us talk about the rule itself.

First of all, it waives the fact that it exceeds our own budget resolution of last year. We make these great speeches on the floor about how we need a budget resolution and how we are going to comply with them and we are going to have reconciliation and we come right along with a supplemental appropriation the first part of each year that undoes it completely.

I have here in my hand a letter from the chairman of the Budget Committee, and he acknowledges right here that it exceeds by $2.265 billion our own budget resolution. Well, we waived that; that was last year's budget resolution, so we just waive it.

Then we also waive the Gramm-Rudman requirements. We waived points of order on legislation. I admit again that some of this legislation is in there, legislating on appropriations, because there is an emergency. But if you look through the bill itself and mark the portions that are legislation on appropriations bills, if you marked it in red, it would look like a bloody river.

Mr. Speaker, here we have a supplemental appropriations bill that is replete with legislation in an appropriations bill. So, anytime you not only appropriate, but legislate.

We should not have all of these waivers. The one that really bothers me in particular is the so-called foreign aid section. The administration, in my opinion, asks for too much in foreign aid. So I do not blame the committee for reducing it. They reduced it from about $1.1 billion down to about $650 million. But then the subcommittee not only did they reduce it, they completely reworked the priorities.

In Central America, they took money from El Salvador and Honduras and they put it down in Costa Rica. They just shipped it all around, all over the world.

□ 1220

Well, I guess maybe the committee has that authority, but then they come in and say, "We don't want you guys on the House floor messing with our section. You guys shouldn't be able to offer an amendment to change those priorities, except that we will make in order an amendment by the gentleman from Oklahoma [Mr. EDWARDS], one amendment, to change the priorities back on Central America."

He does not even want to offer that amendment.

At least they give us a chance to strike the entire section and I think that is exactly what we ought to do. We ought to strike the entire foreign aid section, because the priorities are wrong. The way it is being handled is that we cannot offer amendments when it involves Mozambique or Zimbabwe, those are all precluded.

So I do not understand why the chairman of that subcommittee came in and said, "Here is what we have done. We have completely reworked it and you can't even offer amendments."

The Rules Committee, to my absolute astonishment, went along with it, even though members on both sides of the aisle in the Rules Committee said, "Hey, we shouldn't be saying there can't be any amendments to this section."

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi.

Mr. LOTT. So the foreign aid section in particular is a problem, and then there is the arms control issue. Why are we doing this? We are going to have to go through this act again in the DOD authorization program. Everybody knows that. So why do we have this in a supplemental appropriation?

Now, oh, yes, we are given an opportunity to have 1 hour of debate and a vote perhaps on those two arms control matters, but at a time when it looks like we have the greatest opportunity in years, maybe ever, to get real legitimate arms control, the House of Representatives, the Congress, is going to tell the President, "You can't have testing above a certain level," while that is an issue that is specifically being discussed by the negotiators and the Congress, 535 of us, we are going to get into saying when treaties are going to be enforced or not, or what the negotiations are going to be.

How irresponsible can that be? Yet that is in this bill. At least under the rule we get a chance to perhaps have a separate vote on it.

But, Mr. Speaker, in spite of a diligent effort on the part of the Rules Committee, we just should not have these kinds of rules. We should vote against the rule. We should vote against the supplemental appropriation. In my opinion we should not have supplemental appropriations at all. It is an omnibus spending bill. I would urge defeat of the rule, and failing that, defeat of the bill on final passage.

OPEN AND RESTRICTIVE RULES, 95TH–100TH CONGRESS [1]

Congress	Open rules		Restrictive rules		Total rules
	Number	Percent	Number	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th [2]	1	14	6	86	7

[1] Source for data: Survey of Activities of the House Committee on Rules (Reports by the Committee on Rules), 95th–99th Congress. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.) For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[2] Data for the 100th Congress is based on "Notice(s) of Action Taken," Committee on Rules, 100th Congress, as of April 22, 1987.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I have heard a lot of debate this morning in reference to this rule on the supplemental appropriations bill. It never ceases to amaze me when my colleagues on the opposite side of the aisle are inclined to completely ignore what their President has requested.

The supplemental appropriations bill which we will consider later in the day is $1.1 billion less than the President's request.

Now, for all their histrionics and arm waving about overspending, Mr. Speaker, on the opposite side of the aisle we are spending less money than your President requested us to spend.

Now, I am certain when it is all over we will be criticized for taxing and spending, and yet the fact of the matter is that we have not only met the obligation the President sent down here in terms of spending, we have gone further in cutting. We have cut spending.

How many Members on both sides of the aisle voted for such things as our farm program and now come in and criticize efforts to pay for the very program we voted for?

Mr. Speaker, it is tantamount to signing a mortgage agreement and then refusing to make the monthly payments. The payments being made to the Commodity Credit Corporation are required under law. They are $6.7 billion out of $11.3 billion, far more than half of this supplemental appropriation going to the Commodity Credit Corporation. And what do we hear? We hear from the gentleman from Mississippi on the Republican side of the aisle that we should vote down this entire spending bill.

I would ask the gentleman, what would we say to those farmers who signed their contracts in good faith with the law extant in the United States? That we are not going to honor our commitment to that program?

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. Yes, I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, since the gentleman has put the question to me, I have got to respond to a couple things that the gentleman said.

First of all, we in the House have been saying that deficits do matter and we are trying to cut back on the deficits and show restraint.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois.

Mr. LOTT. Mr. Speaker, if the gentleman will continue to yield, I have to say for me, and I think the gentleman from Illinois, too, that just because the President asked for it and asked for more than he should have, that should not control us. I am not giving him any accolades on this supplemental appropriation. I think it was excessive.

Mr. DURBIN. Then I commend the gentleman on his balanced approach.

Mr. LOTT. But I think the Congress, the House, ought to show some restraint here.

Mr. DURBIN. I commend the gentleman for his balance and fairness.

I would say that once we have passed the farm program, once we have made our commitment, then we certainly cannot welsh on that agreement. We cannot walk away from farmers across this country who have made their plans accordingly. If we choose to change the law to reduce the cost, that is one thing.

Mr. LOTT. I think we should.

Mr. DURBIN. But when the laws are on the books, let us honor our commitment.

Mr. LOTT. I think we should honor our commitment.

Mr. DURBIN. Let me reclaim my time.

Mr. LOTT. Let me respond to the CCC question.

Mr. DURBIN. Let me reclaim my time. I will let the gentleman speak at the conclusion of my remarks.

I might also say that the President's request for more than $1 billion in foreign aid has been considered by this Appropriations Committee and as the gentleman acknowledged, reduced by almost half. That suggests to me that this Appropriation Committee is attempting to meet its obligation.

Now, the gentleman may quibble with our priorities, but the fact is that our bill is $1.1 billion below the President. If the President's supplemental had been before this House of Representatives, we would have been forced to waive the Budget Act. There would have been no alternative. The gentleman has to concede that point.

To come today and suggest that what we are doing is a radical departure and somehow inconsistent from meeting the budget goals I think is to turn a deaf ear to what the President has been saying from his own White House pulpit.

Mr. LOTT. Mr. Speaker, if the gentleman will yield, it is $2.2 billion over our own budget resolution.

Mr. DURBIN. And how far was the President's request over our own budget resolution?

Mr. LOTT. With the rescissions that he asked for, it would have been under it.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, if you include the rescissions in the President's bill, the President is $150 million under and there are no rescissions in this bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. Mr. Sepaker, I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to commend the gentleman in the well for his comments and point out that OMB was threatening this supplemental when it came before the full committee, in part because we did no give them enough money in foreign aid.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, my good friend and colleague from Illinois simply could not be more wrong. The fact is that he is talking about the agricultural section of this bill and our interest in the Agriculture Committee in supporting the farm bill of 1985. Yes; exactly, we would like to support the farm bill. That is why we are against this supplemental, because everyone knows that this supplemental is, No. 1, going to be vetoed, and it ought to be vetoed, and, No. 2, that the $6.6 billion for the Commodity Credit Corporation is going to be lost in the process. Why? Because the Appropriations Committee is trying to rewrite the 1985 farm bill.

Take a look at page 77 of your report, and see what is there. It instructs the Secretary of Agriculture through three different studies to find ways, No. 1, by a national referendum to impose mandatory supply management; No. 2, by a study to find out exactly how much we have to cut back on the production of each commodity; and No. 3, to find out exactly what rules and regulations have to be changed so we can impose mandatory supply management.

What is in this bill? This bill not only is unilateral disarmament for the United States in the midst of arms control talks, but also is unilateral retreat in the face of world agricultural competition. From 1983 to 1985, we lost 12 percent of our market in grains. We lost 8 percent of our world market in wheat.

What we did in the 1985 farm bill was to try to find ways to get these markets back.

Now as we go into a new round of GATT talks, what is this supplemental appropriations bill going to do? It is going to call on the U.S. Department of Agriculture to unilaterally cut back our production.

Do you think that is going to raise our prices? No. Every Third World country in the world today, not only the developed countries, but the Third World countries are exporting agricultural products. If you think unilateral action by us will help our farmers, you have got it all wrong.

The supplemental appropriations bill has got it all wrong. That is why as the Democratic chairman, the distinguished chairman of the House Agriculture Committee said, we ought to take a good look at this section. I believe we ought to go further than that. We ought to defeat the bill.

□ 1230

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I shall not participate a whole lot in the general debate. I think that it has been clearly shown on our side of the aisle that it is necessary that we move ahead. A number of items here are absolutely necessary. With regard to others it is believed on our side that if we take this action we will push people into going ahead and reaching agreements where they have been dragging it out, in our opinion. Others think that they will agree if we do not do this.

I rise here just to point out and correct some misinformation that has been given. I have before me, and may I say that when we get into general debate I shall discuss many things in this bill, but at this point I would just like Members to realize that our committee in connection with agriculture has done what I think is a minimum of what we are charged with doing here.

In the national press—and I will read the titles of these stories; as a former district attorney I never have believed in putting in print what amounts to a charge without the other person or the person involved having the right to answer, so I shall not give the details in these matters—but here are the titles of several articles that have appeared over the United States: "Farm Payment Abuses May Exceed $2 Billion," "Foreigners Get U.S. Farm Subsidies," "* * * Interests Received $728 Million in Subsidies," "Loophole Allows Extra Farm Subsidies."

The facts are that the 1985 act provides that the Secretary of Agriculture shall determine the definition of "persons." So far as I have been able to determine, he never has made any such decision. The gist of these articles is that people by dividing their property between any number of people have doubled and tripled the amount of checks from the Government.

I have a number of letters here from a whole lot of organizations which have "agriculture" in their title. But you look and you see that there are those branches which would like to buy their raw materials below cost of production.

Now the fallacy of the 1985 farm bill is that the farmer only shall sell below the cost of production so that the buyers will have the benefits, and he will have to look to check from the Government. Now these agencies and departments who oppose the provision that I have here, look at them, every last one of them would hold their hands up in holy horror if you asked them to sell below the cost of production and look to the Government for a check.

So may I say that with all these charges here, and may I say that I have tried, I cannot find whether the Secretary of Agriculture ever made a determination of what "person" means, not to go into the question of whether he should have had that authority to start with. So we have asked what? We do not ask for indictment, we do not ask for investigation by the Department of Justice, we ask the Department itself to review these charges that have been in the papers.

May I say that the question has been raised, Are we exceeding our authority? I point out in Cannon's Procedures, and I read—this is on page 26:

> INVESTIGATIONS BY AGRICULTURE DEPARTMENT
>
> There shall be established at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word—

And numerous precedents upholding this.

So let me repeat again: Where the press has carried all these stories which may or may not be true, we have asked in view of that that the Department itself investigate the accuracy of these stories and make recommendations.

Now reference has been made to the report. That is advisory only, but it should be followed. That is to let the farmers themselves decide what we ought to do. It has worked in times past. I say as chairman of the committee that they should do it, because it is a proven and tried way. But it is not binding as a matter of law. If it were in the bill, it would be subject to a point of order.

So I say again, Members should not be misled on this. But I will say that if Members vote against what we have here, they are endorsing what the press says has happened. I think that the least we can do at this stage is to ask the Department itself to investigate these charges which at best prove some faulty handling on the part of the Department.

I say again, it needs to be done, it is authorized, and I trust that Members will not be caught voting against our efforts to clean this matter up.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I oppose the rule and the bill.

Mr. Speaker, as a freshman, I came here 4 months ago with certain expectations—not that my views would frequently prevail, but at least that the rules would be fair and right. I have been disappointed.

Every schoolchild learns about "points of order"—to stop someone from doing what they should not do.

What message do we send to the people who elected us when we adopt a rule that reads: "* * * all points of order for failure to comply with [the Budget Act] are hereby waived * * *"

Why do we have a law requiring that we stick to a budget if we willy-nilly waive it?

The Congressional Budget and Impoundment Control Act of 1974 as amended by Gramm-Rudman-Hollings states in section 311 that neither the House nor the Senate may consider proposals subsequent to the current fiscal year budget resolution that would cause the total budget authority or total outlay levels set in the resolution to be exceeded.

We cannot even say under this rule, "Wait, Mr. Speaker, our action is not in order. It violates the law." How do we explain this to the taxpayers of this country?

We should not adopt a rule that prevents us from even raising a point of order that we would be violating the law if we passed the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Mr. Speaker, I reluctantly rise in opposition to this rule. I say reluctantly because I do not like to oppose rules, and I particularly do not like to oppose open rules.

However, I do oppose this rule because it waives the Budget Act, and these waivers are not merely for technical provisions of the Budget Act, they waive the budget ceiling on total budget authority.

By any measure, this bill busts the budget. By supporting this rule containing waivers of that budget ceiling, we will be vitiating last year's budget resolution. And we will be doing so just days after passing the budget for this year.

So soon after saying "we really mean it" for fiscal year 1988, I cannot support a rule which says "we didn't mean it" for fiscal year 1987.

If this rule is adopted, I intend to offer an amendment to reduce the discretionary budget authority across the board to bring it into compliance with the fiscal year 1987 budget resolution. That such an amendment will require a 22-percent reduction is testimony to just how much this bill busts the budget.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 20, as follows:

[Roll No. 55]

YEAS—222

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Beilenson
Bennett
Berman
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carr
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Guarini
Hall (OH)
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Huckaby
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Perkins
Pickett
Pickle
Price (IL)
Quillen
Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Skelton
Smith (FL)
Smith (IA)
Solarz

Spratt
St Germain
Stallings
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—191

Archer
Armey
Badham
Baker
Ballenger
Barton
Bateman
Bates
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Carper
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Petri
Porter
Price (NC)
Pursell
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—20

Annunzio
Bartlett
Boulter
Collins
Daniel
Dorgan (ND)
Gray (PA)
Hatcher
Jones (TN)
Kemp
Leach (IA)
Lukens, Donald
McDade
McEwen
McKinney
Pepper
Roukema
Stark
Taylor
Wilson

☐ 1250

The Clerk announced the following pair:

On this vote:

Mr. Pepper for, with Mr. Boulter against.

Mrs. SMITH of Nebraska changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1827, the bill making supplemental appropriations for fiscal year 1987, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, pursuant to the rule just adopted, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1827), making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes; and pending that motion, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objections.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

☐ 1259

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1827, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

☐ 1300

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is absolutely necessary for the operation of Government with regard to a number of items that are contained herein.

As regard to other matters that are included here, there are a number that are controversial, to say the least. In my opinion, much of it is due to differences of opinion, however it reflects the desire of the leadership in many respects. It covers practically the whole Government. I do not know of anybody who agrees with every item in it.

There are two main items here, which have to do with nuclear testing and with SALT II. In my opinion, the belief on my side of the aisle is that by inserting these provisions here and taking action by the Congress, it will expedite and speed up efforts at bringing about a solution by agreement.

According to my interpretation of the Republican view, and certainly the arguments of many of my friends, is that the administration should be left alone so they could work it out on the appropriate vehicle.

Personally, I can see a reason for that difference of opinion and I subscribe to the one that if you wait long enough, it might be well to take some action here to show that unless the executive branch is able to work something out, that the legislative branch will be forced to do so.

Be that as it may, these are the main items.

The other question is that we have to waive the Budget Act. With all due deference to the Budget Committee, and my friends who are on it, they base their action on assumptions and projections and sometimes, may I say, they go far afield, but they do not have the year-in and year-out experience that our Committee on Appropriations does.

In the average year, we have about 5,000 witnesses who appear before 13 subcommittees. Before us is a bill passed not only on past experience, plus information on the current year, plus the President's budget, but a bill that was developed by the Members who have brought it to you, who have years of experience, and years of dealing with these departments and agencies.

In many cases, the executive branch leaves out those things that are most essential because they have been given a limit and they leave them for Congress to replace. It is a customary practice. So many of the things that we had to do here, the executive branch, according to my knowledge, expects us to do.

There is always an argument here as to whether the President is for saving more money than the Congress, and I am proud to say that as chairman of the Committee on Appropriations for the ninth year, I recognize that in this Congress, we need all three branches to work together: legislative, judicial, and executive.

I want to tell you that of 83 appropriation bills which we have handled since Mr. Reagan became President, 78 have been signed by the President; the other 5, we worked out with the President. So certainly there is no purpose in my mind except to do my job as best I can, representing 57 committee members who have spent years in handling the very things that they bring to you.

We have a few new Members, but by and large, it reflects many years of experience.

This bill is below the President's budget by $1,105,536,996. I know, on the other side, that it will be said that you do not count the credits that the President deserves for recommending rescissions; that is, to cancel some moneys that you have appropriated heretofore. In almost every case, it is something that Congress added, that they had not recommended in the 1987 budget.

Further, they proposed that we should pass user fees and to sell some of our assets for current expenses, things that they have not been able to get done in the past.

This is the third year that that has been done. I think it is unrealistic to count that when you are adding up the totals.

I say it does exceed the budget allocations. Some of my friends ask to just keep the paper money strong—make the figures look good. They do not care about soil conservation or highways, bridges and all the material wealth. It can go down the drain if your concern is just to keep a balanced figure in paper money.

Nobody could be more disturbed than I am about the financial situation in this country. Do you realize that in 6 years, we have increased the public debt, though we are below the budget requests of the President, the public debt has increased from $900 billion to two-and-a-third trillion dollars.

Not only that, but we have gone down to where we are the debtor Nation for the first time since 1914. We are buying $170 billion over and above—most of it on credit—what we export.

May I say to our President and to you, we cannot deal with what we have here until we start the work in producing here because there is quite a difference between production and activity. It is true that we have lots of activity.

May I say that we have held the line as best we knew how. We have included some new programs here for the homeless and I think, frankly, it is going to take a whole lot of working out before we can implement it. But we provide a beginning.

When you read the papers about some of the sad things, you want to do something about it. When you read the cost of doing it, as we are doing, you can see that there is going to have to be some thought taken as to how much we can do and how we can get the job done.

□ 1310

With regard to our foreign involvement, do you realize that we have 352 overseas military establishments. How in the world could anybody hope to defend them? If we should have trouble, I do not know what would happen. We have foreign aid, and I do not know if anybody can figure that it is 100-percent defensive.

I have frequently said, having grown up around a country store, if a wholesaler had a retail outfit burn, it might be his business to restore the retailer, but goodness knows, you should not put him in the wholesale business.

We are devoting funds for the development of Korea, we are still spending $5.9 billion in West Germany to support them, and we are spending $1.9 billion in Japan.

I had a chance to tell the President this: "It might be easy to get into Nicaragua, but how are we ever going to get out?" It is a question, because we have not been able to get out of these other places.

I could go into more and more detail, but at this time let me just say that this bill reflects the work of 57 members of the Appropriations Committee, most all of whom have been there for years, where we have before us the past, the present, and the future.

I am not going to go into further detail, but as issues are raised here, I want the Members to know that substantial decreases have been made from the President's request. His complaint is that we do not have enough in foreign aid. May I say again on the military—and we are all for defense—that the President's recommendation for fiscal year 1988 is to increase the carryover funds from $260 billion, which they had at the beginning of the year, to $279 billion.

This year, we have studied the President's budget very closely. Since each legislative committee and each subcommittee on appropriations directs its hearings to a primary subject, and the witnesses in turn present the case for their department or agency, I feel that it falls on me as chairman of the Committee on Appropriations, and thus a member of each subcommittee, to pull together the overall picture.

DETERIORATING FINANCIAL SITUATION

I think it is evident to most all Americans that our financial situation is such that something must be done. Our debt has increased from $900 billion-plus in 1981 to $2.333 trillion in 6 years. We had 138 bank failures last year and 96 failures of savings and loan institutions. In the last 2 years, 170,000 farmers have been forced out of business with their land being sold, largely to land speculators. The domestic textile business is in dire straits, as are the shoe business and the steel industry. We have tremendous unemployment in some regions of the country. Our country is spread almost all over the world, 352 overseas military establishments. Our trade deficit is approximately $170 billion annually; we buy that much on credit above what we are able to export. This trade deficit even includes agriculture, $358 million in May, though we are the greatest Nation in the world in ability to produce food. For the first time since 1914, our Nation is a debtor nation, depending on our creditors to finance our current expenses. Our President is recommending sale of our assets to pay current expenses. I believe all will agree that something must be done. That being true, we must determine just what our present situation is.

REPORT ON CURRENT CONDITIONS AND FACTS

On that basis, as chairman of the Appropriations Committee, I submitted to the Budget Committee a record of the conditions and the facts which we face today with some thoughts as to what may have caused it. It is on that basis that I wish to discuss with you gentlemen our problem. For it is our problem. It is important to determine who is responsible; but more important is the fact it is absolutely essential that we do what we can to solve it.

At this point in the RECORD I will insert our views and estimates on the President's fiscal year 1988 budget request.

HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS VIEWS AND ESTIMATES ON THE BUDGET PROPOSED FOR FISCAL YEAR 1988

(Submitted by Mr. Whitten, Chairman of the Committee on Appropriations, Pursuant to Section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget, Feb. 25, 1987)

LETTER OF TRANSMITTAL

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 25, 1987.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Section 301(d) of the Congressional Budget and Impoundment Control Act of 1974, as amended, I am transmitting the Appropriations Committee's report on the Views and Estimates of the proposed budget for fiscal year 1988. This report was approved at a meeting of the Committee on Wednesday, February 25, 1987.

Sincerely,

JAMIE L. WHITTEN,
Chairman.

STATEMENT OF PURPOSE

The Committee on Appropriations submits the following report in compliance with Section 301(d) of the Congressional Budget and Impoundment Control Act of 1974. This section requires that each standing Committee of the House submit to the Committee on the Budget its views and estimates each year regarding matters within its respective jurisdiction to be included in the concurrent resolution on the budget.

As we submit this report, the national debt has increased from $932.3 billion in 1981 to $2.3 trillion at the beginning of 1987. Interest on that debt in fiscal 1987 is $137.5 billion.

SHIFTS IN FEDERAL BUDGET PRIORITIES

The past eight years have witnessed not only a marked increase in the size of the federal budget, but also a dramatic shift in its internal priorities. An examination of where the federal budget stood in 1980 compared to where we are in this fiscal year (1988), and where the budget was proposed by the Administration projects us to be in 1992, shows these factors:

Between 1980 and 1988

Military spending has *increased* +50.5%.

Interest on the national debt has *increased* +82.3%.

Payments to individuals (including social security, medicare and medicaid) have *increased* +20.6%.

"All other" government spending (essentially discretionary *domestic programs*) has decreased −26.7%.

Between 1980 and 1992

Military spending would *increase* +66.6%.

Interest on the national debt would *increase* +41.9%.

Payments to individuals (including social security, medicare and medicaid) would *increase* +33.4%.

"All other" government spending (essentially discretionary *domestic programs*) would decrease −39.3%.

Graphically presented, a picture of budget priorities emerges. If projected forward to 1992, the Administration's current policies would look like this:

FISCAL YEAR 1988 BUDGET REQUEST

In the budget submitted to the Congress, $312 billion is for military spending, $19.1 billion is for international affairs, and $445.3 billion is for mandatory payments to individuals. Of the total of $1.1 trillion requested, only $268 billion is classified as relatively controllable under existing law and subject to the discretion of the Congress.

We must provide for defense. A question does arise as to how much of foreign aid is defense. With our military establishments outside the United States numbering 352, how can we protect such a spread? Included in the budget is a proposal to increase military spending by a total of six percent—three percent above inflation and to provide an increase of $13.8 billion in carryover of unspent funds to meet future contingencies. To meet this target, after paying $139.2 billion in interest and $461.1 billion in entitlements fixed by law, in the absence of increased income, the budget recommends reductions of $34 billion in education, housing, transportation, economic and rural development, examples of which are shown in the following table:

Programs Eliminated—Outlays

Department of Education:	
Compensatory education (HEP & CAMP)	$6,000,000
Several elementary and secondary programs	41,000,000
Education for the handicapped (grants for infants and families)	38,000,000
Vocational education	312,000,000
Immigrant and refugee education	23,000,000
Several higher education programs	80,000,000
Several student aid programs	1,239,000,000
Library grants	55,000,000
Department of Housing and Urban Development:	
Categorical housing programs	10,000,000
Urban development action grants	23,000,000
Rehabilitation loans	97,000,000
Housing development action grants	(19,000,000)
Department of Transportation:	
Mass transit discretionary grants	52,000,000
State maritime schools	9,000,000
Miscellaneous highway projects	12,000,000
Department of Commerce:	
Economic Development Administration	60,000,000
Trade adjustment assistance	3,000,000
National undersea research program	6,000,000
Coastal zone management and sea grants	44,000,000
Public telecomunications facilities	11,000,000
Department of Agriculture:	
Rural housing loans	2,033,000,000
Rural development loans	522,000,000
Farm program loans	520,000,000
Conservation programs	453,000,000
Extension Service	69,000,000
Rural development grants	162,000,000
Emergency Food assistance	50,000,000
Marketing payments to States	1,000,000
REA direct loans	570,000,000
Environmental Protection Agency:	
Sewage construction grants	90,000,000
Asbestos-in-schools loans/grants	39,000,000
Other Agencies:	
Postal subsidy	523,000,000
Interstate Commerce Commission	35,000,000
TVA economic development programs	12,000,000
Communication technology satellite	11,000,000
Appalachian Regional Development Commission	9,000,000
Legal Services Corporation	276,000,000
Community services block grant	54,000,000
General Government: Justice assistance grants	118,000,000

(For additional detail, see appendix 1).

These reductions are being proposed largely to increase available funds for military spending, foreign aid, and related activities, which when added to the existing carryover of $260,000,000,000 would make a total of $273,700,000,000 in unspent funds.

This pattern has been followed since 1975, as shown in the following table.

DEPARTMENT OF DEFENSE

[In billions of dollars]

Unobligated balances		Unexpended balances	
FY 1975	$16.7	FY 1975	$44.0
FY 1976 (TQ)	21.0	FY 1976 (TQ)	51.4
FY 1977	20.0	FY 1977	62.6
FY 1978	21.3	FY 1978	73.6
FY 1979	23.0	FY 1979	83.9
FY 1980	24.2	FY 1980	92.2
FY 1981	26.5	FY 1981	112.8
FY 1982	34.6	FY 1982	142.2
FY 1983	43.4	FY 1983	172.1
FY 1984	51.6	FY 1984	205.1
FY 1985	61.5	FY 1985	244.3
FY 1986	59.0	FY 1986	255.5
FY 1987 estimated	50.5	FY 1987 estimated	259.9
FY 1988 estimated	49.7	FY 1988 estimated	273.7

USER FEES AND ASSET SALES

In addition, increases in user fees of $3.2 billion in fiscal year 1988 are proposed. Many of these have been proposed in prior years but have yet to be approved by the Congress.

To meet current expenses, the budget also proposes the sale of national assets such as the regional power marketing administrations (Bonneville, Alaska, Southeastern, Southwestern, and Western), the naval petroleum reserves, Government-owned real estate, and proposes restrictions on the rural electrification administration, housing, and other Federal activities.

These actions, which have not been accepted in past years, would sell off assets in order to pay current expenses. Further efforts are being made to eliminate national programs. Since we started meeting local needs with federal programs in 1934, our wealth has increased 41 times and since 1940, 36 times. It is important that we continue those practices that have made our entire country great—to encourage productivity and to ensure that essential programs of benefit to the people of the entire country be continued. We must not make the poorer states poorer, and the richer states richer. The budget must be balanced, but at a high enough level to support essential domestic programs, for a strong economy is the first essential of real defense.

In order to ensure our continuation as a great nation, we need a strong national defense that is backed by public support and a strong economy—strength that can come only by protecting and developing our nation's resources—our real wealth, our lands and waters. The development of our rivers and harbors and the construction of our schools, highways, airports, etc., along with an educated, healthy populace, with adequate food and nutrition flowing from a strong agricultural base, provides the foundation for our national growth.

COMMITMENTS WITH FOREIGN COUNTRIES

Since the end of World War II, the United States has entered into collective defense arrangements by formal treaty with 43 separate countries in addition to various types of facilities and access agreements with 57 countries and territories. In total, these agreements are a responsibility of the government of the United States and potentially embrace significant costs which we pay both in times of peace and conflict. It means that the outs in such countries run against the incumbents and the U.S. It means that any new government can raise the ante to us or out we go.

Our foreign policy is to give to foreign countries our domestic business—not only because they will sell, but because the Administration refuses to use our laws giving our industry, including steel, textiles, shoes, and agriculture, etc. the same protection that our foreign competitors give to their industries. Instead of us using our laws enabling us to sell competitively, and to protect our industry when threatened, we beg Japan and others to quit using their laws to limit us.

In 1986 our trade deficit was $169.7 billion. In addition, we have become a debtor nation. In 1985, foreigners bought $107 billion more of our property in the United States than we bought overseas. This is the first time since 1914 that the U.S. has been a debtor nation. In spite of this, this year we still have defense expenditures in Germany of $5.9 billion; in Japan, $1.9 billion; and $.6 billion in Korea. (The countries with which we have treaties and agreements are listed in Appendix 2).

OUR FARMERS—BANKRUPT

Our government has made, or is in the process of making, concessions to every foreign group which owes us, even to the Farm Credit System, which foreclosed thousands of farmers—but not to the farmer for whom the system was set up to help.

Our policy clearly draws a distinction between programs set up to serve the urban areas, housing, etc. and the 84 percent of our nation classified as rural.

Agriculture, our largest industry, the consumer's most economic supplier, labor's largest employer, industry's biggest customer, and our largest dollar earner in world trade is being sacrificed to our so-called allies. Hundreds of thousands of farmers are forced into the streets without a chance to come back.

Hendrik Willem Van Loon, an eminent historian, describing the fall of the old Roman Empire, had this to say:

"Unfortunately, the old empire had fallen upon evil days. Bad economic management had impoverished the small farmers who from the beginning of the republic had been the mainstay of the armies and who now flocked to the cities clamoring for bread and amusements."

We must not let that happen here.

In the month of May, 1986, the farm trade deficit also reached an all time high of $348 million in the red with the overall total yearly trade deficit being $170 billion. The following table, based on information provided by the Federal Deposit Insurance Corporation, shows failures of financial institutions since 1981:

	Total bank failures	Agriculture banks	Federally insured savings and loans failures
1981	10	NA	NA
1982	42	NA	56
1983	48	NA	61
1984	79	NA	56
1985	120	62	104
1986	138	59	96

(All banks, including both national and non-national banks.)

When our financial situation reached the place where we have spent the money we have, the money we could borrow, and the Administration recommends the sale of assets to pay current bills, when our recent opponents have to finance our debt, which causes us to pay interest of billions to them annually, it is time we recognize that productivity is essential instead of activity; that money is only a medium of exchange, and as important as money is, it is material things which constitute our real wealth.

REVENUE LOSS FROM 1981 TAX ACT

The revenue loss in 1988 due to the 1981 Tax Act, repealing the windfall profits tax and authorizing the sale of tax credits, will be $258.7 billion, or more than the entire estimated unified budget deficit. The net revenue loss in 1988 reflecting all changes in recent years will still be more than $136.4 billion. (Appendix 3.)

SIGNIFICANT BUDGET FACTORS

The Committee on Appropriations recognizes that the soundness of our defense, including Department of Defense procurement, our military forces, and related programs, depends upon a healthy domestic economy and public support. To retain these essentials, it is absolutely necessary to protect and develop our physical resources and continue essential domestic programs in order to maintain public support of our defense. It is our country and our people on which all else depends. We need a strong defense—but we can never have a strong defense unless it is backed by a strong country—strength that can only come by developing our nation's resources—our real wealth—with an educated, healthy populace, and with adequate food and nutrition flowing from a strong agricultural base.

The Committee points out that even though it has held the line overall for the past six years and has recommended appropriations below the budget request, the debt has increased tremendously. The Committee on Appropriations has acted, and will continue to act, responsibly in regard to the deficit situation. It is mainly other areas, including revenue, that must be addressed by the Congress and the Administration, if the deficit situation is to be controlled.

Several factors depicted in the President's budget, some of which are outside the jurisdiction of the Committee on Appropriations, will greatly affect our efforts. For example:

Great attention has focused on the need to reduce the deficit in connection with a fiscal year 1988 budget. The Administration is proposing a deficit figure of $107.8 billion. However, this figure is based on drastic domestic spending reductions and policy changes. Many of the proposed policy changes have been transmitted previously to the Congress and have been rejected. These include several different user fee concepts and other legislative proposals not previously acceptable to the people's branch of government.

While the projected deficits show large declines in future years, the decline in the increase in the national debt is far less—because the deficit numbers ignore trust fund borrowings. Thus, while the deficit figures are $107.8 billion in fiscal year 1988, $92.7 billion in fiscal year 1989, and $59.5 billion in fiscal year 1990, the total gross national debt is $2,573 billion in fiscal year 1988, $2,790 billion in fiscal year 1989, and $2,986 billion in fiscal year 1990—a dramatic consequence of the budget proposals.

Another way of looking at the magnitude of the deficit problem is to examine the increase in the total public debt. When the current Administration took office, the debt subject to limit was $932,288,000,000. By the end of fiscal year 1988, it will grow to $2,572,967,000,000!

CONGRESS CAN LIMIT BUT NOT CONTROL OUTLAYS

We must get away from the idea of controlling appropriations, which are budget authority, by outlay limits. Outlays are controlled by the executive, not by the Congress. Use of outlays to control appropriations just gives the executive another way to make line item vetoes, and the essential domestic programs that are proposed in the budget to be reduced or terminated would be the first stricken.

APPENDIX 1

Major programs proposed for termination or elimination include the following:

Programs Eliminated—Outlays

Department of Education:	
Compensatory education (HEP & CAMP)	$6,000,000
Several elementary and secondary programs	41,000,000
Education for the handicapped (grants for infants and families)	38,000,000
Vocational education	312,000,000
Immigrant and refugee education	23,000,000
Several higher education programs	80,000,000
Several student aid programs	1,239,000,000
Library grants	55,000,000
Department of Housing and Urban Development:	
Categorical housing programs	10,000,000
Urban development action grants	23,000,000
Rehabilitation loans	97,000,000
Housing development action grants	(19,000,000)
Department of Transportation:	
Mass transit discretionary grants	52,000,000
State maritime schools	9,000,000
Miscellaneous highway projects	12,000,000
Department of Commerce:	
Economic Development Administration	60,000,000
Trade adjustment assistance	3,000,000
National undersea research program	6,000,000
Coastal zone management and sea grants	44,000,000
Public telecommunications facilities	11,000,000
Department of Agriculture:	
Rural housing loans	2,033,000,000
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Environmental Protection Agency:	
Sewage construction grants	90,000,000
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Other Agencies:	
Postal subsidy	523,000,000

Interstate Commerce Commission	35,000,000
TVA economic development programs	12,000,000
Communication technology satellite	11,000,000
Appalachian Regional Development Commission	9,000,000
Legal Services Corporation	276,000,000
Community services block grant	54,000,000
General Government: Justice assistance grants	118,000,000

Proposed Program Reductions

Programmatic changes:	
Major medical:	
Medicare	−4,600,000,000
Medicaid	−1,400,000,000
Veterans medical care	−100,000,000
Federal employees health benefits	−500,000,000
Other	−100,000,000
Subtotal, major medical	−6,700,000,000
Other mandatory:	
Farm price supports	500,000,000
Federal retirement systems	−1,500,000,000
Child nutrition	−800,000,000
Family support payments	−600,000,000
Food stamps	−300,000,000
Other	−800,000,000
Subtotal, other mandatory	−3,400,000,000
Nondefense Discretionary:	
Economic subsidies and development:	
Rural Electrification Administration	−1,500,000,000
Natural resources and environment	−1,100,000,000
Rural housing insurance fund	−800,000,000
Rural development insurance fund	−500,000,000
Subsidized housing	−300,000,000
Other	−400,000,000
Subtotal, economic subsidies and development	−4,600,000,000
Social programs:	
Student financial assistance	−1,800,000,000
Other education	−1,100,000,000
Low income home energy assistance	−600,000,000
National Institutes of Health	−500,000,000
Legal Services Corporation	300,000,000
Other	−300,000,000
Subtotal, social programs	−4,500,000,000
General government:	
IRS enforcement	400,000,000
Department of Justice	600,000,000
Conduct of foreign affairs	400,000,000
Public Law 480 food aid	−100,000,000
Federal supply service	−200,000,000
Export-Import Bank	−400,000,000
Other	−200,000,000
Subtotal, general government	500,000,000
Total, programmatic changes	−18,900,000,000

APPENDIX 2

COUNTRIES WITH WHICH WE HAVE TREATIES AND AGREEMENTS

According to information provided by the Department of Defense, the United States has various types of facility and access agreements with the following countries:

British Virgin Islands, Antigua, Argentina, Ascension Island (U.K.), Australia, Azores (Portugal), Bahamas, Bahrain, Belgium, Bermuda, (U.K.), Brazil, British Indian Ocean Territory, Canada, Cuba, Cyprus.

Denmark, Diego Garcia (U.K.), Djibouti (France), Egypt, Faeroe Islands (Denmark), Federal Republic of Germany, France, Greece, Greenland (Denmark), Honduras, Iceland, Italy, Japan, Kenya, Korea.

Liberia, Luxembourg, Marshall Islands (Pacific Trust Territory), Morocco, Netherlands, Netherlands Antilles, New Zealand, Norway, Oman, Panama, Philippines, Portugal, Reunion Island (France), Saudi Arabia, Seychelles.

Senegal, Somalia, South Africa, Spain, Sudan, Surinam, Thailand, Trust Territory of the Pacific Islands, Turks and Caicos, United Kingdom, Zaire.

APPENDIX 3

NET EFFECT OF MAJOR ENACTED LEGISLATION ON RECEIPTS

[In billions of dollars]

	1986	1987	1988
Economic Recovery Tax Act of 1981	−209.8	−238.5	−258.7
Tax Equity and Fiscal Responsibility Act of 1982	46.7	56.8	58.8
Highway Revenue Act of 1982	4.5	4.7	4.9
Social Security Amendments of 1983	10.2	12.1	24.6
Interest and Dividends Tax Compliance Act of 1983	−2.1	−1.7	−1.8
Railroad Retirement Revenue Act of 1983	1.1	1.1	1.0
Deficit Reduction Act of 1984	16.1	22.0	25.3
Consolidated Omnibus Budget Reconciliation Act of 1985	.9	2.7	3.0
Federal Employees' Retirement System Act of 1986		−.4	−.8
Omnibus Budget Reconciliation Act of 1986		2.6	2.8
Superfund Amendments and Reauthorization Act of 1986		.6	1.0
Continuing Resolution for 1987		1.9	2.7
Tax Reform Act of 1986		18.6	.9
Net tax reduction	−132.4	−117.5	−136.4

	1989	1990	1986–90
Economic Recovery Tax Act of 1981	−282.0	−309.4	−1,298.4
Tax Equity and Fiscal Responsibility Act of 1982	58.2	59.9	280.4
Highway Revenue Act of 1982	5.1	5.1	24.2
Social Security Amendments of 1983	31.0	23.8	101.7
Interest and Dividends Tax Compliance Act of 1983	−2.0	−2.5	−10.0
Railroad Retirement Revenue Act of 1983	1.1	1.1	5.4
Deficit Reduction Act of 1984	27.7	31.1	122.1
Consolidated Omnibus Budget Reconciliation Act of 1985	3.0	3.1	12.7
Federal Employees' Retirement System Act of 1986	−.8	−.9	−2.9
Omnibus Budget Reconciliation Act of 1986	2.4	1.0	8.8
Superfund Amendments and Reauthorization Act of 1986	1.1	1.1	3.9
Continuing Resolution for 1987	2.4	2.5	9.5
Tax Reform Act of 1986	−11.7	−9.0	−1.2
Net tax reduction	−164.4	−193.1	−743.8

Source: Budget of the United States, 1988; Executive Office of the President (pp. 4–5).

Mr. Chairman, under my request to include tabular and extraneous material, I would like to insert in the RECORD at this point a summary table of the amounts requested by the President for the accounts in this bill compared with the amounts recommended by the committee:

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	TITLE I - PROGRAM SUPPLEMENTALS			
	CHAPTER I			
	DEPARTMENT OF COMMERCE			
	General Administration			
100-17	Grants and loans administration (by transfer).........	(38,520,000)	---	(-38,520,000)
	National Oceanic and Atmospheric Administration			
100-17	Federal ship financing fund, fishing vessels (limitation on guaranteed loans)....................	(50,000,000)	---	(-50,000,000)
	DEPARTMENT OF JUSTICE			
	General Administration			
100-17	Salaries and expenses..................................	11,212,000	10,450,000	-762,000
	Legal Activities			
100-17	Salaries and expenses, general legal activities.......	7,786,000	5,499,000	-2,287,000
100-17	Salaries and expenses, Antitrust Division.............	299,000	299,000	---
100-17	Salaries and expenses, United States Attorneys........	887,000	887,000	---
100-17	Salaries and expenses, United States Marshals Service.	405,000	405,000	---
100-17	Support of United States Prisoners....................	9,630,000	9,630,000	---
100-17	Salaries and expenses, Community Relations Service....	41,000	---	-41,000
100-17	United States Trustee System Fund.....................	16,436,000	16,436,000	---
	Total, Legal Activities..........................	35,484,000	33,156,000	-2,328,000
	Federal Bureau of Investigation			
100-17	Salaries and expenses.................................	3,989,000	3,989,000	---
100-17	Reappropriation......................................	(5,686,000)	---	(-5,686,000)
	Drug Enforcement Administration			
100-17	Salaries and expenses.................................	776,000	776,000	---
	Immigration and Naturalization Service			
100-17	Salaries and expenses.................................	147,793,000	147,793,000	---
	Federal Prison System			
100-17	Salaries and expenses.................................	548,000	548,000	---
100-17	National Institute of Corrections.....................	15,000	15,000	---
	Office of Justice Programs			
100-17	Justice Assistance....................................	27,000	---	-27,000
	Total, Department of Justice.....................	199,844,000	196,727,000	-3,117,000
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
100-17	Salaries and expenses.................................	59,750,000	61,750,000	+2,000,000
100-17	Acquisition and maintenance of buildings abroad.......	12,000,000	12,000,000	---
	International Organizations and Conferences			
100-17	Contributions for international peacekeeping activities..	21,600,000	---	-21,600,000
---	Contributions to International Organizations..........	---	268,831	+268,831
	International Commissions			
100-17	American sections, international commissions..........	600,000	600,000	---
	Other			
100-17	United States Bilateral Science and Technology Agreements..	2,000,000	---	-2,000,000
	Total, Department of State.......................	95,950,000	74,618,831	-21,331,169
	THE JUDICIARY			
	Courts of Appeals, District Courts, and Other Judicial Services			
100-17 100-44	Salaries and expenses.................................	45,645,000	45,645,000	---
100-17	Defender services.....................................	2,500,000	2,500,000	---
100-17	Planning, design, and construction of court facilities	18,000,000	---	-18,000,000
	Total, Courts of Appeals, District Courts, and other Judicial Services.......................	66,145,000	48,145,000	-18,000,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Administrative Office of the United States Courts			
100-17	Salaries and expenses	192,000	98,000	-94,000
	Federal Judicial Center			
100-17	Salaries and expenses	1,108,000	1,017,000	-91,000
	Total, The Judiciary	67,445,000	49,260,000	-18,185,000
	RELATED AGENCIES			
	DEPARTMENT OF TRANSPORTATION			
	Maritime Administration			
100-17	Federal ship financing fund	1,448,000,000	1,448,000,000	---
100-17	Portion applied to debt reduction	-1,375,000,000	-1,375,000,000	---
	Total, Maritime Administration	73,000,000	73,000,000	---
	Board for International Broadcasting			
100-17 100-44	Grants and expenses	33,195,000	33,195,000	---
	Commission on Civil Rights			
100-17	Salaries and expenses	375,000	---	-375,000
	Commission for the Study of International Migration and Cooperative Economic Development			
---	Salaries and expenses	---	275,000	+275,000
	Dwight David Eisenhower Centennial Commission			
---	Expenses	---	50,000	+50,000
	Small Business Administration			
100-17	Reappropriation	(4,116,000)	---	(-4,116,000)
	United States Information Agency			
100-17	Salaries and expenses	8,098,176	8,098,176	---
100-17	Radio broadcasting to Cuba	993,000	993,000	---
	Total, Chapter I:			
	New budget (obligational) authority	478,900,176	436,217,007	-42,683,169
	Appropriations	(1,853,900,176)	(1,811,217,007)	(-42,683,169)
	Appropriations for debt reduction	(-1,375,000,000)	(-1,375,000,000)	---
	(By transfer)	(38,520,000)	---	(-38,520,000)
	(Limitation on guaranteed loans)	(50,000,000)	---	(-50,000,000)
	CHAPTER II			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
100-17	Military Personnel, Army	187,089,000	255,452,000	+68,363,000
100-17	Military Personnel, Navy	62,953,000	40,600,000	-22,353,000
100-17	Military Personnel, Marine Corps	39,820,000	36,520,000	-3,300,000
100-17	Military Personnel, Air Force	140,273,000	157,800,000	+17,527,000
100-17	Reserve Personnel, Army	2,915,000	---	-2,915,000
100-17	Reserve Personnel, Navy	2,128,000	---	-2,128,000
100-17	Reserve Personnel, Marine Corps	360,000	---	-360,000
100-17	Reserve Personnel, Air Force	701,000	---	-701,000
100-17	National Guard Personnel, Army	4,326,000	---	-4,326,000
100-17	National Guard Personnel, Air Force	1,335,000	---	-1,335,000
	Total	441,900,000	490,372,000	+48,472,000
	Operation and Maintenance			
100-17	Operation and Maintenance, Army	75,000,000	---	-75,000,000
100-17	Operation and Maintenance, Navy	120,000,000	50,000,000	-70,000,000
100-17	Operation and Maintenance, Air Force	21,000,000	---	-21,000,000
100-17	Operation and Maintenance, Defense Agencies	357,000,000	382,500,000	+25,500,000
100-17	Operation and Maintenance, Army Reserve	15,000,000	15,000,000	---
100-17	Operation and Maintenance, Navy Reserve	5,000,000	---	-5,000,000
100-17	Operation and Maintenance, Army National Guard	10,000,000	10,000,000	---
	Total	603,000,000	457,500,000	-145,500,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Procurement			
100-17	Procurement of Ammunition, Army	40,000,000	---	-40,000,000
100-17	Other Procurement, Navy	40,000,000	---	-40,000,000
100-17	Aircraft Procurement, Air Force	313,700,000	313,700,000	---
100-17	Other Procurement, Air Force	160,000,000	---	-160,000,000
	Total	553,700,000	313,700,000	-240,000,000
	Research, Development, Test, and Evaluation			
100-17	Research, Development, Test, and Evaluation, Army	43,000,000	3,300,000	-39,700,000
100-17	Research, Development, Test, and Evaluation, Navy	29,000,000	14,000,000	-15,000,000
100-17	Research, Development, Test, and Evaluation, Air Force	28,000,000	19,000,000	-9,000,000
100-17	Research, Development, Test, and Evaluation, Defense Agencies	518,000,000	4,400,000	-513,600,000
100-17	Developmental Test and Evaluation, Defense	30,000,000	13,900,000	-16,100,000
100-17	Operational Test and Evaluation, Defense	46,000,000	---	-46,000,000
	Total	694,000,000	54,600,000	-639,400,000
	Chemical Agents and Munitions Destruction, Defense			
100-17	Chemical agents and munitions destruction	250,000,000	---	-250,000,000
	Total, Chapter II: New budget (obligational) authority	2,542,600,000	1,316,172,000	-1,226,428,000
	CHAPTER III			
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
	Operation and maintenance, general:			
100-17	(Trust fund transfer)	(-66,750,000)	---	(+66,750,000)
---	(By transfer)	---	(125,000)	(+125,000)
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
100-17	Construction program (by transfer)	(5,600,000)	(5,600,000)	---
---	Loan program (by transfer)	---	(570,000)	(+570,000)
	Total, Chapter III: (By transfer)	(-61,150,000)	(6,295,000)	(+67,445,000)
	CHAPTER IV			
	MULITLATERAL ECONOMIC ASSISTANCE			
	Funds Appropriated to the President			
	International Financial Institutions			
100-17	Contribution to the International Development Association	207,476,749	207,476,749	---
100-17	Contribution to the International Finance Corporation	42,238,610	---	-42,238,610
100-17	Contribution to the African Development Fund	36,639,000	36,639,000	---
	Contribution to the African Development Bank:			
100-17	Paid-in capital	6,492,127	6,492,127	---
100-17	Limitation on callable capital subscriptions	(17,375,058)	(17,375,058)	---
	Total	292,846,486	250,607,876	-42,238,610
	Bilateral Economic Assistance			
	Agency for International Development			
100-17 100-51	Economic support fund	397,000,000	---	-397,000,000
---	Assistance for Central America (by transfer)	---	(300,000,000)	(+300,000,000)
	Total	397,000,000	---	-397,000,000
	Military Assistance			
100-17	Military Assistance	261,000,000	50,000,000	-211,000,000
	Foreign Military Credit Sales:			
100-17	Direct credits and forgiven loans	200,000,000	---	-200,000,000
	Total	461,000,000	50,000,000	-411,000,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Export-Import Bank of the United States			
100-17	(Limitation on program activity)	(-100,000,000)	(-100,000,000)	---
100-17	Budget authority effect	-100,000,000	-100,000,000	---
	Total, Chapter IV:			
	New budget (obligational) authority	1,050,846,486	200,607,876	-850,238,610
	(By transfer)	---	(300,000,000)	(+300,000,000)
	(Limitation on callable capital)	(17,375,058)	(17,375,058)	---
	(Limitation on program activity)	(-100,000,000)	(-100,000,000)	---
	CHAPTER V			
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Housing Programs			
	Housing for the elderly or handicapped fund:			
100-17	Authority to borrow, indefinite	-90,731,000	---	+90,731,000
100-17	(Limitation on direct loans)	(-90,731,000)	---	(+90,731,000)
	INDEPENDENT AGENCIES			
	AMERICAN BATTLE MONUMENTS COMMISSION			
100-17	Salaries and expenses	1,424,000	3,000,000	+1,576,000
	ENVIRONMENTAL PROTECTION AGENCY			
---	Salaries and expenses (by transfer)	---	(12,000,000)	(+12,000,000)
100-25	Research and development (disapproval of deferral) (D87-54)	---	(11,000,000)	(+11,000,000)
	Abatement, control, and compliance:			
100-25	(Disapproval of deferral) (D87-55)	---	(11,400,000)	(+11,400,000)
---	(By transfer)	---	(18,000,000)	(+18,000,000)
	VETERANS ADMINISTRATION			
100-17	Compensation and pensions	80,200,000	80,200,000	---
---	Veterans job training	---	30,000,000	+30,000,000
	Total, Chapter V:			
	New budget (obligational) authority	-9,107,000	113,200,000	+122,307,000
	Appropriations	(81,624,000)	(113,200,000)	(+31,576,000)
	Authority to borrow	(-90,731,000)	---	(+90,731,000)
	(By transfer)	---	(30,000,000)	(+30,000,000)
	(Disapproval of deferrals)	---	(22,400,000)	(+22,400,000)
	(Limitation on direct loans)	(-90,731,000)	---	(+90,731,000)
	CHAPTER VI			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
---	Management of lands and resources	---	450,000	+450,000
	United States Fish and Wildlife Service			
100-17	Resource management	2,800,000	2,800,000	---
	National Park Service			
100-17	Operation of the national park system	17,631,000	18,050,000	+419,000
---	Land acquisition and state assistance	---	13,910,000	+13,910,000
	Geological Survey			
100-17	Surveys, investigations, and research	2,597,000	2,597,000	---
	Minerals Management Service			
---	Leasing and royalty management	---	800,000	+800,000
	Total	23,028,000	38,607,000	+15,579,000
	RELATED AGENCIES			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
---	State and private forestry (by transfer)	---	(1,500,000)	(+1,500,000)
---	Construction (by transfer)	---	(130,000)	(+130,000)
100-17	Highway construction: Mount St. Helens National Volcanic Monument (liquidation of contract authority)	(9,915,000)	(9,915,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	SMITHSONIAN INSTITUTION			
---	Salaries and expenses	---	500,000	+500,000
	NATIONAL CAPITAL PLANNING COMMISSION			
---	Salaries and expenses	---	80,000	+80,000
	Total, Chapter VI:			
	New budget (obligational) authority	23,028,000	39,187,000	+16,159,000
	(Liquidation of contract authority)	(9,915,000)	(9,915,000)	---
	CHAPTER VII			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
---	Training and employment services	---	20,000,000	+20,000,000
---	Community service employment for older Americans	---	10,000,000	+10,000,000
100-17	State unemployment insurance and employment service operations (limitation on trust fund transfer)	(-90,000,000)	(130,000,000)	(+220,000,000)
	Total, Department of Labor	---	30,000,000	+30,000,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Health Resources and Services Administration			
---	Health resources and services	---	37,500,000	+37,500,000
	National Institutes of Health			
---	National Institute on Aging	---	1,800,000	+1,800,000
	Alcohol, Drug Abuse, and Mental Health Administration			
---	Alcohol, drug abuse, and mental health	---	750,000	+750,000
	Health Care Financing Administration			
100-17	Program management (limitation on trust fund transfer)	(10,000,000)	---	(-10,000,000)
	Family Support Administration			
---	Work Incentives	---	35,000,000	+35,000,000
	Office of Human Development Services			
100-17	Family social services	43,000,000	121,644,000	+78,644,000
100-17	(By transfer)	(54,727,000)	(43,583,000)	(-11,144,000)
	Total, Department of Health and Human Services	43,000,000	196,694,000	+153,694,000
	DEPARTMENT OF EDUCATION			
---	Vocational and adult education	---	1,000,000	+1,000,000
100-17	Student financial assistance (by transfer)	(287,000,000)	(287,000,000)	---
---	Higher education	---	3,300,000	+3,300,000
100-17	College housing loans (limitation on direct loans)	(-60,000,000)	---	(+60,000,000)
---	College construction loan insurance	---	20,000,000	+20,000,000
---	Chicago litigation settlement (by transfer)	---	(83,000,000)	(+83,000,000)
	Total, Department of Education	---	24,300,000	+24,300,000
	RELATED AGENCIES			
100-17	Physician payment review commission (limitation on trust fund transfer)	(362,000)	---	(-362,000)
	Total, Chapter VII:			
	New budget (obligational) authority	43,000,000	250,994,000	+207,994,000
	(By transfer)	(341,727,000)	(413,583,000)	(+71,856,000)
	(Limitation on trust fund transfer)	(-79,638,000)	(130,000,000)	(+209,638,000)
	(Limitation on direct loans)	(-60,000,000)	---	(+60,000,000)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	CHAPTER VIII			
	LEGISLATIVE BRANCH			
	HOUSE OF REPRESENTATIVES			
---	Payments to widows and heirs of deceased Members of Congress	---	152,500	+152,500
	Contingent Expenses of the House			
	Standing Committees, Special and Select			
100-	Salaries and expenses	1,950,000	1,950,000	---
	Allowances and Expenses			
100-17	Supplies, materials, administrative costs and Federal tort claims	10,693,000	8,893,000	-1,800,000
100-17	Reemployed annuitants reimbursement	368,000	368,000	---
100-	Special session or ceremony of the Congress in honor of the Bicentennial of the Constitution	247,000	247,000	---
	Total, Allowances and Expenses	11,308,000	9,508,000	-1,800,000
	Salaries, Officers and Employees			
100-17	Office of the Clerk	402,000	280,000	-122,000
100-17	Office of the Sergeant At Arms	72,000	72,000	---
100-17	Office of the Law Revision Counsel	19,000	19,000	---
	Total, Salaries, Officers and Employees	493,000	371,000	-122,000
	Total, House of Representatives	13,751,000	11,981,500	-1,769,500
	JOINT ITEMS			
	Capitol Police			
100-17	General expenses	432,000	180,000	-252,000
	Official Mail Costs			
100-17	Expenses	3,395,000	---	-3,395,000
	Capitol Guide Service			
100-17	Salaries and expenses	109,000	---	-109,000
	Total, Joint Items	3,936,000	180,000	-3,756,000
	OFFICE OF TECHNOLOGY ASSESSMENT			
100-17	Salaries and expenses	350,000	350,000	---
	COPYRIGHT ROYALTY TRIBUNAL			
100-17	Salaries and expenses	17,000	---	-17,000
100-17	Authority to spend receipts	-14,000	---	+14,000
	Total	3,000	---	-3,000
	Total, Chapter VIII: New budget (obligational) authority	18,040,000	12,511,500	-5,528,500
	CHAPTER IX			
	MILITARY CONSTRUCTION			
100-17	Military construction, Army	250,000,000	---	-250,000,000
	Total, Chapter IX: New budget (obligational) authority	250,000,000	---	-250,000,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	CHAPTER X			
	DEPARTMENT OF AGRICULTURE			
	Office of the Secretary of Agriculture:			
---	Investigations	---	10,000,000	+10,000,000
---	Agricultural Research Service	---	450,000	+450,000
---	Cooperative State Research Service	---	300,000	+300,000
---	Buildings and facilities	---	16,200,000	+16,200,000
---	Animal and Plant Health Inspection Service	---	3,000,000	+3,000,000
	Agricultural Stabilization and Conservation Service:			
100-17	(Transfer from Commodity Credit Corporation)	(24,000,000)	(24,000,000)	---
100-17	General Sales Manager (transfer from Commodity Credit Corporation)	(705,000)	(705,000)	---
	Commodity Credit Corporation:			
100-17	Reimbursement for net realized losses	6,653,189,000	6,653,189,000	---
	Farmers Home Administration:			
---	Rural Development Grants	---	3,000,000	+3,000,000
	Soil Conservation Service:			
---	Watershed and flood prevention operations	---	300,000	+300,000
	Food and Nutrition Service:			
100-17	Special milk program	3,426,000	3,426,000	---
---	Foreign Agricultural Service	---	1,000,000	+1,000,000
	Total	6,656,615,000	6,690,865,000	+34,250,000
	RELATED AGENCIES			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration:			
---	Salaries and expenses	---	1,500,000	+1,500,000
	Total, Chapter X:			
	New budget (obligational) authority	6,656,615,000	6,692,365,000	+35,750,000
	(Transfer from Commodity Credit Corporation)	(24,705,000)	(24,705,000)	---
	CHAPTER XI			
	DEPARTMENT OF TRANSPORTATION			
	Federal Aviation Administration			
---	Operations	---	55,200,000	+55,200,000
100-17	(By transfer)	(50,000,000)	---	(-50,000,000)
	Grants-in-aid for airports:			
100-17	(Liquidation of contract authorization) (Airport and Airway Trust Fund)	(42,000,000)	(160,000,000)	(+118,000,000)
100-17	Aircraft purchase loan guarantee program	2,602,000	2,602,000	---
100-17	Portion applied to debt reduction	-2,175,000	-2,175,000	---
	Total, Federal Aviation Administration	427,000	55,627,000	+55,200,000
	Federal Highway Administration			
100-17	Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authority)	(35,000,000)	(35,000,000)	---
---	Baltimore-Washington Parkway (Highway Trust Fund) (by transfer)	---	(2,000,000)	(+2,000,000)
---	Highway Safety and Economic Development Demonstration Projects (Highway Trust Fund) (by transfer)	---	(5,000,000)	(+5,000,000)
---	Highway Safety Improvement Demonstration Project (Highway Trust Fund) (by transfer)	---	(2,000,000)	(+2,000,000)
---	Highway-Railroad Grade Crossing Safety Demonstration Project (Highway Trust Fund) (by transfer)	---	(2,000,000)	(+2,000,000)
---	Vehicular and Pedestrian Safety Demonstration Project (Highway Trust Fund) (by transfer)	---	(5,000,000)	(+5,000,000)
	National Highway Traffic Safety Administration			
---	Operations and research (by transfer)	---	(1,000,000)	(+1,000,000)
	Federal Railroad Administration			
100-25	Rail service assistance (D87-42) (deferral disapproval)	---	(462,000)	(+462,000)
100-25	Northeast corridor improvement program (D87-45) (deferral disapproval)	---	(16,962,000)	(+16,962,000)
100-17	Railroad Rehabilitation and Improvement Financing Funds	13,290,000	13,290,000	---
100-17	Portion applied to debt reduction	-12,500,000	-12,500,000	---
100-17	Settlements of railroad litigation	102,379,000	62,142,278	-40,236,722
100-17	Portion applied to debt reduction	-95,879,000	-56,928,495	+38,950,505
100-25	Conrail commuter transition assistance (D87-46) (deferral disapproval)	---	(10,000,000)	(+10,000,000)
	Total, Federal Railroad Administration	7,290,000	6,003,783	-1,286,217

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Urban Mass Transportation Administration			
100-25	Research, training, and human resources (D87-47) (deferral disapproval)	---	(4,036,000)	(+4,036,000)
100-25	Interstate transfer grants-transit (D87-48) (deferral disapproval)	---	(51,800,000)	(+51,800,000)
	Saint Lawrence Seaway Development Corporation			
100-17	Operations and maintenance (Harbor Maintenance Trust Fund)	6,000,000	4,000,000	-2,000,000
	Total, Department of Transportation	13,717,000	65,630,783	+51,913,783
	RELATED AGENCIES			
	DEPARTMENT OF THE TREASURY			
100-17	Rebate of Saint Lawrence Seaway tolls (Harbor Maintenance Trust Fund)	6,250,000	6,250,000	---
	PANAMA CANAL COMMISSION			
100-17	Operating expenses	8,013,000	8,013,000	---
	Total, Chapter XI:			
	New budget (obligational) authority	27,980,000	79,893,783	+51,913,783
	Appropriations	(138,534,000)	(151,497,278)	(+12,963,278)
	Appropriations for debt reduction	(-110,554,000)	(-71,603,495)	(+38,950,505)
	(By transfer)	(50,000,000)	(17,000,000)	(-33,000,000)
	(Disapproval of deferrals)	---	(83,260,000)	(+83,260,000)
	(Liquidation of contract authority)	(77,000,000)	(195,000,000)	(+118,000,000)
	CHAPTER XII			
	DEPARTMENT OF THE TREASURY			
	Office of the Secretary			
100-17	Salaries and expenses	5,650,000	5,500,000	-150,000
	Financial Management Service			
100-17	Salaries and expenses	1,900,000	1,900,000	---
	Bureau of Alcohol, Tobacco, and Firearms			
---	Salaries and expenses		10,000,000	+10,000,000
	Internal Revenue Service			
100-17	Processing tax returns	55,200,000	55,200,000	---
100-17	Examination and appeals	8,110,000	8,110,000	---
100-17	Investigation, collection, and taxpayer service	16,690,000	16,690,000	---
	Total	80,000,000	80,000,000	---
	United States Secret Service			
---	Salaries and expenses		5,722,000	+5,722,000
	Total, Department of the Treasury	87,550,000	103,122,000	+15,572,000
	UNITED STATES POSTAL SERVICE			
100-17	Payment to the Postal Service Fund	79,177,000	79,177,000	---
	INDEPENDENT AGENCIES			
	GENERAL SERVICES ADMINISTRATION			
	Federal Buildings Fund:			
	Limitation on availability of revenue:			
100-17	Rental of space	(61,900,000)	(61,900,000)	---
	National Archives and Records Administration			
---	Operating expenses	---	475,000	+475,000
	Total, Chapter XII:			
	New budget (obligational) authority	166,727,000	182,774,000	+16,047,000
	(Limitation on availability of revenue)	(61,900,000)	(61,900,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	TITLE I - PROGRAM SUPPLEMENTALS			
	TOTAL - New budget (obligational) authority	11,248,629,662	9,323,922,166	-1,924,707,496
	Appropriations	(12,824,914,662)	(10,770,525,661)	(-2,054,389,001)
	Appropriations for debt reduction	(-1,485,554,000)	(-1,446,603,495)	(+38,950,505)
	Authority to borrow	(-90,731,000)	---	(+90,731,000)
	(By transfer)	(369,097,000)	(768,508,000)	(+399,411,000)
	(Limitation on trust fund transfer)	(-79,638,000)	(130,000,000)	(+209,638,000)
	(Limitation on availability of revenue)	(61,900,000)	(61,900,000)	---
	(Limitation on direct loans)	(-250,731,000)	(-100,000,000)	(+150,731,000)
	(Limitation on guaranteed loans)	(50,000,000)	---	(-50,000,000)
	(Liquidation of contract authority)	(86,915,000)	(204,915,000)	(+118,000,000)
	(Deferral disapproval)	---	(105,660,000)	(+105,660,000)
	TITLE II - INCREASED PAY COSTS			
	LEGISLATIVE BRANCH			
	House of Representatives			
100-17	House leadership offices	78,000	39,000	-39,000
100-17	Members' clerk hire	5,168,000	2,584,000	-2,584,000
100-17	Committee employees	10,713,000	720,000	-9,993,000
100-17	Special and select committees	892,000	446,000	-446,000
100-17	Allowances and expenses	815,000	408,000	-407,000
100-17	Salaries, officers and employees	1,229,000	618,000	-611,000
	Total, House of Representatives	18,895,000	4,815,000	-14,080,000
	Joint Items			
100-17	Joint Economic Committee	106,000	75,000	-31,000
100-17	Joint Committee on Printing	23,000	10,000	-13,000
100-17	Joint Committee on Taxation	77,000	---	-77,000
	Total, Joint Items	206,000	85,000	-121,000
	Office of Technology Assessment			
100-17	Salaries and expenses	209,000	209,000	---
	Congressional Budget Office			
100-17	Salaries and expenses	227,000	80,000	-147,000
	Architect of the Capitol			
100-17	Office of the Architect of the Capitol: Salaries	129,000	50,000	-79,000
100-17	Capitol buildings	142,000	70,000	-72,000
100-17	Capitol grounds	54,000	40,000	-14,000
100-17	House office buildings	354,000	300,000	-54,000
100-17	Capitol power plant	80,000	40,000	-40,000
100-17	Library buildings and grounds: Structural and mechanical care	90,000	50,000	-40,000
	Total, Architect of the Capitol	849,000	550,000	-299,000
	Botanic Garden			
100-17	Salaries and expenses	34,000	25,000	-9,000
	Library of Congress			
100-17	Salaries and expenses	2,422,000	605,000	-1,817,000
100-17 100-44	Copyright Office: Salaries and expenses	364,000	173,000	-191,000
100-17 100-44	Authority to spend receipts	-17,000	-17,000	---
100-17	Congressional Research Service: Salaries and expenses	862,000	215,000	-647,000
100-17	Books for the blind and physically handicapped: Salaries and expenses	99,000	---	-99,000
	Total, Library of Congress	3,730,000	976,000	-2,754,000
	Copyright Royalty Tribunal			
100-17	Salaries and expenses	9,000	5,000	-4,000
100-17	Authority to spend receipts	-7,000	-4,000	+3,000
	Total, Copyright Royalty Tribunal	2,000	1,000	-1,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Government Printing Office			
100-17	Office of Superintendent of Documents: Salaries and expenses	96,000	46,000	-50,000
	General Accounting Office			
100-17	Salaries and expenses	3,905,000	2,500,000	-1,405,000
	Total, Legislative Branch	28,153,000	9,287,000	-18,866,000
	THE JUDICIARY			
	Supreme Court of the United States			
100-17	Salaries and expenses	504,000	504,000	---
100-17	Care of the building and grounds	24,000	24,000	---
	Total, Supreme Court of the United States	528,000	528,000	---
	United States Court of Appeals for the Federal Circuit			
100-17	Salaries and expenses	97,000	97,000	---
	United States Court of International Trade			
100-17	Salaries and expenses	90,000	69,000	-21,000
	Courts of Appeals, District Courts, and other Judicial Services			
100-17	Salaries and expenses	15,032,000	15,032,000	---
100-17	Defender services	593,000	593,000	---
	Total, Courts of Appeals, District Courts, and other Judicial Services	15,625,000	15,625,000	---
	Administrative Office of the United States Courts			
100-17	Salaries and expenses	504,000	504,000	---
	Federal Judicial Center			
100-17	Salaries and expenses	116,000	116,000	---
	Total, The Judiciary	16,960,000	16,939,000	-21,000
	EXECUTIVE OFFICE OF THE PRESIDENT			
	White House Office			
100-17	Salaries and expenses	172,000	172,000	---
	Executive Residence and White House			
100-17	Operating expenses	43,000	43,000	---
	Special Assistance to the President			
100-17	Salaries and expenses	10,000	10,000	---
	Council of Economic Advisers			
100-17	Salaries and expenses	16,000	16,000	---
	Council on Environmental Quality			
100-17	Council on Environmental Quality and Office of Environmental Quality	6,000	3,000	-3,000
	Office of Policy Development			
100-17	Salaries and expenses	23,000	23,000	---
	National Security Council			
100-17	Salaries and expenses	28,000	28,000	---
	Office of Administration			
100-17	Salaries and expenses	57,000	57,000	---
	Office of Management and Budget			
100-17	Salaries and expenses	290,000	290,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Office of Federal Procurement Policy			
100-17	Salaries and expenses	12,000	12,000	---
	Office of Science and Technology Policy			
100-17	Office of Science and Technology Policy	9,000	3,000	-6,000
	Office of the United States Trade Representative			
100-17	Salaries and expenses	77,000	77,000	---
	Total, Executive Office of the President	743,000	734,000	-9,000
	FUNDS APPROPRIATED TO THE PRESIDENT			
	Agency for International Development			
100-17	Operating expenses, Agency for International Development	2,175,000	2,175,000	---
100-17	(By transfer)	(2,175,000)	---	(-2,175,000)
100-17	Operating expenses of the Agency for International Development, Office of Inspector General	103,000	103,000	---
100-17	(By transfer)	(103,000)	---	(-103,000)
	Total, Agency for International Development	2,278,000	2,278,000	---
	Peace Corps			
100-17	Peace Corps, operating expenses	324,000	324,000	---
	African Development Foundation			
100-17	African Development Foundation	15,000	15,000	---
	Total, Funds Appropriated to the President	2,617,000	2,617,000	---
	DEPARTMENT OF AGRICULTURE			
---	Office of the Secretary	---	31,000	+31,000
100-17	(By transfer)	(31,000)	---	(-31,000)
---	Office of the Assistant Secretary for Administration	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
---	Office of the Assistant Secretary for Governmental and Public Affairs	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
---	Office of the Assistant Secretary for Economics	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
---	Office of the Assistant Secretary for Science and Education	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
	Office of the Assistant Secretary for Marketing and Inspection Service	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
	Office of the Assistant Secretary for International Affairs and Commodity Programs	---	8,000	+8,000
100-17	(By transfer)	(8,000)	---	(-8,000)
	Office of the Assistant Secretary for Small Community and Rural Development	---	8,000	+8,000
100-17	(By transfer)	(8,000)	---	(-8,000)
	Office of the Assistant Secretary for Natural Resources and Environment	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
	Office of the Assistant Secretary for Food and Consumer Services	---	7,000	+7,000
100-17	(By transfer)	(7,000)	---	(-7,000)
---	Departmental administration	---	311,000	+311,000
100-17	(By transfer)	(541,000)	---	(-541,000)
---	Building operations and maintenance	---	35,000	+35,000
100-17	(By transfer)	(35,000)	---	(-35,000)
---	Office of Governmental and Public Affairs	---	62,000	+62,000
100-17	(By transfer)	(124,000)	---	(-124,000)
---	Office of the Inspector General	---	400,000	+400,000
100-17	(By transfer)	(799,000)	---	(-799,000)
---	Office of the General Counsel	---	300,000	+300,000
100-17	(By transfer)	(375,000)	---	(-375,000)
---	Agricultural Research Service	---	3,935,000	+3,935,000
100-17	(By transfer)	(7,799,000)	---	(-7,799,000)
---	National Agricultural Library	---	65,000	+65,000
100-17	(By transfer)	(65,000)	---	(-65,000)
---	Economic Reseach Service	---	415,000	+415,000
100-17	(By transfer)	(815,000)	---	(-815,000)
---	National Agricultural Statistics Service	---	490,000	+490,000
100-17	(By transfer)	(900,000)	---	(-900,000)
---	World Agricultural Outlook Board	---	15,000	+15,000
100-17	(By transfer)	(30,000)	---	(-30,000)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
---	Foreign Agricultural Service	---	567,000	+567,000
100-17	(By transfer)	(567,000)		(-567,000)
100-17	General Sales Manager (by transfer)	(114,000)	(114,000)	---
	Agricultural Stabilization and Conservation Service			
100-17	Salaries and expenses (by transfer)	(8,967,000)	(8,967,000)	---
	Farmers Home Administration			
---	Salaries and expenses	---	3,000,000	+3,000,000
100-17	(By transfer)	(3,000,000)	---	(-3,000,000)
	Soil Conservation Service			
---	Conservation operations	---	7,297,000	+7,297,000
100-17	(By transfer)	(7,297,000)	---	(-7,297,000)
---	River basin surveys and investigations	---	102,000	+102,000
100-17	(By transfer)	(190,000)	---	(-190,000)
---	Watershed planning	---	74,000	+74,000
100-17	(By transfer)	(136,000)	---	(-136,000)
---	Watershed and flood prevention operations	---	943,000	+943,000
	Animal and Plant Health Inspection Service			
---	Salaries and expenses	---	2,000,000	+2,000,000
100-17	(By transfer)	(2,000,000)	---	(-2,000,000)
	Federal Grain Inspection Service			
---	Salaries and expenses	---	53,000	+53,000
100-17	(By transfer)	(105,000)	---	(-105,000)
	Agricultural Marketing Service			
100-17	Limitation on administrative expenses (increase in limitation)	(501,000)	(501,000)	---
100-17	Funds for strengthening markets, income and supply (Section 32) (increase in limitation)	(112,000)	(112,000)	---
---	Packers and Stockyards Administration	---	78,000	+78,000
100-17	(By transfer)	(156,000)	---	(-156,000)
---	Agricultural Cooperative Service	---	32,000	+32,000
100-17	(By transfer)	(64,000)	---	(-64,000)
---	Office of Transportation	---	23,000	+23,000
100-17	(By transfer)	(45,000)	---	(-45,000)
---	Food Safety and Inspection Service	---	7,000,000	+7,000,000
100-17	(By transfer)	(7,996,000)	---	(-7,996,000)
	Food and Nutrition Service			
---	Food program administration	---	713,000	+713,000
100-17	(By transfer)	(713,000)	---	(-713,000)
	Human Nutrition Information Service			
---	Salaries and expenses	---	34,000	+34,000
100-17	(By transfer)	(34,000)	---	(-34,000)
	Forest Service			
100-17	Forest Research (by transfer)	(1,381,000)	(1,844,000)	(+463,000)
---	State and private forestry (by transfer)	---	(413,000)	(+413,000)
100-17	National forest system (by transfer)	(17,083,000)	(17,574,000)	(+491,000)
---	Construction (by transfer)	---	(2,859,000)	(+2,859,000)
	Total, Department of Agriculture	---	28,040,000	+28,040,000
	DEPARTMENT OF COMMERCE			
	General Administration			
100-17	Salaries and expenses (by transfer)	(450,000)	(450,000)	---
	Economic Development Administration			
100-17	Salaries and expenses (by transfer)	(397,000)	(397,000)	---
	Economic and Statistical Analysis			
100-17	Salaries and expenses (by transfer)	(332,000)	(332,000)	---
	National Oceanic and Atmospheric Administration			
---	Operations, research, and facilities (by transfer)	---	(7,505,000)	(+7,505,000)
	National Telecommunications and Information Administration			
100-17	Salaries and expenses (by transfer)	(243,000)	(243,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	DEPARTMENT OF DEFENSE--MILITARY			
	Operation and Maintenance			
100-17	Operation and Maintenance, Army........................	2,679,000	2,679,000	---
100-17	Operation and Maintenance, Navy........................	3,350,000	3,350,000	---
100-17	Operation and Maintenance, Marine Corps................	183,000	183,000	---
100-17	Operation and Maintenance, Air Force...................	1,925,000	1,925,000	---
100-17	Operation and Maintenance, Defense Agencies............	2,307,000	2,307,000	---
100-17	Operation and Maintenance, Army Reserve................	109,000	109,000	---
100-17	Operation and Maintenance, Navy Reserve................	29,000	29,000	---
100-17	Operation and Maintenance, Marine Corps Reserve........	3,000	3,000	---
100-17	Operation and maintenance, Air Force Reserve...........	281,000	281,000	---
100-17	Operation and Maintenance, Army National Guard.........	285,000	285,000	---
100-17	Operation and Maintenance, Air National Guard..........	618,000	618,000	---
100-17	Court of Military Appeals, Defense.....................	1,000	1,000	---
	Total, Operation and Maintenance................	11,770,000	11,770,000	---
	Research, Development, Test, and Evaluation			
100-17	Research, Development, Test, and Evaluation, Army.....	336,000	336,000	---
100-17	Research, Development, Test, and Evaluation, Navy.....	33,000	33,000	---
100-17	Research, Development, Test, and Evaluation, Air Force	306,000	306,000	---
100-17	Research, Development, Test, and Evaluation, Defense Agencies..	115,000	115,000	---
	Total, Research, Development, Test, and Evaluation..................................	790,000	790,000	---
	Military Construction			
100-17	Military Construction, Army...........................	93,000	---	-93,000
100-17	Military Construction, Navy...........................	39,000	---	-39,000
100-17	Military Construction, Army Reserve...................	1,000	---	-1,000
	Total, Military Construction....................	133,000	---	-133,000
	Family Housing			
100-17	Family housing, Army..................................	10,000	---	-10,000
	Total, Department of Defense--Military..........	12,703,000	12,560,000	-143,000
	DEPARTMENT OF DEFENSE--CIVIL			
	Corps of Engineers--Civil			
100-17	General expenses (by transfer)........................	(1,832,000)	(1,832,000)	---
	Soldiers' and Airmen's Home			
100-17	Operation and maintenance (by transfer)...............	(378,000)	(554,000)	(+176,000)
	DEPARTMENT OF ENERGY			
100-17	Energy Information Administration (by transfer).......	(469,000)	(469,000)	---
100-17	Emergency preparedness (by transfer)..................	(89,000)	(89,000)	---
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration			
---	Program expenses......................................	---	5,892,000	+5,892,000
100-17	(By transfer)...	(5,892,000)	---	(-5,892,000)
	Health Resources and Services Administration			
---	Indian health services................................	---	7,686,000	+7,686,000
100-17	Indian health facilities (by transfer)................	(4,877,000)	---	(-4,877,000)
	National Institutes of Health			
---	Office of the Director................................	---	150,000	+150,000
	Saint Elizabeths Hospital			
---	Federal subsidy for Saint Elizabeths Hospital	---	2,487,000	+2,487,000
100-17	(By transfer)...	(2,487,000)	---	(-2,487,000)
	Social Security Administration			
---	Limitation on administrative expenses (increase in limitation)..	---	(18,000,000)	(+18,000,000)
	Assistant Secretary for Human Development			
---	Human Development Services............................	---	500,000	+500,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Departmental Management			
100-17	General departmental management	2,200,000	1,500,000	-700,000
---	Office of Consumer Affairs	---	10,000	+10,000
	Total, Departmental Management	2,200,000	1,510,000	-690,000
	Total, Department of Health and Human Services	2,200,000	18,225,000	+16,025,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Management and Administration			
---	Salaries and expenses (by transfer)	---	(9,714,000)	(+9,714,000)
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
---	Management of lands and resources	---	5,622,000	+5,622,000
---	Oregon and California grant lands	---	815,000	+815,000
	Total, Bureau of Land Management	---	6,437,000	+6,437,000
	United States Fish and Wildlife Service			
---	Resource management	---	3,046,000	+3,046,000
	National Park Service			
---	Operation of the national park system	---	9,960,000	+9,960,000
---	National recreation and preservation	---	200,000	+200,000
	Total, National Park Service	---	10,160,000	+10,160,000
	Geological Survey			
---	Surveys, investigations, and research	---	6,072,000	+6,072,000
	Bureau of Mines			
---	Mines and minerals	---	900,000	+900,000
	Office of Surface Mining Reclamation and Enforcement			
100-17	Regulation and technology (by transfer)	(642,000)	---	(-642,000)
	Bureau of Indian Affairs			
---	Operation of Indian Programs	---	9,765,000	+9,765,000
	Departmental Offices			
---	Office of the Secretary	---	350,000	+350,000
---	Office of the Solicitor	---	200,000	+200,000
---	Office of the Inspector General	---	120,000	+120,000
	Total, Departmental Offices	---	670,000	+670,000
	Total, Department of Interior	---	37,050,000	+37,050,000
	DEPARTMENT OF JUSTICE			
	General Administration			
100-17	Salaries and expenses	575,000	575,000	---
	United States Parole Commission			
100-17	Salaries and expenses	84,000	84,000	---
	Legal Activities			
100-17	Salaries and expenses, general legal activities	1,646,000	1,646,000	---
100-17	Salaries and expenses, Antitrust Division	315,000	315,000	---
100-17	Salaries and expenses, Foreign Claims Settlement Commission	3,000	---	-3,000
100-17	Salaries and expenses, United States Attorneys	2,818,000	2,818,000	---
100-17	salaries and expenses, Oversight of Bankruptcy Cases	93,000	93,000	---
100-17	Salaries and expenses, United States Marshals Service	2,234,000	2,234,000	---
100-17	Salaries and expenses, Community Relations Service	64,000	64,000	---
	Total, Legal Activities	7,173,000	7,170,000	-3,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Federal Bureau of Investigation			
100-17	Salaries and expenses	9,309,000	9,309,000	---
	Drug Enforcement Administration			
100-17	Salaries and expenses	2,593,000	2,593,000	---
	Immigration and Naturalization Service			
100-17	Salaries and expenses	5,588,000	5,588,000	---
	Federal Prison System			
100-17	Salaries and expenses	3,932,000	3,932,000	---
100-17	National Institute of Corrections	20,000	20,000	---
100-17	Buildings and facilities	30,000	30,000	---
100-17	Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated (increase in limitation)	(133,000)	(133,000)	---
	Total, Federal Prison System	3,982,000	3,982,000	---
	Office of Justice Programs			
100-17	Justice assistance	172,000	172,000	---
	Total, Department of Justice	29,476,000	29,473,000	-3,000
	DEPARTMENT OF LABOR			
	Occupational Safety and Health Administration			
100-17	Salaries and expenses (by transfer)	(1,583,000)	(1,583,000)	---
	Employment Standards Administration			
100-17	Black lung disability trust fund	708,000	708,000	---
	Departmental Management			
100-17	Salaries and expenses (by transfer)	(1,476,000)	(1,476,000)	---
100-17	Office of the Inspector General (by transfer)	(460,000)	(460,000)	---
	Total, Department of Labor	708,000	708,000	---
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
100-17	Salaries and expenses	6,900,000	6,900,000	---
	DEPARTMENT OF TRANSPORTATION			
	Office of the Secretary			
100-17	Salaries and expenses (by transfer)	(763,000)	(750,000)	(-13,000)
	Coast Guard			
---	Operating expenses	---	10,000,000	+10,000,000
100-17	(By transfer)	(20,100,000)	(10,100,000)	(-10,000,000)
100-17	Reserve training (by transfer)	(1,231,000)	(1,200,000)	(-31,000)
	Federal Aviation Administration			
100-17	Headquarters administration (by transfer)	(542,000)	(500,000)	(-42,000)
---	Operations	---	35,500,000	+35,500,000
100-17	(By transfer)	(44,000,000)	(8,500,000)	(-35,500,000)
	Federal Highway Administration			
100-17	Limitation on administrative expenses (increase in limitation)	(1,299,000)	(1,200,000)	(-99,000)
100-17	Motor Carrier Safety (by transfer)	(147,000)	(140,000)	(-7,000)
	National Highway Traffic Safety Administration			
---	Operations and research	---	600,000	+600,000
100-17	(By transfer)	(634,000)	---	(-634,000)
	Federal Railroad Administration			
100-17	Office of the Administrator (by transfer)	(229,000)	(200,000)	(-29,000)
100-17	Railroad safety (by transfer)	(417,000)	(400,000)	(-17,000)
	Saint Lawrence Seaway Development Corporation			
100-17	Limitation on administrative expenses (increase in limitation)	(30,000)	(30,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Research and Special Programs Administration			
100-17	Research and special programs (by transfer)	(183,000)	(150,000)	(-33,000)
	Office of the Inspector General			
100-17	Salaries and expenses (by transfer)	(447,000)	(400,000)	(-47,000)
	Total, Department of Transportation	---	46,100,000	+46,100,000
	DEPARTMENT OF TREASURY			
	Office of the Secretary			
100-17	Salaries and expenses	1,353,000	1,353,000	---
	Federal Law Enforcement Training Center			
---	Salaries and expenses	---	118,000	+118,000
	Financial Management Service			
100-17	Salaries and expenses	1,436,000	1,430,000	-6,000
	Bureau of Alcohol, Tobacco, and Firearms			
---	Salaries and expenses	---	1,359,000	+1,359,000
	United States Custom Service			
---	Salaries and expenses	---	12,577,000	+12,577,000
	United States Mint			
---	Salaries and expenses	---	571,000	+571,000
	Bureau of the Public Debt			
---	Salaries and expenses	---	721,000	+721,000
	Internal Revenue Service			
---	Salaries and expenses	---	1,000,000	+1,000,000
---	Processing tax returns	---	7,003,000	+7,003,000
---	Examination and appeals	---	13,700,000	+13,700,000
---	Investigation, collection, and taxpayer service	---	11,400,000	+11,400,000
	Total, Internal Revenue Service	---	33,103,000	+33,103,000
	United States Secret Service			
---	Salaries and expenses	---	2,045,000	+2,045,000
	Total, Department of Treasury	2,789,000	53,277,000	+50,488,000
	ENVIRONMENTAL PROTECTION AGENCY			
---	Salaries and expenses	---	7,000,000	+7,000,000
100-17	(By transfer)	(12,400,000)	(2,000,000)	(-10,400,000)
100-17	Hazardous Substance Response Trust Fund (increase in limitation)	(2,365,000)		(-2,365,000)
	GENERAL SERVICES ADMINISTRATION			
	Federal Supply Service			
---	Operating expenses	---	1,233,000	+1,233,000
	Information Resources Management Service			
---	Operating expenses	---	297,000	+297,000
	Federal Property Resources Service			
---	Operating expenses	---	177,500	+177,500
	General Management and Administration			
---	Salaries and expenses	---	912,000	+912,000
	Office of Inspector General			
---	Office of Inspector General	---	198,000	+198,000
	Allowances and Office Staff for Former Presidents			
---	Allowances and Office Staff for Former Presidents	---	3,000	+3,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Federal Buildings Fund:			
	Limitations on availability of revenue:			
---	Real property operations	---	(2,740,000)	(+2,740,000)
---	Program direction and centralized services	---	(129,000)	(+129,000)
---	Design and construction services	---	(202,700)	(+202,700)
	Consumer Information Center			
---	Salaries and expenses	---	8,000	+8,000
---	Limitation on administrative expenses (increase in limitation)	---	(8,000)	(+8,000)
	Total, General Services Administration	---	2,828,500	+2,828,500
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
---	Research and program management	---	13,000,000	+13,000,000
100-17	(By transfer)	(24,927,000)	(12,000,000)	(-12,927,000)
	SMALL BUSINESS ADMINISTRATION			
100-17	Salaries and expenses (by transfer)	(2,400,000)	(2,400,000)	---
	VETERANS ADMINISTRATION			
100-17	Medical care	74,695,000	149,391,000	+74,696,000
100-17	Medical and prosthetic research	1,859,000	1,859,000	---
100-17	Medical administration and miscellaneous operating expenses	736,000	400,000	-336,000
---	General operating expenses	---	5,500,000	+5,500,000
100-17	Construction, minor projects (increase in limitation)	(665,000)	(350,000)	(-315,000)
	Total, Veterans Administration	77,290,000	157,150,000	+79,860,000
	OTHER INDEPENDENT AGENCIES			
	Administrative Conference of the United States			
100-17	Salaries and expenses	34,000	34,000	---
	Advisory Commission on Intergovernmental Relations			
---	Salaries and expenses	---	8,000	+8,000
	Advisory Committee on Federal Pay			
---	Salaries and expenses	---	1,000	+1,000
	American Battle Monuments Commission			
100-17	Salaries and expenses	265,000	140,000	-125,000
	Arms Control and Disarmament Agency			
100-17	Arms control and disarmament activities	124,000	124,000	---
	Committee for Purchase from the Blind and Other Severely Handicapped			
---	Salaries and expenses	---	4,000	+4,000
	Consumer Product Safety Commission			
---	Salaries and expenses	---	250,000	+250,000
	Equal Employment Opportunity Commission			
100-17	Salaries and expenses	2,640,000	2,640,000	---
	Export-Import Bank			
100-17	Limitation on administrative expenses (increase in limitation)	(157,000)	(157,000)	---
	Federal Communications Commission			
100-17	Salaries and expenses	755,000	755,000	---
	Federal Election Commission			
100-17	Salaries and expenses	88,000	---	-88,000
	Federal Home Loan Bank Board			
100-17	Federal Home Loan Bank Board (increase in limitation)	(350,000)	(200,000)	(-150,000)
	Federal Labor Relations Authority			
100-17	Salaries and expenses	136,000	136,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Federal Maritime Commission			
100-17	Salaries and expenses	200,000	200,000	---
	Federal Mediation and Conciliation Service			
100-17	Salaries and expenses	181,000	181,000	---
	Merit Systems Protection Board			
100-17	Salaries and expenses	170,000	170,000	---
100-17	Office of the Special Counsel	21,000	42,000	+21,000
	Total, Merit Systems Protection Board	191,000	212,000	+21,000
	National Archives and Records Administration			
---	Salaries and expenses	---	592,000	+592,000
	National Commission on Libraries and Information Science			
100-17	Salaries and expenses	6,000	6,000	---
	National Endowment for the Arts			
---	Grants and administration	---	200,000	+200,000
	National Endowment for the Humanities			
---	Grants and administration	---	200,000	+200,000
	National Labor Relations Board			
100-17	Salaries and expenses	628,000	628,000	---
	National Mediation Board			
100-17	Salaries and expenses	60,000	60,000	---
	National Science Foundation			
100-17	Research and related activities (increase in limitation)	(2,600,000)	(1,300,000)	(-1,300,000)
	Office of Personnel Management			
---	Salaries and expenses	---	731,000	+731,000
---	(By transfer)	---	(435,000)	(+435,000)
	Securities and Exchange Commission			
100-17	Salaries and expenses	1,837,000	1,837,000	---
	Smithsonian Institution			
---	Salaries and expenses	---	2,654,000	+2,654,000
	National Gallery of Art			
---	Salaries and expenses	---	490,000	+490,000
	Woodrow Wilson International Center for Scholars			
---	Salaries and expenses	---	21,000	+21,000
	Unites States Holocaust Memorial Council			
---	Holocaust Memorial Council	---	19,000	+19,000
	United States Information Agency			
100-17	Salaries and expenses	2,691,000	2,691,000	---
	United States Tax Court			
---	Salaries and expenses	---	150,000	+150,000
	Total, Other Independent Agencies	9,836,000	14,964,000	+5,128,000
	TITLE II - INCREASED PAY COSTS			
	TOTAL - New budget (obligational) authority	190,375,000	456,852,500	+266,477,500
	(Increase in limitations)	(8,100,000)	(3,879,000)	(-4,221,000)
	(Limitation on administrative expenses)	---	(18,000,000)	(+18,000,000)
	(By transfer)	(184,651,000)	(86,969,000)	(-97,682,000)
	(Transfer from Commodity Credit Corporation)	(9,081,000)	(9,081,000)	---
	(Section 32 - increase in limitation)	(112,000)	(112,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	TITLE III - INCREASED RETIREMENT CONTRIBUTIONS			
	LEGISLATIVE BRANCH			
	House of Representatives			
100-17	Allowances and expenses	35,880,000	35,880,000	---
	Joint Items			
100-17	Joint Economic Committee	155,000	155,000	---
100-17	Joint Committee on Printing	34,000	34,000	---
100-17	Capitol Guide Service: Salaries and expenses	32,000	32,000	---
	Total, Joint Items	221,000	221,000	---
	Office of Technology Assessment			
100-17	Salaries and expenses	545,000	545,000	---
	Congressional Budget Office			
100-17	Salaries and expenses	452,000	452,000	---
	Architect of the Capitol			
100-17	Office of the Architect of the Capitol: Salaries	166,000	166,000	---
100-17	Capitol buildings	187,000	187,000	---
100-17	Capitol grounds	68,000	68,000	---
100-17	House office buildings	611,000	611,000	---
100-17	Capitol Power Plant	109,000	109,000	---
100-17	Library buildings and grounds: Structural and mechanical care	130,000	130,000	---
	Total, Architect of the Capitol	1,271,000	1,271,000	---
	Botanic Garden			
100-17	Salaries and expenses	48,000	48,000	---
	Library of Congress			
100-17	Salaries and expenses	1,906,000	1,906,000	---
100-17 100-44	Copyright Office: Salaries and expenses	287,000	287,000	---
100-17 100-44	Authority to spend receipts	-12,000	-12,000	---
100-17	Congressional Research Service: Salaries and expenses	617,000	617,000	---
100-17	Books for the blind and physically handicapped: Salaries and expenses	103,000	103,000	---
	Total, Library of Congress	2,901,000	2,901,000	---
	Copyright Royalty Tribunal			
100-17	Salaries and expenses	7,000	7,000	---
100-17	Authority to spend receipts	-6,000	-6,000	---
	Total, Copyright Royalty Tribunal	1,000	1,000	---
	Government Printing Office			
100-17	Office of Superintendent of Documents: Salaries and expenses	83,000	83,000	---
	General Accounting Office			
100-17	Salaries and expenses	3,563,000	3,563,000	---
	Total, Legislative Branch	44,965,000	44,965,000	---
	THE JUDICIARY			
	Supreme Court of the United States			
100-17	Salaries and expenses	409,000	409,000	---
100-17	Care of the building and grounds	33,000	33,000	---
	Total, Supreme Court of the United States	442,000	442,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	United States Court of Appeals for the Federal Circuit			
100-17	Salaries and expenses	23,000	23,000	---
	United States Court of International Trade			
100-17	Salaries and expenses	49,000	49,000	---
	Courts of Appeals, District Courts, and other Judicial Services			
100-17	Salaries and expenses	9,688,000	9,688,000	---
100-17	Defender services	887,000	887,000	---
	Total, Courts of Appeals, District Courts, and other Judicial Services	10,575,000	10,575,000	---
	Administrative Office of the United States Courts			
100-17	Salaries and expenses	80,000	80,000	---
	Federal Judicial Center			
100-17	Salaries and expenses	108,000	108,000	---
	Total, The Judiciary	11,277,000	11,277,000	---
	EXECUTIVE OFFICE OF THE PRESIDENT			
	The White House Office			
100-17	Salaries and expenses	374,000	374,000	---
	Executive Residence and White House			
100-17	Operating expenses	53,000	53,000	---
	Special Assistance to the President			
100-17	Salaries and expenses	107,000	107,000	---
	Council of Economic Advisers			
100-17	Salaries and expenses	95,000	95,000	---
	Office of Policy Development			
100-17	Salaries and expenses	89,000	89,000	---
	National Security Council			
100-17	Salaries and expenses	62,000	62,000	---
	Office of Administration			
100-17	Salaries and expenses	214,000	214,000	---
	Office of Management and Budget			
100-17	Salaries and expenses	413,000	413,000	---
	Office of Federal Procurement Policy			
100-17	Salaries and expenses	20,000	20,000	---
	Office of Science and Technology Policy			
100-17	Office of Science and Technology Policy	40,000	20,000	-20,000
	Office of the United States Trade Representative			
100-17	Salaries and expenses	168,000	168,000	---
	Total, Executive Office of the President	1,635,000	1,615,000	-20,000
	FUNDS APPROPRIATED TO THE PRESIDENT			
	Agency for International Development			
100-17	Operating expenses, Agency for International Development	5,488,000	5,488,000	---
100-17	Operating expenses of the Agency for International Development, Office of Inspector General	218,000	218,000	---
	Total, Agency for International Development	5,706,000	5,706,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Peace Corps			
100-17	Peace Corps, operating expenses........................	436,000	436,000	---
	African Development Foundation			
100-17	African Development Foundation.........................	99,000	99,000	---
	Total, Funds Appropriated to the President......	6,241,000	6,241,000	---
	DEPARTMENT OF AGRICULTURE			
---	Office of the Secretary................................	---	29,000	+29,000
100-17	(By transfer)..	(29,000)	---	(-29,000)
---	Office of the Assistant Secretary for Administration..	---	8,000	+8,000
100-17	(By transfer)..	(8,000)	---	(-8,000)
---	Office of the Assistant Secretary for Governmental and Public Affairs..................................	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Office of the Assistant Secretary for Economics.......	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Office of the Assistant Secretary for Science and Education..	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Office of the Assistant Secretary for Marketing and Inspection Service.....................................	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Office of the Assistant Secretary for International Affairs and Commodity Programs.......................	---	8,000	+8,000
100-17	(By transfer)..	(8,000)	---	(-8,000)
---	Office of the Assistant Secretary for Small Community and Rural Development................................	---	8,000	+8,000
100-17	(By transfer)..	(8,000)	---	(-8,000)
---	Office of the Assistant Secretary for Natural Resources and Environment...........................	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Office of the Assistant Secretary for Food and Consumer Services....................................	---	6,000	+6,000
100-17	(By transfer)..	(6,000)	---	(-6,000)
---	Departmental administration............................	---	458,000	+458,000
100-17	(By transfer)..	(458,000)	---	(-458,000)
---	Building operations and maintenance....................	---	165,000	+165,000
100-17	(By transfer)..	(165,000)	---	(-165,000)
---	Office of Governmental and Public Affairs..............	---	126,000	+126,000
100-17	(By transfer)..	(126,000)	---	(-126,000)
---	Office of the Inspector General........................	---	622,000	+622,000
100-17	(By transfer)..	(622,000)	---	(-622,000)
---	Office of the General Counsel..........................	---	239,000	+239,000
100-17	(By transfer)..	(239,000)	---	(-239,000)
---	Agricultural Research Service..........................	---	4,747,000	+4,747,000
100-17	(By transfer)..	(4,747,000)	---	(-4,747,000)
---	Extension Service......................................	---	6,500,000	+6,500,000
---	National Agricultural Library..........................	---	97,000	+97,000
100-17	(By transfer)..	(97,000)	---	(-97,000)
---	Economic Research Service..............................	---	580,000	+580,000
100-17	(By transfer)..	(580,000)	---	(-580,000)
---	National Agricultural Statistics Service...............	---	612,000	+612,000
100-17	(By transfer)..	(612,000)	---	(-612,000)
---	World Agricultural Outlook Board.......................	---	21,000	+21,000
100-17	(By transfer)..	(21,000)	---	(-21,000)
---	Foreign Agricultural Service...........................	---	607,000	+607,000
100-17	(By transfer)..	(607,000)	---	(-607,000)
100-17	General Sales Manager (by transfer)....................	(107,000)	(107,000)	---
	Agricultural Stabilization and Conservation Service			
100-17	Salaries and expenses (by transfer)....................	(9,920,000)	(9,920,000)	---
	Office of International Cooperation and Development			
---	Salaries and expenses..................................	---	114,000	+114,000
100-17	(By transfer)..	(114,000)	---	(-114,000)
	Soil Conservation Service			
---	Conservation operations................................	---	5,331,000	+5,331,000
100-17	(By transfer)..	(5,331,000)	---	(-5,331,000)
---	River basin surveys and investigations.................	---	130,000	+130,000
100-17	(By transfer)..	(130,000)	---	(-130,000)
---	Watershed planning.....................................	---	97,000	+97,000
100-17	(By transfer)..	(97,000)	---	(-97,000)
	Farmers Home Administration			
---	Salaries and expenses..................................	---	4,678,000	+4,678,000
100-17	(By transfer)..	(4,678,000)	---	(-4,678,000)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Federal Grain Inspection Service			
---	Salaries and expenses	---	76,000	+76,000
100-17	(By transfer)	(76,000)	---	(-76,000)
	Agricultural Marketing Service			
---	Marketing services	---	490,000	+490,000
100-17	(By transfer)	(490,000)	---	(-490,000)
100-17	Limitation on administrative expenses (increase in limitation)	(213,000)	(213,000)	---
100-17	Funds for strengthening markets, income and supply (Section 32) (increase in limitation)	(84,000)	(84,000)	---
	Packers and Stockyards Administration			
---	Packers and Stockyards Administration	---	58,000	+58,000
100-17	(By transfer)	(58,000)	---	(-58,000)
	Agricultural Cooperative Service			
---	Agricultural Cooperative Service	---	46,000	+46,000
100-17	(By transfer)	(46,000)	---	(-46,000)
	Office of Transportation			
---	Office of Transportation	---	34,000	+34,000
100-17	(By transfer)	(34,000)	---	(-34,000)
	Food Safety and Inspection Service			
---	Food Safety and Inspection Service	---	4,573,000	+4,573,000
100-17	(By transfer)	(4,573,000)	---	(-4,573,000)
	Food and Nutrition Service			
---	Food program administration	---	1,503,000	+1,503,000
100-17	(By transfer)	(1,503,000)	---	(-1,503,000)
	Human Nutrition Information Service			
---	Human Nutrition Information Service	---	75,000	+75,000
100-17	(By transfer)	(75,000)	---	(-75,000)
	Forest Service			
---	Forest research (by transfer)	---	(1,000,000)	(+1,000,000)
---	State and private forestry (by transfer)	---	(190,000)	(+190,000)
100-17	National forest system (by transfer)	(10,412,000)	(9,300,000)	(-1,112,000)
---	Construction (by transfer)	---	(1,600,000)	(+1,600,000)
	Total, Department of Agriculture	---	32,068,000	+32,068,000
	DEPARTMENT OF COMMERCE			
	General Administration			
100-17	Salaries and expenses	464,000	464,000	
	Bureau of the Census			
100-17	Salaries and expenses	1,433,000	1,433,000	---
100-17	Periodic censuses and programs	2,806,000	2,806,000	---
	Total, Bureau of the Census	4,239,000	4,239,000	---
	Economic and Statistical Analysis			
100-17	Salaries and expenses	408,000	408,000	---
	Economic Development Administration			
100-17	Salaries and expenses (by transfer)	(400,000)	(400,000)	---
	International Trade Administration			
100-17	Operations and administration	2,237,000	2,237,000	---
	Minority Business Development Agency			
100-17	Minority business development	180,000	180,000	---
	United States Travel and Tourism Administration			
100-17	Salaries and expenses	49,000	49,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	National Oceanic and Atmospheric Administration			
100-17	Operations, research, and facilities..................	5,972,000	5,972,000	---
	National Bureau of Standards			
100-17	Scientific and technical research and services........	1,368,000	1,368,000	---
	National Telecommunications and Information Administration			
100-17	Salaries and expenses.................................	213,000	213,000	---
	Total, Department of Commerce..................	15,130,000	15,130,000	---
	DEPARTMENT OF DEFENSE--MILITARY			
	Operation and Maintenance			
100-17	Operation and Maintenance, Army.......................	119,047,000	119,047,000	---
100-17	Operation and Maintenance, Navy.......................	148,880,000	148,880,000	---
100-17	Operation and Maintenance, Marine Corps...............	8,117,000	8,117,000	---
100-17	Operation and Maintenance, Air Force..................	85,564,000	85,564,000	---
100-17	Operation and Maintenance, Defense Agencies...........	102,453,000	102,453,000	---
100-17	Operation and Maintenance, Army Reserve...............	4,858,000	4,858,000	---
100-17	Operation and Maintenance, Navy Reserve...............	1,306,000	1,306,000	---
100-17	Operation and Maintenance, Marine Corps Reserve.......	135,000	135,000	---
100-17	Operation and maintenance, Air Force Reserve..........	12,471,000	12,471,000	---
100-17	Operation and Maintenance, Army National Guard........	12,666,000	12,666,000	---
100-17	Operation and Maintenance, Air National Guard.........	27,479,000	27,479,000	---
100-17	National Board for the Promotion of Rifle Practice, Army..	7,000	7,000	---
100-17	Court of Military Appeals, Defense....................	36,000	36,000	---
	Total, Operation and Maintenance...............	523,019,000	523,019,000	---
	Research, Development, Test, and Evaluation			
100-17	Research, Development, Test, and Evaluation, Army.....	14,955,000	14,955,000	---
100-17	Research, Development, Test, and Evaluation, Navy.....	1,477,000	1,477,000	---
100-17	Research, Development, Test, and Evaluation, Air Force	13,609,000	13,609,000	---
100-17	Research, Development, Test, and Evaluation, Defense Agencies..	5,165,000	5,165,000	---
	Total, Research, Development, Test, and Evaluation................................	35,206,000	35,206,000	---
	Military Construction			
100-17	Military Construction, Army...........................	4,136,000	4,136,000	---
100-17	Military Construction, Navy...........................	1,736,000	1,736,000	---
100-17	Military Construction, Army Reserve...................	53,000	53,000	---
	Total, Military Construction...................	5,925,000	5,925,000	---
	Family Housing			
100-17	Family housing, Army..................................	435,000	435,000	---
	Total, Department of Defense--Military..........	564,585,000	564,585,000	---
	DEPARTMENT OF DEFENSE--CIVIL			
	Cemeterial Expenses, Army			
100-17	Salaries and expenses.................................	74,000	40,000	-34,000
	Corps of Engineers--Civil			
100-17	General expenses (by transfer)........................	(1,400,000)	(1,400,000)	---
	Soldiers' and Airmen's Home			
100-17	Operation and maintenance (by transfer)...............	(578,000)	(578,000)	---
	Total, Department of Defense--Civil............	74,000	40,000	-34,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration			
---	Salaries and expenses	---	4,108,000	+4,108,000
100-17	(By transfer)	(4,108,000)	---	(-4,108,000)
	Health Resources and Services Administration			
---	Indian health services	---	4,000,000	+4,000,000
100-17	Indian health facilities (by transfer)	(4,475,000)	---	(-4,475,000)
100-31	Health resources and services (by transfer)	(1,400,000)	---	(-1,400,000)
	Centers for Disease Control			
---	Disease control, research and training	---	1,237,000	+1,237,000
	National Institutes of Health			
---	Office of the Director	---	350,000	+350,000
100-17	(By transfer)	(755,000)	---	(-755,000)
	Saint Elizabeths Hospital			
	Federal subsidy for Saint Elizabeths Hospital	---	1,941,000	+1,941,000
100-17	(By transfer)	(1,941,000)	---	(-1,941,000)
	Departmental Management			
100-17	Office of the Inspector General (by transfer)	(500,000)	(500,000)	
---	Salaries and expenses	---	8,000	+8,000
	Total, Departmental Management	---	8,000	+8,000
	Total, Department of Health and Human Services	---	11,644,000	+11,644,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Management and Administration			
---	Salaries and expenses (by transfer)	---	(9,755,000)	(+9,755,000)
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
---	Management of lands and resources	---	454,000	+454,000
---	Oregon and California grant lands	---	479,000	+479,000
100-17	Construction and access (by transfer)	(36,000)	---	(-36,000)
	Total, Bureau of Land Management	---	933,000	+933,000
	United States Fish and Wildlife Service			
---	Resource management	---	2,800,000	+2,800,000
	National Park Service			
---	Operation of national park system	---	4,000,000	+4,000,000
---	National recreation and preservation	---	100,000	+100,000
	Total, National Park Service	---	4,100,000	+4,100,000
	Geological Survey			
---	Surveys, investigations, and research	---	4,206,000	+4,206,000
	Bureau of Mines			
---	Mines and minerals	---	1,350,000	+1,350,000
	Office of Surface Mining Reclamation and Enforcement			
100-17	Regulation and technology (by transfer)	(665,000)	---	(-665,000)
	Bureau of Indian Affairs			
---	Operation of Indian Programs	---	4,500,000	+4,500,000
	Departmental Offices			
---	Office of the Secretary	---	400,000	+400,000
---	Office of the Solicitor	---	200,000	+200,000
---	Office of Inspector General	---	180,000	+180,000
	Total, Departmental Offices	---	780,000	+780,000
	Total, Department of Interior	---	18,669,000	+18,669,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	DEPARTMENT OF JUSTICE			
	General Administration			
100-17	Salaries and expenses................................	778,000	778,000	---
	United States Parole Commission			
100-17	Salaries and expenses................................	155,000	155,000	---
	Legal Activities			
100-17	Salaries and expenses, general legal activities.......	2,213,000	2,213,000	---
100-17	Salaries and expenses, Antitrust Division.............	430,000	430,000	---
100-17	Salaries and expenses, Foreign Claims Settlement Commission..	4,000	---	-4,000
100-17	Salaries and expenses, United States Attorneys........	3,510,000	3,510,000	---
100-17	Salaries and expenses, Oversight of Bankruptcy Cases..	150,000	150,000	---
100-17	Salaries and expenses, United States Marshals Service.	3,211,000	3,211,000	---
100-17	Salaries and expenses, Community Relations Service....	85,000	85,000	---
	Total, Legal Activities..........................	9,603,000	9,599,000	-4,000
	Federal Bureau of Investigation			
100-17	Salaries and expenses................................	23,005,000	23,005,000	---
	Drug Enforcement Administration			
100-17	Salaries and expenses................................	7,324,000	7,324,000	---
	Immigration and Naturalization Service			
100-17	Salaries and expenses................................	10,186,000	10,186,000	---
	Federal Prison System			
100-17	Salaries and expenses................................	17,053,000	17,053,000	---
100-17	National Institute of Corrections....................	129,000	129,000	---
100-17	Buildings and facilities.............................	208,000	208,000	---
100-17	Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated (increase in limitation)............................	(55,000)	(55,000)	---
	Total, Federal Prison System.....................	17,390,000	17,390,000	---
	Office of Justice Programs			
100-17	Salaries and expenses................................	210,000	210,000	---
	Total, Department of Justice.....................	68,651,000	68,647,000	-4,000
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
100-17	Program administration (by transfer)..................	(808,000)	(808,000)	---
	Employment Standards Administration			
100-17	Black lung disability trust fund......................	494,000	494,000	---
	Occupational Safety and Health Administration			
100-17	Salaries and expenses (by transfer)...................	(1,533,000)	(1,533,000)	---
	Mine Safety and Health Administration			
100-17	Salaries and expenses (by transfer)...................	(1,941,000)	(1,941,000)	---
	Departmental Management			
100-17	Salaries and expenses (by transfer)...................	(1,302,000)	(1,302,000)	---
100-17	Office of the Inspector General (by transfer).........	(556,000)	(556,000)	---
	Total, Department of Labor.......................	494,000	494,000	---
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
100-17	Salaries and expenses................................	16,734,000	16,734,000	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	DEPARTMENT OF TRANSPORTATION			
	Office of the Secretary			
100-17	Salaries and expenses (by transfer)......................	(535,000)	(450,000)	(-85,000)
	Coast Guard			
100-17	Operating expenses (by transfer)........................	(2,154,000)	(2,000,000)	(-154,000)
	Federal Aviation Administration			
100-17	Headquarters administration (by transfer)............	(405,000)	(350,000)	(-55,000)
---	Operations..	---	36,000,000	+36,000,000
100-17	(By transfer)...	(48,267,000)	(10,000,000)	(-38,267,000)
	Federal Highway Administration			
100-17	Limitation on general operating expenses (increase in limitation)..	(1,933,000)	(1,600,000)	(-333,000)
100-17	Motor carrier safety (by transfer)......................	(661,000)	(660,000)	(-1,000)
	National Highway Traffic Safety Administration			
---	Operations and research.................................	---	400,000	+400,000
100-17	(By transfer)...	(467,000)	---	(-467,000)
	Federal Railroad Administration			
---	Office of the Administrator.............................	---	100,000	+100,000
100-17	(By transfer)...	(156,000)	---	(-156,000)
---	Railroad safety...	---	250,000	+250,000
100-17	(By transfer)...	(306,000)	---	(-306,000)
	Total, Federal Railroad Administration..........	---	350,000	+350,000
	Urban Mass Transportation Administration			
100-17	Administrative expenses (by transfer)................	(336,000)	(300,000)	(-36,000)
	Saint Lawrence Seaway Development Corporation			
100-17	Limitation on administrative expenses (increase in limitation)...	(34,000)	(30,000)	(-4,000)
	Research and Special Programs Administration			
100-17	Research and special programs (by transfer)..........	(139,000)	(100,000)	(-39,000)
	Office of the Inspector General			
100-17	Salaries and expenses (by transfer)......................	(443,000)	(400,000)	(-43,000)
	Total, Department of Transportation............	---	36,750,000	+36,750,000
	DEPARTMENT OF TREASURY			
	Office of the Secretary			
100-17	Salaries and expenses..................................	863,000	863,000	---
	Federal Law Enforcement Training Center			
---	Salaries and expenses..................................	---	167,000	+167,000
	Financial Management Service			
100-17	Salaries and expenses..................................	1,164,000	1,164,000	---
	Bureau of Alcohol, Tobacco, and Firearms			
---	Salaries and expenses..................................	---	3,428,000	+3,428,000
	United States Custom Service			
---	Salaries and expenses..................................	---	10,066,000	+10,066,000
	United States Mint			
---	Salaries and expenses..................................	---	422,000	+422,000
	Bureau of the Public Debt			
---	Salaries and expenses..................................	---	1,058,000	+1,058,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	Internal Revenue Service			
100-17	Salaries and expenses	3,110,000	3,110,000	---
100-17	Processing tax returns	81,854,000	81,854,000	---
100-17	Examinations and appeals	23,325,000	23,325,000	---
100-17	Investigation, collection and taxpayer service	11,711,000	11,711,000	---
	Total, Internal Revenue Service	120,000,000	120,000,000	---
	United States Secret Service			
---	Salaries and expenses	---	5,387,000	+5,387,000
	Total, Department of Treasury	122,027,000	142,555,000	+20,528,000
	ENVIRONMENTAL PROTECTION AGENCY			
---	Salaries and expenses	---	5,000,000	+5,000,000
100-17	Salaries and expenses (by transfer)	(10,000,000)	---	(-10,000,000)
100-17	Hazardous Substance Response Trust Fund (increase in limitation)	(4,218,000)	---	(-4,218,000)
	GENERAL SERVICES ADMINISTRATION			
	Federal Supply Service			
---	Operating expenses	---	1,611,000	+1,611,000
	Information Resources Management Service			
---	Operating expenses	---	328,000	+328,000
	Federal Property Resources Service			
---	Operating expenses	---	290,000	+290,000
	General Management and Administration			
---	Salaries and expenses	---	1,214,000	+1,214,000
	Office of Inspector General			
---	Office of Inspector General	---	373,000	+373,000
	Allowances and Office Staff for Former Presidents			
---	Allowances and Office Staff for Former Presidents	---	5,000	+5,000
	Federal Building Fund			
	Limitations on availability of revenue:			
---	Real property operations	---	(5,065,000)	(+5,065,000)
---	Program direction and centralized services	---	(225,000)	(+225,000)
---	Design and construction services	---	(472,000)	(+472,000)
	Consumer Information Center			
---	Salaries and expenses	---	6,000	+6,000
---	Limitation on administrative expenses (increase in limitation)	---	(6,000)	(+6,000)
	Total, General Services Administration	---	3,827,000	+3,827,000
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
100-17	Research and program management (by transfer)	(16,557,000)	(10,500,000)	(-6,057,000)
	SMALL BUSINESS ADMINISTRATION			
100-17	Salaries and expenses (by transfer)	(2,400,000)	(2,400,000)	---
	VETERANS ADMINISTRATION			
100-17	Medical care	131,600,000	131,600,000	---
100-17	Medical and prosthetic research	1,024,000	1,024,000	---
100-17	Medical administration and miscellaneous operating expenses	345,000	175,000	-170,000
100-17	General operating expenses	9,242,000	5,000,000	-4,242,000
100-17	Construction, minor projects (increase in limitation)	(529,000)	(275,000)	(-254,000)
	Total, Veterans Administration	142,211,000	137,799,000	-4,412,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	OTHER INDEPENDENT AGENCIES			
	Administrative Conference of the United States			
100-17	Salaries and expenses..................................	14,000	14,000	---
	Advisory Committee on Federal Pay			
---	Salaries and expenses..................................	---	2,000	+2,000
	Arms Control and Disarmament Agency			
100-17	Arms control and disarmament activities..............	176,000	176,000	---
	Commission on Civil Rights			
100-17	Salaries and expenses..................................	19,000	19,000	---
	Consumer Product Safety Commission			
100-17	Salaries and expenses..................................	496,000	250,000	-246,000
	Equal Employment Opportunity Commission			
100-17	Salaries and expenses..................................	1,889,000	1,889,000	---
	Export-Import Bank			
100-17	Limitation on administrative expenses (increase in limitation)..................................	(227,000)	(227,000)	---
	Federal Communications Commission			
100-17	Salaries and expenses..................................	1,199,000	1,199,000	---
	Federal Election Commission			
100-17	Salaries and expenses..................................	202,000	83,000	-119,000
	Federal Home Loan Bank Board			
100-17	Limitation on administrative expenses (increase in limitation)..................................	(350,000)	(200,000)	(-150,000)
	Federal Labor Relations Authority			
---	Salaries and expenses..................................	---	220,000	+220,000
	Federal Maritime Commission			
100-17	Salaries and expenses..................................	147,000	147,000	---
	Federal Mediation and Conciliation Service			
100-17	Salaries and expenses..................................	188,000	188,000	---
	Intelligence Community Staff			
100-17	Intelligence community staff..........................	155,000	155,000	---
	Marine Mammal Commission			
100-17	Salaries and expenses..................................	10,000	10,000	---
	Merit Systems Protection Board			
---	Salaries and expenses..................................	---	272,000	+272,000
100-17	Office of the Special Counsel..........................	---	79,000	+79,000
	Total, Merit Systems Protection Board..........	---	351,000	+351,000
	National Archives and Records Administration			
100-17	Operating expenses.....................................	863,000	863,000	---
	National Commission on Libraries and Information Science			
100-17	Salaries and expenses..................................	17,000	17,000	---
	National Council on the Handicapped			
100-17	Salaries and expenses..................................	10,000	10,000	---
	National Endowment for the Humanities			
---	Grants and administration.............................	---	200,000	+200,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	National Labor Relations Board			
100-17	Salaries and expenses	1,659,000	1,659,000	---
	National Mediation Board			
100-17	Salaries and expenses	44,000	44,000	---
	Office of Personnel Management			
---	Salaries and expenses	---	1,129,000	+1,129,000
---	(By transfer)	---	(682,000)	(+682,000)
	Railroad Retirement Board			
100-17	Limitation on administrative expenses (increase in limitation)	(764,000)	(764,000)	---
100-17	Limitation on railroad unemployment insurance administration fund (increase in limitation)	(214,000)	(214,000)	---
100-17	Limitation on review activity (increase in limitation)	(22,000)	(22,000)	---
	Securities and Exchange Commission			
100-17	Salaries and expenses	2,163,000	2,163,000	---
	Smithsonian Institution			
---	Salaries and expenses	---	1,700,000	+1,700,000
	National Gallery of Art			
---	Salaries and expenses	---	330,000	+330,000
	Woodrow Wilson International Center for Scholars			
---	Salaries and expenses	---	19,000	+19,000
	United States Holocaust Memorial Council			
---	Holocaust Memorial Council	---	16,000	+16,000
	United States Information Agency			
100-17	Salaries and expenses	5,443,000	5,443,000	---
100-17	Radio broadcasting to Cuba	516,000	516,000	---
	Total, United States Information Agency	5,959,000	5,959,000	---
	United States Tax Court			
---	Salaries and expenses	---	75,000	+75,000
	Total, Other Independent Agencies	15,210,000	18,887,000	+3,677,000
	TITLE III - INCREASED RETIREMENT CONTRIBUTIONS			
	TOTAL - New budget (obligational) authority	1,009,234,000	1,136,927,000	+127,693,000
	(Increase in limitations)	(8,559,000)	(3,606,000)	(-4,953,000)
	(By transfer)	(141,204,000)	(58,705,000)	(-82,499,000)
	(Transfer from Commodity Credit Corporation)	(10,027,000)	(10,027,000)	---
	(Section 32 - increase in limitation)	(84,000)	(84,000)	---
	TITLE IV - URGENT RELIEF FOR THE HOMELESS			
	CHAPTER I			
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
---	Grants for facilities to assist the homeless	---	75,000,000	+75,000,000
---	Emergency shelter grants program	---	100,000,000	+100,000,000
---	Transitional housing demonstration program	---	30,000,000	+30,000,000
---	Permanent housing for handicapped homeless persons	---	25,000,000	+25,000,000
	Total	---	230,000,000	+230,000,000
	FERERAL EMERGENCY MANAGEMENT AGENCY			
---	Emergency food and shelter program	---	50,000,000	+50,000,000
	Total, Chapter I: New budget (obligational) authority	---	280,000,000	+280,000,000

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	CHAPTER II			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Health Resources Services Administration			
---	Health resources and services	---	75,000,000	+75,000,000
	Alcohol, Drug Abuse and Mental Health Administration			
---	Alcohol, drug abuse and mental health	---	25,000,000	+25,000,000
	Family Support Administration			
	Office of Community Services:			
---	Community services block grant	---	45,000,000	+45,000,000
	Total, Chapter II:			
	New budget (obligationsl) authority	---	145,000,000	+145,000,000
	TITLE IV - URGENT RELIEF FOR THE HOMELESS			
	TOTAL - New budget (obligational) authority	---	425,000,000	+425,000,000
	TITLE I - GENERAL SUPPLEMENTALS			
	Chapter I:			
	Commerce, Justice, State and the Judiciary:			
	New budget (obligational) authority (net)	478,900,176	436,217,007	-42,683,169
	Appropriations	(1,853,900,176)	(1,811,217,007)	(-42,683,169)
	Appropriation for debt reduction	(-1,375,000,000)	(-1,375,000,000)	---
	(By transfer)	(38,520,000)	---	(-38,520,000)
	(Limitation on guaranteed loans)	(50,000,000)	---	(-50,000,000)
	Chapter II:			
	Defense:			
	New budget (obligational) authority	2,542,600,000	1,316,172,000	-1,226,428,000
	Chapter III:			
	Energy and Water Development:			
	New budget (obligational) authority	---	---	---
	(By transfer)	(-61,150,000)	(6,295,000)	(+67,445,000)
	Chapter IV:			
	Foreign Operations:			
	New budget (obligational) authority	1,050,846,486	200,607,876	-850,238,610
	(By transfer)	---	(300,000,000)	(+300,000,000)
	(Limitation on callable capital)	(17,375,058)	(17,375,058)	---
	(Limitation on direct loans)	(-100,000,000)	(-100,000,000)	---
	Chapter V:			
	Housing & Urban Development-Independent Agencies:			
	New budget (obligational) authority (net)	-9,107,000	113,200,000	+122,307,000
	Appropriations	(81,624,000)	(113,200,000)	(+31,576,000)
	Authority to borrow	(-90,731,000)	---	(+90,731,000)
	(By transfer)	---	(30,000,000)	(+30,000,000)
	(Limitation on direct loans)	(-90,731,000)	---	(+90,731,000)
	Chapter VI:			
	Interior and Related Agencies:			
	New budget (obligational) authority	23,028,000	39,187,000	+16,159,000
	(Liquidation of contract authority)	(9,915,000)	(9,915,000)	---
	Chapter VII:			
	Labor, Health and Human Services, and Education:			
	New budget (obligational) authority	43,000,000	250,994,000	+207,994,000
	(By transfer)	(341,727,000)	(413,583,000)	(+71,856,000)
	(Limitation on trust fund transfer)	(-79,638,000)	(130,000,000)	(+209,638,000)
	(Limitation on direct loans)	(-60,000,000)	---	(+60,000,000)
	Chapter VIII:			
	Legislative Branch:			
	New budget (obligational) authority	18,040,000	12,511,500	-5,528,500
	Chapter IX:			
	Military Construction:			
	New budget (obligational) authority	250,000,000	---	-250,000,000
	Chapter X:			
	Rural Development, Agriculture & Related Agencies:			
	New budget (obligational) authority	6,656,615,000	6,692,365,000	+35,750,000
	(Transfer from Commodity Credit Corporation)	(24,705,000)	(24,705,000)	---
	Chapter XI:			
	Transportation:			
	New budget (obligational) authority (net)	27,980,000	79,893,783	+51,913,783
	Appropriations	(138,534,000)	(151,497,278)	(+12,963,278)
	Appropriation for debt reduction	(-110,554,000)	(-71,603,495)	(+38,950,505)
	(By transfer)	(50,000,000)	(17,000,000)	(-33,000,000)
	(Appropriation to liquidate contract authority)	(77,000,000)	(195,000,000)	(+118,000,000)
	Chapter XII:			
	Treasury, Postal Service & General Government:			
	New budget (obligational) authority	166,727,000	182,774,000	+16,047,000
	(Limitation on availability of revenue)	(61,900,000)	(61,900,000)	---

Doc No.		Supplemental Request	Recommendation	Recommendation compared with Request
	TITLE I - GENERAL SUPPLEMENTALS			
	TOTAL - New budget (obligational) authority (net)	11,248,629,662	9,323,922,166	-1,924,707,496
	Appropriations	(12,824,914,662)	(10,770,525,661)	(-2,054,389,001)
	Authority to borrow	(-90,731,000)	---	(+90,731,000)
	Appropriations for debt reduction	(-1,485,554,000)	(-1,446,603,495)	(+38,950,505)
	(Liquidate contract authority)	(86,915,000)	(204,915,000)	(+118,000,000)
	(Limitation on trust fund transfer)	(-79,638,000)	(130,000,000)	(+209,638,000)
	(By transfer)	(369,097,000)	(766,878,000)	(+397,781,000)
	(Transfer from Commodity Credit Corporation)	(24,705,000)	(24,705,000)	---
	(Limitation on callable capital subscriptions)	(17,375,058)	(17,375,058)	---
	(Limitation on availability of revenue)	(61,900,000)	(61,900,000)	---
	(Change in limitation on direct loans)	(-250,731,000)	(-100,000,000)	(+150,731,000)
	(Change in limitation on guaranteed loans)	(50,000,000)	---	(-50,000,000)
	TITLE II - INCREASED PAY COSTS			
	TOTAL - New budget (obligational) authority	190,375,000	456,852,500	+266,477,500
	(Increase in limitations)	(8,100,000)	(3,879,000)	(-4,221,000)
	(By transfer)	(184,651,000)	(86,969,000)	(-97,682,000)
	(Limitation on administrative expenses)	---	(18,000,000)	(+18,000,000)
	(Transfer from Commodity Credit Corporation)	(9,081,000)	(9,081,000)	---
	(Section 32 - increase in limitation)	(112,000)	(112,000)	---
	TITLE III - INCREASED RETIREMENT CONTRIBUTIONS			
	TOTAL - New budget (obligational) authority	1,009,234,000	1,136,927,000	+127,693,000
	(Increase in limitations)	(8,559,000)	(3,606,000)	(-4,953,000)
	(By transfer)	(141,204,000)	(58,705,000)	(-82,499,000)
	(Transfer from Commodity Credit Corporation)	(10,027,000)	(10,027,000)	---
	(Section 32 - increase in limitation)	(84,000)	(84,000)	---
	TITLE IV - URGENT RELIEF FOR THE HOMELESS			
	TOTAL - New budget (obligational) authority	---	425,000,000	+425,000,000
	GRAND TOTAL			
	TOTAL - New budget (obligational) authority (net)	12,448,238,662	11,342,701,666	-1,105,536,996
	Appropriations	(14,024,523,662)	(12,789,305,161)	(-1,235,218,501)
	Authority to borrow	(-90,731,000)	---	(+90,731,000)
	Appropriations for debt reduction	(-1,485,554,000)	(-1,446,603,495)	(+38,950,505)
	(Liquidate contract authority)	(86,915,000)	(204,915,000)	(+118,000,000)
	(By transfer)	(694,952,000)	(912,552,000)	(+217,600,000)
	(Transfer from Commodity Credit Corporation)	(43,813,000)	(43,813,000)	---
	(Increase in limitations)	(16,659,000)	(7,485,000)	(-9,174,000)
	(Section 32 - increase in limitation)	(196,000)	(196,000)	---
	(Limitation on callable capital subscriptions)	(17,375,058)	(17,375,058)	---
	(Limitation on availability of revenue)	(61,900,000)	(61,900,000)	---
	(Increase in limitation on administrative expenses)	---	(18,000,000)	(+18,000,000)
	(Trust fund transfer)	(-79,638,000)	(130,000,000)	(+209,638,000)
	(Limitation on indefinite contract authority)	---	---	---
	(Change in limitation on direct loans)	(-250,731,000)	(-100,000,000)	(+150,731,000)
	(Change in limitation on guaranteed loans)	(50,000,000)	---	(-50,000,000)

Mr. CONTE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, year after year the salmon swin upstream to spawn. They fight rocks and currents bear, seals, and fishermen with large boots and large appetites, you name it.

Year after year I defend supplemental appropriation bills on the floor of this House. I feel like a salmon swimming upstream. Like the currents and the rocks and the fishermen, the bills and the arguments never change. So here I am again.

We are told that our priorities are wrong. Let me tell you what those priorities are.

We recommend: $6.7 billion for the Commodity Credit Corporation. Let me take a minute to explain this.

Mr. Chairman, yesterday I received a letter from Agriculture Secretary Richard Lyng informing me that the Commodity Credit Corporation will run out of money on May 1—just 9 days from now.

I am not surprised, Mr. Chairman. The CCC is spending an average of $73 million a day. They have almost exhausted the $19.8 billion we gave them for fiscal year 1987 in less than 7 months.

This is the second year that we have been paying the new farm bills, and the checks are too fat; $27 billion this year, 50 times more than we spent in 1978. Double what we spent in 1985.

Where's this money all going?

For 1986 cotton program payments alone, Dunavant Enterprises in Tennessee, Arizona and California received $90.2 million; Allenberg Cotton Co. of Memphis got $83.6 million. And here's one for the books—Conticotton of Fresno, $27.2 million.

These are just a few examples of how we're ripping the cotton shirts right off the taxpayers' backs.

The farm programs are working so well that the CCC is bankrupt. I say "good." Let it shut down, and let it stay shut down until we get some real reform out of the legislative committees.

The sum of $250 million to fund programs established by this Congress to deal with illegal drugs, immigration, and bankruptcy; $80 million for veterans' compensation and pensions; $1.3 billion for the personnel, procurement, and research programs of the Department of Defense; $250 million to fulfill our commitments to international financial institutions; $50 million for military assistance for the Philippines; $300 million by transfer for economic assistance for Central America; $287 million by transfer to avoid a serious reduction in student assistance through the Pell grant program; $80 million for the Internal Revenue Service; $457 million for the Federal pay raise that has already gone into effect; and $1.1 billion for the new Federal employees retirement system.

These supplementals, which total $10.3 billion in new budget authority, 90 percent of the bill was requested by the President.

We added $200 million in my Labor-HHS Subcommittee for worker's retraining under the Trade Act, older Americans community service, health programs to reduce infant and neonatal mortality rates, work incentives, and family social services. As the ranking minority member of that subcommittee, I would be pleased to debate those supplementals with any Member of this House.

We cut $1.5 billion from the request for defense and military construction. Those cuts were not "anti-defense."

They were made because DOD did not justify supplementals for programs like SDI and chemical weapons destruction.

We are told that this bill violates "the process," and in the same breath we are told that OMB scores this bill as $6.6 billion over budget.

Think about that for a minute.

They calculate that figure by charging the committee with inaction on $1.8 billion in negative supplementals and $5.7 billion in rescissions.

If you support "the process" then you must also support the proposition that supplementals are justified only when new developments require action before the regular bill can be enacted.

If you support "the process" then you cannot support rescissions and negative supplementals which are used to appeal issues that were clearly settled in last year's appropriation bill, or negative supplementals which are legislative in nature and should be addressed in the authorization process.

We are told that the bill is inconsistent with Gramm-Rudman-Hollings because it would add $3.9 billion to the deficit for fiscal 1987.

In fact, a report filed yesterday by the Budget Committee estimates that fiscal year 1987 outlays are $4.6 billion below the budget resolution, and that the fiscal year 1987 deficit is $13.8 billion below the Gramm-Rudman-Hollings target.

Based on that report, the $3.9 billion in fiscal year 1987 outlays in this bill are within the levels in the budget resolution and within the Gramm-Rudman-Hollings target.

We are told that the bill exceeds the committee's allocation of discretionary new budget authority.

That is true, but only because the entire $6.7 billion for CCC is scored as discretionary.

Of this total, $3.4 billion is for mandatory payments, and is not discretionary.

If scored correctly, the committee would be under its allocation of discretionary new budget authority.

Mr. Chairman, I have been swimming upstream long enough.

In its present form this bill would be vetoed. There are supplementals in this bill that I cannot support, but there are also programs that are important to me, and to my constituents.

I think we should move forward, so I will vote for the bill.

I remind my colleagues that last year both the supplemental and the continuing resolution would have been vetoed as reported from committee. Once we got to conference, and the political games were over, we sat down with the Senate and with OMB and agreed on bills that were signed.

I know that circumstances have changed. The other body is under new leadership. But I have hope that we can conference a bill that will be signed, and we can't get to conference unless we pass the bill today.

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Again, let me repeat, I do not like everything in this bill. There are a lot of things in here that I really feel are very, very important.

Therefore, I ask my colleagues to go along with us. Give us that opportunity. We will go to conference with the Senate after they work their will. At that point, if we do not have a bill that is acceptable to the President, then he can veto the bill and it will come back here and we will have a chance to either sustain or override that veto.

COMMERCE, JUSTICE, STATE

Chapter I of the supplemental provides $436,217,007 for the Departments of Commerce, Justice, and State, the judiciary and related agencies. This represents a reduction of $42,683,169, or 9 percent, below the administration's budget requests for these agencies.

Significant items in this chapter include $197 million, 45 percent of the chapter total, for the Department of Justice to carry out activities authorized by new legislation such as the Immigration Reform Act, the Bankruptcy Act, the Anti-Drug Act and other law enforcement statutes. In addition, the judiciary is provided $49 million to exercise the courts' responsibilities under these acts.

The chapter provides $75 million for the Department of State, 63 percent of which is for currency exchange rate losses and inflationary wage and price increases overseas. Also provided is $12 million for initial work on a new U.S. Embassy in El Salvador because of earthquake damage to the existing building and $5 million for a national gift to the Australian bicentennial.

The chapter does not provide $22 million requested for the United States contribution to the United Nations interim force in Lebanon [UNIFIL], but it does include language restoring $130 million in outlay authority for contributions to international organizations other than the regular budget on the U.N. The administration may request funds to restore U.S. arrearages to the U.N. budget at a later date. Radio Free Europe and Radio Liberty will maintain current broadcasting levels with $33 million provided to the Board for International Broadcasting for currency exchange rate losses.

This chapter also includes four significant language provisions, as follows:

First, language directs the Small Business Administration to assist Texas gulf coast business injured by the red tide infestation. The administration opposes this language, citing the 1981 and 1984 reconciliation acts which eliminated the eligibility for disaster loan program assistance to economic losses which result from normal business risks;

Second, language provides for a reprogramming of $62.5 million for a two-spacecraft Landsat system with a restriction that funds for the second satellite should come from users or sources other than the National Oceanic and Atmospheric Administration. The administration requested one additional satellite as the final Federal Government commitment to the privatization of the Landsat system.

Third, language prohibits the Department of Commerce from obligating funds to promulgate or implement proposed regulations requiring gulf coast shrimp trawlers to use turtle excluder devices to protect endangered turtle species. The administration opposes this language, stating that voluntary use of the device has not been successful, and that the Endangered Species Act requires action.

Fourth, language is included in title V, general provisions, of the bill prohibiting the maritime Administrator or the Secretary of Transportation from (a) proceeding with a rulemaking allowing the repayment of construction differential subsidies by vessel-owning companies as a means of reentering the domestic shipping market; and (b) participating in any judicial proceeding on this subject. The administration strongly objects to this language on substantive grounds for part "A" and on constitutional grounds for part "B". If the language were enacted, the administration estimates that $114 million would have to be repayed to vessel owners.

Finally, this chapter provides $62 million in new budget authority and $7.5 million in transfers for pay supplementals, and $124 million in budget authority and $2.8 million in transfers is included for the Federal employee retirement system.

ENERGY AND WATER DEVELOPMENT

In chapter III, the supplemental provides for programs under the jurisdiction of the Subcommittee on Energy and Water Development. The supplemental directs the Corps of Engineers to proceed, using available funds, with certain projects that had been identified in previous appropriations bills. The supplemental also provides for the appropriation of funds for corps operation and maintenance from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

For the Bureau of Reclamation, the supplemental provides an additional $5.6 million for the Kesterson Reservoir cleanup, to be derived by transfer. These funds are necessary to extend the Kesterson effort through the end of the fiscal year.

For the Department of Energy, under energy supply, research and development, the supplemental directs that an additional $1.2 million be made available for Mod-5B acceptance testing, out of available funds. These funds should not be taken out of funds previously earmarked for other projects, particularly the funds reserved for the Renewable Energy Research Center, Program at the University of Massachusetts at Amherst.

FOREIGN OPERATIONS

Chapter IV of the supplemental provides $200,607,876 in new budget authority for foreign assistance programs. This represents a reduction of $850,238,610, or 81 percent, below the administration's budget requests.

In addition, $300 million is provided by transfer from the Department of Defense for economic assistance to Central America to continue the national bipartisan plan for that troubled region. Of this $300 million, $64 million is for Guatemala, $64 million is for Costa Rica, $55 million is for Honduras, $105 million is for El Salvador—of which, $50 million is for earthquake relief—$2 million is for Belize and $10 million is for child survival fund activities.

Language is included designating this additional aid to Central America for development assistance and disaster assistance only and requiring that the aid be obligated under existing statutory restrictions in regard to El Salvador and Guatemala. Those restrictions deal with human rights, the rule of law, land reform and other concerns of the Congress as expressed in the Foreign Assistance Act. Obligation of the Central America funds is also subject to the submission by the administration of an official budget request identifying the specific sources of these funds to be transferred from the Department of Defense.

This chapter also provides $250.6 million to clear up U.S. arrearages in our contributions to three international financial institutions. Within this total $207.5 million will complete our contribution to the seventh replenishment of the International Development Association [IDA VII], $6.5 million is for the African Development Bank, and $36.6 million is for the African development fund.

All military assistance requests have been denied with exception of $50 million in military grant aid to the Philippines. Items denied include $200 million in foreign military sales to Spain, $211 million in military grant aid for Turkey, Portugal, Morocco, Kenya, Somalia, El Salvador, Honduras and Guatemala, and $97 million in economic support funds for Spain, Portugal, Morocco, and Oman, for new budget authority for southern Africa (provided by earmark instead) and for additional funds for the Bolivia narcotics program.

As I just mentioned, this chapter earmarks $50 million from previously appropriated economic support funds for assistance to the front line states bordering South Africa. Three-fourths of these funds, or $37.5 million, is to be used to assist the member states of the Southern Africa Development Coordination Conference [SADCC] in such sectors as transportation, communications, energy, agricultural research and training and private sector initiatives. The remaining $12.5 million is for humanitarian assistance to these nine countries, including the use of up to $5 million for emergency appeals by the United Nations Children's Fund [UNICEF].

These funds for southern Africa will be in addition to any United States aid currently programmed for those countries. The funds are to be available only after this program has been authorized.

Language has been included in this chapter reducing the direct lending limitation of the Export-Import Bank in fiscal year 1987 from $900 million to $800 million. This has the effect of offsetting $100 million of the budget authority provided for the programs I have just outlined and offsetting all of the estimated outlays for those programs in this fiscal year. It is expected that the lower direct lending level for Exim will be adequate to meet demand this year.

Language has also been included placing a moratorium on an administration plan to alter the terms of foreign military sales agreements with borrowing countries until the end of this fiscal year or until a fiscal 1988 foreign assistance appropriations bill is enacted, whichever is later. This language is opposed by the administration.

And finally, this foreign operations chapter provides $2.6 million for pay supplementals and $6.2 million for the new Federal employees retirement system.

HOUSING AND URBAN DEVELOPMENT

In addition to the $56 billion in new budget authority already available for programs in the jurisdiction of the HUD-Independent Agencies Appropriations Subcommittee for fiscal year 1987, the committee recommends supplemental appropriations for programs totaling $113.2 million in chapter V, $177.6 million in title II, $143.1 million in title III and $280 million in title IV. These recommendations total $411.9 million over the administration's supplemental requests, and represent 6 percent of the total new BA recommended in H.R. 1827.

For program supplementals in title I, the committee has recommended the following: $80.2 million for veterans compensations and pensions, as requested by the administration; $3 million for the American Battle Monuments Commission to offset foreign currency fluctuations, this is a $1.6 million increase over the administration's request; $20,000 for salaries and expenses of the three Consumer Product Safety Commissioners; and $30 million for the continuation of the Veterans Job Training Program despite the administration's expressed opposition to the provision of any additional funds.

We have also agreed to release $1.2 billion in EPA construction grants that had been fenced off in the 1987 continuing resolution pending enactment of a Clean Water Act reauthorization.

The sum of $30 million of the total released is recommended for transfer into the new clean water programs established by Public Law 100-4; $12 million is for staffing, $10 million is for State water quality grants and $8 million is for technical assistance. The administration has expressed opposition to these provisions.

The committee has disapproved two EPA deferrals including $11 million in research and development, and $11.4 million in abatement, control, and compliance.

We have increased the limitation on administrative expenses for the school asbestos abatement program to provide an additional $1 million for lab accreditation. And, we have included language making available up to $16 million in the superfund trust fund for emergency planning and community right-to-know activities; $5 million for this amount is for FEMA State and local training grants.

LEGISLATIVE PROVISIONS

The committee has included several legislative provisions affecting FEMA and the VA:

A provision postponing the effective date of FEMA's final regulations on the National Flood Insurance Program as they affect existing manufactured mobile home April 1, 1987, to October 1, 1988.

Language requested by the Veterans' Administration extending the availability of $62.1 million in 1987 automated data processing equipment and support contracts, and permitting the settlement of a contractor's claim involving a VA medical center in West Virginia.

Language prohibiting a mission change at the Walla Walla, WA, Medical Center.

PAY SUPPLEMENTALS

The committee reviewed the administration's requests for pay supplementals of $77.6 million in new BA, $37.3 million in program transfers, and $5.98 million in increases of limitations on administrative expenses. We recommend $177.6 million in new BA, $21.7 million of the proposed transfers and $3.9 million in limitation increases. The title II pay provisions total $99,984,000 in new BA over the requests.

RETIREMENT

The committee reviewed requests for FERS supplementals totaling $142.8 million in new BA, $26.6 million in program transfers and $5.1 million in administrative expense limitation increases. Our recommendations in title III include $143.1 million in new BA, $20.3 million of the proposed transfers and $481,000 in limitation increases. This represents only a $294,000 increase in new BA over the requests.

RESCISSIONS

The committee did not approve any of the $1,259,759,500 in program rescissions proposed by the administration since January 5. Nor did we include any of the requested language reducing 1987 programs by $552,994,000.

HOMELESS ASSISTANCE

The committee has included H.R. 558, as passed the House, by reference in title IV of this bill.

Of the amounts authorized, we appropriate $280 million for programs and activities under the jurisdiction of the HUD-Independent Agencies Subcommittee.

These include: $75 million for a new HUD program providing grants to nonprofit organizations for facilities to assist the homeless and $25 million for a new HUD program of State grants to provide for permanent, community-based housing for the handicapped homeless; $100 million for the HUD Emergency Shelter Matching Grant Program in addition to the $10 million already made available for fiscal year 1987; $430 million for the HUD Transitional Housing Demonstration Program to supplement the $5 million already made available for fiscal year 1987; and $50 million for the FEMA Emergency Food and Shelter Program in addition to the $115 already made available for fiscal year 1987.

No request for fiscal year 1987 supplemental homeless assistance programs was submitted by the administration. And OMB has expressed strong opposition to our provision of additional funds at this time.

INTERIOR AND RELATED AGENCIES

The Interior chapter provides the full budget request for program supplementals with several add-ons, most of the pay costs and some of the costs associated with the new retirement system. Of the $541 million proposed to be rescinded, the bill recommends no rescissions.

Most of the funds recommended for program supplementals were requested by the administration. However, OMB does object to the $13.9 million added for National Park Service land acquisition; $2.1 million has been earmarked to purchase land in the Olympic National Park in Washington State. The remaining $11.8 million was provided to purchase land at Congaree Swamp National Monument as ordered by the U.S. district court. Under the court order, the Government is required to make this purchase. The administration is suggesting that the funds be made available through transfer or reprogramming.

The OMB also objects to the $2.8 million added to the energy conservation "steel initiative." These funds were taken from another program within the Department, and so the total appropriation for this account should remain the same.

The bill contains several language provisions relating to the operations of the Bureau of Indian Affairs and the Indian Health Service.

The administration objects to this restrictive language.

To cover the costs of the pay increase, the committee recommended $71.5 million, composed of $48.3 million in new budget authority and $23.3 million to be derived by transfer from other accounts. The administration proposed no new budget authority for increased pay costs. The full pay costs for the agencies in this bill would be $78.8 million.

To cover the costs associated with the new retirement system, the committee recommended an additional $37 million to be derived from $12 million in transfers and new budget authority totaling $24.9 million. No new budget authority was requested, and the full cost of the retirement system in fiscal year 1987 is estimated to be $51.9 million.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. Chairman, there's a lot of good news in the Labor, Health and Human Services, and Education chapter of this Supplemental. Once again, it bears the mark of Chairman NATCHER, demonstrating his sense of responsibility, restraint, and—as always—compassion in bringing spending measures before this body.

But, once again, Office of Management and Budget says it has a better sense of what the people want and need than does Chairman NATCHER or SILVIO CONTE or all the elected Members of Congress, and that senior staff will recommend that the President veto this bill.

Let me say to my colleagues that I think OMB is wrong to attack this portion of the bill, because what we recommend today is necessary to continue Government support for—

The older Americans who want to serve their communities, the unemployed summer youth with no positive alternatives, and the American workers who have been displaced from their jobs by foreign competition;

The next generation of American leaders who are enrolled in postsecondary education institutions, vocational education curriculum centers, historically black colleges and universities, public service graduate education programs, programs of international education that will help to prepare them for the world community, and those colleges and universities which have substantial needs for renovation and reconstruction of academic facilities and dormitories;

The homeless, the welfare mothers who need training and employment assistance, the mothers and children who depend on the Maternal and Child Health Block Grant Program, those who need the family social services and foster care and adoption assistance programs, and the sick or mentally impaired who can benefit from the research conducted by the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration, including geriatric clinical research and substance abuse research.

Let me give you some of the details.

For student assistance, the bill provides a transfer of $287 million in unused funds for the Guaranteed Student Loan Program to the Pell Grant Program. This transfer will not do any harm to the GSL Program, but it will substantially benefit the Pell Grant Program. It removes the spectre for hundreds of thousands of Pell Grant recipients of having their awards reduced this coming fall, because the Education Department misestimated the actual cost of the program. And for the future, we can be assured that whatever we appropriate for Pell Grants will go to student awards, rather than seeing portions used to retire past year shortfalls.

We recommend an additional $165.2 million for the Foster Care and Adoption Assistance Programs, including the Independent Living Program. These are entitlement programs whereby every eligible child is entitled to assistance. The Foster Care Program helps the States provide care to children who may need placement outside their homes, with a foster family or in an institution, and, for children with special needs who may be difficult to place, adoption assistance is provided to facilitate their eventual placement in permanent adoptive homes. Independent living is a wonderful program that helps older children obtain the skills to make the transition from institutional living to living on their own.

State unemployment insurance and employment services operations will receive an increase of $130 million from the trust fund, $30 million of which will go to pay for State administration of the targeted jobs tax credit. Many States are currently having difficulty in keeping up with the workload of their unemployment insurance operations, and are facing the prospect of having to lay off staff or close local unemployment offices. In addition, last year's tax reform legislation extended the TJTC, but we provided no funds to administer the program. The additional funds will alleviate these problems.

We propose to transfer $83 million to the Chicago Board of Education from unobligated program balances in the Education Department that have been put in escrow to be used to settle this litigation. These funds will be used to settle the Federal obligation arising out of a consent decree in 1980 on litigation between the United States and the Chicago Board over the board's desegregation plan. I am relieved that this payment will finally settle this issue which has been before this body several times.

We propose to transfer $50 million in funds appropriated for next summer to the 1987 Summer Youth Employment Program, in the expectation that we will not see a downturn in the numbers of youth served by this program when the youth unemployment figures contine to increase.

The maternal and child health block grant would be increased by $37.5 million over the amount provided in last year's regular Labor, HHS, and Education bill. This program is our first line of defense against infant mortality as it helps States to provide adequate health care to mothers and children who otherwise have no access to health care. Last year's reconciliation bill increased the authorization for this program and targetted the new funds in the manner provided for in this bill.

The bill proposes to increase funding for the WIN Program by $35 million. This program is very successful in many States at providing education and training to welfare mothers in an effort to make them self-sufficient. Unfortunately, because some States have had success with the program, many think it should be replaced with a new program. In last year's bill, we anticipated earlier action on new legislation in this area and provided WIN funds only through the first three quarters of fiscal year 1987. Now, because a new program will not be enacted in the near future, we are providing an additional $35 million, in order to allow the WIN Program to operate through the end of the fiscal year.

We provide an additional $20 million for worker retraining under the Trade Adjustment Assistance Program. The Department of Labor has run out of money to pay for retraining of workers certified by the Department as having lost their jobs as a result of foreign imports. In my own State of Massachusetts and several other States, the Department has already approved contracts to provide the retraining, but has insufficient funds to pay for them. The additional funds would keep this program operating for the remainder of the fiscal year.

The newly-authorized College Construction Loan Insurance Association will receive the $20 million startup funding specified in last year's amendments to the Higher Education Act. This new program is overdue when one looks at the tremendous need for reconstruction and renovation on our Nation's college campuses. It would provide loan guarantees on loans made to colleges and universities, particularly those with limited endowments which might not be able to obtain construction capital on the open market.

The Community Service Employment for Older Americans Program will receive a supplemental of $10 million. This is one of my favorite programs in that it offers senior citizens the opportunity to remain active in their communities through part-time community service jobs. This is a very cost-effective program because it provides meaningful work to senior citizens for a relatively small amount compared to the alternative programs of support like SSI.

We provide increases of $1.8 million for the National Institute on Aging and $750,000 for ADAMHA for programs affecting the elderly. The NIA funds are directed to further research on Alzheimer's disease, a growing health problem recently highlighted in this month's report from the Office of Technology Assessment entitled, "Losing a Million Minds." I am also pleased with the small increase in clinical training funds at ADAMHA, specifically targetted on geriatrics, but I think we need to do more in this area, and will look to the regular bill.

The committee provides $1 million for the Curriculum Coordination Centers authorized under the Carl D. Perkins Vocational Education Act, in order to implement our intent in the regular fiscal year 1987 bill.

For categorical higher education, we provide several needed increases, including $1 million for the Black College and University Act, $1 million to restore funds intended for the International Education Program, and $1.3 million for Javits fellowships.

In addition, the committee specifically rejected several of the administration's proposals for undercutting the spending decisions of this Congress, made just 5 months ago.

First, we rejected their proposal to carry over into fiscal year 1988 $334 million of the funds we appropriated last for NIH and $5 million of our fiscal year 1987 ADAMHA appropriation, which would have reduced the funding for both fiscal years 1987 and 1988. In addition, they argued that their proposal was made in the interest of "stabilization" of biomedical research. We haven't yet discovered how many young researchers have been affected by this proposal, but witness after witness this year told us that the uncertainty in funding, not the "stability" proposed by the administration was causing severe disruptions in the field.

In last year's drug initiative, we authorized a substance abuse initiative at ADAMHA. Because the $30 million for this research initiative in the continuing resolution came so late in the year, we also gave the agency authority to spend into fiscal year 1988, as a way of easing their administrative burden. However, we did not grant authority to use this money for 2-year awards, and the report directs ADAMHA to make first year awards in fiscal years 1987 and 1988.

Mr. Chairman, this is a good chapter, and one which the House should support.

LEGISLATIVE BRANCH

Chapter VIII of the supplemental provides $12,511,500 for the legislative branch, a reduction of $5,528,500, or 31 percent, below the budget requests.

Significant items in this chapter include $1.95 million for the expenses of the House Select Committee To Investigate Covert Arms Transactions With Iran, and $8.9 million for the partial cost of the new House telephone system.

Also included is $247,000 for transportation, food and lodging related to House Members and staff participation in the proposed Philadelphia joint session of Congress on July 15–16, 1987, and $252,000 for Capitol Police activities connected with that session.

A request of $3.4 million for additional official mail costs is denied, as the committee has determined that $2.2 million is available in carryover funds from previous years.

The chapter includes language extending to House leadership offices the authority to transfer budget authority among various House accounts as is presently the case with other accounts for management purposes. Language is also provided to increase the number of assistants in the attending physician's office from 11 to 12.

The chapter provides $9.3 million for pay supplementals, a reduction of $18.9 million, or 67 percent, below the budget requests. These funds are to pay partial costs of the 3-percent cost-of-living increase provided to all Federal employees in January 1987. No funds are included in the bill for the quadrennial pay commission recommendations which went into effect in March 1987.

The full request of $45 million in provided for the new Federal Employees Retirement System.

RURAL DEVELOPMENT

In addition to the $45 billion in new budget authority already available for rural development and agricultural programs in fiscal year 1987, the committee recommends supplemental appropriations for programs totaling $6.7 billion in chapter X. This is $6.69 billion over the administration's supplemental request, and represents 58 percent of the total new BA in H.R. 1827.

The committee has, once again, rejected the administration's request for permanent, indefinite borrowing authority for the Commodity Credit Corporation [CCC]. We have, however, agreed to restore the full amount estimated by USDA for remaining fiscal year 1987 requirements: $6,653,189,000.

This estimate includes: $700 million for commercial storage, handling, transportation, processing and packaging; $200 million for producer and extended loan storage payments; $870 million for the dairy program; $790 million for advance crop deficiency payments; $500 million for 1987 crop diversion payments; $1.47 billion for commodity loans; $580 million for the conservation reserve; $285 million for export guarantee claims; $440 million for interest payments to the Treasury; $375 million for transfers to the Crop Insurance Corporation; $224 million for operating expenses; and a $1.5 billion operating reserve.

The committee has also, once again, regretfully placed limitations on CCC obligations for several of these programs, and has tapped into the account for nonprogram purposes.

Of the $6.65 billion included in the bill, there are limitations of: $300 million for export guaranteed loan claims; $400 million for the conservation reserve; and $400 million for interest payments to Treasury. These caps may only serve to increase the costs of fiscal year 1988 operations, and are opposed by the administration.

Among the transfers recommended in the bill are $24.7 million from the CCC for salaries and expenses at ASCS and the general sales manager. These were requested by the administration on January 5.

In addition, we have transferred $135 million from the CCC for the additional disaster payments authorized in the House-passed version of H.R. 1157. We have also agreed to fund additional SCS staff that may be required to implement various new farm bill conservation programs by transfer from the CCC; 5 percent of the $400 million in supplemental funds available for the conservation reserve (or $20 million) is transferred for this purpose. We are providing these funds to hire new staff instead of transferring existing personnel, as has been proposed.

In the Northeast, and my home State of Massachusetts, where the President has declared several flooded counties national disaster areas, we cannot afford to have our State office and field staff reassigned on even a temporary basis to other parts of the country.

I will point out that, even with a $1.5 billion CCC operating reserve assumption, we still run the danger of exhausting the CCC account by September 30 with these limitations and transfers.

The CCC is spending $73 million a day on average on Federal commodity programs; $26.5 billion this year alone. The $19.8 billion we provided in the 1987 continuing resolution will be exhausted in less than a month. No other part of our Federal spending has skyrocketed as high of as fast. This is the main reason for the committee's budget waiver request today. And it will most likely be the main reason for our next waiver request, unless we act to reform these farm programs in this session.

Among the remaining $35.8 million in program supplementals recommended by the committee are:

The sum of $10 million for three reports by the Secretary of Agriculture, including one intended to ascertain the position of agricultural producers on mandatory production controls. No request of such studies or investigations was submitted by the administration, and OMB has expressed opposition to funds included for analysis and balloting.

The sum of $16.2 million for the new construction of an agriculture, science, and industry facility at Penn State. No request for these funds was submitted, and OMB has expressed opposition to this project.

The sum of $3 million in unrequested funds for expansion of the boll weevil eradication program into Georgia, Florida, and Alabama.

The sum of $3 million in unrequested funds for a special FmHA grant for the development of the Choctaw Regional Rural Industrial Park in Oklahoma. OMB has also expressed opposition to this provision.

The sum of $1,050,000 in unrequested special project funds for three projects including: $300,000 for shrimp aquaculture research in Mississippi, $300,000 for Mississippi watershed repair; and $450,000 for repairs at the Beltsville, MD, Agricultural Research Center.

The sum of $3,426,000 for the Special Milk Entitlement Program, as requested by the administration.

The sum of $1,500,000 in unrequested funds for the Food and Drug Administration to use in the evaluation, analysis and testing of drugs and vaccines for the treatment of AIDS. OMB has expressed opposition to this earmark.

The sum of $1 million for salaries and expenses of the Foreign Agricultural Service.

LEGISLATIVE PROVISIONS

The committee has also included several legislative provisions in chapter X of the bill. These include language:

Enabling the Secretary of Agriculture to reapportion Hatch Act funds to fund eligible research in the Northern Mariana Islands.

Providing the Secretary of Agriculture with discretionary authority to adjust interest rates on nonsubsidized loans; the administration has consistently opposed such adjustments.

Extending the limitations on loan prepayments of FmHA section 515 rural rental housing loans from June 30 through September 30, 1987.

Restating the language in the 1987 continuing resolution that eliminated the tuition limitation affecting private school eligibility for participation in child nutrition programs.

Providing the Office of International Cooperation and Development with authority to transfer up to $500,000 in existing funds to contract with international organizations for the Associate Experts Program.

RESCISSIONS

The committee did not approve any of the $447.5 million in rescissions proposed by the administration on January 5 or January 28, 1987. H.R. 1287 does not include any of the $2.74 billion in loan program reductions proposed by the administration since January 5.

PAY SUPPLEMENTALS

The committee reviewed requests from the administration for funding $48.9 million in pay increases by transfer from existing accounts. The committee approved only $9.08 million in transfers but provided $33.9 million in new BA for pay increases. We approved all of the $613,000 in increases of limitations on administrative expenses, however our total recommendation for accounts in title II is $33,932,000 over the request for new BA.

RETIREMENT

The committee received budget requests totaling $39.7 million for FERS; all were to be derived by transfer from existing accounts.

We approved only $10 million of the requested transfers, but the full $297,000 requested for increases in administrative expense limitations. Our recommendations in title III total $36,176,000 over the administration's requests for new BA.

HOMELESS ASSISTANCE

The committee has not included any fiscal year 1987 supplemental funds in the jurisdiction of the Subcommittee on Rural Development, Agriculture and Related Agencies.

However, in title IV the committee has included the authorizing provisions of H.R. 558, the bill which passed the House on March 5, 1987. This language would, upon enactment, result in fiscal year 1987 changes in the programs of the Food and Nutrition Service and the Commodity Credit Corporation, including:

Authorization for State food stamp agencies to conduct outreach programs targeted to the homeless with 50 percent Federal funds.

Increasing the cap on the excess shelter cost deduction and excluding third-party payments for temporary housing from the definition of household income under the Food Stamp Program.

Extending the Temporary Emergency Food Assistance Program authorization for 3 years.

Authorization of supplemental allotments of donated Government cheese for 3 years under the program to certain States.

The CBO has estimated that these provisions would result in additional costs totaling $387 million between 1988 and 1990. The administration has expressed strong opposition to these authorization provisions.

TRANSPORTATION

In chapter XI, the supplemental provides for programs under the jurisdiction of the Subcommittee on Transportation and Related Agencies. We have provided $55.2 million for FAA operations, which includes funding for the operation of the air traffic control system and training of increased numbers of air traffic controllers. The committee also has directed the FAA to halt any further closures and consolidations of flight service stations unless the service area will be served by an automated flight service station with model 1 or better service.

For grants-in-aid for airports, the supplemental includes a liquidating cash appropriation of $160 million, plus an additional $25 million of unobligated funds in the supplementary discretionary fund.

The supplemental includes the disapproval of a number of policy deferrals that had been proposed, affecting the rail service assistance program, the Northeast Corridor Improvement Program, the Interstate Transfer Grants-Transit Program, and UMTA research, training, and human resources, among others.

The bill also provides $6.25 million for the rebate of the U.S. portion of tolls paid by commercial vessels using the St. Lawrence Seaway, and slightly over $8 million for operating expenses of the Panama Canal Commission.

Finally, language in the supplemental would prohibit the use of Federal funds for the Advisory Commission on the Privatization of Amtrak.

TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT

Most of the funds provided in this chapter were requested by the administration, and the committee recommends no rescissions.

Chapter XII add-ons include $5.7 million to supplement Secret Service protection of the Pope on his visit to the United States, $22.6 million for the U.S. Customs Service to cover the full costs of the pay increase and the new retirement system, $10 million for the Bureau of Alcohol, Tobacco, and Firearms for personnel and equipment, and $475,000 for the National Archives to catalog and preserve the military records of the Vietnam war. The committee also disapproved a $38.9 million deferral of funds proposed by the administration for the Customs Service Air Interdiction Program.

Requested supplemental funds include $80 million for the IRS to implement the provisions of the new tax law, $5.5 million for the Treasury Department to renovate its annex building, $1.9 million for the Financial Management Service and $79 million for the Postal Service to reimburse the Labor Department for unfunded liabilities. The committee also approved a request for a $61.9 million increase in the limitation on availability of revenue for the Federal Buildings Fund.

The administration objects to two language provisions added by the committee.

Section 503 prohibits the use of any funds made available by this act to implement the provisions of the Executive order mandating a Federal drug testing program. Since the provision only effects funds made available in this supplemental, the language would have no practical effect. Agencies of the Federal Government could use funds appropriated by the continuing resolution or permanently appropriated funds to implement a drug testing program for Federal employees.

Section 505 prohibits the General Services Administration from transferring the Customs House in Boston to any buyer except the city of Boston. The provision does not prohibit the sale of the building, but simply forces the GSA to continue negotiations with the city for this fiscal year. For some time, the GSA has been negotiating with the city, and an agreement is close. The committee expects the GSA to negotiate in good faith to sell this property to the city in an expeditious manner.

Section 504 prohibits any changes in the Customs Service Air Operations unless the Secretary of the Treasury submits a report to the committee outlining the details of such changes. Again, since this provision affects funds appropriated in this act only, the language has no real effect. The Customs Service can use funds made available by this continuing resolution or previously made available by permanent appropriation to make management changes in the program. The administration objects to this provision as well.

In regard to the increased pay costs and the cost of the new retirement system, virtually all of the agencies in this chapter were treated equally. The committee recommends that each agency be provided the full cost of the retirement system and 50 percent of the amount required to cover the pay raise.

Mr. WHITTEN. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding me this time.

Mr. Chairman, while we all hope that we can achieve a major breakthrough in Geneva on negotiations on long-range strategic forces and defenses, it is increasingly likely that in the year and one-half remaining in this administration that will not be accomplished. We do have an excellent chance to reach an INF agreement, but regarding the other negotiations it is now prudent to plan how to best position the next administration, whether Democratic or Republican, for completing the work on these negotiations begun by the Reagan administration. This requires, in my view, maintaining existing limits on both offensive forces and defensive forces so that future options are not foreclosed.

Last year, this body conducted an extensive debate on whether we should continue a policy that the Reagan administration had followed through its first 5½ years. That is the policy of not unilaterally undercutting the only existing limits that have existed on strategic nuclear weapons, unless and until we have achieved a new agreement making deep cuts. This body concluded that it was in the national security interests of the United States to continue that policy of interim restraint. It was a conclusion that was incorporated into the conference reports on both the defense authorization and appropriations bills for fiscal year 1987.

I want to make it clear from the beginning that this is not a question of ratifying the Salt II Treaty the provision that was added by the Appropriations Committee, by the so-called amendment that I offered, any more than the administration was acting to ratify the treaty by following the policy. It is a policy judgment that addresses the question whether we are better off if both the United States and the Soviet Union keep their strategic forces under 820 MIRV'd ICBM's, 1,200 MIRV'd ICBM's and SLBM's, 1,320 such systems and cruise missile carrying bombers, and do not add warheads to individual systems beyond those spelled out in SALT II. If the President certifies that the Soviets have exceeded these limits, then we would be free to respond under this provision.

We are not addressing the question of a second new type missile in this provision. That is a judgment we will make separately on the question of Midgetman funding. Nothing in the provision puts any restrictions on our ability to respond to encryption. The question is very simply. Should the policy we followed from 1980 to 1986 continue, or should we change courses.

In deference to the administration, however, last year we did not bind the President in the conference agreement. We relied on the good judgment of the administration. We hoped that the President would remember his statement when asked why he had followed interim restraint. That statement was quite simply that, "The Soviet Union has the capability to increase weaponry much faster than the treaty permits, and we don't." The judgment that interim restraint is in the U.S. national security interests is shared by a long list of respected defense experts, including former Chairman of the Joint Chiefs of Staff David Jones, former commander of the Strategic Air Command Gen. Bennie Davis, and virtually every recent Secretary of Defense.

Despite this fundamental fact of life, in December the administration acted to have U.S. forces exceed these limitations with the deployment of a 131st B-52 bomber equipped with air launched cruise missiles. Those deployments have continued since that time at the rate of approximately two per month without any offsetting reductions.

As a result, the Appropriations Committe voted by a margin of 35-19 to include these provisions in the supplemental appropriations bill. This was an exercise of our responsibility to raise and support armies and navies and make rules for their government, as provided for in article I, section 8 of the Constitution. This action is in keeping with a long line of congressional steps over the years that have viewed strategic weapons decisions in the context of their impact on arms control. These actions have come down on both sides of the issue, in support of strategic modernization as well as in support of restraint.

To date, the Soviet Union has continued to keep its forces within these numerical sublimits. They have renewed their willingness to continue their actions that to date have resulted in the withdrawal, dismantlement, or destruction of over 1,300 strategic weapons launchers. As a result, some have argued that there is no need to bring U.S. forces back within these limits, because the Soviets will not respond.

Well, I for one am not willing to count indefinitely on Soviet unilateral restraint. I am not comfortable with their potential to add up to 21,000 new warheads by the mid-1990's, according to the CIA. And I'm not comfortable with the prospect of having to spend, according to CBO, up to $100 billion to match such an effort. I worry about the implications of an unconstrained Soviet offensive force on any chance for success of the strategic defense initiative. And I am concerned about what we accomplish in a zero/zero INF agreement if the Soviets could simply offset those reductions with new long range systems targeted at Europe.

Weigh all those factors against the extremely modest contribution that a few additional ALCM-equipped B-52's provide and the scales tip overwhelmingly in favor of continuing interim restraint.

Some will argue that this is not the right time to adopt this provision. They will claim that it undermines our negotiators in Geneva. My response is if this is not the time to exercise good faith mutual restraint, when is the time? How does the elimination of the only limits that exist on nuclear forces improve the atmosphere for their reduction? Our prospect for success in Geneva on long range strategic forces in the time remaining in the administration are limited at best. But our long range prospects will be enhanced in my judgment by a willingness to demonstrate reasoned restraint, and that is what this provision provides.

On the question of defensive limitations we will be debating shortly the issue of application of the ABM Treaty to the strategic defense initiative. These issues go hand in hand and together provide for a prudent transition policy for the next few years.

Mr. PURSELL. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Chairman, there are many controversial parts of this bill, many which I really cannot support, but there are some good parts, two of which I would like to talk about briefly at this moment.

I want to extend my thanks to the leadership and to the members of both the Appropriations and the Rules Committees who worked with me to get these provisions in and for keeping them in. Specifically, TRENT LOTT, in one instance, and Congressman BILL YOUNG in the other, were both of great help.

In the one with which Mr. YOUNG assisted me, I would like to particularly point out that we have in this bill provided a section which protects the 815th Reserve Reconnaisance Squadron at Keesler Air Force Base which essentially preserves all of the tracking assets and equipment for tracking hurricanes in the gulf and in the Caribbean and on the eastern coast of this country in the Atlantic.

It is very important for the Air Force to continue this service, because they provide invaluable aid to all of the gulf coast's weather stations by tracking hurricanes which threaten hundreds of thousands of people along the gulf coastal regions and throughout the rest of the Southeastern section of the United States.

Second, is this provision about "TED's"—turtle excluder devices. There is a proposal in NOAA, the National Oceanographic and Atmospheric Administration, which would effectively impose upon the shrimpers of the Southeastern United States the mandatory responsibility of buying, acquiring, and installing turtle excluder devices, 40-pound boxes, to put in their nets to kick out turtles when they were caught in the shrimp catch. The problem was for the western gulf waters; these devices have not been adequately studied. They had been studied in the eastern gulf where you have hard, sandy bottoms and clear water. But, in the western gulf, where muddy water and muddy bottoms abound, there was no determination that these devices would effectively exclude turtles or whether or not there were any turtles to exclude.

□ 1330

So we put a provision in this bill that would set back these regulations for approximately 1 year, and which would compel NOAA and the environmentalists to go back and study the impact of these particular devices in western gulf coastal waters, so that we would avoid any undue hardship to the people who were being adversely impacted by the imposition of these devices, specifically the shrimpers from Alabama, Mississippi, Louisiana, and Texas.

We put this provision in because we felt that it unnecessarily put into effect a proposal which had not been adequately studied, and which could adversely affect thousands of families, many of whom have no other way to make their living, many of whom have been devastated by the oil patch decline. They cannot go out on the oil rigs and make a living, and so if they can't catch shrimp, what can they do?

So it is very, very important that this provision stays in the bill, and that it ultimately becomes law so that these people have an opportunity to make their living. We can go back to the drawing board and protect the turtles with further studies; a year from now, we can come back to the floor of the House, debate the issue, and make a decision which is rationally based on scientific studies done in the western gulf waters. Those studies do not exist now. Therefore, I would urge my colleagues to keep this provision in the law as it is.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, the gentleman said a year from now. What the gentleman means is the next fiscal year, does he not?

Mr. LIVINGSTON. In the next fiscal year, that is correct. The gentleman is correct. But the report language actually speaks in terms of a full year after July 1981. This is the intent of my amendment.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH], a member of the committee.

Mr. SMITH of Iowa. Mr. Chairman, people have asked why the State Department, the Commerce Department, the Justice Department, the Judiciary, and others would need a supplemental bill at this time.

I would like to point out that there are some things that occurred since we passed the regular bill last September or October that require a supplemental. One, of course, is a pay increase which occurred in January. In the part of the bill referred to, we have required them to absorb about half of it.

Also, there has been a change in the exchange rate. The exchange rate has drastically changed. The State Department and others who operate overseas, of course, would have to have a supplemental to offset that.

Also, we passed several new laws last fall. One was the immigration law. Funding it requires a substantial amount of funding. That was not anticipated at the time the regular bill passed, and also the bankruptcy laws which had wide support both in the administration and in the country, and that requires funding.

I want to mention something also about the request in the Small Business Administration for salaries and expenses.

The committee did not approve the requested language change for the salaries and expenses appropriation of the Small Business Administration, which would have extended the availability of $4,116,000 that was appropriated for fiscal year 1987 for small business development centers. This request was part of the administration's plan to phase out the small business development centers over a 5-year period—a proposal which the committee has not approved. Therefore, the committee expects the Office of Management and Budget and the Small Business Administration to make available for obligation the entire $35 million which was originally provided in the fiscal year 1987 continuing resolution, Public Law 99-591, for small business development centers. This amount includes the resources necessary for renewing all of the grants of existing small business development centers and for making grants to qualified applicants for new SBDC's. The committee also expects the Small Business Administration to notify its district offices immediately of the availability of fiscal year 1987 funds for new SBDC's and ensure that these offices move quickly to encourage the submission of all qualified applications.

Mr. PURSELL. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I just wanted to make a brief rejoinder to the remarks that were made by the gentleman from Washington [Mr. DICKS] concerning the arms control provisions that are in this particular document.

First, we are telling essentially the Soviet Union in this document that we are compelling as Members of Congress the President of the United States to abide by a treaty that we all agree the Soviet Union has breached substantively.

Second, this President has done pretty well with the Soviet Union as far as bringing them to the bargaining table by utilizing strength rather than weakness, rather than reductions in military force.

I take particular umbrage with the statement that "We shouldn't count much longer on the unilateral restraint of the Soviet Union."

I think the Soviet Union has made nuclear weapons just about as fast as they have been able to work up nuclear material for those warheads.

I think the present course the administration is taking, that is, showing arms control treaties, at least the SALT treaties that the Soviets have violated, to be just what they are, which is basically agreements and licenses to build nuclear weapons on the Soviet side. That position the President has taken is working, has brought the Soviets to the negotiating table, and I think Congress does a disservice to this effort in keeping these provisions in this particular document.

Mr. Chairman, I thank the gentleman for yielding.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, we have already exceeded our 1987 budget outlay totals by about $15 billion. This bill is going to add $3.6 billion to that amount, compounding our already difficult situation and making, of course, further deficit reduction much more difficult.

What we are doing here, Mr. Chairman, is adding to the baseline and the fact that you add it later through the vehicle of a supplemental does not conceal the fact any longer.

Mr. Chairman, this House and this Congress has missed in its budget resolutions, it has missed computing the deficit by more than a $40 billion average over the past 5 years. It is quite obvious that the House on the subject of spending can be compared to a mad dog. It simply froths saliva and spends more, no matter what the restrictions of our budget resolution.

This is a resolution that justly deserves to be killed. We should vote against it. If it takes a veto, we should support the veto. This is another example of open-handed profligacy, a pure waste in the Congress, and any person who votes for this bill will have difficulty convincing me or anyone else that he or she is interested in reducing the deficit.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. YATES], a member of the committee.

Mr. YATES. Mr. Chairman, the Interior and Related Agencies chapter of the 1987 supplemental appropriation includes $39,187,000 in new budget authority. This is an increase of

$16,159,000 over the amount requested. The largest portion of the committee's recommendation is to cover emergency costs related to forest fires, flood and storm damage, and to replace equipment destroyed in volcanic eruptions. A total of $16,397,000 is provided for the U.S. Fish and Wildlife Service, the National Park Service, and the Geological Survey for emergency costs.

Within the National Park Service an additional $4,631,000 is appropriated, as requested for law enforcement costs. This money will provide additional park police, replace aging vehicles and radios, and provide for protection at special events. The National Capital Area, Golden Gate NRA, and Gateway NRA all benefit from this supplemental.

The committee has recommended two land acquisitions in the National Park Service, totaling $13,910,000. For Congaree Swamp National Monument $11,810,000 is provided pursuant to the recently settled Congaree Swamp eminent domain proceeding, *United States* v. *14,770.65 Acres of Land*, Civil No. 77-2046. Under the court order, the Government is obligated to pay for the property and interest is accruing to the owner until payment is made.

Mr. Chairman, I would also like to address the committee's intent in the 1987 appropriation that the Forest Service use its inholding account to purchase the Torre Canyon Ranch which is the highest priority of the Forest Service's Pacific Southwest Region.

In titles II and III, the pay and retirement portions of the supplemental, agencies under the jurisdiction of the Interior and Related Agencies Subcommittee will receive $48,320,000 for pay costs and $24,934,000 for the new Federal Employees Retirement System. Transfers of $23,248,000 for pay and $12,090,000 for retirement are also included.

Mr. Chairman, this is a good chapter and a good bill. I urge its adoption.

Mr. PURSELL. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I just wanted to explain to my colleagues here in the House that several of us have been going through this particular bill looking at the potential that a line-item veto would have given the President to take specific projects and specific decisions to change them.

I find it a little difficult, if I understand the bill, for example on page 125, as I understand section 503, it would block the President from administering or enforcing his Executive order for mandatory drug testing as it relates to Federal employees involved in safety related systems.

I do not understand why the House in a 127-page appropriations bill would be making that decision.

As I look through here, there are a series of new programs that have never existed before, that are not authorized by the authorizing committees. There is a series of specific programs including five highways.

Now, I understand why my colleagues on the Appropriations Committee would like to be a miniature Congress, but I am not sure why the United States should tax citizens across the whole country for specifically designated legislative highways.

So we are going to offer in the course of the afternoon a series of amendments that are in effect a legislative line-item veto that will step by step walk through things that should not be in an appropriations bill and they should not be decided by the House.

There is a specific building in here for a specific university, a great university, but we are not the State legislature of that State. It seems a little ridiculous that a bill of this size we are deciding to build a specific building at a specific campus out of all the thousands of campuses in the United States.

I think this bill is an example of the degree to which we have been concentrating power in one or two committees. They have been making the decisions and they are in effect attempting to run the Government of the United States and make decisions out of a handful of small rooms in the Capitol.

I would hope that my colleagues would look carefully at each amendment and ask yourselves, at a time of large deficits, at a time of rising interest rates——

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. PURSELL. Mr. Chairman, I yield 1 additional minute to the gentleman from Georgia.

□ 1340

Mr. GINGRICH. Mr. Chairman, I would just ask my colleagues to look at these amendments and ask themselves: we are in danger of sliding into a recession; we have too large a deficit; all of our international allies are begging us to shrink the deficit; we have too much spending in this Government. Does it really make sense to vote for higher interest rates, to vote to kill jobs, to vote to put America in a recession, to vote for a weaker dollar, by taking on in this House the power to decide what highways to build in a minor section of this bill? To decide in this House which college ought to get which building? To decide in this House to punish America's allies in Central America but reward anti-American and Communist governments in southern Africa?

This bill combined in one package is just about everything that is wrong with the liberal welfare state, and I would ask my colleagues to look line by line at the amendments that we will be offering this afternoon and ask themselves if they really want to vote for a bigger deficit, higher interest rates, and a recession.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, first of all I rise in support of this supplemental appropriation, and also to take 1 minute to thank the chairman of the subcommittee dealing with Central America, the gentleman from Wisconsin [Mr. OBEY], on the provisions providing assistance to the four Central American nations that are our allies that have emerging democracies, and I think that that position is well stated, and I certainly appreciate his willingness to let me work in crafting some of those provisions.

Another provision of the bill, though, I have to state my opposition to, even though I support the overall bill. Based on the testimony received in the recently concluded hearings I chaired in the Intelligence Committee on Arms Control Monitoring, I do not agree with the nuclear testing provisions because, in my judgment, the state of the art of nuclear test monitoring is such that while under ideal circumstances a seismic event similar to that of a very low-yield underground nuclear explosion can probably be detected, the U.S. Government does not yet have capability to determine with high confidence that such an event was or was not a nuclear explosion.

Such discrimination requires the development of highly sophisticated data readout and processing capabilities in order to differentiate between seismic noise created by nuclear explosions and the seismic noise created by the thousands of other nonnuclear underground events such as small earthquakes and conventional explosions used in mining and earth clearing. Hence, in my judgment under an evasion scenario, we would not be able to verify with high confidence that the Soviets had not detonated a low-yield nuclear explosion above the 1 kiloton level.

I am optimistic that the research and development on the discrimination problem will result in a capability to monitor with high confidence a low-yield nuclear threshold which I would then be prepared to support consistent with maintaining the viability of our nuclear deterrent.

Mr. PURSELL. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, there is much that can be said about the arms control restrictions in this bill. Primarily, they go against common sense. They undermine efforts at serious arms control where agreements mean something. They are further evidence of a bungling Congress trying to direct our foreign policy.

But I want to focus on a sentence in a "dear colleague" letter than is being circulated by proponents of the SALT II restriction. The sentence reads, "Arms control negotiations are not bolstered by eliminating the only limits that exists on nuclear forces, they are bolstered by a willingness to demonstrate reasoned restraint."

That sentence says much about the current problems our Nation faces in meeting an aggressive Soviet challenge.

The idea that if only the United States will show restraint, the Soviets will come to their senses and we'll live happily ever after would be comical if it were not so deadly. Do we have to constantly recite the history of Soviet expansion during periods of United States restraint? What additional signs of good will do they need?

It truly frightens me to consider how far we have to restrain ourselves to convince the Soviets under this theory. They are under no illusions as to what kind of Nation we are, and they know full well that we want a safer world. They also know that we may hand them more concessions on our own than they could ever get at the bargaining table.

The Soviets only act to promote their national self-interest and the United States has no alternative but to pursue our own national interests with equal vigor.

Make no mistake. The issue is not complying with an agreement. SALT II does not exist. The issue is the same one we have faced in the 1960's and the 1970's: should we hold back while the Soviets build and build.

The worst thing about this approach is its underlying premise. The ultimate goal for some is a treaty—most any treaty will do. They worship at the alter of parchment.

The ultimate goal should always be the security and safety of our Nation. We must never allow our vision to waiver from that goal. When we lose sight of the real objective, our world perspective gets skewed and we try to argue that we will be safer if we do less.

Let us see the world as it really is and look on the Soviet's goals as they really are, and let us meet our first responsibility which is to defend this Nation.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise to speak briefly to an issue stated earlier today by my colleague, the gentleman from Louisiana [Mr. LIVINGSTON], and join him in urging the Members of the House to allow a provision already in the bill to remain in. That provision would require a 1-year moratorium on the business of turtle excluder devices [TED] on the shrimpers off the coast of this Nation.

The choice is not between the turtles and the shrimp; the choice is between common sense and haste without reason. The choice is common sense, it seems to me, that we try to find a way to protect the turtles and allow our shrimping industry to continue.

It is not an idle or esoteric question where I am from. Louisiana already has the highest unemployment rate in America. This device—unproven, untested, and in many ways unsound—will sharply increase our unemployment rate.

We are not asking that the turtles be sacrificed; we are asking that the House allow us 1 year to come up with a way to allow the shrimpers to thrive and the turtles to live. It is a good proposition, and I ask the House to stick with us.

Mr. PURSELL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, this supplemental contains about $11½ billion in new spending, roughly half of which goes for the farm program. It is money that is desired. It goes for very good programs and good things. But, Mr. Chairman, this bill overtly violates the fiscal 1987 budget resolution, and of course that is exactly the reason why the rule waived that budget resolution, so we could in fact, overtly violate it.

□ 1350

It also quietly undermines and subverts, Mr. Chairman, the budget resolution we passed just a few short weeks ago, because it is going to up the baseline on spending under that budget resolution. The question ought to occur to us here in the House: Can we really afford these good things that this bill proposes to spend for, with 2 trillion dollars' worth of debt and $200 billion budget deficits each year for the last 6. The answer to that, Mr. Chairman, is no.

Should the President sign it if we do pass it? Will he sign it? The answer is again no.

There is worthwhile spending in this legislation. But we must also ask: will it be offset; will we save the money when we proceed to budget reconciliation? The answer is "No."

Yes; we desire many of these things. But are they really urgent? Do they belong in an urgent supplement? Here we are for the third year in a row, Mr. Chairman, intentionally underestimating, it appears, our Farm Program expenses, and coming back once again for huge amounts in the supplemental that we should have included in the first place if we were honestly approaching the subject.

I, for one, Mr. Chairman, will not support this supplemental. It is time to be candid with the American people. It is time to be honest. It is time to be responsible. It is not time for business as usual.

Mr. PURSELL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this bill. If you read the committee report you will see it contends that the President's request are $12.4 billion and that the committee's bill asks for $11.342 billion. That makes it possible for you to delude yourself into believing that if you find it good enough for Government work, you may have a justification to vote for this bill. However, even that is based on the inaccurate contention that they are doing better than the President. If you vote for the bill on that basis, you are suffering the worst kind of selfdelusion, because it is only in the way the bill is scored.

If you properly score the CCC and make other adjustments in this bill, you will find that by taking the President's offsets into consideration the President's request was a net reduction in expenditure of $344 million, whereas this bill asks for an increase in expenditure of over $6 billion with no recessions.

In addition to that, if you look deep within the bill you will find there is something for everyone who could have an influence over the acceptability of this bill. This is pure pork.

I implore the Members of this Congress who voted for Gramm-Rudman, who voted for the spirit to find offsets for new expenditures, who believed that the process of budgeting should be supplemented with serious efforts to hold the line on spending and exercise restraint in tradeoff decision making, to vote no on this bill.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise today in support of H.R. 1827, the fiscal year 1987 supplemental appropriations bill.

The Appropriations Committee has brought forth a good bill containing provisions necessary to meet pressing national needs and to prevent the Government from running out of money before September 30.

Of particular interest to the people of Arkansas' First Congressional District is the $24.9 million transferred to the Agricultural Stabilization and Conservation Service [ASCS] so that agency may pay for increased administrative expenses.

ASCS suffers from a cumbersome administrative workload that is simply too big for the agency to manage under current conditions.

Because of the farm depression, participation in the major commodity programs is at a record high. Without Government payments, most farmers could not continue farming. The Government check has become essential to American agriculture.

Thus, the management of ASCS has become an important part of the lives and livelihoods of farmers, their families, and their neighbors in farming communities across the Nation.

In some counties in the First Congressional District of Arkansas, farmers begin to line up outside the county ASCS office before 6 a.m. in order to discover answers to questions that have arisen about farm programs.

Additionally, there are reports of Government checks, commodity certificates, and paperwork piled knee-high in some ASCS county offices. And, confusion has been caused from regulation changes and new directives from the ASCS office in Washington.

An administrative nightmare occurred in Arkansas and other States after ASCS issued new directives last summer regarding the $50,000 payment limitation.

Even though the directives were issued weeks after the end of program signup, the State and local offices were ordered to apply them retroactively to farmers who were already operating in good faith according plans previously approved by ASCS county offices.

As a result, many farmers who acted in accord with county ASCS plans payment limitation found themselves tangled in a bureaucratic web of disorder and confusion.

In fact, the changes in law, regulations and directives caused so much turmoil in Arkansas that many county committees are now reluctant to make decisions necessary to administer the Farm Program. Thus, delay compounds confusion.

Because of the sheer volume of work, many county offices have been unable to complete the paperwork required to process the Government payments due to farmers in a timely manner. Thus, added financial problems are placed upon the farmer.

These administrative problems have caused untold economic disruption in the farm community. When the farmer does not receive his deficiency payment in time to pay back last year's operating loan, he cannot meet the credit requirements to receive this year's operating loan; and if he can't get this year's operating loan, he's in big trouble because it is time to plant this year's crop.

The money in the supplemental appropriations bill for ASCS's increased administrative costs represents a first step to help the farmer, but more than money is needed.

In the short term, Congress should act to directly address some of the problems ASCS faces.

For instance, I have introduced a bill, H.R. 1083, the enactment of which would ease the burden somewhat by clarifying the application of the payment limitation to family members by limiting the review of county-level actions by ASCS State offices and ASCS headquarters.

However, over the long run better management of the current farm policy is needed.

I urge my colleagues to enact this bill.

Mr. PURSELL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Chairman, again I think it is worth a couple of minutes just to put the issue of the dollars in perspective. It was just 2 weeks ago that this House passed a budget resolution calling for an $18-billion increase in taxes, and in the budget resolution was included a new trust fund that was to be set up that would be held strictly for the purpose of reducing the Federal deficit.

I would make the argument if you look at what has been happening around here for the last 5 years, the Congress has overspent its own budget in the last 5 years. Let me say that again. The Congress has overspent its own budget, forget what the President requested, this Congress has overspent its own budget by $150 billion over the last 5 years.

My colleagues might ask themselves how can that happen. It is happening for exactly the reason of what is occurring here today. We are getting ready to pass, and it is going to happen, we are going to pass a supplemental appropriation bill. One can argue about how much money is in it, but the chairman of the Budget Committee has sent out a letter to all of us indicating that the supplemental appropriation bill is estimated to breach the budget authority ceiling by $2.265 billion.

All I am saying is if you really believed 2 weeks ago that you were setting up a trust fund with $18 billion in new taxes, which I realize is supposed to be for 1988 and beyond, you are not fooling anybody. You are going to spend that money even before it gets collected.

It is about time we faced up to it. We have a responsibility. You are running the show here, but yet you have the ability to tell the American people year after year, oh, it is not us, it is the President.

The reality is you are breaking your own budgets, and you ought to vote against this.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of H.R. 1827, the supplemental appropriation bill for fiscal year 1987.

As a member of the House Appropriations Committee, I am proud to have worked on this bill under the leadership of our chairman Mr. WHITTEN, and ranking member, Mr. CONTE, as well as our subcommittee chairmen and ranking members. This is a fine bill which meets the urgent needs to the country without busting the budget. The President requested $12,448,238,662 in his January budget submission. The committee was faced with the task of meeting the priorities of the President and the Congress and holding the line of Federal spending. At the same time, we had to address $5,684,762,000 of proposed rescission from current funding. Finally, our committee was charged with the responsibility of financing the cost of the new Federal Employees Retirement System and the January 3-percent pay increase effective in January for Federal employees. Faced with this task, the committee was able to develop a bill providing for $11,342,701,666 in new budget authority, $1,105,536,996 less than the President requested. Of that amount, $3,970,310,000 in outlays will occur in fiscal year 1987 from this bill.

The committee addressed many pressing issues of public concern in this bill. The committee rejected proposed cuts of nearly 1,500 Customs Service personnel in fiscal year 1987. Had we allowed this cut to go forth, the Government would have abdicated its responsibility to fight the war on drugs. Furthermore, hundreds of millions of dollars of needed revenue collected by the Customs Service would have been lost to inefficient inspection and control of imports. The committee also addressed the issue of the Customs Air Operations Program. The Customs Service is developing a plan to consolidate its air operations thereby reducing the number of air officers along the southwest border, a critical area in the ongoing drug war. The committee, while supportive of efforts to increase efficiency and effectiveness of the Air Operations Program, requested that the Secretary of the Treasury report to the Congress 30 days in advance of such consolidation to allow for proper congressional oversight.

This bill also addresses other pressing needs of the Nation. We have provided $30,000,000 for the Veterans' Job Training Program established by the Emergency Veterans' Job Training Act of 1983 and extended by the Veterans' Compensation Rate Increase and Job Training Amendments of 1986. This program provides for the payment of 50 percent of the salary of each Korean or Vietnam veteran in training for up to 15 months if service connected and 9 months otherwise. Since its initial implementation, this program has been extremely successful and the committee, at the request of the distinguished chairman of the Veterans' Affairs Committee, Mr. Montgomery, has approved the necessary funding. The bill also contains the necessary funding for the 1.5-percent cost-of-living increase for veterans' compensation and pensions as approved in 1986.

The bill would provide an additional $50 million through a transfer to the Summer Youth Employment Program in order that 685,000 summer jobs for economically disadvantaged young people between the ages of 14 and 21 may obtain employment. This is an increase of nearly 50,000 over the fiscal year 1986 level of employment. The bill would also provide $20 million for worker retraining activities under the Trade Adjustment Assistance Program. This funding is vital to allow our workers left unemployed by the trade imbalance meet the challenges of the changing world economy. If this funding is not provided, job retraining funding would expire this month.

The bill contains $300 million in economic and development assistance to our allies in Central America to meet our commitments to those nations. This funding does not result in new budget authority, but rather through a transfer from existing funds. It is the stepping stone for a successful policy in that region—a policy of peace and economic development—not a policy of war and human suffering. The administration had requested a total of $1,150 billion in additional foreign assistance in fiscal year 1987. The committee, faced with the reality that we cannot deficit finance domestic and defense programs forever, let alone foreign aid, was able to find savings in existing programs and meet $650 million of the administration's request through only $200 million in new budget authority.

Mr. Chairman, the committee has worked hard to develop a bill in light of our ongoing budgetary constraints. We are often caught in the middle—we have growing needs and less means with which to fund those needs. We are constantly under attack from both the left and the right for either doing too little or too much, while at the same time the President chides us for not doing exactly what he wants. I believe this committee and the leadership of our House worked hard to meet the needs expressed by all parties in a fair and consistent manner. This bill accomplishes that goal.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

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Mrs. SMITH of Nebraska. Mr. Chairman I have several concerns about this bill, but I am glad it contains adequate funding for the lawfully mandated national farm programs for our beleaguered farmers and ranchers.

Also I want to point out that this bill contains seeds for the future escape of American agriculture from the decades-old stifling hand of government into a freer market world.

One hopeful provision I am talking about is the $300,000 provided in this bill for a demonstration project about a brand new crop called kenaf, which has enormous potential as a source for newsprint. And newsprint, as we all know, is nearly all imported.

So I am talking about potential not only for boosting farm income and reducing production of surplus crops. Kenaf's potential also is for significant reduction of our trade deficit.

U.S. publishers import about 8.8 billion dollars' worth of newsprint annually. Hardly anyone supposes that U.S. grown kenaf could take over all that market from foreigners.

But, my friends, we could certainly try.

I am so deeply concerned about finding new industrial uses for our agricultural production capacity that I have introduced a comprehensive bill, H.R. 1197, which would establish a National Institute for New Agricultural and Forestry Industrial Materials specially for this purpose.

Kenaf is one of the major new crops that I had in mind when I drafted my bill.

Now in this supplemental, I wish to thank my chairman, the gentleman from Mississippi, for immediately supporting my initiative with this funding proposal for the demonstration project.

It is true that kenaf at present flourishes best in southern climes. But it is also true that we now grow wheat and corn in places which once we thought were totally hostile to these crops.

I will be pressing hard for this demonstration project, or one like it, in Nebraska where we have developed irrigation to a science. With eight million acres of irrigation cropland, Nebraska is second only to California.

We have the capability of genetically engineering plants to grow almost anywhere. In Nebraska, and particularly on its irrigated acreage, we have the potential for carefully controlled production and marketing conditions.

Now, let me tell you a little bit more about kenaf.

The USDA has already devoted over 20 years for research on kenaf. Almost all aspects of commercializing kenaf are complete, which means this industrial crop is about to blossom into an economically viable alternative for U.S. farmers.

Kenaf was successfully grown on a commercial scale in southern Texas for fiber purposes in 1986. It was harvested and processed for shipment and storage. Kenaf demonstrated a superior quality for pulping when compared to wood pulp and the paper derived from kenaf had excellent quality.

Kenaf is an annual hibiscus (herbs, shrubs, or trees of the mallow family with large showy flowers) nonwood fiber that is a relative of okra and cotton. It has been grown in Asia and Africa for centuries as a cordage crop.

Imported newsprint costs about $570 a ton. The U.S. Department of Agriculture already has invested about $10 million in research and recently turned to market development with matching funds of $250,000. Department experts cautiously estimate that U.S. farmers could capture at least $2 billion of the newsprint market by growing kenaf on land formerly devoted to surplus crops.

Currently, about 15.5 million tons of newsprint are used in the United States per year. Experts say the United States could produce about 3.5 million tons of newsprint from kenaf for which around 437,000 acres would be required if kenaf had an average yield of about 8 tons per acre. The best news is that a farmer in warmer, more humid regions of the United States could receive around $40 per acre net profit by growing kenaf. And a little more development could lead to its production in other areas of the country that have adequate water and land.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, those in favor of nuclear testing have convinced the public that testing produces newer, better, more flexible weapons than we have ever had before. That is not true. Dr. Philip Morrison is a physicist at MIT who worked on the original atomic weapons program at Los Alamos with Oppenheimer and the rest of the team that developed the bomb used on Nagasaki. According to Dr. Morrison, testing doesn't make sense because all the important developments in nuclear weaponry were accomplished in the first 10 years after 1946, when the technology was immature. The energy per weight in a nuclear bomb rose by 20,000 percent in that 10-year period, after a series of under 100 tests. Since that time we have conducted hundreds of tests, yet that energy concentration has only increased by only 25 percent. With mature technologies like American weapons systems, any testing we do now is simply tinkering with the novelties of the mechanism, according to Dr. Morrison. It looks good to the public, and politicians who support more testing can make people think that we are getting newer, more sophisticated nuclear bombs because of it, but it isn't true. After Hiroshima, the energy in the bomb increased from

5 kilotons per ton of weapon to 1,000 kilotons per ton of weapon by the mid-1950's. We don't want weapons any more powerful than that. They are already as dangerous and as devastating as nuclear weapons can become.

Another reason that supporters of testing like to throw out is reliability. I'd like to borrow from Paul Warnke, former negotiator at Geneva, who summarized this issue well. "The less confidence that both sides have in the reliability of their nuclear weapons," Warnke said, "the less chance there is that either side will ever use them." Dr. Morrison at MIT would agree with that, and he would add that reliability isn't ever determined by testing. He would tell us that you need to take the weapons apart in the lab to find out if they are reliable, and in the lab is where you rectify them if they are not. When the reliability of the Poseidon missiles was questioned, it was not a test that lead us to check them. Testing tells us nothing about reliability and never has, according to Dr. Morrison.

Where testing is useful is in the beginning stages of developing nuclear technologies. The countries that need to test are those such as India, Pakistan, Israel and Argentina—those countries that have weapons in the early developing stages. If we want more and more countries in the world to have nuclear capability, we can go ahead and keep testing. If we want to slow the pace of nuclear development, we should have a test treaty on the table right now.

Yet what have we achieved toward a comprehensive test ban treaty? Since the mid-1950's, a ban on nuclear weapons testing has been the goal of every President. Dwight Eisenhower said almost 30 years ago: "The people want peace so much that one of these days, governments had better get out of their way and let them have it." Every administration has sought a ban on testing as the cornerstone of its arms control policy. Every administration, that is, until Ronald Reagan's.

The Reagan administration has formally opposed negotiations toward a comprehensive test ban treaty, viewing them as contrary to U.S. interests. In 1981, an Undersecretary of Defense told us how Americans would be able to survive a nuclear attack. "Everyone's going to survive if there are enough shovels," he told us. "Dig a hole, throw a couple of doors on top, and cover it with 3 feet of dirt. Its the dirt that does it." Ridiculous as that sounds, that notion that we could win at nuclear war is what has driven the Reagan administration to tinker with our weapons by testing. According to Dr. Morrison, such tinkering is equivalent to making changes in the model on a sportscar. We do not get better bombs by testing, and those we have are so devastating already that we should never, never think of the possibility of surviving a war that used them.

It has been left to this Congress to shepherd Mr. Reagan's influence on the arms control process. This measure that we are considering today that prohibits funds as long as testing above 1 kiloton exists—that provision of the supplemental is only a small beginning. It is the fundamental basis by which we can swing the public's impression of what nuclear weapons testing means. We should not test anymore, because our testing does not do what the politicians and the defense bureaucracy say it does. They are dangerous enough, and all we can do now is to try—for the sake of our children—to prevent their proliferation all around the world.

The CHAIRMAN pro tempore (Mr. MICA). The Chair wishes to advise the gentleman from Mississippi [Mr. WHITTEN] has 3 minutes remaining and the gentleman from Massachusetts [Mr. CONTE] has 1 minute remaining.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, the committee report on the bill that we are going to be voting on today has some language regarding the Department of Energy N-reactor in Washington State. The report language reflects an understanding between the committee and the Department of Energy that the Department will not run the reactor unless the recommendations of the forthcoming report of the National Academy of Sciences are met.

I want to commend my colleagues on the Committee on Appropriations, Mr. DICKS and Mr. AUCOIN, and the majority leader, Mr. FOLEY, because I know they have been working very hard to force the Department of Energy to improve the safety of the N-reactor. But, frankly, I do not think that the N-reactor ought to be reopened at all. Certainly it should not be reopened before the Department of Energy has implemented all the various safety recommendations made by the Roddis panel. I know my colleague, Mr. DICKS, and Mr. AUCOIN have very strong feelings about this issue.

Mr. DICKS. Mr. Chairman will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his leadership, and for the leadership of my good friend from Oregon [Mr. AUCOIN] on this very important issue.

The thing we are trying to make sure of is if there is any reason why the N-reactor should not be restarted, and if the National Academy of Sciences says it is not safe to start that reactor, this committee and the Congress wants them not to do that. The Department of Energy has agreed that that is what their position is. If for any reason, any safety reason this reactor should not be restarted it will not be. The DOE has agreed to it and I think it is a major step in the right direction.

Mr. AUCOIN. Mr. Chairman will the gentleman yield?

Mr. WYDEN. I yield to my colleague from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the words of my colleague from Washington State [Mr. DICKS] and also his work and the work of the gentleman, my colleague from Oregon.

I think this provision which is in the bill is indeed, as the gentleman from Washington State has said, a major step forward toward giving an outside entity, which has no responsibility for plutonium production but which has expertise on safety, some real say over the safety of Hanford. But I do think it is only one step, and I agree with the gentleman from Oregon, more steps are needed. I am certainly going to be working with him and with others to achieve that.

Mr. WYDEN. I thank my colleagues for their statements.

Mr. CONTE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield the remaining time to the gentleman from Washington [Mr. DICKS].

The CHAIRMAN pro tempore. The gentleman form Washington [Mr. DICKS] is recognized for 1 minute.

Mr. DICKS. I will be very brief. It has come to my attention that when I made my remarks I said that the Soviet Union had only taken out 13 weapons. I want to clarify my remarks. The Soviet Union has taken out 1,300 launchers from their inventory because of the requirements in SALT II. I think that is a very significant reduction that would not have occurred if it was not for the fact that we have a policy of interim restraint. As long as we can keep the Soviets reducing, I think that is in our national security interest.

I appreciate the Chairman being so generous in yielding to me again for the purpose of making a correction of my remarks.

I yield back the balance of my time.

Mr. MICHEL. Mr. Chairman, let me get to the point right away:

This supplemental bill is expensive, extravagant, and excessive.

As fiscal policy it is irresponsible and as foreign policy it is dangerous. As a reflection of the seriousness of the Democratic leadership in trying to come to grips with major budget problems, it is deeply troubling.

The bill exceeds our own budget resolution limits by $3.6 billion.

The bill contains $913 million in spending add-ons not requested by the President.

The bill contains none of the $5.89 billion in rescissions proposed by the President to help reduce the deficit.

The bill provides $425 million for the homeless despite the fact that the program isn't even authorized as yet.

The bill provides $365 million in additional food stamp funding, ostensibly for the homeless. But only 2 percent of the funding would actually go to the homeless.

The arms control sections of this bill are wrong in substance, wrong in timing, and wrong in motivation.

President Reagan has had a responsible arms control strategy during the past 6 years. It is a strategy that calls for deep reduction in nuclear arms along with modernization of the arms we retain.

The Democratic leadership has done everything they can to cripple that policy.

Their proposal to mandate U.S. compliance with certain limitations of the SALT II Agreement—which has never been ratified—is quite simply absurd.

The Soviet Union has already violated, beyond any reasonable doubt provisions of that treaty.

Is there anyone who seriously contends that an agreement which would continue to allow a buildup in Soviet strategic forces is better than a strategy that seeks reduction in all nuclear forces, as President Reagan's strategy does?

Is there any knowledgeable observer of the current nuclear arms scene who believes we should stop the modernization of our forces, precisely at a time when the Soviets continue to modernize their forces? Nuclear testing is absolutely vital to our modernization.

The United States of America and its allies are in the midst of the most sensitive, the most difficult, and the most profound discussions concerning the current proposals for IMF forces in Europe.

Does the Congress really want to jump into these discussions with both feet and say:

> We will dictate what the President of the United States should do in nuclear arms policy. We will set the policy, we will define the limits, we will give the signals.

Enacting the Soviet negotiating position into American law will change the very nature of all ongoing strategic negotiations.

Somebody once said that the worst kind of government is one that is everywhere intrusive and everywhere impotent to do good.

That saying applies to the policies of the Democratic leadership as reflected in this bill.

You have your hands in everything, in domestic policy and foreign policy, but all you are doing is making matters worse by violating budget-deficit reduction policy and clumsily intruding into delicate arms-control policy.

This bill is veto-bait, pure and simple.

More importantly, it is a sad and sorry reflection of the Democratic leadership's version of the future. It is a vision of more government spending and less government discipline, of a gradual but inexorable loss of credibility in our nuclear deterrent.

Mr. BROOMFIELD. Mr. Chairman, I oppose the supplemental. This legislation is a budget buster and it damages U.S. national security.

This is not the time for the Congress to start sending wrong signals on SALT II and nuclear testing. These so-called arms control provisions in the supplemental undercut the President at the very moment when we are making progress on arms control. These provisions are arbitrary and unilateral and undercut the nuclear arms reduction process.

The Secretary of State has just concluded sensitive, high-level talks with the Soviets on national security matters. Although much work remains, progress has been made. We expect progress to continue at the Geneva talks and in this regard, we cannot afford to send the President and his negotiating team to the bargaining table without the full support of the Congress.

For these reasons, I urge my colleagues to oppose the supplemental appropriations bill.

Mr. BROWN of California. Mr. Chairman, the nuclear arms race is without question the most grave threat facing humanity. For almost half a century, the United States and the Soviet Union have engaged in a nuclear competition that has made us, our adversaries, and the entire world less secure.

As weapons technology has advanced, and industries devoted to nuclear weapons production have expanded, the superpowers have taken a two-track approach in their quest for national security.

On the one hand, the superpowers have diversified and modernized their strategic arsenals, incorporating technical developments to increase the survivability, flexibility, and lethality of nuclear weapons. On the other hand, the superpowers have recognized the need for nuclear arms control to prevent technical and quantitative developments from presenting an inordinate threat.

Every President since Eisenhower has produced an arms control agreement—until Reagan. And every administration up to the present has worked to uphold not only the letter, but the spirit of arms control agreements. According to a study by a working group at the Center for International Security and Arms Control at Stanford University issued in February 1987 "overall, United States and Soviet compliance with the terms of existing arms control agreements has been good."

The Stanford study found that current perceptions of Soviet noncompliance are exacerbated by "the Reagan administration's search for Soviet violations, by the administration's exaggeration of the military significance of alleged Soviet 'violations,' by United States public confrontation of the U.S.S.R., and by lack of sensitivity among the American public to questions about United States compliance."

The Reagan administration has lost sight of the purpose and benefits of arms control. President Reagan has spurned Soviet negotiating initiatives. He has spurned the U.S. Congress, which has passed resolutions calling upon the President for progress in arms control negotiations. And he has spurned the wishes of the American people for progress in arms control and disarmament.

Mr. Chairman, the record of this administration in arms control is abysmal. President Reagan has failed to produce a single arms control agreement. The primary responsibility for foreign affairs and arms control properly resides in the executive branch. But the failures of the Reagan administration have made it incumbent upon the Congress to assume the responsibility for progress in arms control.

There are two provisions in the 1987 supplemental authorization bill that I urge my colleagues to support. These amendments, on maintaining SALT II numerical limits on strategic nuclear weapons, and on limiting nuclear testing to below 1 kiloton, address both quantitative and qualitative benefits of arms control. Both measures are designed to prevent dangerous developments in Soviet nuclear weapons, while maintaining a viable United States nuclear deterrent. Both measures are verifiable using technical means acceptable to the Soviets.

The SALT II Treaty limits the strategic offensive nuclear forces of the United States and the Soviet Union. The Soviet Union has made a political commitment to abide by this treaty, despite the fact that it has not been ratified by the United States. Not only has the United States failed to ratify this treaty, but the Reagan administration exceeded the SALT II limits in November 1986 with the deployment of the 131st long-range bomber: A B-52 armed with air-launched cruise missiles. The White House spokesman, Larry Speakes, said, "SALT II is no longer operational".

The Reagan administration has exploited every ambiguity to accuse the Soviet Union of violating the SALT II agreement, while conveniently ignoring Soviet destruction of missile launchers in order to remain in compliance with the treaty. Mr. Chairman, the Reagan administration has done more to undermine the treaty than any purported Soviet violation.

If the treaty were to be rejected by both sides, we might face an unconstrained buildup of the Soviet offensive nuclear arsenal. This is certainly not in the national—or international—interest. I urge my colleagues to support the provision of this bill prohibiting the use of funds to deploy or maintain any U.S. weapons that exceed the numerical limits of the SALT II Treaty.

Another provision in the bill puts a stop to qualitative nuclear weapons developments by imposing a severe limit on nuclear testing, paving the way for a permanent nuclear test ban. A comprehensive test ban has been a U.S. policy objective since the Limited Test Ban Treaty was signed in 1963.

The Soviets have shown remarkable restraint in their nuclear testing program. For 18 months, the Soviet Union unilaterally halted nuclear testing, asking the United States to join the moratorium and to resume negotiations on a comprehensive test ban. During the Soviet moratorium, the Reagan administration conducted at least 26 nuclear tests, including experiments for a new generation of nuclear weapons for the President's strategic defense initiative.

Under an arrangement between the Soviet Academy of Sciences and the New York-based Natural Resources Defense Council, the Soviet Union has permitted the installation of seismic sensors in the vicinity of the main Soviet Nuclear testing site in central Asia.

Measurements taken by American and Soviet scientists have demonstrated that a nuclear testing moratorium is verifiable.

Although the Soviets have resumed their nuclear testing program, they have said they will stop if the United States suspends its nuclear tests.

Mr. Chairman, there is every indication that the Soviet Union is ready for serious arms control. The U.S. Congress is ready. The American people are ready. The recalcitrance of the Reagan administration should not stand in the way of progress toward arms control provisions that will make the world more secure.

Mr. Chairman, the bill before us gives Congress the opportunity to stabilize both quantitative and qualitative aspects of the nuclear arms race. I urge my colleagues to give these provisions their full support.

Mr. BIAGGI. Mr. Chairman, I rise to lend my support to H.R. 1827, the supplemental appropriations bill for fiscal year 1987. There are a number of features in this legislation which in my mind qualify as urgent. Among them are $425 million for programs to assist the homeless and needed funds for summer youth employment and worker retraining.

There are two specific provisions I would like to lend my particular support to. The first deals with an additional $10 million appropriations provided to the Title V Program under the Older Americans Act providing part-time employment for low-income seniors. On March 10, I wrote a letter to Chairman NATCHER and the other members of the Subcommittee on Labor-HHS to request that this increase be provided as part of this supplemental. In my letter I noted:

> The $10 million I am requesting would represent the first real growth for this program since 1985. While all other programs did in fact receive increases above inflation in the fiscal year 1987 appropriations bill, title V did not. Without an adjustment in the funding during fiscal year 1987, title V will only be able to support a maximum of 63,800 part-time jobs, less than a 3-percent increase from program year 1984-1985.

I am especially pleased that this $10 million is in fact in this legislation and would like to commend Chairman NATCHER, ranking minority member Mr. CONTE and Mr. ROYBAL who serves on the subcommittee but also as chairman of the Select Committee on Aging for their leadership in securing these funds.

As a result, title V will be able to fund a full 65,740 part-time jobs for the balance of fiscal year 1987. These are funds that will be well spent and are urgently needed in our communities. The Title V Program is a proven entity. It serves the low-income elderly by giving them part-time employment opportunities to supplement their income. The program operates in all of our States both with national contractors and State agencies on aging. It is estimated that a full 50 percent of those employed by title V work in programs to help other senior citizens.

Later this year we will reauthorize the entire Older Americans Act. Title V will be essentially preserved as it is now but these funds are needed to help it meet its mandate. In a letter I received today from Cy Brickfield of the American Association of Retired Persons he said: "As you know poverty increased for persons 55 and over during 1985. Employment however can be an effective tool to reduce poverty for older Americans."

His letter also said "We want to thank you again for your effective work in winning a $10 million funding increase for the Title V Senior Community Service Employment Program. Your amendment will provide nearly 2,000 additional positions for low-income older Americans throughout the Nation."

On another point in the bill, earlier this year I had been contacted by many of my constituents concerning the difficulties that the New York State Department of Labor was experiencing due to a cutback in Federal funding. At one point it was estimated that New York would need to lay off over 1,000 employees and be forced to close 16 local employment services offices. Since these employees and these offices were helping others find employment, it was estimated that over 50,000 job orders would go unfilled. I am pleased to see that this legislation includes an additional $100 million in State unemployment services funding, $30 million for the targeted job tax credit program, and $20 million for working retraining under the Trade Act. This legislation also ensures a total of $811 million will be available to provide about 685,000 jobs for economically disadvantaged youth this summer. I commend the members of the Appropriations Committee, and especially my colleague, Mr. NATCHER, chairman of the Labor-HHS-Education Subcommittee in their efforts in attacking one of this Nation's major problems and major barriers to maximizing our national competitiveness—unemployment.

This measure also includes $35 million for the worker incentive program. Last year, New York State WIN Program placed more than 18,000 AFDC recipients in private, unsubsidized employment. This program saved an estimated $41 million in welfare payments, while costing only $20 million to administer. An investment with such high yield, not only monetarily, but also in humanitarian terms, deserves our full support.

I would also like to commend this supplemental's emphasis on education, most importantly the Pell Grant Program. By transfering $287 million from the Guaranteed Student Loan Program excess to cover Pell Grant shortfalls, the committee is not only ensuring the stability of the Pell Grant Program, but also making an important statement in the relationship between grants and loans—our most disadvantaged students should receive grants before being forced into debt. I also commend the increases in vocational education and graduate education. These are two often neglected areas that deserve our attention.

At this time, I would like to raise one additional issue. There is currently some $3 million, which has been appropriated for the commodities program authorized under section 311 of the Older Americans Act, but which will be turned back to the U.S. Treasury without appropriate action by Congress.

This $3 million, appropriated to provide per meal reimbursement in cash or commodities, has not been spent as a result of the fact that Congress initially underfunded this program in 1985 and subsequently over compensated for this error with a fiscal year 1987 appropriation. I believe this money should be made available to another part of the Older Americans Act which also provides meals to older adults—title IIIC2, which provides home-delivered meals.

Currently, we must transfer about 40 percent from Title IIIC, designed for congregate meals, into the home-delivered meals program to meet the demand. It is my hope that I will be able to work with members of their committee to make this much-needed transfer of funds into the home-delivered meals program possible.

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 1827, the bill to provide supplemental appropriations for fiscal year 1987. I, particularly, endorse the inclusion in this measure of a provision denying the use of appropriated funds for the promulgation of a rule providing for the repayment of construction differential subsidy. The Department of Transportation did promulgate such a rule in 1985 which was subsequently vacated by the U.S. Court of Appeals.

Efforts to revive the same rule as it applies to only those vessels who did pay back their construction subsidy evades the import of the court's holding, and would constitute a drain on those who would find it necessary to relitigate an issue which the Congress had difficulty with at the time the original rule was discussed. The haste with which any new rule would be assembled, under the deadline set by the court, is certain to give rise to certain other complications, that would further fragment, an already fragmented industry, and make more difficult the very necessary task of developing a maritime policy that would allow for a logical development of our defense oriented merchant marine.

An example of the type of mischief that could result is evidenced in a notice of proposed rulemaking by the Maritime Administration on this very issue published April 15, 1987. The court order and the prohibitory language contained in H.R. 1827 relates to the three vessels that repaid subsidy under the 1985 repayment rule. The notice of proposed rulemaking, however adds a fourth vessel to be considered among those repaying—for the purpose I would assume, of demonstrating increased revenue potential if the rule is implemented. The fourth tanker, the *Bay Ridge,* repaid CDS in 1981, and has been continuously employed in the domestic trade since that time. The legislation before the House today would not affect that vessel, in any way. Yet the notice attributes $36 million to be derived from the *Bay Ridge,* and does not distinguish that vessel from the others.

The *Bay Ridge* is not subject to the court of appeals order, and consequently is not subject to any action being taken by the Congress in this legislation. As a matter of fact, Congress on three separate occasions has distinguished the *Bay Ridge* from other vessels that were or may have been subjects of general rulemaking on CDS payback. The inability of the Maritime Administration to distinguish the vessels that are either subject to their own rule, or the decision of the court of appeals, further supports the position of the Appropriations Committee that no appropriated funds be employed for the promulgation of a rule on this subject, unless it is in conformity with statutory standards established by Congress.

Mr. BUNNING. Mr. Chairman, as my colleagues know, in one of my former careers I was a major league baseball pitcher. One of the major fears you always have to contend with when you are out on the mound pitching in a tight game, is that you'll lose control momentarily and throw a wild pitch and lose the game. It only takes one.

Obviously the last thing you would ever do if you had a 1 run lead and bases were loaded is to throw an intentional wild pitch.

But, Mr. Chairman, this supplemental spending bill we are considering today is exactly that—an intentional wild pitch.

After 6 or 7 years of struggling to get the Federal deficit under control, we are on the verge of winning. We have the deficit on a downward path. We have the guidelines and rules in place to help us reach the goal of a balanced budget in the foreseeable future.

We are finally ahead on the game but this bill blows our slim lead.

It arrogantly bypasses the rules of Gramm-Rudman and tramples our budget process and proves that this body is not serious about ever balancing the budget. The President offered us 73 ways to reduce the deficit. This bill rejects every one of those recession requests that would have reduced the deficit $5.8 billion.

The irresponsible spending levels provided in this bill are bad enough but it doesn't stop there.

After 6 or 7 years of trying to convince the Soviet Union that we are serious about negotiating an arms reduction pact, the administration's finally on the verge of a major break through, yet this bill intentionally undermines our President, our negotiators are trying to work out a meaningful intermediate range nuclear weapons agreement.

It makes no sense for a major league pitcher to intentionally throw a wild pitch. And it makes no sense for the House of Representatives to pass this wild pitch of a bill which undermines our chances of reducing the deficit and our hopes of achieving a meaningful arms reduction agreement.

This bill does more for sea turtles than it does for the American taxpayer, the budget deficit, or arms control.

Mr. INHOFE. Mr. Chairman, I have serious concerns about the fiscal year 1987 supplemental appropriations bill in terms of the deficit and the Gramm-Rudman target of $144 billion. I fear that the bill will add to the deficit and continue the past practices of Congress failing to meet Public Law 99-172, the Balanced Budget and Emergency Deficit Control Act.

As we all know the Gramm-Rudman bill required that the Federal Government begin to reduce the overwhelming deficit. Let's examine what has happened since passage of this landmark legislation in December 1985.

In fiscal year 1986 Gramm-Rudman required that the deficit not exceed $172 billion. However, the actual deficit hit $221 billion: an excess of $49 billion.

In fiscal year 1987 Gramm-Rudman requires that the deficit not exceed $144 for the current fiscal year. However, according to recent estimates by the Office of Management and Budget [OMB] the deficit will exceed $190 billion: an excess of approximately $50 billion.

If these reckless policies continue, the Congressional Budget Office [CBO] predicts the fiscal year 1988 deficit will top $169 billion, making the 3 year deficit a whopping $581 billion. Serious long-term economic consequences will result if we do not address deficit spending. Previous spending has already led to an exorbitant $10,000 debt being borne by every American.

Future generations forced to pay for current deficits: The most irresponsible action of Congress, in my opinion, is the debt that we are forcing on our kids and future generations. Currently, over 15 percent of total expenditures go to pay the interest on outstanding debt. Incredibly, that means the U.S. taxpayers are forced to pay $150 billion in taxes for the sole purpose of paying interest on the debt.

The supplemental being considered today is outrageous. Passage of this bill sends out a message to the American people that Congress isn't serious about balancing the budget. Congressman LATTA, ranking member on the Budget Committee has stated that current outlays exceed last year's budget by $14.6 billion. The impact of this supplemental bill will add an additional $3.9 billion in fiscal year 1987 outlays according to the report of the House Appropriations Committee, making the total deficit increase over the Gramm-Rudman target $18.5 billion for fiscal year 1987 turn, this directly increases the payments due for debt interest payments.

National debt: In the last 5 years the United States has gone from being the world's biggest lender to the largest debtor Nation. The debt is now over $2 trillion with Federal IOU's equaling 50 percent of the gross national product [GNP]. Next month, Congress will have to come face to face with raising the debt ceiling or face a Government shutdown.

Slows business growth: Foremost among the problems of this borrowing is the prospect of slower economic growth. Business activity slows when the U.S. Treasury's borrowing clashes with the needs of the private sector. Alarmingly, the annual deficit is now absorbing 30 percent of all capital available in the private market. Furthermore, every dollar that Uncle Sam borrows is a dollar that can't be channeled into productive resources by corporations, small business operators and home buyers.

Inflation threat: The debt is also boosting the odds for another inflationary spiral. The reason is that the Federal Reserve may increase the money supply to keep interest rates down, thereby, halting economic recovery. If the economy slows and begins heading toward a recession—productivity falls and the inflation rate goes up.

Dependence on foreign capital: A bigger part of the U.S. demand for cash has been met by a huge flow of capital from overseas investors. In 1985, foreign investors held 12 percent of the Federal debt. In 1986 foreigners held even more of the debt causing the U.S. Government to owe more to foreigners than the U.S. banks and lenders loaned overseas.

A slide in the dollar could prompt foreigners to stop investing in the United States forcing the Treasury to take a bigger share of domestic savings to pay the debt. In effect, forcing a run on the U.S. Treasury causing the Government to go bankrupt.

Closing: In closing, I believe we owe it to succeeding generations to do something to halt the growth of the debt. Future generations deserve a fair chance, one without the burden of out of control debt! Congress must begin to curb the debt by stopping excessive spending—starting with the fiscal year 1987 supplemental bill. I urge my colleagues to join me in opposing this bill.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the 1987 supplemental appropriations bill before the House today. This legislation is a budget busting spending bill which will raise fiscal year 1987 spending over its legislated limits no matter how one chooses to calculate them.

Not 2 weeks ago, the Budget Committee came to the floor of the House with a fiscal year 1988 budget which was full of the smoke and mirrors subterfuges we have all come to expect. At the time, the majority strongly asserted its concern about our country's ever-increasing deficit. Today we see what a public, political act of breast beating this was.

This additional deficit with which we are burdening our children and grandchildren will also impact our economy today. It will further tighten the credit market for our businesses, homeowners, and consumers. It is no accident that, on Thursday, April 9, a day on which the stock market performed remarkably well, interests rates soared. That is the day the House of Representatives passed the fiscal year 1988 Budget Resolution.

Furthermore, there is a perfect, demonstrable correlation between the trade deficit and the Federal budget deficit. Yet this body will have to address trade legislation next week to counteract yet another of the myriad ill effects of our gigantic national debt.

There are an enormous number of extraneous items in this legislation—items which are not germane to any spending bill. There are also a number of appropriations in the legislation which are not urgent. Of course, in a fit of honesty, "Urgent" has been replaced with "General." This bill should be renamed the "Omnibus Supplemental Wish List."

This is but an indication of business as usual in this Congress. My esteemed colleague, the chairman of the Budget Committee, tried valiantly to object to waiver of the points of order against this legislation. His objections, and those of our committee, were bulldozed in 4 hours time. I respectfully submit that we put an end to this hypocrisy. I say to my colleagues on both sides of the aisle—decide whether or not you stand for fiscal responsibility. If you do, vote against this bill.

Mr. RAHALL. Mr. Chairman, before us today is an important appropriations measure which is vital to the maintenance of many programs throughout the remainder of fiscal year 1987. This measure appropriates $11.3 billion—$1.1 billion less than requested by the President, but $2.2 billion above the limit set by the fiscal year 1987 budget resolution. The amount by which this measure exceeds the limit set by the budget resolution is indeed a point of controversy and grave concern to all of the Members of this body, but the fact remains—the appropriations made by this bill are essential to meet unavoidable Government obligations and to fund some urgent high-priority items such as aid to the homeless.

Therefore, in the best interests of my fellow West Virginians, I will support the passage of this measure. A great many concerns expressed by my fellow West Virginians are addressed by this measure. H.R. 1827 includes $425 million to fund programs authorized by the House-passed omnibus homeless aid bill (H.R. 558). The bill includes two arms control provisions—a moratorium on nuclear testing as long as the Soviets do likewise and accept on-site monitoring; and, a prohibition on the use of funds for any weapon that violates the limits of the SALT II agreement. The measure includes those funds necessary to meet veterans compensation, pension, and medical care needs for the remainder of fiscal year 1987. In addition, the measure allows for the settlement of a contractor's claim, involving the Veterans Administration Medical Center in Huntington, WV, from available unobligated funds. The bill also provides funds for worker retraining activities under the Trade Act of 1974, and for the Summer Youth Employment Program.

With regard to these particular concerns, I am especially pleased to note the provision of funding for the homeless as authorized by H.R. 558, the Urgent Relief for the Homeless Act, as passed by the House. Homelessness is a national problem. While it is most visible in urban areas, it exists in suburban and rural communities as well. There are more homeless people in America today than at any time since the Great Depression. In America today, which despite the Federal deficit, debt and unemployment rate, is still called the land of opportunity, this is a tragedy. The pattern has been set and the homeless are growing in numbers. Until this Nation acts in a combined effort to address the problem, the situation will remain and the numbers will increase.

It is clear that this problem is one of enormous proportions which requires a forceful response from both the public and private sector and within the public sector from local, State and Federal agencies. While there is great diversity among the homeless, these people share many problems which potentially can be addressed through utilizing preexisting programs. With adequate funding, preexisting health care and social service programs, including education, job training, counseling and income support programs, can be used to combat and prevent homelessness in America. We realize now that a national coordination of these efforts is necessary if we are to fully address the problems of the homeless population through the use of existing services and providers. In passing H.R. 558, the House realized this need and through that measure laid the guidelines; this funding measure provides the funds necessary to act on these needs.

While most of this funding will be distributed on a competitive grant basis, there are a handful of programs which are funded on a formula derived basis. During consideration of H.R. 558, I obtained tentative figures for the amount which would be made available to West Virginia on three of these programs.

Of the $255 million provided for emergency fiscal year 1987 funds for programs administered by the Housing and Urban Development Department [HUD], $100 million would be for the Emergency Shelter Grants Program. This program provides grants for the renovation, rehabilitation, or conversion of buildings into emergency shelters to expand the supply of shelters for the homeless. HUD distributes the grants to local governments, which can use the grants themselves or distribute funds to private charitable organizations. Up to 15 percent of these grants can also be used for supportive services for the homeless such as job counseling and health services. Under the bill, grant applicants could apply for a waiver of this 15 percent cap on supportive services funding. If appropriated, roughly $739,000 of this money would go to West Virginia. Approximately $523,000 would be at the Governor's discretion, while the following amounts would be allocated to the accompanying major cities: $67,000 to Charleston, $70,000 to Huntington, $32,000 to Parkersburg, and $47,000 to Wheeling.

H.R. 558 authorizes a total of $70 million in additional fiscal year 1987 funds for an existing food and shelter program and for the Community Services Block Grant Program to provide food, shelter, and services to the homeless; $50 million of this would be authorized for the Community Services Block Grant Program, administered by the Health and Human Services Department [HHS]. The $50 million would be reserved for services for the homeless and would be given only to local Community Action agencies that are already providing services, food and shelter to the homeless. An estimated $538,000 of this amount would be distributed in West Virginia.

The remaining $20 million of this $70 million is earmarked for the ongoing Emergency Food and Shelter Program, administered by the Federal Emergency Management Agency [FEMA]. This program provides funds to charitable organizations and local governments that run food and shelter programs for the homeless. Roughly $224,100 of this money would go to West Virginia, with approximately $17,000 at the Governor's discretion. The counties in my congressional district would receive roughly $60,000 of this amount.

Our goal in providing these funds is twofold. First, we must halt the homeless epidemic which can only serve to undermine our national economy. Second and most importantly, we must fulfill the responsibility of the Federal Government to ensure that the survival needs of the citizenry are provided. Just as the Federal Government has a responsibility to protect the country against foreign attack, it also has a responsibility to assure that everyone can be sheltered and fed, at least at minimum levels. While some Government programs should be curtailed or eliminated in the face of budget deficits, giving people a place to sleep at night and the food and health care needed to survive are not "luxury items" in a decent society. The United States, as the world's richest democracy, can surely provide its citizens with the basic requirements for physical survival.

I am also pleased that additional funding of $20 million has been included in the bill for worker retraining activities under the Trade Act of 1974. The Trade Adjustment Assistance Program, excluding job search and relocation, is expected to run out of funds in April due to greatly increased usage of these funds in many States. This funding is of critical importance to those who have lost their jobs because of increased foreign imports so that they may receive the job retraining they are entitled to under the act. It has been a great concern to many in my home State of West Virginia, which still has one of the highest rates of unemployment in this Nation, that those who are eligible for these retraining activities will be left out in the cold because of the lack of funding. The funding in this bill will allow those people to receive the job training they so desperately need and deserve.

Also of great importance to West Virginia is the additional $50 million appropriated in H.R. 1827 for the Summer Youth Employment Program for use this coming summer. West Virginia's portion of these funds would be $558,859, which would bring the total for the state to $7,667,268 for this fiscal year. These funds were included to partially alleviate a sizeable reduction in the number of summer jobs from the level provided last year because of budget cutting. West Virginia was hard hit with a $2 million cut in the program for this summer which would have meant that 4,000 fewer disadvantaged young people would have been working. The funds in the bill will enable many more of this country's disadvantaged youth to participate in this worthy program.

Finally, making mention of the important aspects of this legislation without elaborating on the necessity of the arms control provisions therein, would be an inadequate summation. A ban on nuclear weapons testing has been an arms control objective of every President since Eisenhower. The Reagan administration has formally opposed negotiations toward a comprehensive test ban [CTB] treaty. This is the first administration since Eisenhower's that has not pursued a CTB. President Reagan at Reykjavik indicated that a CTB would be achievable only as a companion agreement to the elimination of all nuclear weapons. This linking of a test ban to total nuclear disarmament has never been the understanding of Congress, nor was it the policy of any previous administration.

There are a number of points in favor of a CTB. A CTB would curb the development of new nuclear warhead designs, especially those of a depressed trajectory nature, which could be used by the Soviets in a first strike. This restraint in development works to the advantage of the United States as a Soviet depressed trajectory weapon would not be vulnerable to U.S. bomber forces.

A CTB could be negotiated quickly. A CTB would freeze the Soviets in a position of inferiority in warhead design. The efficiency of Soviet warheads is about half that of the United States. Without a test ban, the Soviets could continue testing and sophisticate their warheads, challenging our own.

The Soviets have agreed to on-site inspection of possible weapons test violations. This would increase verification and compliance efforts. This is a major breakthrough in arms control negotiations. Indicating acceptance of intrusive inspection procedures is a crucial step on the part of the Soviets and represents a precedent that should be taken advantage of and used by the United States to advance arms control negotiations.

This measure also prohibits the use of funds for nuclear weapons that violate the SALT II Treaty limits, provided the Soviets continue to adhere to the limits. For 6 years the administration followed a policy of interim restraint, under which both the United States and the Soviet Union acted to keep their strategic forces within the SALT II sublimits. The President himself stated very simply why such a policy is in our interest when he noted, "The Soviet Union has the capability to increase weaponry much faster than the Treaty permits, and we don't."

Despite this fundamental fact, in December the administration acted to have U.S. forces exceed these limitations with the deployment of a 131st B-52 bomber equipped with air launched cruise missiles. This action was taken even though the Congress clearly stated its conclusion in the conference report on fiscal year 1987 funding that it was in our national security interests to continue this policy.

Nothing has changed in the 6 months since the Congress made this finding that warrants abondoning interim restraint. The Soviets still have more hot production lines for strategic weapons. They still have the capability to deploy 21,000 warheads by the mid 1990's without these constraints on their forces, according to the CIA. And it would still cost us $100 billion to match such an effort according to the Congressional Budget Office.

In fact, to date the Soviets have continued to remain under these numerical sublimits despite United States action. Overall they have withdrawn, dismantled, or destroyed over 1,300 strategic launchers under this policy. But we cannot expect them to demonstrate such restraint indefinitely.

Some will argue that this provision undermines our negotiations in Geneva. I agree with the distinguished gentlemen—Congressmen ASPIN, DICKS, FASCELL, COELHO, FOLEY, AUCOIN, GEPHARDT, FAZIO, HOYER, GREEN, MCCURDY and BERMAN—who sent a letter in this regard to each of us earlier this week: Arms negotiations are not bolstered by eliminating the only limits that exist on nuclear forces, they are bolstered by a willingness to demonstrate reasoned restraint. That is just what this provision provides.

Mr. Chairman, again I say I am in support of this measure. It is necessary to fulfill Federal financial obligations throughout the remainder of fiscal year 1987. It addresses urgent national needs. And, it reaffirms congressional arms control policy.

Mr. BOULTER. Mr. Chairman, I hope the House will defeat this budget-busting and irresponsible supplemental appropriations bill and give the Appropriations Committee another opportunity to construct a responsible supplemental. There are some areas in this bill which truly need supplemental funding. The Commodity Credit Corporation, charged with carrying out our vital farm programs, must have supplemental funding to carry out the farm programs mandated by Congress.

In order to help manage our Nation's supplies of agricultural commodities, farmers in my congressional district and across the Nation have set aside large portions of their valuable farmland. They have lived up to their end of the agreement made by Congress when we enacted the Food Security Act of 1985. In order for the Federal Government to live up to their end of the agreement, the CCC must have this supplemental funding. The administration recognizes this fact, as evidenced by their request for a similar level of supplemental funding for the CCC.

I am extremely disappointed that the Appropriations Committee has tied this essential funding with so much unnecessary, pork-barrel spending that the commitment we made to balancing our budget in Gramm-Rudman is breached. I am quite perplexed as well with the committee's decision to include irresponsible measures to tie the President's hands during this time of delicate foreign policy negotiations. By including amendments that would undermine the credibility of our nuclear forces, this legislation would seriously damage our ability to achieve arms control agreements providing for equitable and effectively verifiable reductions in Soviet and American nuclear arsenals.

I fail to see the wisdom in mandating United States compliance with the SALT II agreement, which has never been ratified, would have expired had it been ratified, which has been seriously violated by the Soviet Union. I am disappointed that the committee rejected the additional funding requests for the strategic defense initiative, especially in light of the growing evidence of increasing Soviet success in their efforts to create their own strategic defense.

Also troubling is the rule under which this measure was brought to the floor. Members were given no opportunity to amend the foreign assistance section, for example. We were given the choice of accepting the Appropriations Committee's notion of how the foreign assistance money should be allocated, or voting to strike the entire section. If Members will look carefully at the foreign assistance section, they will find that over $200 million in this section will end up subsidizing foreign competitors of our hard-pressed farmers and independent oil producers.

This closed rule gives the appearance of trying to protect Members of the majority from having to go on record as voting for supplemental funding of the World Bank's International Development Association. This is funding which will be used to subsidize the foreign production of agricultural, oil, and mineral commodities in direct competition with our domestic producers. I know that the farmers and independent oilmen in my district do not want their tax dollars being used to finance their competition, and would not appreciate my voting to allocate funding in such a manner. I doubt that any Member of this body can find a groundswell of support in his district for subsidizing Chinese, Argentinian, or Brazilian farmers, while American farmers are suffering severe economic hardship.

I had hoped to offer an amendment to the foreign assistance section which would have given Members the opportunity to put an end to this foolish policy which has done immeasurable harm to our basic domestic industries. I have introduced legislation in the House of Representatives which would require the U.S. representatives to multilateral development institutions to oppose loans which would be used to subsidize the foreign production of agricultural or mineral commodities already in surplus on world markets. This legislation, the Foreign Agricultural Investment Reform Act (H.R. 306) has been passed by the Senate on three separate occasions. Yet the House refuses to give Members the opportunity to vote on the measure. Again in this instance, the Rules Committee did not see fit to allow Members this opportunity. In light of this unfairly and unwisely closed rule, I hope that Members will see fit to vote to strike the entire foreign assistance section—the only other option the rule allows.

Mr. SCHUETTE. Mr. Chairman, before us here today we face the always difficult task of debating and voting on the merits of a supplemental appropriations bill. However, this year's legislation, which contains a funding provision for $135 million in critical disaster relief assistance, is much more than business as usual for mid-Michigan and the State.

It is about upholding a fair and prudent commitment to disaster-stricken Michigan farmers who were devastated by record floods in the fall of 1986. Indeed, without this much needed provision to provide dollar-for-dollar compensation for the legitimate claims of disaster-stricken Michigan farmers, the livelihood of literally thousands of farmers in mid-Michigan would be in jeopardy.

Quite frankly, the prospect of losing this critical funding provision, and thereby crippling entire farm communities in the state and particularly in mid-Michigan, has left me with an extraordinarily difficult choice. Indeed, the vote I have to make here today has left me between the proverbial "rock and a hard place."

To begin with, let me say up front that I deplore the adornment of this piece of legislation with totally inappropriate and ill-advised "policy" provisions. In particular, I protest in the strongest of terms the inclusion of language in chapter II which would commit the United States to numerical compliance with the sublimits of the flawed SALT II treaty. Similarly, I am mystified by the inclusion of language in this bill which requires that the United States observe a unilateral moratorium on nuclear testing beginning 90 days after enactment of this bill.

In my opinion, both of these provisions could not have come at a more inopportune time. It is my sincere hope that the inclusion of this language will not tie the hands of our negotiators in Geneva as they seek to reduce the intermediate and short-range arsenals of the superpowers.

Second, I have deep reservations about the fiscal implications of this measure. This bill exceeds established spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177. And, I note with displeasure the fact that every one of the President's 73 recission requests which would have reduced the total price tag of this bill was rejected.

I firmly believe that if we continue to fail in our efforts to reduce runaway budget deficits and our skyrocketing national debt, the very survival of the United States as a free nation is at risk. I would have liked to have seen at least some of the President's suggestions adopted so that this measure would have at the minimum been in technical compliance with the Budget Act.

However, my reservations notwithstanding, I will supoprt this measure. As a farmer once said to me as he pulled me aside after a recent meeting, "Bill, we live in an imperfect world." Indeed, I could not have said it better myself, and I can think of no better application of that axiom than to the bill before us here today.

In short, although I have grave concerns about several of the misguided policy-legislating provisions of this bill, I will honor my unwavering commitment to Michigan farmers. As the delegation's sole representative on the House Agriculture Committee, I cast my vote in favor of the resolution. Michigan farmers deserve nothing less.

Therefore, although I rise in support of H.R. 1827, I do not do so without registering my loud and clear contempt for what has been done to this bill.

Mr. LAFALCE. Mr. Chairman, I rise today to express my support for the supplemental appropriations bill for fiscal year 1987, H.R. 1827, as reported by the Appropriations Committee. This legislation provides needed funding for a wide range of federally supported efforts—from $425 million in aid to the homeless to $651 million in foreign assistance, from $6.7 billion for the Commodity Credit Corporation to $1.3 billion for defense programs—while fully recognizing the fiscal constraints imposed by the budget deficit. In fact, the $11.3 billion proposed in supplemental spending is less, by $1.1 billion, than the President's supplemental spending request.

In short, H.R. 1827 is a sound bill. In a thoughtful and responsible manner, it attempts to meet the legitimate obligations of the Federal Government without breaking the bank. I commend the Appropriations Committee for its work in crafting this supplemental appropriations bill.

While I support the bill in general, there is one section of H.R. 1827 which is of particular interest to me and to which I would like to call to the attention of my colleagues in the House. Contained within this legislation is needed funding for the Unemployment Insurance [UI], Employment Service [ES] and Work Incentive [WIN] Programs, all of which are vital to the smooth functioning of the labor market and the training, placing, and assisting of our unemployed and underemployed workers.

Last year, Congress dealt a serious blow to these vital employment programs. Despite the Reagan administration's request for a $144 million increase for the administration of the Unemployment Insurance Program, Congress chose to hold funding at fiscal year 1986 levels. Also, Congress held funding at fiscal year 1986 levels for the Employment Service, while at the same time greatly expanding its programmatic responsibilities. Finally, in anticipation of a new, comprehensive job training program, which predictably will not be developed and implemented in time, Congress chose to phase out the WIN Program, the only Federal job training program for welfare recipients.

These funding reductions threaten the ability of many States to adequately meet the needs of the unemployed and those in need of training and/or placement.

Congress made a mistake last year. In its zeal to reduce the Federal deficit, a goal which I wholeheartedly support, the Congress cut indiscriminately; it cut to the point where the integrity of these programs has been seriously compromised. And we all know who the losers will be. Beyond those immediately affected, as many as 5,800 State employment security officers nationwide, it will be our constituents who pay the price if we fail to pass this appropriations bill. As is clear from the evidence, when these funds are cut, it is service to the public which suffers.

UNEMPLOYMENT INSURANCE

According to an Interstate Conference of Employment Security Agencies survey conducted during the beginning of this calendar year, the impact on the UI Program will be severe without additional funding:

Twenty-seven States reported that they will leave an estimated 544 positions vacant in order to cover the difference in actual salary rates and the rate provided by Federal administrative funds;

Twenty-eight States reported that the cuts will have an immediate impact on unemployed workers and/or employers in the form of longer waiting time for claims services, delays in issuing payments, fewer offices resulting in longer travel time, delays in processing tax adjustments and protests, and reduced information services to employers;

Thirty-one States reported that the reductions will have a serious long-term impact on service to the public in the form of higher thresholds for fraud prosecution, reduction in the number and frequency of employer tax audits and resulting increases in delinquent employers and uncollected taxes, and reduction or elimination of capital expenditures;

Twenty-six States anticipated backlogs, particularly in the areas of issuing appeals decisions and eligibility determinations; processing initial claims for benefits; detecting and collecting overpayment; tax auditing employers; processing wage records; and handling interstate benefits and filing.

Seven States planned to lay off 466 permanent UI staff; two States hoped to avoid layoffs by offering early retirement plans;

Eleven States planned to close a total of 94 local offices and itinerant service points.

We are offered equally ominous findings by recent Department of Labor performance ratings of the States. In such areas as the percentage of businesses audited, the percentage of businesses notified within 180 days of becoming liable for UI taxes, and the percentage of employers filing wage reports by the end of the quarter in which they are due—all measurements of efficiency and long-run program integrity—there is a clear pattern of erosion from fiscal year 1984 to fiscal year 1986, years in which the UI Program experienced funding cuts. It is too soon to know what the results will be for fiscal year 1987. Judging by what the States are telling us, however, there is little reason to believe that this disturbing pattern will be any different.

What has happened in many States is clear. In order to meet the demands of unemployed workers, States have been forced to transfer funds and personnel out of quality control and into current operations. States have been forced to compromise the long-run integrity of the UI Program simply to maintain service to our constituents.

We all know that this is a sure prescription for disaster. The more we cut, the more the infrastructure of the UI Program deteriorates, and the more money we waste because of poor quality control. The men and women who will loose their jobs if we fail to pass this supplemental appropriations bill will certainly suffer from our unwillingness to appropriate the necessary funds for this program. The ultimate losers, however, will be our constituents, who will be stuck with a UI Program unable to meet the needs of our rapidly changing economy.

EMPLOYMENT SERVICE

Funding for the Employment Service was also held at the Fiscal year 1986 postsequestration level. The problem here, however, goes beyond the inevitable cuts associated with a funding freeze. Even as we cut real funding, we greatly expanded the programmatic responsibilities of the Employment Service.

As part of the Tax Reform Act of 1986, Congress reauthorized the targeted jobs tax credit, which allows employers to take tax credits for hiring certain "targeted" individuals. However, in so doing, Congress failed to appropriate any additional funds to state ES agencies, which have been charged with the responsibility for certifying which individuals are eligible to be "targeted."

This tactic has bred further disaster. There is now a backlog of almost 1 million applications throughout the country. State ES agencies simply do not have the manpower to process these requests. In New York, we have 150,000 individuals, more than any other State, waiting for the job service to give them the opportunity to work and earn a living on their own.

In addition, State ES agencies have been given further responsibilities, again without any new funding, by the recently enacted immigration bill. Employment Service agencies will have to complete, file, and, in some cases, secure documents in an effort to verify the citizenship of every individual they refer to an employer. This new assignment comes on top of an anticipated increased workload resulting from stepped up enforcement of existing verification requirements—alien and agricultural certification programs.

As the Department of Immigration and Naturalization has yet to issue the specific regulations regarding the administration of the law, we can only begin to guess at the burden this will impose on the already strapped Employment Service agencies. We do know, however, who will ultimately bear the burden. Again, it will be our constituents.

WORK INCENTIVE PROGRAM [WIN]

Finally, there is the WIN Program, which is designed to move AFDC recipients off the welfare rolls and on to the payrolls. In anticipation of a new, comprehensive job training program, the Congress last year cut the WIN Program in half, from $220 million in fiscal year 1986 to $110 million in fiscal year 1987 and stipulated that all funds be spent by June 30, 1987.

One could understand the rationale behind the termination of the WIN Program, if indeed there were a massive new job training program scheduled to take effect on July 1, 1987. But there is not, and it is extremely unlikely that Congress will act swiftly enough to enact and implement one by this date. We have thus shut off an opportunity for thousands of poor Americans without offering anything in its place.

SUPPLEMENTAL APPROPRIATION

It is Government's responsibility to ensure the smooth functioning of the labor market. These cuts threaten Government's ability to perform this function. Fortunately, the Appropriations Committee has recognized this imperative and included funding for these vital programs in the supplemental appropriations bill.

The committee has recommended that the UI allocation for fiscal year 1987 be increased by $100 million, an amount that will go a long way toward addressing the serious problems we are facing in this program. In addition, H.R. 1827 would increase the fiscal year 1987 appropriation for the Employment Service by $30 million, funds necessary for the administration of the Targeted Jobs Tax Credit Program. Finally, this legislation extends the WIN Program until the end of the fiscal year and allocates $35 million more to cover this expense.

Mr. Chairman, H.R. 1827 is a fiscally sound measure, one that demonstrates a commitment to effective government. It recognizes that funding for employment programs is an investment in the economic health and wellbeing of our society and that cutting funds for these programs is both shortsighted and counter-productive. Mr. Chairman, on behalf of our constituents, the men and women who depend on this needed funding, I urge my fellow Members to support this supplemental appropriations bill.

Mr. ROBERT F. SMITH. Mr. Chairman, colleagues, I rise to urge that each of you take note of and support a provision within this supplemental appropriations legislation which would prevent the Veterans' Administration from downgrading the VA Medical Center at Walla Walla, WA, from a full-service facility to a poorly staffed outpatient clinic.

This center currently serves an 18-county region of the Pacific Northwest, including seven counties of my own Second Congressional District in Oregon. It has grown over the years into a well-respected, well-used, and trusted provider of health care to thousands of veterans in our three States.

Yet today, VA has suggested that they can save a scant $7 million by closing the inpatient care section of this facility, displacing more than 250 employees, and forcing those veterans who have come to rely on the Walla Walla Center to travel instead to Spokane and Boise.

On one hand, I want it known that I applaud the sincere attempts of any agency of this Government to save money where it can do so. But on the other hand, I think there is far more than money involved to be considered in a change such as this one.

First is the added distance, expense, and discomfort which we would force our veteran population to endure in traveling to Spokane or Boise. I'd hate to think that this Government would save money simply by transferring higher personal or ambulance transportation costs to the individual veteran.

A second element, maybe more important element, is the potential violation of trust of the men and women who have served this Nation so well, our veterans.

The VA medical system is frequently the only one available to many of these constituents, and the VA has not historically been known as the most welcoming or hospitable providers of health care. Yet the Walla Walla Center enjoys an unusual popularity. Its care is exceptional; its reputation is admirable; its potential downgrading has created an outpouring of sentiment from those it has served. I think it would go against the very nature of the mission of the VA medical system to rob our veterans of that trusted facility now.

In its larger form, this supplemental appropriations legislation is seriously flawed, in my opinion, and deserves the most careful attention by every single Member to every single line of proposed spending.

But in its provision to stop the downgrade of the Walla Walla VA Center, this bill is perfect. It is a task to which I've already devoted well over a year, and it's one which this Congress has addressed in the past. If it's necessary to repeat ourselves in Congress before this agency will hear our intentions, this bill does it adequately.

I hope that, regardless of the outcome of this bill, we can see to it that this provision—to stop the change at Walla Walla—can be met. If not here, then through the VA's own instruction.

Mr. SHUMWAY. Mr. Chairman, I cannot support the supplemental appropriations bill for fiscal year 1987 as it takes an irresponsible approach to Federal spending and places serious constraints upon our national security and negotiation leverage.

At a time when deficit reduction has become inexorably linked with our economic prosperity, this bill creates $11.3 billion in new budget authority while proposing few offsets of any sort. The resultant $3 billion increase in fiscal year 1987 outlays is a major breach of Congress' Gramm-Rudman-Hollings commitment to reduce deficit spending and forebodes immense difficulties should sequestration prove to become a reality this year. Undoubtedly, there are items in this bill which are needed and which I support, such as increased funding for the Soil Conservation Service and the release of construction funds for Mather Air Force Base. However, the spending contained in this bill must be offset by savings elsewhere in the budget. I find it contemptible—but hardly surprising—that this supplemental appropriations bill fails to follow this responsible approach to budgeting.

I am also concerned with language in the bill imposing a moratorium on nuclear testing and mandating compliance with the numerical sublimits of the second Strategic Arms Limitation Treaty [SALT II]. I do not believe that either would serve to further our negotiating efforts at reaching détente and am especially dismayed that such language appears in an appropriations bill.

A prohibition on nuclear testing fails to address Soviet compliance problems with existing arms control agreements, the inadequate verification procedures for all of these treaties, the ever-growing importance of the arms reduction talks underway in Geneva, and the present realities of détente which require a nuclear deterrent for the security of the United States and its allies. I believe we must continue to modernize our defensive capabilities in those areas where an imbalance currently exists, a process for which nuclear testing will be required.

There also exists no need for the United States to comply with SALT II, an arms control agreement which was never ratified and which the Soviets continue to violate by deploying the SS-25 ICBM and incoding missile test information. Even during the Carter administration, the Democratic Senate refused to ratify the SALT II agreement because of serious questions concerning parity and verifiability. This bill unjustifiably interferes with the constitutional powers of the President and the Senate and sends the entirely wrong message to the Soviet Union at a time when the President is vigorously pursuing deep, equitable, and verifiable arms reductions.

I urge my colleagues to join me in opposing this bill, which makes a mockery of both responsible Federal spending and the efforts of our negotiators in Geneva.

Mr. COMBEST. Mr. Chairman, I rise in opposition to this supplemental appropriations bill. As is often the case with legislation considered by this body, this package contains some provisions that are good and some that are very bad. One of the most difficult tasks we face as legislators is wading through a legislative bundle like this supplemental and attempting to determine whether or not the good outweighs the bad.

There are some provisions in it that are needed. For instance, this supplemental contains funding for the Agriculture Department's Disaster Program and for the Commodity Credit Corporation account. We have made a commitment to fully fund those programs, and we should fulfill those commitments.

Unfortunately, there are many other provisions in this package that are not needed, that shoot through the budget ceiling and that should be rejected. This supplemental proposal completely defeats the purpose of a supplemental appropriations bill which is to provide additional money for reasons that were not anticipated or that could not be estimated accurately when the President submitted his budget and when Congress enacted the regular appropriations bills. The measure before us contains additions of $913 million in unrequested program supplementals, rejects all of the President's $5.8 billion rescission requests, and increases fiscal year 1987 outlays by $3 billion.

There is simply not enough money to pay for this package. Federal outlays for fiscal year 1987, which now stand at nearly $1 trillion, exceed the ceiling established in last year's budget resolution by $14.8 billion. The President's request for this bill was actually a reduction of about $350 million in budget authority. Each dollar of his rescission requests was rejected in committee, and the House is now considering an increase in budget authority of $6.6 billion above the original request.

In this time of budget austerity and concentration on deficit reduction, we must work to prioritize more than ever. The additional spending and the irresponsible fiscal policy exhibited in this bill is reason enough to vote "no" on this supplemental.

Even more disasterous than the unnecessary spending, however, are two provisions in the defense section.

Here, on an appropriations bill, the House is mandating compliance with an unratified treaty that would have expired if it had been ratified. Yes, in this House fact is indeed stranger than fiction.

I am disturbed by the arms control amendments on two levels. First, on a constitutional level, I shudder to think how our Nation's history would have been changed if the House of Representatives had limited our negotiating positions in the many challenges we have faced. This kind of interference is against the intention of the Founding Fathers and contrary to the processes that have made our Government work for 200 years.

On another level, these restrictions go against basic common sense. Our first responsibility in this body is to promote our national interest.

It is not in our national interest to put restraints on ourselves because of an unratified treaty that would have expired if it had been ratified and whose artificial limits have no known relationship to our national security.

It is not in our national interest to make a mockery of serious arms control by ignoring Soviet violations of those sections that they think are to their benefit to violate and then expect us to unilaterally comply with the leftovers. If arms control is going to have any real meaning for the future, there must be no doubt that a violation of one section renders the entire treaty worthless.

It is certainly not in our national interest to pretend that unilateral restraint, wishful thinking, or gestures of good will do anything to make the Soviets a more willing negotiator.

The standard we must use is: "Will this action make the United States more secure?" rather than "Will this make it easier to sign a treaty with the Soviets?" Our national interests must always come first.

Mr. Chairman, I believe that this vote is a test of our character—the first of several we'll have this year because floating around here are an endless number of proposals to limit ourselves. The way we meet this test will say a lot about where we are headed as a nation. I hope that we will not sit back relying on the good will of aggressors, but will take the responsibility for our security and our future in our own solid grip so that we can carry our liberties forward to the next generation. I hope my colleagues will vote for our Nation's security and against this bill.

Mr. BILBRAY. Mr. Chairman, I rise today in opposition to this bill's provision to limit nuclear testing at a threshold of 1 kiloton.

Today, Mr. Chairman, United States and Soviet negotiators are meeting in Geneva to discuss limitations on short-range and intermediate-range nuclear weapons. In light of these talks and of the progress recently made by Secretary of State George Shultz in his trip to Moscow, placing a 1-kiloton threshold limit on U.S. underground nuclear tests now would be ill-timed and ill-advised. I caution my colleagues that such actions could compound the difficulties our negotiators face in an already complex series of negotiations.

During the Secretary's trip, Soviet officials suggested the United States and the Soviet Union conduct a nuclear test on one another's territory. Under the proposal, the United States would set off a nuclear device at the principal Soviet nuclear testing facility while the Soviet would do the same at the Nevada test site. Since each side would know the size of its own device, each side could calibrate its seismic monitoring systems to determine the accuracy of its measurements. This proposal has been agreed to in principal, and represents a big step forward in nuclear tests verification. Further, the information obtained would be critical in verifying the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. These agreements may be under consideration by our colleagues in the Senate in the near future. Our actions today could stifle this important initiative, and I urge that we weigh the transient value of symbolism with the benefits of concrete progress.

Mr. Chairman, like all Americans I echo the President by remaining committed to a national security policy which includes a strong deterrent to aggression and an active pursuit of deep, equitable, and verifiable reductions in Soviet and American nuclear arms. However, adopting the moratorium provided for by the bill under consideration today simply does not meet any measure of real progress toward a more secure world.

Like the President, we all look forward to a world free from nuclear weapons. Such would be the legacy I would like to leave for my new granddaughter. But the way to ensure that we reach such a world is by being prudent, skeptical, and tough negotiators, not given to providing our adversaries unilateral advantages.

For that reason we must make sure our negotiators are not undercut by what we do here today, and as important we should consider what the future of our testing capability will be.

Mr. Chairman, the Soviets have just recently ended a unilateral nuclear test moratorium of some 18 months in duration. Shortly after ending the moratorium they were able to resume testing at a steady rate of at least one a month. This should demonstrate to all those who advocate this provision to unilaterally limit the size of our tests, that the Soviets will maintain a capability to resume testing should they decide to break the treaty. Indeed, they have demonstrated the political will to keep their test site at a high state of readiness, a readiness that guarantees that they could, and will resume testing shortly after breakdown of a treaty.

The United States must be prepared to do what is necessary, even with a treaty, to maintain the Nevada test site at a high state of readiness. In the jargon of the nuclear theorists, we need to guard against a Soviet breakout from a test ban treaty. In English, we cannot be lulled into a state of complacency because we have a sheet of paper called a treaty. Too much is at risk, too many lives are at stake, too much freedom is on the line, to leave it to the Soviets to honor their agreements. We don't wish the worst case, but we must guard against it. And I might add, if we keep vigilant and do not let our testing capability atrophy we will go a long way toward ensuring that any agreement reached will be honored.

Mr. GALLEGLY. Mr. Chairman, I rise today in opposition to H.R. 1827, the supplemental appropriations bill for fiscal year 1987. Unfortunately, I must oppose this bill even though there are many important items contained in it to commend. Included in this bill is $147.8 million to begin implementing the urgently needed Immigration Reform Act passed last year. CHAMPUS, the civilian health and medical program of the uniformed services, is slated to receive $382.5 million. This supplemental appropriation also includes $80.2 million in compensation and pension benefits for our veterans and another $30 million to defray training costs and provide incentives for employers to hire veterans.

There is also a very important provision in this bill to the residents of my district in California. Language in the bill directs the Department of the Interior to transfer $570,000 of unobligated balances from "Teton Dam Failure, Payment of Claims" funds, to the United Water Conservation District in California. This money was to be used as a Bureau of Reclamation small projects loan for the Freeman diversion project, which impacts both my district and that of my colleague, Congressman LAGOMARSINO. This project is sorely needed to stop saltwater intrusion into the aquifers of the Oxnard plain, one of the richest agricultural areas in the Nation.

It is extremely unfortunate to me, therefore, that this bill has been written with criteria that are so objectionable as to create a situation wherein I must vote against its passage. A major problem with this bill is that it exceeds the 302(b) allocation for discretionary new budget authority in fiscal year 1987 by $3.9 billion. At a time when our Nation is literally drowning in red ink, when the latest Congressional Budget Office estimate for the fiscal year 1987 budget deficit is now over $173 billion, we simply cannot invest another $3.6 billion.

Beyond the irresponsible fiscal policy that this bill represents, there are also two arms control provisions that have no business being included. Just today, our team in Geneva began a new round of negotiations with the Soviets. As we stand on the brink of significant and stabilizing arms control agreements with the Soviet Union, the last thing the Congress should be doing is passing arms control provisions that undercut the position of our negotiators in Geneva.

On balance, the bad parts of this bill to our Nation far outweigh its many benefits. As a fiscal conservative, as well as an advocate of true arms control, I simply cannot support this bill. I will continue to work, however, on seeing to it that those provisions which I believe are important, and which I have mentioned, are carried out through separate legislation or administrative actions.

Mr. McCANDLESS. Mr. Chairman, H.R. 1827, the supplemental appropriations bill for fiscal year 1987 is a budget-buster, and I opposed it.

A supplemental appropriation is a catch-all bill. It is a hodge-podge of a little bit of everything. It includes funding for programs that were created or expanded after the regular appropriations bill has passed, and for programs that were underfunded during appropriations process.

Every spring, Congress goes through the torturous exercise of drafting and passing a budget. Hollow claims are made that Congress has, at last, lived up to campaign promises and other commitments to reduce the deficit and move toward a balanced Federal budget. That is followed by a procession of appropriation bills which are supposed to meet the constraints of the budget. But when the fiscal year ends, the deficit is always much higher than budget said it would be. Members who ought to know better, naively ask—and Members who do know better, slyly ask—"How did that happen?"

It happens because every year we pass supplemental appropriations that completely ignore the congressional budget resolution. H.R. 1827 is no different. H.R. 1827 calls for spending in excess of the ceiling set in the fiscal year 1987 budget resolution; it would add another $3.9 billion in outlays to the fiscal year 1987 projected deficit of $174 billion—a deficit which is already well above the Gramm-Rudman target of $144 billion; it will add $837 million to the fiscal year 1988 budget, most of which was not included in the fiscal year 1988 budget resolution which we passed less than a month ago. In short, H.R. 1827 demonstrates to the American people that the House of Representatives is not serious about reducing the deficit.

In all fairness, I must say that there are items in H.R. 1827 that I support. But there is more bad than good.

Many areas where the President had recommended cost savings are ignored. Other initiatives, such as a study to privatize Amtrak, and a program of drug testing key Governmental employees, are prohibited by the bill. Then there are items, which, at a time when we are trying to control Federal spending, have to be questioned. Some of the more dubious items include: $16.2 million for a new building on the Penn State University campus; $3 million for a rural industrial park in Oklahoma; a $5 million gift to Australia for their bicentennial; $758 million for foreign aid; $50,000 to commemorate the centennial of the birth of Dwight Eisenhower; $13.9 million for the acquisition of a park in Washington State, and $9.5 million for the activities of the House of Representatives. These programs and expenditures may have some merit, but while, in an effort to reduce the deficit, we are asking the American public to make sacrifices, I cannot not vote for them.

I am also very concerned that provisions of this legislation infringe on the constitutional prerogatives and powers of the President in the area of foreign affairs.

To keep our economy strong, we must end the ruinous cycle of huge budget deficits. We have taken steps, which I have supported, toward a balanced Federal budget. However, H.R. 1827 is a giant step backward, and I cannot support it.

Mr. LEVINE of California. Mr. Chairman, I rise today in support of H.R. 1827, a bill providing supplemental appropriations for fiscal year 1987.

Mr. Chairman, I support H.R. 1827 primarily because of the two critically important arms control provisions it contains. These amendments are essentially identical to two amendments adopted by the House last summer to the fiscal year 1987 defense authorization bill.

The first amendment enforces the three numerical sublimits on the SALT II Treaty so long as the Soviets continue to comply with those sublimits. No fiscal year 1987 funds could be spent on deployment or maintenance of weapon systems in excess of the sublimits established in the SALT II Treaty. Since the United States exceeded the SALT II limits last fall, the amendment mandates that the United States will have to dismantle sufficient systems to bring the force level back into compliance with the sublimits.

The second amendment establishes a moratorium on nuclear warhead testing of over 1 kiloton so long as the Soviets refrain from such testing and agree to in-country monitoring. The prohibition relates to the use of fiscal year 1987 funds only, and would take effect 90 days after enactment. The testing limitation would not apply if the United States and the Soviet Union agree to significant limits on nuclear explosions, through a treaty or accord.

Mr. Chairman, the House has already expressed its will on these subjects when it passed them last summer. However, in deference to the President in advance of the Reykjavik summit, the House watered down the SALT II provision and dropped the testing moratorium. Neither action seemed to make the slightest difference in the President's performance at Reykjavik. To be generous, he was woefully unprepared, uninformed, and outmaneuvered. Even without these provisions in force, he acted as if his hands were tied.

It is time once and for all for Congress to pass tough binding arms control language.

The SALT II provision provides an opportunity to restate congressional insistence that the United States not abrogate an arms control treaty in our national interest.

The SALT II provision contributes to United States national security by forcing the Soviets to dismantle or destroy hundreds of nuclear systems and delivery vehicles. Without such limits, the Soviets could increase with impunity the number of warheads in their arsenal; and they are much better equipped than we are to rapidly build up their offensive systems.

Finally, the SALT II provision is an important symbol of the U.S. commitment to a major arms control treaty. There can be no better way for the United States to demonstrate its credibility and sincerity in the present arms control negotiations with the Soviets than to readhere to the SALT II sublimits. In fact, such adherence on strategic arms provides the basis for agreement on other types of nuclear weapons, particularly intermediate and short-range weapons.

The nuclear testing moratorium is simply the best way to slow and perhaps stop the arms race, since it would preclude the development of a third generation of nuclear weapons. It also likely will stop Soviet testing, since the Soviets have said they will stop when we do.

The testing moratorium provides for in-country monitoring and restrictions to one test site, both of which would contribute significantly to accurate verification.

It is unnecessary to detonate a nuclear weapon to ensure the safety and reliability of the U.S. nuclear arsenal, contrary to administration claims. In fact, only 5 percent of U.S. nuclear tests are conducted for the purpose of testing weapon reliability.

In conclusion, Mr. Chairman, these amendments represent a commitment to our national security through arms control and in fact will contribute, not impede—as the administration argues—an arms control agreement in Geneva. Such protestations by the administration are merely an excuse for inaction. Congress has complied with the President's wishes before on arms control. The results have been negligible. Now is the time for us to stand tall.

I urge my colleagues to support this bill.

Mr. KOLBE. Mr. Chairman, H.R. 1827, the supplemental appropriations bill of 1987, includes a request from the Immigration and Naturalization Service for funds that it intends to use in enforcement of the employer sanctions provisions of the Immigration and Reform Act of 1986.

The act is, without question, one of the most sweeping social reforms Congress has enacted. For the first time in this country there will be a multi-tiered approach to combat illegal immigration. There is great hope for the promise it offers and great dread for the failure it could be.

Whether this reform is successful will be largely determined by employers. The employer sanctions provision is based on reporting and self-enforcement. These employers cannot fullfil their obligations under the act unless and until they know what those obligations are. The act provides the model; the regulations are the instructions without which the model can't be built. The regulations are still uncompleted. We have at this moment the absurdity of a law that employers are supposed to enforce without knowing the requirements of the law.

On June 1, every employer in this country will be subject to criminal and civil sanctions for failure to comply with this act. There is a 12-month period where only a citation will be issued for a first offense, but if the second violation ocurs on June 2, a penalty can and will ensure. Without public education, this fundamental provision cannot work and without this provision as an essential plank, the reform will fail. Recognizing the detrimental effects unfounded fears would have on the program, Congress provided for a 6-month education period.

Because of unexpected, though understandable and perhaps even unavoidable delays in receiving bids and other difficulties in interagency coordination, contracts for the most comprehensive aspects of the public information program were let only 2 weeks ago. After adding normal lead times to produce an extensive campaign and assuming there are no hitches, the public education period will begin roughly 2 weeks before sanctions begin.

The early education period Congress envisioned will not occur.

This week, I discussed with the other Member's body a proposed amendment to delay imposition of sanctions for 120 days to allow the INS and others to continue and enhance their efforts to educate both employers and prospective employees of the law about what the sanctions are, and to a great extent, what they are not. The "reprieve" would've lasted until October 1, at which time the citation period would've begun as usual. It would not have affected any other provision of the law and it was not intended to weaken any aspect of the law. On the contrary, it was and is my belief that a 120-day delay would in fact strengthen implementation and calm some of the chaos that is erupting among employers.

Unfortunately, although many Members I spoke with agreed the idea had merit, no one was willing to reopen—even in this most limited way—an act which caused so much emotional turmoil when it was considered in this body. I can appreciate that fear, but, it is unfortunate and the consequences for those will struggle to comply with the law will be even more unfortunate.

Mr. LOWRY of Washington. Mr. Chairman, I rise today in support of a provision which was included in the House Appropriations Committee's bill, the fiscal year 1987 supplemental appropriations, H.R. 1827. This provision would prohibit the promulgation of a new rule by the Department of Transportation which is identical to a rule recently overturned by the U.S. Court of Appeals. The proposed rule would permit certain U.S. tankers, those built with construction differential subsidies that helped them compete with foreign ships, to repay those subsidies and allow them to compete with unsubsidized U.S. tankers in the Alaska oil trade.

The Federal Government has, for many years, recognized the need to preserve a strong U.S. maritime fleet for peacetime and national emergency use. We have supported the fleet with a variety of assistance programs designed to make U.S. vessels more competitive with subsidized foreign fleets. The promulgation of this rule would undermine the stability of the U.S. maritime fleet and jeopardize U.S. Defense preparedness because of the anticipated loses of smaller more militarily useful tankers through title XI defaults and, the loss of qualified merchant seamen and women.

The Department of Transportation instituted an identical rule in 1985 in hopes of generating revenue to offset the public debt. Instead of accomplishing this worthy goal, DOT's actions resulted in over $55 million in net losses from title XI defaults. If a new rule is promulgated, an additional $70 to $200 million in title XI defaults are expected to occur, wiping out budget gains and resulting in substantial budget losses. In addition the Department of Transportation anticipates that hundreds of jobs will be lost.

I urge Congress to retain this provision blocking the CDS payment rule because of its negative budget impact.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. Pursuant to House Resolution 148, the following amendments are considered as having been adopted:

First, an amendment to strike out the paragraph beginning on line 5, page 32 through line 8;

Second, an amendment to strike the colon on line 13, page 121 and all that follows up to the period on line 15; and

Third, an amendment to strike the colon on line 8, page 123 and all that follows up to the period on line 10.

No amendments changing or affecting the subject matter of either sections 5 or 6 of chapter II of title I are in order except amendments to strike each said section, which shall be debatable for 1 hour, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Chapter IV of title I shall be considered as having been read. No amendments changing or affecting the subject matter of chapter IV are in order except the following amendments, which shall be considered in the following order only and which shall be considered and debated as provided in House Resolution 148:

First, the amendments by Representative EDWARDS of Oklahoma, or his designee, printed in House Report 100-61.

Second, an amendment to strike out said chapter IV.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—PROGRAM SUPPLEMENTALS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The sum of $62,500,000, to be derived from $27,500,000 appropriated pursuant to Public Law 99-500 and Public Law 99-591 for commercialization of the land remote sensing satellite system and $35,000,000 appropriated pursuant to the same law for the polar orbiting satellite system, is hereby reprogrammed for a two spacecraft land remote sensing satellite system under a plan which provides for the cost of the second satellite from funds from users or other sources other than funds from the National Oceanic and Atmospheric Administration. The release of such funds is subject to the funding plan being approved by the House and Senate Committees on Appropriations.

At such time as funds are appropriated to carry out Sec. 118 of the Federal Water Pollution Control Act, the funds transferred to the National Oceanic and Atmospheric Administration in accordance with subsection (h)(3) of such section, shall be used to carry out the provisions of subsection (d) of such section at the Great Lakes Environmental Research Laboratory.

None of the funds appropriated for the Department of Commerce in fiscal year 1987 shall be obligated or expended to promulgate or implement the March 2, 1987 proposed rulemaking on Sea Turtle Conservation; Shrimp Trawl Requirements for waters described in the proposed rulemaking as western Gulf of Mexico offshore, western Gulf of Mexico inshore, and Louisiana inshore, zones 10 through 21.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak briefly, if I might, about the section on page 3, lines 1 through 7, which is the sea turtle provision which was discussed during general debate by the two gentlemen from Louisiana, Mr. LIVINGSTON, its author, and Mr. ROEMER.

Lest they panic, wherever they may be, I do not intend to move to strike this section, but I do want to say a couple of words not so much about the substance or the merits or demerits of the proposition as it appears in the bill, as I would about the procedure, which I think is an inappropriate one altogether.

I speak as the chairman of the relevant authorizing subcommittee with jurisdiction over the Endangered Species Act, which is the act in question, when speaking of species such as the sea turtles here, some of which are on the threatened and endangered species list.

□ 1410

I also speak, at least I presume to be speaking, for those remaining, beknighted Members of this House who are sufficiently naive to assume that there is still some function for the legislative and authorizing committees of the Congress. I realize that is a dwindling number of us, but I think that something, nonetheless, should be said.

Members should know that had the rule under which this bill is being considered not waived all points of order, that this provision, these seven lines, would have been subject to a point of order on the ground that they constitute legislation in an appropriations bill. Clearly, they do so constitute. Clearly, a waiver was necessary to protect the provision and the Committee on Rules, notwithstanding the request of this Member that that waiver not be granted, nonetheless chose to protect the language.

Let me say again that I do not propose at the moment to discuss the merits or demerits of the substance, but let me say this about those of us who are tempted from time to time, and I include myself, in all candor, amongst them, to turn to the Committee on Appropriations on the supplemental bill or some other vehicle for assistance in a matter on which we are frustrated, looking elsewhere around this House.

I would suggest that the times in which that tactic are appropriate are times when there is an urgent situation before us and there is no timely and appropriate legislative vehicle to turn to.

That, I would say to Members, is not the case here. Members should know that the rule proposed by the National Marine Fisheries Service, which would require the use of turtle-excluding devices on shrimp trawling gear would not go into effect for several months, and that at this moment, there are ongoing negotiations between all the parties to the dispute in an honest and very serious attempt to reach a compromise, which, if successful, would moot the need for these provisions.

Members should also know that the Endangered Species Act needs to be reauthorized this year, that our subcommittee has had a full day of hearings on that, one-half of which was devoted to the question of the sea turtles and that our subcommittee has scheduled tentatively a markup of the reauthorization of the Endangered Species Act, at which time an attempt to resolve this question would be altogether in order on the appropriate legislative vehicle.

I simply would like to say to Members that I think we should proceed with some caution as a general proposition in turning on our every whim to the Committee on Rules and the Committee on Appropriations to shortcut the standard legislative process when such a shortcut is not at all necessary.

As a matter of fact, I would have been tempted to move to strike the provision, a motion which would have been in order under the rule, were it not, First, an enormously complex subject which I hope will be resolved prior to the day when this bill may become law, and given, second, the length of the odds that any of us will live to see the day in which this bill becomes law.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I assume that the gentleman is not going to introduce the necessary amendment to try to exclude the turtle device that is recommended by the National Marine Fisheries. Is this correct?

Mr. STUDDS. Mr. Chairman, what I said a moment ago was that I do not intend to offer an amendment to strike this language from this bill at this time, but that it is my hope that we will have through the normal process, either through the negotiations seeking a compromise between the shrimpers and the environmentalists in the gulf itself or through the normal authorizing legislation and authorizing committee, to resolve this as it ought to be resolved.

I did not address the merits of the case.

Mr. CALLAHAN. I am happy to learn that the gentleman is not going to offer the necessary amendment to exclude it because I happen to think, with all due respect to the statement of the gentleman from Massachusetts regarding the need for the possibility of these excluded devices, I happen to think that the National Marine Fisheries made a dramatic and costly, possibly an error, in their assumption of turtle-excluding devices.

Mr. STUDDS. Let me just say to the gentleman, Mr. Chairman, that I did not at all address the question of the merits of the issue.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Massachusetts.

The CHAIRMAN pro tempore (Mr. MICA). The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $10,450,000, to remain available until September 30, 1988.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $5,499,000, to remain available until September 30, 1988.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, Antitrust Division", $299,000, to remain available until September 30, 1988.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and expenses, United States Attorneys", $887,000, to remain available until September 30, 1988.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service", $405,000, to remain available until September 30, 1988: *Provided*, That in the appropriation language under this heading in Public Law 99-500 and Public Law 99-591, add at the end thereof the following: "Notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the United States Marshals Service may collect fees and expenses for the service of civil process, including: complaints, summonses, subpoenas and similar process; and seizures, levies, and sales associated with judicial orders of execution; and credit not to exceed $1,000,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services."

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $9,630,000, to remain available until September 30, 1988.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

In the appropriation language under this heading in Public Law 99-500 and Public Law 99-591, delete "$29,637,000 of which $23,266,000 shall remain available until expended" and substitute the following: "$29,637,000 of which $22,791,000 shall remain available until expended".

UNITED STATES TRUSTEE SYSTEM FUND

In addition to amounts made available under the head "Salaries and expenses, oversight of bankruptcy cases", for the expansion of the United States Trustees Program, as authorized by Sec. 115 of the "Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986" (Public Law 99-554), $16,436,000: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,989,000, to remain available until September 30, 1988.

Drug Enforcement Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses, Drug Enforcement Administration", $776,000, to remain available until September 30, 1988: *Provided*, That in appropriation language under this head in the Department of Justice Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete "five hundred seventy-five" and substitute "1,030".

Immigration and Naturalization Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $147,793,000, to remain available until September 30, 1988: *Provided*, That in appropriation language under this head in the Department of Justice Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete the phrase "(not to exceed four hundred ninety, all of which shall be for replacement only)" and substitute "(not to exceed 1,796, of which 490 shall be for replacement only)".

Federal Prison System

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $548,000, to remain available until September 30, 1988.

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for "National Institute of Corrections", $15,000.

DEPARTMENT OF STATE

Administration of Foreign Affairs

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $61,750,000, to remain available until September 30, 1988.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition and Maintenance of Buildings Abroad", $12,000,000, to remain available until expended: *Provided*, That these funds shall be available subject to the approval of the House and Senate Appropriations Committees' policies concerning the reprogramming of funds contained in House Report 99-669.

International Organizations and Conferences

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $268,831 for payment of the United States assessed contribution to the Interparliamentary Union: *Provided*, That in the appropriation language under the heading "Contributions to International Organizations" in the Department of State Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, delete the phrase that reads "of which $130,000,000, to remain available until expended, shall become available for expenditure on October 1, 1987".

International Commissions

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For an additional amount for "American Sections, International Commissions", $600,000, to remain available until September 30, 1988.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $45,645,000, to remain available until September 30, 1988.

DEFENDER SERVICES

For an additional amount for "Defender Services", $2,500,000, to remain available until expended.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $98,000.

Federal Judicial Center

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,017,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

FEDERAL SHIP FINANCING FUND

For payment to the Secretary of the Treasury for debt reduction, $1,375,000,000, to remain available until expended, and for payment of interest on said amount to the Secretary of the Treasury, $73,000,000, to remain available until expended.

Board for International Broadcasting

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", $33,195,000, to remain available until expended.

Commission for the Study of International Migration and Cooperative Economic Development

SALARIES AND EXPENSES

For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by Title VI of Public Law 99-603, $275,000, to remain available until expended.

Dwight David Eisenhower Centennial Commission

EXPENSES

For necessary expenses of the Dwight David Eisenhower Centennial Commission as authorized by Public Law 99-624, $50,000, to remain available until expended.

Small Business Administration

GENERAL PROVISION

Notwithstanding any other provision of law, rule, or regulation relating to the Small Business Administration, the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, declare the recent Texas Gulf Coast-related red tide contamination a disaster for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)). Such declaration shall be made not later than 60 days after the date of the enactment of this Act. Disaster loan assistance shall be provided pursuant to paragraph (2) of such section to such small business concerns.

For purposes of this provision—

(1) the term "recent Texas Gulf Coast-related red tide contamination" means the contamination of customary fishing grounds by red tide, the closing of (or reduction of catch limits in) customary fishing grounds due to excessive harvesting on such grounds prompted by red tide contamination outside the nominal boundaries of such grounds, and the contamination of such customary fishing grounds or significant reductions in the normal populations of fish resulting from heavy rainfall, flooding, or the runoff waters thereof, which has occurred along the Texas Gulf Coast since September 1, 1986; and

(2) the terms "fish" and "fishing industry" have the meanings given such terms in sections 23(1)(B) and 23(1)(C), respectively, of the Small Business Act (15 U.S.C. 650(1)(B), 650(1)(C)).

For purposes of paragraph (2) of section 7(b) of such Act (15 U.S.C. 636(b)(2)), eligibility of individual applicants shall not in any way be dependent upon the number of disaster victims in any county or other political subdivision.

United States Information Agency

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,098,176, of which $598,176 shall be used for purchase of Pakistani Rupees from the special account for the Informational Media Guarantee Program to carry out the provisions of section 1011(d) of the Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442(d)).

RADIO BROADCASTING TO CUBA

For an additional amount to carry out the provisions of section 7 of the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465(e)), $993,000, to remain available until expended.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Military Personnel

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $255,452,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $40,600,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $36,520,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $157,800,000.

Operation and Maintenance

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $50,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $382,500,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $15,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $10,000,000.

Procurement

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $313,700,000: *Provided*, That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.

Research, Development, Test, and Evaluation

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, development, test, and evaluation, Army", $3,300,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for "Research, development, test, and evaluation, Navy", $14,000,000, for Manufacturing Technology: *Provided*, That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For an additional amount for "Research, development, test, and evaluation, Air Force", $19,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be obligated or expended unless authorized.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, development, test, and evaluation, Defense Agencies", $4,400,000.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For an additional amount for "Developmental test and evaluation, Defense", $13,900,000.

Administrative Provisions

Sec. 1. Section 9073 of the Department of Defense Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended to read as follows:

"Sec. 9073. The test authority provided for in section 618 of Public Law 99-145 and section 8083 of Public Law 99-190 shall remain in effect until such time as the system provided for by section 614(a) of the Department of Defense Authorization Act, 1987 (Public Law 99-661) is implemented for both Department of Defense military and civilian employees.".

□ 1420

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are about to reach a part of the bill that has some arms control limitations in it. I want to register my sorrow, my anger, my dismay, that at a very sensitive time in the negotiations with a very difficult adversary in Geneva, where we have a first-rate professional team trying to hammer out some arms control agreements that has Europe on the edge of its chair, and has all of us hoping and praying something that will advance the cause of peace can be accomplished, what are we doing here today?

Well, we have the defense intellectuals going to micro-micro-mini manage arms control. We are going to legislate limitations on our negotiators.

It is as though we stand behind them at this life or death poker game, and we do not just wigwag the Soviets what cards we are holding. We reach in and pull the cards out of our negotiators' hands.

We want them to play with a deck with 25 cards. We have to go through three sets of negotiations: The media, and Congress, and then the Soviet Union.

Why do we do this to ourselves? Why? It is just incredible.

First of all, let us talk about the nuclear sublimits. Let us talk about SALT II, an unratified treaty. And why was it not ratified? It would not have had the votes to pass, and President Carter pulled it back because the Soviets invaded Afghanistan.

Today, we are going to ratify a part of that treaty by what is in this bill. We are going to insist that our Government observe numerical sublimits that are in a part of the SALT Treaty. It is interesting why you just select that.

This is a treaty, and it is not a treaty. It is a proposed treaty that has been massively violated by the Soviet Union.

They have produced a new weapons system, the SS-25, that is a violation of the treaty.

They have encrypted the telemetry, so we cannot tell what we have and what they are doing, a violation of the treaty. They have violated all the other treaties, and so what is our response? Shackle the hands of our negotiators? How silly, and I say that with keen regret.

How do you ever get the Soviets to comply with the treaty if you do not reserve some flexibility to our country to respond? Why prevent us from responding?

Well, it is nonsense, and then I move to the other foolish, improvident, unwise, silly limitation of forbidding us to test any nuclear weapons above 1 kiloton.

That is not arms control, because it does not reduce anything. It weakens our deterrence. It is asymmetrical, and a weakened deterrence is a threat to world peace. We have had more reductions in weapons and in explosive power under testing than under any treaties.

As a matter of fact, we have reduced the number of nuclear weapons by one-third since 1967, not due to SALT I or ABM or SALT II, or Helsinki or Yalta, or any of those great treaties that we make with the Soviet Union but due to testing.

We have tested and modernized, made them smaller, more accurate; and we have reduced the number. We have reduced by three-quarters in the last 20 years the explosive power because of testing.

Now, I would think in an age of *Challenger*, where we lost the lives of some astronauts because there were not adequate tests, that you would demand tests. We are always criticizing the Defense Department. They did not test this tank. They did not test this plane. They did not test this satellite; but, by God, nuclear weapons, we are not going to test.

We are going to watch them get old and degrade and deteriorate, and say that is arms control.

It is nonsense. As long as you rely on nuclear weapons as your deterrent, ask Europe, folks. You better have them safe. You better have them reliable, and you better have them effective.

Once more this Congress, the majority party, puts handcuffs and leg irons around the defense of this country and our negotiators at Geneva. Why? To bash Reagan?

I think it is such nonsense. How do you keep our scientists working, testing when there is nothing to test?

We are forbidden to test. We will lose them. They will go into the skateboard industry or teaching somewhere, but you will not keep your team together, that God forbid the day comes that you might need them.

I just cannot see why you want to magnify Soviet conventional advantage by legislating restrictions on our side.

The CHAIRMAN pro tempore (Mr. MICA). The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

I want to pick up from what the distinguished gentleman from Illinois just said, because I think every Member of this House ought to read this document.

What you have got on pages 14, 15, 16, 17, and 18 is the Democratic caucus of the House of Representatives defining this legal statutory language, the foreign policy of the United States, and defining it in a level that none of the Founding Fathers provided for.

We talk about this being the 200th anniversary of the Constitution, and none of our Founding Fathers would have accepted 435 Secretaries of State in the House writing in, for example, page 18, line 11:

> The term "designated test area" means an area within the Soviet Union or the United States which—
>
> (A) is known to be composed of strong-coupling rock; and
>
> (B) is located within the boundaries of a single existing nuclear weapons testing site in such country.

Now, I would guess that of the 250 or so Democrats who will routinely vote for this thing, 240 who have no idea what this means, have never talked to an expert, do not know whether it is appropriate, but will automatically vote yes, because that is part of the policy of the party right now.

Item after item in this particular section is the unilateral crippling of the United States. There is nothing in here that cripples Gorbachev, because you do not have the power. There is nothing in here which affects the Soviet Empire, because you cannot.

The gentleman who is sitting in the Chair right now has seen firsthand what the Soviets have done at our Embassy. All of you have had the opportunity in recent weeks to see the nature of the Soviet Empire, and what is the response of the Democratic caucus? Is is to impose on the appropriations bill a piece of statutory language which has nothing to do with appropriations.

This is purely an excuse to cripple America first, to send the signal to the Soviets that no matter how much they insult us, or to quote George Shultz, no matter how much they invade our sovereign territory, no matter what they do to us, there are always people in the Democratic caucus willing to make sure we tie America's hands, no matter what the Soviets are doing.

The Soviets are in Afghanistan today. The Soviets are building nuclear weapons today. The Soviets are playing their games, and what is the Democratic Party in the House doing?

It is systematically weakening the capacity of the United States as a country to lead the Western alliance.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I have been sitting back here listening to the gentleman, and I agree with every word he said.

Can you answer this question? What are we getting from the Soviets for restricting ourselves to numerical sublimits, no matter they have broken out a new weapons system, encrypting? Are we getting anything, or are we getting a big zero?

Mr. GINGRICH. Mr. Chairman, I would just say to my good friend, the gentleman from Illinois, that there is sadly a faction particularly in the Democratic Party in this country which does not care what we get from the Soviets.

It cares what we give up. It never questions Moscow; it always attacks Washington.

In other words, trading something for nothing is a good idea. They give away something for insult. The Russians insult us; they give them something.

The Russians put bugs in our Embassy. The Russians laugh at our State Department, they give them something.

Mr. HYDE. I am reminded of an old law that I once composed. Ignorance is salvageable, but stupid is forever.

Mr. GINGRICH. That may be a Chicago position, but I cannot comment on it.

I wish every Member would look carefully at the kind of blind self-crippling games we are now playing for partisan ideological purposes that have real impact on the real world, and ask yourselves, is an appropriations supplemental bill really the place to define the foreign policy of the United States, and to weaken American negotiators?

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. Within the funds appropriated for operation and maintenance of the Armed Forces for fiscal year 1987, and pursuant to section 403(a) of title 10, United States Code, funds may be used for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code.

SEC. 3. None of the funds appropriated for the Department of Defense in fiscal year 1987 shall be obligated or expended to deactivate or implement procedures for conversion or deactivation of the 815th Air Force Reserve Weather Reconnaissance Squadron, Keesler Air Force Base, Mississippi, or for the deactivation of the 36th Tactical Airlift Squadron, McChord Air Force Base, Washington.

SEC. 4. None of the funds appropriated for the Department of Defense in fiscal year 1987 are available for remuneration of any individual or entity associated with fund raising for the restoration of the Battleship Texas: *Provided*, That the grant for the restoration should be made to the Texas Parks and Wildlife Department vice the Battleship Texas Advisory Board of the State of Texas.

SEC. 5. (a) None of the funds provided for fiscal year 1987, within 60 days of the enactment of this Act, may be obligated or expended for the deployment or maintenance of—

(1) launchers for more than 820 intercontinental ballistic missiles carrying multiple independently targetable reentry vehicles (MIRVs);

(2) launchers for an aggregate of more than 1,200 intercontinental ballistic missiles carrying MIRVs and submarine launched ballistic missiles carrying MIRVs;

(3) an aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air launched cruise missiles capable of a range in excess of six hundred kilometers; or

(4) a number of MIRVs on an individual ballistic missile in excess of the limitations included in the SALT II agreement, its agreed statements and common understandings;

unless the President certifies to the Congress that the Soviet Union, after the date of enactment of this act, has exceeded the limitations included in subsections (a) (1-4). Such certification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his certification: *Provided*, That for purposes of this section, the following definitions shall apply—

(1) launchers of intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple independently targetable reentry vehicles are launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple independently targetable reentry vehicles; and

(2) air launched cruise missiles are unmanned, self-propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

(b) Within 30 days of enactment of this Act, the President shall notify Congress of his plans for carrying out the provisions of section (a).

SEC. 6. FISCAL YEAR 1987 NUCLEAR TESTING LIMITATION.

(a) LIMITATION.—Effective 90 days after the date of the enactment of this Act, funds appropriated for fiscal year 1987 may not be obligated or expended to carry out a nuclear explosion with a yield exceeding one kiloton, or a nuclear explosion that is conducted outside a designated test area, unless the President certifies to Congress—

(1) that the Soviet Union, after the end of the 90-day period beginning on the date of the enactment of this Act, has carried out a nuclear explosion with a yield exceeding one kiloton;

(2) that the Soviet Union, after the end of such 90-day period, has carried out a nuclear explosion outside a designated test area; or

(3) that the Soviet Union has refused to accept and implement reciprocal in-country monitoring arrangements to take effect not later than the last day of such 90-day period and extend through the remainder of fiscal year 1987.

(b) TERMINATION FOR CERTAIN NEW AGREEMENTS.—The limitation on nuclear explosions in subsection (a) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union establishing significant limits on nuclear explosions by such countries that is negotiated after the date of the enactment of this Act.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "in-country reciprocal monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through the emplacement by each country of seismic monitoring stations on the national territory of the other so that the seismic monitoring network of each nation will be capable of detecting and identifying nuclear explosions with a yield exceeding one kiloton at known nuclear weapons test sites of the other nation and at any other site of the other nation that currently has the capability to accommodate decoupled nuclear explosions with a yield exceeding one kiloton.

(2) The term "designated test area" means an area within the Soviet Union or the United States which—

(A) is known to be composed of strong-coupling rock; and

(B) is located within the boundaries of a single existing nuclear weapons testing site in such country.

□ 1430

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take the floor at this moment to respond to the criticism that we just heard from the other side on the question of the efficacy of the limitations included in the SALT II agreement which have just been adopted by the Committee of the Whole as we act on the supplemental appropriations bill.

I want to make it very clear to my colleagues that I never heard any of this criticism about this policy when the Reagan administration, for 5½ years exercised interim restraint. Even though Ronald Reagan, while campaigning for President of the United States said that he felt that SALT II was fatally flawed, when he became President, when he heard the advice of his National Security Advisers, the Joint Chiefs, the head of the Strategic Air Command, he found out one very important thing: That the Soviet Union had the ability to add more offensive capability to their force structure than we, the United States, did. We could not keep up with their deployment rate.

Because of that, the President said, "We will exercise a policy of interim restraint." Between 1981, when he took office, and 1986, it was the policy of the Reagan administration to abide by the limits in the SALT II agreement as long as the Soviet Union did the same.

I want to make it very clear that this served our vital interests. The Soviets have withdrawn 1,300 launchers because of the restraint required to stay within those sublimits on SALT II. I think that it is still in our national security interests to exercise restraint during this time when we have our negotiators in Geneva. The Soviets have made it clear that they are willing to continue to abide by the sublimits in SALT II.

I think it is very critical, that we exercise that restraint as well. I think it is in our national security interest to do it.

Remember something: If you are for the President's strategic defense initiative, the last thing you want is an acceleration in the offensive arms race. The President himself has said that it is his policy that we should have deep reductions in those offensive weapons.

I would just say to my friends and colleagues, I think that continuing the policy of interim restraint is in our security interest. It makes sense. I want our negotiators to succeed. I hope very much that we get a strategic agreement of 50-percent reduction and we can work out a way to proceed and have arms control dealing with INF, offensive strategic weapons, and, at the same time, dealing with the very important question of the ABM agreement.

But let us not tear up existing agreements until we get the new ones. The last four Presidents, two of which were Republican, Mr. Nixon and Mr. Ford, were at the forefront of arms control. Their work should be preserved, and that is what we are trying to do here by maintaining these limits in the SALT II agreement.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my good friend from Illinois. I know that this is a dark day for him, but I want him to know that we believe that we are going to get an INF agreement and that we are going to make some progress in arms control.

Mr. HYDE. I would tell my friend that it has been a whole dark era since last November.

Mr. DICKS. I think this is the wrong time to discuss the Iran-Contra affair, but if the gentleman insists, we can go ahead.

Mr. HYDE. I will be happy to talk about that too, if you will get me the time.

Mr. Chairman, I would simply ask my friend: How do we get the Soviets to comply with the SALT II Treaty that they have already violated? Does the gentleman agree they have violated it?

Mr. DICKS. Let me take back my time; I think I have the thrust of what the gentleman is concerned about. He is concerned about violations.

We have a way of dealing with violations and that is the Standing Consultative Commission. An entity that has been underutilized, maybe it is the nicest way I can say it, by the Reagan administration over the last 6 years.

There is another thing we can do. As the chairman of the Armed Services Committee on the Senate pointed out a few weeks ago. We can take intelligent, proportional responses. The gentleman mentions encrytion of telemetry. We can encrypt as well the radio signals off of our missiles. We have got a second new type, that is called Midgetman. I frankly believe that we can deal with them on the question of the Krasnoyarsk radar.

Let us deal with the violations in a rational, intelligent way. Let us not tear up the agreement that we have worked so hard to achieve.

(By unanimous consent Mr. SCHEUER was allowed to speak out of order.)

PERSONAL EXPLANATION

Mr. SCHEUER. Mr. Chairman, I have been appointed by the Speaker to be a member of the House delegation to the 77th Conference of the Interparliamentary Union which will be held in Managua, Nicaragua, from April 27 to May 2.

I have been asked by the distinguished gentleman from Florida, Mr. PEPPER, to represent him at the IPU's executive committee meetings on April 24 and April 25 and will be departing for Managua later this afternoon. For this reason, it is likely that I will miss some of today's legislative business.

While I regret this fact, I believe it is important that the U.S. Congress be represented at the IPU executive committee meetings.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to respond to my friend from Washington State because I found his comments very confusing. Let me walk through what I heard which I am sure is a little different than the gentleman intended to say.

The gentleman said, "First of all, in the late seventies, liberal Democrats weakened our defense so much that even if we wanted to go ahead and build up, the Russians would build up faster than we did."

Mr. DICKS. I do not believe I said that.

Mr. GINGRICH. If you want to take notes, I will be glad to try to find time, if the Chair will give it to us, to discuss it.

The gentleman did; he said, "When Reagan came into office, he found that the Soviet capacity to build new weapons was so much greater than our capacity that prudence involved not letting them get started with building new weapons faster than we could."

Mr. DICKS. If the gentleman will yield, I would argue that we are in the same position today after 6 years of the Reagan buildup.

Mr. GINGRICH. The answer of the Democratic Party to that reality today is to offer a defense budget number in the budget lower than your own Armed Services Committee members wanted; lower than the Reagan administration. So we started the eighties weaker than the Russians. We have still not caught up, and your party's answer is to stay weaker.

□ 1440

Then the gentleman went on to say, if I might add, if I understood the gentleman——

Mr. DICKS. At least we had a budget. The gentleman's party did not even offer one this year.

Mr. GINGRICH. Then the gentleman went on to say, if I might add: "The Soviets have made it clear that they are going to follow the sublimits of SALT II."

Now in the first place, I am perennially amazed at the willingness of some of my friends in the Democratic Party to believe the Soviets, who systematically lie.

In the second place, there is no existing agreement. SALT II was never ratified and under our Constitution it is not a binding agreement.

The gentleman went on to say: "We believe we are going to get an agreement on missiles."

I would suggest two points, and then I will be glad to yield; one, if the gentleman honestly believes that we are in the middle of negotiations, why would we cripple our own country in the middle of negotiations? If the gentleman honestly believes we might get an agreement, why would we give away on the floor of the House what could be negotiated at Geneva?

Two. The gentleman went on to say, "Well, we can deal with the Krasnoyarsk's radar, or we can deal with encryption."

Why would you lock into the American legislative process binding law which could easily take 2 or 3 years to change?

Is it not precisely in the Founding Fathers and the Federalist Papers in the Constitution clear that precisely because foreign relations change rapidly you should not bind your own Nation and cripple your own Nation by locking into law?

Finally, let me just say to my friend, what the Russians have said is simply. They want the right to break the treaty wherever it helps them and they will agree to abide by the treaty wherever it helps them.

What the gentleman is now saying is fine, we will lock into law that America will abide by the treaty precisely where it helps the Russians, and by the way, we will not do anything in law, because you have nothing in this bill, you do not legislate any punishment for the Russians, you do not mandate encryption, you do not mandate how to respond to Krasnoyarsk's. Everything which would hurt the Russians is out of the bill. Everything which would hurt America is in the bill, and then you put it into law.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I think it is interesting that the gentleman from Washington talked about the standing consultative committee and said that if we have problems we can work things out with them.

They have done nothing with regard to encryption. They have done nothing with regard to Krasnoyarsk's. In fact, the Soviet Union violates the SALT agreement hoping that they can through the standing consultative committee find out what type of technology we use to discover the violation so that they might defend against us, seeing through that window a second time and discovering future violations.

Let me quote from Jimmy Carter with regard to the possible violations of SALT. He said:

The Soviets know that if we ever detect any violation of the SALT agreement that that would be a basis upon which to reject the treaty in its entirety.

Instead of rejecting the treaty in its entirety, the liberal Members of this Congress want to lock in the President on a treaty with regard to which every single Member of Congress agrees the Soviets have violated. I have yet to meet a Member of Congress who says that Krasnoyarsk is not a violation of the SALT agreement.

I thank the gentleman for yielding.

Mr. GINGRICH. Mr. Chairman, I am glad to yield to the gentleman from Washington, if he would like.

Mr. DICKS. Mr. Chairman, all I would like to say to the gentleman is that the SALT II agreement was the policy of the Reagan administration for 5½ years. I think it was the correct policy. I think we should stay with it. I think by exercising restraint at this point in time we keep the Soviets under those limits.

The three gentlemen standing are three of the greatest advocates for SDI there is. There is one easy way to overwhelm SDI. It is an offensive breakout by the Soviets, where they have more capability to do it. It is not in our defense interest to start and provoke a defensive arms race, so I think by exercising restraint on our part, we keep them exercising restraint on their part. It lays the groundwork for a better climate for achieving the deep cuts we would like.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GINGRICH. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HEFNER. Reserving the right to object, Mr. Chairman, could we have some idea how long we are going to be on this particular section?

Mr. GINGRICH. Mr. Chairman, if the gentleman will yield, I would just say to my good friend from North Carolina that it is the gentleman's party which puts this section in the bill and that many people may wish to comment on a matter this profound that the gentleman's party has put in the bill. I could not say for others who might want to talk at a considerable length of time.

Mr. HYDE. Mr. Chairman, if the gentleman from North Carolina will yield, I will not add to the burden of time, I just want to make one comment in response to my friend, the gentleman from Washington.

Mr. HEFNER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for an additional 3 minutes.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to my colleague, the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the fact that the Soviets can produce more than we can, if that is so, that is really a tragedy and we ought to do something about it besides taking refuge in page 14 of this bill.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, we ought to do a lot about it, as the gentleman knows.

Mr. HYDE. This gentleman has the time.

Mr. DICKS. The gentleman yields.

Mr. HYDE. Second, the argument for redundancy, what happens to that? I have heard for years, we can bomb them to the Stone Age. They can bomb us. We do not need any more bombs. All of a sudden we are taking some apprehension at the fact that they can outproduce us in more bombs. What happens to the argument of redundancy?

Third, if the ABM Treaty was such a wonderful document 5 years ago or 6 years ago and President Reagan said he was going to informally observe it, that is fine, but it has been shredded and turned into confetti by the Soviet Union. It seems to me that changes the equation. Our response to that has to be the ability to break out of this unratified massively violated already by its terms expired treaty when and where we want to, not when the Soviet Union wants to. That is my complaint with the gentleman's position.

Mr. GINGRICH. Mr. Chairman, let me read one paragraph, and then I will yield. I cannot imagine any Member of this House, outside of the very Select Subcommittee on Appropriations and the Committee on Armed Services, who has any notion whether or not the United States should have on page 15:

> An aggregate of more than 1,320 launchers described in paragraph 2 and heavy bombers equipped for air launch cruise missiles capable of a range in excess of 600 kilometers.

My point is just that it is madness for the U.S. House of Representatives to get involved at this level of self-limitation of our potential of change, given the length of time legislation takes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one thing I want to make certain the gentleman understands is that this is a mutual restriction. If the President certifies that the Soviets have gone beyond any of those sub-ceilings, all he has to do is send up a certification to the Congress and he is freed from these limits; so it is a question of mutual restraint. We will go the extra mile, as President Reagan said during his first 5½ years. We will exercise mutual restraint.

I think it is in our security interest to do it. The Soviets have greater capability to break out and to add both warheads and launchers. So why would we do it, especially when we have had I think the last four or five Chairmen of the Joint Chiefs all say that this agreement is in our security interest.

Mr. HYDE. Mr. Chairman, if the gentleman will yield, because our response to their breaking the treaty by encrypting or by producing a new weapons' system, the SS-25, is not to go to the empty unproductive standing consultative commission, but it may be to add another B-52 with some cruise missile on it; but the gentleman will not let us do that. We have to start encrypting or building new weapons' systems. Give us the flexibility to respond to their buildup.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STOKES: On page 18, after line 18, add the following new section:
>
> "UNAUTHORIZED APPROPRIATIONS
>
> "SEC. 7. (a) Nothwithstanding section 9126 or section 9133 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of the Joint resolution entitled 'Joint Resolution making continuing appropriations for fiscal year 1987, and for other purposes,' Public Law 99-500 and Public Law 99-591), only funds specifically authorized by the Congress in accordance with section 502 of the National Security Act of 1947 may be obligated or expended for intelligence or intelligence-related activities.
>
> "(b) Except as provided in subsection (c), all intelligence and intelligence-related activities for which funds were appropriated in the Defense Appropriations Act, 1987 shall be considered specifically authorized by Congress pursuant to section 502 of the National Security Act of 1947.
>
> "(c) It is the sense of Congress that certain intelligence or intelligence-related activities referred to in subseciton (b) and identified by the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives should be the subject of reprogramming actions agreed upon by the appropriate Committees of Congress."

Mr. STOKES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Chairman, the defense portion of the continuing resolution for fiscal year 1987 contained two general provisions—section 9126 and section 9133—which among their other effects waived the requirement of section 502 of the National Security Act of 1947. Section 502 requires that all funds spent for intelligence or intelligence-related activities must have been authorized and appropriated for the purposes for which they are expended. Apparently, the conferees felt such waivers were necessary because the continuing resolution appropriated funds for intelligence and intelligence-related activities in excess of authorized levels in some cases, and in the absence of an authorization in others.

When the Permanent Select Committee on Intelligence became aware of section 9126 and section 9133, it immediately began a dialog with the Defense Appropriations Subcommittee in an effort to make several representations of great interest to the Intelligence Committee:

First, that section 502 is an essential element of congressional oversight of intelligence;

Second, that sections 9126 and 9133 had the effect, which were unintended by the conferees, of waiving the provisions of section 502 for all intelligence and intelligence-related activities during fiscal year 1987, whether or not they were authorized;

Third, that this result was of serious concern to the Intelligence Committee, and should be corrected; and

Fourth, that except for two activities, the committee had no quarrel with the unauthorized appropriations adopted by the conferees.

Mr. Chairman, the gentleman from Florida, the chairman of the Defense Appropriations Subcommittee, has been very appreciative of the Intelligence Committee's concerns. He has agreed to restore the application of section 502. Together, we have agreed to the authorization of all fiscal year 1987 unauthorized appropriations except the two activities of great concern to the Intelligence Committee.

As to those two activities, the Defense Subcommittee and the Intelligence Committee have agreed that they should be restructured in one case of an aircraft reconnaissance system and reallocated in the case of a technical collection system. Both systems are listed in the classified schedule of authorizations for H.R. 2112, the Intelligence Authorization Act for fiscal year 1988, under the title, "Unauthorized Appropriations for Reprogramming, Fiscal Year 1987." H.R. 2112, which was ordered reported today by the Intelligence Committee, contains a provision similar to the amendment I have offered.

Mr. Chairman, both these activities should be the subject of reprogrammings. The particulars of how the two committees agree these reprogrammings should be structured are reflected in the discussions they have had with appropriate intelligence officials.

□ 1450

Mr. Chairman, I yield to the gentleman from Florida [Mr. CHAPPELL] for any comments that he may have on the amendment.

Mr. CHAPPELL. Mr. Chairman, I concur in the comments of the gentleman from Ohio. I want to express my appreciation and that of our subcommittee for his spirit of cooperation and his willingness to work with us in trying to work out a very difficult matter.

The chairman of the Permanent Select Committee on Intelligence and my colleague on the Committee on Appropriations has offered a proper amendment, I support the amendment, and I urge its adoption.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, the minority members of the subcommittee are very much aware of the amendment, as the chairman has stated, and we have no objection at all to this amendment.

Mr. STOKES. I yield to the gentleman from Illinois [Mr. HYDE], the ranking minority member of the Intelligence Committee.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I want to join in saying that we have no objection to this amendment, and we do support it.

Mr. STOKES. I thank the gentleman, and I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging the gentleman from Florida [Mr. CHAPPELL] in a colloquy concerning the McAlester Army Ammunition Plant.

Mr. Chairman, as the gentleman from Florida knows, we have just learned the Army Ammunition Command has plans to take away the Mark 84 bomb production workload from the McAlester Army Ammunition Plant.

You've been there, Mr. Chairman, so you know that the Mark 84 workload on the plant's "B Line" is their bread-and-butter workload.

In addition, Mr. Chairman, it is reported that the Army is also considering taking away the 5-inch projectile work from the McAlester AAP.

Does the gentleman from Florida agree that the Army should not proceed with any plans to reduce or remove the Mark 84 or 5-inch projectile workloads at the McAlester Army Ammunition Plant?

Mr. CHAPPELL. Mr. Chairman, if the gentleman will yield, the gentleman from Oklahoma has raised a very legitimate concern about the proposed reductions in workloads at the McAlester AAP. I agree that the Army should suspend any such plans to alter workloads at the McAlester AAP until we have had time to review the matter.

Mr. WATKINS. Is it the intent of the gentleman from Florida that none of the funds in this bill, nor the regular Department of Defense Appropriations Act for fiscal 1987, should be utilized to reduce or remove the present workload at the McAlester AAP?

Mr. CHAPPELL. The gentleman from Oklahoma is correct. None of the funds in this bill, or any other act previously enacted into law, should be utilized to reduce the workload at the McAlester AAP.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that it might be well to return to the discussion of a few minutes ago about the section of this bill that deals with the arms limitation language, because I think that some of the majority need to understand why some of us on this side of the aisle feel a little concerned about the way that we legislate around here, particularly in matters as weighty as this, and I do not think that either side of the aisle can doubt that when we put language into a bill that essentially establishes a brand-new foreign policy position for the United States, that that is in fact a very weighty subject.

Yet what we have brought to us today is a bill that not only takes that position, but then allows no amendments whatsoever to the product that has come out of the Democratic caucus.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, my question is, Why did the gentleman not move to strike it out then? He could have striken that entire section if it disturbed him so much. Why did he not move to strike it out?

Mr. WALKER. Because that is another factor of the way the majority legislates. In other words, we are given a chance only to either accept it all or reject it all, never to modify, never to have a chance as a body to work with this language and find out whether or not there may be acceptable ways to deal with it.

My guess is that the reason why they do not allow us to have any chance to deal with this language is because the last time they brought these kinds of bills to the floor, they ended up kind of embarrassed, because there was language that was brought onto the floor and there was debate on the floor that ended up showing that they do not have a very viable position, so that this time when they come to the floor, what they now say is, "We won't even allow any amendments to the section." It seems to me that that is a major concern.

Mrs. SCHROEDER. Will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentlewoman.

Mrs. SCHROEDER. I will get my own time a little later, but I just wanted to say that the last time we brought this to the floor we were not embarrassed at all. These won by very strong majorities, and in fact we would have pursued them further, except we felt that it was important for the President to be able to go to Reykjavik, and in good faith and bipartisan good spirits we withdraw these. But they were not embarrassing to this side. In fact, it was with strong bipartisan support that they passed. We were offering the opportunity to strike the entire thing out if it were so desired, and these read exactly as they did after we amended the bill last year.

Mr. WALKER. Well, I realize that the Democratic caucus—and the gentlewoman is very, very generous—I mean, they really do feel strongly that the minority ought to be given real rights. I mean, we are given about the same rights here as Soviet Union rights, because what we are granted is the opportunity to vote up or down on one subject, much as they have a chance in their processes to vote up or down on one candidate from one party.

I would suggest if we were really going to be fair around here and we were really going to do this right, that we would simply allow the minority to have its chance to deal with this language. If this language is so great that it cannot even be subjected to any debate, then I suggest that maybe it has some merit to it not to allow amendments, but I suggest that there are some things in here that we might want to discuss a little bit, and maybe perhaps we ought to have some amendments too.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman's yielding.

Mr. Chairman, I would like to make this inquiry of the gentleman: Did the gentleman, if he objected to the rule and the manner in which he was able, or if he says so, unable to deal with the arms control provisions of this bill, did he go to the Rules Committee and ask for any different rule with regard to these provisions that he finds objectionable? Did he ask for greater latitude in terms of amending this bill? I think the record is that the gentleman did not.

Mr. WALKER. I think that that is exactly right on this particular bill. I would also say to the gentleman, however, that I go to the Rules Committee often, and I find very often that the Rules Committee does not bother to take minority considerations in, and I do not think that there was any chance that the minority was going to be given the right to amend this section of the bill.

Mr. AuCOIN. But the point is that the gentleman did not go.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. YOUNG of Florida and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand the gentleman's being concerned about the procedure that he has mentioned. I thought that he might also be aware that this is a supplemental appropriations bill. It certainly is not a legislative vehicle.

□ 1500

It is not something upon which a major policy decision ought to be made.

Even more than that, I thought I would point out to the gentleman, if he really wants to increase his ire, that during the consideration of this particular section by the Appropriations Committee, there was a time limit of 10 minutes on each side. So this momentous decision was made by the Appropriations Committee with a time limit of 10 minutes on each side.

I think the gentleman's point is very well taken.

Mr. WALKER. I thank the gentleman.

I would simply say to my colleagues that if we are going to make a major policy decision in this House that says trust the Soviets and blame America first is our foreign policy, then I would suggest that it deserves some real debate and we are, in fact, making that decision in this bill. It is not getting real debate because the majority caucus in this body has decided that no debate should really take place on this language.

Mr. AuCOIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am just more than just slightly amazed, although I suppose I should not be, at the remarks from my friend from Pennsylvania at the way he describes the two arms control provisions that are in this bill, which passed this House with broad debate a year ago. They are identical to what they were a year ago and they did not just get 10 minutes debate in the Appropriations Committee this year. But when the gentleman describes that as trusting the Russians and blaming America first, I find that to be the biggest bunch of rubbish I have heard in a long time.

Who we are trusting in these provisions, if the gentleman will read this bill, is an elected official in this country that the gentleman supports, the President of the United States. Under the amendment of the gentleman from Washington which brings the United states into compliance with SALT II, if the President, your President, Mr. WALKER, certifies to the Congress that the Soviets have broken out of the subceilings that we impose on our own arsenal, then all bets are off. It is up to your President. You should trust him.

Mr. WALKER. Will the gentleman yield?

Mr. AuCOIN. You support him, you should trust him.

I will yield to the gentleman in a minute because he yielded to me and will be glad to yield, but first I would like the gentleman to look at page 17. Turn to page 17.

Mr. WALKER. I have it here.

Mr. AuCOIN. If the gentleman will look at page 17 and read page 17, he will see that under the testing provision, which is the other major arms control provision in this bill, once again the President is given the authority to certify whether or not the Soviet Union has broken out of the 1-kiloton test cap. If he says to the Congress, and I would assume the gentleman would trust his President, if he says that the Soviet Union has broken out, then all bets are off in terms of U.S. adherence to the 1-kiloton test as well.

So I would say to the gentleman he ought to trust his President.

I would further say to the gentleman that on the question of testing, if he really wants to stop the arms race, the testing limitation is the way to do it. If you want to stop, Mr. WALKER, if you want to stop the Soviet Union from developing, through additional nuclear testing, depressed trajectory submarine launched missile warheads, which would have the ability to absolutely annihilate our bomber leg of the triad, then of course the gentleman should have made a motion to strike the provision dealing with the cap on the testing.

We put that cap in, because we do not want the Soviets to develop that capability. We put that cap on testing in there because we do not want the Soviets to improve their accuracy, their reliability, the lethality of their arsenal against our American targets.

We do not want any cheating so we said, Mr. President, if you certify that the Soviets, who have said that they would go along with a 1-kiloton moratorium if we had one, if you certify that they have broken out, then you are permitted to break out as well.

I do not know why the gentleman does not trust his President. It is not trusting the Soviets; it is not blaming America first.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman. But I would like the gentleman to answer my question as to why he does not trust his own President.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding and I do trust my President.

The point is I do not trust the fact that you have handcuffed the President as to what he can certify. I have read you bill too and what you say is the President certifies to Congress that the Soviet Union, after the date of enactment of this act, so we are going to accept the fact that the SS-25's are already in place in violation of the SALT agreement, and we are going to accept the fact that the telemetry, the encrypted telemetry is in place so that the President cannot certify anything about those because you prevent him from doing it. So, therefore, you are handcuffing the President in what he can certify under the bill.

You are also limiting it to the subsections that you believe the Soviets have not yet violated. But you do not say anything about subsections of the bill that they may already be violating and so, therefore, may violate again in the future.

Mr. AuCOIN. Reclaiming my time, Mr. Chairman——

Mr. WALKER. The gentleman has not——

Mr. AuCOIN. Reclaiming my time, Mr. Chairman, I would have to say the gentleman is talking about the SALT II provision in the bill. What the gentleman forgets is that if we break out of it, break out of the SALT II ceilings, as the gentleman from Washington stated, we permit the Soviets to do the same thing too on the subceilings, on MIRV'd missiles.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCoin] has expired.

(By unanimous consent, Mr. AuCoin was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, the problem with that is if we break out we allow the Soviets to break out, and they have the ability, as the gentleman from Washington described, to reconfigure their missiles.

I would like the gentleman from Pennsylvania to pay attention for just one second. If he studies the Soviet arsenal he understands one thing about the most lethal weapon that the Soviet Union has in their own arsenal, and that is the SS-18's. That is their finest and most accurate missile. It is today equipped with 10 warheads and it can be easily retrofitted with 14 warheads. If we break out of the subceilings we permit the Soviets to do the same thing, and if they would go to 14 on each of their SS-18's, their finest missiles, we would suddenly have a missile gap opening of something like 1,300 warheads.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am pleased to yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I find the argument of the gentleman from Pennsylvania most intriguing. He talks abut handcuffing the President, that the President cannot break out until the date of enactment. The fact is that prior to the date of enactment the President is unrestrained, and after the date of enactment if the Soviets violate the President is equally unrestrained. So that argument on its face is specious.

Second, there are those who view arms control as a continuing favor that the United States does for the Soviet Union. Absent from the discussion is any appreciation, understanding or admission of the fact that the Soviets have had to, under SALT II, reduce far more warheads than we have.

Their argument, as far as I can follow it, revolves around the question of the SS-25, and the telemetry encryption. Both of those questions are ambiguous, but let us assume for the moment that the Soviets have violated them. The proper place to deal with that question is in the Standing Consultative Commission.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCoin] has again expired.

(On request of Mr. Dicks and by unanimous consent, Mr. AuCoin was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. I continue to yield to the gentleman from New York [Mr. Downey].

Mr. DOWNEY of New York. The Soviets, interestingly enough, have recently told Mr. Shultz that they would be happy to see in the Standing Consultative Commission the highest delegation that we could send to deal with the highest delegation they could send. And Mr. Shevardnadze, in a meeting he had with us, suggested that two great powers with all of the scientific capabilities at our hand should be able to resolve these technical questions, and I agree.

But on the other hand, are these technical questions that have been unresolved, which is their balance for taking away and ignoring all of the positive, all of the important changes that SALT II has provided us. This is not balanced. This is absurdity and the gentleman from Washington pointed out before that for 5½ years this administration was aware of the encryption of telemetry, was aware of the production of the SS-25, and followed the SALT limits because it was in U.S. interests to do so. We are not doing a favor for the Soviet Union when we reduce the number or warheads aimed at the United States.

□ 1510

We are doing a favor for the world and for our own country, striking a blow for sanity, for limiting what would ordinarily have been a period of unrestrained buildup on both sides.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my colleague from the State of Washington.

Mr. DICK. I thank the gentleman for yielding.

Mr. Chairman, I would never think I would hear my colleagues on the other side say, trust the Soviet Union, trust the Russians. They will not add any more offensive capability.

Mr. Perle presented this to the House Armed Services Committee. How ironic it is, trust the Soviet Union, take off the offensive limits, let them buildup their forces as much as they want to overcome the President's SDI. I think it is outrageous that we would give up the one limitation that we have on the offensive arms race that is more important to our country than it is to the Soviet Union. It gives us safety and security. That is why I am offended by this.

Mr. WHITTEN. Mr. Chairman, we have some agreement here. There is no amendment pending. Some of us will have to stay here until we finish this bill. I hope we can get our colleagues to cooperate. You are not resolving anything. It is a big issue, but there is no amendment pending and I ask your cooperation to let us get through with this bill. We can come back to this debate after we get through with the rest of the bill. I ask for cooperation at this time. Otherwise, we will have to move to limit debate.

The CHAIRMAN. The Chair will point out that the reading of sections 5 and 6 has been completed and a new section 7 has been added by amendment. There is no opportunity or possibility under the rule for any further action today in Committee of the Whole on either one of the sections that has been debated at some length now.

Mr. WHITTEN. Mr. Chairman, I am asking for cooperation.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the American people have always stood fast for a peaceful and prosperous world. We take a back seat to no one in that regard. I know that you, Mr. Chairman, and the vast majority of this House agree with me on this.

Mr. Chairman, for the past 6 years, our President has sought to negotiate strategic agreements that he believes might prevent war. There is now a feeling in the air that his strength and persistence in protecting the interests of the free world are about to lead to new understandings that will neither betray our democratic ideals or our willingness to defend them. While supporting his efforts, we in this House must not allow our earnest desire for a peaceful world to cloud our vision and lead us to statements or actions that, instead of helping our President in this endeavor, rob him of the very strength that makes such understandings possible.

We all know that an agreement with the Soviet Union that betrays the security of the free world will not stand up to the scrutiny of the American people. As exciting as this moment may seem to some of us, we have to remember that the American people will sooner or later review any strategic agreement brought home by the President. As we have seen in the past, they will not stand for any agreement that allows the Soviet Union to cheat or welsh on its solemn promises. It was for this very reason, Mr. Chairman, that the SALT II agreement never stood a chance of ratification in the Senate. As we see in this bill, however, there are those who would strive to rescue this failed SALT II agreement, those who would ignore the tremendous Soviet violations of the SALT II guidelines, those who would bind this President and this Nation to a process in which bad agreements are negotiated but not ratified, in which Soviet violations are seen but not punished.

Mr. Chairman, the American people have shown time and again that they will not agree to this, and I can't blame them.

Those who would preserve this failed process now want to expand it to yet another strategic area. This bill not only requires our President and the American people to forgive Soviet violations of SALT II, it lays the groundwork for a nuclear test ban that the Soviets are bound to scoff at.

The President knows better than all of us here, I suspect, the many ways the Soviets could cheat on a nuclear test ban. He knows about the seismic activity common to that area, that would confuse or verification, he knows about past Soviet refusals to provide necessary geological information, and I suspect he wonders about all of those so-called peaceful nuclear explosions throughout Soviet territory that over the years have fractured the local rock strata and created underground cavities in ways ideal for hiding nuclear tests in later years.

Mr. Chairman, this President has shown time and again that when the interests of the free world are at stake, he can take the heat. That's why, for over a year, he let the Soviet Union and, yes, some here in our own country, portray him as the bad guy for not agreeing to a sloppy test-ban moratorium. All that time, he kept insisting that the Soviets stop playing to the cameras and start talking turkey about mutual verification. Now the Soviets are doing just that, so why are we in the Congress determined to step in and show the Soviets that playing to the cameras pays off after all?

Mr. Chairman, don't be fooled by the language of these provisions. They send a very clear message to the Soviets—you are violating SALT II, but out of our concern for peace, we will look the other way. Out of that same concern, we will now undercut our President's good efforts in the area of nuclear testing, and when in the future you violate an inadequately supervised test-ban treaty, we will turn a blind eye to that also.

Mr. Chairman, let's support the President. Don't agree to these measures that would do so much harm to our efforts for really good strategic treaties.

Mr. HUNTER. I thank the gentleman for his statement.

Mr. Chairman, I would like to take up with my colleagues on the Democrat side some of the contentions that they have been making regarding the President's capability to certify Soviet noncompliance and thereby disregard sections of this bill. Incidentally, in response to the chairman's concern that we should move on to other matters, I think it is extremely important, now that we are on the eve of a major arms control agreement with the Soviet Union, to at least discuss issues such as these provisions that in my estimation handcuff the President.

I will yield as soon as I make my first analysis of these particular provisions.

We all agree that the Soviets have encrypted telemetry. That means they have hidden their own technological capability from the United States in violation of the SALT agreements.

We also agree that Krasnoyarsk radar is a violation of the agreement.

Mr. Carter, when the agreement was signed, said, and I quote, "I would not sign nor present to the Congress or to the American people any treaty which in my opinion could not be adequately verified from the first day it is effective."

Now we have verified that there have been Soviet violations. When one side violates an agreement and it was understood when this agreement was put together that the other side has the right to withdraw from the agreement or to similarly infringe on the agreement, Congress shouldn't bar our President from exercising his options.

The point that the liberal Members of Congress have made with respect to this provision is they are directing that the President ignore the Krasnoyarsk radar, and they are also directing that the President ignore the encryption of telemetry. What they are saying is, "We want you to forget about these violations by the Soviet Union, as long as the Soviet Union says within their sublimits on launchers and vehicles, then we will stay within that part of the agreement."

So they have agreed that the SALT treaty has been ruptured. They think there is one portion that still has some viability, and what they are saying is even though the Soviets have deliberately broken the agreement in this area, we want to move to another area and try to preserve that area. I think that is handcuffing the President.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Let me support what the chairman of the committee is saying. In all fairness, there was an opportunity to remove these sections from the bill if you found them so unfair. No one went to the Rules Committee and asked for it, and no one took up the rule. We are now on another section and people want to move on.

But I think also the points that the gentleman keeps wanting to make are incorrect. He keeps misconstruing what we are trying to do. We are talking about a proportional response. We are talking in SALT about the sublimits, period. And the sublimits benefit us so much that the Joint Chiefs of Staff and President Reagan went along with the sublimits for a long time because if you break out, the Soviets can take more advantage of that than we can.

Mr. HUNTER. I appreciate the gentlewoman's statement.

Let me respond, take back my time, with regard to proportional response. Jimmy Carter said "the Soviets know that if we ever detect any violation of the SALT agreement, any violation, that would be a basis on which to reject the treaty in its entirety." I would suggest to the gentlewoman that President Reagan should have the same rights as President Carter obviously reserved to himself in making these comments.

Mrs. SCHROEDER. President Carter did not get reelected.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. Let me yield to my friend from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I did want to note the impressive spectacle of the gentlewoman from Colorado marching so firmly behind the chairman of the Committee on Appropriations. I am sure he will count on that for future days.

But I would like to say at this point that I think some of what we are getting here is a little displaced anger. A lot of my friends in the conservative wing of the Republican party are really unhappy at George Shultz and not that crazy about Ronald Reagan these days because he is the one talking about an arms control agreement with the Russians. Some of our friends, as the gentleman from New York [Mr. DOWNEY] pointed out have this misconception of trying to reduce the enormous amount of money the world spends on arms and trying to make it a little less likely that we will have some of them go off is a favor that we do the Soviets. Many of us think it is mutual. But I would point out that the major ones—you know, you are arguing both sides. On the one hand you are telling us "don't interfere with Ronald Reagan, he is on the eve of an agreement." If he is on the eve of an agreement, he must live in the Land of the Midnight Sun because this man has been on the eve of that agreement since sometime in 1982. But on the one hand you are mad at your side because you may have an agreement, and then you are mad at us because we are stopping you from having one. Pick an argument and make it.

Mr. HUNTER. Let me reclaim my time.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Let me say there is misplaced anger, and I have never seen so much anger on the side of the Democrats than when this President is apparently ready to make an arms control agreement. I see gentlemen standing up and saying "We have to act now, we have to save the world for arms control." Ronald Reagan is going to achieve arms control because he has moved from a position of strength, not a position of weakness. Now, when we went for the zero option and originally offered that, there were cries from the left side of the Democrat Party that this was ridiculous, it could not possibly work, and it was a sham offered by Mr. Perle—just for the purpose of throwing the ball back in the Russian court.

It apparently is going to work. The Soviets are going to agree to the concessions that were demanded by President Reagan from a position of strength. And the Democrat side should celebrate that particular event today instead of trying to tie his hands when he is going to be successful, for themselves and for America.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, yes, I am glad we are getting movement.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. FRANK and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. FRANK. Mr. Chairman, will the gentleman continue to yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for continuing to yield.

I appreciate his conciliatory spirit in this and in furthering the discussion.

Yes, I am glad we are moving toward an agreement although many of the arguments we have heard against an agreement have come from the other side. We have the Novak-led wing of the Republican Party that yells at George Shultz because they are really unhappy with the President. The point I would make, and I would make two points: first of all, we are moving toward a limited agreement. I would like to see broader agreement. And I would hope that Ronald Reagan would reach a broad agreement but I think we are as likely to see this President get as broad an agreement as——

Mr. HUNTER. Let me just comment to the gentleman that this will be the first time that we have actually achieved reductions of existing inventory in an agreement.

Mr. FRANK. If the gentleman will yield back to me, I am for that. I do not regard it as a favor to the Russians. I will say this, the suggestion that these amendments will somehow mess up that process are absolutely antihistorical because I think it is very clear in the record that the leadership taken by the House of Representatives majority over the objections on much of the other side in pushing for some of these arms control measures, they have been part of the landscape. Both the Soviet Union and the United States——

Mr. HUNTER. May I take back my time?

Mr. FRANK. The gentleman does not want to hear this last point, and I can understand why, because it is damaging to him, it is part of the landscape.

Mr. HUNTER. I will allow the gentleman to make his last point.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, I just want to say to my friends on the left I am fascinated by your argument. On the one hand you are glad Reagan is negotiating, and on the other hand you distrust him so much you want to cripple him with legislation. On the one hand the legislation is so vital we have to put it in the supplemental bill; on the other hand, it does not really do anything. I mean, be honest, you are crippling the United States of America by putting in law, putting in law binding the country legally to do things in foreign policy which none of the Founding Fathers would have accepted. It is fundamentally wrong for the U.S. House of Representatives to cripple its own country while going into negotiations.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I thank the gentleman for confirming that his view of the legislative process is that it is crippling and we are trying in a binding way to set forward in both Houses which will have to enact this that we should set forth a policy.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. FRANK. Mr. Chairman, will the gentleman continue to yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK I thank the gentleman for yielding.

The gentleman from Georgia equates legislating national security with crippling the President, a bizarre notion——

Mr. HUNTER. Let me take back my time for 1 second.

Mr. FRANK. The gentleman is an Indian giver. Mr. Chairman, I apologize for saying that—it is an unfortunate ethnic characterization.

Mr. HUNTER. It is crippling for this reason: It is a statement by the Congress, I would say to my friend from Massachusetts, this language is a statement by the Congress to the Soviet Union that we do not care about two major violations in the SALT agreement that we made, one was Krasnoyarsk and the other was encryption of telemetry.

□ 1520

Mr. FRANK. The President said he does not want to test. The gentleman says the President is going to get these broad-scale agreements. He is going to get some narrow agreement. I do not think we would be at the point where we might be getting agreement if the President had not felt the pressure of the enactment of this House.

The gentleman from Georgia thinks it is crippling. I think it has been enabling. I think it has been the pressure that they knew what was coming that has emboldened the President to defy those of his own party who are unhappy that he is finally moving toward the limited amount of arms reduction.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his statement.

I would simply conclude by saying that this is a very dangerous provision and I would ask the Committee on Appropriations to very seriously consider ever putting this type of language in a supplemental bill again.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in apology, as well, to the chairman of the full committee [Mr. WHITTEN], but feeling that it is important for us to continue, if only for a little while longer, the discussion just so that we do not miss this opportunity of having an explanation presented as to why these amendments are included.

We thought that if the minority had made an objection to it, that would have afforded an opportunity for the American public to have heard the explanation, but in the absence of that, rather than now have it be mischaracterized, as obviously it will be to the public in forums other than the debating on the floor of the Congress, I think it is important for us to continue because there is no more important issue with which we will be dealing this year than the issue of nuclear testing.

I rise on that issue just to make this point. The point is that the President is making it very, very clear that he does not want to see any limits on nuclear testing at all, under any circumstances. Zero.

He will talk about a few hundred intermediate nuclear weapons in Europe; he will be more than willing to discuss that, and for the Soviet purposes, it is mutually advantageous to arrive at that kind of an agreement, but there are 50,000 nuclear weapons that exist between the United States and the Soviet Union.

The United States and the Soviet Union, on separate tracks right now, are developing new deadly first-strike weapons that will put this world in an even more deadly position than it is right now. For all of the good will which we ought to extend to Mr. Gorbachev and Reagan on their negotiations on the intermediate weapons in Europe, let us not forget that that is only 2 percent of the weapons in the world, and it deals with existing technologies, and it does not talk about all the strategic weapons, the submarine-based weapons, the strategic weapons based in our country on the Soviet Union, the bombers. It does not deal with the new hydrogen bomb-pumped x-ray laser weapon which is being developed under our Nevada test site. It does not deal with the new hard-kill warheads which we are trying to develop so we can dig out bunkers in the Soviet Union to hit their command and control stations.

It does not deal with the kind of counterpart weapons which the Soviet Union is developing at the same time. It deals with 2 percent of the weapons.

We give credit to the President for making those kinds of gestures toward the Soviets that might make an agreement in that area possible, but let us not forget at the same time that there is an even more deadly and dangerous threat which is offered to this world, which is that if SDI is ever developed, exploding hundreds of hydrogen bombs above our own atmosphere as a shield to protect us from incoming Soviet rockets—if you can imagine that as a defense, that we explode hydrogen bombs above ourselves, then the world will be a much more dangerous place.

The U.S. Government has argued that we cannot verify a testing ban because the Soviets are not trustworthy. And then what do we hear from the Soviet Union, we will allow for onsite emplacement of United States equipment in our country if you will allow the same kind of equipment in your country.

The answer from our Government is that they might test behind the Sun; they might test during earthquakes; they might test in any number of other equally preposterous fashions, and in that way, somehow or other, it is impossible for us to negotiate a treaty.

For us in Congress, we have had enough. We want an end to the arms race. And while on one track, it is proper for us consistently to praise the President, on the other hand, it is also possible for us to make note of the fact that 98 percent of the rest of the arms race has gone on unabated. If the game which is going to be played is that we are going to receive some kind of cupie-doll consolation prize of an INF treaty and the price that we have to pay for it is that we have to accept a never-ending, ever-escalating arms race because, under no circumatances can we consider a nuclear test limitation between our two countries, then it will have been too high a price to pay.

What we want to make very clear at this point is that we do, in fact, want to praise the President, and we do not want to handcuff him in Geneva or any other place where he is willing to meet with Mr. Gorbachev to sign an INF deal, but at the same time, we want to let him know that we encourage him and we urge him to, in fact, go further because his time is now and his moment in history is now.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I want to respond to my good friend, the gentleman from Massachusetts [Mr. FRANK], who is very, very bright and very, very able, but I think he was being a little too cute.

I think the U.S. Congress should establish general policy. I think the U.S. Congress should decide all sorts of things. There is enormous power vested in the Congress.

My specific objection on Central America and on arms control is when the U.S. House starts to get involved in the execution of foreign policy for perverse reasons, if I might explain.

The legislative branch is by definition a slow and cumbersome and confusing body. It takes a long time. The real world can change with terrifying speed.

To wrap into law, not at the suggestion of the President, not at the joint negotiations with the Soviets, but at the unilateral ideological position of the left wing of the Democratic caucus, to wrap into law language which you imposed on the committee, language which you believe in but which has not been ratified by the Senate and which experts specifically say relates to a treaty the Soviets have violated ties you up in this way: I just think it is incredibly dangerous in the modern age for the U.S. House to write foreign policy into law.

I suggest to my good friend, if you read the Federalist papers, if you read the debate in the 1790's among the Founding Fathers, they were very, very vehement that the No. 1 lesson of the Articles of Confederation was not to allow the legislative branch to directly involve itself in foreign policy, and for the life of me, hearing our good friend from Massachusetts act as a liberal Secretary of State is fine if this guy wins the Presidency, but it is wrong otherwise.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I gather that I must have misunderstood. I assumed that the gentleman from Georgia [Mr. GINGRICH] was one of those who had fought the Panama Canal Treaty. I must have been wrong.

He must have been one of those who thought that even if they disagreed with President Carter's position, the House had no right to try to take a position on that specific.

I disagreed with those who might have said that.

The motion that the elected officials of both Houses may not, through the appropriations powers, say, "No, stop funding that shooting. No, do not engage in that major nuclear outbreak," I think limits democracy.

I think the arguments ought to be substantive. Frankly, what we get into today all too often is fake proceduralism.

□ 1530

People come and they talk about the rule. There may be five Members in here who are genuinely opposed to closing rules and who are genuinely in favor always of everything being amendable. I can think of two of them, and I will leave room for three others. The rest of us tend to be for closing a rule when it is better for us substantively and opening it when it is not.

I think that is entirely legitimate as long as we do not try to claim that we are being principled on a procedural matter when we are being driven by substance.

Similarly on foreign policy, there were Members on the conservative side who got very specific on the Panama Canal Treaty. They had that right. I disagreed with them substantively but not procedurally.

If a majority of both Houses believe in good faith that a President is wrong on foreign policy, he may be right or he may be wrong, but if we believe this President is wrong in his refusal to do a nuclear test ban, we have no option, and I think it is a mistake to try to proceduralize this. I think when you have good-faith differences as to whether or not we should be financing a war in Nicaragua or whether or not we should have a nuclear test, democracy says that we will go through the normal legislative process and we will win or lose, but attempts to proceduralize substantive issues, I think, shortchange the debate over substance that the public ought to have.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, this is a question of the two greatest powers on the planet, this is a question of nuclear weapons and strategic weapons, and what I am suggesting is that the world changes much faster than the capacity of the U.S. Congress to legislate, and that we are beginning the process of crippling the United States by adopting a series of rules into law which it would take a long time to change. That is what I think is so fundamentally substantively wrong in the way we are approaching it. This is a major issue.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, all I can say is, in the wake of the Tower Commission's report on the shambles this administration inflicted on national security policy regarding Iran and also in Nicaragua because it refused to abide by some sensible things Congress had put forward, I cannot accept the argument that we are always better off if Congress stays out.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KYL] has epxired.

(By unanimous consent, Mr. KYL was allowed to proceed for 1 additional minute.)

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding and for getting the additional time.

I rise mostly in defense of the Founding Fathers. I do not see the gentleman from Georgia here who has engaged in some of the more pop analysis of what they are doing when they gave the Congress of the United States the power to control spending for the military.

The gentleman is no doubt aware, is he not, that the Founding Fathers had as their examples the 17th and 18th century despots who used their power, monarchs mostly, to engage their countries in war?

The Founding Fathers were so concerened about granting authority to an executive that they decided to divide that power. They decided to divide the power, because they did not trust the executive, because the whole history of monarchs had been replete with wars that people did not want, so they vested in the hands of the legislature the appropriate authority to withhold from the executive the ability to make war with money.

Mr. BADHAM. Mr. Chairman, in March 1962 President John F. Kennedy said:

> Some may urge us to try it (a nuclear test moratorium) again, keeping our preparations in a state of readiness * * *. This is not merely difficult or inconvenient—we have explored this alternative thoroughly, and found it impossible of execution.

Although 25 years have passed since Kennedy uttered this statement, it is clear that a nuclear test ban is still very much impossible of execution. Thus, as we consider the 1987 supplemental appropriations bill, and, in particular, the provision to limit nuclear tests to 1 kiloton, let us first consider the consequences if Congress approves this legislation.

Unquestionably the credible nuclear deterrent that the United States possesses would be severely undermined if this test ban language is approved. The entire premise of our current defense is based on potential adversaries being convinced that we can deliver a devastating response to any nuclear attack therefore, for our nuclear force to remain a credible deterrent, it must be reliable, effective, and survivable.

The only way to date to insure reliability, effectiveness and survivability is through adequate testing. A nuclear explosion is extremely complicated physical process which is still not fully understood by atomic scientists. The use of supercomputers alone to predict the outcome of a nuclear test is not acceptable, as these computer forecasts often differ from the actual results of the test. In addition, the data from weapons tested at a partial yield—such as the 1 kiloton limit—could be equally misleading. According to officials at Los Alamos National Laboratories, "it is technically more difficult to certify weapons tested at only a partial yield." Thus, with testing restricted to 1 kiloton, we are faced with an imprecise prediction of our nuclear weapons capability at best, or a total failure at worst. Our existing nuclear capability is based on 1950's and 1960's technology. For a credible deterrence, it is crucial that we continue to modernize these weapons systems. Such modernization is dependent on sufficient testing. Likewise, we must have confidence in the effectiveness of older weapons. In several documented incidents, DOD or DOE discovered reliability problems resulting from the lengthy storage period of older, established missiles, such as Polaris, Poseidon, and Minuteman I. These problems would not have been uncovered without adequate tests of the nuclear weapon itself.

The survivability of the entire spectrum of our nuclear deterrent against enemy attack would also be suspect without adequate testing. Key communication elements and satellites used for both military and civilian purposes would be subject to the effects of a nuclear blast. Shock waves, enhanced radiation or electromagnetic pulse from an attack could render these vital systems useless. However, through adequate nuclear testing, integral components of our defense can be designed to work, in the hostile environment of a nuclear explosion.

The possession of a credible nuclear force is the prime instrument of modern deterrence. As such, we must not impair our capability to defend ourselves by relying on untested, thus, unreliable nuclear weapons systems.

Mr. KOSTMAYER. Mr. Chairman, I rise in strong support of the provision in this bill requiring continued U.S. adherence to the SALT II treaty.

The fundamental reason for maintaining SALT II compliance is simple: it serves American interests. It has served our interest for nearly 15 years and it can continue to do so. SALT II stems the growth of the Soviet arsenal, it adds greater predictability and stability to the United States-Soviet strategic competition, and it provides a foundation for achieving more comprehensive reductions in Soviet strategic offensive arms. We should not be abandoning those accomplishments so carelessly.

The administration mistakenly argues that alleged Soviet violation of some parts of the treaty have rendered SALT II useless. The argument ignores the fact that the Soviets have dismantled over 1,000 nuclear weapons to remain within SALT II—far more than the United States has been required to dismantle. It ignores the fact that the treaty contains vital provisions which allow us to determine the extent of and any changes in the Soviet arsenal. It ignores the fact that the Soviets have adhered to the core limits on the number of weapons allowed. And finally, it ignores common sense which tells us that some limits on the expansion of Soviet arms are better than none.

This bill requires the United States to remain within the central numerical sublimits of SALT II only so long as the Soviets also adhere to those limits. The administration agrees that these sublimits have not been violated. Without question these ceilings have capped the growth of the Soviet arsenal; without them the Soviets will be free to deploy more and more offensive arms. If we can sustain the SALT II treaty, we can keep the cap on.

Mr. Chairman, the administration's actions regarding SALT II belie its rhetoric. If Soviet violations were truly the reason for abrogating the treaty, the administration would have done two things. First, they would have taken the Soviets to task in the Standing Consultative Commission—a private bilateral forum created for the resolution of treaty disputes. Instead, at last fall's special SCC meeting on SALT, the administration used the opportunity to notify the Soviets that the United States would no longer discuss violation issues related to SALT II.

Second, the administration would have conditioned the decision to abrogate the treaty on the Soviets refusal to rectify their alleged treaty violations. Instead, the administration started the debate by labeling two of the three noncompliance problems irreversable—thus guaranteeing that the disputes could not be resolved. Violations clearly won't be resolved if the treaty is abandoned.

No one in this Chamber believes negotiating treaty disputes with the Soviet Union is easy. But neither should any one believe that a United States decision to abandon SALT II will move the Soviets to stricter adherence. On the contrary, what we may be left with are the shreds of a treaty which once controlled the growth of nuclear arms.

Mr. Chairman, abandoning SALT II is not in our national security interests, and it is not in our fiscal interests either. The Soviets currently have eight new weapons systems in various stages of development. I, for one, am not convinced that absent any restraints they will not deploy some or all of these new systems—systems U.S. military planners and U.S. legislators will feel compelled to respond to.

The Congressional Budget Office and the CIA estimate that with only a modest effort the Soviets could deploy 21,000 nuclear warheads by the mid 1990's. We could counter this build up with 850 more MX missiles, 36 more Trident submarines with missiles, or hundreds more cruise missile carrying bombers. I do not need to remined my colleagues of the cost of these weapons—it is truly staggering. In addition, advocates of SDI must recognize that any increase in Soviet offensive forces makes deploying an effective defense that much more difficult, and that much more expensive.

Yet even if the Soviets deployed more nuclear weapons and we responded with more nuclear weapons, this country would not be any more secure. We must therefore ask whether we should resume an unconstrained arms race again or not.

Mr. Chairman, I wholeheartedly support the President's efforts to secure a new arms agreement with the Soviets—on intermediate nuclear forces and on strategic weapons. But I fail to see the logic in abandoning existing limits on ofensive nuclear arms before an alternative is in hand.

I urge my colleagues to support continued United States compliance with the SALT II numerical limits so long as the Soviets adhere to the same restrictions.

Mr. BONKER. Mr. Chairman, I would like to take this opportunity to express my strong support for the arms control provisions contained in the supplemental appropriations bill.

The bill contains two of the arms control provisions contained in the defense authorization bill passed by the House last summer. The bill prohibits the use of the fiscal year 1987 funds for conducting nuclear tests with a yield greater than 1 kiloton, if the Soviets also stop testing and agree to enforced verification within the Soviet Union.

Also, the bill bars the use of funds for deployment or maintenance of any weapon that violates the numerical sublimits set by the SALT II treaty, unless the President certifies that the Soviet Union has exceeded these sublimits.

Mr. Chairman, last year, House conferees decided to drop the arms control provisions contained in the fiscal year 1987 Defense authorization bill to allow the President room to negotiate with the Soviets during the Iceland summit. Regrettably, very little was accomplished during the summit to assure us that the administration was serious about reaching an arms control agreement. We cannot continue to wait for the administration to fulfill their promise to pursue a meaningful arms limitation agreement with the Soviets—we need to made a decision today to end the arms race and begin to work together to establish and adhere to a policy of arms limitations and reductions.

Congress has long been interested in working to establish a more secure and trusting relationship with the Soviets. Our Nation has negotiated some meaningful and reasonable arms control agreements. We now need to take the next steps to expand these agreements and to seek compliance with them, rather than finding ways to avoid them.

A mutual test moratorium on nuclear weapons represents a good faith step in the right direction. The Soviets have resumed their testing after a 18-month moratorium, but they have indicated a willingness to halt testing if the United States will join them in a mutual moratorium.

We have no guarantees that this will always be the case. We need to use these opportunities when they are available to us. Most experts agree that the United States leads the world in nuclear weapons technology. What do we have to lose if we agree to freeze the Soviet's weapon technology with their blessings?

The SALT II treaty includes numerical sublimits which apply to certain categories of launchers and warheads. Until recently we have observed these limits and removed systems that exceeded the limits.

Last November, the administration exceeded the numerical sublimit set by SALT II by deploying an additional B-52 bomber equipped with cruise missiles. That action accomplishes absolutely nothing for U.S. national security, but it severely undermines efforts to achieve meaningful arms control. We don't need the extra weapons, and we are farther than ever away from a relationship of mutual trust and understanding with the Soviet Union.

The administration tells us that the Soviets have violated seven arms control treaties and that this is the reason for the recent violations of SALT II by the United States. Regardless of whether this is the case or not, the United States has not acted responsibly by engaging in treaty violations. We have an obligation to strengthen our existing arms control agreements, not weaken them. How an we hold the Soviets accountable to their treaty commitments, when we willfully violate our own?

Experts agree that the Soviet Union is far better positioned to rapidly expand its nuclear force than the United States if the SALT II limitations are scrapped. Violations of this type set the stage for the Soviets to develop newer and more sophisticated weapons, a situation that clearly is not in the best interest of the United States.

The recent Soviet proposal to limit intermediate-range nuclear weapons together with their willingness to uphold both the nuclear test moratorium and the SALT II treaty limitations is an offer that we should not take lightly. If we sincerely want to put an end to the arms race, and work toward a reduction of nuclear weapons in both countries, we need to take this opportunity—there are no assurances that we will have this chance in the future.

Mr. Chairman, the administration continues to undermine the arms control treaties that we have worked hard to establish. Recent requests by the administration for money to fund SDI has raised new concerns over ABM Treaty violations. Fortunately, Congress has the ability to influence the direction that the arms control issue will take at this point. The administration can make a political decision, but they need funds to back it up.

I hope that my colleagues sense the urgency of this important decision that we are about to make. I encourage them to support the arms control measures called for in this bill.

Mr. FRENZEL. Mr. Chairman, I support both the major arms control provisions of this legislation, and oppose efforts to delete them.

The legislation provides for a moratorium on testing of nuclear weapons over 1 kiloton, so long as the Soviets do not engage in such tests. I have long supported a comprehensive test ban, and believe it would lead to an atmosphere in which balanced arms reduction negotiations would have an enhanced chance of success. I believe that a mutual moratorium, though less desirable than a negotiated ban, would offer many of the same advantages.

I support the test ban provision as an overture for a comprehensive moratorium, but I am not confident we will achieve that result. Recently, the Soviets have resumed testing, and have offered an exchange in which they would conduct a test at our Nevada site, and the United States would conduct a test at the Soviet test grounds. That proposal, and associated arms discussions, merit close attention, and should be pursued. A full test moratorium, however, would be preferable to these restrictions.

I also support the provision mandating resumed adherence to the numerical sublimits of the unratified SALT II Treaty. I share the serious concerns of many of my colleagues about apparent Soviet violations of several nonnumerical treaty provisions. However, I still believe that continuing to adhere to the sublimits which we have until recently observed will keep us in an acceptable strategic balance with the Soviet Union, and will prevent a new round of weapons procurement that will be expensive, unnecessary, and perhaps dangerous.

The SALT II provision is especially timely today. Late last year, the United States added a strategic bomber that exceeded the sublimit on that delivery capability. The Soviets are reported to intend to exceed a sublimit by launching a missile-bearing submarine this spring or summer. I am concerned that if we do not act to maintain existing observed limits, we will face a breakout of weapons-building.

The administration frequently claims that congressional interference in arms control matters harms ongoing discussions. I do not believe that these provisions should have that effect. I fully support U.S. efforts to negotiate new agreements, and cast today's votes in a spirit of support for any potential progress. I also believe, however, that failure to capitalize on any possible mutual suspension in testing, or a decision to discard force levels that are in balance and have been observed, would be a significant move in the wrong direction. For that reason, I support these measures.

Mr. KOSTMAYER. Mr. Chairman, I strongly urge my colleagues to oppose any effort to strike the test pause provision from this bill.

We in the House approved a similar testing measure last year by a wide margin, but we gave it up in order to free the President's hands in Reykjavik. Freed from any congressional constraints, however, the White House didn't budge on nuclear testing limits. They only reiterated their opposition to a comprehensive test ban treaty. And as a result, the Soviets ended their 19-month unilateral testing moratorium, and no limits on a major component of the arms race were achieved.

The Soviets contend that they will stop testing again if the United States will join in a moratorium. The testing provision in this bill challenges that promise. This provision bans United States nuclear tests above 1 kiloton only so long as the Soviets refrain from such testing and agree to in-country monitoring. It is mutual and verifiable.

If the United States and Soviet Union agree to stop testing now, we can retain our advantage in spohisticated and efficient warheads.

If the United States and Soviet Union agree to stop testing now, we can retain the safety and reliability of our nuclear stockpile. Approximately 95 percent of our current reliability tests are already conducted without detonating a nuclear device.

If the United States and Soviet Union stop testing now, we could keep technology from outpacing arms control and prevent both superpowers from developing even more damaging yet superfluous nuclear weapons.

Mr. Chairman, the American people overwhelmingly support a ban on nuclear testing. So do many weapons experts and former defense officials. Given this administration's determination to continue building nuclear weapons—even at the expense of valuable and security enhancing arms control agreements—it is time for Congress to act.

I urge my colleagues to retain the provision to ban United States nuclear tests above 1 kiloton so long as the Soviets agree to the same restrictions.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the provision included in the fiscal year 1987 supplemental appropriations bill to bring the U.S. strategic nuclear forces back into compliance with the SALT II agreement.

I commend the efforts of my good friend and colleague and the author of the SALT II amendment, Mr. DICKS, who has been tireless in his efforts to encourage the administration to comply with the nuclear force sublimits included in the SALT II agreement.

For 6 years, the administration complied with the SALT II limitations. For 6 years, the administration recognized that compliance was in the best interest of our own national security. And, since 1979, the Soviets complied with the treaty limitations as well, and they complied at some costs to their own nuclear arsenals.

As has been pointed out here earlier today, in the past, the force limitations in the SALT treaties forced the Soviet Union to withdraw, destroy or dismantle almost 1,400 nuclear systems—systems that could otherwise still be targeted on the United States. And, in the future, adherence to the SALT II limitations would force the Soviet Union to dismantle an additional 500 to 600 delivery vehicles.

Despite the Soviet's record of compliance and despite the inherent stability generated by observance of the treaty, in December of last year, the administration unilaterally moved to exceed the SALT II limitations with the deployment of a 131st B-52 bomber equipped with air launched cruise missiles. This action was taken even though the Congress had spoken out on the issue and despite the fact that Congress agreed not to include the limitation in the continuing resolution only as a gesture of unification before the president went to Reykjavik. We stated very clearly in the report that it was our intention that the administration observe the SALT II limitations.

Soviet SALT II Treaty violations warrant a response, but abandoning SALT is not the right one. Without the restrictions of SALT II, the Soviets could respond with an unbridled escalation in the number of offensive strategic weapon systems. If challenged, the Soviets could far outpace our own weapons production and deployment capabilities. The Soviet's have four operating ICBM production lines compared to our single production line. Without SALT, the Pentagon has estimated that the Soviets could more than double their present warheads by the mid-1990's—to 20,000. The CIA puts that figure even higher at 21,000.

As President Reagan has acknowledged, "the Soviet Union has the capability to increase weaponry much faster than the treaty permits, and we don't."

Clearly, it's in our own national security interests to adhere to these numerical sublimits.

Mr. LAGOMARSINO. Mr. Chairman, while I oppose many provisions incorporated in this supplemental, there are features of this bill that I do support. Provision is made for startup loans for the United Water Conservation District's Freeman Diversion project in Ventura County, CA.

I would also like to express my support for the full funding for VA compensation and pension benefits programs. The many fine contributions veterans of the U.S. armed services have made to the continuation of our free and open society must be recognized and properly rewarded. Included in this bill is $30 million for the Veterans Job Training Act. This job training program helps defray the costs of training veterans and provides incentives to employers to hire and utilize certain veterans. I know that this has been a very successful program in central and southern California and this additional support will ensure the continuation of its beneficial contributions.

I also support the inclusion of the United States gift to the Australian bicentennial "in recognition of the many years of friendship and cooperation" between the two countries. Knowing of Australia's contributions to many American projects and world's fairs, this is a modest but very well-meaning "thank you."

NUCLEAR TESTING MORATORIUM PROVISIONS IN SUPPLEMENTAL APPROPRIATIONS BILL

Mr. Chairman, I oppose the nuclear testing moratorium provisions in the supplemental appropriations bill because this attempt to legislate arms control is based on faulty assumptions and does not serve the best interest of our Nation.

Legislating a moratorium on nuclear testing through restricting funds is a no-lose proposition for Moscow. Such action would condone Soviet violations of existing testing agreements, constrain United States modernization efforts, hurt other arms control initiatives, and dangerously damages the United States strategic deterrent and strategic stability. The Soviet Union, meanwhile, continues with its nuclear testing program.

The underlying need for nuclear testing is credibility. We need to make sure that our weapons work the way they are supposed to. Because deterrence is based on the premise that the United States will respond in kind if attacked, the potential foe must have no doubts that our nuclear forces are credible—that they will work as advertised. In addition, these weapons must be reliable, modern, survivable, and secure. Uncertainty in any of these four aspects leads to instability.

The experts have confirmed that no significant tests can occur at one kiloton or through supercomputer simulations. According to the

Los Alamos National Laboratories, a global leader in nuclear weapons design, it is "* * * unquestionably technically more difficult to certify weapons tested only at partial yield * * *." It is impossible to certify them at 1 kiloton. The Director of Los Alamos has said that it is possible in cases of testing at reduced yields to make mistakes that are catastrophic, involving total failure rather than imprecise prediction of the higher yield. We must avoid such situations.

There are four primary reasons why the United States needs to test:

Reliability and maintenance: The confidence in the reliability of nuclear weapons decreases the longer they are stored. There are several instances when we discovered reliability problems and had to rely upon tests to find the solution. An example of this was the problem with the Polaris ballistic missiles that armed U.S. submarines in the 1950's and 1960's. Without the use of testing to discover the problem and then resolve it, we would have been relying on "duds" for deterrence! So long as we do not have a strategic defense and must rely on mutual nuclear annihilation for deterrence, we must continue testing to ensure the credibility of that deterrence.

Modernization: Several of our current programs, necessary to maintain the nuclear balance, would be affected by a testing ban or 1 kiloton limit. The Trident II warhead testing could not be completed and progress on the small ICBM would be highly problematical since MX warhead design modifications could not be validated. As the Soviets continue to disregard arms control agreements and illegally field new weapons like the SS-24 and SS-25, we need to meet these new threats. Further limiting of nuclear tests would jeopardize our ability to meet America's new security needs. This moratorium would preclude the development of advanced concepts, thus eliminating the capability to avoid technological surprise and options for responding to an evolving Soviet military threat. Soviet nonnuclear developments, which would not be constrained even if they were to comply fully with a test ban, can affect our deterrent capability.

Survivability: Because of the hostile environment in which nuclear weapons are expected to operate, tests must be conducted to ensure that they can survive such things as enhanced radiation, electromagnetic pulse [EMP] and shock waves.

Safety and security: We must ensure that our nuclear weapons are safe to handle and secure from either premature detonation or theft. Only one-third of our stockpiled weapons have the most modern safety and security features. Incorporating such features, which are integral to the warhead, requires new warhead designs and actual testing to ensure that weapon yield and reliability are not degraded. Congress rightly insists on the most stringent testing requirements for safety and effectiveness of our nonnuclear systems. It does not make any sense to have lesser standards for the nuclear systems upon which the United States and our allies must rely for the forseeable future.

The nuclear testing issue cannot be viewed independently, as if it were in a vacuum. The Soviets have tried to present it this way by ignoring its relationship to other arms control issues. Nuclear test bans are directly tied to arms control measures, they are not arms control. Not one nuclear, chemical, or conventional weapon would be eliminated or reduced by a test ban! In reality, a test ban is a form of unilateral disarmament, or nuclear freeze. Until we are able to further limit or reduce our nuclear arsenals in an equitable and verifiable fashion, nuclear testing bans are detrimental to our national security.

Our negotiators in Geneva are opposed to these attempts to legislate arms control. The Soviets have blatantly violated many arms control agreements including the Limited Test Ban Treaty. By unilaterally adopting a testing moratorium, we are rewarding them for cheating and are sending the signal that it is OK for the Soviets not to adhere to the agreements they have signed. Such a posture puts our negotiators in a very difficult position and could seriously jeopardize our ability to reach any equitable arms control agreements in the future. As you know, the United States and the Soviet Union are getting much closer to an arms control agreement. Why ruin these recent, positive initiatives?

The key to success with the limited testing bans and a future comprehensive ban is progess in other arms control issues and an improvement in verification guarantees. The United States has always taken the lead in proposing verification measures. Most recently, President Reagan invited the Soviets to monitor a United States test and evaluate the use of the new CORRTEX hydrodynamic measurement system. The President also indicated that if the Soviets were willing to join us in an agreement for effective verification including the use of CORRTEX, we would be prepared to move forward on further testing bans. I clearly remember what happened the last time we had an unverifiable ban in the 1960's, the Soviets unilaterally, without warning, broke out with a massive testing series. This extensive series of Soviet tests obviously required many months of secret preparation, all conducted while the United States faithfully honored the moratorium. I urge my colleagues to remember the words of President Kennedy in 1962. He said:

> We know enough now about broken negotiations, secret preparations and the advantages gained from a long test series never to offer again an uninspected moratorium.

Based on the Soviet track record of violating signed agreements, we must have credible, equitable verification methods. This legislation does not provide any.

I am committed to making sure that our national security comes first. I have consistently supported efforts to make mutually beneficial progress in nuclear testing and arms control issues. The proposed testing moratorium and testing limits are based on faulty assumptions and do not fulfill our national security objectives. They could adversely affect the current, heightened arms control negotiations. In fact, this legislation positively addresses more of the Soviets needs than our own! I strongly urge my colleagues to review the facts and oppose the nuclear test ban provisions.

SALT II PROVISIONS IN SUPPLEMENTAL APPROPRIATIONS BILL

Mr. Chairman, I rise in opposition to the provisions in the supplemental appropriations bill that would require United States adherence to the SALT II sublimits by prohibiting funds for strategic offensive systems exceeding the numerical sublimits. This attempt to legislate arms control is based on faulty assumptions and is not in the best interests of our Nation.

It is important to remember that the SALT II Treaty was never ratified and would have now expired.

It is clear beyond a doubt that the Soviets have violated SALT II and other arms control agreements and are continuing to do so. Examining SALT II alone, there are at least four clear major violations. The Soviets are: Producing the SS-25 ICBM; exceeding the strategic nuclear delivery vehicle limit; encrypting telemetry; and concealing the association between a missile and its launcher. Any one of these violations could be grounds for cancellation of the agreement. In 1979, President Carter stated that a violation of any important part of the agreement, as each of these noted violations are, "* * * would be a basis on which to reject the treaty in its entirety." SALT II is much more than arbitrary "sublimits". While many Members of Congress have chosen to narrowly focus on this one part of the treaty, they have blindly ignored the other, more important parts. When presenting the SALT II agreements to the Senate, the Carter administration emphasized the importance of these other parts, like the prohibition on encrypting telemetry. As President Carter told us before a joint session of Congress, "A violation of the encryption provisions would be just as serious as a violation of the limits on strategic weapons themselves."

This legislation calling for one-sided arms control through selective compliance with SALT II undercuts the United States response to Soviet violations and compromises the ability of United States negotiators in Geneva to gain effective verification provisions in new agreements.

This legislation cannot meaningfully restrain Soviet forces nor can it bring the Soviets back into compliance with its past commitments. It can hurt our own and our allies' national security and future arms control agreements. First, it keeps us from continuing the strategic modernization we need to maintain a credible defense against the growing, unchecked Soviet threat. In planning our forces, we have to look at the real threat this country and its allies face. It makes no sense whatsoever, to base our national security on a flawed treaty that was never ratified, that has expired, and that the Soviets knowingly and willing violate anyway. Second, this legislation can send exactly the wrong signal to the Soviet leadership, who are now engaged in serious discussions with us about not the limitation but the reduction of nuclear weapons in Europe. If we are unwilling to maintain deterrence or take appropriate actions in response to Soviet noncompliance, our credibility at the arms negotiation table will be endangered and our ability to secure fair, equal agreements will be seriously lessened. The passage of this legislation will not help our current arms control efforts, it will hinder them—it will signal to the Soviets that Congress is not behind the American negotiators! Furthermore, by ignoring Soviet noncompliance, we signal to them that not only can they violate arms control commitments with impunity, but they can pick and choose which provisions of bilateral agreements they wish to honor. Such an arrangement would effectively give the Soviet Union a "line-item veto" over our arms control agreements.

The big buildup some people are predicting without SALT has been going on under SALT and continues. The Soviets right now, under SALT, have a huge buildup scheduled. Unilateral American adherence to sublimits will not affect the Soviets plans, it will only hurt our national security. SALT II has codified a vast increase in Soviet strategic forces allowing them to almost double its inventory of strategic ballistic missile warheads and could further increase these numbers substantially under SALT.

While the Soviets have been disregarding SALT II, the President has "gone that extra mile." We retired two older Poseidon submarines so that a new Trident vessel would not exceed any of the SALT II limits. Before deploying the 131st missile armed B-52, the United States gave the Soviet Union ample opportunity to make a jesture showing their commitment to the SALT agreement. Instead, the Soviets made no policy changes and continued to improve their arsenal at our expense. The Soviets must be shown that we are serious about our defense and keeping arms control agreements mutually beneficial.

This fundamental flaw of SALT II, coupled with Soviet violations, clearly indicates the need for a different approach. To get the Soviets to bargain seriously toward deductions, we need to keep our flexibility. That means we need to keep our program for rebuilding our defenses on track—including the other 50 Peacekeeper missiles. Our modernization program is not only essential to keeping the peace, but it's the strongest incentive the Soviets have to agree with us on real reductions that can be verified and that the Soviet Union will comply with.

The President's policy is to continue to exercise restraint in meeting strategic needs and anticipates no appreciable numerical growth in the U.S. strategic forces. Assuming no significant change in threat, the United States will not deploy more nuclear delivery systems or strategic ballistic missile warheads than the Soviet Union. Our policy continues to be one of restraint and pursuit of arms reduction. Soviet actions to exercise restraint and take other constructive steps will be taken into account when the next modernization milestone is reached.

Today's focus should be on current efforts looking for real, verifiable reductions in nuclear arms, not on SALT II, a relic of the past which only allowed controlled building, not reductions. With the proposed legislation, Democrats are again focusing on the past and trying to hold onto ineffective, flawed and obsolete policies. I am more concerned with obtaining a real, mutually beneficial, working arms control agreement than blindly supporting an ineffective piece of signed paper. We can't tie one hand behind our back at this critical moment. Unequal, one-sided restraint is not real arms control. We need to support current efforts moving toward genuine mutual restraint and real reductions. I urge my colleagues to join me in opposing this SALT II provision.

Mr. KASICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the thing that bothers me so much about this debate, and whether we want to talk about the Federalist Papers, or whether we want to deal in a lot of discussion that is theoretical, we have to talk about what is going on today.

Ronald Reagan is on the verge of being able to negotiate an agreement that is truly historical.

If we go back to the two arms control agreements that we have here, the ABM and the SALT II Treaty, and if you read both of those agreements, the ABM Treaty, and if you read SAM NUNN's comments about the ABM Treaty, they were put together, and it was said that the ABM Treaty would stand as long as forces were essentially balanced, and one side did not attempt to build massive amounts of strategic nuclear weapons, like the Soviets have done.

What SAM NUNN says in his analysis of the ABM Treaty is if the Soviets continue to do this, we are probably going to have to break out of the ABM Treaty, so here we have an ABM Treaty that was supposed to encourage greater stability.

We have one of the great thinkers in defense spending saying we may have to reach the point where we may have to break out of it. In regard to the SALT II Treaty, there is a situation where we negotiated, in a sense, approved the SALT II Treaty, it was all based on one thing: The deep reductions in nuclear weapons were going to occur after we approved the SALT II Treaty.

That has not happened. There have been no reductions but there have been increases in the nuclear stockpile. We have Ronald Reagan coming into office in 1981.

We have this President who comes in in 1981. He says, "I want to make us strong, and I want to get some reductions," so Ronald Reagan may in fact be the first President in my lifetime who is actually going to negotiate an arms control agreement that is going to result in an elimination of an entire class of nuclear weapons.

We are talking about eliminating intermediate range nuclear weapons, and we are talking about a possible agreement eliminating short range nuclear weapons.

We are talking about the possibility of reductions in conventional weapons in Europe, and it looks like all of this is going to happen.

It is not based on something that will happen in the future. It means we could actually have deep reductions in nuclear weapons for the first time in my lifetime.

What do we want to do? We want to attach language to a supplemental appropriations bill that is telling one of the great arms negotiators how to negotiate.

It does not make any sense. If Reagan was not making any progress, I would say, "Hey, attach your stuff." But, he is making progress.

Let me say to my friends that the gentleman from Washington was over there. He heard that there is reason to be optimistic.

The gentleman from Oregon agrees with that. Why attach more language to this bill when we are on the verge of being able to actually get significant deep reductions in nuclear weapons?

This is not the time to do this. This is not the time to tell him how to negotiate. This is like pulling a rug from under him; and if you talk to your negotiators over there, they will all tell you the same thing.

Let us have some latitude. Do not tell us how to negotiate.

This is a bad approach, and I know that the chairman of this committee does not want this language to be in there. This got put on there.

He would rather not have this kind of language on there. I move we vote this thing down, give the President of the United States, one of the great arms negotiators, who could actually in my lifetime really yield an entire elimination of a class of nuclear weapons, give the man a chance.

He is on the verge of doing something nobody in your party, or no one in our party, has been able to do since really the nuclear age, so let us give him support rather than pulling the rug from under him.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, there is nothing in these amendments that has anything to do with intermediate nuclear forces.

We hope that the President gets an agreement on that subject. The gentleman is absolutely wrong.

Mr. KASICH. There is one thing wrong with that.

Reclaiming my time, there is language in there on test ban. The President is working on test ban over there.

They are trying to come up with some agreement, and here you are, sticking language in here, telling the President how to negotiate on test ban.

They are negotiating on test bans. We do not need to be telling them what to do. He is working on test ban.

Do not try to tell him. Do not put him in a corner and tell him how he is going to negotiate.

Mr. DICKS. I do not think he is working too hard on that.

Mr. KASICH. He sure is. They are talking about it all the time.

For the first time on test ban, we have reached the point where they are going to get an agreement.

The **CHAIRMAN.** The time of the gentleman from Ohio, Mr. Kasich, has expired.

Mr. **KASICH.** Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

Mr. **ARMEY.** Mr. Chairman, I offer a preferential motion.

The **CHAIRMAN.** The Clerk will report the preferential motion.

Mr. **KASICH.** Mr. Chairman, I would ask that the gentleman from Texas withhold his motion so that I may be allowed to proceed for 1 additional minute.

The **CHAIRMAN.** Does the gentleman from Texas withdraw his motion?

Mr. **ARMEY.** Yes, Mr. Chairman, so that the gentleman from Ohio [Mr. Kasich] may be granted 1 additional minute.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Ohio [Mr. Kasich] that he may be allowed to proceed for 1 additional minute?

Mr. **CONTE.** Mr. Chairman, I object.

The **CHAIRMAN.** Objection is heard.

□ 1540

PREFERENTIAL MOTION OFFERED BY MR. ARMEY

Mr. **ARMEY.** Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Armey moves that the Committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. **ARMEY.** Mr. Chairman, I would like to begin by expressing my regret for taking this action particularly the chairman and the ranking member of the Appropriations Committee; two gentlemen for whom I have the greatest respect. Your work is diligent and it deserves respect. I do not take an action like this lightly. I certainly take it out of no lack of regard for the gentlemen in question.

What we have seen here, Mr. Chairman, is an extended debate over issues and propositions regarding international affairs, defense policy, arms negotiations; discussions that should not take place with respect to an appropriations bill.

This bill is a serious business with respect to fulfilling the spending needs of our country and our country's government. I believe the Appropriations Committee should be exempted from the pressures that must come to bear to put these kinds of legislative issues into the bill and then subsequently the pressures come to bear for the Rules Committee to make waivers of the House rules so that we can bring a bill to the floor that does not comply with the House rules and legislates in an appropriations bill.

On the other hand, once that is done and the bill comes to the floor, it is not reasonable for us to expect those people who, through their expertise, through their interest, through their concern, have worked long and hard on the relevant authorizing committees to do the work of their committee's jurisdiction. It is wrong to have that work preempted by someone who has the special ability to move their work into the appropriating committee without proper procedures.

Regarding those members who have so seriously taken their work on their respective authorizing committees; it is wrong to expect them to stand down from the debate. This body should not suffer as we have done today through a protracted debate on subjects that are not the concern of the Appropriations Committee.

We cannot reasonably expect this debate to soon terminate. We will be here for a great deal of time and, quite frankly, out of the most sincere motives of the people participating in the debate.

For that reason to be realistic, and in consideration of the people on the Appropriations Committee, but still in regard to the work of this House, I have made this motion.

I might also mention that I understand those who went to the committee to ask for the inclusion of this legislation and then subsequently to the Rules Committee to ask for the waivers. I understand their desire to have salt with their pork, and they probably will get that. But I cannot, in good conscience, allow the procedures, the rules, the protocol and the sense of this body to be so thoroughly compromised by this practice. It has become so common that we rarely, if ever, get a spending bill on the floor, through the Appropriations Committee, that is not stricken by this kind of special interest politics. This kind of procedure avoids taking the work through the legitimate committees of jurisdiction where we find the expertise, where we find the expertise on the part of the staffs, where we find the information base by which the work should properly be done, and where, in fact, we could get the kind of conscientious and thorough-going work that would give us good legislation instead of legislation that might only reflect the clearly biased preference of a handful of individuals in disregard to that committee's rights and that committee's jurisdiction.

I will ask the body to vote "yes" on this motion. I hope as we pass this motion that the Appropriations Committee will then be able to return to their committee room and seriously get about the business of appropriations which is their business, which is their expertise, which is their legitimate concern and to do that without being imposed upon as they have been in the case of this legislation.

Mr. **WHITTEN.** Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, in the first place, may I say to my colleague from Texas that I appreciate his statements about the committee and about the members of the committee.

Let me call your attention to the fact that our Committee on Appropriations can only recommend. There is legislation in this bill; frequently there is. Ninety-nine times out of 100 it is because the legislative committee has agreed this is the best way to handle it.

Some items in this bill, where there is a difference of opinion, are at the insistence of the leadership. The other thing is that this is a bill not a law. I think all the debate here leaves the impression that what we do is final. Whatever you leave in this bill is far from becoming the law because it goes to the other side and the other side, in turn, makes changes. Last year, they never did get time to pass all the regular bills. We had to include them as a part of the continuing resolution. As I tell them, everything good is under my name and everything bad, too.

We did follow the rules on our side. We had hearings and, we had debate. We passed 11 of the 13 bills in the House and we went to a conference. So we did have a sound basis for what was included in the continuing resolution.

Now, the point I make is, let us consider that the Appropriations Committee is your arm. We recommend to you what to do. You cannot do that unless you give thought to what it is for. So we are clearly in our rights to debate as we please.

What I am asking you to do, let us not needlessly prolong it at the expense of the others here who want to get through. You can talk all day and it would not solve what happens in Europe that is connected with any arms agreement. So everybody is within his rights; the gentleman from Texas is within his rights.

I tell you, the Appropriations Committee annually has about 5,000 witnesses and spends hours and hours in hearings. We have a long background, and we should consider all these things. But for now; we should get through in the next 5 of 10 minutes on this issue so we can get through the rest of the bill.

This is including everybody; I have no disregard for anybody. I have a high opinion of everybody here. But all of this is within the rules. If the rules let you make an exception, then that exception is under the rules too. So as long as we stay within the rules, any of us are within our rights; just do not drag it out.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman's point, and as I said when I began this I do so reluctantly.

Mr. WHITTEN. I thank the gentleman because I do appreciate it.

Mr. ARMEY. If indeed I could share your faith, your confidence, your belief that we will have seen the last of this debate, I might not have felt compelled to make my motion, but quite frankly, I believe this debate will last all day and I think again, as I said before, out of the most sincere concern for the people who are involved.

Mr. WHITTEN. If we debate it much longer, it will delay the decision while they read this debate.

Mr. ARMEY. It is still my belief that if we pass this motion that you will be able to go back to your committee and bring a bill to the floor that does not have these diversions.

Mr. WHITTEN. Mr. Chairman, I hope my colleagues will defeat this motion orally and proceed.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman form Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were: ayes 151, noes 261, not voting 21, as follows:

[Roll No. 56]

AYES—151

Archer
Armey
Badham
Baker
Ballenger
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Parris
Pashayan
Penny
Petri
Porter
Ravenel
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—261

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Richardson
Robinson
Rodino
Roe
Roemer
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schuette
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—21

Annunzio
Bartlett
Boulter
Collins
Courter
Daniel
Dorgan (ND)
Ford (TN)
Hatcher
Jones (TN)
Kemp
Leach (IA)
Livingston
Martin (NY)
McDade
McKinney
Pepper
Rostenkowski
Scheuer
Taylor
Wilson

□ 1600

Messrs. HALL of Texas, ROE, and REGULA changed their votes from "aye" to "no."

Messrs. WHITTAKER, FRENZEL, MARLENEE, and KONNYU changed their votes from "no" to "aye."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. RAHALL). The Clerk will read.

The Clerk read as follows:

CHAPTER III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Using funds previously appropriated in the Energy and Water Development Appropriations Act 1987, Public Law 99-500 and Public Law 99-591, the Secretary of the Army is directed to undertake the following studies: Ohio River Water Development Study, between Rivermile 40-491, Ohio; Maumee Bay State Park, including preconstruction engineering and design, Ohio; St. Johns County, including preconstruction and design, Florida; Jacksonville Harbor, St. John's River and Intracoastal Waterway Study, Florida; St. John's River Study, Florida; and Water Resources Based Economic Development Computer Model (to continue design and testing) and, in addition, $350,000 for the purposes of studying and evaluating at an estimated cost of $850,000 alternative disposal sites to the currently active San Jacinto disposal area on Galveston Island at full Federal expense; the Secretary of the Army is also directed to undertake environmental studies and submit recommendations to the Committees on Appropriations of the House and Senate on the advisability of modifying project operation and maintenance requirements, assuming that the current disposal site will no longer be available for extensive Federal use in the near future.

□ 1610

Mr. DORNAN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I imagine none of us in this Chamber expected a full-blown arms control debate today, but here it is. We have it, and let us make the best of it.

I noticed one of our distinguished Members on the other side holding a rump press conference in the Speaker's lobby. There were about 10 eager press people wanting to know the course of events today. I had a very important person from CBS ask if we were going to continue this because she was facing a 5 o'clock deadline. So it seems that the great news media of the strongest nation in the free world is watching, and that means the whole world is watching. Let us go back and cover some ground here on why this Chamber is attempting to tie the President's hands again when the President appears to be putting the Soviets in a position where they are begging us for a treaty, instead of the majority leadership of this House begging for a treaty.

The President had one rescission request after another in this supplemental, over 5 billion dollars' worth. We considered some of them, but only looked at them briefly. We dismissed every one of them and then added $6.6 billion to this supplemental. Now we have not only government by continuing resolution, which is sure going to make this an exciting year later, but we have also rejected 5 billion dollars' worth of rescission requests by our President. We have added $6.6 billion; we are running our Government by supplemental, and later this year by continuing resolution.

On my Foreign Affairs Committee the other day we were informed that quite possibly we will not be allowed to vote on a foreign aid bill in this House, that if something does come out of committee it will probably suffer the fate of all the appropriation bills last year. It will be rolled into another nearly $500 billion continuing resolution.

We again have a supplemental before us. Let us use this time in a valuable way to discuss what we are doing to the President of the United States and his arms control negotiating team, which only this morning convened in Geneva. I heard with my own ears, saw with my own eyes on CNN the Soviets saying, "We will have a treaty this year," and the American negotiator said, "Good; let's get at it," and the two of them walked in to begin this day, the first day of renewed negotiations. And here, this House is rejecting the President's requests to cut spending with multibillions of dollars still in deficit, yet we are still going to put these restrictive arms control messages within the supplemental. This only weakens the United States position, and emboldens the Soviet negotiators to be less than forthcoming. We do this only a few days after our great Speaker and our majority leader and whip, and the chairman of the Foreign Affairs Committee and the chairman of the Armed Services Committee, plus 5 or 6 Members who serve with me as permanent observers of the whole Geneva arms control process, have returned from the Soviet Union. Why then do we not show the good sense and wisdom to say, wait a minute, let us get all of these wrong signals out of this supplemental and show the President the same courtesy we showed him on the eve of his departure for Reykjavik.

There were some Members on my side of the aisle that left some t's uncrossed and some i's undotted during today's debate. They wanted to pick up where they had left off on some of this vital national security discussion on arms control. I think that we are not even close to an end of debate here.

We have listened to some fascinating analysis of the intention our Founding Fathers and their opinions written in the Federalist Papers when they discussed the power to raise armies and to fund wars given to this Chamber. It was as though the Constitution gave Congress the power in article II, section 2, that has been reposed in the Commander in Chief. It is the President who will make the initial decision of where we will move to secure our national security. We are now rewriting the Federalist Papers and saying that all of those powers are reposed in this Chamber here and that the President should take all of his leads, on antisatellite weapons, SDI, and other defense programs from us. We even want to direct, on an article by article basis, the arms control process. Perhaps the President might as well come down to this Chamber daily to hear directly from this Chamber on how best to do the job for which the American people elected him?

Mr. Chairman, this obviously was not the intent of our Founding Fathers. In this the historic 100th Congress, in the 200th anniversary year of the Constitution we should not be legislating the President out of his job.

The CHAIRMAN pro tempore (Mr. Rahall). The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

The Corps of Engineers is directed to proceed with the Fairfield Vicinity Streams, California, project under the provisions of section 117 of Public Law 99-190.

AMENDMENTS OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Gingrich: On page 19, line 21, strike out "construction, General" and all that follows through line 12 of page 20.

Mr. GINGRICH. Mr. Chairman, I ask unanimous consent that it be in order to consider the amendments en bloc, and notwithstanding the fact that they involve paragraphs of the bill that have not yet been read by the Clerk.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

□ 1620

Mr. GINGRICH. Mr. Chairman, this is a new procedure that we are trying to start on our side of the aisle for a new circumstance we find ourselves in.

The Office of Management and Budget has looked at the supplemental bill. It has offered a number of places where the Reagan administration feels rather strongly that if the President had a line-item veto it is likely he would veto that particular section.

A number of my colleagues have said over the years, "Well, it is the President's choice. It is the President's decision, the President should be involved."

There are two things here involved that House Members can vote on. One is in a series of amendments we will offer through the course of this bill on increases in spending or on particular gimmicks for spending that are inappropriate if you are really concerned about the deficit and you are really concerned about interest rates and you really want to help avoid a recession.

The second is a question of appropriate government. The question I would raise on this particular amendment, and I say this with all respect to my colleagues who are concerned about these specific projects, but is it really the job of the Congress to make a series of $50,000, and $100,000, and $125,000 decisions. Should we really be in the process of micromanaging at this level?

Furthermore, there seems to be a disagreement. I have talked with our very esteemed friends on the committee. Their counsel assures them that nothing in this particular section is involved in cost allocation. The Office of Management and Budget disagrees.

I would simply suggest that the prudent, cautious thing to do is to strike this language. It would force Members to go back to the Corps of Engineers to argue on the merit that out of all the possible things that money could be spent on that these projects ought to be the things it is spent on. But if we are going to go through a 6-, or 8-, or 10-year process of trying to tighten up on spending, I think every Member can understand the reason that each of us would like to make our particular projects legislatively untouchable, and I think we can also understand as citizens why it is probably not correct for the U.S. Congress and one or two subcommittees of that Congress to decide, out of limited funds, how the entire country should be managed.

So I would urge my colleagues if you are going to say later on that we are going to control spending, if you are going to say later on that we ought to have a more efficient Government, if you are going to be concerned about interest rates and the value of the dollar and the recession which looms right around the corner, if you want to create jobs instead of kill them, that we ought to look at step-by-step, line-item by line-item spending. I would say to my friends on the Committee on Appropriations that I know that is going to make this year and next year very long on the House floor. I know it is going to take a lot of time. But I would simply suggest that when we get multibillion dollar, 127-page spending bills that cover everything in the Federal Government, that you should come to the floor expecting that the President and his friends will try systematically to find those places where we can save a few million here and a few million there and to try to cut spending rather than raise taxes.

Let me say one last thing: I particularly appreciate why those of our friends who have been very open about their desire to raise taxes, would feel comfortable voting again and again for more spending. They have a solution to America's future. They would vote for higher spending and higher taxes; they would pay for the bureaucracy they would create. But for those who want to have it both ways let me just suggest over the course of today and in future appropriations bills you will have a series of opportunities to register exactly how you think we should run an efficient Government and to decide whether you want to vote for efficiency and less spending or whether you want to vote for congressional micromanagement, pork barrel, and far more spending.

I thank the Chair.

Mr. CHAPPELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if any of us are looking to this proposal as a means of balancing the budget or solving the deficit problems, be reminded that we are talking about less than 10 millions of dollars, less than 10 millions of dollars and not one of those dollars is in this bill. There is not one nickel of that $10 million or less involved in this bill. These are moneys that have already been appropriated in the 1987 bill. They are moneys which are earmarked for specific projects. They are moneys that were clearly designed to be paid out of last year's appropriations and we find that the administration simply now feels that they need specific direction in the bill. We had told them what to do in the report. That was not sufficient. So what we are doing here is simply putting it into the bill so that it will be clear that they should go ahead and spend these moneys.

So we are simply saying in this bill to spend the moneys like we told you to spend them last year. That is all this bill does.

Now, let me mention one specific. We spent a lot of time in this House on projects such as the Cross-Florida Barge Canal. We resolved that problem and we said that we would take certain moneys each year and pay back to the States for the properties which we bring into a project such as the Cross-Florida Barge Canal. So that is all this does, it meets the obligations of legislation previously passed. It has nothing to do with the up or down expenditures in this bill.

So we ask you to defeat the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, I will not take the 5 minutes, but I just want to point out to the House that the issue here is really the issue of whether or not you believe in cost sharing in these projects. OMB, in analyzing this particular language, has come to the conclusion—and we have doublechecked—that the committee's action will exempt specific water projects from applicable cost sharing as authorized in Public Law 99-62.

So while we would agree with the gentleman from Florida that indeed these projects were previously authorized, what is happening here is you have $10 million worth of spending which is not going to come under cost-sharing provisions.

Now, we understand that the committee has a different interpretation of that, but the fact is that if we are serious about the fact that the President ought to be taking the lead in trying to cut down on spending, the President's OMB has now made a decision with regard to this language that this would in fact add on spending because it does not meet cost-sharing regulations. I would hope that the House would decide to stick with what we had decided to do previously and that is reduce some of the obligations of the Federal Government by assuring local cost sharing.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Chairman, I would like to make it clear to the gentleman and to the Members of the House that this does not affect cost sharing. This has nothing to do with the exemptions otherwise provided on cost sharing. This does not exempt any project, has nothing to do with that. As a matter of fact, this bill specifically says it applies only to those that are already appropriated and simply puts in bill form that which we had already put in language and which this House has almost unanimously agreed on.

Mr. WALKER. I thank the gentleman for that. I guess our problem is that in most of these things we end up with a fight among the attorneys. In this case the President's attorneys are going to tell him that in fact this language does permit these projects to go forward without cost sharing. So we really are talking about something which increases the obligations of the Federal Government.

The question here is on a line-by-line basis, do you in fact want to save some money?

Mr. TRAXLER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I totally concur with the statements made by my distinguished colleague from Florida. He is absolutely correct. There is no new money in these projects. I can tell you what the story is on the projects. They were appropriated in the O&M account in 1986 and 1987, OMB directed the Corps of Engineers not to proceed with them. The money is there. This fundamentally is a fight between the Corps of Engineers and OMB with the authorizing and appropriations committees.

There was not cost sharing at the time these projects went into effect. The Corps of Engineers was directed not to proceed with the projects.

□ 1630

They did not proceed. We are telling them now that they must proceed. That is what is happening here. No new money; no violation of any statute. It is simply the Congress upholding its constitutional responsibility to direct where the money will be spent.

The choice here is this. Let me make it very clear so that the gentlemen are not confused. The choice here is this: Shall the Congress direct these expenditures or shall OMB? That is your choice. The money is there. They are not going to take it away. You are not taking it away. The money will remain there and it will be spent by OMB and the corps, if not directed by this House and by the Senate.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Georgia, who has, otherwise, usually some interesting amendments.

Mr. GINGRICH. Mr. Chairman, I want to ask this because I am curious. We have been trying to work this out working backward.

I think the gentleman has put his finger on a second point that every Member of the Congress ought to consider. If we are in a period of limited budgets, if all of us need, on behalf of our districts, to ask of the Corps of Engineers and OMB to build things, could the gentleman tell us where the projects are that my amendment strikes and who has the highest level of passion and whether, in fact, this is purely a fight between OMB and the corps or whether, in fact, this is in part a fight between the Committee on Appropriations and the other 380 Members of the House.

Will you not, in a limited period, in effect, take all of this money away from the rest of us and have decided in committee where the money should be spent.

Mr. TRAXLER. Mr. Chairman, let me respond to my friend. My mother did not raise an idiot. I would never pick a fight with 380 Members. Clearly those are untenable odds. I want to assure the gentleman that I would never take a nickle away from my colleagues.

What we are doing here, in response to the gentleman's inquiry, is simply saying you were given the money and direction 2 years ago on how to spend it. You refused to spend it that way. Now we are putting into law how you shall spend it. That is a legitimate function of the Committee on Appropriations, and incidentally, also of the Congress. That is our mandate constitutionally.

I know my colleague will want to respond on that.

Mr. GINGRICH. Mr. Chairman, let me understand again because I know the gentleman would not want to take any money away from the rest of us. If we have some form of Gramm-Rudman, however loose, and if we are entering a period of finite budgets, and if the Corps of Engineers has a limited ceiling of money it can spend, is it not by definition true that if you start out in the Committee on Appropriations by telling it how to spend the first 30 percent, let us say, or the first 20 percent, that by definition, there is that much less available when the rest of us go over as mere suppliants and ask them to consider our projects?

Mr. TRAXLER. Mr. Chairman, what we are doing is prioritizing the projects. Many of us do not agree with the priorities of OMB. That is what we are doing. That is all these amendments do.

The money is there. They were directed how to spend it. They refused to spend it that way. Now we are telling them by law that they must spend it that way.

I urge the rejection of the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I want to associate myself with the comments of my colleagues who have spoken previously in opposition to this amendment. I say that, repeating some of their arguments, these projects in no way involve any new money. They are, with regard to the projects that I am particularly interested in, under the Flood Control Act of 1946 and involve serious erosion in the areas specified in the legislation.

These projects were referenced in the report language of the continuing resolution of last year.

No new money or authorization is involved in any event, and I think that it is interesting that the gentleman offering the amendment would suggest that this is where the administration would use a line-item veto if they were to have that authority. That will be of particular interest to constituents in my district, as I have opposed that authority, and we now see exactly how it would be used to frustrate efforts to provide relief to constituents under acts that are very meritorious and for which the Congress has already spoken in favor of in report language before it.

This is, indeed, a fight with OMB where the Congress has spoken that these projects are to be undertaken and where, in fact, the Congress is not acting arbitrarily, but rather in regard to these projects, the Corps of Engineers has already looked at them and has discussed the projects, indicating that they meet the requirements of the Emergency Erosion Protection Act.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Hawaii.

Mr. AKAKA. Mr. Chairman, I rise to agree with the gentleman from West Virginia [Mr. MOLLOHAN]. I rise to oppose the amendment and to associate myself with the gentlemen from Florida, Michigan, and West Virginia.

The fallacy of this amendment is that it will not generate any savings and will not reduce the Federal deficit. The funds associated with the construction starts recommended by our committee are not contained in the bill before us today. Not a penny of appropriated funds would be touched by this amendment.

Funds available for these construction starts were appropriated in previous fiscal years. This amendment will not prevent the Corps of Engineers from spending funds already appropriated, whether for the specific activities recommended in this bill, or for some other Corps of Engineers project.

For this reason, I consider the amendment to be confusing and misdirected. I urge my colleagues to refrain from supporting this amendment.

Mr. MOLLOHAN. Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I am as deeply concerned about cutting spending as anyone else here, but this amendment will not do that. As already has been said, the money has been appropriated under a previous Congress in two different sessions for these projects.

They are vital projects to those communities.

But the issue here is, Will it save money? It will not. As an example, the Port Austin Harbor, MI, was appropriated in 1986, not by line item, but spelled out in the report. It is a priority item as far as safe harbor is concerned. People have the risk of losing their lives in these areas. The Corps of Engineers has the responsibility, given to it by this Congress, to make sure that these harbors are safe. We provide safe harbors in case of storms.

The others, Wellsburg, WV, and Glen Dale, WV, are all bank stabilization. Again, the responsibility of the Corps of Engineers.

If we do not do it now, the corps does not do what Congress has directed, because it is a responsibility of the Corps of Engineers and the Federal Government, that money will have to be spent in the future, only it will cost a whole lot more.

So you can be penny-wise and pound-foolish by adopting this proposal. I know the gentleman has good intentions and he makes every effort to save money. I will certainly join him when he is right, but in this particular instance, it is a choice of whether the President—not really the President—I am sure he does not know where these projects are. I bet he does not even know that this bill is up this afternoon, but the Office of Management and Budget is looking for places—and I do not blame them for this—when they are right, I will join them, too, but they are looking for places to save money. I thank goodness they are. But they are wrong here.

Your subcommittee here has spent hours reviewing projects, hearing witnesses, as well as making personal visits. I do not think any of us have visited any of these projects, but some of the Members have and have come and testified before our committees. Shall you use the judgment of the Office of Management and Budget, none of whom know where these projects are, or are you going to accept the judgment of the subcommittee that you have given the responsibility for making these decisions?

The bottom line is, really, do you really believe in the line-item veto? I do not, because I think this is one of the reasons why you cannot support a line-item veto. You circumvent entirely the responsibility of Congress if you hand one person in OMB the right to pick and choose and not use the collective judgment of 535 Members of Congress.

Support your committee. Even though I am going to vote against the bill, this is one chapter that is doggone good. You ought not vote against these projects and this chapter. We are under the President's budget. We just have a different choice. This is not the first time this has happened. I have been around here a few years. We have had disagreements with Democratic and Republican Presidents. It will not be the last time. Better vote with the committee on this instance.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to make a point because our friend, the gentleman from West Virginia [Mr. MOLLOHAN], was very eloquent and I think very appropriately so.

I am confident that every project my amendment affects is a good project. I am confident that there are people in every community who would like their projects funded.

My only question was, If we are going to set up an executive branch and we are going to have them look at the whole country and we are going to hire professional engineers and we are going to have a Corps of Engineers, then if we have limited spending, the point I was trying to make earlier with the gentleman from Michigan, if we are going to have limited spending, is it really appropriate for the Congress, through this process, as we go through tightening the budget, for us to decide by the internal politics of the Congress whose constitutents get saved?

□ 1640

Or is it more appropriate for us to have the Corps of Engineers, the professional engineers, the professional staff, looking at and trying to rank professionally, out of the limited pot of money, who to help?

I would just suggest to my friends that it was for that reason of saying that as we get to a tighter budget, we need a more efficient Government, we need a government in which we have less pork barrel, and I think in that sense it is not a wise thing for us to get down to two $50,000 grants, three $50,000 grants, $100,000 grants, and $225,000 grants. That is just not the job for Congress, to get down to that level of micromanagement.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I had no intention to engage in this debate until I heard the most recent comments of the gentleman from Georgia [Mr. GINGRICH].

I think it is very important to focus on what we think is our responsibility under the Constitution and that which resides in the executive branch. This is not a question of whether the Corps of Engineers or Congress is allowed to set priorities. That is clearly the way we have done it for many, many years, and I associate myself with the remarks of the gentleman from Indiana [Mr. MYERS] who said it is in the bipartisan interest of the legislative branch that we continue to exercise that authority and approach.

What Mr. GINGRICH simply has done with this amendment is to take recommendations that appear in the report that accompanied the bill and enumerate them in language in the same fiscal year. No new money is spent. We are simply saying to OMB, because they are the ones who have intervened here, that this is the will of the Congress, and we have to put it in law because they would not adhere to our priorities in the normal process where we use the committee reports to recommend our views to them.

This is an intervention by the OMB, a political arm of the executive branch, of the White House, into the area where the Corps of Engineers and subcommittees of jurisdiction of the Appropriations Committee have traditionally worked together informally and in harmony.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for yielding.

I do not believe it is the Corps of Engineers who refused to carry out the wishes of Congress. I think the corps is perfectly willing, in my understanding. At least that is the information I have received, that they were willing to do that, as I was told by OMB.

Mr. FAZIO. That is exactly right.

Mr. MYERS of Indiana. The question again is, Do you want the people who make the decisions to be someone the American people have elected, or do you want the decisions to be made by some faceless, nameless people who are removed from the realities of what is in this bill or what the requirements are?

Mr. FAZIO. Mr. Chairman, I agree with my friend, the gentleman from Indiana.

That is the very point. We are not intervening in the process of rationalizing the expenditures of funds, as the Corps of Engineers does. We are simply saying to OMB, "Don't intervene and contravene the experts."

We have relied on them traditionally, and should in the future.

In addition, this amendment would eliminate a provision which seeks to give the cities of Fairfield and Suisun credit for $4.2 million in cash they spent implementing portions of the Fairfield streams flood control project between 1977 and 1982. The credit would apply against a corps' requirement that a local sponsor contribute 5 percent of a project's total cost in cash during the time of construction, which in this case is $1 million.

Throughout the history of the project, the cities of Fairfield and Suisun, in good faith, put their own money into the project on the expectation that these payments would be credited to the cities' local share of the final project. These were not developer-contributed improvements. These were direct, out-of-pocket costs paid by the cities.

Further, the Corps of Engineers and the State board of reclamation each requested the opportunity to review and approve each portion of the project initiated by the cities. Most were constructed with permits issued from both the Corps of Engineers and the board of reclamation. And each portion of the project was included in the final project design memorandum signed in 1976.

The cities spent this $4.2 million in cash implementing portions of the project that could not wait for the new starts impasse to be broken in Congress.

The amount the cities contributed is four times as much as the corps is demanding in cash, payable now. The language in the supplemental would simply give the cities credit for having made this expenditure and eliminate the requirement that it come up with another million dollars on top of the more than $4 million it has already contributed toward meeting the corps responsibility.

The Fairfield streams project was authorized in 1970 and designed to provide the communities with a 200-year level of flood protection.

Mr. Chairman, I urge my colleagues to defeat this amendment. It is not only bad policy, it is bad politics, and it is terrible for Members of Congress who have allowed the executive one more time, if we do not defeat this, to have its will with us.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will take just a couple of minutes.

It is proposed by my friend and colleague from Georgia that this is to save money. It will not save one penny to pass his amendment.

The money was previously appropriated and is still going to be there for these projects. Congress has voted on two occasions already on there projects, on the authorization and on the appropriation. Nobody raised any questions about them. The only reason we have this provision in here is that the Secretary of the Army testified before our committee that if we put it in the body of the bill, the supplemental bill, that they would then go ahead and proceed with the projects, otherwise the money will be spent on only those projects OMB approves.

These are projects that are needed.

As far as the local participation is concerned, it will apply. We are not waiving Public Law 99-662 provisions.

The projects are in this bill, because, the testimony presented to my subcommittee made it necessary for us to do what the Assistant Secretary of the Army testified would have to be done to get these projects started.

This is the third time we are voting on this, and twice you have already, without objection from anybody, approved these projects, so I urge you to defeat this amendment.

It will accomplish nothing, and it will simply delay some projects here that are necessary.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 310, not voting 23, as follows:

[Roll No. 57]

AYES—100

Archer
Armey
Badham
Baker
Ballenger
Barton
Bilirakis
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Combest
Coughlin
Dannemeyer
Davis (IL)
DeWine
Dickinson
Dornan (CA)
Dreier
Fawell
Fields
Frenzel
Gallo
Gingrich
Goodling
Gradison
Gregg
Hamilton
Hansen
Hastert
Hefley
Henry
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Johnson (CT)
Kasich
Konnyu
Kyl
Latta
Lewis (FL)
Lott
Lujan
Lukens, Donald
Lungren
Mack
Martin (IL)
Martin (NY)
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (WA)
Moorhead
Oxley
Petri
Porter
Rhodes
Ridge
Ritter
Roth
Saxton
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wortley
Wylie
Young (FL)

NOES—310

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Craig
Crane
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schuette
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—23

Annunzio
Bartlett
Boulter
Collins
Courter
Daniel
Dorgan (ND)
Edwards (OK)
Ford (TN)
Hatcher
Jones (TN)
Kemp
Leach (IA)
Livingston
McDade
McKinney
Morrison (CT)
Pepper
Rostenkowski
Scheuer
Taylor
Torricelli
Wilson

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Dorgan of North Dakota against.

Messrs. GEKAS, GALLEGLY, SCHUETTE, and QUILLEN changed their votes from "aye" to "no."

Mr. CLINGER and Mr. DONALD E. LUKENS changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Using funds previously provided in the Energy and Water Development Appropriations Acts 1986 and 1987, (Public Laws 99-141, 99-500 and 99-591), the Secretary of the Army is directed to undertake the following projects in the amounts as specified hereafter:

Project	Amount
Port Austin Harbor, Michigan	$2,800,000
Sand Island Beach, Hawaii	$600,000
Wellsburg, West Virginia (Ohio River milepost 74.8 to 72.8)	
Cox Run Area	$50,000
Middle School Area	$50,000
Water Works Vicinity, Wellsburg Municipal Pool and Park Vicinity	$200,000
Main Street Areas	$100,000
Sistersville, West Virginia City Park Area	$50,000
Glen Dale, West Virginia	
Glen Dale Airport	$125,000
Sewer Outfalls	$125,000

In regard to the Wellsburg, Sistersville and Glen Dale projects, the Congress finds that an emergency exists in satisfaction of the requirements of Section 14—Emergency Streambank and Shoreline Protection.

Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Army is directed to use $5,000,000 to initiate land acquisition activities as described in section 1114 of Public Law 99-662.

OPERATION AND MAINTENANCE, GENERAL

(INCLUDING TRANSFER OF FUNDS)

In addition to the amounts appropriated under this head in the Energy and Water Development Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, there are hereby appropriated such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 20, line 15, strike all language through page 21, line 2.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. GLICKMAN) assumed the Chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

SUPPLEMENTAL APPROPRIATIONS, 1987

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, on the last amendment I guess what we did was establish the fact that the Appropriations Committee members have an inalienable right to put pork in supplemental appropriation bills. Now I guess what we need to figure is whether or not there is also an inalienable right to fiscal gimmickry in these bills, because in the case of the amendment that I am offering here, we are talking about $67 million of spending.

□ 1710

Mr. Chairman, why I say that we are engaged in fiscal gimmickry in this particular aspect of the bill is because when we passed the continuing appropriation last year, what we did was underfund this portion of the program. We did so with the belief that H.R. 6 was going to be passed, and so therefore the money would be made available through that particular route.

However, H.R. 6 did not get passed, and so therefore we are left short funded on this program. We are short funded because we short funded the program in the first place. What the President had proposed in his budget is that we use previously authorized user fees of $67 million and that they be appropriated to offset the operations and maintenance budget.

The committee has decided instead to appropriate these funds as an addition to the current funding level for O&M activities, thereby increasing the level of spending by $67 million.

I think if we are going to have that kind of gimmickry used out here, if we are going to underfund programs in the first place, and then come back later on and say, "Oh, but we need this money," it is high time that we call the process on that. I suggest that it is high time right now that if we are really going to begin saving money that we do it in ways that are real, and we stop this charade of suggesting in big appropriations bills that we have in fact fully funded programs only to find out later that we have to bust the budget in order to fund these programs that were underfunded in the first place.

So I would hope that the committee would approve this amendment. This is not money that the President asked for. Time and time again I have sat on this floor and listened to Members come to the floor and tell us that the President is asking for all of this money, and all the Appropriations Committee is trying to do is give the President those amounts that he is asking for.

Well, let me tell you, this is $67 million that the President has not asked for. This is $67 million that OMB and the President say that they do not want. It is $67 million that could be paid for by user fees. It is $67 million that we do not have to spend this way.

I would suggest that a vote against this money and for my amendment is the responsible vote if you want to do something about budget busting.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Public Law 99-662 provides for user fees. We are talking about 200 ports in this Nation, and we are talking about maintenance. We are not talking about building anything. We are not talking about starting anything. We are talking about maintaining and keeping in repair what we have.

Public Law 99-662 did not make this effective until April 1, the first of this month. So 6 months of the year is gone, and we have started collecting the fees. Nobody knows how much will be collected, so we cannot say specifically how much will be spent. This is to allow the corps to spend the funds collected to maintain our harbors as prescribed by Public Law 99-662.

The Corps of Engineers is in the process now of developing the procedures to carry out the law.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Indiana, the ranking minority member of this panel.

Mr. MYERS of Indiana. Mr. Chairman, certainly the chairman has made a very able statement here. I think that the important thing that all of us should recognize is that this particular section of this chapter does not provide for an appropriation of income-tax dollars. Public Law 99-662 set up a fund for user fees. I am one in this Chamber who supports a user fee, but if we are never going to use it, if we are just going to build up a bank account someplace, I am not going to support user fees.

Now the user fees are paid by those who use these waterways for the purpose of maintaining them. This is the vehicle whereby we release those funds that will be paid into the fund—a penny cannot be spent unless it has already been put in there. This is a procedure where we take it out of that account and spend it on very badly needed maintenance.

Again, it does not save the first penny. It is going to have to be spent sometime. So if we build up that big account, continue to build more and more money, it will look good, but our maintenance will not get done.

That is what we are saying here: use that money as it accumulates as necessary to maintain the ports so that we can continue to be competitive with our products around the world, get them through the ports. We do not want to collect fees and just store it up someplace. That maybe once in awhile, but again, it would not be wise not to spend this money, because it will cost us much more in the future.

Mr. BEVILL. The gentleman is correct, and I urge Members to vote "no" on this amendment.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could ask the distinguished chairman of the subcommittee for a moment, I may have misunderstood, as I understand his position, if we appropriate the additional $67 million, it is not in fact $67 million in additional spending, or it is not $67 million additionally toward the Gramm-Rudman limit? I am not sure that I fully understood what the gentleman just said, and I would like him to explain.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, what it really amounts to is the user fees that they started collecting about 3 weeks ago, will be used for maintenance and operation which this Congress supported overwhelmingly and we voted for. To neglect our maintenance would cost more money in the long run, as the gentleman knows.

Mr. GINGRICH. I am curious. Maybe I misunderstood the gentleman from Indiana, then, because as I understand it, the user fees are coming in this year.

Mr. BEVILL. They started collecting the fees 3 weeks ago.

Mr. GINGRICH. So would it not be possible to allocate or to direct Treasury to simply transfer the user fees as directed to meet the $67 million?

Mr. BEVILL. We would like to comply with Public Law 99-662, and I am sure that the gentleman does, and this provision will carry out the intent of Congress in Public Law 99-662. My amendment lets them use the money that is collected.

Mr. GINGRICH. But does it then have the user fee pay back that money, or does this come out of General Treasury?

Mr. BEVILL. This is the user-fee money that we are talking about.

Mr. GINGRICH. This $67 million here does not come from the General Treasury?

Mr. BEVILL. That is correct.

Mr. GINGRICH. The second point is, this is not an increase of the program level by $67 million?

Mr. BEVILL. It is no increase; that is right.

Mr. GINGRICH. I guess that we are going to have to ask the gentleman's folks and OMB to keep talking, because this is the second issue in a row where OMB comes in and the Office of Management and Budget says flatly that this is an increase in the program level by $67 million.

Mr. BEVILL. OMB proposed to strike out $67 million for operation and maintenance because they said they are going to receive this money, these user fees. We do not have that money. They have no idea how much they will collect. You see, they just started collecting it April 1.

Mr. GINGRICH. So if you do not have the money, I would say to my chairman, if he could explain this, if you do not have the money, in fact this $67 million will come from the General Treasury.

□ 1720

I mean that is what I am confused by.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Indiana to explain that.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, this is to come out of the trust fund. The money is not there right now this very moment because they just started collecting it the first of April. But this is to be spent from that account as it goes in, and it does not authorize any expenditures to be released from any other fund.

But the issue is this: Shall that money be spent for operation and maintenance now or shall it just be accumulated in that account? The need is there, the necessity is there, and it will not be released and used for maintenance unless it is needed.

Earlier today we were concerned about the budget that was passed earlier this month that provides for tax increases. This will not require any income tax increase. This is only using trust accounts. This has already been set up, already provided for and has nothing to do with income tax dollars that you and all the other American people spend.

Mr. GINGRICH. If the gentleman is assuring, if I might walk through this for a moment, assuring us that is the case as currently written, because we are trying to sort this out that, in fact, OMB is misinforming us in saying that this would raise the amount spent by $67 million and it would count against the Gramm-Rudman limit.

Mr. MYERS of Indiana. If the gentleman will continue to yield, OMB is correct, it is going to be spent if it is there, and I am presuming it is going to be there. It will have some impact as far as the total spending. But it is not going to effect the total dollars as far as income tax is concerned.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. MYERS of Indiana. It would have no impact on the national debt.

Mr. GINGRICH. Except, if I might, and I happen to favor strongly, as the gentleman knows, because I am on the Public Work Committee, the idea of capital budgeting. I favor taking all of these trust funds off budget. But is it not correct that under the unified budget this particular clause would add $67 million, in fact, under the unified budget toward the Gramm-Rudman limit?

Mr. MYERS of Indiana. It would under Gramm-Rudman, the gentleman is exactly right. But what was the intent of Gramm-Rudman?

Mr. GINGRICH. I thought it was to get us down to a balanced budget by 1992.

Mr. MYERS of Indiana. That is correct, and this will have no impact whatsoever on the balanced budget, except to the extent that the gentleman is exactly right. I voted for the consolidated budget back several years ago, but I would vote to reverse it now because I think I was wrong back then, because what happens today is those moneys are borrowed from the trust accounts, and it looks false because we are borrowing from that. We do not go out in the general public, and it looks like, it is making our budget look good, but it is phony because actually we are increasing the national debt and we do not show it.

Mr. GINGRICH. Let me just say to my good friends that I would like very much to vote with the gentlemen to have a capital budget that is off budget as long as it is in the unified budget, and I took this position in voting to sustain the veto of the highway bill, which was not funds serving for public works. As long as it is a unified budget, then we ought to play by the unified rules, and this counts as $67 million in additional spending under the unified budget. I would urge support under those circumstances, and I would say to my friends in appropriations that I will do all I can to work with you this year to pass a capital budget account and to quit this phony gimmicking in which we collect the money from user fees but then frankly use it to buy U.S. bonds. So in these circumstances then, since it will raise $67 million in the deficit toward Gramm-Rudman, under the unified budget, I would urge my colleagues to vote "yes" on this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Respectfully, I am afraid the gentleman is not carrying out what he says here. I quite agree with the gentleman as far as concern about a balanced budget. But then he goes on to say we are going to build up, we are going to collect money that is going to be borrowed, and it is going to be falsifying that budget even more in the future.

While we are trying to correct it, at least let us be honest about it, and let us say this money is here for that purpose. And let us go further and not further contribute to a false budget.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, this is our problem, and I think all of us share this dilemma. There is under the Unified Budget Act, which the gentleman helped pass a number of years ago, there is a scorecard.

Mr. MYERS of Indiana. And I have regretted it ever since.

Mr. GINGRICH. That scorecard under revenues, under here counts user fees to reduce the deficit. We face this problem on aviation, we face it with highways, and the gentleman faces it in this case.

Mr. MYERS of Indiana. When I voted for a consolidated budget, and maybe some of the rest of my colleagues did some years ago, it was never intended that it would be carried out with Gramm-Rudman. We knew nothing about Gramm-Rudman back then. The intent was that we would have everything out in front of us so that we would know what all of the Government was spending the money for, whether it be from trust funds or whatever. But now with Gramm-Rudman coming along, that has really contributed to falsifying, which was not the intent of the consolidated budget. It was to make it more honest. But Gramm-Rudman has contributed to making it more false, just the opposite of what the consolidated budget was meant to do.

Mr. GINGRICH. If the gentleman will yield for one last time, I will just ask my friend is it not correct that if we agree to this $67 million in additional spending, which is trust funded, that under the Gramm-Rudman rules if we are going to get the debt limit agreed to we will have to not spend $67 million somewhere else or we will have to raise $67 million in taxes? Under the rules, as we have set it up, to spend this $67 million and stay with Gramm-Rudman we either have to cut

$67 million somewhere else or we have to raise $67 million in taxes? Not that I agree with the rules, but is that not a correct statement of the rules that we are now working under?

Mr. MYERS of Indiana. Actually, the gentleman is right, and I will go one step further. For people who want to cut even more, and I am one of those people, this is really saving the country money, because if we spend this $67 million here, it is collected and does not have to be borrowed. If we spend it somewhere else, we are going to have to borrow the money to pay for it. So you ought to be voting against this amendment instead of for it, because you are actually saving expenditures.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman has it backward, because what you are going to force us to do is to find $67 million in savings somewhere else that, in fact, comes out of the hide of something that we do not have defined here. So what you have really done is transferred an obligation in such a way that it shows up as basically phony budgeting.

Mr. MYERS of Indiana. Oh, no, just quite the opposite. There is nothing phony about this. This money will be paid in from user fees. I will yield to the gentleman again in a moment, but listen to me. It is going to be paid into that account and we do not have to borrow that. If you take that $67 million that could be spent from some other program, we are going to have to borrow it. You do not have to borrow this $67 million; it is to be collected through user fees.

It is true, yes, we are going to take it from somewhere where it could be spent, but is the gentleman not concerned about the fact that there were $5.5 billion of rescissions that were not approved by the committee? The gentleman was not concerned about losing that $5.5 billion, so why is the gentleman worried about losing this $67 million from some other program?

Mr. WALKER. I am concerned about losing the $5.5 billion, and also I am concerned about anything raising the spending levels. The OMB tells us this raises the spending levels by $67 million.

Mr. MYERS of Indiana. It does not. In this case the OMB is not telling the whole story. That money is going to be spent under Gramm-Rudman, $67 million. Which account does it come from, this account over here that we already have the money in, or is it going to come from this account over here that is already a red figure? That $67 million can be spent by Gramm-Rudman. You spend it where you already have it in the bank or you spend it over here where we have to borrow it. Which do you want to do? Do you want to spend it where we already have the money? Then you had better stick with the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. The Chair counts 101 Members present, a quorum.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demanded a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 332, not voting 26, as follows:

[Roll No. 58]

AYES—75

Archer
Armey
Badham
Baker
Ballenger
Barton
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Coats
Coble
Crane
Dannemeyer
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Frenzel
Gallo
Gingrich
Goodling
Gradison
Grandy
Hansen
Hastert
Hefley
Henry
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Latta
Lujan
Lukens, Donald
Mack
Madigan
Martin (IL)
McEwen
McMillan (NC)
Michel
Miller (WA)
Nielson
Oxley
Petri
Porter
Rhodes
Ritter
Roth
Rowland (CT)
Sensenbrenner
Shumway
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Stump
Swindall
Tauke
Upton
Vucanovich
Walker
Wortley

NOES—332

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Craig
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
MacKay
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—26

Annunzio
Bartlett
Boulter
Collins
Courter
Daniel
Davis (IL)
Dorgan (ND)
Dymally
Ford (TN)
Hatcher
Jones (TN)
Kemp
Leach (IA)
Livingston
McDade
McKinney
Pepper
Rostenkowski
Scheuer
Solomon
Taylor
Torricelli
Waxman
Williams
Wilson

☐ 1740

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Ford of Tennessee against.

Messrs. SAXTON, PACKARD, and SWEENEY changed their votes from "aye" to "no."

Mr. OXLEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For an additional amount for "Operation and Maintenance, general," $125,000 to be derived by transfer from "General Investigations" to perform a cumulative environmental analysis of Section 55 measures along the 46-mile reach of the Platte River between Hershey, Nebraska, and the Lincoln-Dawson County line.

REVOLVING FUND

The Corps of Engineers is directed to advertise and procure an automated system that adheres to specifications developed by the Corps of Engineers for civil program requirements without regard to the Army Information Architecture Tier 2 standards for operating systems.

GENERAL PROVISIONS

The Secretary of the Army shall file a report with the appropriate committees of the House of Representatives and the Senate within ninety days after a written request is made pursuant to the provisions of subsection (m) of section 103 of Public Law 99-662 indicating the action taken on the request. In addition, the Secretary of the Army shall file a report with the appropriate committees of the House of Representatives and the Senate within ninety days after enactment of this Act listing any project or study falling under the provisions of subsection (e)(1) of section 103 of Public Law 99-662.

The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938, (52 Stat. 1219) is modified to provide that water allocations in Lake Texoma shall be as follows:

(1) the bottom of the conservation pool shall be designated to be at 610 feet elevation above sea level; and

(2) the bottom of the flood control pool shall be designated at 619 feet elevation above sea level.

Notwithstanding section 838(d) of the Water Resources Development Act of 1986, or any provision of law relating to water resource development, the United States shall not be obligated to pay compensation to any party by reason of the modification in subsection (a).

None of the funds in this Act or any other Act relating to water resource development may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam (Lake Texoma).

A project for flood control along the San Timoteo Creek in the vicinity of Loma Linda is authorized for construction as part of the Santa Ana Mainstem including the Santiago Creek project and in accordance with plans to be developed by the district engineer during preconstruction, engineering, and design studies for the Santa Ana Mainstem. In determining economic justification, the benefit and cost for the San Timoteo project will be included together with benefits and costs for the entire Santa Ana Mainstem, including Santiago Creek. The total cost for the Santa Ana Mainstem, including Santiago Creek, is to be raised accordingly.

Section 91 of the Water Resources Development Act of 1974 is amended by striking out "$28,725,000" in the last sentence and inserting in lieu thereof "$30,500,000".

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(TRANSFER OF FUNDS)

For an additional amount for "Construction program", for the cleanup of Kesterson Reservoir of the San Luis Unit, Central Valley Project, to remain available until expended, $5,600,000, to be derived by transfer of unobligated balances in "Loan program", Bureau of Reclamation.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 23, line 17, before the period insert the following: ": *Provided*, That the Secretary is authorized to obligate funds for the San Joaquin Valley Drainage Program after August, 1, 1987, and through September 30, 1987, only after the Secretary has notified the Congress of his intention to comply with the California State Water Resources Control Board Order No. 87-3 (March 19, 1987): *Provided further*, That no funds may be obligated for the San Joaquin Valley Drainage Program after October 1, 1987, unless the Congress has futher authorized such expenditures".

□ 1750

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from California, [Mr. MILLER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as may consume.

Mr. Chairman, I have offered an amendment to address the problems associated with contaminated irrigation drainage water in the Central Valley of California.

Unless quick action is taken, this contamination could threaten the future of irrigated agriculture in the Central Valley, and pose a threat to private property, wildlife, and public health.

Mr. Chairman, the efforts of the Interior Department, and particularly the Bureau of Reclamation, to solve this problem have been less than commendable.

The Bureau denied that a problem existed for several years. After they reluctantly agreed there was a problem, they scrambled to do something. Their solution was to embark on a $50 million, 5-year study program that looked more like a spending spree.

It soon became apparent that throwing money at this problem was no solution.

In 1985 and 1986, the Bureau spent $22 million studying drainage problems. Did this bring us any closer to a solution? The answer is "No."

During this period, the San Joaquin Valley Drainage Program was poorly managed and disjointed. The Bureau's "program" consisted of highly technical and expensive studies which were leading nowhere. The study program was also operating under only vague congressional authority, and no steps were taken to recover the costs of these studies.

As a result, last year's continuing resolution authorized the Secretary of the Interior to "obligate no more than $8,800,000 by August 1, 1987, for the San Joaquin Valley Drainage Program." This amendment had the support of Mr. COELHO, Mr. LEHMAN, Mr. PASHAYAN, and Mr. FAZIO. We wanted to force action by the administration to issue a legal opinion clarifying the program's authority, or submit necessary authorizing legislation.

The Interior Department Solicitor has now issued an opinion stating that there is sufficient authority under existing law to implement the program. In addition, management of the study program has improved, and it now appears to have a more clearly defined purpose.

As a result, there is a need to lift the August 1 deadline and allow funds appropriated in the continuing resolution to be obligated in August and September, 1987.

But the Secretary must recognize that our patience has worn thin. While the program has made some improvements, there is a long way to go.

There is still disagreement about the goals and objectives of the study program, and who should pay the costs. Unless we get answers to these questions, funding for the program should be eliminated.

As a result, my amendment provides that the Secretary must submit appropriate authorizing legislation for the program if funds are to be spent after October 1, 1987.

In addition, the amendment would also make lifting the August 1 deadline contingent on the Secretary complying with the California State Water Resource Control Board's order to clean up Kesterson Reservoir. The Secretary has already announced that he will "cooperate voluntarily" with at least part of that order.

The Secretary has expressed reservations about complying with that part of the order requiring him to implement mitigation measures to replace valuable wetland wildlife habitat destroyed by the contamination at Kesterson.

Incredibly, lawyers in the Department actually believe that the Department may have no obligation to replace the lost habitat. This amendment will make it clear that they must comply with the State board order.

I urge my colleagues to join me in support of this amendment.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the chairman of the committee.

Mr. WHITTEN. Mr. Chairman, we have no objection to the amendment on this side.

Mr. MILLER of California. I appreciate that, Mr. Chairman.

Mr. FAZIO. Mr. Chairman, I rise today to offer support to the amendment offered by my friend and colleague, Mr. MILLER. The Interior Department has been dodging the Kesterson bullet for too long. The amendment offered by Mr. MILLER brings to an end the camouflage and smoke screen which has been the source of protection so inappropriately used by Interior for past several years. It places responsibility squarely where it belongs—on the Department of the Interior, and it places Congress in its rightful and effective role of overseeing the proper expenditure of funds and reviewing the progress of the solution to the problem.

We have listened with deepening skepticism about the need for more studies of a solution to this agricultural drainage problem. We have waited with "Job-like" patience for the results of reports on previous studies, and we have recently witnessed the carte blanche rejection of the recommendations contained in those studies by the State of California.

Mr. Chairman, it is time for the Interior Department to stop studying and start implementing. This amendment is designed to force that action. I support it, and I urge my colleagues to join with Mr. MILLER by giving their support.

The CHAIRMAN. Is any Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Interior is directed to undertake the following project in the amount specified hereafter:

Project	Amount
O'Neill Unit, Nebraska	$1,381,000

Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Interior shall proceed with contracting for construction of the East-side and West-side roads and other features at the McGee Creek, Oklahoma, project in the amount specified hereafter:

Project	Amount
McGee Creek, Oklahoma	$7,755,000

LOAN PROGRAM

(TRANSFER OF FUNDS)

For an additional amount for "Loan program" for the United Water Conservation District, to remain available until expended, $570,000, to be derived by transfer of unobligated balances in the "Construction program" from Teton Dam Failure, Payment of Claims funds provided under Public Law 94-355 and Public Law 94-438.

DEPARTMENT OF ENERGY

POWER MARKETING ADMINISTRATIONS

SOUTHWESTERN POWER ADMINISTRATION

Notwithstanding provisions of title 5, U.S.C., except for section 5308, no funds approved for Southwestern Power Administration shall be used to pay the rates of basic pay and premium pay for power system dispatchers unless such rates are based on those prevailing for similar occupations in the electric power industry.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: On page 24, after line 22, insert the following:

GENERAL SCIENCE AND RESEARCH ACTIVITIES

Using funds previously appropriated in the Energy and Water Development Appropriations Act, 1987, Public Law 99-500 and Public Law 99-591, the Secretary of Energy is directed to make available in fiscal year 1987 not less than $2,800,000 from the General Science and Research Activities appropriation to the Texas Accelerator Center, The Woodlands, Texas, to support ongoing research.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, let me explain the amendment.

The amendment would direct the Secretary of Energy to take out of the existing already appropriated funds not less than $2,800,000 from the general science and research and development activities appropriation to the Texas Accelerator Center, which has been established for some years by a consortium of universities. They are working on it, and we would like to continue that effort as an overall contribution to scientific achievement in this country.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding.

I am familiar with this amendment, the subcommittee is familiar with it, and we have no objection to it.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I would like to just say that I want to thank my distinguished colleague, the gentleman from Texas, for offering this amendment. It is a very worthwhile amendment. The center that the gentleman from Texas [Mr. BROOKS] would provide funding for is doing very necessary work in high energy physics, and it is an asset to the entire Nation.

I thank my distinguished colleague for offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate chapter IV.

The text of chapter IV is as follows:

CHAPTER IV

FOREIGN ASSISTANCE AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For an additional amount for payment to the International Development Association by the Secretary of the Treasury, $207,476,749 for the United States contribution to the seventh replenishment, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For an additional amount for payment to the African Development Fund by the Secretary of the Treasury, $36,639,000, for the United States contribution to the fourth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For an additional amount for payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $6,492,127 to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $17,375,058.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

ASSISTANCE FOR CENTRAL AMERICA

(TRANSFER OF FUNDS)

(a) Economic support fund: The President shall transfer to the "Economic support fund" for use pursuant to this heading $300,000,000, from funds made available by fiscal year 1987 or prior year Department of Defense Appropriations Acts.

(b) Funds transferred pursuant to paragraph (a) shall remain available until September 30, 1988: *Provided,* That the President shall make available the $300,000,000 transferred pursuant to paragraph (a) to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to Economic support fund assistance) for the countries of Central America with democratically-elected governments as follows:

$64,000,000 shall be made available only for assistance for Guatemala,

$64,000,000 shall be made available only for assistance for Costa Rica,

$55,000,000 shall be made available only for assistance for Honduras,

$105,000,000 shall be made available only for assistance for El Salvador.

(c) Of the funds specified in paragraph (b), not less than 60 percent shall be used for assistance in accordance with the policy directions, purposes, and authorities of chapter 1 and chapter 9 of part I of the Foreign Assistance Act of 1961 and the remainder shall be used in a manner which will generate local currencies for use in accordance with those policy directions, purposes, and authorities.

(d) Preference shall be given, in El Salvador, to the import needs of the beneficiaries of agrarian reform.

(e) The local currencies generated from the funds specified in paragraph (b) for El Salvador shall be used for projects described in section 702(e)(2) of the International Security and Development Cooperation Act of 1985 (and of those local currencies, not less than 50 percent shall be used to support agrarian reform and not less than 10 percent shall be used for judicial reform).

(f) Of the funds transferred pursuant to paragraph (a), $2,000,000 shall be made available only for assistance for Belize.

(g) Of the funds transferred pursuant to paragraph (a), $10,000,000 shall be made available only for Child Survival Fund activities in the Central American democracies.

(h) Of the funds specified for El Salvador in paragraph (b), $50,000,000 shall be used only for earthquake relief and reconstruction which shall be used in accordance with the authorities contained in section 491 of the Foreign Assistance Act of 1961 and shall be accounted for separately.

(i) The assistance provided under this heading shall be in addition to the amount previously allocated for fiscal year 1987 for these countries pursuant to section 653 of the Foreign Assistance Act of 1961.

(j) Assistance pursuant to this heading shall be provided consistent with the policies contained in section 702 of the International Security and Development Cooperation Act of 1985 (relating to El Salvador), section 703 of that Act (relating to Guatemala), and chapter 6 of part I of the Foreign Assistance Act of 1961 (relating to the Central America Democracy, Peace, and Development Initiative).

(k) Funds made available for assistance pursuant to this heading may be obligated only in accordance with the Congressional notification procedures applicable under section 634A of the Foreign Assistance Act of 1961, and after submission of an official budget request for such funds and an official budget request identifying the Department of Defense transfers associated with these funds.

ASSISTANCE FOR SOUTHERN AFRICA

Of the funds appropriated for the "Economic support fund" in the Foreign Assistance and Related Programs Appropriations Act, 1987 (as contained in Public Law 99-500 and Public Law 99-591) or in previously enacted appropriations Acts, $50,000,000 shall be made available only as follows:

(a) $37,500,000 shall be made available to assist the member states of the Southern Africa Development Coordination Conference (SADCC) in carrying out the most urgent sector projects supported by SADCC in the following sectors: transportation and communications, energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity), agricultural research and training, and industrial development and trade (including private sector initiatives): *Provided*, That of this amount not less than 60 percent shall be used in the transportation sector.

(b) $12,500,000 shall be made available for humanitarian assistance for the member states of SADCC for such activities as: transport of emergency food and medical supplies; refugee assistance; and disaster relief and rehabilitation assistance which shall be provided pursuant to the authorities contained in section 491 of the Foreign Assistance Act.

(c) Of the funds made available for the SADCC member countries for humanitarian assistance by paragraph (b), up to $5,000,000 may be made available for the United Nations Children's Fund's emergency appeals for affected countries in southern Africa.

(d) None of the funds made available under this heading may be derived from funds previously allocated for Africa in fiscal year 1987 pursuant to section 653 of the Foreign Assistance Act of 1961 (including funds used to carry out section 802(a) of the International Security and Development Cooperation Act of 1985). Funds made available under this heading may be used without regard to the limitations contained in section 620(q) of the Foreign Assistance Act of 1961 and section 518 of the Foreign Assistance and Related Programs Appropriations Act, 1987.

(e) None of the funds made available under this heading shall be available for obligation pursuant to the provisions of this heading until they have been authorized.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $50,000,000 to be available only for the Philippines: *Provided*, That none of the funds provided under this heading shall be available until they have been authorized.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON PROGRAM ACTIVITY

Notwithstanding the "limitation on program activity" contained in Title IV of the Foreign Assistance and Related Programs Appropriations Act, 1987 in Public Law 99-500 and Public Law 99-591, during the fiscal year 1987 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be reduced from $900,000,000 to $800,000,000, and shall be provided under the terms and conditions in the Foreign Assistance and Related Programs Appropriations Act of 1987 as they apply to the Export-Import Bank.

GENERAL PROVISIONS

GUARANTY RESERVE FUND

Section 24(c) of the Arms Export Control Act is amended subject to authorization, by striking the second paragraph and inserting the following:

"Funds provided for necessary expenses to carry out the provisions of section 23 of the Arms Export Control Act, and funds provided for necessary expenses to carry out the provisions of chapter 4 of part II and of section 503 of the Foreign Assistance Act of 1961, as amended, may be used to pay claims on the Guaranty Reserve Fund to the extent that funds in the Guaranty Reserve Fund are inadequate for that purpose.".

MORATORIUM ON FOREIGN MILITARY SALES DEBT RESTRUCTURING

Notwithstanding any other provision of law relating to foreign military sales or to special authorities of the President related to foreign policy, the executive branch shall not implement the proposal embodied in the determination of the President dated December 18, 1986 related to "FMS Debt Restructuring" and "prepayments" and "partial interest capitalization" of debt payments related to foreign military credit sales loans until the later of October 1, 1987 or until legislation providing for the appropriation, for the full fiscal year, of funding for Foreign Assistance and Related Programs, fiscal year 1988, passes Congress and is signed into law.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Beginning on page 25, strike chapter IV of title I.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I understand that under the rule the time on this particular amendment is controlled, is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. WALKER. And the time to be assigned on the two sides will be 15 minutes to each side; is that correct?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 15 minutes in support of the amendment.

Mr. WHITTEN. Mr. Chairman, I reserve a point of order on the amendment.

We have not been advised on this side what the amendment is.

The CHAIRMAN. The Chair will state that the amendment is in order under the rule. It strikes chapter IV of title I.

Mr. WHITTEN. Mr. Chairman, now that we are advised, I withdraw the reservation of a point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 15 minutes.

Mr. WALKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, what this particular amendment does is strikes the foreign aid section of this bill. What we have in this particular section is a section that diverts money away from some of our best friends, and gives money to opponent's of our foreign policy.

In Central America the administration attempted to respond to real needs there. The committee has changed the priorities there, so that what we have is money going to people who basically oppose U.S. policies in the area.

More importantly, what we have done is, we have taken money also under this section; and we have sent $50 million over to Africa.

We have sent it to southern Africa, where the states of southern Africa are nations that totally oppose United States policy, and in many cases are outright Communist states.

I think that this is a mixed-up priority of terrible proportions, and ought not be voted on by this House.

Second, there is $250 million in this particular section for International Development Assistance.

IDA offers 50-year no-interest loans to help farm subsidies, to modernize industries, and support ailing oil producers. All of those things are being done in other countries.

Next week we are going to be out here voting on a trade bill, and a lot of Members will be down here complaining about unfair competition and foreign subsidies.

Who we are, what we are going to do with this bill is actually subsidize overseas competition.

It is things like hundred-million-dollar loans to rehabilitate a machine tool industry in China, rice exports in Burma, all kinds of things that we ought not to be helping to fund.

Mr. MACK. Will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Florida.

Mr. MACK. A moment ago you referred to the $300 million, I believe, for Central American countries.

Mr. WALKER. I did; that is correct.

Mr. MACK. I believe, my understanding is that that $300 million was part of the agreement that we made last year when we agreed to funding the Contras, the $100 million?

Mr. WALKER. The gentleman is absolutely correct. Instead of living up to that agreement, we have readjusted the priorities in this bill to take the money away from our friends, and give it to our adversaries.

Mr. MACK. When you say our friends, would you be more specific about who you are talking about?

Mr. WALKER. We take away the money from the Contras, the embryonic democracy in El Salvador has money taken away from it under this approach, and instead we end up with a bill that, as I say, sends this $50 million over to southern Africa where we are going to give money to places like Mozambique, Zimbabwe, Angola, all of which in the case of Mozambique, it is a Communist state.

In Zimbabwe, they bought Mig-29 airplanes from the Soviet Union, 12 of them.

We have got a situation here where we really are with this particular bill denying our friends money and giving it to our adversaries, and it makes absolutely no sense.

It is certainly a waste of the taxpayers money, and I would hope that we would vote for this amendment and end this 600 million dollars' worth of spending.

The CHAIRMAN. Is there any Member who seeks time in opposition to this amendment?

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 15 minutes.

□ 1800

Mr. WHITTEN. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to pay tribute to the gentleman from Pennsylvania. He has managed to put into four sentences more misinformation than I have ever heard provided on the House floor in the 18 years I have been here.

Mr. Chairman, I would like to read to the House a wire service story that appeared yesterday. The lead paragraph says as follows:

> Secretary of State George P. Shultz, pounding the podium for emphasis, denounced congressional reductions in the foreign affairs budget Wednesday, calling the cuts "brutal, wrong and stupid."

It then went on to say, he called the reductions "brutal," and said:

> They would force a massive reduction in American assistance to countries that promote strategic U.S. interests and would force the U.S. presence around the world to shrink.
>
> It is stupid to be hauling down the flag around the world as we are being forced to do.

A second point which I would like to bring to the attention of the House: OMB sent the Appropriations Committee a letter when this bill was before the full committee indicating that they would recommend, or might possibly recommend, a veto of this bill because this section of the bill did not give the President enough money. In other words in the eyes of OMB we did not spend enough money for foreign aid. Yet, the administration's little helper is now out here trying to really correct the problem.

I would like the Members to look at some facts. The administration asked us to provide $1.1 billion in supplemental funding for foreign assistance. We gave them $650 million. Every penny in this bill for foreign assistance is a penny which was requested by the administration. Not one penny which they did not request is in this bill. We cut the request by half.

Second, we provided $300 million to Central America. The assertion just made by the gentleman from Pennsylvania that we took money away from Central America, away from countries like Honduras to give to African countries is absolute nonsense and baloney. I would say more if the rules provided me the opportunity.

By the fact is, the fact is we provided the full $300 million the administration asked for Central American funding. We provided the $50 million the administration asked for southern Africa in order to follow up on the antiapartheid program of this Congress last year.

We provided the $50 million in military aid to the Philippines, which the administration requested. We provided $250 million for the international financial institutions which the administration requested. In fact, we provided $42 million less for the banks than the administration asked for because we did not think we could afford it. We did all of that by providing for a zero increase in the deficit.

This chapter of the bill increases the deficit this year by not one penny because every dollar that we provide in the bill we pay for by taking that money from someplace else. We do not, however, as the gentleman from Pennsylvania suggested, take it from Central America. We do not take money away from El Salvador. We provide $55 million in additional funding for El Salvador. We provide every dollar that the administration asks for under expedited procedures for El Salvador. The only reduction from their request was on the earthquake relief which we cut in half because they have not been able to get that program off the ground and we have made quite clear we will provide the other $50 million in the regular appropriation bill.

For Honduras, we provided $55 million in new money. We did not take anything away from Honduras. We provided $55 million in new money. This committee recommendation is $36 million above the administration's original request for Honduras.

In Costa Rica, we provided $149 million, which is $1 million less than that originally requested by the administration in their fiscal 1987 budget. We provided $62 million for Guatemala.

I would like to simply make one point in closing. You can demagog if you want anytime that the Congress tries to meet administration requests for foreign assistance; that is up to you. I frankly am not enthusiastic about a single dime in this bill. I am here providing it today because I am supposed to do my duty. We made a deal; we promised the President of the United States that he would have a $300 million request on the floor and we have provided that request. Every single country in Central America is getting additional funding. Not one dime is being taken away from Central America to fund Africa.

I remind you that the African request in this bill was requested by the administration, not by anybody else.

So if you want to vote against it, you go ahead and vote against it. It is irresponsible, it is gutless; it is, as Secretary of State George Shultz said, "stupid." That does not surprise me given where the amendment is coming from.

I would suggest Members do whatever you want to do on this. I am going to support the commitment that we made to the administration to try to get their request through. If people on this side of the aisle want to oppose their own administration, I think it is time the Secretary of State see where his real opposition is coming from.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment.

We do not have much time to debate this important amendment, but I just want to take a couple of minutes to point out its impact and its symbolism to those who view it as just another welcome opportunity to bash foreign aid.

To those on my side of the aisle, your vote for this amendment is a vote to cripple your President even further in the international arena. We heard a lot of very passionate arguments during the debate on the arms control amendments that the Congress should not tie the President's hands when it comes to international negotiations. Yet that is precisely what this amendment would do.

This amendment would remove a few more tools of the few that the President has left in several very important but unstable places in the world—namely Central America, Africa, and the Philippines. That is what this chapter is all about.

You would cut out completely the additional $300 million in economic aid to four Central American democracies. That aid was promised last year to these closest neighbors of Nicaragua as part of the Contra-aid compromise. What signal do you want to send now if you vote to renege on this promise? What do you think Daniel Ortega will say about that? What will the elected governments of these four nations tell their people about the United States?

Then you would cut out aid to South Africa's closest neighbors. What kind of a signal does that send? What position does that place your President in when he works with the international community to try to bring stability and economic progress to that flashpoint region?

And then, you would cut out very critical security assistance to the Philippines. We all stood on this floor last year and applauded the courage and the tenacity of President Aquino in her attempt to bring true democracy and economic justice to her people. The ceasefire has broken down in that country, and she needs our help. Will you abandon her now?

This is not just a bash foreign aid vote. It is a bash United States national interests vote. It is a tie your President's hands vote. It is a bad vote.

I urge you to vote against this cripple America amendment.

□ 1810

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I am vice chairman of the Subcommittee on Foreign Operations, and I believe there is a proper role for a program of foreign assistance as a means of furthering the interests of the United States.

This appropriation does not do that.

This title provides for an appropriation of $600 million. At least half of that money is specifically earmarked to work against the interests of the United States.

Half of this money is to go to Central America—but in a way that sends a very clear signal to the democracies in Central America that they are better off if they do not support our own policies. Fifty million dollars less than the President asked for El Salvador. Ten million dollars less for Honduras—the poorest country in the region. And nearly $50 million more for the two countries that are the most critical of our policies.

The other half of this money goes primarily to work against our interests—against our national interests and against the specific interests of American manufacturers, American businessmen, and American farmers.

Fifty million dollars of this money goes to help the frontline Marxist countries of southern Africa. To Zimbabwe—presumably to help pay the Russians for the 12 new Mig-29's. To Mozambique, which calls itself a Marxist-Leninist country and voted against the United States last year in the United Naitons 94.1 percent of the time.

Two hundred and fifty million dollars of this money—a quarter of a billion dollars—goes to the World Bank's International Development Association to provide 50-year, interest-free loans to nations which consistently oppose U.S. policies. To help China, which is one of the wealthiest countries in the world—and which loans its money to other countries at regular interest rates. To help India, which has a first-class credit rating and can borrow money on the commercial market.

Are we going to vote to help India and China get 50-year loans, with no interest payments, when American farmers can't even get approval to stretch out a loan or negotiate a lower interest rate?

A quarter of a billion dollars for loans that help rehabilitate the machine tool industry—not in Pennsylvania, but in China; to help not Texas, but Indonesia, cope with falling oil prices; to help increase rice exports not from California, but from Burma.

There is nothing urgent in this foreign aid section. Those who insist on bypassing the procedures already in place for considering the $300 million for Central America have to be held responsible for what happens to it.

This is not just another year for foreign aid. We just can't throw money out and forget about how that money gets used or who gets it. We have to make sure our foreign aid program serves our Nation's interests by responding to our highest priorities and by delivering aid to countries that are our friends. This bill doesn't do that.

Mr. Chairman, this appropriation works against Americans and it works against America, and I'm going to vote against it.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations, is entitled to conclude debate, and has 3 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. I thank the gentleman for yielding time to me.

Mr. Chairman, the gentleman from Wisconsin indicated that to vote against this was gutless and stupid. What is stupid about voting against $50 million going to the front-line states in southern Africa that vote consistently against us in the United Nations, who asked that the sanctions be imposed against South Africa, and then asked us to bail them out because we did what they asked?

In addition to that, it has been brought out very clearly by one of my colleagues that they are buying right now 12 Mig-29 fighter-bombers, and the only place that I know of that has these planes outside the Soviet Union is Zimbabwe, and possibly India.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. No, I will not yield; I only have 3 minutes.

Mr. Chairman, why is it wrong to vote against sending our taxpayers' dollars to Communist Mozambique, which has received over $1 billion from the Soviet Union, has over 1,000 Soviet, East German, Cuban, and North Korean advisers in that country, and continues to bad-mouth us every single chance they get? They vote against us, as the gentleman said, almost 95 percent of the time in the United Nations, and yet we are trying to wean them away from the Soviet Union by giving them our taxpayers' life's blood.

What is wrong with not giving aid to Zambia? Zambians, it has been reported, are routinely sodomizing their children in Zambia's prisons, and they are keeping in prisons that were built for 80 people more than 500 political prisoners.

What is wrong with cutting off aid to Zimbabwe? Why give aid to Zimbabwe? Mugabe has said time and again that he is a Marxist-Leninist for life.

I think the points that have been made here have been made very clearly, that it is not proper for the U.S. taxpayer to fund Communist governments who have put themselves in the trick bag that they are in. We should be supporting democracies around this world and using the taxpayers' money of this country to promote democracy under the Reagan doctrine, and not continue to support Communist repressionist governments like we are doing in this bill.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am not here to talk about all the respective countries that are going to be receiving money; I want to talk a little bit about America.

Someone said earlier that they are going to be hauling down the American flag somewhere around the world. I am more concerned and more worried about the fact that someday frustrated Americans are going to start hauling the flag down in America. I represent a district which lost 55,000 jobs in the last 10 years. No one in this House, no President, no Senator, has said "Jim, what can we do to help?"

I think that it is time, before we ship more money overseas, we start taking a look at home folks.

Now let us talk about President Aquino and the sob stories that we heard. She came over here, a 1-day visit, and left with 200 million additional dollars last year. Now I am appealing to some sanity, not money going overseas and the merits of those respective countries. I am talking about the so-called budget-busting in America, and if we are going to have to bust it, why not help our own?

I am talking about let us come home today, let us vote for this amendment, let us see how we might put that money to more practical use in America, and let us look at my area, OK?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has 4 minutes remaining and the gentleman from Mississippi [Mr. WHITTEN] has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, do I understand that the gentleman from Mississippi is going to use his entire 3 minutes to close? Is that correct?

Mr. WHITTEN. We will use it to close the debate.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH].

□ 1820

Mr. GINGRICH. We heard earlier from the very distinguished and very brilliant chairman of the Foreign Operations Subcommittee and he posed several challenges and I want to answer them.

I voted for foreign aid and I helped, I think, carry my party in that direction. I will continue to vote for foreign aid when it is helpful to America. I think that the new House czar of foreign aid wants to have my vote for his version of foreign policy, and it is his policy that I will not vote for.

This bill punishes America's strongest allies in Central America. This bill give three southern African countries money which includes two Communist colonies and Zimbabwe. This bill, in effect, would subsidize Zimbabwe's purchase of Mig-29's from the Soviet Union.

Of these three southern African leftwing countries, one votes 5 percent for the United States in the United Nations, one votes 9 percent for the United States in the United Nations, and one votes 14 percent for the United States in the United Nations. So the gentleman's foreign policy would finance Soviet colonies at the expense of America's allies in Central America. The gentleman's foreign policy favors Soviet front-line states at the expense of American front-line allies.

But let me go a stage further. I stood here earlier, and obviously the gentleman was talking about me as well as the gentleman from Pennsylvania and I talked about OMB. I am not an ally of most of the State Department bureaucracy. I am not an ally of a large part of what America does in foreign policy because, in my judgment, in terms of that bureaucracy it is not effective, it does not get the job done for America.

I think for us to spend more multilateral money where we have no real control and no real influence is foolish if we have limited resources. I think for us to punish Honduras is foolish when they have stood by us. I think for us to prop up Soviet colonies like Angola and Mozambique is virtually irrational and makes no sense in terms of the balance of world power.

So I am pleased to be here on the floor, and I say I am for Reagan's values; I am not for the State Department bureaucracy, not in favor of the kinds of policies that prop up Soviet states and Soviet colonies. I think that the proportions of the foreign aid bill written recently by the gentleman from Wisconsin deserve defeat to send the signal that this House will not waste the American taxpayers' money propping up Communist states and punishing American allies.

Mr. WALKER. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN. The gentleman from Pennsylvania is recognzied for 1 minute.

Mr. WALKER. Mr. Chairman, a few moments ago I am sorry that the gentleman from Wisconsin in his remarks decided to turn some of these things personal. I do not think it is a personal kind of issue. I think it is an extremely important policy issue.

The gentleman called it irresponsible to vote for this amendment. Let me suggest that I do not think the American people are going to regard it as irresponsible to stop sending their money overseas in ways that do harm to our country. That is the issue here before us.

A vote for this amendment says not that we are against all foreign aid for all time, but we are against this kind of foreign aid, foreign aid that goes overseas in ways that end up harming America.

We deserve to have a foreign aid program that helps this country, not hurts this country, and that is exactly what we would do by spending this $650 million. We would spend money overseas, our tax money, in ways that harm America. That is wrong and I would urge support of the amendment.

Mr. WHITTEN. Mr. Chairman, I yield my remaining time to the gentleman from Wisconsin [Mr. OBEY], chairman of the subcommittee.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 3 minutes.

Mr. McHUGH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding.

In speaking in support of this amendment my friend from Oklahoma made a number of points which I think deserve an answer. One point was that the $300 million that we are providing for the Central American democracies is somehow being provided in a mix which does not conform to his priorities. I would simply note that the rule provided an opportunity for my friend from Oklahoma to offer an amendment to reverse or to adjust those priorities, but he chose not to offer the amendment, and I think it is, therefore, a little strange that he would not be complaining about that.

Mr. EDWARDS of Oklahoma. Will the gentleman yield, since he used my name?

Mr. McHUGH. I do not have the time to yield.

Mr. EDWARDS of Oklahoma. If the gentleman will yield, I can explain to him why I did not offer the amendment.

Mr. McHUGH. I do not have the time to yield.

Second, the gentleman from Oklahoma suggests that a substantial amount of resources in the International Development Association goes to countries that are not friendly to the United States. That is simply not true. Of the funds that go to countries receiving funds from IDA, 54 percent that we give bilateral assistance to now, by definition, are friends of the United States; and second, 32 percent of the funds go to other friends of the United States, such as Argentina. You do not have to take my word for this. The Secretary of the Treasury, James Baker, has made this very point very strongly in hearings before our subcommittee. So 86 percent of the funds in IDA go to friends of the United States.

For that reason, it is important to defeat this amendment.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding. Let me just say that a few weeks ago on this floor we heard people saying that the budget was too low in foreign aid, and in terms of protecting our national interests. Now they want, those very same people, want to strike the foreign aid that is in this supplemental.

Then they want to say that what we are doing is aiding the enemies of our country. The aid in this bill for Mozambique is there because the Reagan administration wants it. The aid for Zimbabwe is in there because the Reagan administration wants it.

What is the Reagan doctrine? It was demonstrated several months ago when Ronald Reagan himself entertained the President at that time of Mozambique, Samora Machel, and welcomed him and asked him to join in an alliance to end the strife on the borders of southern Africa. Now we are being told that that runs counter to the Reagan administration.

Let me just simply say a vote for this amendment will be a vote that will weaken our foreign security as well as strengthen Africa's apartheid hand.

Mr. OBEY. Mr. Chairman, if I can just use the balance of my time I want to make three points.

Every dollar in this bill for foreign aid is here because Ronald Reagan asked for it.

Second, it has been suggested we are punishing Honduras. Some punishment when you give them $55 million more in American taxpayer dollars. Some punishment. I think a lot of people would like to be punished that way.

Third, a vote for this amendment most clearly is a vote for South Africa.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 194, not voting 31, as follows:

[Roll No. 59]

AYES—209

Applegate
Archer
Armey
Badham
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Bennett
Bereuter
Bilirakis
Bliley
Boner (TN)
Brooks
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carr
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fields
Flippo
Gallegly
Gallo
Gekas
Gibbons
Gingrich
Glickman
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kasich
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Perkins
Porter
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Stallings
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—194

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Aspin
Atkins
AuCoin
Beilenson
Berman
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Bustamante
Cardin
Carper
Clarke
Clay
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Early
Edwards (CA)
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Jeffords
Jones (NC)
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Rangel
Richardson
Rodino
Roe
Rose
Roukema
Roybal
Sabo
Savage
Sawyer
Schneider
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Thomas (GA)
Torres
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wright
Wyden
Yates
Yatron

NOT VOTING—31

Annunzio
Bartlett
Bentley
Boulter
Brown (CA)
Collins
Courter
Daniel
Dorgan (ND)

Dymally
Foglietta
Ford (TN)
Hatcher
Jones (TN)
Kemp
Leach (IA)
Livingston
Martinez
McDade
McKinney
Murphy
Neal
Pepper
Rostenkowski
Scheuer
Solomon
Stangeland
Taylor
Torricelli
Towns
Wilson

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Torricelli against.

Mr. GAYDOS changed his vote from "aye" to "no."

Messrs. WOLF, TALLON, MILLER of Washington, HUTTO, COUGHLIN, BATES, and RAY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,000,000: *Provided*, That of the foregoing amount, $1,500,000 shall be available until expended and placed in a reserve for release at the discretion of the Secretary of the American Battle Monuments Commission after consultation with the Congress.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Of the funds provided to the Consumer Product Safety Commission for "Salaries and expenses" in Public Law 99-500 and Public Law 99-591, an additional $20,000 shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission appointed pursuant to 15 U.S.C. 2053.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $12,000,000, to be derived by transfer from "Construction grants".

RESEARCH AND DEVELOPMENT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-54 relating to the Environmental Protection Agency, "Research and development", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

ABATEMENT, CONTROL, AND COMPLIANCE

Of the funds appropriated to the Environmental Protection Agency for "Abatement, control, and compliance" in Public Law 99-500 and Public Law 99-591 for the purposes of the Asbestos School Hazards Abatement Act of 1984, an additional $2,000,000 shall be available for administrative expenses for section 206(d)(2) Public Law 99-519.

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-55 relating to the Environmental Protection Agency, "Abatement, control, and compliance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(TRANSFER OF FUNDS)

For an additional amount for "Abatement, control, and compliance", $18,000,000, to remain available until September 30, 1988, and to be derived by transfer from "Construction grants".

AMENDMENTS OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BOLAND: On Page 35, line 3 strike "$18,000,000" and insert in lieu the following: "Including $9,000,000 which shall be available for the project authorized by section 515 of the Water Quality Act of 1987 (Public Law 100-4), $27,000,000".

On Page 35, line 12 strike "$1,170,000,000" and insert in lieu the following: "$1,161,000,000".

Mr. BOLAND. Mr. Chairman, I ask unanimous request that they be in order notwithstanding the fact that they may involve paragraphs of the bill not yet read by the Clerk.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1850

Mr. BOLAND. Mr. Chairman, these amendments are not controversial. They are needed to take care of a bonding problem related to a sewage treatment plant which turned out to be more pressing than we realized when the committee reported the bill.

This project is authorized, and my amendment would have no impact on either budget authority or outlays.

The CHAIMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. BOLAND].

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GRANTS

Of the funds appropriated to the Environmental Protection Agency for "Construction grants" in Public Law 99-500 and Public Law 99-591, the $1,200,000,000 which was not to become available until enactment of a subsequent appropriations Act authorizing the obligation of such funds is hereby made available: *Provided*, That the $1,170,000,000 remaining after the transfers to "Salaries and expenses" and "Abatement, control, and compliance" shall be allocated and used in accordance with the provisions of the Water Quality Act of 1987 (Public Law 100-4).

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

Of the funds provided to the Environmental Protection Agency for "Hazardous Substance Response Trust Fund" in Public Law 99-500 and Public Law 99-591, no more than $16,000,000 shall be available to carry out the purposes of the Emergency Planning and Community Right-to-Know Act of 1986 (Public Law 99-499).

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE PROVISION

The regulation changes to 44 CFR parts 59 and 60 promulgated by the Federal Emergency Management Agency and set forth at 51 Fed. Reg. 30306-30309 (August 25, 1986), which amended the definition, placement, and exclusion of mobile homes in an existing mobile home park or mobile home subdivision, as previously defined, shall not be effective from enactment of this Act through September 30, 1988.

Mr. BOLAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have taken this time because the distinguished gentleman from Michigan [Mr. DINGELL] has asked me to engage in a colloquy with him.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, I would like to engage my dear friend, the gentleman from Massachusetts [Mr. BOLAND] in a brief colloquy relative to matters under the jurisdiction of his subcommittee, the HUD-Independent Agencies Subcommittee.

It is my understanding, if the gentleman will continue to yield, that the bill contains transitional funding out of Superfund moneys for a non-Superfund program, the Community Right-to-Know Program.

I have expressed my concern elsewhere about the precedent of funding non-Superfund programs with the limited moneys in the Superfund, which are needed to protect the public from exposure to toxic chemicals.

I would like to ask my good friend from Massachusetts if he would state for record why this one-time, transitional funding is necessary this year for Community Right-to-Know.

Mr. BOLAND. Mr. Chairman, the chairman of the Committee on Energy and Commerce is correct: this bill includes transitional funding for the Community Right-to-Know Program using Superfund moneys in 1987.

While I share the concerns the chairman has expressed and intend to oppose further use of Superfund moneys for non-Superfund activities, fiscal year 1987 presented the Congress with a special problem.

Some EPA Community Right-to-Know activities had been conducted under Superfund prior to its reauthorization last October. Due to the timing of final Superfund conference action, the expanded Right-to-Know activities were not anticipated or funded in

EPA's 1987 operating budget. Because of budget constraints and the risk that the Right-to-Know Program would fail if EPA does not complete its tasks promptly, it seemed prudent to provide transitional funding from Superfund for this single fiscal year.

The committee's rationale is explained in detail on pages 46 and 47 of the report. The chairman and I have also exchanged letters on this special situation, and pursuant to the general leave request, the letters would be inserted in the Record at this point.

Mr. DINGELL. I thank my friend, the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, the letters to which I referred are as follows:

Committee on Appropriations,
Washington, DC, March 11, 1987.

Hon. John Dingell,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

Dear Mr. Chairman: As you are well aware, the Environmental Protection Agency is having difficulty identifying 1987 funds to meet its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986. I have discussed this issue at some length with Administrator Thomas at our appropriations hearings this week.

I am well aware that the Superfund conferees reached a clear and deliberate decision that Title III activities should *not* be funded from Superfund. Let me assure you that I support that policy and will continue my efforts to limit the use of Superfund monies to their intended purposes. We do, however, face a dilemma in 1987. Some of the Title III activities required of EPA were conducted under Superfund prior to its reauthorization. Because of the timing of final action on the Superfund conference last year, these activities and other Title III activities were not anticipated or funded in our regular appropriations for EPA's operating programs. We are now confronted with tight budget constraints and other supplemental requirements in EPA related to pay increases, the new retirement system, additional Clean Water standards and pesticide indemnification.

Administrator Thomas is appealing for limited use of previously appropriated Superfund monies, which would not be obligated in 1987, so that EPA can meet its immediate obligations under Title III. Given the circumstances, I feel that we could justify 1987 as a transitional year, until Title III can be integrated into EPA's operating program budget in 1988 and beyond. Without EPA guidance on Title III, I am concerned that the level of confusion and wasted effort, as states and localities undertake their emergency planning and right-to-know programs, would almost insure that the program would not function as intended.

If the authorizing committees would support this transitional funding plan—and we can get a clear understanding with EPA that future Title III funding come within the base program—the Appropriations Committee could use the upcoming 1987 supplemental bill to make up to $16 million available under Superfund to address this situation.

Let me assure you that I will join you in opposing future efforts to divert Superfund monies from their intended purpose.

Sincerely,

Edward P. Boland,
Chairman, Subcommittee on HUD-Independnet Agencies.

Committee on Energy and Commerce,
Washington, DC, March 12, 1987.

Hon. Edward P. Boland,
Chairman, Subcommittee on HUD and Independent Agencies, Committee on Appropriations, H-143, The Capitol, Washington, DC.

Dear Mr. Chairman: Thank you for your letter of March 11, 1987 outlining the problems you face in funding the Emergency Planning and Community Right-to-Know Act of 1986.

As you know, I am opposed to funding new activities required by the Act out of the Superfund. During conference on the Superfund legislation, the House conferees fought hard to limit unwarranted raids on the monies in the Superfund for purposes not related to cleanup of abandoned hazardous substances. I am concerned, quite frankly, that what we are now seeing in the Administration's request for right-to-know funding out of Superfund monies is an attempt by the Environmental Protection Agency (EPA) and the Office of Management and Budget to do exactly what the House conferees worked so hard to limit: using the Superfund as a pot of money for non-Superfund activities. The Superfund program is too important to the health and safety of the public to allow this to happen. As you and I have discussed, I am concerned that we would only encourage the Administration in its erroneous view of the Superfund if we set the precedent of funding non-Superfund activities.

Having stated why I believe we should not fund new right-to-know activities from the Superfund, I note that both you and our colleague Al Swift, the lead House conferee on Title III, have properly pointed out that some of the immediate activities required of EPA under the Act are activities which were funded under Superfund prior to its reauthorization. Failure to allow completion of those activities during the transitional period prior to FY 1988 would waste money and put the delegation of the right-to-know program to the states in jeopardy. In view of these unique circumstances, I will reluctantly agree to support the proposed one-time, transitional funding in FY 1987 out of Superfund monies. I respectfully request, however, that our correspondence on this issue be included in your Committee report and would also request an assurance from you that you will summarily reject future Administration requests to fund non-Superfund activities with Superfund monies.

I appreciate all the assistance and cooperation that you and your Subcommittee have extended to this Committee over the years in addressing the funding needs of the Environmental Protection Agency and look forward to continuing to work with you.

Sincerely,

John D. Dingell,
Chairman.

Mr. DINGELL. Mr. Chairman, if the distinguished gentleman will continue to yield, I want to thank the gentleman from Massachusetts [Mr. Boland] for his kindness and for the competent and efficient way in which he and his subcommittee have handled this difficult question.

I would like to observe that the gentleman from Illinois [Mr. Rostenkowski] has also expressed concern on this matter, and at the appropriate time I will be inserting in the Record a letter from the gentleman from Illinois regarding this matter. The gentleman from Massachusetts always behaves as a complete gentleman and a very competent and valuable Member of this body. I thank him for his kindness and for the fine manner in which he has handled this matter.

The letter follows:

Committee on Ways and Means,
Washington, DC, April 21, 1987.

Hon. Jamie L. Whitten,
Chairman, Committee on Appropriations, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: It has come to my attention that H.R. 1827, providing for certain supplemental appropriations, contains a provision relating to the Hazardous Substance Response Trust Fund ("Superfund") which is a matter within the jurisdiction of the Committee on Ways and Means. As Chairman of the Ways and Means Committee, it is my responsibility to indicate my concern about this circumvention of appropriate committee jurisdiction.

The Supplemental Appropriations provision in question would allow Superfund moneys in the amount of $16 million to be spent for the Emergency Planning and Community Right-to-know Act of 1986, which is an impermissible expenditure of funds from Superfund. The Committee on Ways and Means has jurisdiction over the Superfund and the determination of general permissible expenditure purposes from the Superfund which are included in section 9507 of the Internal Revenue Code.

It is my understanding that there are special circumstances which have necessitated this unusual diversion of funds from Superfund and, therefore, I will not object to inclusion of the provision in the H.R. 1827. In the future, however, it is important that the Committee on Ways and Means be given the opportunity to consider all matters within the Committee's jurisdiction. I will appreciate your cooperation in ensuring that those matters within the Committee's jurisdiction which are considered by the Appropriations Committee are so referred in the future.

With warm regards, I am,

Sincerely yours,

Dan Rostenkowski,
Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Veterans Administration

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $80,200,000, to remain available until expended.

MEDICAL CARE

Of the funds provided under this head in the conference report on H.R. 5313, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1987, as enacted by Public Law 99-500 and Public Law 99-591, $44,178,000 shall remain available until September 30, 1988, to fund central procurement contracts for the acquisition of automated data processing equipment and contracts for major systems support in amounts not less than $1,000,000 for the Decentralized Hospital Computer Program and the Integrated Hospital System.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

I would like to ask the distinguished chairman of the Labor-HHS Appropriations Subcommittee about funding for the Physician Payment Review Commission.

Payment for physician services under Medicare is one of the fastest growing domestic programs. By 1988, payments will total $24 billion a year, almost double the 1983 level.

The Physician Payment Review Commission was established last year to develop reform proposals for consideration by the Congress. We expect, the Commission to play a crucial role in the reform of the Medicare Program. The Commission is already beginning to fulfill that role, with its excellent first annual report.

Does the distinguished chairman concur with these expectations?

Mr. NATCHER. Mr Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. NATCHER. Yes. I believe that the Commission is off to a good start.

Mr. WAXMAN. I am concerned that the Commission does not have sufficient funds to meet the demands we are placing on it. Inadequate funding for the Commission should not be allowed to stand in the way of our moving ahead vigorously with Medicare reform. The Commission asked for a supplemental appropriation of $362,000 this year and for an fiscal year 1988 appropriation of $3.2 million. These amounts are reasonable, given the tasks we have assigned to it. Could the gentleman tell me his views on this level of funding?

Mr. NATCHER. As the gentleman is aware, the Appropriations Committee did not recommend additional funding for 1987 based on a review of the Commission's current and proposed spending for this year. The reasons for this are described on page 67 of the committee report. I want to assure the gentleman, however, that the committee understands the importance of the Commission and will give careful consideration to the needs of the Commission as we consider funding for 1988.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman very much for that statement, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL OPERATING EXPENSES

Of the funds provided under this head in the conference report on H.R. 5313, Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1987, as enacted by Public Law 99-500 and Public Law 99-591, $17,925,000 shall remain available until September 30, 1988, to fund contracts in amounts not less than $1,000,000 for the acquisition of automated data processing equipment and services to support the modernization program of the Department of Veterans Benefits.

CONSTRUCTION, MAJOR PROJECTS

Not more than $2,000,000 shall be available from the existing unobligated balance of the "Construction, major projects" appropriation for settlement of a contractor's claim involving the Veterans Administration Medical Center, Huntington, West Virginia.

VETERANS JOB TRAINING

For payments to defray the costs of training and provision of incentives to employers to hire and train certain veterans as authorized by the Veterans' Job Tranining Act, as amended (29 U.S.C. 1721), $30,000,000, to remain available until September 30, 1989.

ADMINISTRATIVE PROVISION

The mission of the Veterans Administration Medical Center at Walla Walla, Washington, shall not be changed from that in existence on January 1, 1987.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $450,000.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $2,800,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SERVICE

For an additional amount for "Operation of the national park system", $18,050,000.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $13,910,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That pursuant to 16 U.S.C. 251k, the Secretary may acquire the 270-acre parcel known as Keystone Spit on Whidbey Island, Washington, and convey such parcel to the State of Washington in exchange for the approximately 1,000 acres of tidelands owned by such State within the boundary of Olympic National Park: *Provided further*, That if recreational uses of these tidelands must be regulated, the National Park Service shall consult with the State of Washington prior to the implementation of any such regulations: *Provided further*, That the exchange must include the mineral rights of the tidelands.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $2,597,000, of which $597,000 shall remain available until expended.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount for "Leasing and royalty management", $800,000.

PAYMENTS TO STATES FROM RECEIPTS UNDER MINERAL LEASING ACT

In fiscal year 1987 the Department of the Interior shall deduct an amount equal to one half of the total annual cost of operation of the Federal onshore mineral leasing programs of the Minerals Management Service, Bureau of Land Management and the United States Forest Service from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the states and the Treasury and shall credit these amounts to miscellaneous receipts of the Treasury.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The Bureau of Indian Affairs shall not contract with any third party for the management of tribal or individual Indian trust funds until: an accounting of the funds has been completed and provided to the appropriate tribes or individuals; and the appropriate Committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement: *Provided*, That the Bureau may not implement or take steps leading to implementation of proposed initiatives, including but not limited to imposition of a flat fifteen per centum administrative fee for tribal contractors, and imposition of tuition fees at Bureau post-secondary schools, until Congress has reviewed all such initiatives and approved them as part of the fiscal year 1988 appropriations process.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(BY TRANSFER)

For an additional amount for "State and private forestry", $1,500,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service".

CONSTRUCTION

(BY TRANSFER)

For an additional amount for "Construction", $130,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service".

HIGHWAY CONSTRUCTION: MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

For payment of obligations incurred for construction of a road serving the Mount St. Helens National Volcanic Monument, $9,915,000, to be derived from the Highway Trust Fund (other than Mass Transit Account), to remain available until expended to liquidate the contract authority provided in title II of the Interior and Related Agencies Appropriations Act, 1987, as included in section 101(h) of Public Law 99-500 and Public Law 99-591.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

Public Law 99-500 and Public Law 99-591, section 101(h), Interior and Related Agencies Appropriations Act, 1987, under this head, is amended by inserting ", Wasatch" after the word "Cache".

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

Of the funds appropriated under this head in Public Law 99-500 and Public Law 99-591, an additional $2,800,000 shall be available for continuing a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel, and under the same conditions contained under this head in Public Law 99-500 and Public Law 99-591.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without Congress having reviewed and approved such a proposal as part of the fiscal year 1988 appropriations process.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $80,000.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Public Law 96-388, as amended (36 U.S.C. 1401 et seq.) is further amended as follows:

(1) 36 U.S.C. 1405(a) is amended by deleting the words "the President upon the recommendation of the Chairperson of the Council" and substituting "the Chairperson of the Council, subject to confirmation of the Council", and adding the following new sentence: "The Executive Director shall serve at the pleasure of the Council.";

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(2) 36 U.S.C. 1405(b) is amended by striking the "." in subsection (2) and adding "; and" after "law" and adding the following new subsection:

"(3) implement decisions of the Council, in the manner directed by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council.".

CHAPTER VII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and employment services" for activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, as amended, $20,000,000: *Provided*, That $50,000,000 appropriated under this heading in the conference version of H.R. 5233, and made available by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1987, Public Law 99-500 and Public Law 99-591, for the Summer Youth Employment and Training Program shall be available for obligation upon enactment of this bill for the Summer Youth Employment and Training Program for program year 1986 only.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount for "Community service employment for older Americans", to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $130,000,000 from the Employment Security Administration account in the Unemployment Trust Fund, of which $30,000,000 shall be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986, and of which $55,000,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments based on State obligations as of December 31, 1987.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health resources and services", $37,500,000 for carrying out title V of the Social Security Act, as amended.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE ON AGING

For an additional amount for "National Institute on Aging," $1,800,000.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse and mental health", $750,000.

FAMILY SUPPORT ADMINISTRATION

WORK INCENTIVES

For an additional amount for "Work incentives", $35,000,000.

OFFICE OF HUMAN DEVELOPMENT SERVICES

FAMILY SOCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Family social services", $165,227,000 for part E of title IV of the Social Security Act, of which $43,583,000 shall be derived from unobligated balances in "Social Services Block Grant": *Provided*, That of the total additional amount, $127,184,000 shall be available for foster care and $38,043,000 shall be available for adoption assistance.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

For an additional amount for "Vocational and adult education", $1,000,000 for the support of curriculum coordination centers pursuant to part A of title IV of the Carl D. Perkins Vocational Education Act.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance," $287,000,000, to be derived by transfer from "Guaranteed student loans."

HIGHER EDUCATION

For an additional amount for "Higher education", $3,300,000, of which $1,000,000 shall be for activities authorized under part B of title III of the Higher Education Act, $1,000,000 shall be for activities authorized under part A of title VI of said Act, and $1,300,000 shall be for activities authorized under part C of title IX of said Act.

COLLEGE CONSTRUCTION LOAN INSURANCE

For carrying out part E of title VII of the Higher Education Act of 1965, as amended, $20,000,000 to be available until expended.

CHICAGO LITIGATION SETTLEMENT

(TRANSFER OF FUNDS)

To enable the United States of America to satisfy in full any and all obligations it may have to provide financial assistance for the Chicago Board's Desegregation Plan under section 15.1 of the Consent Decree entered in the case United States v. Board of Education of the City of Chicago, 80 C 5124, and to resolve all claims of the Chicago Board and all litigation concerning the United States' obligations to the Chicago Board under section 15.1, there is hereby appropriated $83,000,000 to be derived by transfer of remaining unobligated or contingently obligated balances of appropriations for fiscal years 1983 through 1986 for the Department of Education that would have been expended or lapsed but for the escrow provisions established as a result of the litigation between the Chicago Board and the United States: *Provided*, That the Secretary of Education shall make these funds available to the Board in a timely fashion, when needed, to be used only for desegregation activities in accordance with the terms and conditions of the Consent Decree: *Provided further*, That this $83,000,000 reappropriation constitutes full and final satisfaction of any and all past, present and future claims that the Chicago Board may have against the United States arising under or resulting from section 15.1 of the Consent Decree, and releases the United States from any further liability under section 15.1: *Provided further*, That the funds appropriated by this Act shall remain available until expended.

CHAPTER VIII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Elizabeth J. Grotberg, widow of John E. Grotberg, late a Representative from the State of Illinois, $75,100.

For payment to Joy Temes, daughter of Sala Burton, late a Representative from the State of California, $77,400.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for "Standing committees, special and select", $1,950,000.

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", $9,508,000, including "Supplies, materials, administrative costs and Federal tort claims", $8,893,000, of which $6,845,000 shall remain available until expended for the purchase of a telephone switch for the House of Representatives; "Reemployed annuitants reimbursements", $368,000; and a special session or ceremony of the Congress in honor of the Bicentennial of the Constitution, $247,000, subject to adoption of an authorizing resolution.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $371,000, including "Office of the Clerk", $280,000; "Office of the Sergeant at Arms", $72,000; and "Office of the Law Revision Counsel", $19,000.

ADMINISTRATIVE PROVISION

Section 101(j) of the Legislative Branch Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended by inserting "'House leadership offices,'" after "'Allowances and expenses,'".

JOINT ITEMS

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "General expenses", $180,000.

ADMINISTRATIVE PROVISION

Title I of the Legislative Branch Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591) is amended, in clause (4) of the paragraph relating to "Office of the Attending Physician" under the main heading "Joint Items", by striking out "eleven" and inserting in lieu thereof "twelve".

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $350,000.

CHAPTER IX

MILITARY CONSTRUCTION

ADMINISTRATIVE PROVISIONS

MATHER AIR FORCE BASE

The Department of Defense is directed to terminate all work in connection with the study for possible base closure of Mather Air Force Base, California.

FAMILY HOUSING, NAVY AND MARINE CORPS

In addition to any other funds which may be available for such purpose, the Secretary of the Navy is authorized to expend monies made available by the City of San Diego, California for the relocation or replacement of four family housing units in San Diego, California as a consequence of a final judgment in United States v. 35.934 Acres of Land, et al., Civil Action No. 800-0021-E in United States District Court for the Southern District of California.

CHAPTER X

DEPARTMENT OF AGRICULTURE

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: Page 52, after line 2, insert the following:

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Section 17(g)(1) of the Child Nutrition Act of 1966 is amended—

(1) by inserting "and" after "September 30, 1986;" and

(2) by striking "and September 30, 1988" and all that follows through the end of the sentence and inserting in lieu thereof "September 30, 1988, and September 30, 1989.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, this is a noncontroversial, technical amendment that I am offering on behalf of Chairman HAWKINS of the Education and Labor Committee and Mr. JEFFORDS, the ranking minority member.

I have checked this amendment again, both with the chairman of the full committee and the ranking minority member. What this does is to take care of a problem that exists between the current services allocation for the Women, Infants, and Children Program and the appropriated amount. It has no impact in either budget authority or outlays. It simply allows that ceiling to increase so that then, appropriations, if they should deem it necessary, can provide the additional moneys to allow current services or other increase to take place within the Women, Infants, and Children Program.

I would hope that the committee would approve this technical amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague from California [Mr. MILLER]. Let me just say that the Special Supplemental Feeding Program for Women, Infants, and Children [WIC], is one of the most cost-effective and beneficial programs that we fund.

We have provided $1.663 billion for the WIC Program in 1987, and I'd like to work to increase that amount over the current services level for fiscal year 1988. The fiscal year 1988 authorization provides adequate authority for our committee to do so. But we would certainly exceed the fiscal year 1989 authorization cap in allowing for an increase this year.

By providing for a new fiscal year 1989 authorization at "such sums as necessary," our committee will be able to work to expand the number of low-income women, infants, and children at nutritional risk beyond the number presently served. Let me assure the gentleman that I will work to include the maximum possible level of funds with this authorization in place.

I might add that I would have been pleased to include this authorization during our committee markup. But, as the gentleman is aware, not many legislative committees are happy with our legislative initiatives.

Mr. WHITTEN. Mr. Chairman, we have no objection on this side to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk as follows:

OFFICE OF THE SECRETARY OF AGRICULTURE

INVESTIGATIONS OF CHANGES NEEDED IN FARM PROGRAMS IN ORDER TO RESTORE THE AMERICAN FARM ECONOMY

Mr. DE LA GARZA. Mr. Chairman, I reserve a point of order against the following section.

The CHAIRMAN. Does the gentleman reserve a point of order against the next three paragraphs?

Mr. DE LA GARZA. Against the next three paragraphs.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate whether producers of basic agricultural commodities, including soybeans, favor the imposition of mandatory limits on the production of basic agricultural commodities, including soybeans, that will result in prices for such commodities that provide a fair return to the farm producer at not less than the cost of production, $6,000,000.

□ 1910

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respectfully ask my colleague and dear friend, the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations, if we might not engage in a colloquy at this point to try to clear up some areas about which we are not very certain in regards to the next three paragraphs to which I have reserved a point of order.

I would like to ask if my distinguished friend from Mississippi would allow me, is it the intention of the chairman that the Secretary of Agriculture endeavor to find out from farmers what their attitude or desires would be in regard to supply management or mandatory management of programs for basic commodities?

Mr. WHITTEN. If the gentleman will yield, may I say to my colleague and friend from Texas, have seen in the news media considerable news stories—and I will not use the names, of any individuals involved—regarding the handling of the present farm program. I have them here in my hand. I read the headlines before, "Farm Payment Abuses May Exceed $2 Billion—GAO Warns Congress of Rising Costs, Foreigners Get U.S. Farm Subsidies—GAO Says 598 Overseas Investors Collected $7.7 Million in 1985, One Commodity Received $728 Million in Subsidies—Lower Prices Required by 1985 Farm Legislation, Loophole Allows Extra Farm Subsidies—Payments Multiply Under Loose Definition of Eligible Person." This lead us to ask for an investigation by the Department.

Mr. DE LA GARZA. What I want to know is, what does my colleague want the Department to do? I am not talking rules now. What does my colleague want the Department to do?

Mr. WHITTEN. I will read the language in the bill: "To enable the Secretary of Agriculture to investigate whether producers of basic agricultural commodities, including soybeans, favor the imposition of mandatory limits on the production of basic agricultural commodities, including soybeans, that will result in prices for such commodities that provide a fair return to the farm producer at not less than the cost of production * * *."

May I say that under existing law the Commodity Credit Corporaton has the power to raise the loan rate. That was the farm program which we used and which was used by the landowners to pay for the farms they own. Now the 1985 act provides for them selling below the cost of production and being dependent on a check from the Commodity Credit Corporation.

So I do provide the money for the Department to check and see if they should not be given the chance to limit their production to that which is the foreseeable market, so as not to have the cost of producing too much extra and so as not to have that cost unloaded on the American Government.

The purpose is not spelled out here. The thing of it is that the gentleman and I need the information, and that is what we are trying to get.

Mr. DE LA GARZA. What I am trying to get at is, and the gentleman is not giving me much information, is something that would be understood in south Texas and Mississippi. Does the gentleman want a referendum or does he want an opinion ballot or does he want an election? How does he want the Department about getting the information?

Mr. WHITTEN. Well, we carefully did not tell him how to get it, because we might have been in violation of the rule. We ask him to get the information. Then the gentleman's committee and my committee can use the information.

Because it did work before I suggested in the report that they ought to have a vote. That is my suggestion, because it worked before. But we do not say that in the bill because, it might have made it subject to a point of order. We leave it up to the Secretary's discretion as to how he gets the information, but once he gets it, we say that he should make it available to the gentleman and to me so that we can use it to clear this thing up. The present farm situation is critical, and we need all the information that we can get. We are trying to get it without committing ourselves to what use the gentleman will make of it and what use I will make of it.

Mr. DE LA GARZA. Does the gentleman know that the 1985 Farm Act provided for a referendum that was held last year?

Mr. WHITTEN. Well, the gentleman provided for it. We have followed along. We have provided for another one, because the story is sad over the last 12 months.

Mr. DE LA GARZA. So we are going to correct the farm problem by referendums.

Mr. WHITTEN. We have asked for further information.

(On request of Mr. WHITTEN and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 5 additional minutes.)

Mr. WHITTEN. If the gentleman will yield further, Mr. Chairman, may I say that in the 1985 act it is provided that the definition of "person" shall be made by the Secretary of Agriculture. Checking with his lawyers, we have been unable to find that he ever made any such determination. So there are many, many things that we need to know about, but what we did, we limited ourselves to what the law lets us do. We asked for information, leaving it up to him as to how to get it.

I gave him some free advice in the report as to how that ought to be, but I did not put it in the bill.

Mr. DE LA GARZA. May I ask the gentleman now, since he says the Secretary of Agriculture says he does not have authority, basic authorizing authority, to hold a referendum or to write opinions——

Mr. WHITTEN. It worked in the past, and I suggested that he use that method in the report, which is not amendable, but the bill does not require that.

Mr. DE LA GARZA. So then what the gentleman does does nothing. If the Secretary does not want to do it, he does not have to. Is that right?

Mr. WHITTEN. Well, we provide the money, but I will say this——

Mr. DE LA GARZA. He does not have to under the gentleman's language.

Mr. WHITTEN. Let me say this: He is not obeying the other laws that we passed, or the laws that the gentleman passed. We provided that several things should not be done at the expense of the existing soil conservation programs. He is ignoring that law, and he may ignore this law. But if we pass this, he definitely would be guilty of ignoring the intent of Congress.

Mr. DE LA GARZA. Well, is it the intent of Congress should be from an authorizing committee that studied—How many days of hearings did the gentleman have on this issue?

Mr. WHITTEN. I have had 39 years, I believe, studying this.

Mr. DE LA GARZA. On this particular one.

Mr. WHITTEN. Something like that.

Mr. DE LA GARZA. I cannot match the gentleman's 39 years. He has me at a disadvantage.

Mr. WHITTEN. I am giving the gentleman the benefit of my experience.

Mr. DE LA GARZA. The gentleman has me at a disadvantage there.

Mr. WHITTEN. The gentleman knows that I am for him, but it is the appropriation where we are hit at because of the enormous cost of farm programs. We have $6 billion in here because the farmer is required to sell below the cost of production. While that is not involved here, the situation is so bad that we ask the Department to find out what the facts are and let the gentleman and me know.

Mr. DE LA GARZA. I would like to cooperate and work with the gentleman.

Mr. WHITTEN. We appreciate your cooperation, and the farmer needs it very badly.

Mr. DE LA GARZA. It is turning around. The issue is coming around. The cotton is working very well; the rice is working very well; the peanut program is working very well; the tobacco program is working fairly well; the sugar program is working fairly well.

Mr. WHITTEN. May I say to my chairman, you can leave my town and go 100 miles and you will find precious few farms that are in the hands of the owner. You study the record and you will find that Mr. Vance Clark, and I call names here, who heads the Farmers Home Administration, has come out with "cash flow" requirements which are not called for in the law. He has ignored the fact that he could save these folks' farms. He required you to show that you can pay all you owe, pay what you borrow this year, and pay it all this year. The only group in the world that that demand is made of is the U.S. farmer.

I am trying to get the information over to the gentleman—go down to my district and you will find that nine-tenths of the farms are now owned by some rich man who does not have to borrow money.

Mr. DE LA GARZA. How does this impact on Farmers Home?

Mr. WHITTEN. It tells the Secretary to get us information so that the legislative Committee and the Appropriations committee can help straighten it out.

Mr. DE LA GARZA. How much time do we allow him?

Mr. WHITTEN. We did not put a deadline on it. I am trying to get information only here, and I hope that the gentleman and I can get together and use it.

Mr. DE LA GARZA. Well, I do hope so, because I think that all the information that we can get can be useful, and as always I appreciate——

Mr. WHITTEN. I want to work with the gentleman, as he well knows.

Mr. DE LA GARZA. I do hope that we can do that, because we in the Agriculture Committee sometimes feel that we should be under the rules the responsible committee, and we always welcome from our distinguished friend's 39 years-plus of experience——

Mr. WHITTEN. That is quite a while, is it not? I do not believe it myself.

Mr. DE LA GARZA. We always will be happy to hear from him, but always we are cautious that maybe sometimes in a misguided effort to try and assist, we may cause more problems than we resolve. I hope that this is not the case, I pray that this is not the case, and we will work with the gentleman.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. DE LA GARZA. Mr. Chairman, I would like for the day to come when I do not have to do this in an appropriations bill, either supplemental or continuing resolution, that somehow the gentleman would do his able mandated duty without us having to feel that he is infringing on the authorizing committee, because if he wants to infringe and he comes to our committee, we will be happy to welcome him as an ex officio member, and we can do it together. He does not have to do it to force us to come to the floor and have to engage in this type of colloquy.

☐ 1920

Mr. WHITTEN. The gentleman does not wish it any more than I do. The gentleman has the authorization; we have the appropriation. We review everything in the Department each year. I look forward to working together, and I hope that this information we are calling on the Department to get will help us solve this problem, because the farmers are broke. We do not have a farm program. We have an investment program, we have a big man program, but we do not have a farm program. We are just trying to get information, and I will work with the gentleman in trying to solve the problems that have developed.

Mr. DE LA GARZA. I thank the gentleman. My concern is that I was just told by a very knowledgeable farmer, both older than my distinguished friend and myself together probably, and he said we do not want to study the issue any more. He does not want to study the issue any more, and that prompted me to wonder if this might not be——

Mr. WHITTEN. If the gentleman would read this paper that I have in my hand he will see a number of organizations that do not want us to study this any more. If you look at the names, you have all of those that want to be able to buy below the cost of production. They do not want us to do it. They want low commodity prices. Let us get the information so that you and I can solve it.

Mr. DE LA GARZA. I would hope in the future, Mr. Chairman, we might have the opportunity to open the doors of our committee. We welcome you as an ex officio Member. We will give you one of our caps that says, "Agriculture Committee," and we will not have to come and resolve it on the floor.

Mr. WHITTEN. May I say that I visited the gentleman's committee many times. My door is open and the gentleman has been there many times. Let us keep it up and get the information to act on.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DE LA GARZA] has again expired.

Does the gentleman from Texas insist on his point of order?

Mr. DE LA GARZA. Mr. Chairman, in view of the explanation by the distinguished gentleman from Mississippi [Mr. WHITTEN], chairman of the committee, I do not pursue the point of order any further.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. Mr. Chairman, I had a motion to strike this section written at a time when I was more upset at my distinguished friend and colleague than I am now, with all due respect. I think from this colloquy, knowing it would serve no useful purpose for me to move to strike, even if we were successful, I do not know if the Secretary will do it or will not do it. I do not know if it will survive conference. I do not know what could happen. I personally think we could better utilize the $10 million on another study.

But out of respect and admiration for my dear friend, and more out of respect for his 39 years, I will not make the point of order and I will not offer an amendment to strike. I will let the gentleman have his day and hopefully we do not have to meet again.

The CHAIRMAN. The Chair would advise Members the Clerk has read one of the three paragraphs in question and the Chair now directs the Clerk to continue reading.

AMENDMENTS OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer three amendments and I ask unanimous consent that they be considered en bloc, and not withstanding the fact they relate to paragraphs in the bill not yet read by the Clerk.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WHITTEN. Mr. Chairman, reserving the right to object, we do not have the amendments and I will reserve until we know what is involved.

The CHAIRMAN. The amendments, as the Chair understands it, would strike the three paragraphs.

Mr. WHITTEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ARMEY: On page 52, strike lines 3 through 13.

On page 52, strike lines 14 through 18.

Strike from line 19 on page 52 through line 2 on page 53.

Mr. ARMEY. Mr. Chairman, I can be very brief on this I listened to the dialog between the two gentlemen and it was informative. I think most of the Members have a clear understanding of what is in the bill.

My three amendments would simply reduce the expenditures by $10 million for the purposes of conducting these studies. In my estimation, conducting a study of this nature is tantamount to asking the American farmers if they would like to have guaranteed profits. I think we already know the answer to that. I think we know the outcome of the studies.

I think it is much more equitable use of the taxpayers' money to put that $100 million to any number of alternative uses.

With those comments, I would just ask the body to vote yes on my amendment to save $10 million for the taxpayers to be used for more important uses.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the chairman of the Agriculture Committee and I have had a colloquy on this matter already. But let me describe the situation again.

We have had 170,000 farmers go broke during the last 2 years and have to leave the land.

We set up the Commodity Credit Corporation as a Government corporation to do what other countries can do themselves. The Commodity Credit Corporation was set up because other governments can do things we, under our Constitution, cannot.

The 1985 Farm Act—I realize the problems our colleagues had in getting a bill. I was involved in a program with the former leader in the other body and he said "the President demanded a bill and we got him a bill," and that is the only thing he said about it. But we have had 2 years' experience with it now, and 170,000 farmers have gone broke. The head of the Farmer's Home Administration has required that a farmer, in order to be eligible for a loan, had to show that he could sell below the cost of production, pay off a new loan and all his outstanding debt.

Here are the headlines I read earlier. As I said, I am a former district attorney so I will not use the name of individuals. Farm Payment Abuses May Exceed $2 Billion—GAO Warns Congress of Rising Costs, Foreigners Get U.S. Farm Subsidies—GAO Says 598 Overseas Investors Collected $7.7 Million in 1985, One Commodity Received $728 Million in Subsidies—Lower Prices Required by 1985 Farm Legislation, Loophole Allows Extra Farm Subsidies—Payments Multiply Under Loose Definition of Eligible "Person".

But the point of it is we need information to know what to do. We need to fix some way where the buyer from the farmer pays the price, rather than the Treasury.

This $6 billion for CCC should not be in this bill because if they had had the buyer to pay the price, we would not have to pay it out of the Treasury. I do not see how we can live with the budget unless we do let the buyer do it.

I have some telegrams and letters here from those who buy from the farmers, and they want to buy below cost. But they would hold up their hands in horror if you asked them to sell below cost and look for a check from the Government.

So what we have here, is that we have asked the Secretary of Agriculture, in view of the situation, in view of the headlines about how this has been handled, to come up with the information so that we would have information on which to act.

□ 1930

Frankly, my purpose would be to try to get them to get their price from the buyer as the law permits and as has worked for many years. Now the other thing is, the present head of the Farmers Home Administration not only refuses to make loans, but in addition the land that he is foreclosing on he will sell to anybody except the man who worked 40 years to pay for it. He will sell it to anybody else. I repeat again, the American farmer is the only man whose feet we have held to the fire on every dime that he owes. We have not done it on loans we made abroad, we have not done it in foreign aid, and we have not done it with the farm credit system. We have been bailing them out. But we have not done it for the farmer.

Let me repeat again. We have had experience now where we have had 258 banks to fail in the last 2 years. We have had 69 farm banks fail in 1986.

Again, let me say involved here is information, and may I say to my colleagues, if you refuse to let us get the information, you are condoning the facts that have been shown in the paper. So I plead again, do not cut out information that may help us to straighten this out.

Any change in the law will have to come from the legislative committee, but in the carrying out of existing law I hope it will come because we insist on it, not only us, but our friends on the legislative committee.

So I think everybody agrees that the farm situation is bad enough. We need all the information we can get and we need to work together to straighten this thing out.

So this is seeking information for the use of all appropriate committees, not just our committee. So I ask your support of the committee.

I am surprised that my colleague from Texas is offering this. But I hope you will vote against the amendment and give us a chance to get the information and the chance to work together to solve this problem.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words. I do not much care either way this goes, so I think we ought to support the chairman of the full committee.

I think we ought to make a couple of points. No. 1, I am chairman of the authorizing subcommittee that handles most of those commodities and we are looking at farm policy options right now very, very seriously. That is our particular job.

I am personally a little disturbed that the Committee on Appropriations will put the language in its bill which may not, according to our parliamentary procedure, be legislative, but reads like legislative language. I mean a study to produce a referendum is basically something which ought to be in the jurisdiction of the authorizing committee, not the Appropriations Committee.

So the way I look at the particular language of the amendment anyway, it does not mandate the Secretary to do anything. It authorizes him some money to enable him to conduct a study, but the full Committee on Agriculture will have the complete and final jurisdictional decision as to whether to go ahead with any program changes whatsoever, regardless of what they are. I think that record is clear. So I want to make it clear that the Committee on Agriculture is going to retain its jurisdiction in this matter, we are not ceding jurisdiction to anybody in this regard.

I think that the gentleman raises an excellent point, our farmers are in serious, serious trouble. We are looking for policy options right now. One of the policy options is a producer referendum, but there are many other policy options. I just want to make it clear that the Committee on Agriculture will and should be, under the rules of this body, the final arbiter as to what farm policy is.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

My understanding of the provisions of the chairman here is that it is basically enabling legislation, that the Secretary, if he wants to use the money, can conduct this kind of investigation. But this Secretary of Agriculture has always indicated an opposition to referenda. I think the gentleman would agree with me that it is not likely he would proceed, but in the very least this provides enabling legislation.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the chairman.

Mr. WHITTEN. I thank the gentleman for yielding.

I think he should support a referendum because it worked before and who is in letter shape to know than the farmer. I do not know one way or the other what the Secretary would do, but I would agree with my colleague from Kansas that they have full jurisdiction to any change in the law. We also have the obligation to use all the law we have if it will help. I assure both of you I will be glad to cooperate in any way in the world. Right now I would not want to be charged with the jurisdiction of existing law.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas [Mr. Armey].

The amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate whether producers of basic agricultural commodities, including soybeans, favor the imposition of mandatory limits on the production of basic agricultural commodities, including soybeans, that will result in prices for such commodities that provide a fair return to the farm producer at not less than the cost of production, $6,000,000.

To enable the Secretary of Agriculture to investigate the quantity of each basic agricultural commodity, including soybeans, needed by crop year to meet domestic consumption, to maintain an adequate reserve, and to regain and retain our fair share of world markets, $2,000,000.

To enable the Secretary of Agriculture to investigate the changes needed in existing rules and regulations of the Department of Agriculture to provide for implementation of mandatory limits on the production of basic agricultural commodities, including soybeans, and nonrecourse loans on basic agricultural commodities, including soybeans, that reflect a fair return to the farm producer at not less than the cost of production, $2,000,000.

Agricultural Research Service

For an additional amount for "Agricultural Research Service", $450,000.

Cooperative State Research Service

For an additional amount for "Cooperative State Research Service", $300,000: *Provided*, That of the amounts appropriated under the heading "Cooperative State Research Service" in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, made applicable by section 101(a) of the Continuing Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), for payments to agricultural experiment stations to carry out the purposes of the Hatch Act, as amended (7 U.S.C. 361a-361i), any monies available for allotment to any recipient, but withheld by the Secretary of Agriculture for failure to meet the matching requirements of the Hatch Act, may be reapportioned to other agricultural experiment stations and used to carry out the purposes of the Hatch Act: *Provided further,* That no experiment station that received funds under the Hatch Act during fiscal year 1986 shall receive a total allotment in fiscal year 1987 that exceeds the total allotment it received in fiscal year 1986.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, $16,200,000, to remain available until expended.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for "Animal and Plant Health Inspection Service", $3,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Agricultural Stabilization and Conservation Service, Salaries and expenses", $24,000,000: *Provided,* That not to exceed $24,000,000 of the above amount may be transferred to this account from the Commodity Credit Corporation.

GENERAL SALES MANAGER

(TRANSFER OF FUNDS)

Not to exceed an additional $705,000 may be transferred from the Commodity Credit Corporation funds to the General Sales Manager to help implement export programs, including the adjustment of the offering price to remain competitive, as authorized by law, and programs mandated in the Food Security Act of 1985.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

(TRANSFER OF FUNDS)

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $6,653,189,000, such funds to be available, together with other resources available to the Corporation, to finance the Corporation's programs and activities during fiscal year 1987: *Provided,* That of the foregoing amount not to exceed the following amounts shall be available for the following programs: export guaranteed loan claims, $300,000,000; conservation reserve program, $400,000,000; additional payments to producers under section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), which shall be made to cover the difference between the partial payment and the amount of the full claim, $135,000,000; and interest payments to the United States Treasury, $400,000,000: *Provided further,* That five per centum of the funds available for the conservation reserve program in this Act shall be transferred to the conservation operations account of the Soil Conservation Service for services of its technicians in carrying out the conservation programs of the Food Security Act of 1985.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 55, line 9, strike "$6,653,189,000" and insert "$6,221,189,000".

Mr. SCHUMER. I thank the Chairman.

Mr. Chairman, this amendment is a very simple one. It would withhold $432 million from the $6.6 billion CCC appropriation.

Why $432 million? It is exactly the amount that the GAO has determined would go to farm corporations and individual farms who have taken advantage of lax enforcement and loopholes in USDA regulations. This money represents a violation of the 1970 law, requested by Mr. CONTE, that had put a $50,000 maxmum payment limitation on the amount any single farmer could receive in income supports.

Mr. Chairman, I come to this from the perspective of a Budget Committee member. I have sat on the Committee on the Budget and watched us cut many, many programs, some of which are very near and dear to me, year after year. And this year when we compiled the functions on the Budget Committee in terms of the increase that each of them had from 1981 to 1986, much to my surprise the highest increase was not defense, was not Medicare, but was agriculture which had gone up more than 100 percent. Yet at the same time I saw around me the very farmers whom these programs were intended to help, complaining that they were not getting the help they needed, complaining that the Government programs had not worked.

The GAO study only points the way in describing how these programs have not worked. But I think it is time to send a message to the U.S. Department of Agriculture that they had better start cleaning things up so that, the enormous amount of money we spend goes to some good. It is my guess, ladies and gentlemen, that the kind of thing that happended to the Defense Department budget with the exposé of $45 wrenches and $800 toilet seats, the same thing that happend to the Social Service programs with the exposé of welfare mothers driving Cadillacs or using food stamps to purchase alcoholic beverages, will indeed happen to agriculture if the kind of abuses pointed out in the GAO study are indeed allowed to continue.

USDA has allowed the $50,000 cap that the Committee on Agriculture placed in the law to become a total farce. For the past 3 years, large farmers have been reorganizing their farms on paper only and qualifying for multitudes of $50,000 payments. So in the middle of a terrible family farm crisis, the Federal Government has become the private subsidizer of large corporate farms.

While the U.S. census shows a decrease in the number of farmers, according to USDA the average number of farms has increased; fewer farmers, more farms. The number of new producers increased from 1,400 in 1984 to 5,700 in 1986 and that is only counting the producers who are very close to the $50,000 limit. The GAO estimates that reorganizations are costing $200 million more each year, will cost us $900 million by 1989, $2.3 billion for the 5-year period 1984 to 1989.

There are many areas of USDA failure. Their regulations are so vague under this $50,000 limit that they are meaningless. Let me read one. "Any change in farming operations that would otherwise serve to increase the number of persons for application of the payment limitation must be bona fide and substantive." Vagaries have led to outrageous abuses. In California 28 investors received $1.4 million collectively by leasing 6,600 acres of farm land from a parent company and then subleasing it to a management firm.

□ 1940

A rice farm in California was divided up 56 ways in 1984, with the farmers splitting $1.5 million in income subsidies. That abuse takes money away from a family farmer who is suffering, as well as my urban constituent.

There are plenty of abuses.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(By unanimous consent, Mr. SCHUMER was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. Mr. Chairman, the USDA is not enforcing the law. They did audits and found that the USDA has set an inconsistent standard in requiring local agricultural committees to show documentation when they approve these subdivisions. And much to my surprise, and I do not know that much about agricultural life, who are the local committees? Farmers. That is like putting a fox to watch the chicken coop. Should we set up a program where welfare mothers form a committee to decide how much money welfare mothers should get? Should we set up a committee of defense contractors to decide how much Government money defense contractors should get?

We do that here. Maybe in agriculture, we need local committees because we have many counties and they are spreadout, but if we do, and I wonder about it, then the USDA ought to be darn tough in demanding documentation. They are not.

This amendment is a shot across the bow to the USDA. It says, "Straighten up, straighten out these abuses, stop making a joke of farm programs or else the Congress, I believe, as well as the American people, will rise up and eliminate many of the subsidies that are needed, as well as the abuses in subsidies."

So I ask my colleagues to support this amendment, not only in the name of budget austerity, not only in the name of what is fair and equal, but also in the name of the poor family farmer who is suffering, not getting the help he needs, while the rich agribusiness farms get the millions of dollars that the GAO has documented.

Mr. DE LA GARZA. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, if I might ask the author of this amendment, is this amendment the one for the lesser figure or the initial figure?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, this is the amendment for $432 million, which is the amount that the GAO estimated was going to the breakup of farms. Some of that money, GAO estimated, was occurring illegally, either because in some cases, some farmers, some of these big agribusinesses did not report things accurately on their applications, and others, even though the farms did report it accurately, the local farm committees approved them even though they were in contravention of the very broad loophole-ridden USDA guidelines.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I am not here as a defender of USDA, but I do hope that we would have some accuracy in the debate. I might remind my distinguished colleague that the figures that he used were attempted divisions of land that were disallowed by USDA audit. Therefore, those were not accepted by the USDA and they were not an accomplished fact.

But the gentleman is correct that we, if we utilize taxpayers' money, we have to be as careful as we can. We should do everything possible.

I have to defend the fact that in spite of what some term to be a large expenditure for agriculture, all the money spent in the agricultural programs amount to less than 3 percent of the total budget, less than 3 percent. If those who feed and clothe America and provide us with a large segment of our trade income are not deserving of at least that much, I do not know who is.

But we have to send the message, and with that, I concur with my distinguished colleague and join in saying that we will not tolerate fraud in the agriculture programs, as we will not in any other program. There is massive fraud in housing in the urban cities; there is massive fraud, as we have seen, in the Defense Department. They probably stumble over more money in 1 day at the Pentagon than we use in 1 year for agriculture. So we need to put it in perspective, the amount that we are dealing with.

But fraud is fraud and it needs to be stopped. This may be a way to send the message. I will not oppose the gentleman's amendment. I think that the shot across the bow may be an excessive amount because the amount that has been paid has already been paid. The ones that conceivably were fraudulent have been disallowed or are on appeal and would not be allowed.

We have asked for a GAO study. The subcommittee is working. If there is any impact, it would be too late for the press and they would not be until the 1988 budget, but a modest—I do not know that we could use "modest" when we use millions—but an amount at least indicative of our concern, I would not be opposed to.

I think if my friend, the gentleman from Kansas, the chairman of the subcommittee, will offer an amendment, then we can proceed and send the message and make the resolve that we will not tolerate any fraud or any attempt at fraud with the understanding that the human element is there and always there will be the availability for some person to get around the law.

We will do everything that we can, working with everyone of good will and good intention to see that the programs in agriculture go to those that are deserving and to those that it is intended.

Just very briefly, though, we are getting used to speaking about saving the family farm. The family farm in my area can be cabbage or lettuce or citrus fruit or a few cows. The family farm in another area can be apples or grapefruit, so I would ask that we think of this when we legislate.

AMENDMENT OFFERED BY MR. GLICKMAN TO THE AMENDMENT OFFERED BY MR. SCHUMER

Mr. GLICKMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN to the amendment offered by Mr. SCHUMER: Strike "$6,221,189,000" and insert in lieu of "$6,563,189,000".

Mr. GLICKMAN. Mr. Chairman, I offer this on behalf of the gentleman from California [Mr. PANETTA] and myself.

This amendment acknowledges the validity of the Schumer amendment, that there are people out there reconstituting their farms in order to get around the payment limit.

At the same time, we want to try to deal with a relatively appropriate figure, rather than just an aggregate figure in the GAO report, so today, my subcommittee had a hearing where we tried to determine what those right numbers were. We are told that that number is approximately about $90 million that would be fixed if we adopted corrective legislation to deal with this payment limitation reconstitution problem.

What I have done is I have taken the Schumer amendment and——

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, just to clarify, I believe if the committee took corrective measure, they would save the $432 million, but because three-quarters of that money was used legally to do it and a quarter was used—four-fifths was used legally and one-fifth was used illegally; that is the distinction here.

Mr. GLICKMAN. Mr. Chairman, the gentleman is correct.

Let me just make a couple of points here. This issue was raised because the gentleman from California [Mr. PANETTA], the gentleman from North Dakota [Mr. DORGAN], and I called for a GAO report last year so the Ag Committee is trying to get a handle on this problem of payments being abused by some of the anecdotal examples. It is a serious problem and we do need to rectify the situation.

Let me tell you a couple of things. The GAO report said that there were some reconstitutions occurring; that is, people breaking up their farms to get out under a $50,000-payment limit, but most farmers were not reconstituting. Roughly, maybe, 97 percent of the farmers in this country—maybe even more—were abiding fully and completely with the law.

□ 1950

There were some folks that were reconstituting their farms either legally or outside the spirit of the law, and we do not want that to take place. So the point of this amendment is to try to get the dollar amount down to the point where we will take substantive corrective action hopefully that will be in the reconciliation bill and that would deal with the problem of reconstitution.

Let me tell the Members one thing. Why is this recurring? Why do we have people busting the payment limitation? Let me tell the Members why.

It is occurring because the current farm bill in feed and seed grains to some extent, and also in cotton to some extent, relies on big Treasury payments from the Government. It is part of its stated motives. Bad or good, that is why it is occurring. So when we have more money coming from Uncle Sam and less money coming from the marketplace, we have more and more people bumping up against the $50,000-payment limitation.

It used to be that farmers would get 100 percent of their money from the market. Now they are getting between 40 and 80 percent of their money from the Government because the farm bill pushed down the world price, and we have tried to make farmers whole in the process. So that is a real reason why more and more people are bumping up against the payment limit.

But in any event, the purpose of this GAO report was to examine why this was occurring and to make sure the Department of Agriculture got on the stick and did the job right.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to my colleague, the gentleman from California [Mr. PANETTA] who is the coauthor of the amendment.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

It was the report from GAO that we requested, and I think that has produced the evidence that at least was the basis of the drive for this amendment. But the point that I think all Members have to be aware of is that while reorganizations have increased, the $430 million represents the total number of reorganizations that have taken place, but it is the percentage of those reorganizations that is questionable.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I have just a correction. The $432 million is not the legitimate reorganizations in bankruptcy. It is only a division of funds according to the GAO, as the gentleman knows, because he put the study together, that was cut in half, quartered, or whatever, to increase the $50,000 payment.

Mr. PANETTA. Mr. Chairman, the gentleman is correct, that it involved reorganizations under that cap, but they were nevertheless legal reorganizations according to the department.

The real question is, what percentage of these reorganizations were not legal. And that ranges anywhere from 4 to 21 percent, depending on whose numbers you look at. The gentleman's subcommittee and the full committee have been looking at the issue.

We intend to implement restrictions with regard to the limitation to tighten up on this issue because it relates not only to poor enforcement by USDA but it relates also to the problem of the clarity of the law, which is a legislative problem. So we are going to have to address both areas.

I think this amendment will give us the impetus, but let us target it at the area which is of concern, which is those reorganizations that indeed violate the law. For that reason we have offered this amendment.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. First, Mr. Chairman, let me say that I think the body owes the gentleman from Kansas and the gentleman from California a great deal for asking for the study and for moving along the lines of reform.

I would like to ask the chairman of the committee, the distinguished gentleman from Texas [Mr. de la GARZA] a couple of questions, if I might.

Mr. GLICKMAN. I would be glad to yield for that purpose.

Mr. SCHUMER. I would ask if this amendment might be acceptable, if we accept this amendment, is it the intention of the committee chairman that by the time the reconciliation bill reaches the Congress that the committee, the Congress, or the USDA, somewhere there would be in the law really tight legislation that would not allow individual farms to get more than $50,000?

Would it eliminate a cutting up of these farms simply to get around the $50,000 limit, except, of course, in very unusual circumstances?

Mr. GLICKMAN. I would be glad to yield to my chairman for an answer.

Mr. de la GARZA. Mr. Chairman, I appreciate the gentleman's yielding.

Of course, I would have to refer back to the chairman of the subcommittee who will be handling this in the timeframe, but I would tell my distinguished colleague that our intention would be to do exactly that. To what extent we can legislate to stop an activity entirely, let me say that the gentleman must understand that you can pass a law that says there shall be no murder committed in the United States. So to the extent that we can intelligently articulate the law to carry out our intention, we will.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield further?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, having studied this issue and not knowing as much as the gentleman, I believe that USDA has been entirely lax, and I am sure the committee could come up with some legislation that would be far more specific on how the $50,000 limitation should work. Is that the gentleman's intention?

Mr. de la GARZA. Mr. Chairman, if the gentleman will yield, that would be our intention. The USDA has come up with proposed regulations, but it is a volume 2 or 3 inches thick. The problem that we would have, if there would be a problem, would be time. But I assure the gentleman that we would diligently, with the cooperation of the chairman of the subcommittee, work to that end with the committee.

Mr. GLICKMAN. Mr. Chairman, it is the goal of the gentleman from California [Mr. PANETTA] and I, to get this language, which is what the gentleman is talking about, into the agricultural part of the reconciliation package.

Mr. SCHUMER. I think it is. Just so the gentleman understands, if this amendment is accepted, and I believe it will be, it would be the intention of the gentleman from New York and others, if it was not done by the time reconciliation came, to offer further amendments along the lines of the ones we had, perhaps even for greater amounts if they warranted it.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman. I thank the gentleman for yielding.

I admire the initiative of the gentleman from New York in this. We ought to make clear that what we are trying to do here is to vindicate the Silvio Conte limitation. The gentleman from Massachusetts, my senior colleague, is the one who fought this, and we are working along with him to try to preserve it.

I would say that I think we are talking here both about illegality and about lousy public policy. The gentleman from Texas said that you can pass a law against murder but it will not stop murder. All we are asking to do is to stop paying a bounty to the murderer. We are talking here not about trying to protect them from breaking up their farms.

They are not hiding when they break up their farms. They do not break up their farms and not tell you. They do a phony breakup, and then they come in and say, "My son gets fifty grand, and my cousin gets fifty grand."

So this is a case where they come in and confess. We are not asking you to be Sherlock Holmes. Just stop giving them the 50,000 bucks when they do it. That is not hard. If it cannot be done as easily as some think it can be done, then maybe we should not pay $50,000 per.

People ask, "Why is this happening?" One reason it is happening—and the majority of farmers are on it—is that there is a minority in there, as in any other profession, who are greedy, and we have laid down and been suckers for the greedy. We simply have to get a lot tougher, and if there is going to be these abuses, as in any other program where there are abuses, whether they are student loans or anything else, they threaten the level of the whole program.

The gentleman from New York deserves a lot of credit for doing this, and we are going to have to be a lot tougher, not just to do the illegal ones but the farm breakups that are motivated solely by wanting another fifty grand are an illegitimate plundering of the taxpayer, and they have got to stop.

Mr. GLICKMAN. Mr. Chairman, I would just say that I believe 97, 98 percent of the farmers are not doing this kind of thing. The primary reason it is happening is because farm policy has deliberately reduced the prices farmers have received, and the Government has picked up the difference.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would just like to commend my colleague, the gentleman from New York [Mr. SCHUMER] and the gentleman from California [Mr. PANETTA] for offering this amendment.

I think it is very clear that at a time when we are stretching the budget and we are making every effort to help the farmers who are in legitimate trouble and they are making an effort to try to save the family farm and the farming interests of this country, that this practice cannot continue.

It is very clear in my mind that the farmers should be farming the land and not the Treasury of the United States, and I would hope that you would examine not just the illegalities but, as the gentleman from Massachusetts said, the basic public policy of allowing people to break up farms.

In California we have a situation not only of rearranging the farms for the purpose of gaining crop subsidies, we also have the same people rearranging farms in different patterns so they can get water subsidies. They are coming to the Treasury now at multiple times. I would hope that the gentlemen on the subcommittee would examine all these efforts so we can get these people to quit farming the Treasury and start farming the land.

Mr. GLICKMAN. Mr. Chairman, I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the reason I am striking the last word is that I had a speech commending the gentleman from New York for his amendment. But now I understand that the gentleman from Kansas has offered an amendment to put back all of the money that the gentleman from New York took out.

The gentleman is shaking his head, but that is what I understand. His amendment cuts off $430 million. How much does the gentleman put back?

□ 2000

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I put back all but $90 million, so we reduce it by $90 million under the committee's budget as opposed to $432 million. That is because that is the Department of Agriculture's numbers they gave us today as to what percentage of these reconstitutions occurred because of probable, illegal reconstitutions.

Mr. CONTE. Let me say that I like the amendment of the gentleman from New York a lot better than I like yours, and I want to commend him for his work in trying to reform the farm programs that have grown out of control completely, as this gentleman well knows. This is an area that has been of great concern to the gentleman here in the well.

Last year, when the reports first started coming out on the loopholes in that 1985 farm bill—the Christmas trees, and the billions in unlimited subsidies flowing into the coffers of the Crown Princes and the corporate giants, I led the fight on the CR to cap payments and redefine program eligibility.

The GAO report that came out a few weeks ago confirmed our worst fears—farms are dividing and subdividing like amoebae. With a good lawyer and accountant, one family easily becomes 15 corporations.

One farm becomes many with limited partnerships, trusts, joint ventures, tenants-in-common, and so forth. In the next 2 years, an estimated 22,300 new persons will be created as a result of farm reorganizations. Unless we put a stop to them, CCC payments to these new persons will cost us at least another $900 million a year by 1989.

My concern with the gentleman's amendment is that we are not going far enough. Last month, USDA sent up a legislative proposal for reform that clearly highlighted the abuses found in farm subsidy programs.

I understand that our legislative committee is holding hearings with USDA witnesses this week. I commend my colleagues on the Agriculture Committee for their attention to this matter. We can't act quickly enough. I hope that we will soon see a bill reported out.

The supplemental before us contains over $6.65 billion in reimbursements to the CCC for losses incurred and anticipated during the remainder of fiscal year 1987. I have a detailed breakdown of the activities for which $5.15 billion is needed.

A total of $1.5 billion is included for CCC contingencies. That is, there are no identified needs for reimbursements at the present time, though there may be by September 30.

Our committee has already tapped into some of this reserve by transferring $135 million out of the CCC for Farmers Home disaster assistance payments, and another $20 million for additional staff at the Soil Conservation Service. If USDA's estimates of CCC needs are correct, these transfers will call for another urgent supplemental later in the year.

I regret that we have taken this action. I regret that the authorizing committee has not yet reported legislation raising the borrowing authority of the CCC to $40 billion. I regret that our committee has not provided the Corporation with the same type of indefinite borrowing authority to avoid these regular shortfalls.

But, since we have not, then we ought to carefully review the dollar-for-dollar needs of the CCC, and provide reimbursements for only those commitments we have made. I say a cut of $90 million or $430 million is not enough.

No sweetheart deal like we have here today. But cut a billion-and-a-half, a billion-and-a-half. That will shake them up down there and tighten up their grip.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. Mr. Chairman, I had an amendment to cut out the entire operating reserve of $1.5 billion. If additional funds should be required later in the year, let's review the justifications and consider waiving the Budget Act for another urgent supplemental at that time.

Perhaps with the added pressures of real funding restraints, USDA will double its efforts to crack down on abuse under current authority, and our legislative committees will be moved to quickly report a bill tightening up the statutes governing program eligibility.

This time, I am not going to offer the billion-and-a-half cut, I am not going to offer it. But next time, if this is not straightened out, we will offer a much greater cut.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman.

Mr. Chairman, the gentleman's leadership is commended on this. I must confess that one of the reasons I introduced this amendment was to hear the gentleman speak so eloquently on one of his favorite subjects.

I must say, in all seriousness, that I would join the gentleman if, by the next appropriation, this mess is not on a real way to being straightened out, I would join the gentleman in asking for a much greater cut. But I have faith in the chairman of both the full committee and the subcommittee that they will straighten it out in time.

Mr. CONTE. I could not think of a better person to be associated with.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requiste number of words.

Mr. Chairman, I did not intend to say anything on this, but this record is such a mess. We need to get just a few facts into the RECORD.

To start with, 1984 figures were used here a while ago; 1984 figures are irrelevant to the present farm program. We passed a new one in 1985, it was a new program, and as the gentleman from Kansas said, that new program put the pressure on to try to find ways around limitation on payments.

Payments are not just welfare checks. Payments are made as a replacement for funds that were spent by producers for local taxes, for expenses on the farm, so farm products can be sold at lower prices in order to lower the price in the grocery store and in overseas sales. So, to the extent that the new policy of this Government is to lower the price of farm products so that we can sell them in the international market and keep the price low in the grocery store, to the extent we offset those costs, it is not a welfare check at all.

When the new program becomes law lowering prices and offsetting lower prices which some people tried to divide up their operations so they could stay in the farm program. If they do not stay in the farm program, they do not make a contribution, they do not idle any land, they do not make a contribution to soil conservation, and to the extent they do not contribute, family farmers must contribute more to make the program work.

So there was pressure to divide operations in the Spring of 1986 and the first of July, the Department came out, and it is not up to me to defend the Department, but it seems that no one else is, the first of July they came out with stringent, I am telling you they were stringent regulations. They are being implemented by the country committees today. The Members who have spoken did not just find a new Easter egg here. This is something that happened last year and the year before. It was exposed last year and it has already been taken care of largely.

Now, you can take $90 million out or you can take $400 million out; it does not make a bit of difference today. No matter which amendment passes, it will not make a bit of difference to the farm program. This money is for a replenishment for funds to the Commodity Credit Corporation. It would not affect entitlements. Passing one of these amendments would not have any really substantive affect. Members did not find something new; it has been known all along. We dealt with it last year in the resolution that the gentleman from Massachusetts talked about. We directed them to do something more on this and they are doing it. So, a lot of what you heard today is not just something new, and if you try to bring up a reconciliation package that reduces the amount of money for the Department of Agriculture by 1 billion or whatever it is, you just trying to hurt some family farmers who are in present-day farm programs and if we do that, the farm program won't work.

Shelter and housing and clothing are the important basics in this country. We spend Government money on all of them and the most successful one, the one that we get the most for is the farm program where we get cheap food and simultaneously support producers for less than 3 percent of our budget.

We get a lot less out of the housing programs and I voted for all of them. Twenty-six billion dollars is the total; it is the world's success story. In this country, for a mere $26 billion out of $1 trillion budget, we have the cheapest food in the world. It is a real success story.

We could cut that down to zero if you wanted to double the price of food. In Europe, they spend $900 per person, the Government does, on farm programs, and the cost of food is almost double what it is here.

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We spend $600 per person in this country for farm programs, and we have the biggest food bargain in the world. So do not think that some of you just found a nest of Easter eggs here and a new way to save $1 billion. It does not make a bit of difference to the total budget or entitlements whether either one of those amendments pass.

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to congratulate the gentleman from New York City, Mr. SCHUMER, for his concern about the abuses of farm programs. I also have a concern that the gentleman has not had much practical experience in the area of agricultural legislation, to say little about the experience in ag management that many producers have to face.

I only hope that the gentleman from New York City has the same concern for the foreign-aid budget, which at $12,500 million is only 12,500 times greater than the amount of money that the gentleman from Kansas wishes to cut out.

Yet $90 million cut in CCC funds at this time can have a very, very adverse effect on the agricultural economy out there. It is ludicrous to cut even that much money from the ag budget; $90 million is saying to the producer out there, "We're going to penalize all of you. We're going to penalize each and every one of you because a very few abused a regulation."

The 1985 farm bill was created to drive down the prices so we could be competitive on the world market, and that makes consumer prices in the United States of America cheaper or as cheap as anywhere in the world for wheat and corn and agricultural products, and yet these people are saying, "We're going to penalize all of you farmers who are providing this cheap food."

It saddens me that we are in this argument right now about a few who abuse and penalizing everybody across the board for those that do abuse.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, let the record show that I have talked with my good friend and colleague from New York. He has agreed to come to Dodge City, KS. We may make him an honorary marshal if he can get into town. I am not too sure if he will be able to leave it.

He is going to visit the local ASCS office and find out all about the frustration that farmers and ranchers have of waiting 8 or 9 hours in line, and the frustration on that level in terms of the personnel who have to put up with all these changes. We are just as upset about the fraud and abuse in agriculture on the farm level as the gentleman from New York is.

I have taken an opportunity to read his statement. I think that we have an obligation to really educate my colleague out there in Dodge, and so we are looking forward to it. And I will make the offer that I will come to the Big Apple just as well to look at his problems. Welcome to Dodge.

Mr. MARLENEE. Mr. Chairman, let me assure the gentleman from New York City that we are very concerned about the fraud or abuse that is being carried on. Let me assure him that USDA is promulgating regulations faster than the local committees can read them, and there is a lot of confusion out there, and farmers are spending more time trying to sign up for these programs—than they are on the tractors. Yet we are going to penalize all the farmers by cutting CCC funds because a few abuse.

I hope that we turn down both amendments.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to call attention to some of the facts that have not been touched on here. We have two types of agricultural commodities. We have perishable commodities, where you buy up the surplus under the section 32 program and give it to the school lunch program. There is no better price support program than that. If you have the supply and the demand in balance, it takes care of itself.

That is different from what we are dealing with here. Here we are talking about basic commodities, really it is storable commodities. Cotton, for instance, will last 50 years and decrease only by $5 a bale. So here we we talking about basic or storable commodities. What we have here, as Mr. SMITH has said, is the restoration of losses to the Commodity Credit Corporation. We are going to owe it whether we appropriate it now or not. We passed the 1985 farm bill under which the commitments were made. But the law makes the mistake of changing the farm program we used to have where you supported the price and the farmer got his price from the buyer rather than from the Treasury. It may surprise you, but if you raise the price of cotton 10 percent, and that is all that is passed on to the consumer, it would raise the price of a $15.95 shirt a nickel. If you raised the price of wheat 10 percent, it would raise the price of a loaf of bread a half a cent, if that is all that they passed on to the consumer.

So this is a subsidy to the middleman, and he does not pass the savings on, he is not required to pass it on to the consumer.

In the testimony before our committee we have found that every country in the world sells what they have and do not need for what it will bring in world trade. They, in turn, talk us into holding our commodities off the world market so that they get rich by selling under our set price. Many American national and international companies are the ones taking advantage of it.

This again is restoring capital impairment to the Corporation. I think the debate has been wholesome because the Office of Management and Budget asked us to take all controls off CCC and let them just spend anything they want, just like it was a free flowing well, and this committee asked us to just take any limits off. Mr. SMITH is right, we are just restoring capital impairment. We are going to have to pay it whether you put the money in here or not. I think the debate has been wholesome.

But keep in mind that other countries say the world price is the price and they tax their people to offset cost.

They then talk us into not selling our commodities competitively in the world market.

During the 1970's three times our Government refused to let our farmers sell to Russia. Our Government declared several embargoes. Now that did not keep Russia from getting what they needed; they just brought it from Argentina or Canada or Australia.

Now if I was a U.S. company and bought some of that commodity and I could not export it because of the embargo, the Government paid me to cover my loss, but they did not pay the farmer to cover the loss he suffered becauses of the embargo.

Now here is the other thing, this fellow who heads the Farmers Home Administration came in about 2 years ago and said in order to borrow money from the lender of last resort you are going to have to have a "cash-flow." "You are going to have to show me that you can pay all you owe and pay all you are going to spend this year and live off of this year's crop." He just put the farmer off his farm. I have had it up and down with him. The law does not require cash-flow. Every year we have pointed out to him, "You've got authority to adjust and to defer principal and interest. You can lend him money to keep the farm in business." He will not use the authority he has in the law to do this.

The American farmer is the only group whose feet we hold to the fire and say, "You pay, or off your farm you go." One hundred and seventy thousand farmers have been put off their farms in just the last 2 years. They want to help the Farm Credit Administration who forecloses on the farmer; we are helping them, but not the farmer. One hundred and thirty-eight banks have gone broke during 1986 and we are trying to help the banks. So just keep it in mind, and I'm telling you like it is, the Commodity Credit Corporation was primarily set up for the purpose of supporting prices and exporting out surplus production. The Corporation was intended to support the domestic price to offset the high cost of production in America; and export our surplus production in world trade at competitive prices. And they talk us into not using it. So the money you are talking about goes to the middleman, not to the farmer.

I have here 12 big national organizations who want Members to be against my provision because they want to buy feed below the cost of production. If you asked them, "All right, Mr. National Broiler Council, you sell your chickens below cost, and we'll send you a government check," they would holler holy murder. Now that is a fact. I appreciate my friend from Texas and others, we all need to work together. But the buyer ought to be the one who pays this cost, rather than the Treasury. But we owe it now, because this money is needed to cover contracts already entered into, so one way or the other, we are going to have to come through with the money.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say something in behalf of the farmers out there in Nebraska. I like in the second most agricultural district in this Nation. I see those farmers getting old and trying to bring their son into their business, and trying to hold onto the land, and to have some young people on the farm, and I would like to invite Mr. SCHUMER to come to Nebraska when he goes to Kansas and go with me and visit some of those ASCS offices and see how they are staying there time-and-a-half.

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They tell me the regulations come from Washington so fast they cannot absorb them and cannot understand them. And then they try to explain them to these poor farmers that are standing there waiting and trying to keep from losing their land.

I hope we will defeat both of these amendments.

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentlewoman for yielding.

First of all, I note that the gentlewoman comes from the second most agricultural district in the country. Maybe I should come out there because I come from the second least agricultural district in the country.

But one thing I can tell is that I do not know as much about the farm program as the gentlewoman from Nebraska or the gentleman from Dodge City. I told him I might come to Dodge City, and now I do not know if I will, unless they give me a few six-shooters. And certainly the good chairman of the Appropriations Committee, I think I could learn more from listening to him when he talks on agriculture. I understood every word you said, Mr. Chairman, and I will keep them in mind.

But I would like to say this person from an urban district knows fraud when he sees it, and I like those little farmers, and I have voted for agricultural programs even though I do not have a single farm in my district time and time again.

What I am trying to do here is help those small farmers, and certainly not hurt them, but eliminate that fraud. I hope the gentlewoman from Nebraska [Mrs. SMITH] and the gentleman from Montana [Mr. MARLENEE] will join with this gentleman from New York City in that effort.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN] to the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FARMERS HOME ADMINISTRATION

The Secretary may adjust interest rates on existing nonsubsidized loans if he determines such interest rates are excessive in relation to prevailing commercial rates for comparable loans: *Provided*, That such rate adjustments shall constitute a change in the loan agreement and not a new loan.

The limitations on loan prepayments contained in section 634 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 shall remain in effect through September 30, 1987.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: On page 56, line 13, strike all language through line 17.

Mr. ARMEY. Mr. Chairman, when I first intended offering this amendment I had no idea we would be here so late into the evening. The hour is late and most of us are tired and would like to go home to our families. I will try to be brief.

I cannot help but remind Members that one reason we are late is we spent so much time today discussing legislative business that should not have been in this bill in the first place.

This provision in the bill provides $3 million for an industrial park in southeastern Oklahoma. I have not so much concern with the substance of the provision as I do with the strategy. I must say that this provision in this supplemental reflects some ingenious legislative work on somebody's part, because ordinally industrial parks of this nature would be built by the Farmers Home Administration which is not authorized to do electrical work. Yet, in this case we have an REA, a rural electrification cooperative, in a somewhat distressed area that would like to build an industrial park to assist in the development of the region and, in its own interest, to do something that we know as load building, which is necessary for the development of and the continuing operation of the cooperative, and to keep utility rates down for their current customers.

Given the fact that the funding could not come through the normal sources such as the Farmers Home Administration, this legislative effort, rather ingeniously, allows, through this $3 million, the REA in the local community to carry out the development. This is the kind of procedural effort that we see all too often. I find objectionable, irrespective of how ingenious it is on behalf of the parties concerned.

Having made those comments, I would like to turn my attention for just a moment to the bill at large, not addressing this particular provision in this last statement, but the bill as a whole. If I could take a moment at this late evening hour to characterize this bill, this is a bill built on pork, sold with baloney, that allows people to bring home the bacon and no matter how you slice it, a budget buster. So as we go through these amendments and finally reach final passage, again I would ask my colleagues to vote no on final passage.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to stand and oppose the amendment offered by the gentleman from Texas. I have discussed this with him and elaborated on the fact that this area has an 18.6 percent unemployment rate that is chronic. This is a rural electric and it is an area where the income is such that people last year even removed their air-conditioning and everything else because the rates have gone up so high. We agreed to work it out.

This literally does not cost any money because the money was in the bill last year, but the Department has refused to go ahead and spend the money. Therefore, I had to come back and add it to this bill, put it in this language, in the law in order to try to get them to move.

So let me say I appreciate the gentleman's comments because I think he understands how this works, but I stand in opposition to the gentleman's amendment and ask my colleagues to oppose it also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL DEVELOPMENT GRANTS

For a grant pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), for the development of Choctaw Regional Rural Industrial Park, $3,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Soil Conservation Service, Watershed and flood prevention operations" for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented, $300,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

(a) SCHOOL LUNCH PROGRAMS.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended to read as follows:

"(5) 'School' means (A) any public or nonprofit private school of high school grade or under, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this paragraph, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.".

(b) SCHOOL BREAKFAST PROGRAMS.—Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended to read as follows:

"(c) 'School' means (A) any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this paragraph, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.".

EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1987.

SPECIAL MILK PROGRAM

For an additional amount for "Food and Nutrition Service, Special milk program", $3,426,000.

FOREIGN AGRICULTURAL SERVICE

For an additional amount for "Foreign Agricultural Service" to offset increases in overseas costs, $1,000,000.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(TRANSFER OF FUNDS)

Funds available to the Department of Agriculture during fiscal year 1987 shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of

5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues. Such funds may be transferred for such purpose from one appropriation to another or to a single account: *Provided,* That not to exceed a total of $500,000 may be expended for such purpose and such amount shall remain available until expended.

FOOD AND DRUG ADMINISTRATION

For an additional amount for "Food and Drug Administration, Salaries and expenses", $1,500,000 for evaluation and analysis of the drugs, vaccines, and tests for treatment of Acquired Immune Deficiency Syndrome.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for "Operations", $55,200,000.

AMENDMENT OFFERED BY MR. DYSON

Mr. DYSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYSON: Page 59, line 21, strike "55,200,000" and insert in lieu thereof "46,600,000".

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Mr. DYSON. I thank the chairman.

Mr. Chairman, what my amendment would do is remove $8.6 million from the supplemental appropriations bill, which was earmarked for closing 55 FAA flight service stations during the last quarter of this current fiscal year. The FAA has embarked on a consolidation program which would eventually close 345 stations and combine them into 61 automated stations. I have had serious reservations about this and over the last 2 years have talked to the chairman of the subcommittee on Aviation of the Committee on Public Works and Transportation, in addition to the chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. Chairman, it is my intention after we have had a colloquy with the chairmen to ask unanimous consent to withdraw this amendment. I do have a number of colleagues here on both sides of the aisle who wish to speak to this issue. I have serious reservations about this program of the FAA. I have reservations about it because I think what they are doing or what they will be doing will be placing in jeopardy those general aviation pilots who use airports in mostly rural communities and need the services of the individuals at the flight service stations.

I think to close some of these prematurely, I would even say haphazardly, without having the fully automated systems in place is a great mistake. I think I, like a majority of the Members of Congress, have great reservations about the ability of the FAA to protect us in the skies.

Mr. Chairman, I believe we have an opportunity here to provide a better service to pilots. We can ill afford to be reducing services to pilots at a time when airway safety is creating more and more anxiety.

A flight service station provides a tremendous service to general aviation aircraft pilots who usually fly their own planes. Flight service stations are primarily located at rural airports and airstrips throughout America. The flight service station in my district—Salisbury—serves pilots who fly through the Eastern Shore and southern portions of Maryland. Farmers, small business people, military pilots, and the Maryland State Police Medevac unit are just some of the groups who depend on the information provided by this flight service station. This air corridor is one of the busiest in the country and it is important that the FAA provide pilots in this region with the most current and accurate information.

I have known of cases when the flight service specialists have radioed to a pilot to inform him that he was getting ready to land without having first lowered his landing wheels. There are numerous instances where personnel at flight service stations have assisted lost pilots and steered them out of restricted military areas and back to safety. One of the concerns I have with the FAA's present consolidation program is that this type of service would be lost temporarily, or, perhaps permanently, if some action is not taken by this Congress.

I do not oppose the concept of flight service station consolidation to an automated system. I do oppose the method in which the FAA has been closing these stations however. Recent hearings in Congress have pointed out the serious lags in service to pilots caused by the consolidation process. Twice before, Congress has taken action to slow the automation process because the FAA was not providing equal or better service. It is apparent that some communities will never have the service they have come to trust. I realize that there are always going to be bugs which need to be worked out of a new system, however, the FAA has compounded these problems by closing stations too hastily.

The rural communities are the ones who are most affected by lags in service. These are the pilots who most depend on the flight service station. When services to these pilots are reduced, we are compromising air safety. I do not believe we should be reducing an important element of safety by limiting information to pilots. Make no mistake, the hastly closing of these stations will have an impact on businesses, farmers, and medical services to rural communities.

We have an opportunity to once again prevent the FAA from proceeding with the consolidation effort without sufficient attention to the needs of those communities which most depend on the services provided by the FAA personnel. Repeatedly, the FAA has been asked if there was any method in the selecting which sites will close last. Until this morning, the FAA said no. Now, FAA Administrator Donald Engen testified that he would give consideration to flight service stations where unusual weather was a factor. Well, this new commitment is helpful, but, it does not go far enough. Of the 55 flight service stations scheduled to close this year, there are many where rapid weather changes affect air safety. This will not help them if they are closed. The FAA will not reopen them.

This amendment is still needed to prevent unnecessary closings and disruption in service. Admiral Engen's commitment to keep open certain stations until 1991 is too late. The FAA needs to pause briefly to establish a logical order of "last to close" stations and pay more importance to the impact on safety and economic development in rural areas.

Ladies and gentlemen, better service is not just around the corner. This amendment will not gut this program. This amendment will send a clear message to the FAA to take action and slow efforts to automate this program. This action is not being taken to derail this effort. Quite the contrary. I want to see the best possible service provided to the thousands of pilots who fly everyday. The well-informed pilot is a safer pilot.

If automation is the best service, then I support it, but, at this time, it is proving to be disruptive to air safety at a time when we can least afford it. I would agree that we cannot easily walk away from a program which Congress gave its blessings to and supports. I realize that significant investments have been made toward automation, however, we must be assured it is implemented properly. When the FAA recognizes the importance of this service to rural communities and proceeds without disrupting it, then I will support a consolidation effort.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I thank the gentleman for yielding.

Mr. Chairman, I have to rise in opposition to the amendment even though it is being withdrawn. But I do want to reassure my friend from Maryland that I understand his predicament. None of us like to see Federal facilities moved from our districts. We had a hearing with the Federal Aviation Administration today. The Federal Aviation Administrator, Admiral Engen, testified that he was going to look at certain of these flight service stations with regard to using them as an adjunct or a satellite facility. He said some of the criteria would be the problem of geography, the problem of special weather conditions and the way these facilities were located.

But I want to reassure my friend from Maryland that when the Federal Aviation Administrator comes before our subcommittee again on Monday that we are going to again request him to take a look at the remaining service stations and especially the ones that the gentleman is mentioning in Maryland to see if it is possible that they could use this as one of their satellite units. I hope that though I cannot make a commitment for FAA because it is FAA's decision, you may be reassured that the Administrator will know that I am concerned about the gentleman's particular situation.

Mr. DYSON. Mr. Chairman, I believe that our unique weather situation and our geographic situation on the Eastern Shore of Maryland at Salisbury, a town between an ocean, a river and the Chesapeake Bay, would fit into that very scenario that the gentleman presents to us.

I am pleased to hear the gentleman is going back to Admiral Engen and talk to him about our situation and the numerous others around this country.

There are 55, as you know, that are slated for closure in the final quarter of this fiscal year.

Mr. LEHMAN of Florida. Not only will they have another look at the one that the gentleman is speaking of in Maryland, but we will certainly reconsider those others. We will ask Admiral Engen, the Administrator, to reconsider those others which have been called to our attention.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. DYSON] has expired.

(On request of Mr. MINETA and by unanimous consent, Mr. DYSON was allowed to proceed for 5 additional minutes.)

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, I would like to join our fine colleague from Florida in terms of the assurances to the gentleman from Maryland about looking at this situation.

Mr. Chairman, as the person who chairs the Subcommittee on Aviation, we have been very concerned about the whole issue of the proper equipment and facilities being there to service the pilot community. And I think to the extent that we have that proper equipment there and the ability to handle the traffic as well as the adverse weather conditions in these areas is an important consideration. Recently I asked the General Accounting Office to look at whether or not the pilot community was getting the services that they needed from this new equipment. It is my hope that we will be getting that final report from the General Accounting Office some time this spring. And I think that their findings will indicate that the new equipment is performing adequately and that the equipment is doing the job that is expected of them.

I think what the gentleman brings out and some of the other instances of places where weather changes rapidly, the question about whether or not the equipment is able to respond to the pilot needs in those communities is something that has to be evaluated and I believe that that is what the gentleman from Florida would like to go back to the Federal Aviation Administration to make sure that this equipment is in fact equal to or better than the service that is being provided right now because that is the commitment under the previous continuing resolution, or the continuing resolution which we are under at the present time.

In terms of long-term savings, I feel that this consolidation has to go forward. We have already spent I believe some $325 million, $350 million in terms of the money that has gone into the research and development of this new equipment and it is my hope that model 1, and the follow-on system, model 2, will be able to provide the information and assure the pilot community that the information is timely and is equal to or better than what is being provided right now.

So again I will join with my colleague from Florida in making sure that the FAA is responsive to the issues and concerns that are being raised by our colleagues.

I thank my colleague from Maryland.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. DYSON. Mr. Chairman, I yield to my colleague from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Dyson amendment striking the $8.6 million in the supplemental needed by the FAA to proceed with the flight service station closures.

I was somewhat concerned with the gentleman from Florida putting the issue in the context of closing facilities that Members in their individual districts may not want closed. I assure the gentleman that I have never addressed this issue in a pork barrel context, only in the interest of air safety. So I am relieved by the assurances given to us by the gentleman from California [Mr. MINETA] that air safety is indeed the priority on which we will keep our attention focused.

I commend the gentleman from California because he has always been very diligent in addressing the concerns of those of us who represent these districts that do, indeed, have unique weather problems; he has always been very kind in listening to our concerns. With the assurances that the gentleman has given us that he will keep the heat on the FAA to address our air safety concerns, I feel somewhat relieved in my concern about the gentleman withdrawing his amendment; but, I am wondering if the heat will stay on quite as much without the pressure the gentleman's amendment. I hope it will.

Mr. Chairman, this Nation has over 260,000 pilots who fly general aviation aircraft for business and personal use. These individual pilots rely heavily on the services provided by the FAA flight service stations. To allow some of these stations to be closed without a thorough evaluation of the safety implications is shortsighted and potentially life-threatening.

We are all concerned that air travel in this country is not as safe as it should be. We are publicly committed to addressing those safety concerns. Denying general aviation pilots the services of the flight service station at this time is not consistent with our commitment to provide the air traveler with the safest system possible.

The CHAIRMAN. The gentleman from Maryland has 1 minute remaining.

(On request of Mr. EMERSON and by unanimous consent, Mr. DYSON was allowed to proceed for an additional 5 minutes.)

Mr. DYSON. Mr. Chairman, if the gentleman from Kansas [Mr. ROBERTS] will withhold, I did promise the gentleman from Ohio first.

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. TRAFICANT. I thank the gentleman for yielding.

I would just like to take a minute and I guess everybody is concerned about the closing in their respective areas. My case is a little different. The city of Youngstown had taken the FAA to court. There is a specific court case which stated that that airport, for strategic reasons, due to inclement weather which develops hurriedly, where last year we had one of the worst tornadoes in American history. It struck down and stayed on the ground for 26 miles in two States. That court case said that it has to be specifically mentioned that that Youngstown airport would be closed with congressional action.

Now the FAA has interpreted this to be any omnibus language that is in the bill. I think it is time that this business stops down here.

Now I am bringing in an amendment later and I am going to take it if I have to for a vote. But if Congress is going to disregard the rulings of that court, I think it is a sad day in this House. It will be a sad day in northeastern Ohio. I know everybody wants to get home, but I am sorry, I think we are going to have to bring it up for a rollcall. I thank you for the time, but I want to apprise the respective committee people there is nothing personal, I respect everybody very much, but I am very concerned that we are going to have dangerous situations in American skies by this action.

I yield back the balance of my time.

□ 2040

Mr. DYSON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I, too, have a rather parochial interest. A flight station involved in my district just happens to be my home town of Dodge City, but we have lost five of these flight stations so far in our rural areas and the superstation that is supposed to pick up the slack with the high-technology capability that is so well publicized by the FAA has not come on board.

In conversation with the various members of the subcommittee, I thought we were going to have assurance that at least they would ask the FAA to take a hard look at this with the proposition that if we do have holes in the coverage, we could reinstitute a regional center, if you will, to at least come on line and continue this service until the regional facility does come on board.

Am I wrong in this understanding or does the gentleman want to comment on that?

Mr. DYSON. Mr. Chairman, that was my understanding. I do not know whether the chairman would want to enhance that any. I know the statement has been made by the gentleman from Missouri about the porkbarrel aspect of this. In my statement, I emphasize that safety is our No. 1 concern. That is regardless of whether the airport is in Missouri, Kansas, Nevada or Maryland. That is the No. 1 concern, and yes, my understanding is that that would be one of the area in which the committee would focus.

Mr. ROBERTS. Mr. Chairman, I have a 58-county district. It is larger than most States. Forty percent of our accidents in regard to aviation come as a result of adverse weather that changes very abruptly. It seems to me that as we close these manual stations to go to the high-technology regional center, that might be fine, but it is not working that way. It has not worked that way.

We did this once back in 1983 to take a look at it. I am all for the regional setup if it will provide the service, but I do not think it will. In lieu of that, we need some kind of guarantee that we have some kind of safety guarantee.

Mr. Chairman, I rise in strong support of this amendment and with deep concern for the safety of thousands of private and commercial pilots and their passengers dependent on local flight service stations.

In 1981 the Federal Aviation Administration drew up a plan to update the flight service station system that pilots use to receive vital weather and navigation information and file flight plans. It was a two-part plan to close down the more than 270 existing flight service stations while at the same time replacing those offices with 61 new, high-technology, fully automated "super-stations."

Six years ago this plan was sold to Congress with guaranties from the FAA that the new automated stations would: First, provide better and faster service to pilots; second, provide a more efficient system by reducing work-load and manpower; and third, provide a substantial cost-savings to taxpayers by closing existing manually operated stations.

Mr. Chairman, the FAA has failed in each of these guaranties. While moving ahead with the first part of their plan to close down existing stations, they have failed to meet the Federal law that mandates them to provide equal or better service in place of the stations that are abandoned. To date more than 45 flight service stations have been closed or consolidated, but they have not been replaced with the promised new automation system.

The FAA is more than 5 years behind schedule in developing the automated weather, navigation and communications technology needed to equip the proposed superstations. Automation system develop has lagged so far behind that in 1983 the Transportation Appropriations Subcommittee rightfully denied further funding for the automation program and in 1984 work on the system stopped altogether.

Safety is my primary concern, Mr. Chairman, as is it should be with the FAA. The private and commercial pilots across the Nation depend on accurate, up-to-date weather information that existing on-duty flight service stations now prepare.

Changing weather conditions are responsible for 30 to 40 percent of all aviation accidents. When pilots and their passengers fly over my 58-county Big First District of Kansas, where weather conditions and high winds change abruptly, they depend on accurate up-to-date weather information that the Dodge City, Garden City, Goodland, Hill City, Russell, and Salina flight service stations now provide. If this amendment is not successful, $8.6 million will be made available to the FAA to close three flight service stations in Kansas and more than 50 more nationwide in 1987.

The proposed automated flight service station system to date has been a comedy of errors, littered with broken promises, delayed schedules, poor management and inadequate performance.

I urge my colleagues to support this amendment to deny further funding of flight service station closings. The safety of private and commercial pilots, their passengers and the general public should not be jeopardized.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I did not realize that the amendment was going to be withdrawn, but I would like to encourage the gentleman from Maryland [Mr. DYSON], as well as the gentleman from California to really guarantee to us that this will happen and that we will look at this safety issue.

When I look at my State, one little town, which is probably 6,000 feet high, surrounded by 10,000-feet mountains, and there is usually snow—you cannot even find the town—these little flight service stations are very, very important to our State and an automated weather station in Reno, 300 miles away, there is no way that they can deal with this problem.

I hope that there will be serious consideration by the FAA on these adjunct satellite flight service stations, if that is going to happen.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my 5 minutes, but let me just associate myself with the remarks of the distinguished chairman from Florida and the distinguished chairman from California and point out that the admiral did assure us today, speaking before our subcommittee, that the quality of service and the safety of the system would remain intact.

I think it is important to point out that the funds that we are talking about are not really to close flight service stations; they are to open the facilities, the successor facilities, to the current flight service stations and provide the automated service that will be the substitute for those flight service stations.

To eliminate these funds would produce exactly the wrong effect in terms of not providing for the substitution for the services of these flight service stations and would have a detrimental effect on the safety of the system.

Mr. DYSON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other laws authorizing such obligations, and obligations for noise compatibility planning and programs, $160,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the first proviso under the heading "Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)", as contained in the Department of Transportation and Related

Agencies Appropriations Act, 1987, 99th Congress, H.R. 5205, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference thereon, 99th Congress, House Report 99-976, as filed in the House of Representatives on October 7, 1986, as if enacted into law, pursuant to section 101(l) of Public Law 99-500 and Public Law 99-591, approved October 30, 1986, is amended as follows:

"*Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,000,000,000 in fiscal year 1987 for grants-in-aid for airport planning and development and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended: *Provided further*, That an additional $25,000,000 of such commitments may be made in fiscal year 1987 using unobligated amounts in the supplementary discretionary fund provided by sections 505(a) and 507(a)(3)(B) of such Act, without affecting the amount authorized to be appropriated from the Airport and Airway Trust Fund under section 506(c), the amount of apportionments required to be made under section 507, or the satisfaction of general limitations under section 508(d) of such Act.".

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury, $2,602,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $35,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

(TRANSFER OF FUNDS)

For an additional amount for "Baltimore-Washington Parkway", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

AMENDMENTS OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer amendments.

Mr. Chairman, there are four amendments, and I ask unanimous consent that they be considered en bloc and not withstanding the fact that they relate to paragraphs of the bill not yet read by the Clerk.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. KYL: On page 61, line 21, strike all language through page 62, line 26.

Mr. KYL. Mr. Chairman, this amendment cuts a total of $11 million from the funding of these four special-interest highway projects. The administration does not believe any supplemental appropriation for these specific projects is necessary.

There is no reason why these projects cannot be funded from the State's formula allocation. As a matter of fact, by not spending these funds, there would probably be more money available for highway construction in my State and in other States because, like the vast majority of my colleagues here, we do not have any special projects for funding in this bill.

These are demonstration projects, but I would ask just what it is that they demonstrate. I understand that these specific projects are actually to be used to construct or reconstruct roads, bridges, or crossings. I have a couple of bridges in Arizona that need special attention, Mr. Chairman, and we could use some additional help. But we have been playing by the rules.

I am sure these particular projects can use the money; we all can. But that is the point. Why are some more equal than others?

Arizona highways are no different from highways elsewhere, so we are not talking about truly distinct projects here.

The point is that we should not be funding these special projects through this process.

There is another reason. The 100-percent Federal funding for these projects is not subject to the spending control of the annual obligation limitation.

Moreover, I am advised that none of these projects have been authorized by the appropriate committee.

Here is a chance to say no to specific spending that will cause us to violate the Congressional Budget Act and the Gramm-Rudman deficit reduction level.

When constituents ask you where specifically would you cut, you can say, "I will give you some examples."

These are good examples. Mr. Chairman, presumably these are all worthy projects, but projects that ought to have a lower priority in this day of $160 billion deficits.

Let us exercise our own line-item veto. Some will argue that this is just a transfer of funds, which is true, but they are part of the motor carrier safety grant authorization. If those funds are no longer needed there, then the money should be reallocated to the general formula fund for allocation to all of the States, not just for a few special-interest projects.

I say to my colleagues that if you voted for the highway bill and you got a little criticism for engaging in pork-barrel politics, vote yes on this amendment. It is a relatively small savings, but it makes a statement that you do not favor special-interest highway projects.

I certainly do not enjoy raising these amendments, but these projects can do just fine, I suspect, in competing for State formula dollars. Let us save some money today.

Mr. Chairman, I urge support of the amendment.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona [Mr. KYL]. I am not arguing the merits of the specific projects in question because perhaps they are, in fact, necessary.

What I object to is the process. As a matter of fact, I personally use the Baltimore-Washington Freeway on a regular basis as I commute to and from my home district in Pennsylvania.

□ 2050

That highway happens to parallel I-95, a very adequate Federal highway in the Federal system. What I object to is the process that is being abused here. When I was brought down here as a freshman, I was under the impression that we had an authorization and appropriation process, and that we would adhere to that process, and what I see happening here is that four items are put in this particular bill that have not gone through the appropriate authorization process, that have not been scrutinized by that committee, and, therefore, they do not deserve to be considered here.

Each of us could go back to our districts and come down here with projects that we think deserve special mention and special consideration. That would be unwise and unfair to the taxpayers and would not demonstrate fiscal responsibility.

Therefore, Mr. Chairman, I urge approval of the amendment.

Mr. KYL. Mr. Chairman, I appreciate the comments of my colleague, the gentleman from Pennsylvania [Mr. WELDON].

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I was pleased to hear my friend, the gentleman from Pennsylvania, uses the Baltimore-Washington Parkway. He, therefore, I am sure, knows the condition of that parkway.

I have a Federal study here that I am going to talk about fairly soon with reference to the condition of that particular roadway.

Is the gentleman aware that there is a particular authorization for this parkway separate and apart from the highway user funds to which he referred in his debate?

Mr. KYL. I am not aware of that fact. In fact, I was informed it is not authorized.

Mr. HOYER. It is authorized. I understand that all the other projects are also authorized.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield.

Mr. KYL. Mr. Chairman, before I yield any further, let me say, just so there will be no confusion here, my comment went to authorization from the Public Works Committee. My understanding is they are not authorized by the Public Works Committee. Obviously I did not have reference to appropriations.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, obviously, the Washington-Baltimore Parkway has been authorized since 1971 or 1972.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KYL] has expired.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

First, I want to reassure my colleague from Pennsylvania, and my colleague from Arizona, that the four projects they wish to strike from this bill are authorized, and have been authorized.

The people who represent the areas where these projects are can probably speak better than I can about these projects. But I want to reassure my colleagues that these projects are worthy projects. They provide additional safety on the highways. They provide better economic opportunity for these areas, and they provide the possibility for jobs in areas that need jobs.

Mr. HOWARD. Will the gentleman yield?

Mr. LEHMAN of Florida. I yield to my colleague from New Jersey [Mr. HOWARD].

Mr. HOWARD. I thank the gentleman for yielding.

The gentleman who offered the amendment did say something about these projects contributing to the deficit. Is it not true that these funds come out of the highway trust fund, and do not contribute 1 cent to the budget deficit of the country?

Mr. LEHMAN of Florida. My friend from New Jersey is correct. These projects are not going to add 1 penny to either budget authority or outlays, because we are using previously appropriated funds from other programs.

Mr. HOWARD. I thank the gentleman.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Can the gentleman tell me under what acts these highways were authorized? Were they authorized under appropriations bills, or were they authorized under the highway bill?

Mr. LEHMAN of Florida. I can tell you one by one. The Baltimore-Washington Parkway is authorized under the Federal Aid to Highways Act of 1970. If you want them one by one, I can give them to you.

Mr. WALKER. That one was authorized by kind of a permanent appropriation that is in place for that road, and it goes back to 1970, as I understand it.

What about the other projects? Were they included as part of the authorization of the highway bill we passed the other day?

Mr. LEHMAN of Florida. The other ones are authorized under Public Law 99-591.

Mr. WALKER. Were those appropriations bills?

Mr. LEHMAN of Florida. No, those are authorized by the continuing resolution, but they do provide authorization.

Mr. WALKER. If the gentleman would yield, but that is exactly what we are complaining about, is the fact that what we have got is an end run around the process.

The gentleman from New Jersey tells us that this money all comes out of the trust funds, so it really does not matter.

We also have people then who are not going through the regular authorization process. They escape the State formula process.

This ends up being pork barrel for the Members of Congress.

Mr. LEHMAN of Florida. I wish to reclaim my time.

Mr. HOWARD. If the gentleman from Florida will yield, the gentleman from New Jersey did not say that it does not matter at all.

I did state that it does not contribute to the deficit, because it is trust fund.

There were five projects in this bill, I believe, and four of the five, the four of the five that the amendment would eliminate have been authorized.

The only one that had not been authorized is the one that they did not include in their amendment to eliminate, the one that is in the district of the gentleman from Massachusetts [Mr. CONTE].

We certainly agree with that project being in the bill, but I think that it is very awkward for people to talk about the fact that projects are not authorized when they all were but one.

There was an agreement on all five of these, and they all come out of the trust fund, and none contribute to the deficit.

Mr. WALKER. Will the gentleman yield?

Mr. LEHMAN of Florida. I would like to yield to some of the Members whose districts these projects are in.

I therefore yield to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I just want to associate myself with the remarks of the chairman. These are important and needed projects.

They have been given the scrutiny of the authorizing committee. I know on each of these occasions where an extraordinary authorization was had in the continuing resolution, it was done with the consultation and the approval of the leadership of the authorizing committee.

I would also like to associate myself with the remarks of the gentleman from New Jersey, the chairman of the Public Works and Transportation Committee, in saying that my friend from Pennsylvania, and my friend from Arizona, have been a bit disingenous here in trying to scope out those projects which are in fact duly authorized, but have alone the one single unauthorized project in this bill, because it happens to be in the district of a person whom we all have high regard for, the gentleman from Massachusetts.

It seems to me that it is a little bit transparent what my friend from Pennsylvania, and my friend from Arizona, are all about here.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

This is a very interesting debate, Mr. Chairman, because on the one hand, what we have is the chairman of the authorizing committee arguing that these bills have been authorized, even though they were not authorized by his committee, that the proper authorization was the one that came through on the continuing resolution, and that is quite all right, despite the fact that just a few days ago, he was telling us about this all-important highway bill where we were finally going to take care of all of this problem with authorizations.

Then a few days later, we come back here with an appropriations bill that further violates the highway bill.

It is absolutely incredible what goes on out here in the name of spending money. Let us refer to the one that Mr. CONTE has in the bill.

It is my understanding that Mr. CONTE was in the hospital during the time that the highway bill was considered, and so, therefore, it was agreed that perhaps, because of the fact that he was not available during that time, during the time that we considered the highway bill, that this particular project ought to be included in this bill, because of the special circumstances surrounding that.

If you want to get on the floor, and you want to argue that those special circumstances no longer apply, fine, go ahead and do that, offer the amendment.

I think the gentleman from Arizona would be very glad to accept an amendment to his amendment to throw out that one, too, but we thought maybe in the interest of the agreement that was made, that we ought not to deal with that particular amendment.

On the other hand, it is just absolutely wrong that every one of these highway projects just happens to be somebody on the Appropriations Committee who is doing something a little bit special for his district.

The problem with the gentleman from New Jersey's contention that this is highway trust fund money is the fact that every time you transfer one of these bits of money to a project, you take it out of the formula money.

Somewhere along the line, it comes out of someone's hide. Sure it does.

You cannot say no. Somewhere along the line, it comes out of money that would otherwise be going to formula moneys, because it is all under Gramm-Rudman.

It is all impacted. There is a ceiling under Gramm-Rudman, and so, therefore, it does not get into formula money.

Every one of these pork barrel projects comes out of someone's hide, and the problem is for many of us who do not happen to have a place to get our little piece of the pork in the Appropriations Committee, it comes out of the hide of the formula money that goes toward building roads in our State.

□ 2100

I think that there are roads in Pennsylvania that are just as deserving as some of the roads that we are now appropriating special money for out here. There are roads in Arizona, there are roads in Georgia, there are roads all over the place; we would like to have everybody play by the same rules.

We are not playing by the same rules out here tonight, and we do not play by the same rules at all. There is always a special, little bit of pork for those folks that can find the ways to get it onto the House floor.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I would like to ask the gentleman a question.

Would the gentleman describe which of these particular projects, which ones were authorized and which ones were not?

Mr. WALKER. What we are hearing on the floor is they claim that all of these were authorized. The fact is, they were not authorized by any authorizing committee, they were authorized under continuing resolutions, so it is the Appropriations Committee members who got them authorized in the first place who are now coming back and finding the funding within what? An appropriations bill for the bills that they authorized previously under an appropriations bill. It is a nice, little in-house system; the problem is that it freezes out everybody else.

Mr. HUNTER. If the gentleman will yield, I understand at least one of the authorizations or one of the appropriations projects was authorized by the appropriate authorizing committee. Is that right?

Mr. WALKER. Evidently back in 1970 there is some kind of a permanent thing that went in place for the Baltimore-Washington Parkway. I happen to drive that parkway too, and I will tell you that there are an awful lot of roads in Pennsylvania that are in far worse shape than the Baltimore-Washington Parkway is, and so $2 million of money that might otherwise find its way to Pennsylvania is going to go to the Baltimore-Washington Parkway which I drive every week, and which I can say may have some problems with it, but certainly is in no worse shape than any road that I know of in my district.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to make it clear once again, concerning the project that was not included in this amendment, the project of the gentleman from Massachusetts. We are in favor of that project; that project is in the bill. Nobody intended that it ought to be out of the bill.

Had we been able to work it in in time, it would have been in H.R. 2, the highway bill that was passed over the President's veto. So I want to make it very, very clear, we were only talking about whether, in response to the other side as to whether projects have been authorized or not authorized.

As to this taking money out of the formula from the others, I would state once again, there is in the highway trust fund at this present time over and above the legislation that we have passed, money that has been paid by the people who buy gasoline all over this country. Every time they buy a gallon of gasoline, 9 cents is paid for highway projects, and there is $9.7 billion in that fund at this time. Money that they have already paid that may not be used because of the smoke and mirrors of the Budget Act that we have in this Congress.

We are not taking money from other formulas in this provision and we are only using money that has been paid in the trust fund by law may not be used for any other purpose.

So I believe that the wise thing to do would be to defeat this amendment and get on with this legislation.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just say to my very distinguished chairman who I enjoy very much working with, that I joined you, I believe it was a little over a year ago, in an effort here on the House floor to once again correctly take the trust fund out of the budget process. That we had what is technically the right position. As you know, I belong strongly to the group on the aviation trust fund and on the highway trust fund that thinks that we need to build infrastructure, we need to have a capital budget, we need to take it off budget.

Sadly, I remind my distinguished chairman, that tonight we are on the House floor under rules we do not like. That sadly that is still part of a unified budget because some of our colleagues voted wrong and last year defeated your gallant effort.

So under the rules of the game as defined in the House today, sadly, this extra money counts against the Gramm-Rudman limit. the question before all of our colleagues is simple: At a time when we have to pick and choose carefully, at a time when we have to have very limited use of limited resources, do we want to crowd the Gramm-Rudman limit by allowing the Appropriation Committee to pick and choose for those projects the Appropriations Committee likes, to decide which highways it wants to authorize in a continuing resolution, which is technically not an authorizing vehicle; to come back then and appropriate for something it authorized and should that relatively small subgroup of the Congress end up making decisions which happen, to a peculiar degree, to fit the more limited experience of the members of the committee. As opposed to whether it is our committee or other committees having the full authorizing committee look at all of the options in the country about how to spend limited resources.

So, only in this narrow sense, would I say to my chairman, that as the rules were set by our colleagues who defeated us last year, there is tragically a ceiling in what we can spend out of the trust fund under the unified budget and it does apply to Gramm-Rudman.

Mr. HOWARD. If the gentleman will yield, I think the gentleman made a great statement. If we are going to be cutting down on some projects to meet the Gramm-Rudman levels, many people would think that those who speak out most forcefully for it ought to be the ones who would be willing to take the projects from their district and make the cuts there.

Mr. GINGRICH. I think it is very clear, I would say to the chairman, that those of us who are willing to stand up and examine openly how power exists in the House obviously run the risk that that power would make it a little harder to get the next bridge or a little more difficult to get the next item.

I rely on the statesmanlike attitude of all of our committee members and know that they would never hold a grudge because of a clear policy difference brought out clearly in the open.

Mr. HOWARD. If the gentleman will yield, I just wanted to assure the gentleman that the gentleman from New Jersey has no amendments in hand.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the full 5 minutes. I think, however, this amendment was offered obviously somewhat symbolically. The projects are not of a major consequence, and in point of fact, as has been made very clear here, there were some $23 million worth of projects included in this particular section and some $11 million is to be cut by this particular amendment.

I think, very frankly, there was some misinformation. First of all, the distinguished sponsor of the amendment indicated the projects were not authorized. Obviously, all of them are, and indeed, the project in my particular district, but which as the gentleman from Pennsylvania so aptly pointed out, is used by probably most of the Members of Congress from time to time; the Baltimore-Washington Parkway, is in very bad shape.

I hold in my hand an engineering study indicating why this project is critically needed, notwithstanding the fact that this is only a small portion of that project.

It was authorized in 1970, as the gentleman has now found out, some 17 years ago. There is a special authorization for this particular parkway which is not a State parkway, but belongs to the Park Service, and indeed, I have a letter from the Department of the Interior, and I would think that the gentleman would want to know this information as he considers his amendment.

In any event, whether he wants to know it or not, I am going to give him the information. These are two bridges and all of us have seen pictures recently of bridges collapsing and people dying. They are not going to be interested next year if these bridges collapse over the Patuxent and Little Patuxent Rivers. They are not going to be interested in whether or not some esoteric, Gramm-Rudman ceiling did not prevent the collapse of these bridges.

This is from the Department of the Interior; this is not from the State of Maryland; this is not from STENY HOYER's office. This is from the Department of the Interior, headed by, of course, a distinguished appointee of the administration, assigned by the Regional Director of the National Capital Region who owns this road; not the State of Maryland.

□ 2110

This is a Federal road. The decks are seriously deteriorating, and are estimated to have a 3- to 7-year life span. This was a judgment made 2 years ago, as identified in the supplemental bridge safety inspection reports compiled by the Federal Highway Administration, $2 million could be obligated right now in fiscal 1988 based on fiscal 1987-88 design. In other words, they could get to these bridges.

I am not going to read all this report, but the problem they say is these bridges are badly deteriorating and may collapse.

I understand the gentleman's objection that there may be other areas in the country that are that way. Having said that, there may have been even a $19.4 million project in Georgia that I know that gentleman was very concerned about that was located in a demonstration project in the highway bill, not in the general allocation, a special interest pleading for the State of Georgia. I know that the gentleman supported that bill. I also know that the gentleman supported the President's veto. That was his judgment. But he supported that special demonstration project.

I would urge my colleagues to reject this amendment, symbolic in nature, but perhaps very consequential in terms of the safety of the American public.

Yes, there are other needs. We cannot fund indeed all the needs that there are out there. But because we cannot fund all the needs that are there, that does not mean that we ought not to respond as we identify particular safety questions to those identified safety aspects.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, my first question is, Does the money in this bill in effect for the purposes of citizens of Maryland increase the amount of money Maryland gets over and above the highway bill authorization?

Is this additional money, or is this taken out of Maryland's apportionment?

Mr. HOYER. No, it is not taken out. This is a Federal road. This is a park road, not a Federal highway in that sense. It comes out of the Park Service allocation. To that extent there is a competition nationally, as the gentleman knows, and to the extent, however, that we have a particular authorization for this highway, it does not either diminish Maryland's funds or national funds.

Mr. GINGRICH. If I might ask one other question along the same line, just part of educating the Congress, I guess.

If the problems are as severe as the gentleman suggests, and I do not in any way dispute that, why is it not part of the normal request of the Federal Highway Program or the normal request of the Park Service?

Mr. CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. GINGRICH and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. The response to that question is that we are going to be seeking—this is a $65 million rehabilitation program. It so happens that this particular project is perceived as a safety-sensitive aspect of that project. The rest is rehabilitation—not the rest, there are some other safety-sensitive aspects of the project—but most of it is obviously rehabilitative and rebuilding, bringing up to standard.

But the answer to the gentleman's question is, this is a particular safety aspect, and what the Park Service has said, "If you can get the money, we can move ahead on this now in a badly deteriorating situation which ought to be moved on quickly." We have that opportunity. It is in the bill. We would hope that the House would reject this amendment to delete this very needed project.

Mr. GINGRICH. Let me ask one other question if I might of my colleague. Normally and in normal circumstances would this bill—would the authorization for this particular expenditure have come up through the Interior as part of the Park Service, or have come up through Public Works as part of the highway, as a technical question?

Mr. HOYER. Well, the technical response is I think somewhat complicated. I am not sure that I understand it, because I have had it explained to me a number of ways. The gentleman from Georgia knows, because he sits on the committee, this project was authorized in 1970. There is nothing further for Public Works to do; $65 million is in that authorization, some of which has been spent.

The Appropriations Committee simply needs to allocate those sums. Now the chairman may want to correct me if I am wrong on that, but the point is that this has already been authorized. This is not being authorized by the Appropriations Committee.

Mr. GINGRICH. Let me ask, if I might, it would be my inclination, because frankly when we did our research we did not candidly go back 17 years, and I appreciate both the distinguished chairman of the subcommittee and the Member from Maryland educating us—I would be inclined to ask unanimous consent that that particular portion of the amendment which would affect Maryland be dropped from the amendment if we could have unanimous consent to do that.

Mr. HOYER. I appreciate the gentleman's suggestion. I am sure that there are three people who would object to that.

Mr. KYL. Mr. Chairman, I ask unanimous consent to remove that part of the amendment which relates to the Baltimore-Washington Parkway. It is the first portion of the amendment, page 61, line 21, through page 62, line 2.

The CHAIRMAN. The Clerk will report that part of the amendment.

The Clerk read as follows:

Page 61, line 21, through page 62, line 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. CARR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. GINGRICH. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GINGRICH. Mr. Chairman, it is my understanding that you have to be on your feet to object, and that the gentleman who objected was not on his feet.

The CHAIRMAN. The gentleman had objected earlier when he was on his feet.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Arizona.

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the fact that there was an objection to my request to exempt the Baltimore-Washington Parkway. The gentleman from Maryland made the point earlier that perhaps this amendment was presented as a symbolic amendment, and in some respects that is of course true. It is certainly not my intention to try to pick out specific projects from a very large bill and try to have those projects defeated, particularly when, as I said in my remarks, these are undoubtedly good projects.

The point that I am trying to make by this amendment is that it is very difficult for me to return to Arizona and explain to my constituents why it is that the Congress does business this way, and why I do not stand up and make an objection when I have the opportunity to do that. It seems to me, Mr. Chairman, that the purpose of this amendment is in fact symbolic, and it presents all of us with a good opportunity here. That opportunity is to vote to save some money; to vote to stick with Gramm-Rudman; to vote not to violate the Budget Act; to vote in effect to do business as we ought to do business, by having our highways, the priority for those highways determined on a State level with the money to be shared through the allocation formula through the States rather than for specific committees of the Congress to identify specific projects for their members for special treatment in a supplemental appropriation of this kind.

It is a very difficult thing for me to explain to my constituents when they see these special projects and there is no apparent way for us to try to remove these projects and to have them put back into the formula in the usual way.

There would be more money available for projects in my State and other States if this money was not made available through this special procedure, and that is why, Mr. Chairman, I asked for the withdrawal of these $11 million in these four specific projects. Whatever else has been said here this evening, there is one fact that remains: These are four special projects. Nobody else is treated this way, just these four special projects. That is what we are objecting to, the process.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Maryland, there seems to be some confusion, our staff is doing some research, and it was their impression that the original authorization was inadequate, that there was a clause put in a highway bill I believe the Congress before last which did not get passed, and that it was then put in an appropriations bill since then relating directly to the Baltimore highway. Is that correct?

Mr. HOYER. If the gentleman from Louisiana will yield, I am not sure, the provision that was—that they may be referring to was a provision that we passed 2 years ago which deleted the requirement that the highway be transferred to the State. The Federal Government and the State could never agree on that. The Federal Government decided to keep it, and that was included as a deletion 2 years ago.

Mr. GINGRICH. And was that provision in an authorizing bill or in an appropriations bill?

Mr. HOYER. That was in an authorizing bill.

Mr. GINGRICH. I think that our staff was under the impression that in fact the authorizing bill was never passed and it ended up being put into an appropriations bill.

Mr. HOYER. That may have been the case; the gentleman may be correct. But all that deals with, that is not authorizing the project, that was taking out a condition in this 1970 authorization bill. There was a condition preceding, the gentleman is correct on that, but the project was authorized in 1970.

□ 2120

Mr. GINGRICH. Could the gentleman inform us, was the gentleman's precedent then in the 1970 bill that the highway was ultimately to be turned over to the State?

Mr. HOYER. That was the condition precedent in 1970 which the Federal Government abandoned.

Mr. GINGRICH. So we are relying on a 1970 authorization which would have turned the highway over to the State, but which has been amended since and the State will not take it, but had the highway been turned over to the State, based on the authorization that we are relying on, this would then clearly be an addition to Maryland's funds?

Mr. HOYER. If that were the case, of course. And If I had $2 million in my pocket, I would not have to be up here talking about it. What does the "if" have to do with it?

Mr. GINGRICH. Had the gentleman's colleague not objected, I would still have preferred to have taken it out to add a minimum clutter, and I appreciate the gentleman's efforts to educate the House.

Mr. HOYER. I thank the gentleman from Georgia.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arizona [Mr. Kyl].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 254, not voting 46, as follows:

[Roll No. 60]

AYES—133

Archer
Armey
Badham
Baker
Ballenger
Barton
Bates
Bereuter
Bilirakis
Bonker
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Dannemeyer
Daub
Davis (IL)
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hamilton
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs

Johnson (CT)
Johnson (SD)
Kasich
Konnyu
Kyl
Lagomarsino
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Pashayan
Patterson
Petri
Porter
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Roemer
Rowland (CT)
Saiki
Saxton
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Stallings
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Whittaker
Williams
Wortley
Wylie
Young (AK)
Young (FL)
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Yates
Yatron

NOES—254

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bilbray
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Green
Guarini
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Huckaby
Hughes
Jeffords
Jenkins
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pease
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ray
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose

NOT VOTING—46

Annunzio
Aspin
Bartlett
Boulter
Brown (CO)
Collins
Courter
Crane
Daniel
Dorgan (ND)
Dowdy
Dymally
Early
Foglietta
Ford (TN)
Garcia
Gray (PA)
Hall (OH)
Hatcher
Hawkins
Hubbard
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Miller (OH)
Murphy
Oakar
Pepper
Richardson
Rostenkowski
Scheuer
Solomon
Taylor
Torricelli
Towns
Vander Jagt
Wilson

☐ 2130

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Ford of Tennessee against.

Mr. NICHOLS changed his vote from "aye" to "no."

Mr. COLEMAN of Missouri and Mr. ROBERTS changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

(TRANSFER OF FUNDS)

For an additional amount for "Highway Safety and Economic Development Demonstration Projects", $5,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

(TRANSFER OF FUNDS)

For an additional amount for "Highway Safety Improvement Demonstration Project", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

(TRANSFER OF FUNDS)

For an additional amount for "Highway-Railroad Grade Crossing Safety Demonstration Project", $2,000,000, to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended.

VEHICULAR AND PEDESTRIAN SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

(TRANSFER OF FUNDS)

For the purpose of carrying out a demonstration of methods of improving vehicular and pedestrian safety on roads on the Federal-aid urban and Federal-aid secondary systems, involving Route 66 in Northampton and Huntington, Massachusetts, there is hereby authorized to be appropriated $12,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $5,000,000 is hereby appropriated to be derived by transfer from "Motor Carrier Safety Grants" and to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(TRANSFER OF FUNDS)

For an additional amount for "Operations and Research", $1,000,000, to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal-aid highways, and to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

RAIL SERVICE ASSISTANCE

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-42 relating to the Federal Railroad Administration, "Rail Service Assistance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-45 relating to the Federal Railroad Administration, "Northeast Corridor Improvement Program", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For payment to the Secretary of the Treasury for debt reduction, $12,500,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $56,928,495, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the

Treasury under the terms and conditions of such notes.

CONRAIL COMMUTER TRANSITION ASSISTANCE

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-46 relating to the Federal Railroad Administration, "Conrail Commuter Transition Assistance", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING, AND HUMAN RESOURCES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $4,036,000 of the proposed deferral D87-47 relating to the Urban Mass Transportation Administration, "Research, Training, and Human Resources", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the deferral disapproved herein shall be made available for obligation.

INTERSTATE TRANSFER GRANTS-TRANSIT

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves deferral D87-48 relating to the Urban Mass Transportation Administration, "Interstate Transfer Grants-Transit", as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $4,000,000, or so much thereof as may be available in and derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RELATED AGENCIES

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States' portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $6,250,000, or so much thereof as may be available in and derived from the Harbor Maintenance Trust Fund, to remain available until expended, of which not to exceed $250,000 shall be available for expenses of administering the rebates.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $8,013,000, to be derived from the Panama Canal Commission Fund, of which $6,000,000 shall be available to cover the cost of removing a landslide at the Panama Canal, and $2,013,000 shall be available for payment to the Republic of Panama, pursuant to article XIII, paragraph 4(c) of the Panama Canal Treaty of 1977.

GENERAL PROVISION

AMTRAK ADVISORY COMMISSION

None of the funds provided for the Department of Transportation in this or any other Act shall be used to implement any charter establishing an advisory commission on the privatization of Amtrak.

□ 2140

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: On page 67, line 22, strike all language through line 26.

Mr. ARMEY. Mr. Chairman, the provisions of the bill that I seek to strike are those provisions that prohibit Department of Transportation funds from being used to fund an established Commission to implement a study of the privatization of Amtrak.

This is an amendment, concerning which I feel very strongly, and I think it is only fair to advise the body that I will call for a recorded vote on this amendment.

The concept of privatization has a great deal of value to us. For many of us, privatization does not represent something new, but it represents a restoration of the traditional structure of a private enterprise Democratic political economic system.

We are very much concerned about the intrusion of the Federal Government into the affairs of Commerce, and in many cases, the overburdening of Government by the acquisition of functions and activities that legitimately and more efficiently can be carried out in the private sector, thus not only handicapping the productivity of those sectors of the economy and diminishing the overall well-being of the community, but also, in addition to that, overburdening the Government so that, in fact, we are unable to perform our necessary and legitimate tasks.

Amtrak represents a case in point where, for many of us, the Federal Government involved in a business for which it is not equipped and, we believe, it has no legitimate authority.

We believe that we can improve the efficiency of rail transportation, decrease the Federal budget, providing a safety valve to the Gramm-Rudman budget pressure that not only allows us to reduce costs, but allows the consumers of transportation services to get better services at less cost with greater efficiency through the private sector.

The Secretary of Transportation has quite rightly established a commission to examine these propositions, to study the issue. This is a study, a study that will test the proposition with data and analysis. If the analysis supports our contention, we should have a proven validity to save the taxpayers about $700 million a year.

If we are correct, we should also be able to provide passengers with greater transportation opportunities at greater efficiency and with greater equity, and we should provide the Nation's taxpayers a reprieve from the tax burden that they must carry in order to subsidize the transportation needs of a few.

Amtrak, I believe, is an ideal opportunity to prove the concept of privatization, restore a proper balance between the public and the private sector, and to provide the American consumers with greater opportunities, greater efficiency and greater prosperity.

It would seem to me a very serious loss indeed if this body would deprive the American people of the opportunity to gain more knowledge and more understanding by striking the ability of the Department of Transportation to fund this study and to further advance this proposition.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I congratulate the gentleman for his amendment. It seems to me rather odd that a little while ago, we approved in this body spending $10 million to study socialized agriculture, but when it comes to the idea of maybe looking at whether or not we could privatize the railroad system, now we are going to keep that from being even considered or even looked at.

□ 2150

On one hand, leftwing Democrats would have us say that what we can do is study socializing the entire agricultural system, but we cannot look at spinning off private enterprise in the railroad system. It just strikes me as being a totally ludicrous kind of dichotomy in this bill.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for his observation.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think it is rather interesting that after most of the evening when Members have been proposing cuts to our supplemental appropriation bill, now my friend, the gentleman from Texas, wants to add money to our bill. This is a new switch.

The real issue is the makeup of the Commission that he is concerned about. Our subcommittee opposed funding for this Commission at this time, and it is best explained in a few lines from the committee report language. I will read what it says:

The Committee is concerned that the Advisory Commission on the Privatization of Amtrak, proposed by the Secretary on March 6, 1987, reflects an unbalanced bias favoring the elimination of Amtrak rail passenger service. The announced membership of the Commission, together with the objectives set forth in its charter, raise serious questions as to the objectivity and intentions of the Commission. Termination of Amtrak service repeatedly has been rejected by the Congress. While the Committee would value recommendations for reducing Amtrak's dependence on federal support and for increasing its efficiency, it is unclear that the Commission as presently constituted and chartered can provide any proposals toward this end.

Our subcommittee has given compromise language to the Secretary's office that they are studying at the present time. Should that compromise language be accepted by the Secretary's office and by the authorizing committee, our subcommittee would have no more problem with this study group, and we would remove our objection to the funding as proposed by the Secretary.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, if the gentleman would allow me, I would touch quickly on two points.

First, I do not believe it is accurate for the gentleman to characterize my amendment as one that would spend more money. The money the Department has to be used for this purpose is already authorized and appropriated and would be transferred from some other department function.

The other point the gentleman made—and the gentleman and I did discuss this—is that I appreciate he may be concerned with the composition of the study commission and would like to use this leverage to make a change.

I, on the other hand, have found myself in this body many times having to accept study commission memberships that I found inconvenient to my point of view, and on that basis I would still insist or hope that the Members would vote for my amendment. I appreciate the gentleman's point of view also that in conference he hopes to achieve desired results, but I have to say in all candor that I have come to be not too optimistic about what I could rely on in conference even though I know the gentleman would fight hard for the points that have been made.

Mr. LEHMAN of Florida. Mr. Chairman, I understand the gentleman's position.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, let me just say to our colleagues that the process of privatization is a very important experiment on how we run this Government and how we achieve certain things.

This study commission does not achieve anything legally without Congress approving it. What it does is allow the Reagan administration to move forward with the process of studying and reporting on privatization. I would ask my friends in the Democratic Party, why be afraid of it? At least let us look at it. Let us get it out in the open.

If it can deliver rail service, if it can serve the passenger better, if it is better for the country, let us at least give it a chance.

I would hope that no one would vote for ignorance, that no one would vote to cut off the study, that we would instead allow the study to go forward and allow the Commission to report, and then this Congress in its appropriate committees and subcommittees can take up their report.

So I would strongly urge a vote in favor of allowing this Commission to look at the issue of privatizing Amtrak and to recognize that all it is doing is raising the question of whether or not this is a useful process. I think it is legitimate for the Secretary of Transportation to appoint a committee that fits the interests and the values of the administration, knowing that when that Commission comes to the Congress, we will have a chance to work our will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 239, not voting 50, as follows:

[Roll No. 61]

AYES—144

Archer
Armey
Badham
Baker
Ballenger
Barton
Bateman
Bennett
Bentley
Bilirakis
Bliley
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Craig
Dannemeyer
Davis (IL)
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fields
Fish
Frenzel
Gallegly
Gekas
Gibbons
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hyde
Inhofe
Ireland
Johnson (SD)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lungren
Mack
Martin (IL)
McCandless
McCollum
McCurdy
McEwen
McMillan (NC)
Michel
Miller (WA)
Moorhead
Morrison (WA)
Neal
Nielson
Oxley
Packard
Parris
Petri
Pickle
Porter
Price (NC)
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Robinson
Roemer
Rogers
Roukema
Saiki
Schaefer
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—239

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bereuter
Berman
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Coats
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Darden
Daub
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Flippo
Florio
Foley
Ford (MI)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Marlenee
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Pickett
Price (IL)
Rahall
Rangel
Ray
Ridge
Rinaldo
Roberts
Rodino
Roe
Rose
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schneider
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Traficant

Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—50

Annunzio
Aspin
Bartlett
Bosco
Boulter
Brown (CO)
Collins
Courter
Crane
Crockett
Daniel
Dorgan (ND)
Dowdy
Downey
Dymally
Early
Foglietta
Ford (TN)
Garcia
Gray (PA)
Hatcher
Hawkins
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Miller (OH)
Murphy
Myers
Oakar
Pepper
Richardson
Rostenkowski
Scheuer
Solarz
Solomon
Swift
Taylor
Torricelli
Towns
Vander Jagt
Wilson

□ 2210

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Dymally against.

Mr. DUNCAN changed his vote from "aye" to "no."

Ms. SNOWE changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER XII

DEPARTMENT OF THE TREASURY

Office of the Secretary

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,500,000, of which $500,000 is for the Office of Depreciation Analysis, and of which $5,000,000 is to remain available until expended for repairs and improvements to the Treasury Annex.

Financial Management Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,900,000, which shall remain available through September 30, 1988, for headquarters relocation.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $10,000,000.

United States Customs Service

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Of the funds appropriated under this heading in Public Law 99-500 and Public Law 99-591, $2,500,000 shall remain available until September 30, 1988, for the purpose stated in the conference report to accompany H.J. Res. 738 (House Report 99-1005).

DISAPPROVAL OF DELAY IN AVAILABILITY

The Congress disapproves the proposal to delay availability of obligation of $32,099,000 for Operation and Maintenance, Air Interdiction Program, until after October 1, 1987, contained in House Document 100-31, of February 9, 1987. This disapproval shall be effective upon enactment into law of this Act and the funds shall be made available for obligation.

Internal Revenue Service

PROCESSING TAX RETURNS

For an additional amount for "Processing tax returns", $55,200,000.

EXAMINATION AND APPEALS

For an additional amount for "Examination and appeals", $8,110,000.

INVESTIGATION, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Investigation, collection, and taxpayer service", $16,690,000.

United States Secret Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,722,000.

United States Postal Service

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", $79,177,000.

INDEPENDENT AGENCIES

General Services Administration

Federal Buildings Fund

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $61,900,000 shall be made available for rental of space: *Provided,* That any revenues, collections and any other sums accruing to this fund during fiscal year 1987 in excess of $2,447,756,000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

National Archives and Records Administration

OPERATING EXPENSES

For an additional amount for "Operating expenses", $475,000.

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1987

For additional amounts for appropriations for the fiscal year 1987, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

House of Representatives

"House leadership offices", $39,000;
"Members' clerk hire", $2,584,000;
"Committee employees", $720,000;
"Special and select committees", $446,000;
"Allowances and expenses", $408,000;
"Salaries, officers and employees", $618,000;

Joint Items

"Joint Economic Committee", $75,000;
"Joint Committee on Printing", $10,000;

Office of Technology Assessment

"Salaries and expenses", $209,000;

Congressional Budget Office

"Salaries and expenses", $80,000;

Architect of the Capitol

Office of the Architect of the Capitol: "Salaries", $50,000;
"Capitol buildings", $70,000;
"Capitol grounds", $40,000;
"House office buildings", $300,000;
"Capitol power plant", $40,000;
Library buildings and grounds: "Structural and mechanical care", $50,000;

Botanic Garden

"Salaries and expenses", $25,000;

Library of Congress

"Salaries and expenses", $605,000;

Copyright Office: "Salaries and expenses", $173,000, of which not more than $17,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1);

Congressional Research Service: "Salaries and expenses", $215,000;

Copyright Royalty Tribunal

"Salaries and expenses", $5,000, of which $4,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807;

Government Printing Office

Office of Superintendent of Documents: "Salaries and expenses", $46,000;

General Accounting Office

"Salaries and expenses", $2,500,000;

THE JUDICIARY

Supreme Court of the United States

"Salaries and expenses"; $504,000;
"Care of the building and grounds", $24,000;

United States Court of Appeals for the Federal Circuit

"Salaries and expenses", $97,000;

United States Court of International Trade

"Salaries and expenses", $69,000;

Courts of Appeals, District Courts, and Other Judicial Services

"Salaries and expenses," $15,032,000;
"Defender services", $593,000;

Administrative Office of the United States Courts

"Salaries and expenses", $504,000;

Federal Judicial Center

"Salaries and expenses", $116,000;

EXECUTIVE OFFICE OF THE PRESIDENT

White House Office

"Salaries and expenses", $172,000;

Executive Residence at the White House

"Operating expenses", $43,000;

Special Assistance to the President

"Salaries and expenses," $10,000;

Council of Economic Advisers

"Salaries and expenses", $16,000;

Council on Environmental Quality

"Council on Environmental Quality and Office of Environmental Quality", $3,000;

Office of Policy Development

"Salaries and expenses", $23,000;

National Security Council

"Salaries and expenses", $28,000;

Office of Administration

"Salaries and expenses", $57,000;

Office of Management and Budget

"Salaries and expenses", $290,000;

Office of Federal Procurement Policy

"Salaries and expenses", $12,000;

Office of Science and Technology Policy

"Office of Science and Technology Policy", $3,000;

Office of the United States Trade Representative

"Salaries and expenses", $77,000;

FUNDS APPROPRIATED TO THE PRESIDENT

Agency for International Development

"Operating expenses, Agency for International Development", $2,175,000;

"Operating expenses of the Agency for International Development, Office of the Inspector General", $103,000;

Peace Corps

"Peace Corps, operating expenses", $324,000;

African Development Foundation

"African Development Foundation", $15,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFER OF FUNDS)

"Office of the Secretary", $31,000;

"Office of the Assistant Secretary for Administration", $7,000;

"Office of the Assistant Secretary for Governmental and Public Affairs", $7,000;

"Office of the Assistant Secretary for Economics", $7,000;

"Office of the Assistant Secretary for Science and Education", $7,000;

"Office of the Assistant Secretary for Marketing and Inspection Service", $7,000;

"Office of the Under Secretary for International Affairs and Commodity Programs", $8,000;

"Office of the Under Secretary for Small Community and Rural Development", $8,000;

"Office of the Assistant Secretary for Natural Resources and Environment", $7,000;

"Office of the Assistant Secretary for Food and Consumer Services", $7,000;

"Departmental Administration", for budget and program analysis $79,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officers, $232,000; making a total of $311,000;

"Building operations and maintenance", $35,000;

"Office of Governmental and Public Affairs", for public affairs $53,000; for congressional relations, $5,000; and for intergovernmental affairs $4,000;

"Office of the Inspector General", $400,000;

"Office of the General Counsel", $300,000;

"Agricultural Research Service", $3,935,000;

"National Agricultural Library", $65,000;

"Economic Research Service", $415,000;

"National Agricultural Statistics Service", $490,000;

"World Agricultural Outlook Board", $15,000;

"Foreign Agricultural Service", $567,000;

"General Sales Manager", an additional $114,000, to be derived by transfer from the Commodity Credit Corporation fund;

Agricultural Stabilization and Conservation Service

"Salaries and expenses", an additional $8,967,000, to be derived by transfer from the Commodity Credit Corporation funds;

Farmers Home Administration

"Salaries and expenses", $3,000,000;

Soil Conservation Service

"Conservation operations", $7,297,000;

"River basin surveys and investigations", $102,000;

"Watershed planning", $74,000;

"Watershed and flood prevention operations", $943,000;

Animal and Plant Health Inspection Service

"Salaries and expenses", $2,000,000;

Federal Grain Inspection Service

"Salaries and expenses", $53,000;

Agricultural Marketing Service

"Limitation on administrative expenses", (increase of $501,000 in limitation);

"Funds for strengthening markets, income and supply (section 32)", (increase of $112,000 in the limitation, "marketing agreements and orders");

"Packers and Stockyards Administration", $78,000;

"Agricultural Cooperative Service", $32,000;

"Office of Transportation", $23,000;

"Food Safety Inspection Service", $7,000,000;

Food and Nutrition Service

"Food program administration", $713,000;

Human Nutrition Information Service

"Salaries and expenses", $34,000;

Forest Service

"Forest research", $1,844,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"State and private forestry", $413,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"National forest system", $17,574,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"Construction", $2,859,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

DEPARTMENT OF COMMERCE

(TRANSFERS OF FUNDS)

General Administration

"Salaries and expenses", $450,000, to be derived by transfer of unobligated balances from "Regional development programs";

Economic Development Administration

"Salaries and expenses", $397,000, to be derived by transfer from "Economic Development Revolving Fund";

Economic and Statistical Analysis

"Salaries and expenses", $332,000, to be derived by transfer of unobligated balances from "Regional development programs";

National Oceanic and Atmospheric Administration

"Operations, Research, and Facilities", $7,505,000, to be derived by transfer from "Coastal Energy Impact Fund";

National Telecommunications and Information Administration

"Salaries and expenses", $243,000, to be derived by transfer from "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities";

DEPARTMENT OF DEFENSE—MILITARY

Operation and Maintenance

"Operation and Maintenance, Army", $2,679,000;

"Operation and Maintenance, Navy", $3,350,000;

"Operation and Maintenance, Marine Corps", $183,000;

"Operation and Maintenance, Air Force", $1,925,000;

"Operation and Maintenance, Defense Agencies", $2,307,000;

"Operation and Maintenance, Army Reserve", $109,000;

"Operation and Maintenance, Navy Reserve", $29,000;

"Operation and Maintenance, Marine Corps Reserve", $3,000;

"Operation and Maintenance, Air Force Reserve", $281,000;

"Operation and Maintenance, Army National Guard", $285,000;

"Operation and Maintenance, Air National Guard", $618,000;

"Court of Military Appeals, Defense", $1,000;

Research, Development, Test, and Evaluation

"Research, Development, Test, and Evaluation, Army", $336,000;

"Research, Development, Test, and Evaluation, Navy", $33,000;

"Research, Development, Test, and Evaluation, Air Force", $306,000;

"Research, Development, Test, and Evaluation, Defense Agencies", $115,000;

DEPARTMENT OF DEFENSE—CIVIL

(INCLUDING TRANSFER OF FUNDS)

Corps of Engineers—Civil

"General expenses", $1,832,000, to be derived by transfer from "Construction, General";

Soldiers' and Airmen's Home

"Operation and maintenance", $554,000, to be derived by transfer from "Capital outlay";

DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

"Energy Information Administration", $469,000, to be derived by transfer of unobligated balances in "Fossil energy research and development";

"Emergency preparedness", $89,000; to be derived by transfer of unobligated balances in "Fossil energy research and development";

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

"Salaries and expenses", $5,892,000;

Health Resources and Services Administration

"Indian health services", $7,686,000;

National Institutes of Health

"Office of the Director", $150,000;

Saint Elizabeths Hospital

"Federal Subsidy for Saint Elizabeths Hospital", $2,487,000;

Social Security Administration

"Limitation on administrative expenses", $18,000,000, to be derived from amounts available in this account for automatic data processing and telecommunications activities";

Assistant Secretary for Human Development

"Human Development Services", $500,000;

Departmental Management

"General departmental management", $1,500,000;

"Office of Consumer Affairs", $10,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

"Salaries and expenses", $9,714,000, to be derived by transfer from the various funds of the Federal Housing Administration;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $5,622,000;

"Oregon and California grant lands", $815,000;

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $3,046,000;

NATIONAL PARK SERVICE

"Operation of the National park system", $9,960,000;

"National recreation and preservation", $200,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $6,072,000;

BUREAU OF MINES

"Mines and minerals", $900,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $9,765,000;

DEPARTMENTAL OFFICES

"Office of the Secretary", $350,000: *Provided*, That the limitation on expenses for the immediate Office of the Secretary in fiscal year 1987 under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, shall be increased only to the extent necessary for pay adjustments pursuant to Executive Order 12578 of December 31, 1986;

"Office of the Solicitor", $200,000;

"Office of the Inspector General", $120,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $575,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $84,000;

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $1,646,000;

"Salaries and expenses, Antitrust Division", $315,000, to remain available until September 30, 1988;

"Salaries and expenses, United States Attorneys", $2,818,000;

"Salaries and expenses, Oversight of Bankruptcy Cases", $93,000;

"Salaries and expenses, United States Marshals Service", $2,234,000;

"Salaries and expenses, Community Relations Service", $64,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $9,309,000 of which $5,686,000 shall remain available until September 30, 1988;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $2,593,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $5,588,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses", $3,932,000;

"National Institute of Corrections", $20,000;

"Buildings and facilities", $30,000;

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $27,000 in the limitation on Administrative expenses, and $106,000 on Vocational Training expenses);

OFFICE OF JUSTICE PROGRAMS

"Salaries and expenses", $172,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

"Salaries and expenses", $1,583,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

EMPLOYMENT STANDARDS ADMINISTRATION

"Black Lung Disability Trust Fund", $708,000, of which $296,000 shall be available for transfer to Employment Standards Administration, "Salaries and expenses" and of which $412,000 shall be available for transfer to Departmental Management, "Salaries and expenses";

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $1,476,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

"Office of the Inspector General", $460,000, to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $6,900,000;

DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

OFFICE OF THE SECRETARY

"Salaries and expenses", $750,000, to be derived by transfer from the unobligated balances of "Payments to air carriers";

COAST GUARD

"Operating expenses", $20,100,000, of which $3,945,000 shall be derived from the unobligated balances of "Deepwater Port Liability Fund", $5,000,000 from the unobligated balances of "Research, development, test, and evaluation", and $1,155,000, to be derived by transfer from "United States Railway Association, Administrative expenses";

"Reserve training", $1,200,000 to be derived by transfer from the unobligated balances of the "Deepwater Port Liability Fund";

FEDERAL AVIATION ADMINISTRATION

"Headquarters administration", $500,000, to be derived by transfer from "Operation and maintenance, Metropolitan Washington airports";

"Operations", $44,000,000, of which $8,500,000 shall be derived by transfer from the unobligated balances of "Payments to air carriers";

FEDERAL HIGHWAY ADMINISTRATION

"Limitation on general operating expenses" (increase of $1,200,000 in the limitation on general operating expenses);

"Motor carrier safety", $140,000, to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account, notwithstanding any limitation on obligations on Federal-aid highways;

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Operations and research", $600,000;

FEDERAL RAILROAD ADMINISTRATION

"Office of the administrator", $200,000, to be derived from the unobligated balances of "Conrail labor protection";

"Railroad safety", $400,000, to be derived from the unobligated balances of "Conrail labor protection";

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $30,000 in the limitation on administrative expenses);

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

"Research and special programs", $150,000, to be derived from the unobligated balances of "Payments to air carriers";

OFFICE OF THE INSPECTOR GENERAL

"Salaries and expenses", $400,000, to be derived from the unobligated balances of "Payments to air carriers";

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $1,353,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $118,000;

FINANCIAL MANAGEMENT SERVICE

"Salaries and expenses", $1,430,000;

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $1,359,000;

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $12,577,000;

UNITED STATES MINT

"Salaries and expenses", $571,000;

BUREAU OF THE PUBLIC DEBT

"Salaries and expenses", $721,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", $1,000,000;

"Processing Tax Returns", $7,003,000;

"Examination and Appeals", $13,700,000;

"Investigation, Collection, and Taxpayer Service", $11,400,000;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $2,045,000;

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $9,000,000, of which $2,000,000 shall be derived by transfer from the "Buildings and facilities" appropriation for construction of a laboratory at the Environmental Research Center at the University of Nevada, Las Vegas;

GENERAL SERVICES ADMINISTRATION

FEDERAL SUPPLY SERVICE

"Operating expenses", $1,233,000: *Provided*, That in addition to this appropriation, the annual limitation for expenses of transportation audit contracts and contract administration payable from overcharges collected is increased by $4,000 to $10,504,000;

INFORMATION RESOURCES MANAGEMENT SERVICE

"Operating expenses", $297,000;

FEDERAL PROPERTY RESOURCES SERVICE

"Operating expenses", $177,500;

GENERAL MANAGEMENT AND ADMINISTRATION

"Salaries and expenses", $912,000;

Office of Inspector General

"Office of Inspector General", $198,000;

Allowances and Office Staff for Former Presidents

"Allowances and Office Staff for Former Presidents", $3,000;

Federal Buildings Fund

"Limitations on availability of revenue", in addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $3,071,700 shall be available for such purposes and the limitation on the amount available for real property operations is increased to $755,959,000 and the limitation on the amount available for program direction and centralized services is increased to $57,219,000 and the limitation on the amount available for design and construction services is increased to $63,537,700: *Provided,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1987, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $2,450,827,700 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts;

Consumer Information Center

"Consumer Information Center", $8,000 (and an increase of $8,000 in the limitation on administrative expenses);

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Research and program management", $25,000,000, of which $12,000,000 shall be derived by transfer from "Space flight, control and data communications";

SMALL BUSINESS ADMINISTRATION

Small Business Administration

(TRANSFER OF FUNDS)

"Salaries and expenses," $2,400,000, to be derived by transfer from the "Business Loan and Investment Fund", to remain available until September 30, 1988;

VETERANS ADMINISTRATION

"Medical care", $149,391,000;

"Medical and prosthetic research", $1,859,000;

"Medical administration and miscellaneous operating expenses", $400,000;

"General operating expenses", $5,500,000;

"Construction, minor projects" (increase of $350,000 in the limitation on the expenses of the Office of Facilities);

OTHER INDEPENDENT AGENCIES

Administrative Conference of the United States

"Salaries and expenses", $34,000;

Advisory Commission on Intergovernmental Relations

"Salaries and expenses", $8,000;

Advisory Committee on Federal Pay

"Salaries and expenses", $1,000;

American Battle Monuments Commission

"Salaries and expenses", $140,000;

Arms Control and Disarmament Agency

"Arms control and disarmament activities", $124,000;

Committee for Purchase from the Blind and Other Severely Handicapped

"Salaries and expenses", $4,000;

Consumer Product Safety Commission

"Salaries and expenses", $250,000;

Equal Employment Opportunity Commission

"Salaries and expenses", $2,640,000;

Export-Import Bank

"Limitation on administrative expenses" (increase of $157,000 in the limitation on administrative expenses);

Federal Communications Commission

"Salaries and expenses", $755,000;

Federal Home Loan Bank Board

"Limitation on administrative expenses, Federal Home Loan Bank Board" (increase of $200,000);

Federal Labor Relations Authority

"Salaries and expenses", $136,000;

Federal Maritime Commission

"Salaries and expenses", $200,000;

Federal Mediation and Conciliation Service

"Salaries and expenses", $181,000;

Merit Systems Protection Board

"Salaries and expenses", $170,000;

"Office of the Special Counsel", $42,000;

National Archives and Records Administration

"Salaries and expenses", $592,000;

National Commission on Libraries and Information Science

"Salaries and expenses", $6,000;

National Endowment for the Arts

"Grants and administration", $200,000;

National Endowment for the Humanities

"Grants and administration", $200,000;

National Labor Relations Board

"Salaries and expenses", $628,000;

National Mediation Board

"Salaries and expenses", $60,000;

National Science Foundation

"Research and related activities" (increase of $1,300,000 in the limitation on program development and management);

Office of Personnel Management

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $731,000 together with an additional amount of $435,000 for current fiscal year administration expenses for the retirement and insurance program to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

Securities and Exchange Commission

"Salaries and expenses", $1,837,000;

Smithsonian Institution

"Salaries and expenses", $2,654,000;

National Gallery of Art

"Salaries and expenses", $490,000

Woodrow Wilson International Center for Scholars

"Salaries and expenses", $21,000;

United States Holocaust Memorial Council

"Holocaust memorial council", $19,000;

United States Information Agency

"Salaries and expenses", $2,691,000;

United States Tax Court

"Salaries and expenses", $150,000.

Mr. WHITTEN (during the reading). Mr. Chairman, I know of no further amendments to this title, and I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. CHAIRMAN. Are there any amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS (PUBLIC LAW 99-335)

For additional amounts for appropriations for the fiscal year 1987, for Federal Employees' Retirement System costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

House of Representatives

"Allowances and expenses", $35,880,000;

Joint Items

"Joint Economic Committee", $155,000;

"Joint Committee on Printing", $34,000;

Capitol Guide Service: "Salaries and expenses", $32,000;

Office of Technology Assessment

"Salaries and expenses", $545,000;

Congressional Budget Office

"Salaries and expenses", $452,000;

Architect of the Capitol

Office of the Architect of the Capitol: "Salaries", $166,000;

"Capitol buildings", $187,000;

"Capitol grounds", $68,000;

"House office buildings", $611,000;

"Capitol power plant", $109,000;

Library buildings and grounds: "Structural and mechanical care", $130,000;

Botanic Garden

"Salaries and expenses", $48,000;

Library of Congress

"Salaries and expenses", $1,906,000;

Copyright Office: "Salaries and expenses", $287,000, of which not more than $12,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1);

Congressional Research Service: "Salaries and expenses", $617,000;

Books for the blind and physically handicapped: "Salaries and expenses", $103,000;

Copyright Royalty Tribunal

"Salaries and expenses", $7,000, of which $6,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807;

Government Printing Office

Office of the Superintendent of Documents: "Salaries and expenses", $83,000;

General Accounting Office

"Salaries and expenses", $3,563,000;

THE JUDICIARY

Supreme Court of the United States

"Salaries and expenses", $409,000;

"Care of the building and grounds", $33,000;

United States Court of Appeals for the Federal Circuit

"Salaries and expenses", $23,000;

United States Court of International Trade

"Salaries and expenses", $49,000;

Courts of Appeals, District Courts, and Other Judicial Services

"Salaries and expenses", $9,688,000;

"Defender services", $887,000;

Administrative Office of the United States Courts

"Salaries and expenses", $80,000;

Federal Judicial Center

"Salaries and expenses", $108,000;

EXECUTIVE OFFICE OF THE PRESIDENT

White House Office

"Salaries and expenses", $374,000;

Executive Residence at the White House

"Operating expenses", $53,000;

Special Assistance to the President

"Salaries and expenses", $107,000;

Council of Economic Advisers

"Salaries and expenses", $95,000;

Office of Policy Development

"Salaries and expenses", $89,000;

National Security Council

"Salaries and expenses", $62,000;

Office of Administration

"Salaries and expenses", $214,000;

Office of Management and Budget

"Salaries and expenses", $413,000;

Office of Federal Procurement Policy

"Salaries and expenses", $20,000;

Office of Science and Technology Policy

"Office of Science and Technology Policy", $20,000;

Office of the United States Trade Representative

"Salaries and expenses", $168,000;

FUNDS APPROPRIATED TO THE PRESIDENT

Agency for International Development

"Operating expenses of the Agency for International Development", $5,488,000;

"Operating expenses of the Agency for International Development, Office of the Inspector General", $218,000;

Peace Corps

"Peace Corps, operating expenses", $436,000;

African Development Foundation

"African Development Foundation", $99,000;

DEPARTMENT OF AGRICULTURE

(including transfer of funds)

"Office of the Secretary", $29,000;

"Office of the Assistant Secretary for Administration", $8,000;

"Office of the Assistant Secretary for Governmental and Public Affairs", $6,000;

"Office of the Assistant Secretary for Economics", $6,000;

"Office of the Assistant Secretary for Science and Education", $6,000;

"Office of the Assistant Secretary for Marketing and Inspection Service", $6,000;

"Office of the Under Secretary for International Affairs and Commodity Programs", $8,000;

"Office of the Under Secretary for Small Community and Rural Development", $8,000;

"Office of the Assistant Secretary for Natural Resources and Environment", $6,000;

"Office of the Assistant Secretary for Food and Consumer Services", $6,000;

"Departmental Administration", for budget and program analysis, $73,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officer, $385,000; making a total of $458,000;

"Building operations and maintenance", $165,000;

"Office of Governmental and Public Affairs", for public affairs, $111,000; for congressional relations, $6,000; and for intergovernmental affairs, $9,000;

"Office of the Inspector General", $622,000;

"Office of the General Counsel", $239,000;

"Agricultural Research Service", $4,747,000;

"Extension Service", $6,500,000;

"National Agricultural Library", $97,000;

"Economic Research Service", $580,000;

"National Agricultural Statistics Service", $612,000;

"World Agricultural Outlook Board", $21,000;

"Foreign Agricultural Service", $607,000;

"General Sales Manager", an additional $107,000 to be derived by transfer from the Commodity Credit Corporation fund;

Agricultural Stabilization and Conservation Service

"Salaries and expenses", an additional $9,920,000 to be derived by transfer from the Commodity Credit Corporation fund;

Office of International Cooperation and Development

"Salaries and expenses", $114,000;

Soil Conservation Service

"Conservation operations", $5,331,000;

"River basin surveys and investigations", $130,000;

"Watershed planning", $97,000;

Farmers Home Administration

"Salaries and expenses", $4,678,000;

Federal Grain Inspection Service

"Salaries and expenses", $76,000;

Agricultural Marketing Service

"Marketing Services", $490,000;

"Limitation on administrative expenses", (increase of $213,000 in limitation);

"Funds for strengthening markets, income and supply" (section 32), (increase of $84,000 in the limitation "marketing agreements and orders");

"Packers and Stockyards Administration", $58,000;

"Agricultural Cooperative Service", $46,000;

"Office of Transportation", $34,000;

"Food Safety Inspection Service", $4,573,000;

Food and Nutrition Service

"Food program administration", $1,503,000;

"Human Nutrition Information Service", $75,000;

Forest Service

"Forest research", $1,000,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"State and private forestry", $190,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"National forest system", $9,300,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

"Construction", $1,600,000, to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by Forest Service";

DEPARTMENT OF COMMERCE

(including transfer of funds)

General Administration

"Salaries and expenses", $464,000;

Bureau of the Census

"Salaries and expenses", $1,433,000;

"Periodic censuses and programs", $2,806,000, to remain available until expended;

Economic and Statistical Analysis

"Salaries and expenses", $408,000;

Economic Development Administration

"Salaries and expenses", $400,000, to be derived by transfer from "Economic Development Revolving Fund";

International Trade Administration

"Operations and Administration", $2,237,000, to remain available until expended;

Minority Business Development Agency

"Minority business development", $180,000;

United States Travel and Tourism Administration

"Salaries and expenses", $49,000;

National Oceanic and Atmospheric Administration

"Operations, research, and facilities", $5,972,000, to remain available until expended;

National Bureau of Standards

"Scientific and technical research and services", $1,368,000, to remain available until expended;

National Telecommunications and Information Administration

"Salaries and expenses", $213,000;

DEPARTMENT OF DEFENSE—MILITARY

Operation and Maintenance

"Operation and Maintenance, Army", $119,047,000;

"Operation and Maintenance, Navy", $148,880,000;

"Operation and Maintenance, Marine Corps", $8,117,000;

"Operation and Maintenance, Air Force", $85,564,000;

"Operation and Maintenance, Defense Agencies", $102,453,000;

"Operation and Maintenance, Army Reserve", $4,858,000;

"Operation and Maintenance, Navy Reserve", $1,306,000;

"Operation and Maintenance, Marine Corps Reserve", $135,000;

"Operation and Maintenance, Air Force Reserve", $12,471,000;

"Operation and Maintenance, Army National Guard", $12,666,000;

"Operation and Maintenance, Air National Guard", $27,479,000;

"National Board for the Promotion of Rifle Practice, Army", $7,000;

"Court of Military Appeals, Defense", $36,000;

Research, Development, Test, and Evaluation

"Research, Development, Test, and Evaluation, Army", $14,955,000;

"Research, Development, Test, and Evaluation, Navy", $1,477,000;

"Research, Development, Test, and Evaluation, Air Force", $13,609,000;

"Research, Development, Test, and Evaluation, Defense Agencies", $5,165,000;

Military Construction

"Military Construction, Army", $4,136,000;

"Military Construction, Navy", $1,736,000;

"Military Construction, Army Reserve", $53,000;

Family Housing

"Family Housing, Army", $435,000;

DEPARTMENT OF DEFENSE—CIVIL

(INCLUDING TRANSFER OF FUNDS)

Cemeterial Expenses—Army

"Salaries and expenses", $40,000;

Corps of Engineers—Civil

"General expenses," $1,400,000, to be derived by transfer from "Construction, General";

Soldiers' and Airmen's Home

"Operation and maintenance", $578,000, to be derived by transfer from "Capital outlay";

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(INCLUDING TRANSFER OF FUNDS)

Food and Drug Administration

"Salaries and expenses", $4,108,000;

Health Resources and Services Administration

"Indian health services", $4,000,000;

Centers for Disease Control

"Disease control, research, and training", $1,237,000;

National Institutes of Health

"Office of the Director", $350,000;

Saint Elizabeths Hospital

"Federal Subsidy for Saint Elizabeths Hospital", $1,941,000;

Departmental Management

"Office of the Inspector General", $500,000, to be derived by transfer from "Grants to States for Medicaid" in the Health Care Financing Administration;

"Office of Consumer Affairs", $8,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Management and Administration

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

"Salaries and expenses", $9,755,000, to be derived by transfer from the various funds of the Federal Housing Administration;

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

"Management of lands and resources", $454,000;

"Oregon and California grant lands", $479,000;

United States Fish and Wildlife Service

"Resource management", $2,800,000;

National Park Service

"Operation of the national park system", $4,000,000;

"National recreation and preservation", $100,000;

Geological Survey

"Surveys, investigations, and research", $4,206,000;

Bureau of Mines

"Mines and minerals", $1,350,000;

Bureau of Indian Affairs

"Operation of Indian programs", $4,500,000;

Departmental Offices

"Office of the Secretary", $400,000: *Provided* That the limitation on expenses for the immediate Office of the Secretary in fiscal year 1987 under this head in the Department of the Interior and Related Agencies Appropriations Act, 1987, as included in Public Law 99-500 and Public Law 99-591, shall be increased only to the extent necessary for agency contributions for retirement costs prescribed by the Civil Service Retirement System (5 U.S.C. ch. 83) and the Federal Employees Retirement System Act of 1986 (Public Law 99-335);

"Office of the Solicitor", $200,000;

"Office of Inspector General", $180,000;

DEPARTMENT OF JUSTICE

General Administration

"Salaries and expenses", $778,000;

United States Parole Commission

"Salaries and expenses", $155,000;

Legal Activities

"Salaries and expenses, general legal activities", $2,213,000;

"Salaries and expenses, Antitrust Division", $430,000, to remain available until September 30, 1988;

"Salaries and expenses, United States Attorneys", $3,510,000;

"Salaries and expenses, Oversight of Bankruptcy Cases", $150,000;

"Salaries and expenses, United States Marshals Service", $3,211,000;

"Salaries and expenses, Community Relations Service", $85,000;

Federal Bureau of Investigation

"Salaries and expenses", $23,005,000;

Drug Enforcement Administration

"Salaries and expenses", $7,324,000;

Immigration and Naturalization Service

"Salaries and expenses", $10,186,000;

Federal Prison System

"Salaries and expenses", $17,053,000;

"National Institute of Corrections", $129,000;

"Buildings and Facilities", $208,000;

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $25,000 in the limitation on Administrative expenses, and of $30,000 in Vocational Training expenses);

Office of Justice Programs

"Salaries and expenses", $210,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

Employment and Training Administration

"Program administration", $808,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

Employment Standards Administration

"Black Lung Disability Trust Fund", $494,000, of which $224,000 shall be available for transfer to Employment Standards Administration, "Salaries and expenses" and of which $270,000 shall be available for transfer to Departmental Management, "Salaries and expenses";

Occupational Safety and Health Administration

"Salaries and expenses", $1,533,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

Mine Safety and Health Administration

"Salaries and expenses", $1,941,000 to be derived from the unobligated balances of Employment Standards Administration, "Salaries and expenses";

Departmental Management

"Salaries and expenses", $1,302,000 of which $199,000 shall be derived from unobligated balances of the Employment Standards Administration, "Salaries and expenses", and $1,103,000 shall be derived by transfer from Employment Standards Administration, "Salaries and expenses";

"Office of the Inspector General", $556,000 to be derived by transfer from Employment Standards Administration, "Salaries and expenses";

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses," $16,734,000;

DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

Office of the Secretary

"Salaries and expenses", $450,000, to be derived from the unobligated balances of "Payments to air carriers";

Coast Guard

"Operating expenses", $2,000,000, to be derived from the unobligated balances of the "Offshore Oil Pollution Compensation Fund";

Federal Aviation Administration

"Headquarters administration", $350,000, to be derived by transfer from "Operation and maintenance, Metropolitan Washington airports";

"Operations", $46,000,000, of which $10,000,000 shall be derived by transfer from "Operation and maintenance, Metropolitan Washington airports";

Federal Highway Administration

"Limitation on general operating expenses" (increase of $1,600,000 in the limitation on general operating expenses);

"Motor carrier safety", $660,000, to be derived from unobligated balances of funds made available by section 311 of Public Law 96-131 for replacement of facilities associated with Interstate Route 170 and to be merged with this account notwithstanding any limitation on obligations for Federal-aid highways;

National Highway Traffic Safety Administration

"Operations and research", $400,000;

Federal Railroad Administration

"Office of the Administrator", $100,000;

"Railroad safety", $250,000";

Urban Mass Transportation Administration

"Administrative expenses", $300,000, to be derived from the unobligated balances of "Research, training, and human resources";

Saint Lawrence Seaway Development Corporation

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $30,000 in the limitation on administrative expenses);

Research and Special Programs Administration

"Research and special programs", $100,000, to be derived from the unobligated balances of "Payments to air carriers";

Office of the Inspector General

"Salaries and expenses", $400,000, to be derived from the unobligated balances of "Payments to air carriers";

DEPARTMENT OF THE TREASURY

Office of the Secretary

"Salaries and expenses", $863,000;

Federal Law Enforcement Training Center

"Salaries and expenses", $167,000;

Financial Management Service

"Salaries and expenses", $1,164,000;

Bureau of Alcohol, Tobacco and Firearms

"Salaries and expenses", $3,428,000;

United States Customs Service

"Salaries and expenses", $10,066,000;

United States Mint

"Salaries and expenses", $422,000;

Bureau of the Public Debt

"Salaries and expenses", $1,058,000;

Internal Revenue Service

"Salaries and expenses", $3,110,000;

"Processing Tax Returns", $81,854,000;

"Examination and Appeals", $23,325,000;

"Investigation, Collection, and Taxpayer Service", $11,711,000;

United States Secret Service

"Salaries and expenses", $5,387,000;

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", $5,000,000;

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

"Operating expenses", $1,611,000: *Provided*, That in addition to this appropriation, the annual limitation for expenses of transportation audit contracts and contract administration payable from overcharges collected is increased by $6,000 to $10,510,000;

Information Resources Management Service

"Operating expenses", $328,000;

Federal Property Resources Service

"Operating expenses", $290,000;

General Management and Administration

"Salaries and expenses", $1,214,000;

Office of Inspector General

"Office of Inspector General", $373,000;

Allowances and Office Staff for Former Presidents

"Allowances and Office Staff for Former Presidents", $5,000;

Federal Building Fund

"Limitations on availability of revenue", in addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1987, $5,762,000 shall be available for such purposes and the limitation on the amount available for real property operations is increased to $761,024,000 and the limitation on the amount available for program direction and centralized services is increased to $57,444,000 and the limitation on the amount available for design and construction services is increased to $64,009,700: *Provided*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1987, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $2,456,589,700 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts;

"Consumer Information Center", $6,000 (and an increase of $6,000 in the limitation on administrative expenses);

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(TRANSFER OF FUNDS)

"Research and program management", $10,500,000, of which $7,000,000 shall be derived by transfer from "Research and development" and $3,500,000 shall be derived by transfer from "Space flight, control and data communications";

SMALL BUSINESS ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,400,000, to be derived by transfer from the "Business Loan and Investment Fund";

VETERANS ADMINISTRATION

"Medical care", $131,600,000;

"Medical and prosthetic research", $1,024,000;

"Medical administration and miscellaneous operating expenses", $175,000;

"General operating expenses", $5,000,000;

"Construction, minor projects" (an increase of $275,000 in the limitation on the expenses of the Office of Facilities);

OTHER INDEPENDENT AGENCIES

Administrative Conference of the United States

"Salaries and expenses", $14,000;

Advisory Committee on Federal Pay

"Salaries and expenses", $2,000;

Arms Control and Disarmament Agency

"Arms control and disarmament activities", $176,000;

Commission on Civil Rights

"Salaries and expenses", $19,000;

Consumer Product Safety Commission

"Salaries and expenses", $250,000;

Equal Employment Opportunity Commission

"Salaries and expenses", $1,889,000;

Export-Import Bank

"Limitation on administrative expenses" (increase of $227,000 in the limitation on administrative expenses);

Federal Communications Commission

"Salaries and expenses", $1,199,000;

Federal Election Commission

"Salaries and expenses", $83,000;

Federal Home Loan Bank Board

"Limitation on administrative expenses, Federal Home Loan Bank Board", (increase of $200,000);

Federal Labor Relations Authority

"Salaries and expenses", $220,000;

Federal Maritime Commission

"Salaries and expenses", $147,000;

Federal Mediation and Conciliation Service

"Salaries and expenses", $188,000;

Intelligence Community Staff

"Intelligence Community Staff", $155,000;

Marine Mammal Commission

"Salaries and expenses", $10,000;

Merit Systems Protection Board

"Salaries and expenses", $272,000;

"Office of Special Counsel", $79,000;

National Archives and Records Administration

"Operating expenses", $863,000;

National Commission on Libraries and Information Science

"Salaries and expenses", $17,000;

National Council on the Handicapped

"Salaries and expenses", $10,000;

National Endowment for the Humanities

"Grants and administration", $200,000;

National Labor Relations Board

"Salaries and expenses", $1,659,000;

National Mediation Board

"Salaries and expenses", $44,000;

Office of Personnel Management

"Salaries and expenses"; $1,129,000 together with an additional amount of $682,000 for current fiscal year administration expenses for the retirement and insurance program to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

Railroad Retirement Board

"Limitation on administration" increase of $764,000 in the limitation on administration in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived from the railroad retirement accounts;

"Limitation on railroad unemployment insurance administration fund" increase of $214,000 in the limitation on railroad unemployment insurance administration fund in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act;

"Limitation on review activity" increase of $22,000 in the limitation on review activity in fiscal year 1987, which shall be available only after maximum absorption within the existing limitation and only to the extent necessary for agency contributions prescribed by the Federal Employees Retirement System Act of 1986, to be derived from the railroad retirement accounts and the railroad unemployment insurance account;

Securities and Exchange Commission

"Salaries and expenses", $2,163,000;

Smithsonian Institution

"Salaries and expenses", $1,700,000;

National Gallery of Art

"Salaries and expenses", $330,000;

Woodrow Wilson International Center for Scholars

"Salaries and expenses", $19,000;

United States Holocaust Memorial Council

"Holocaust memorial council", $16,000;

United States Information Agency

"Salaries and expenses", $5,443,000;

"Radio Broadcasting to Cuba", $516,000;

United States Tax Court

"Salaries and expenses", $75,000.

Mr. WHITTEN (during the reading). Mr. Chairman, I know of no further amendments to the title, and I ask unanimous consent that the remainder of title III be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there amendments to title III?

The Clerk will read.

The Clerk read as follows:

TITLE IV

URGENT RELIEF FOR THE HOMELESS SUPPLEMENTAL APPROPRIATIONS ACT OF 1987

CHAPTER I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GRANTS FOR FACILITIES TO ASSIST THE HOMELESS

For grants to private voluntary organizations, units of local government, and States for facilities to assist the homeless as authorized by title III of the Urgent Relief for the Homeless Act as passed the House of Representatives on March 5, 1987, or similar legislation if enacted into law, $75,000,000, to remain available until expended.

EMERGENCY SHELTER GRANTS PROGRAM

For an additional amount for the Emergency Shelter Grants Program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 and Public Law 99-591, $100,000,000, to remain available until expended: *Provided*, That in addition to the allocations required for the Emergency Shelter Grants Program pursuant to the provisions made applicable by section 101(g) of Public Law 99-500 and Public Law 99-591, the Secretary of Housing and Urban Development shall (for amounts appropriated beginning with the enactment of this Act) allocate assistance under the program to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the Emergency Shelter Grants Program pursuant to section 523(2)(B) of the provisions made applicable by section 101(g) of Public Law 99-500 and Public Law 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

TRANSITIONAL HOUSING DEMONSTRATION PROGRAM

For an additional amount for the Transitional Housing Demonstration Program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 and Public Law 99-591, $30,000,000, to remain available until expended.

PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

For grants for the acquisition and rehabilitation of property to serve as permanent housing for handicapped homeless persons as authorized by title IV of the Urgent Relief for the Homeless Act as passed the House of Representatives on March 5, 1987, or similar legislation if enacted into law, $25,000,000, to remain available until expended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER PROGRAM

For an additional amount for the "Emergency food and shelter program", $50,000,000: *Provided*, That, notwithstanding any provision of this or any other Act, the earmarking of funds solely for the provision of emergency rent and utility assistance shall not apply to the funds provided herein.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 123, after line 17, insert the following:

VETERANS' ADMINISTRATION

VETERANS' DOMICILIARY PROGRAM

Of the amounts appropriated in this title and available for obligation without regard to a requirement for release in subsequent appropriations Acts, $20,000,000 shall be made available to the Veterans' Administration (to be derived by a pro rata reduction of such amounts), to be available only for expansion of the capacity of the Veterans' Administration domiciliary program, to remain available through September 30, 1988.

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 2220

Mr. MONTGOMERY. Mr. Chairman, my amendment would earmark $20 million of the funds appropriated by title IV of the bill (H.R. 1827) to take care of homeless veterans in the VA's domiciliary program. It would do this by reducing accounts in title IV of the bill by a proportionate amount. With $20 million, the Veterans' Administration can take unused space on the grounds of several VA medical centers and turn it into 600 to 700 domiciliary beds. According to the VA, these beds would be established in the Bronx, Brooklyn, Manhattan, Pittsburgh, Cleveland, Little Rock, Denver, Palo Alto, CA, and Tacoma, WA.

We also think that some other medical centers, such as those in Chicago and Miami, could convert space for this purpose.

Domiciliary care in VA facilities provides necessary medical and other professional care for eligible ambulatory veterans who are disabled by age, disease, or injury and are in need of care but do not require hospitalization or the skilled services of a nursing home. Veterans who can be cared for in VA domiciliaries are veterans who are down and out and need help. Many have no place to go. The VA Domiciliary Program is ideal for the care and treatment of homeless veterans.

We are told that in some areas of the country, about one-third of the homeless population are veterans. They fall into three categories. There are those who are mentally ill. Some are veterans who may need treatment for drug or alcohol abuse, and there are those who lost their job and have been unemployed for a long period of time. What we can do in the VA Domiciliary Program is give the veteran a place to live while he or she is being treated and rehabilitated so that the veteran can go back into the community and live on his own. All of these veterans are without adequate financial means to get back on their feet without some help.

This program is already authorized and ongoing. We know that the program works because we have over 10,000 veterans in our domiciliaries every day. With this $20 million, the VA can establish 600 to 700 more beds and hopefully take care of several thousand homeless veterans within the next 12 months.

Mr. Chairman, I would especially like to thank Mr. BOLAND of Massachusetts, chairman of the Subcommittee on Independent Agencies and HUD and Mr. GREEN of New York, the ranking minority member for accepting this amendment. These two leaders did not have to accept the amendment but they did to help homeless veterans.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I thank the distinguished chairman of the Veterans' Affairs Committee for yielding. The gentleman states it correctly. This amendment provides $20 million for an expanded domiciliary program for homeless veterans. This amount is derived by transferring funds on a pro rata basis for the various homeless programs provided for in title IV of this bill. There is no objection on this side from the subcommittee that I chair.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the distinguished chairman of the Veterans' Affairs Committee for yielding to me.

As the distinguished gentleman knows, he and I have had numerous discussions about the problem of homeless veterans. In my hometown, it is estimated that roughly 30 percent of all of the single adult homeless are veterans. I have seen similar numbers for other major cities, and obviously there is a problem to be addressed there.

As the gentleman and I have discussed this, we did agree that the domiciliary program looked like a very good vehicle for dealing with this population of veterans who need a little bit of a structured environment to assist them, to provide shelter for them, and I therefore want to commend the gentleman for offering this amendment.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman from New York [Mr. GREEN] and would like to thank also the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Massachusetts [Mr. BOLAND] as well as other members of the Appropriations Committee for giving me this opportunity.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH RESOURCES AND SERVICES ADMINISTRATION
HEALTH RESOURCES AND SERVICES

For an additional amount for "Health resources and services", for carrying out the activities authorized by section 101(a) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $75,000,000 to remain available through September 30, 1988.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse and mental health", for carrying out the activities authorized by section 101(b) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $25,000,000 to remain available through September 30, 1988.

FAMILY SUPPORT ADMINISTRATION
OFFICE OF COMMUNITY SERVICES
COMMUNITY SERVICES BLOCK GRANT

For an additional amount for "Community services block grant", for carrying out the activities authorized by section 101(h) of H.R. 558, the Urgent Relief for the Homeless Act, as passed the House on March 5, 1987, $45,000,000 to remain available through September 30, 1988.

AUTHORIZATION

The provisions of the bill H.R. 558 (100th Congress, 1st Session), the "Urgent Relief for the Homeless Act", as passed the House of Representatives on March 5, 1987, are hereby enacted.

SHORT TITLE

This title may be cited as the "Urgent Relief for the Homeless Supplemental Appropriations Act of 1987".

TITLE V
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during fiscal year 1987, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 503. None of the funds made available by this Act may be used to implement, administer, enforce, or otherwise carry out any provision of Executive Order No. 12564 (dated September 15, 1986).

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: On page 125, line 19, strike out "SEC. 503" and all that follows through line 22 and renumber the remaining sections accordingly.

Mr. BARTON of Texas. Mr. Chairman, some Members of this body may wonder what section 503 is. Let me read it very quickly. It says:

> None of the funds made available by this Act may be used to implement, administer, enforce or otherwise carry out any provision of Executive Order 12564.

Mr. Chairman, Executive Order 12564 is the Executive order that President Reagan signed on September 15 of 1986 that allows for mandatory drug testing in the Federal work force in certain sensitive areas of employment. It is estimated that there are about 1.1 million Federal workers in sensitive areas that could be required to be tested for drugs.

What are some of these areas? Customs agents, FAA air traffic controllers, Amtrak train engineers are just a few examples.

Mr. Chairman, If my colleagues will recall, in the last Congress we passed a very, very much ballyhooed law, a drug bill that we said we were going to try to make America drug free. President Reagan, in order to do this, decided to set an example in the Federal work force.

Mr. HUNTER. Mr. Chairman, will the gentleman yield for a second?

Mr. BARTON of Texas. I am happy to yield the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. I think he has an excellent amendment.

Mr. Chairman, I would just like to ask the gentleman, he is talking about Federal employees who would be impacted and involved in this drug test. Regarding the Conrail engineer who was partaking of marijuana and had a wreck, would his successor be barred from testing or not be tested because of this particular provision?

Mr. BARTON of Texas. It is my understanding that the gentleman is correct.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I think the answer to the question is no, and the reason the answer is no is the program for testing was in being prior to September 15, and this language does not affect any program that was in being.

I would suggest further to the gentleman that the Customs program of which the gentleman spoke would also not be affected because it was in being as well prior to the Executive order.

Mr. HUNTER. If the gentleman will yield further for clarification, let me ask a question. Who would be affected in the Federal force by this provision?

Mr. HOYER. The Federal employees who would be affected by this are those Federal employees that do not fall under any program now, so none of the services are affected, Customs is not affected, and in the particular program and situation the gentleman spoke of, Conrail is not affected. It would be those employees who would be impacted by a new program adopted between now and September 30 of this year.

Mr. HUNTER. My question then, I guess, to the gentleman is, if the gentleman will continue to yield, is if there are some programs that are presumed to be beneficial for employee groups that are ongoing right now, why do we have this limiting provision in the appropriation supplemental?

Mr. BARTON of Texas. If I may, I would like to reclaim my time. I am sure the Chair will recognize the gentleman on his own time.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. BARTON of Texas. I would like to point out, as the gentleman from Maryland pointed out, there are several drug testing programs in the Federal work force today that have been very successful. The armed services have been allowed to test their new recruits for drugs since 1981, and because of this they have cut drug use in our Armed Services from in the 40 to 50 percent range to in the neighborhood of 4 percent. The Customs Service has a drug testing program that they have wanted to implement. An appeals court in New Orleans this week just ruled that that drug testing program was constitutional and could be implemented.

Mr. Chairman, if we are serious about a war on drugs we have to start somewhere, and I think an excellent place to start is by allowing the President's drug testing program in the executive branch of the Federal work force to go forward.

I would point out that his drug testing program does not require that somebody that has tested positive be fired. They have the option to go into a rehabilitation program, and if they successfully complete that program they can continue in the Federal employment.

□ 2030

We have got to start somewhere. This is a great place to start. I think this particular amendment would be one that is very worthy of passage and I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is an excellent amendment and I think there is still some confusion in the House as to whether or not we are talking about eliminating some substantive programs that could make this Nation safer, that would be beneficial in fact for Federal employees and their families.

It appears to relate to Executive Order 12564 dated September 22, 1985, I believe. My question again is going to the Conrail accident that had such tremendous publicity. Was the gentleman from Maryland stating that the individual who was involved in that program or in that accident was under a testing program or who had been tested under a drug program prior to the accident?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I believe that is the case. The reason I say that is because the only program that has been implemented at this point in time, the only one pursuant to the President's Executive order is the OPM, the agency itself that has a drug plan.

However, they have not yet identified the sensitive employees. All they have done is give the 60-day notice consistent with the President's Executive order. So that in light of the fact that that is the only program that is effective, DOT has not implemented its own program, that testing was done obviously under a prior drug testing program in effect prior to the Executive order.

Mr. HUNTER. So the gentleman is saying that the conductors of the Conrail trains are being tested right now.

Mr. HOYER. Well, I presume that is the case, yes. But what I am saying is the DOT program anteceded the Executive order and would not be affected therefore by this language.

Mr. HUNTER. But the gentleman is not sure if there is an ongoing drug testing program right now for people who operate the Conrail trains.

Mr. HOYER. If the gentleman will yield further, the honest answer is I am nor sure because I have not checked into it. I presume it is because I know Secretary Dole is for such a program and therefore it would not have terminated and therefore such a program is in existence and would not be adversely affected by this amendment.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding.

It is my understanding there is a proposed testing program, but it has not been implemented. Is that the understanding of the gentleman?

Mr. HOYER. If the gentleman will yield further, the answer to the gentleman's question is Secretary Dole—and I think here is the confusion—has talked about another program. However, that program has not been implemented. My answer to the question of the gentleman with reference to Conrail was that there was a test effective there and obviously there was an existing program under which that test was affected which was not the new program that the Secretary is now talking about. That was any point.

Mr. BARTON of Texas. If the gentleman will yield further, I think the easiest way to simplify this debate is to state it is follows: if you are for drugs in the Federal work force, vote against this amendment; if you are against drugs in the Federal work force, vote for this amendment.

Mr. HOYER. That is certainly a simplistic way to put it; incorrect, but simplistic.

Mr. HUNTER. Reclaiming my time, let me just say to my colleagues that in the next 12 months approximately 300,000 pounds of cocaine is going to be smuggled and sent into this country by the cocaine-producing nations of the world. Some of that cocaine is going to destroy Federal families, families of people work in the Federal work force.

Looking at the problem and analyzing it from the standpoint or point of view of a member of the Select Committee on Narcotics, I think it is as much a benefit to the families of Federal employees to have this Executive Order 12564 implemented as it is to the rest of the general community. I think the gentleman has an excellent amendment. I would commend him for it.

Mr. Chairman, I would urge my colleagues to vote for it.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

This amendment does in fact strike the language in the bill which would prohibit the use of funds in this act to implement the Executive order relating to drug testing of Federal employees; there is no doubt about that. The proposal to test employees, however, raises profound contitutional questions with reference to the rights of Federal workers. That is what I am concerned about.

Now, these issues are also the concern of the courts of this Nation, for these issues are now being litigated in the courts.

Furthermore, there are several committees of the Congress that are considering the various issues and opinions concerning this proposal.

I believe that in view of these concerns that we in this House should not permit the Executive to move forward until such time as the Congress and the courts have an opportunity to review this matter and take such action as is appropriate on this very sensitive issue.

It is believed that there will come directions from the court in the future, specifically on this issue and that there will be an opportunity to reach a consensus on this important matter in the coming months.

As the Congress considers the fiscal year 1988 authorization and appropriation bills, I would say that that is the time when this matter can definitely, first of all, continue to be adjudicated by the courts, decisions can be made and the committees of the Congress can come to some conclusion. Whatever the recommendation is it can be included in those bills in 1988.

The proposed language, of course, as it exists now would not affect policies which were in existence before September 15, 1986. Those are policies that will still remain.

This language would only apply to anything that came after September 15, 1986.

So we have in place a prohibition in the bill itself. An attempt now to strike that language would leave that complex issue wide open. We also have the situation where the courts themselves are attempting to make a final determination on these issues. And I think it is important for us to let the courts act and to let the Congress of the United States, through its various committees, come to some conclusion and make some recommendation that can be brought to this House.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding.

Mr. Chairman, I know there are some serious concerns about the court cases and civil rights.

The New Orleans Appellate Court ruled this week on the Customs drug testing program and ruled that it was constitutional and did not constitute an unreasonable search under the Constitution. So one of the gentleman's concerns has been addressed at least at the appellate level just this week in New Orleans.

Mr. ROYBAL. I would prefer that the matter go to the proper judicial level where a final determination can be made so that whatever recommendation is made by the authorizing committees of the House and by the Committee on Appropriations, for example, would be based on sound Constitutional principles. I think it would be based on those principles if it came from the highest court of the land, the Supreme Court of the United States.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

The gentleman has referred to the New Orleans case, the Fifth Circuit case. First of all, the gentleman is well aware, I am sure, that this is a circuit case. There are other decisions which are contrary. The Supreme Court has not yet ruled on this question. The court itself was divided. This was a 2-to-1 decision. It was the position of the Government in this case that the testing was not a search and seizure; as everybody knows the fourth amendment does not prohibit search and seizures per se, they must be unreasonable searches and seizures.

The court rejected the Government's position and said, no, even in this limited instance. The Customs case that this case dealt with was very limited.

□ 2240

That was the important reason for the court's ultimate finding. In this case, they said that the Government was wrong. This is a search and seizure.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, the court also ruled that even though it was a search, it was a reasonable search.

Mr. HOYER. Mr. Chairman, if the gentleman from California [Mr. ROYBAL] will continue to yield, the court went on to say, as the gentleman from Texas [Mr. BARTON] pointed out——

The CHAIRMAN. The time of the gentleman from California [Mr. ROYBAL] has expired.

(On request of Mr. BARTON of Texas, and by unanimous consent, Mr. ROYBAL was allowed to proceed for 1 additional minute.)

Mr. ROYBAL. Mr. Chairman, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, the court went on to say, as the gentleman pointed out, that it was reasonable, but only because, and this is the key, and when I use my time, I will explain that, only because this particular program was very limited.

In point of fact, unlike the Executive order and the proposal that OPM has promulgated pursuant to the Executive order, it was not mandatory. It was not mandatory for any existing employee to take this test.

It was only given to those who were going to transfer and only those who were going to transfer into three very drug-enforcement-sensitive areas. In those three, if the person was requested to take the drug test, they could decide not to transfer, if they had some hesitation about taking the test, and there would be no adverse consequences.

All of those who were tested, all of them, tested negative; not one positive.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Chairman, I shall not take the full 5 minutes, but I think it is very necessary for us to look at exactly what we are striking from the bill. We are striking an absolute prohibition against using the funds for drug testing. That is what we are talking about. We are not deciding exactly when it can be used, constitutionally or otherwise.

If you read 119 of the bill, it says that the funds shall not be used. The gentleman from Maryland [Mr. HOYER] is shaking his head. I am glad to yield to the gentleman.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

As I pointed out a little earlier, there are extensive drug-testing programs currently in existence that would not be affected. What this says is none of the funds shall be utilized to implement the Executive order.

Now the reason for that is, which I will explain in a little greater length, much to the chagrin of all of the Members of the House, the Executive order has been further explained and devices have been adopted for implementation or proposed for implementation by the Office of Personnel Management which go far beyond the Executive order.

Mr. SHAW. Mr. Chairman, if I might reclaim my time, I would ask the gentleman from Maryland if this bill is passed without the amendment of the gentleman from Texas, exactly what drug testing would be permitted?

Mr. HOYER. All drug testing that was in place prior to the Executive order or was implemented subsequent to the Executive order by other statutes.

Mr. SHAW. Reclaiming my time, I think the gentleman has pretty much made my case for me. I think that what you are looking at is very narrow windows. You are looking at prohibition of the areas under the Executive order. You are looking at a prohibition in areas of sensitive employment, excess absenteeism and everything else.

I would agree with the gentleman that these are new grounds that we are plowing. There is no question about it. Until the Supreme Court has a number of cases, we are not going to really fully know exactly when drug testing is constitutional and when it is not. But I think that what we are doing is we are taking the Federal Government out of that planning stage, which I think is very bad, and if there is one area that is most necessary beyond the question of the Fortune 500 corporations, who are more and more getting into this area, we are putting shackles on the Federal Government and saying that they cannot engage in these types of drug testing.

I might say, and I think most importantly, we are putting the Congress of the United States on record against drug testing. Let there be no mistake about it, that is what this vote is all about. That is the way it is going to be construed by the American public and that is the example that we, the elected officials of the United States, are being called upon to set for the American people.

I think this is a very good amendment. I compliment the gentleman from Texas and I intend to support it.

I urge my colleagues to join with me in that support.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment offered in good faith by the gentleman from Texas.

My distinguished colleague from Maryland and I represent districts with a large number of Government workers, and we have spent a great deal of time reviewing the proposed plan for the mass drug testing of Federal employees.

The administration's plan, if fully implemented, would make over half of our Nation's 2 million Federal workers subject to drug testing under its own criteria. While I support drug testing for Federal employees who hold jobs that directly affect national security or public safety, or where probable cause can be demonstrated, I am at a loss to understand why so many Federal jobs should be subject to such massive testing. Not only am I concerned about the accuracy and the cost of testing on such a large scale, but I am also concerned with the proposal to grant agency heads such wide latitude.

The President's directive strictly prohibits managers from selecting positions for drug testing in order to choose particular individuals. I agree. However, overall, the guidelines for defining which jobs should be subject to testing are too vague.

We are not considering some obscure regulations to address a marginal problem. We are examining proposals that not only affect the people involved, but could very well become models to be followed at other levels of government and in the private sector. The administration proposal has the potential of holding more than 1 million Federal workers hostage to the abusive behavior of a few. It is not the best way to deal with problems of drug abuse. Congress must have the opportunity and the time to consider this plan and its various ramifications before the administration goes ahead with any drug testing program.

The gentleman from Maryland's provision to ban implementation of the administration's plan provides Congress with the opportunity to carefully consider the drug testing of Federal employees and to decide whether changes are needed. This is a very reasonable approach, and I urge my colleagues to vote against this amendment.

Mr. BARTON of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I understand the concern of the gentlewoman from Maryland and I think she is doing an excellent job of representing her constituents, but I am a little bit confused because at one point, she says we might have to test as many as 1.1 million Federal employees. That is very true.

But at the other point, you admit that there is wide discretion that each executive branch head has discretion to determine exactly how many of those should be tested and the reason for that discretion is to make sure that no more than are necessary are tested. So that confuses me a little bit. I would like the gentlewoman's answer to that question.

Mrs. MORELLA. Mr. Chairman, because the proposal simply says that an agency head will determine who is in a sensitive position. Sensitive position could be somebody who is a bookkeeper. Sensitive position could be a clerical worker. I do believe it should be people who are in public safety positions, who are in those positions of trust, but not just carte blanche.

We can help refine these regulations, and that is what I am asking for. I think in a supplemental budget, it is appropriate that we not give the appropriation to do that at this time.

□ 2250

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the ban on the use of funds to implement the President's Executive order mandating drug testing of Federal employees. The Appropriations Committee should be commended for recognizing the complexity of the drug-testing issue and for giving Congress time to review this matter and to take appropriate action.

Mr. Chairman, during hearings that I conducted last Congress, we heard overwhelming testimony that drug testing of Federal employees is unnecessary, inaccurate, prohibitively expensive, and unconstitutional.

First, there is no evidence that Federal employees are drug abusers. During our hearings, no one—absolutely no one—could present any evidence that Government employees are using drugs.

Second, drug tests are often wrong. The Office of Technology Assessment presented expert testimony that urinalysis screening have an inaccuracy rate of 5 to 20 percent.

If we required even 1 million Federal workers to take a test which is even 95 percent accurate, at least 50,000 workers would be falsely branded as drug abusers.

Third, the cost of drug testing is prohibitive. Testing 1 million workers just once would cost $100 million. That money could be better spent on drug education in the workplace and in our schools, and on interdiction of drugs at our borders, programs which the President wanted to cut.

Fourth, it is my conviction, and that of many Federal employee unions, that the President's Executive order violates the Constitution.

I don't have to remind those of my colleagues who have chosen to forget, that the fourth amendment says,

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

We always concentrate on houses, papers, effects, and not persons, when we talk about "probable cause" and "unreasonable searches and seizures" because heretofore no one envisioned an administration that would be so intrusive. But the Constitution, clearly and unambiguously, lists your person even before your house, your papers, and your effects to what could be violated.

Clearly, big brother needs both probable cause, and a search warrant, before he snatches your urine. American citizens do not give up their constitutional rights when they choose a career in public service.

It is incomprehensible that an administration that once pretended to want to get Government off our backs, now seeks to put big brother, not only into our bedrooms, but into our blood and our bladders. How intrusive can you get?

For these reasons, I urge my colleagues to support the Appropriations Committee ban on funding for drug testing of Federal employees.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I am delighted to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, the gentleman from New York has a very valid point on the accuracy of some of these tests.

Under the President's Executive order, there is a screening test and a confirmation test required if the screening test is positive.

The screening test does have a degree to error of approximately 5 percent, but the confirmation test is a much more detailed test, and it is 100 percent accurate.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I am delighted to yield to my good friend from Oklahoma.

Mr. McCURDY. Mr. Chairman, I rise in opposition to mandatory drug testing of Federal employees.

The process is full of nightmares. They are finding terrible results and fraudulent activities within the testing facilities.

I agree totally with the gentleman in the well.

Mr. ACKERMAN. I thank the gentleman for his comments.

Mr. Chairman, in response to what my friend said, let me just call your attention to the fact that once these people are tested, they have to go through a procedure of trying to appeal.

We do not know what is going to happen with the results of these tests. Do they become part of your permanent work record that you have to fight for the rest of your life?

It becomes an absolute nightmare for public employees.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, let me say to my colleagues who are tired of being here, and who want to vote quickly, that it is your leadership which scheduled the bill for this particular procedure. It is your leadership that can rise whenever it wants to.

We could have sheduled this bill yesterday, but just because you are tired and impatient does not mean we should not take these things seriously.

Let me further say that, as the gentlewoman from Maryland said, we are not examining some obscure proposals to affect a marginal problem.

Let me put this in context. The distinguished gentleman from New York spoke, and he is concerned about testing.

He also represents an area that the most recent estimate I have seen is that there are 200,000 intravenous drug abusers in New York City, a sufficiently large number, and that is Mayor Koch's number, a sufficiently large number that in the war on AIDS, we are seriously talking about giving away needles, because we have no other way of slowing down the spread of the disease.

The drug culture in America is a severe and direct threat to the entire society.

Now, tonight the gentleman from Texas has given us a chance to send one of two signals. We can say that yes, we are willing to go as rapidly as possible to testing. We are willing to work out procedures as rapidly as possible.

We are willing to solve the laboratory problems as rapidly as possible. We are going to do what it takes to break the back of the drug culture in America, or we can say no, let us go as slow as possible.

After all, as the gentleman said, it is the position of many employee unions, let us go as slow as the union leadership wants. Let us go as slow as the ACLU leadership wants, and make sure while many people may die in railroad wrecks, while we may have FAA controllers who are drug users and looking at three radar screens when there is only one there, and we may have a number of problems with the drug culture, let us send a signal that we are more worried about going as slowly as possible.

Let us make every error in favor of the employees union; and if that means, by the way, an extra 100,000 drug addicts, or an extra 12,000 accidents, that is just the price of going slowly and cautiously.

Read the exact language in the report. It says on page 119:

> The committee has included language which prohibits use of funds in this act to implement Executive Order 12564, relating to drug testing of Federal workers.

Let me make two points about that. Are you really comfortable going home saying that you are willing to vote to prohibit the executive branch from trying to work out the problems of driving every drug user out of the Federal Government?

Are you willing to go home and say the drug culture is so unimportant, the issue of wrecks, like the Conrail train, is so irrelevant that I am willing to vote in this supplemental to prohibit?

Finally, let me suggest to you the constitutional questions have a place in America to be solved. Earlier today in this same bill we were asked to become Secretaries of State. Now, we are asked to become a Supreme Court.

There is a Surpeme Court, I would say to my good friends, and it is right across the street. It will get to these issues. It will gradually sort them out.

That is the job of the Supreme Court. For us tonight to send a signal to the Federal bureaucracy to slow down, to send a signal to the White House to stop, to send a signal to our citizens that we do not care, I think would be a major error.

I would hope that no one would vote against this amendment without understanding clearly what signal you are sending back home about where you stand on the war on drugs.

Mr. McMILLEN of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the motion to strike the language of the proposal offered by my colleague, the gentlewoman from Maryland.

While there is widespread agreement that we must tackle the drug abuse problem in the workplace, appropriating Federal funds to conduct what amounts to random, unwarranted testing of thousands of Federal employees for drug abuse is clearly not the answer.

Even putting philosophical considerations about the propriety of drug testing aside for the moment, the fact of the matter is that we have not been able to develop a reliable, accurate test that is conclusive about a person having used drugs.

□ 2300

Until we do so, a person's rights and dignity lie in a precarious balance.

If I might, I would like to add a personal comment an incident that occurred when I was in the 1972 Olympics in Munich, Germany. An athletic by the name of Rick Demont had trained for 15 years to become our Nation's best swimmer and was denied a gold medal because he was tested positive while taking asthma medication for a health problem.

Clearly the problem here and the question here is not weeding out drugs from our Federal work force. The issue here is one of the efficacy of this drug testing and how that relates to the constitutional rights of our Federal employees.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate and I find it kind of fascinating to hear that under the provisions that we are being told are in the language in the committee bill, some Federal workers will be tested, but other Federal workers will not. Well, why? Why can we not test Federal workers period?

If some are eligible simply because their programs were in place before September 15, why not have all workers eligible for the test under the Executive order? To do less is to do less about the war on drugs.

If in fact we can test professional athletes, we can test basketball players and baseball players and so on, why can we not test others? Why can we not test air traffic controllers? Why can we not test Federal firefighters?

It seems to me that it might be more important to America and people who fly the airways to have an air traffic controller take a drug test than it is to have a baseball player take a drug test. That is exactly what we are dealing with here. It is whether or not we are going to have the kind of testing that assures the American people that people in sensitive positions in the Government are drug free. That is what this amendment is all about.

If you vote for the amendment offered by the gentleman from Texas [Mr. BARTON] you are voting to assure us that we are testing for drugs in our society. If you vote against the amendment, you are saying, "Drug testing is not something you want to go along with; that the spread of drugs in our society is okay with you." I do not think that is the kind of signal we want to send at all.

I would urge a vote for the gentleman's amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of works.

Mr. Chairman, I would respectfully suggest that this amendment has been described in very, as I said, simplistic terms. The issue here is not whether you are against drugs. We are all against drugs. There is nobody here in this House who is not against the insidious, undermining of human beings that is being perpetrated in this country and other parts of the world by the trafficker in drugs.

Let me tell what this amendment does not get at. Let me tell what the President's Executive order does not get at. It does not get at the substance that undermines the most Federal employees, the most private employees, that costs this nation more than any other substance abuse known to man: Alcohol.

More lost time in the Federal service, more families destroyed, more crime committed. Alcohol. It does not affect us.

Let me say something: I do not believe the ends justify the means. I believe the constitutional issue is a very substantial one. Yes, drugs are a problem. Who is going to stand in this House and therefore say, "My home can be searched irrespective of probable cause?" Who here is going to stand for that proposition?

Our homes are our castle because our Founding Fathers said that. We are not in the Soviet Union. I just came back from the Soviet Union with the Speaker, and there they can test anybody, anytime, because their country is not like the United States of America.

We are different. We believe that individuals have particular and inalienable rights guaranteed them by our Constitution and indeed by God, and that the state cannot overcome those interests, save having probable cause. That is the difference between our Nation and the Soviet Union and some other nations.

The ends do not justify the means. But let me say what this amendment does not do. We do not say, "Stop, you cannot spend any money on drug testing." Why? Because it is a problem. We know it is a problem. We, like everybody in this House, want to solve that problem.

What we say is, however, that OPM's rules and regulations to implement this Executive order are not good ones. As the gentleman from Florida said, we are plowing new ground. Who better to protect the American public and Federal employees? Who better than this people of the House; this House of the people?

Who better to say that we ought to move carefully? All this says, ladies and gentlemen of the House, is let us wait 5 months between now and September 30 while we investigate this problem to see whether or not the committee, perhaps, and the Congress has a better solution. One which protects Federal employees.

The President said in his press conference with respect to the promulgation of this Executive order, "I do not want any Federal employees fired." OPM said that firing was a first option. Not the only option, but was, in the first instance, an option available. The President did not say that.

That is why we say wait. We are plowing new ground. In a free country guaranteeing certain rights to every individual that lives in this country. Let us stop, look, and listen to make sure that we are not infringing upon their rights.

This is not a vote whether you are against drugs. Everybody, 435 of us, are against drugs. But I hope that there are at least 218 who are also for the rights of individuals as guaranteed by our Constitution and want to move slowly and purposefully and correctly in this area.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Washington.

Mr. DICKS. I want to compliment the gentleman from Maryland for an outstanding statement. I want to associate myself with him and urge the defeat of this amendment.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I want to associate myself with the gentleman's remarks and remind everybody that we do not need to send signals; we do not work for the railroad. We are here to protect the constitutional rights of people. That is our first duty.

I commend the gentleman for a great statement in the House tonight.

Mr. HOYER. I thank the gentleman for his remarks.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we all heard a great speech just now and I commend the gentleman on his eloquence, but the speech was about two irrelevancies. It was about alcohol and about searches of homes. Neither of which have anything to do with the subject of this amendment I suggest.

I still have not heard an answer to the question of just exactly who it is that can be tested under prior programs. We have heard that those who can be tested under prior programs are those who can be tested under prior programs. But I do not know who those people are, and I have no idea what kind of problems may exist under those kinds of prior programs and whether we are doing anything about the problems that may exist under those prior programs.

□ 2310

In fact, we are dividing the public employees who could be tested under prior programs and those to be tested under the Executive order, and I think that it would be helpful for us to understand the distinction.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I think that it is important that we understand that distinction. That is exactly why we ought to take 5 months and let the authorizing committee make those distinctions. That is exactly why the gentleman from Maryland is urging that we not act precipitously on this floor tonight, not knowing so much about these very questions.

I think that it is clear that we are going to have some form of drug testing, particularly for sensitive areas of Federal employment. Let us let the authorizing committee that has already been holding hearings delineate which those groups are, proceed to protect the rights of the rest of Federal workers, and clearly define the Federal prerogative in intruding in the rights of others who happen to work for the Federal aviation authorities or others who we might agree deserve to have their rights incurred upon at least to that degree.

So I would urge the gentleman, following his own reason, to join the gentleman from Maryland and support his amendment.

Mr. KYL. I appreciate the comment. The problem is that I have heard no evidence this evening to suggest that under any of these existing Federal programs that there are any particular problems, and it seems to me that you do not withhold action for 5 months on an extremely serious problem, one that has been discussed a great deal here this evening, without some evidence that there is something that you ought to be protecting against.

It is a red herring to suggest that the issue here is not whether we are for or against drugs. I suggest that we are all in agreement that that is not the issue. But what is the issue is getting serious about this problem, and it is as serious in the Federal sector as it is in the private sector.

I do not think that we want to wait in some of the very sensitive areas. We talked about air traffic controllers, Amtrak, and others. We cannot afford to delay action in some of these critical areas, and I do not think that these are areas upon which we would have much disagreement.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I want to bring to the attention of the gentleman that I asked Secretary of the Treasury Baker about what program existed in the Treasury Department. He said none existed. I asked him why. He said, "Because the model that we are waiting for has not yet been promulgated."

I asked him if he thought that it could be done within the next 5 months, and he said no, they have not identified any sensitive employees or any of that nature.

This language stops the implementation of the order. One of the gentleman said something earlier about planning, this does not say anything about planning, it says something about implementation.

Our point is that we ought to look at this closely to make sure that we have a program that is constitutional and that will be effective.

Mr. KYL. So do I understand that the Secret Service, for example, would not be permitted to be tested for a period of 5 months or whatever the period is under this proposal?

Mr. HOYER. If they were acting pursuant to the Executive order, that is correct.

Mr. KYL. Well, it seems to me that this is a good example of——

Mr. HOYER. But not if there was probable cause. We are talking about mandatory random testing.

Mr. KYL. Well, clearly the Executive order would permit a program to be undertaken in this very sensitive area, and I think that it is time that when we know that the problem is as widespread as it is that we ought to get about the business of beginning a program so that it can be evaluated and so that the legal questions can be resolved. The longer we delay it, the more of a problem we are going to have and the more difficulty we are going to have in the process.

Mr. Chairman, I urge support for the amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I had hoped to stay out of this, but really part of what is involved here is an attitude that seems to come out in the discussion that since we are only talking about Federal workers, it is not real people anyhow, so they will not mind if we indiscriminately require them to do something which we are unwilling to do with the public in general.

Then we hear people saying that there was an Amtrak accident and this will lead to transportation safety. How many Members like me worry about the pilot that is flying the plane we would have been taking tonight if we had not been on this bill so long? Why does the FAA not for example require as a condition to operate a plane with hundreds of people's lives at stake the taking of a test? I guess it is because nobody wants to tangle with the pilots.

We are not yet talking about asking all law enforcement people out across the country who carry guns amongst the public to take tests, but we have no hesitancy in saying any Federal employee that any agency decides ought to have a test will have it.

I have not heard anybody say how often they want them tested. Is once a year adequate, or once in a lifetime career? How often do you have to test a person to find out whether they are a drug user? If indeed you give them 60 days' notice as the Executive order says, can they go off of it long enough to escape the consequences of their otherwise habits of abuse?

There are Federal employees that are tested. We are very sensitive with the air traffic controllers. I looked around for people from the Transportation Committee here. If a supervisor thinks that a controller is not reacting fast and he has any reason to believe that it is because of either drugs or alcohol, he can ask the man to either go home or take a test. The employee still has a choice.

The point is that no one is lined up and told en masse to get in line and take the test. Someone over there said they thought that if we tested a million Federal employees, that that would do a lot to clean up the drug problem in this country. I want to say that nobody is prepared to stand on this floor and say that drug abuse is heavier with the families of people employed by the Federal Government than it is with families in general in our society. Nobody is prepared to say that, and yet they are willing to treat them differently from everyone else.

Let us get down to what we are talking about. This is a supplemental appropriation. This delays the use of money in this appropriation for the implementation of an imperfect order which I promise you if it goes forward at the present rate will have us in court all over the place by fall.

We are working on it with the committee. My subcommittee has had extensive hearings. I do not know if any of the gentlemen who have such strong feelings about this have taken the opportunity to appear before the committee and share their concerns and tell that committee how they would structure a sensible testing program and how much they want to pay for it, because we will have to run it past OMB when we finally come to them with something.

This will only cut off the money until October 1. It is not going to do any permanent damage to the President's plans or anybody else's plans. OPM is in no way ready now except in a haphazard way to put it into effect. If we let them go ahead now as they are planning to do it, agency by agency, catch as catch can, we are asking for nothing but litigation that will ultimately end up with no drug testing as a result of court decisions. I do not think that that is what the advocates of this amendment want.

I urge the Members of the House to restore the Federal employees to first-class citizenship just like all the rest of us, and remember that some of us are indeed employees of the Federal Government and draw a paycheck from the Treasury, and vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 242, not voting 46, as follows:

[Roll No. 62]

AYES—145

Anderson
Archer
Armey
Badham
Baker
Ballenger
Barton
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Chappell
Cheney
Coats
Coble
Combest
Coughlin
Craig
Dannemeyer
Darden
Daub
Davis (IL)
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jenkins
Kolbe
Konnyu
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Mazzoli
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Molinari
Montgomery
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Patterson
Porter
Pursell
Ray
Rhodes
Ritter
Roberts
Roemer
Rogers
Roth
Roukema
Saiki
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sweeney
Swindall
Tauke
Tauzin
Thomas (GA)
Upton
Valentine
Vucanovich
Walker
Weber
Weldon
Whittaker
Wylie
Young (FL)

NOES—242

Ackerman
Akaka
Alexander
Andrews
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bentley
Berman
Biaggi
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coyne
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foley
Ford (MI)
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Matsui
Mavroules
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody

Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Pease
Penny
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Saxton
Schneider
Schroeder
Schumer
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Thomas (CA)
Torres
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—46

Annunzio
Aspin
Bartlett
Boulter
Brown (CO)
Collins
Courter
Crane
Crockett
Daniel
Dorgan (ND)
Dowdy
Dymally
Early
Foglietta
Ford (TN)
Garcia
Gray (PA)
Hatcher
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Miller (OH)
Murphy
Neal
Oakar
Pepper
Rostenkowski
Savage
Scheuer
Solomon
Taylor
Torricelli
Towns
Vander Jagt
Waxman
Wilson

☐ 2030

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Torricelli against.

Mr. HARRIS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 504. None of the funds appropriated by this Act may be obligated for the centralization, consolidation, or redeployment of the Customs Service Air Operations unless the Secretary of the Treasury submits a report to the Committees on Appropriations which sets forth specific details for the use of such funds thirty days in advance of such implementation.

Sec. 505. None of the funds made available by this or any other Act for the General Services Administration for the fiscal year ending September 30, 1987, shall be used to transfer title to the property known as the Customs House in Boston, Massachusetts, or to take any measures in preparation for such a transfer, before October 1, 1987. The limitation in this section shall not apply to any sale agreement entered into with the city of Boston, Massachusetts.

Sec. 506. None of the funds appropriated or made available by this or any other Act or otherwise appropriated or made available to the Secretary of Transportation or the Maritime Administrator for purposes of administering the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.) shall be used by the United States Department of Transportation or the United States Maritime Administration to propose, promulgate, or implement any rule or regulation, or, with regard to vessels which repaid subsidy pursuant to the rule promulgated by the Secretary May 3, 1985 and vacated by Order of the U.S. Court of Appeals for the D.C. Circuit January 16, 1987, conduct any adjudicatory or other regulatory proceeding, execute or perform any contract, or participate in any judicial action with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended: *Provided*, That such funds may be used to the extent such expenditure relates to a rule which conforms to statutory standards hereafter enacted by Congress.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: Page 127, after line 7, insert the following new section:

Sec. 507. None of the funds appropriated or made available by this Act shall be used to close the Federal Aviation Administration's Flight Service Station located at Youngstown, Ohio.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

POINT OF ORDER

Mr. LEHMAN of Florida. Mr. Chairman, I am familiar with the amendment.

Mr. Chairman, I make a point of order against the amendment. The amendment is a limitation to a general appropriation bill. Under the revised clause 2(d) of rule XXI, such amendments are not in order at this time.

The gentleman's amendment is a limitation and is not specifically contained or authorized in existing law and is not in order at this time, pursuant to clause (d), since I believe that other nonlimitation amendments are pending before the Committee of the Whole. The gentleman's amendment therefore is in violation of clause 2(d) of rule XXI.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. TRAFICANT. Yes, Mr. Chairman. I would like to talk about this in two veins; first of all will be the point of order brought forward and second of all the fact that a Democrat has stood up and brought this point of order against me.

There was a court case—I am going to tell it just like it is—there was a court case that said closing the flight service station at Youngstown Municipal Airport was endangering lives. And I was just trying to reinforce that with the limitation upon the use of any money going to close that station. I am very disappointed, I am very disappointed that the point of order was brought and I will consider whether or not, and I do not want to belabor the point with the Members here, fighting the motion to rise and calling for a vote to defeat it and I will have this amendment brought later. But I believe this amendment should be allowed to be brought out here. It is a limitation placed on funds, it is not legislating, it is limiting the funds and the way those funds appropriated will be used. And I am asking the Speaker to review that, review my claim and rule in favor of this gentleman from Ohio.

The CHAIRMAN (Mr. Pease). The Chair would state that a point of order has been made against the amendment. The reasons cited by the gentleman from Florida are a correct interpretation of the rules. The Chair has no choice but to rule the amendment out of order.

Mr. TRAFICANT. For clarification: If a motion to rise is defeated, would I be allowed to bring my amendment?

The CHAIRMAN. If the motion to rise and report is defeated, an amendment to limit an appropriation in the bill would be in order at that time.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, we are here today about pork barrel, talking about money all over the Nation. Mr. Dyson pulled his amendment that would deal with safety in our skies. My airport would have been a part of that. I am not asking for a special favor, but let me just explain this to you, those of you who face these same problems. This particular airport, for a strategic location in northeast Ohio and western Pennsylvania, had action taken against it by the FAA once before. The city of Youngstown had taken it to court and the Northern District Court of Ohio ruled that it would impede safety in the skies and ordered that they desist from moving to close that airport. Now I have no other choice, I do not want to keep you here, but I am going to try and fight this thing. I am going to ask you to vote to defeat the motion to rise and give me an opportunity to bring it. I have given you those opportunities. That is all I am asking you. I do not care if you are a Republican or Democrat. We have been here a long time. It is a shame I have to do it, but darn it, if I am going to be defeated, I am going to be defeated with a head count. I do not care how bad it is.

I yield back the balance of my time.

□ 2340

AMENDMENT OFFERED BY MR. MAC KAY

Mr. MACKAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACKAY: Page 127, after line 7, insert the following new section:

SEC. 507. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act (other than by title IV) that is not required to be appropriated or otherwise made available by a provision of law is reduced by 21 percent.

Mr. MACKAY. Mr. Chairman, this amendment cuts $2 billion in budget authority from this bill. It does this by reducing discretionary budget authority.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MACKAY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 30 minutes, and that the time be equally divided between the proponent and the opponent of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MACKAY] will be recognized for 15 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Mr. Chairman, this amendment cuts $2 billion in budget authority from this bill. It does this by reducing discretionary budget authority across the board by 21 percent. This is the amount required to bring the bill in line with the ceiling in the 1987 budget resolution.

This takes into account the impact of the Walker amendent, which struck the foreign aid section. The amendment does not affect title II or III, which contain mandatory spending.

It also exempts title IV. The last major vote we cast before the Easter district work period was the deficit reduction package from the 1988 budget. Now, as the first major vote when we come back from Easter, we find ourselves on a supplemental appropriation bill that not only busts the 1987 budget by $2 billion, but it also adds over $800 million in the fiscal year 1988 deficit, and that is before this bill, the fiscal year 1988 budget, has even gone to conference.

Many of us had to gag and work hard to work for the 1988 budget. It has taxes in it. Many of us who supported the 1988 budget before Easter did so knowing that it had taxes in it. We did that knowing that it was a vote that would not be a popular vote back home, and we did it relying on the fact that this House is now committed to a disciplined approach to the budget.

We believe that there would be an end to this willingness to support further budget deficit reduction if we now abandon the limitations in the 1987 bill.

We feel that passage of this bill without this amendment not only would discredit us this year, but would undercut further efforts at deficit reduction.

This amendment is no different from those offered on numerous occasions during the past 2 years by Messrs. PENNY, MORRISON, FRENZEL, PORTER, and others.

This is a critical vote, however, this year because this sets the precedent for the 100th Congress.

I urge my colleagues on both sides of the aisle to show our commitment to deficit reduction by supporting this across-the-board amendment which would put this supplemental appropriation in line with the 1987 budget.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. MACKAY. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, it is my understanding that this resolution is about $2.3 billion over the 1987 budget resolution if you use the assumptions that were used to write the 1987 budget resolution.

However, if you apply today's assumptions, in other words, the information that we have at hand as responsible Members trying to plot the Nation's future, then the resoluton is $18 billion over in outlays.

In other words, this resolution will bring us as much over the 1987 budget outlay figure as we are planning to raise in taxes to meet next year's budget resolution.

What I am trying to determine is exactly what you mean by the statement that your amendment will cut this 22 percent.

Mr. MACKAY. Mr. Chairman, reclaiming my time, I will attempt to respond briefly to the gentlewoman's question.

I understand that concern. It is a concern that I had. I have carefully tried to understand how that concern arose.

We ended up last year with a statement that our deficit had been reduced to $144 billion. The gentlewoman will recall that. We started this year with the understanding that the deficit was $172 billion. That difference is the difference that the gentlewoman is talking about.

If you want to say that there is an inconsistency, you can, and there is the inconsistency. But, in fact, that inconsistency was picked up in CBO's estimate for the 1988 budget.

Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for the explanation. That is, unfortunately one of the consequences of the fact that we pass resolutions without——

Mr. MACKAY. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The gentleman from Florida [Mr. MACKAY] reserves the balance of his time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, there is a history on the Committee on the Budget that I would like to explain to you. I was one of the advocates of the Budget Act. It provided a mechanism for the Ways and Means and Appropriations Committees to get together and work these things out with representatives of the legislative committees.

It has evolved into where the committee is made up of the junior members, able members, weighted by the legislative committees.

The budget resolution is sound, but only as a target. Like many of you, I have voted for the Budget resolution as a target, knowing that it was based on assumptions and projections. The 1987 budget resolution was voted on last June. Nearly every assumption that was made by the committee has varied from what they expected and what has actually happened.

Every projection is 10 months later now. I do not think anybody in this Congress, figure that they would tie the knot in the operations of the Congress. We got permission to raise the ceiling in this bill by the resolution reported by the Committee on Rules and adopted in the House earlier today.

I say to you, we recognize the target, but if the target is going to tie the hands of the Congress to meet the need, it is time we begin to look to see whether we should abolish it.

□ 2350

Now, that does not mean that our committee has not been proud of staying within the budget. We have stayed below the President's recommendation not only here but in past years also. But we have billions in recommedations now. If we go back to an act taken by Congress that at most was only a target, at this late date we make a mistake and we raise the issue of whether we should have the Budget Act any longer.

Mr. MACKAY. Mr. Chairman, I have no requests for time at this point.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, it was not very well explained when the amendment was explained. Title IV is exempted. Title IV of this bill is a brandnew welfare bureaucracy.

We are exempting $425 million of brandnew welfare bureaucracy under the MacKay amendment.

I would suggest we want to vote no on the MacKay amendment, because what that says is that that new welfare bureaucracy is more important than paying the FBI, more important than the Drug Enforcement Administration, more important than the procurement of ammunition for the Army, more important than doing something about hazardous substance response under the EPA.

It is more important than the Commodity Credit Corporation where you will lose $1.5 billion under the MacKay amendment. It is more important than student financial assistance, more important than operation and maintenance of the air interdiction program under the Customs Service for drug enforcement.

I would suggest that that kind of a vote is plain irresponsible. If we are going to cut across the board, fine; but what we ought not to be doing is selecting certain things that this amendment does, and that is saying that there are certain things that are important.

We are saying that there is one more important bureaucracy, and all of the rest of the things can be cut 20 percent. That is plain wrong.

Cut across the board, or do not come to us with this kind of a proposal. This is not an across-the-board cut.

This protects one welfare bureaucracy, as well as a lot of other welfare bureaucracies.

I would suggest a no vote on this amendment.

Mr. MACKAY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I am not embarrassed to say that I think the homeless who are the beneficiaries of this program, it is easy to talk facelessly about a welfare bureaucracy.

It is not a bureaucracy that is the beneficiary of this exemption. It is the homeless, the most vulnerable people in this society.

I would not expect some of my colleagues to be moved by compassion alone. Miracles do not happen before midnight.

Let me make a more technical point. The homeless program is in here in its entirety. For every other program, this supplemental is in fact a supplemental, so a 20-percent cut is not a 20-percent cut in the entire program.

It is a 20-percent cut in the supplemental part of that program. For the military, a cut of $300 billion, cutting the supplemental is a cut of less than 1 percent of the overall program.

I know the gentleman is appalled with the notion that some of us think the plight of the homeless children and the sick elderly people deserve a little extra consideration, so I am going to ask him to make it on that ground.

What we are saying is this: If you cut the homeless program by 20 percent, you are cutting the entire program. It is a 20-percent cut, not in a supplemental, but in the entire program. Whereas, with the other parts of this—and you may be for it or not—but if you cut the other parts, you are not cutting them by 20 percent in their entirety. You are cutting 20 percent of the supplement.

You are cutting from 0.2 percent of the military. They waste more in a month than we would be cutting easily, or I should say in a day. But, the point is this. With the homeless, if you include them, and I commend the gentleman from Florida for his sensitivity and his compassion, you would be cutting the entire program, because the homeless program has been cut in here, so it is a differently treated program, because it is differently in fact constituted.

Cutting the supplement to major programs by 20 percent is not the same as cutting the whole program by 20 percent. The gentleman has it correctly.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding, and I take the time really to say to my colleagues on my side of the aisle who I had talked to about the MacKay amendment earlier in the evening, encouraging you to support the amendment.

I did that with an understanding that the amendment was an across-the-board cut; and Mr. MACKAY and I have talked since then.

He has made the change in the amendment, so there is an exemption from the across-the-board cut, and I want Members from my side of the aisle to understand that.

Those of you who indicated you were going to support the amendment, I would suggest to you because of the change, I am not going to support it.

You can make up your own mind about what you are going to do.

It has been changed from what we originally talked about, and does exempt the particular program.

I would suggest that that is not the approach that ought to be taken, and that you ought to vote against the MacKay amendment.

Mr. MACKAY. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the gentleman for yielding, and I would like to thank our colleagues on this side of the aisle for giving us new life at almost 12 midnight.

It certainly does the heart good to hear you speak against a cut of 22 percent, and using as the basis for that cut, that it is not across the board, that it only cuts about 92 percent of the bill instead of 100 percent of the supplement.

It really makes us feel good; and frankly, if we have to stay here until 2 or 3 o'clock in the morning, let us do it.

I think you have finally been exposed for what you are. You are not interested in cutting, not interested at all.

You are only interested in playing politics. This is a true cut. This is a true cut.

This is a true cut. If you are interested in preserving what semblance there is of being involved in Gramm-Rudman, you will vote for it.

Do not fall prey to the silly argument that it is not across the board. It surely makes us feel good to know where you really stand for a change.

Mr. MACK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Florida [Mr. MACKAY] has expired.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman for yielding me that time, and I plan to be brief.

Talking about playing politics, this whole exercise today has been an exercise in politics.

This bill is never going to see the light of day, because of the spending that is in it, because of the arms control language that is in it, and because all of the problems that are in it with the waivers, so talk about politics.

Let me talk just a minute about this particular amendment. I commend the gentleman from Florida for what he is trying to do, and has tried over the years to try to have across-the-board cuts.

Like I have told the gentleman from Florida [Mr. MACK], I told him earlier today, you are along the right track. Foreign aid has been taken out of this bill, so I presume his amendment would not be applicable to that. I assume this body will not turn around and reverse itself on cutting out that foreign aid section.

Now, we find out it exempts the section on the homeless which means, among other things, the gentlemen from agricultural areas, about a billion bucks will be taken out of the CCC, and if there is anything in this bill that is really urgent, and should be covered by a supplemental, that is the area where we have run out of money, so I am sorry to say to my colleagues, that the gentleman from Florida, while his intentions were good, along the way there have been changes made that have gutted the amendment.

I urge my colleagues to vote against the amendment.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, it will be real interesting to see how the gentleman who talked about playing politics is going to vote on the amendment that Mr. WALKER had offered a little earlier to take the $650 million out of the bill.

We have an opportunity to see who is playing politics.

Mr. MacKAY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I think at this stage of the game it would be best to operate on the assumption that this bill might pass, and there are a lot of us that are not real fond of supplemental appropriations bills.

But, if it passes, it can pass with this $2.2 billion in it, or with $2.2 billion less. We can quibble about whether something is included in the across-the-board cut or not, but the bottom line is that this is a cut, a significant cut.

For those who want to cut back the spending level, even those who would prefer to kill the bill, I think we ought to take what we can get.

The CHAIRMAN. The Chair would notify the Members that the gentleman from Florida [Mr. MacKAY] has 6 minutes remaining and the gentleman from Massachusetts [Mr. CONTE] has 8 minutes remaining. The gentleman from Massachusetts is entitled to close the debate.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman.

Mr. Chairman, I would like to take just a minute to talk about the scoring of this bill with respect to the spendouts of fiscal year 1987 spending and the implications to our deficit. The Congresswoman from Connecticut [Mrs. JOHNSON] asked the question and I was not satisfied with the answer.

This bill was scored by the committee on the basis of fiscal, on the basis of economic assumptions of February 1986 and on that basis, they concluded that the spendout of fiscal year 1987 would be at a rate that would leave it less, about $4 billion less than what was budgeted.

When you adjust the spendout estimate for the economic information data and assumptions that we have as of February 1987, we find out that we are spending out to the point where we will be around $14.2 billion over what is budgeted.

Now, properly scoring this bill, we get about a net $6.4 billion worth of spending so that if we approve this bill, it will add $6 billion to the deficit bringing the deficit total up to around $20 billion, spending around $20 billion over the budget and the $2.2 billion is a good motion. I appreciate the gentleman's interest, because 2.2 was the score overspend that came up as the committee scored the bill, and he was aiming at that target and would have come close.

These are facts of the matter with respect to the impact of this on the deficit, the impact on our spending levels with respect to the fiscal year 1987 budget. We will be about $20 billion over the budget this will add about $6.4 billion over the budget. $2.2 billion or thereabouts as the gentleman aims, will be some help.

I have to say in addition to that I too would have liked to have seen it if an across-the-board would have covered the whole bill.

Mr. MacKAY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment. It is $2 billion in lower spending, and it is conforming this bill to the budget; plain and simple. You may want to vote against the bill. Fine, vote against the bill. You ought to vote for this amendment if you are at all serious about the budget process. It is as simple as that.

The fact is that some are complaining that the aid to the homeless is exempt from the cut. Many of you on both sides of the aisle voted for an authorization for the homeless in this Congress just a few weeks ago for $500 million. This bill provides only $425 million for the homeless. There has already been in this Congress a $75 million cut in the program for the homeless. They have already taken their cut, and Mr. FRANK from Massachusetts pointed out, that cut that they took and any cut that they take is on the whole program, not just on the portion that is subject to the supplemental. So there is good reason why the homeless are exempted in addition to the fact of the emergency that we face in the country. They have already taken a cut between February and now, and this budget needs to be enforced and can be enforced without cutting them any further.

So you have got a budget cut of $2 billion. A budget-conforming amendment. If you believe that we ought to conform the bill to the budget, you ought to vote "yes." Otherwise, you are just not serious.

Mr. MacKAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last comment that Mr. MORRISON made is the key issue here. I expect a stirring speech from Mr. CONTE in closing on the other side, and I look forward to it.

I merely want to say the issue here is this: If we were serious about last year's budget resolution, then we should cut this bill to fit it. If we were not serious about last year's budget resolution, why should anyone believe that we are serious about the one we passed this last week?

This is a time to say whether we are committed to fiscal discipline and whether we meant what we said.

I urge the adoption of this amendment.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I started out the day when we began debate on this bill saying I was going to vote for this turkey, and I still feel that I am going to vote for this turkey. I hope that this amendment is not adopted.

First, let the RECORD show that I stood in this well and fought with everything I had against Gramm-Rudman-Hollings some time ago. I told this House that we would find ourselves painted in a corner before it was over with and we sure are.

This is no way to go about it. Everyone of the Members of the House who have been here before this term know that I have opposed across-the-board cuts for the last 29 years. My predecessor, Frank Bow was the ranking Republican. he used to put across-the-board cuts. I would take this floor and fight Frank Bow of Ohio, because I said, "That is the wrong way to go." The committees worked long and hard on this bill. The way you have done it today, whether you agree with the Members who offer the amendments or not, that is the way to go: Amendment by amendment. Not an across-the-board cut.

Some of the across-the-board cuts that I have fought have been done with a scalpel; 1 percent, 2 percent, 3 percent. But this one, this one, you cannot find a meat axe big enough in town to whittle on this one; 21 percent.

You would cut CCC Pell grants; we put $280 million under the able chairmanship of the gentleman from Kentucky [Mr. NATCHER]; $280 million in here for Pell grants. You are going to cut them $60 million. You go tell those kids that they are not going to get a Pell grant this year. Yet, all of you, some on that side, some on this side, boasting back home that you are for education. EPA grants. Now, there is $1,200,000,000 in this bill for EPA grants. You are going to cut it by voting for this amendment? $240 million. You go back home and tell those little towns that they are not going to get a grant this year for their sewer collection. What a smell that is going to create.

Mr. Chairman, we have worked hard and long today. This bill has got a long way to go if it makes it tonight, and it has to get through the Senate. We are going to have to go to conference, we are going to have to work hard. We have to clean this bill up, and as I said, it is a turkey. I admit it.

I hope that we can clean it up before it gets to the White House. But do not go along with this crippling amendment. This is a crippling amendment and we cannot afford an EPA, IRS, Pell grants, Commodity Credit and right down the line.

Even if it was 1 percent I would be up here opposing this at this time. Therefore, I hope that the majority of this House will see fit to take the responsible position, defeat this amendment, and then when we get back into the House, if there is a separate amendment on the foreign aid bill, I hope you will vote against the Walker amendment.

□ 0010

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MacKay].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MacKAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 123, not voting 47, as follows:

[Roll No. 63]

AYES—263

Ackerman
Andrews
Anthony
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barton
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Carper
Chandler
Chapman
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Combest
Cooper
Coughlin
Craig
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dingell
DioGuardi
Donnelly
Dornan (CA)
Downey
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Feighan
Fields
Flippo
Foley
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Glickman
Goodling
Gordon
Gradison
Grant
Gregg
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Jontz
Kanjorski
Kaptur
Kennelly
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Marlenee
Martin (IL)
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mica
Miller (CA)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Neal
Nelson
Nichols
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Penny
Petri
Pickett
Pickle
Porter
Price (NC)
Ravenel
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sawyer
Saxton
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stump
Sundquist
Sweeney
Swift
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Weiss
Weldon
Whittaker
Wise
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—123

Akaka
Alexander
Anderson
Atkins
AuCoin
Badham
Bateman
Beilenson
Biaggi
Boehlert
Boggs
Boland
Brooks
Broomfield
Brown (CA)
Burton
Callahan
Campbell
Cardin
Carr
Chappell
Clay
Coleman (MO)
Coleman (TX)
Conte
Coyne
Dellums
Dickinson
Dicks
Dixon
Durbin
Dwyer
Edwards (CA)
Espy
Evans
Fazio
Fish
Flake
Florio
Ford (MI)
Gephardt
Gilman
Gingrich
Gonzalez
Grandy
Gray (IL)
Green
Gunderson
Hawkins
Hayes (IL)
Horton
Howard
Hoyer
Hunter
Jeffords
Johnson (SD)
Jones (NC)
Kasich
Kastenmeier
Kennedy
Kildee
Kyl
Lehman (CA)
Lehman (FL)
Leland
Lightfoot
Lott
Mack
Manton
Markey
Martin (NY)
Matsui
Mavroules
McHugh
Mfume
Michel
Miller (OH)
Mineta
Moakley
Mollohan
Morella
Mrazek
Murtha
Myers
Nagle
Natcher
Nowak
Oberstar
Obey
Owens (NY)
Parris
Perkins
Price (IL)
Pursell
Quillen
Rahall
Rangel
Rhodes
Rodino
Roybal
Sabo
Saiki
Savage
Schneider
Schuette
Schulze
Smith (IA)
Solarz
Stokes
Stratton
Studds
Synar
Torres
Traficant
Traxler
Udall
Walker
Watkins
Weber
Wheat
Whitten
Williams
Wolf

NOT VOTING—47

Annunzio
Aspin
Bartlett
Boulter
Brown (CO)
Collins
Conyers
Courter
Crane
Crockett
Daniel
Dorgan (ND)
Dowdy
Dymally
Early
Foglietta
Ford (TN)
Garcia
Gray (PA)
Hatcher
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Murphy
Oakar
Pepper
Ray
Rostenkowski
Schaefer
Scheuer
Solomon
Taylor
Torricelli
Towns
Vander Jagt
Waxman
Wilson
Yates

□ 0020

The Clerk announced the following pair:

On this vote:

Mr. Ray for, with Mr. Boulter against.

Messrs. PURSELL, RANGEL, BROOMFIELD, BIAGGI, and MRAZEK changed their votes from "aye" to "no."

Messrs. VENTO, SWIFT, WHITTAKER, LEWIS of Georgia, and LEWIS of California changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 0030

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this point to clarify an amendment that I offered to this bill and was adopted unanimously by the House. There has been some misunderstanding about it and I wanted to make clear exactly what it did in case somebody wanted to vote on it later. It having passed by unanimous consent after having been offered by me and supported by Joe Barton, what it did was it allocated $2.8 million to the Texas Accelerator Operations in the Woodlands, north of Houston, TX.

It is an ongoing project for about 4 years. The total budget is about $5 million. It has been put up by local business people with a consortium of universities to do higher research in brighter beams, in magnets, in several other generic engineering design studies. The Federal contribution has been about $3 million for the last 3 years. They cut that this year, though the peer approval was a recommendation that it be approved at the full $3 million. This has nothing whatsoever to do with the super colliders, I want you to understand. There are six applicants in Texas. This cannot take any precedence or help any of those six. It is not going to be involved in that. It will not put one dime in one of those proposals, it cannot by law do that. We have no intention of it doing that. The consortium was in business before we had any proposals. And I hope it will be in business when you have all quit dreaming with the super collidal stars in your eyes. They are not going to build 50 of those at $6 billion a piece all over this country. By the time they get that $6 billion, there will be 47 States wanting to do it instead of just 5. I am just telling you now that is what the facts are. And I hope that the Members will understand that and I wanted to make it clear.

I tried to get this passed in the Appropriations Committee, but it had already marked up the bill. The only decent way to do it was to explain it on the floor as I did briefly and then supported by Mr. Barton and it was passed unanimously. I think we should continue to support research, generic research and continue this program.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding, I thank the distinguished dean of the Texas delegation.

Mr. Chairman, this project is in my district, it is not in Congressman Brooks' district. It has been funded for the last 4 years by the Department of Energy and such other universities as Texas A&M, University of Oklahoma, University of Houston, University of Texas at Austin, and Rice University.

None of the funds that Congressman Brooks is seeking to restore will be used for any of the superconductor proposals that are currently under way in the State of Texas. In fact, there is a March 26 memo by the Department of Energy that expressly prohibits any funds under contract being used for site proposals. It is a simple restoration of funding that has been funded by the Department of Energy for the last 3 years and I would urge my colleagues, if there is a vote, to support the Brooks amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I will yield to my distinguished friend if I have a minute left.

Mr. PORTER. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding, and is it also yours, that this is both an authorization and an appropriation in the way it was offered?

Mr. BROOKS. That is has been authorized previously?

Mr. PORTER. It is not authorized previously, correct?

Mr. BROOKS. Well, it would have been subject to a point of order which was not raised.

Mr. PORTER. That is correct. Could I ask the gentleman why he did not take the matter before the appropriate subcommittee of the Appropriations Committee or the authorizing committee?

Mr. BROOKS. I did take it up with the appropriate subcommittee on the appropriating committee and it was a little late. They had already marked up the bill. So there was no way to do it except to have an amendment on the floor.

Mr. PORTER. The gentleman took it before the committee a little late.

Mr. BROOKS. That is correct.

Mr. PORTER. And then on the floor, realizing that there may be as many as 41 States that are interested in the superconducting supercollider the gentleman was not worried that somebody might get a little concerned?

Mr. BROOKS. No—because it does not affect the supercollider. That is another issue.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that this matter should have been brought before the appropriate committee. It is my understanding also that the subcommittee's ranking minority member, had he been on the floor when this matter came up, would have objected. I would think that understanding the sensitivities of many Representatives concerning the funding of a superconducting supercollider program and the interests of many States in that program that this matter ought to be voted upon separately and I will ask at the appropriate time that a separate vote be taken.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman from Illinois for yielding. I would like to point out for the Members that we are talking about a total of 28 people, 17 professionals, 11 blue-collar workers. The primary focus of the research funded by this proposal is to conduct research on a magnet to be used to replace the CAT scanner that has some radiation side effects. It has nothing to do with the superconductor collider.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from California.

Mr. PACKARD. I thank the gentleman for yielding.

Mr. Chairman, there are few things that have been more sensitive than the selection process for the supercollider in the variety of States that are interested.

Mr. PACKARD. Mr. Chairman, I have no problem with the money going to this particular project, but at the time when we are considering the States that will be competing for the selection may not be an appropriate time to do it. I would suggest that we remove this and then if it is still desired in the State of Texas it should be appropriated after the selection is completed so that there will be no concern as to other States having to compete. There is no question that there is the possibility that these funds, even though they would not go toward the selection process for the State of Texas, would offset funds that the State of Texas otherwise would have to use and they could use these other funds to go toward their selection process.

I certainly would hope that we would not deal with that at this critical time.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Florida [Mr. MacKay], if he would respond to a question regarding the adoption of the previous amendment.

It is my understanding that with the adoption of the MacKay amendment, that if a separate motion were made after we return to the full House to reconsider the vote, under which the Walker amendment was adopted, that because of the new parliamentary situation, the approximately 20-percent reduction which occurred in other accounts would then also occur in the chapter 4, foreign assistance section of the bill, is that correct?

Mr. MacKAY. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. MacKAY. I thank the gentleman for yielding.

Mr. Chairman, that is correct. Mr. Walker and I have both checked with the Parliamentarian and have been advised that in the event that motion is reconsidered, the 21-percent across-the-board cut will apply to the foreign aid section of the bill.

Mr. OBEY. I thank the gentleman for his comments.

Very simply, Mr. Chairman, what that means that if a motion is made in the full House to reconsider the vote on the foreign assistance section that if that motion passes, the foreign assistance levels which will be adopted will be reduced by 21 percent below those in the original bill so that it would not be treated more advantageously than any other section in the bill.

I yield back the balance of my time.

□ 0040

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Supplemental Appropriations Act, 1987".

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not realize at the time, but the gentleman from Ohio [Mr. Traficant] had an amendment that was offered at the wrong time. For that reason, it was not in order.

Many of you will recall that on one past occasion I asked the Chair to vacate proceedings so that my friend, the gentleman from California [Mr. Fazio], could offer his amendment. I certainly want to be fair to my colleagues.

The gentleman from Ohio says this is vitally important to his district. I do not want a technicality to keep any of my colleagues from offering amendments which inadvertently were offered at the wrong time. Therefore, I shall delay making the motion for the Committee to rise until the gentleman has the chance to offer his amendment.

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

PREFERENTIAL MOTION OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer a preferential motion.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. TRAFICANT. Mr. Chairman, may I be heard?

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Pennsylvania [Mr. Coughlin], which is nondebatable.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 101, noes 145.

So the preferential motion was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: Page 127, after line 7, insert the following new section:

Sec. 507. None of the funds appropriated or made available by this Act shall be used to close the Federal Aviation Administration's Flight Service Station located at Youngstown, Ohio.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I am very pleased to see that the chairman of the Committee on Appropriations has shown a degree of fairness after 39 years that filters down to a new Member like myself who represents a district with some rough times.

My amendment would basically delete any money that would be used to close the flight service station at Youngstown Municipal Airport. Everybody has a concern, but mine is the only airport where a court case was brought forward. In the Northern District Court of Ohio they ruled that by closing that particular airport, it would endanger the skies over northwestern Pennsylvania and northeastern Ohio.

Therefore, I have moved to limit any moneys appropriated under this act. They shall not be used to close the Federal Aviation Administration flight service station at Youngstown, OH.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word, and I rise in opposition to this amendment. I have a job to do. We have a national air space program. If we do not make this change to automated stations, we are going to step backwards. We have already spent $300 million on it. If we make one exception, I think we will have problems because we have refused many others and we cannot have it both ways.

I reluctantly—I understand the problems in Youngstown, OH, and I reluctantly have to oppose this amendment in good faith.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to the amendment. If we start disassembling the national air space plan piece by piece, we are going to waste about $300 million, which we have already spent on this program. We are going to waste the savings that investment would have made. We are going to end up with a waste of some billions of dollars that we are investing in that plan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Traficant].

The amendment was agreed to.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Moakley] having assumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

Is a separate vote demanded on any amendment?

Mr. CONTE. Mr. Speaker, I demand a separate vote on the Walker amendment to strike chapter IV of title I.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendments?

Mr. PORTER. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Texas [Mr. Brooks] adding $2.8 million to the Texas Accelerator Center.

□ 0050

The SPEAKER pro tempore (Mr. Moakley). Is a separate vote demanded on any other amendment?

Mr. MONTGOMERY. Mr. Speaker, I have a unanimous-consent request.

Mr. Speaker, I ask unanimous consent that after the first 15-minute vote, the other votes, if we have any, will be of a 5-minute duration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. COELHO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

If a separate vote is not demanded on any other amendment, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 24, after line 22, insert the following:

General Science and Research Activities

Using funds previously appropriated in the Energy and Water Development Appropriations Act, 1987, Public Law 99-500 and Public Law 99-591, the Secretary of Energy is directed to make available in FY 1987 not less than $2,800,000 from the General Science and Research Activities appropriation to the Texas Accelerator Center, The Woodlands, Texas, to support ongoing research.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 288, not voting 48, as follows:

[Roll No. 64]

AYES—97

Akaka
Alexander
Andrews
Anthony
Archer
Atkins
Barnard
Barton
Bevill
Brooks
Bryant
Buechner
Bustamante
Cardin
Carr
Chapman
Chappell
Clay
Coleman (TX)
Combest
Cooper
de la Garza
Donnelly
Dyson
Edwards (OK)
English
Erdreich
Fascell
Fields
Flippo

Florio
Frank
Frost
Gejdenson
Gibbons
Gonzalez
Gordon
Grant
Guarini
Hall (TX)
Harris
Hayes (LA)
Hertel
Hochbrueckner
Holloway
Howard
Hoyer
Hughes
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Leath (TX)
Lehman (FL)
Leland
Mavroules
McCurdy
McMillen (MD)
Mica
Morrison (CT)
Myers
Nelson
Nichols
Ortiz
Pease
Pickett
Pickle
Richardson
Robinson
Rodino
Roe
Sawyer
Shaw
Sisisky
Smith (FL)
Smith (IA)
Smith (TX)
Solarz
St Germain
Stark
Stenholm
Stokes
Sweeney
Synar
Tauzin
Thomas (GA)
Traficant
Traxler
Vento
Volkmer
Walgren
Walker
Watkins
Whitten
Wise
Young (AK)

NOES—288

Ackerman
Anderson
Applegate
Armey
AuCoin
Badham
Baker
Ballenger
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Bruce
Bunning
Burton
Byron
Callahan
Campbell
Carper
Chandler
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Conte
Coughlin
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Emerson
Espy
Evans
Fawell
Fazio
Feighan
Fish
Flake
Foley
Ford (MI)
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Gray (IL)
Green
Gregg
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hastert
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kasich
Kastenmeier
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nielson
Nowak
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Penny
Perkins
Petri
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shumway
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Spratt
Staggers
Stallings
Stangeland
Stratton
Studds
Stump
Sundquist
Swift
Swindall
Tallon
Tauke
Thomas (CA)
Torres
Upton
Valentine
Visclosky
Vucanovich
Weber
Weiss
Weldon
Wheat
Whittaker
Williams
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (FL)

NOT VOTING—48

Annunzio
Aspin
Bartlett
Boland
Boulter
Brown (CO)
Collins
Conyers
Courter
Crane
Daniel
DeLay
Dorgan (ND)
Dowdy
Early
Foglietta
Ford (TN)
Garcia
Gray (PA)
Hatcher
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Moody
Murphy
Oakar
Pepper
Ray
Rostenkowski
Scheuer
Solomon
Taylor
Torricelli
Towns
Udall
Vander Jagt
Waxman
Wilson
Yates

□ 0100

Mr. CLARKE and Mr. HERTEL changed their votes from "aye" to "no."

Messrs. VOLKMER, WALGREN, and HERTEL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Chair wishes to clarify that the gentleman from Mississippi [Mr. MONTGOMERY] asked unanimous consent to reduce all the votes to 5 minutes. There was an objection and the votes will be 15 minutes in duration.

The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Beginning on page 25, strike chapter IV of title I.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were: yeas 204, nays 184, not voting 46, as follows:

[Roll No. 65]

YEAS—204

Applegate
Archer
Armey
Badham
Baker
Ballenger
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boner (TN)
Brooks
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carr
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Craig
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Florio
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Glickman
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kasich
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Perkins
Porter
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Upton
Valentine
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NAYS—184

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Atkins
AuCoin
Barnard
Bates
Beilenson
Berman
Biaggi
Bilbray
Boehlert
Boggs
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Clarke
Clay
Coelho
Coleman (TX)
Conte
Cooper
Coyne
Crockett
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foley
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gray (IL)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton

Howard
Hoyer
Jeffords
Jones (NC)
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan

Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Rangel
Richardson
Rodino
Roe
Rose
Roukema
Roybal
Sabo
Savage
Sawyer
Schneider
Schroeder

Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Traficant
Traxler
Vento
Visclosky
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wright
Wyden
Yatron

NOT VOTING—46

Annunzio
Aspin
Bartlett
Boland
Boulter
Brown (CO)
Collins
Conyers
Courter
Crane
Daniel
Dorgan (ND)
Dowdy
Early
Foglietta
Ford (TN)

Garcia
Gray (PA)
Hatcher
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Murphy

Oakar
Pepper
Ray
Rostenkowski
Scheuer
Solomon
Taylor
Torricelli
Towns
Udall
Vander Jagt
Waxman
Wilson
Yates

□ 0120

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Boland against.

Mr. KASTENMEIER changed his vote from "yea" to "nay."

Mr. TALLON changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 178, not voting 47, as follows:

[Roll No. 66]

YEAS—208

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Cooper
Coyne
Crockett
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foley
Ford (MI)

Frank
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Green
Guarini
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher

Neal
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Penny
Perkins
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Richardson
Rinaldo
Rodino
Roe
Roemer
Rose
Rowland (GA)
Roybal
Sabo
Savage
Sawyer
Schneider
Schroeder
Schuette
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Tallon
Tauzin
Thomas (GA)
Torres
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Yatron

NAYS—178

Archer
Armey
Badham
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Broomfield
Buechner
Bunning
Burton
Byron
Callahan

Campbell
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Coughlin
Craig
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier

Dyson
Edwards (OK)
Emerson
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt

Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum

McCurdy
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Porter
Price (IL)
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Russo
Saiki
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw

Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tauke
Thomas (CA)
Upton
Valentine
Vucanovich
Walker
Weber
Weldon
Whittaker
Williams
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—47

Annunzio
Aspin
Bartlett
Boland
Boulter
Brown (CO)
Collins
Conyers
Courter
Crane
Daniel
Dorgan (ND)
Dowdy
Early
Foglietta
Ford (TN)

Garcia
Gray (PA)
Hatcher
Hutto
Jones (TN)
Kemp
LaFalce
Latta
Leach (IA)
Livingston
Lukens, Donald
Madigan
Martinez
McDade
McKinney
Murphy

Oakar
Pepper
Rangel
Ray
Rostenkowski
Scheuer
Solomon
Taylor
Torricelli
Towns
Udall
Vander Jagt
Waxman
Wilson
Yates

□ 0140

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Ray against.

Mr. LaFalce for, with Mr. Solomon against.

Mr. Dorgan of North Dakota for, with Mr. Leach of Iowa against.

Mr. Pepper for, with Mr. Boulter against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 1205, TO RELEASE A REVERSIONARY INTEREST IN CERTAIN LAND IN FLORIDA AND CONVEY CERTAIN MINERAL INTERESTS

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 6 p.m. today, Friday, April 24, 1987, to file a report on H.R. 1205, to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of Interior to convey certain mineral interests of the United States in such land to the State of Florida.

The **SPEAKER** pro tempore. (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from California?

Mr. ROWLAND of Connecticut. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from California.

Mr. COELHO. Mr. Speaker, this has been cleared with the minority.

Mr. ROWLAND of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 27, 1987

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COELHO. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CHANGES TO UNIFIED AND SPECIFIED COMBATANT STRUCTURE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-69)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Armed Services and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, April 23, 1987.)

To the Congress of the United States:

In accordance with Section 161(b) of Title 10, United States Code, this is to inform you of changes to the unified and specified combatant structure which I have recently approved.

(1) Establishment of the unified U.S. Special Operations Command (USSOC).

(2) Establishment of the specified Forces Command (FORSCOM).

(3) Establishment of the unified U.S. Transportation Command (USTRANSCOM).

(4) Disestablishment of the specified Military Airlift Command (MAC), to be accomplished upon the certification of CINCTRANS to the Secretary of Defense and the Chairman, Joint Chiefs of Staff, that TRANSCOM is fully operational.

(5) Disestablishment of the unified U.S. Readiness Command (USREDCOM) with transfer of designated functions to U.S. Central Command, U.S. European Command, U.S. Southern Command, U.S. Transportation Command, and Forces Command.

RONALD REAGAN.

THE WHITE HOUSE, *April 23, 1987.*

THE NEED TO CLEAR THE WAY FOR RECAPITALIZATION OF FSLIC

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island, Mr. ST GERMAIN, is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, it is essential that we have early resolution of issues surrounding the recapitalization of the Federal Savings and Loan Insurance Corporation.

The Banking, Finance and Urban Affairs Committee has reported H.R. 27 which provides much needed funds for FSLIC and establishes new guidelines for regulatory actions involving troubled savings and loan institutions in areas suffering from severe economic distress. I am hopeful, Mr. Speaker, that the House will be able to act on this legislation in the near future and that we will have the cooperation of the other body in moving a recapitalization bill to the President's desk expeditiously.

Mr. Speaker, we are all aware that the Senate has encased its version of the FSLIC recapitalization in a larger multititled bill—S. 790—that deals with everything from interstate banking to agricultural lending practices.

To be specific:

The Senate bill addresses the so-called question of nonbank banks.

The Senate bill addresses the question of Glass-Steagall as it applies to banks and bank holding companies and provides for a moratorium on the ability of the Federal Reserve to issue any rulings allowing bank holding companies to engage in various activities some argue should be determined by the Congress.

The Senate bill contains a provision regarding the question of powers of State-chartered savings banks.

The Senate bill addresses the so-called South Dakota insurance loophole.

The Senate bill addresses the question of restrictions on savings and loan holding companies and, similarly, restrictions on unitary savings and loan holding companies.

The Senate bill addresses the question which has been considered by your Banking Committees in the past of a qualified thrift lender test for thrift institutions.

The Senate bill creates a national commission to study and report back to the President on changes needed in our financial laws to promote a competitive American financial industry.

The Senate bill addresses the question of nonbanking activities performed by foreign banks operating in the United States.

The Senate bill addresses the apportionment of funds by OMB concerning the FDIC, the Federal Home Loan Bank Board, and the NCUA under the Gramm-Rudman-Hollings Act.

The Senate bill addresses the so-called interstate acquisition question of failed or failing banks and provides the FDIC with bridge bank authority.

The Senate bill addresses the question of credit union conservatorship authority.

The Senate bill addresses the question of so-called checkhold legislation.

The Senate bill addresses the question of the cashing of government checks by depository institutions.

The Senate bill addresses the question of loans and loan loss writeoffs by qualified agricultural banks.

The Senate bill has a provision establishing the full faith and credit of the Federal Government behind deposits of federally insured savings and loan institutions and, finally.

The Senate bill calls for a study of so called high yield bonds.

Mr. Speaker, this is a significant array of issues that touches, in some manner, virtually every facet of the Nation's financial industry. Frankly, I am in sympathy with many aspects of the Senate-passed bill, but it would be improper and irresponsible to ask my colleagues to accept these provisions on which there have been no hearings, no debate and no votes in the subcommittees and committee of jurisdiction in the House of Representatives.

There are at least three key reasons why I think it would be a mistake to attempt to bring the S. 790 issues to the floor of the House in the form of a conference report at the present time.

First, the issues are too important to be acted on without hearings, debate and votes within the committee and on the House floor. The House should have an opportunity to work its will on each of these issues.

Second, the parliamentary procedure we would face with such a conference is so convoluted and involved to render the objective a virtual impossibility.

Third, the issues involved in the Senate bill are so controversial that such a conference would almost certainly doom chances for early action on FSLIC, something that has become very close to an emergency situation that has little room left for more delays.

Let me just outline some of the parliamentary problems facing us if we tried to deal with the S. 790 package.

Assuming passage of H.R. 27, this approach would then require the chairman to ask unanimous consent to have the text of H.R. 27 substituted for the text of S. 790 and request a conference. There is no doubt in my mind that there would be an objection to this unanimous consent request.

Assuming, and I think it is a fair assumption, the unanimous consent would be objected to, one would then go back into committee and have the committee direct its chairman to go back to the floor and move to go to conference with the Senate on their legislation. I do not believe the committee nor the House would act favorably on such a request.

But let's assume the unanimous-consent request is approved.

We then would go to conference with the Senate Banking Committee, the House containing a one-title bill and the Senate containing 10 titles, 9 of which bear no relationship to the House bill as far as the House germaneness rule is concerned.

In conference, the House conferees' hands would be severely tied. We could not seek to amend their 10 titles to more adequately, perhaps, reflect the House views, because we would run into very serious scope problems, which would completely kill the conference-reported bill in the House, and in fact force us back to conference on just the FSLIC titles in both bills.

The House conferees would be forced, therefore, to essentially adopt all of the language contained in the 10 Senate titles without any substantive change whatsoever, and report these titles back to the House.

Under the House rules, as Members of the House know, these 10 titles of the Senate bill, not germane to the House bill, would all be subject to challenge under the germaneness rule and therefore subject individually to separate votes.

Under this kind of scenario, any reasonable person would have to conclude the House would reject any and all of these 10 titles, simply because neither the House nor its Banking Committee would have had an opportunity to address these issues in a normal legislative fashion.

I have discussed these matters with a number of members of the House Banking Committee on both sides of the aisle and with the Leadership of the House.

This morning I met with the Democrats in a committee caucus. There is a strong consensus in favor of dealing with the very important issue of FSLIC now, and taking up the other issues in S. 790 in regular order—with hearings and the opportunity for the committee and the House to work its will.

It is therefore my considered opinion to proceed in regular order, to-wit: It is my intention—

(a) to seek expeditious action by the House on H.R. 27, the FSLIC recapitalization legislation, and

(b) to have S. 790 referred to the House Committee on Banking, Finance and Urban Affairs for its consideration.

It is my intention to have the Financial Institutions Subcommittee of the House Banking Committee proceed to full hearings on the matters contained in S. 790 as well as others. I believe approaching this matter in a regular order fashion, is not only best for the legislative process but will provide the best legislative outcome on all of the issues.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, the House has given permission that when we adjourn tonight, we adjourn to meet on noon on Monday next.

On Monday, there will be three suspensions: The Cow Creek Band of Indians judgment distribution; to express the sense of Congress with respect to the VA Home Loan Program; and to express the sense of Congress that the VA Home Loan Program fee should not be increased.

On Tuesday, April 28, the House will meet at noon and consider recorded votes on any of the suspensions debated on Monday, April 27, and to consider H.R. 3, the omnibus trade bill, subject to a rule.

On Wednesday and the balance of the week, April 29, 30, and 31 the House will meet at 10 a.m. on Wednesday, Thursday, and Friday and consider H.R. 3 to complete consideration.

CAMPAIGN DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. ROWLAND] is recognized for 5 minutes.

Mr. ROWLAND of Connecticut. Mr. Speaker, I am sure you were as shocked as I was when we heard the news that Presidential candidate Gary Hart now wants the American taxpayers to foot the bill for his 1984 campaign debt.

Now, while I'm willing to admit that Mr. Hart is the only candidate for President with deficit experience—namely his own—I don't believe it was the intent of Congress, the FEC, or the American people to use Federal matching dollars to pay old campaign debts.

Here is exactly what Mr. Hart would like to do. His debt is at least $1.3 million from 1984 and he has money in his 1988 Presidential fund that he would like to use to pay the debt.

Sounds pretty simple. But that is not all that Mr. Hart would like to do.

He wants the best of both worlds. Believe it or not, Mr. Hart wants the taxpayers to match the money he has raised so far and he also wants to pay his debt with that same money. Not a bad deal—trying to get the taxpayers to pay his 1984 campaign debt.

What an interesting message we would be sending to the American people: "If you run for President, don't worry about any debts you may run up—because you can abuse the system and try to snooker the American taxpayers into paying the debt."

The hypocrisy and the irony surrounding this issue is mind boggling.

And, all this coming from a candidate who so righteously claims not to accept political action committee money.

It's not bad enough that Mr. Hart still owes over $1 million to small businesses and creditors 4 years later.

It's not bad enough that he wants to manage the affairs of this Nation when he can't properly manage the financial affairs of his campaign.

It's not bad enough that he has failed to pay creditors while at the same time raising money Hollywood style for a future political roll.

It's not bad enough that he wants to deceive contributors as to where their donations will eventually end up.

But—how does the small businessperson feel—who works everyday to pay his bills; make a living; abide by the laws; and support their families. Does the Federal Government pay their debt?

How about the farmers in Iowa? Is the Government paying their debts carte blanche?

I think it's interesting to note back in 1979 when the very controversial Chrysler bailout bill hit the Congress. What did Gary Hart have to say then?

Let me quote Senator Hart who righteously proclaimed:

> "This legislation contradicts the basic tenets of free enterprise and represents bad economic and poor public policy—both for the present and the future.

Well Mr. Hart, today is the future.

He further stated and I quote:

> The free enterprise system also must mean "freedom to fail" as well as the freedom to profit.

And he concluded by saying:

> Providing aid to the company sets a dangerous public policy precedent.

Well Mr. Hart, why shouldn't all this great rhetoric apply to you in 1988? I would ask simply: Why should U.S. taxpayers bail you out of your irresponsible campaign spending binge?

Not to mention the fact that Chrysler was probably a better investment anyway. At least they paid back their loan guarantee—ahead of time.

Quite frankly, the behavior Mr. Hart is exhibiting in this regard is an outrageous abuse of our system.

To stop this, today I have introduced legislation which will prohibit the use of Presidential election campaign funds to pay debts from prior Presidential campaigns.

Mr. Hart brags he won't take special interest money to pay his debt. Well, that's fine. I believe the American people and the Congress should make darn sure he can't use taxpayer dollars to pay the debt. That's our special interest.

It is unconscionable that anyone—especially a candidate for the highest elected office in our Nation—would try this stunt.

I guess this whole matter is one of Mr. Hart's "new ideas." If so, he should go back to the drawing board. I remember when he was asked the question: "Where's the beef?" Well, maybe someone should ask him: "Where did you get the gall?"

Mr. Hart, withdraw your request from the FEC and pay your creditors without the matching funds.

□ 0150

NATIONAL HOME CARE WEEK

The SPEAKER pro tempore (Mr. HAYES of Illinois). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution to designate the week beginning November 29, 1987, as "National Home Care Week." I am pleased to be joined by Representatives CLAUDE PEPPER and MATTHEW RINALDO in sponsoring this resolution. Congress has approved similar resolutions in the past to recognize the valuable services of home care programs and personnel, and I look forward to congressional passage once again.

As you all know, thousands of home care agencies around the Nation have responded to the need to offer effective alternatives to our health care delivery system. By providing skilled medical assistance to those who can be properly treated outside the hospital or nursing home setting, these agencies recognize the demand for new health care options, and conserve tax dollars currently expended on needless placement in these institutions. This valuable concept of care provides a serviceable answer to the needs of our health care system, and offers a comforting, dignified environment for patients. Alternatives to our health care programs must be offered, and home care agencies have proven very effective in answering that need.

Mr. Speaker, as you know, one of the most critical issues to face our Nation today centers around our health care system. While the growing elderly population, expected to total well over 30 million by the year 2000, places greater demand on our current system, home care agencies have helped many of the elderly remain at home and in their communities. This creates an atmosphere of greater independence and dignity and promotes an easeful recovery. For this service, home care agencies and persons employed in the home care industry should be properly recognized and commended.

As we reevaluate and reform our Nation's health care programs, it is essential for us to take full notice of the benefits of home care and to act to encourage its use. I thank my colleagues for their past support in cosponsoring this important resolution, and look forward to the opportunity to again recognize this effective and humane health care alternative the week of November 29, 1987.

For the convenience of my colleagues, the text of the resolution follows:

H.J. RES. 257

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 500 to more than 3,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 29, 1987, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

LEGISLATION ON LABELING CHANGES IN FOOD PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I'm pleased to be joined today by my colleagues, RON WYDEN, BOB WHITTAKER, BILL EMERSON, TOM TAUKE, JERRY HUCKABY, JIM JONTZ, and CHARLES HATCHER, in introducing a bill to require labeling changes in food products containing palm, palm kernel, or coconut oil, the so-called tropical oils.

This bill is being introduced with the support of the American Heart Association, the American Soybean Association, the Center for Science in the Public Interest, Public Voice for Food and Health Policy, the Corn Growers Association, the Consumer Federation of America, the National Sunflower Association, the National Cotton Council, the American Public Health Association, the National Council of Senior Citizens, the Florida Peanut Producers Association, and the Georgia Peanut Producers Association.

Over the last several years, Government, public and private agencies, and the medical community have educated the public to monitor and modify their diets to lower their cholesterol intake and reduce their risk of heart disease. Consumers have been encouraged to switch from animal fats, which are high in dietary cholesterol, to vegetable oils, which contain no dietary cholesterol and which are generally lower in saturated fats.

Not all vegetable oils are created equal, however.

Coconut, palm and palm kernel oils, which are classified as vegetable oils, are higher in saturated fats than lard; all three invite heart disease—our Nation's No. 1 killer—by raising blood cholesterol levels. Yet, these tropical oils are found in hundreds of food products, ranging from cereals and crackers to frostings and frozen fried potatoes.

Some of these products make claims of "no cholesterol" and many boast "made with 100 percent vegetable shortening." What these products' labels fail to mention is that the tropical oils they contain are high in the saturated fats which boost blood cholesterol. The unsuspecting consumer, accustomed to thinking of all vegetable oils as healthful, is easily, and probably intentionally, misled by this kind of labeling.

The bill we are introducing today will help to ensure that consumers who purchase products containing tropical oils know just what they're buying.

Specifically, this bill will:

Require the label of foods which contain palm, palm kernel, or coconut oil to indicate specifically which oil is contained in the food. This will disallow tropical oils to be listed disjunctively—the use of "and/or" and "one or more of the following"—in ingredients lists. Under the current labeling system, a consumer is told only that the product may include a tropical oil; and

Require the words "a saturated fat" to follow the names palm, palm kernel or coconut oil in ingredient lists of products containing tropical oils.

To get at misleading claims, our bill will require the label of foods which contain palm, palm kernel, or coconut oil and which make a claim that the food contains or is prepared with vegetable shortening on the principal or side panel to:

First, identify on the label making the claim which of the tropical oils is contained in the food and follow the name of the oil with the statement "a saturated fat"; and

Second, list the fat content and saturated fat content of the food per serving.

It is no mere coincidence that I, the chairman of the Agriculture Subcommittee on Wheat, Soybeans, and Feed Grains am sponsoring this bill, or that a number of commodity groups have endorsed the proposal. All of the domestically produced vegetable oils—safflower, sunflower, corn, soybean, peanut, and cottonseed—are substantially lower in saturated fats than the imported tropical oils.

Yet, in terms of use in this country, from 1984 through 1986 palm oil levels more than doubled, from 370 million pounds to 780 million pounds; coconut oil increased from 904 million pounds to 1.1 billion pounds.

What concerns American producers is that during the same period of time, oils produced from sources grown in this country either lost ground in domestic use or enjoyed only small increases.

Clearly this is an issue where producing and consuming interests merge: Domestically produced oils are low in saturated fat, which is what our health-conscious public is demanding. What's good for the American consumer is good for the American farmer. I hope the effort we are initiating today will provide not only for an informed public, but that it will bring about a reduction in the use of tropical oils and an increase in the more healthful oils produced here at home.

FIGHTER SALE FOR HONDURAS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, the Reagan administration is prepared to deliver sophisticated combat aircraft, the F-5E, to Honduras. This would be the first time that the United States has sold advanced fighters in Central America. Because of the high level of tension in the region, I believe that the sale should be postponed.

The F-5E is used by such countries as the Netherlands and Turkey which face technologically advanced air forces. However, Honduras is the only country in Central America which possesses jet fighters, and its 12 super Mystere B-2 jets already provide it with unmatched air-to-air superiority

If these jets are to be replaced, I also believe that further consideration needs to be given to less advanced fighters which might be more appropriate for Honduras' defense needs.

Supplying Honduras with F-5E jets could also escalate military tensions in Central America and prompt Nicaragua to acquire Mig jets. Instead of promoting a further militarization of the conflict in Central America, we should be attempting to reduce regional tensions and providing strong support for President Arias' peace plan.

Please join me and Congressman BONIOR in signing a letter to President Reagan asking him to postpone the sale until regional tensions can be reduced.

RULE FOR CONSIDERING H.R. 1748

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I wish to report to the House that the Committee on Armed Services will be requesting a rule for consideration of H.R. 1748, the fiscal year 1988 Defense authorization bill, which we expect will be drafted along the lines of the rule adopted last year. Thus, Members should be on notice that the rule could structure a procedure for the consideration of amendments as was the case in 1986. The committee is awaiting announcement of the details by the Rules Committee.

JAPAN'S MARSHALL PLAN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, over the past 5 years, as United States trade deficits have soared, Japan has come in for increasing criticism from the United States. For their part, the Japanese feel that they are being made the scapegoat for America's declining international competitiveness; and to a certain extent, they are right. It is painful for Americans—and particularly American politicians—to concede that most of our competitiveness problems are "Made in America."

Nevertheless, much of the criticism of Japan is valid, particularly the notion that it has been unwilling to accept responsibilities commensurate with their surging international economic power and status.

For example, in recent years the Japanese have refused to increase their imports from Third World countries; thereby exerting additional pressure on American markets to help developing countries generate enough export earnings to service their massive debt burden. In this way, the Third World debt crisis has exacerbated America's underlying trade problems.

For this reason, I was particularly pleased to read today of a new initiative announced by the former Japanese Foreign Minister, Shintaro Abe, who said Japan plans to lend up to $30 billion over the next few years to Latin American debtor countries. Next week, when the trade bill is debated on the House floor, Japan will be roundly criticized on a bipartisan basis. But today, I want to acknowledge this positive step by the Japanese, and give credit where it is due.

Indeed, at a time when large banks all over the world are worried about a deepening of the Third World debt crisis, Japan's leading banks and their Government are ready to try a novel approach to easing the crisis and simultaneously improving their international competitiveness. The first step in this new approach came last month, when Japan's 28 largest banks created a mechanism for clearing their books of nonperforming LDC sovereign loans. Japanese banks will be the first with substantial foreign loans to take losses on their Third World portfolios now rather than postpone the day of reckoning. They have established a joint factoring company that will buy the loans at a discount, enabling the banks to get large tax savings from these sales. The plan will give Japanese banks a new competitive edge; they believe the move will enable them to catch up with the tax and regulatory positions of United States and European banks. Unlike competitors, they will no longer be tying up large amounts of capital to support frozen assets that have at best an uncertain earnings potential.

Now with the second step announced yesterday, Japan has indicated their intention to help recycle their trade surpluses as growth capital for debtor countries. In short, this constitutes a "Japanese Marshall Plan" for the Third World.

As such, this action is also a dramatic example of just how much economic power relationships in the world are changing.

In October 1985, Secretary of the Treasury Baker proposed a new international lending program from industrialized countries to Third World debtors, calling for $20 billion from commercial banks over 3 years. Unfortunately, it has not materialized. Fortunately, the Japanese now appear willing to unilaterally move forward with $30 billion over roughly the same time period.

But let's understand something else, the Japanese are not doing this only out of the goodness of their hearts—such action will clearly be in Japan's long-term self-interest.

Despite the fact that the Japanese loans will apparently not be directly tied to the purchase of Japanese goods and services, you can be sure that Japanese economic influence will, in fact, expand rapidly throughout Latin America as Japanese financiers negotiate their lending packages.

In this regard, increased lending to Latin America will help Japan to maintain its export-oriented economy. At the same time, it may also reduce pressures on Japan to export to the United States, thereby reducing bilateral trade tensions between our two countries.

However, even though this new Japanese initiative is quite welcome, it is not enough. The Japanese have been recycling their trade surpluses with the United States by buying United States Treasury bonds and investing in American industry and real estate for the past several years. But they still need to open up their markets to U.S. exports. In the same way, I hope that the Japanese will also begin to open up their markets to Third World goods as well as to help finance Third World economic development.

COMMEMORATION OF THE 72D ANNIVERSARY OF THE ARMENIAN GENOCIDE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. PASHAYAN] is recognized for 60 minutes.

Mr. PASHAYAN. Mr. Speaker, columnist Richard Cohen said, "The last victim of genocide is truth."

I rise today to join my colleagues in commemoration of the 72d anniversary of the Armenian genocide. We commemorate this crime against humanity to understand the event, and thereby preclude its repetition against anyone anywhere in the world.

We commemorate to affirm a proud moment in the United States history where our Government and our people led a worldwide outcry against the perpetrators and for the survivors of Ottoman Turkey's genocide policies.

We commemorate to protect the historical record of America against those who find the truth disquieting, and we commemorate to sustain the integrity of this body who during the 54th and 66th Congresses affirmed the fact of the Armenian genocide.

At this point, it would be my intention to yield to my colleague from California [Mr. MOORHEAD].

Mr. MOORHEAD. I thank the gentleman from California for yielding.

Mr. Speaker, I wish to commend the gentleman from California [Mr. PASHAYAN] for taking this 1-hour special order in which we can remember the sacrifices that have been made by Armenians all over the world.

Mr. Speaker, during the month of April, Armenians all over the world will be observing the 72d anniversary of the Armenican genocide. I am glad to be participating in today's special order in which all victims of genocide are brought to mind. In particular, we commemorate the Armenian genocide of 1915-1923.

In the latter half of the 19th century the Ottoman Turkish Government began a policy of persecution against its Armenian population. This persecution was brutal and ferocious. It resulted in many deaths of Armenians in 1894 through 1896, and in 1909. The pattern of persecution and destruction culminated in the great massacre of 1915 through 1923. At least 1.5 million Armenian men, women, and children perished in this holocaust. Those who survived became homeless refugees, whose descendants, with their painful memories, can be found in many countries today.

This terrible fact of history has been documented by eyewitnesses and media accounts, including those of then United States Ambassador to Ottoman Turkey Henry A. Morgenthau. The 54th and 66th Congresses adopted resolutions deploring the massacres. President Reagan and seven Presidents before him, have spoken out against the treatment of the Armenians. In spite of this overwhelming evidence and recognition, the debate rages on over whether or not these events of history should be remembered.

Opponents of House Joint Resolution 132 fear that the legislation will hurt friendly international relations by encouraging the incidence of international terrorism. In response I can only say that as a free and democratic nation we deplore the events surrounding the Armenian genocide as vigorously as we deplore modern acts of terrorism.

We have a duty to acknowledge and affirm the historical record on this event. Denials or dismissals of genocide deeply insult those already injured and portend ominous warnings for the future. As a matter of conscience, we have a responsibility to learn from the past.

As we have done in earlier years, we take this opportunity today to pause and reflect on the Armenian experience. Cruelty, murder and genocide are terrible, terrible examples of man's inhumanity to man. We commemorate Armenian Martyrs' Day to remember this and to recognize the suffering and pain that the Armenian world community has endured. Let us commit ourselves today to a future course that prevents us from ever permitting the occurence of such horror again anywhere in the world.

Mr. PASHAYAN. I thank my colleague from California for his kind remarks, and also wish to point out that he has been a great friend and an active supporter of the Armenian community within the United States.

Everybody appreciates that, and I appreciate his participation tonight.

Mr. Speaker, I yield to my friend and colleague from the great State of Kentucky [Mr. Perkins].

Mr. PERKINS. I thank the gentleman from California for yielding.

Mr. Speaker, I appreciate the opportunity given to me by my distinguished colleague from the State of California [Mr. Pashayan] and also my distinguished colleague from the State of California [Mr. Lehman] for having given me an opportunity to address a very serious issue.

Tonight we are talking about a situation that has literally been a holocaust for a particular set of people that has shaped the lives of an entire generation of Americans, an entire generation of people that live around the world.

While I am perfectly cognizant of the fact that we are not as Americans asking that the present government, and the Turkish situation was responsible for what happened, at the same time, we must be cognizant of the fact that the Government of Turkey was indeed cognizant of the fact that there was incorporated in their particular activities from 1915 to 1923 in the Armenian empire one of the greatest genocides that occurred certainly in this century.

I think that we as Americans should take recognition of that fact, and while we should not necessarily blame the present government by any means, that we should announce to the world, and to the Turkish Government, that we as Americans recognize the importance of the facts that occurred in that part of the world during this time period.

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We believe that recognition of the horrors of the situation that occurred, that indeed, we should not be in any way associated, nor should the Government of Turkey be in any way associated with the things that occurred during that time period.

I thank the gentleman from California [Mr. Pashayan] for allowing me this opportunity to talk about this very serious issue.

Mr. PASHAYAN. I wish to thank my good friend from Kentucky for his very astute remarks on the subject. I take it he agrees with me that one of the reasons that this body ought to take a formal recognition of not only that very dark and stained page in human history, but others as well at the appropriate occasions in some kind of affirmative effort to prevent it ever from happening again anywhere.

Mr. PERKINS. I think my distinguished colleague from California has once again placed his finger on the most important question that we are dealing with here tonight. That is why did this sort of thing happen in the past? We should not allow it to occur in the future. I think that is exactly what we are talking about here tonight. That is exactly the message we are trying to get across.

Mr. PASHAYAN. I thank my friend.

Mr. Speaker, I yield to the gentleman from California [Mr. Lehman].

Mr. LEHMAN of California. I thank the gentleman. I share in his eloquent remarks this evening and also those of my distinguished colleague from the Commonwealth of Kentucky.

Mr. Speaker, more than 600,000 Armenians in this country and elsewhere in the Diaspora, will observe April 24 as a solemn day of remembrance for the 1.5 million Armenians who perished during and after the First World War. Today we join the Armenians in the anniversary ceremonies here in Congress. My colleague, Chip Pashayan, and I are pleased to have the participation of many of our fellow Members of Congress for this special order in honor of the 72d anniversary of the Armenian genocide.

Today also marks another anniversary. On the floor of this House 17 years ago, Members began an annual commemoration of special orders to bring greater attention and understanding to the first genocide of the 20th century. In last year's special order, we looked back over the historical record relating to the Armenian genocide in Congress. We discovered that as far back as 1895, the U.S. Congress heard about the troubles of the Armenians in the Ottoman Empire. Resolutions of support for the Armenians also were approved in the 54th and 66th U.S. Congresses.

We also discovered that reports by former United States Ambassador to Turkey Henry Morgenthau argued in the defense of the Armenians and feared that "the destruction of the Armenian Race" was "rapidly progressing," and in dire need of a massive relief effort. Congress responded to the continued plight of the Armenians, and with the expressed support of many U.S. Presidents during its 15 year existence, Congress established the Near East Relief Committee, formerly known as the American Committee for the Armenian and Syrian Relief. Please find enclosed an article by Susan K. Blair on the history of the Near East Relief Committee.

Therefore, the history of the Armenian destruction has been established here in Congress, However, because of the State Department bulletin in 1982 which claimed that the massacres of the Armenians were "alleged," my colleagues and I have introduced commemorative resolutions since 1983 which reaffirm historical fact and pay tribute to the thousands of Armenians who perished under the leadership Ottoman Empire's triumvirate.

The special order reviews the historical record of the Armenian genocide, but also looks at some of the lobbying techniques employed by those who attempt to dissuade Members of Congress from supporting the resolution.

We have several speakers today, so I would like to focus on one aspect of the dispute over the historical record. I would like to insert for the RECORD a detailed, authoritative chapter from Winston Churchill's book, "The Aftermath," which is the fourth in a four-part volume detailing the events of World War I from the eyes of then Member of Parliament Churchill. He describes the disasterous result of the postwar agreements by the Great Powers for the Armenian people: Armenia was forgotten.

While the history of the genocide has been documented by diplomats of the time and has been referred to since by many U.S. Presidents, others have tried to distort it. For the past 2 years, the Assembly of Turkish American Associations has used an advertisement claiming that the language in this resolution is "misleading and/or inaccurate." 69 scholars signed this ad which appeared in the Washington Post, New York Times, and Washington Times in May 1985.

The information in the following report was compiled by the Armenian Assembly of America after corresponding with 11 of the scholars. Some of the scholars privately expressed regret that they were a part of such a campaign, and another retracted his statement and supported the resolution. They also responded in writing, with one scholar acknowledging that he cannot authoritatively answer a question on the treatment of the Armenians because the period encompassing the genocide is not his area of expertise. Since the scholars asked that their names be withheld, I would be pleased to show Members the letters if they wish.

The enclosed report also makes some striking revelations about the background and affiliation of many of the ad's signatories. First, the ad claims that all the scholars specialize in Turkish, Ottoman, and Middle Eastern studies. However, only 18 of the 69 signatories are specialists on the broad subject of pre-Republic Turkish history during the 19th and 20th centuries. In fact, only eight scholars are concerned solely with the 20th century, the period encompassing the Armenian genocide.

An even closer look at the expertise of the scholars reveals that only 4 of the 18 have dealt with the specific topic and period of history in question: The policy toward the Armenians in the Ottoman Empire during and before World War I.

Finally, the report focuses on the scholars' affiliation with Turkish organizations and institutions, 40 of the 69 scholars received a total of 65 grants from 2 prominent organizations, the Institute of Turkish Studies [ITS] based here in Washington, D.C. and the American Research Institute [ARI] based in Ankara, Turkey. I have enclosed a chart of all the signatories' grant awards.

In closing, I would like to insert a resolution adopted by the American Baptist Churches, USA, which urges congressional passage of the commemorative resolution. Along with the American Baptist Churches, the Washington Office of the Episcopal Church and the Lutheran Church of America have expressed their support.

My colleagues will address in greater detail the support by Dr. Monroe Freedman, director of the U.S. Holocaust Memorial Council, Elie Wiesel, chairman of the Holocaust Council, and Dr. Helen Fein, executive director of the Institute for the Study of Genocide.

I commend these organizations for their support of the purpose of this resolution: To correct the historical record and to protect the dignity of all people.

Mr. Speaker, if we pass the resolution in this House commemorating the Day of Remembrance for the victims of the Armenian genocide, I think only one thing in the world with respect to the Republic of Turkey will be different on the next day. Their geography will not have changed at all. Their military situation in the world will not have changed. Their relationship with the United States will not have changed. The only thing that will have changed in the entire world if we pass this resolution is their standing in the eyes of mankind with respect to what happened in the events in the early part of the century.

They will have faced the truth of that and have it behind them as will everyone else. The only thing the Turkish Government will not have to face following passage of this resolution is the fact that they will not have to deal with the resolution again; they will have come to grips with their own history and accept this fact.

What we ask for is the dignity of the recognition of this genocide for all people in the world, and especially for those who today are the living survivors of it.

I again thank my colleague from California, [Mr. PASHAYAN], for his courageous leadership in this area and I commend him for his efforts.

Mr. Speaker, the materials that I referred to earlier in my remarks follow.

AMERICA'S GREATEST ACT: NEAR EAST RELIEF IN RETROSPECT

(By Susan K. Blair)

For most Americans, the World War I events which brought about the near-extinction of the Armenian people in their ancient Transcaucasian homeland appear to have no connection with their own lives or their own national history. Yet the results of the Armenian genocide of 1914-1923 and its impact on American society may be seen in United States Government agencies, in the programs and operations of our private philanthropic organizations, and in relations between the public relations industry and the news media.

Of all the world's citizens, it was the American people who responded to the Armenian plight with the greatest show of concern and compassion. Indeed, local authorities considered American efforts to thwart the Armenian genocide tantamount to an act of war. To forget the mass commitment of the people of the United States saving the Armenian people from extinction is to forget one of the most noble acts in the history of mankind.

U.S. involvement in Armenian history began in 1828, when missionaries sent out by the American Board of Commissioners of Foreign Missions, representing several Protestant churches, arrived in Izmir, Turkey, then known as Smyrna, intent on converting the Moslem population of the Ottoman Empire. They discovered their mission could be self-defeating: conversion from Islam was a capital offense. A Turk or Arab who became a Christian would be condemned to death by his confession of faith. The Christian Greeks and Armenians, however, whose national Christian faiths had been hampered in their development by repressive laws and widespread illiteracy among their clergy, could provide a fertile field for mission work.

By basing their efforts upon an effort to educate Ottoman citizens, particularly the Christian minorities, and provide modern medical care, the American missionaries found their involvement with the Armenians particularly rewarding and fruitful. The challenge and stimulus they presented to the Armenian community of the Ottoman Empire helped contribute to a renaissance in the ancient Armenian Apostolic Church, the growth of education, and the rebirth of Armenian culture after centuries of stagnation under Turkish rule. By 1914, the Presbyterian Board of Missions, active in Syria and Persia, and the American Board of Commissioners for Foreign Missions (ABCFM) counted a total enrollment of more than 33,000 in their colleges, elementary and secondary schools, most of them Armenian. The cumulative influence of these schools over three-quarters of a century on successive generations of students and American sponsors was considerable. When tragedy struck, Armenians turned toward the American missionaries, and often sought refuge inside the walled mission compounds. And the American public needed no education about the national identity of the Armenians.

The increasing literacy, culture, wealth and influence which resulted from foreign contact and improved the educational resources among the Armenian minority provoked deep resentment toward them among their Turkish masters. Political repression stimulated the growth of national feeling among Armenians. Persecution of Armenians by the despotic Sultan Abdul Hamid II in the 1890's prompted European intervention. The "Armenian Question" proved a thorny one for the Turks. The more Europe (particularly, France, Britain and Russia) complained, the more the Armenians suffered. When the Ottoman Empire entered

World War I as an ally of the Central Powers, thus freeing themselves of the traditional restraints imposed by the Entente powers on anti-Armenian policies, the oligarchic Young Turk leaders in power took advantage of the general mobilization measures and veil of censorship which they imposed to eliminate the Armenian Question by exterminating the Armenian people on Turkish soil, and wherever possible, in neighboring states as well.

As the Turkish authorities organized massacres in some areas and forcefully deported the Armenians from their homes across Asia Minor, American missionaries witnessed the tragedy. Some tried to intervene with varying success. A few succeeded in accompanying their Armenian students on the deportation route, this shaming the Turks into according the youngsters better treatment. Others wrote reports to mission headquarters or the American Embassy, and found trustworthy travelers willing to risk carrying their messages to the capital [then Constantinople]. A few, whom the authorities evidently considered too observant, were themselves deported under guard or met suspicious deaths in isolated circumstances. The majority of them did whatever they could to ease the suffering of the people to whom many had devoted a lifetime, distributing food or money as circumstances allowed, hiding as many as possible, helping some to escape, and often risking their own lives in the process.

The American Ambassador, Henry Morgenthau, Sr., proved no less courageous than the missionaries, arguing in defense of the Armenians to the point that he angered Turkish leaders, who accused him—and the American counsuls on Ottoman territory—of meddling in their internal affairs. By mid-July, 1915, Morgenthau realized the Turks were carrying out a "campaign of race extermination." By mid-August, he was convinced Turkey's German and Austrian allies would do nothing beyond make *pro forma* protests for public relations purposes. By early September, he envisioned the United States as the Moses destined to lead the Armenian nation out of the Turkish "Egypt."

Morgenthau cabled the Secretary of State that since "the destruction of the Armenian race" was "rapidly progressing" either a massive relief effort or the mass relocation of the Armenian people to the United States would be their only salvation. He asked that the State Department request five American leaders to form a relief committee to raise $100,000. His list included Phelps-Dodge copper heir and philanthropist Cleveland H. Dodge, who also happened to be President Wilson's oldest and closest friend; Rabbi Stephen S. Wise, founder of reformed Judaism and Morgenthau's close friend; industrialist Charles R. Crane (elevators and plumbing), a Wilson Democrat and an ABCFM benefactor; John R. Mott of the International Young Men's Christian Association; and Samuel Dutton, a noted educator and advisor to the missionary colleges in the Ottoman Empire.

These men also invited the Rev. James L. Barton, Foreign Secretary of the ABCFM who had once served in Turkish Armenia, and consequently spoke fluent Armenian and Turkish, to join them for the first meeting of the "Armenian Atrocities Committee" held at Dodge's Wall Street district office in Manhattan on September 16, 1915. At the time World War I broke out, Barton actually supervised a larger overseas staff than did the U.S. Secretary of State. His missionaries provided him with detailed information, in regular reports, on the situation in the countries to which they were posted. The State Department often turned to Barton for information on foreign affairs. Since the missionaries served overseas for decades, they were better informed in most cases than the meager U.S. Foreign Service staff.

Before their first meeting adjourned, the men present personally pledged the $100,000 requested by Ambassador Morgenthau. But it became clear the Turks would not ease their persecution, an if Armenians were to survive, relief must continue. The result was a fund raising effort that grew as rapidly as did sympathy in the United States for the plight of the long-suffering Armenians. With publicity-conscious Barton as its chairman, the renamed American Committee for Armenian and Syrian Relief organized fund raising committees, recruiting Americans of influence, wealth and power, across the United States. By 1919, over 20,000 state and local committees dedicated themselves to rescuing the Armenian nation. Increasing the size and stature of the main Board of Trustees with careful additions representing all major faiths, politics and the finest social service and medical professionals, the committee wielded formidable power. Members included, at one point or another during its fifteen-year history, former President William Howard Taft, future Presidents Franklin Delano Roosevelt and Herbert Hoover; Morgenthau himself, who returned to the U.S. in 1916 to devote himself to fund raising for the relief effort; Wilson's Secretary of the Navy Josephus Daniels, who authorized a Navy blimp to travel up and down over Manhattan trailing fund-raising banners for Armenian relief; Oscar Straus, the first Jewish member of a U.S. cabinet; New York Times editor John H. Finley; James Cardinal Gibbons; and dozens of other famous Americans. Armenian relief became news because the men who supported it made headlines. Barton and his carefully chosen staff saw to it that the American Committee for Armenian and Syrian Relief, later known as the American Committee for Relief in the Near East, and finally, by Act of Congress, as Near East Relief, stayed in the headlines. Their public relations campaign makes many current effort seem feeble in comparison.

Instituting the "adopt a child" concept, committee leaders convinced First Ladies Wilson and Coolidge to sponsor Armenian orphans. In 1916, the committee began publication of a monthly magazine on its activities at home and abroad which continued publication for over a decade. Contributors were rewarded for their largesse with subscriptions to the "house organ," which featured emaciated faces of Armenian waifs on the cover of almost every issue.

Near East Relief leaders obtained annual presidential proclamations endorsing their fund raising campaign. Newspapers throughout the United States received complimentary engraved metal plates for full pages of articles and photographs about Near East Relief and its work. A Speakers Bureau of missionary eye-witnesses home on leave and Armenians fortunate enough to be studying in college in the United States when the genocide began provided programs for fund raising meetings in every state. Although, as one missionary bluntly stated, "it is difficult to get people to come to a meeting where they know they will be dunned," Americans responded with generosity to the organization's appeals. The most successful came in 1919, after the war had ended, when the organization raised over $19 million in one year. An entire generation of American children was exhorted to finish portions of detested vegetables with the words, "Remember the starving Armenians." And the children did remember, but not with the resentment one would expect under such circumstances. Many a child brought a filled piggybank to fund raisers, clutched carefully in little hands. Other children held streetcorner "circuses," sold lemonade, or sacrificed allowances for the benefit of Armenian children thousands of miles away whose misery they could barely begin to comprehend. Child star Jackie Coogan made personal appearances—and gave from his own resources and wardrobe—to help feed and cloth Armenians. Adult movie stars did likewise. Regular special collections in churches and synagogues benefitted Near East Relief. Theatre-owners allowed authorized N.E.R. staff and volunteers to collect funds during intermission. Special movies funded by the relief commission, but made by major film studios, vividly portrayed the Armenian predicament. Near East Relief also produced film strips and steroptican slides. Grocers placed specially marked barrels in their stores to solicit donations of bags of flour for Near East Relief. And prisoners in the Virginia State Penitentiary sacrificed their wages to help support Armenian orphans.

The organization devoted over $113 million to relief between 1915 and 1931, the equivalent of several billion today. Cleveland H. Dodge, through a magnanimous gesture, enabled the relief committee to send almost all funds raised directly to the field. He personally paid for administrative expenses from the time of that first meeting in his office until his death in 1926.

As a result of Near East Relief's impressive publicity campaign, the American people favored acceptance of a U.S. mandate over Armenia at the end of the war, but technicalities caused defeat of the measure in Congress.

Although Near East Relief did have a lasting impact on philanthropy in the United States, and produced a new sense of responsibility for the welfare of others overseas, the organization's greatest impact on history resulted from its programs abroad. At first, Morgenthau had U.S. Consuls and missionaries covertly distribute relief funds and carry out programs despite a ban on relief to Armenians imposed by Turkish authorities. Since Ottoman Turkey was a belligerent power, this amounted to an act of war. At best, it was a dangerous provocation. But when Turkish authorities complained, the determined Morgenthau, whose compassion for the Armenians was partially prompted by feelings they were "like the Jews," simply instructed the consuls to be more discreet.

Relief funds kept several hundred thousand displaced Armenians alive for the duration of the war. In 1916, the organization began a program still used by the U.S. Agency for International Development—the granting of low- or no-interest loans to businessmen whose trade was destroyed. Relief workers established industrial relief programs in Russian Armenia, where many refugees from massacres in Turkey had fled. Refugees found jobs with the relief organization as tanners or shoemakers, weavers and seamstresses to make apparel for orphans and other refugees.

When, in April, 1917, the United States entered the war, relief became more difficult. Although Turkey merely ruptured diplomatic relations with the U.S., and resisted German pressure to declare war, withdrawals of the U.S. consuls made distribution of funds more difficult. Each delay in transmission of funds literally meant death for hundreds. Other neutral diplomats filled the gap, and where American missionaries returned home, Danish, Swedish, or even German missionaries stepped in to work for Near East Relief. Many Americans refused to abandon the Armenians. In several instances, one American woman, the sole foreigner in an isolated city in the Turkish interior, managed to save a few hundred Armenians under her care in her mission compound. These women performed their heroic acts, well knowing the personal jeopardy they chose. Holy War against all non-Moslems had been proclaimed in November, 1914.

A telegram sent by U.S. Ambassador Henry Morgenthau to the Secretary of State warning that "a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

The end of the war meant hope for those Armenians who had managed to survive. In January, 1919, James Barton led an investigative commission into Turkish Armenia and Syria to determine the condition of Armenians. He wrote his wife back in the U.S. that the truth of what befell the Armenians was far worse than the most horrible reports they had heard. "Turks themselves tell us so." He marveled at the fact they seemed to feel no shame in recounting the fiendish cruelties they had practiced.

A virtual army of Near East Relief workers followed the Chairman into Turkey, establishing relief stations in every major city or town where the Armenian survivors resurfaced when safety seemed guaranteed. The organization hired more than 400, and added to its staff the missionaries, Red Cross and YMCA employees stationed in the area, with parent organizations willingly keeping them on their own payrolls, but authorizing their Armenian relief activities. N.E.R. staff members, required to be college graduates 26 or over with excellent references and some administrative experience, were given training in the Near Eastern languages. Some were hired because their educational background in agriculture or pedagogy seemed ideal. Others were hired because they already spoke one of the native languages. With motivations ranging from pure altruism to a romanticist's desire to visit Tolstoy's homeland, they dedicated themselves with rare devotion to their work.

Corruption, whether among Americans or local residents hired to help, proved rare. The extreme misery they found among the Armenians, many of whom has no choice but eat grass, carrion or garbage to stay alive, served as a powerful deterrent to selfishness. Each relief station's outfit included several American staff members, including a doctor or nurse, a RED truck to transport supplies, medicines and surgical equipment, food, uniforms for personnel, so they would not be mistaken for native Christians and could be easily identified, and the bare necessities of life, including one folding cot per staff member. The resemblance between the Peace Corps and Near East Relief may be more than coincidence. Near East Relief, however, was more sophisticated in that the organization sent specialists and other more highly trained personnel, leaving less to chance.

Near East Relief's far-sighted management soon realized that if the Armenians were indeed to survive as a nation, relief should be concentrated on the orphans. The lack of political stability in the region, however, forced the organization to continue relief work as the Turks and Bolsheviks divided the fledgling Armenian state (1918–1920) anti-French uprisings took place in Cilicia and Syria, and the Turkish Nationalists virtualy drove the Armenians and Greeks out of Turkey by 1923. But when an uncertain peace returned, N.E.R. gradually closed its soup kitchens and placed greater emphasis on the orphanage program.

Assuring a stable future for tens of thousands of children, many of whom had witnessed the brutual murder of their parents, multiple rapes, or had been raped or maimed themselves would not be an easy task. Near East Relief, limited by funds, could only assume full responsibility for a fraction of them. 132,556 children [a few thousand of them Greeks or Arabs, a few dozen Turks] passed through the organization's orphanage program.

Teenaged girls released or escaped from harems, many of them pregnant, received care and counseling in special homes. Most of the children taken in by the relief organization had at least one communicable disease. "The orphanages were hospitals, the hospitals, orphanges," commented one N.E.R. doctor. The contagious eye disease, trachoma, had reached epidemic proportions. Dysentery, cholera, malaria, tuberculosis, favus, scabies, smallpox, typhus and typhoid had spread rapidly among the Armenian refugees. Those who survivied the fatal diseases contracted the less serious ones. The fact that many children suffered from venereal disease offered silent testimony to their ordeals. Near East Relief, guided by medical advisors from some of the finest American universities, sought to cure them. At the largest orphanage complex, located in a former Russian army barracks in the city today known as Leninakan, Armenian S.S.R., as many as 30,000 children were given shelter. Part of "Orphan City" was set aside for the 10,000 children with trachoma who required daily treatment. Each morning, all 10,000 filed through the clinic.

Helping these orphans recover from the emotional damage caused by their experience proved no less difficult. Some children couldn't laugh or even smile for weeks. Children would awaken at night, screaming, and frightening the others into general panic. But slowly, given good food, affectionate supervision, schooling and medical care, mental and physical health returned, along with a sense of security. Physical education programs and special summer camps helped restore a sense of well-being. Team sports were emphasized to help children accustomed to fending for themselves in the streets learn the benefits of group cooperation.

Educating the children and providing them with the means to earn a livelihood was another priority. The genocide had totally disrupted Armenian cultural traditions, in which young men so often served an apprenticeship to their fathers or uncles, and young women stayed at home. Near East Relief addressed the problem by giving each child several hours of daily vocational training. N.E.R. established the first nurses' training programs in the Near East and Soviet Armenia, and made nursing a socially acceptable occupation. Girls were also encouraged to become teachers, if their aptitudes permitted. Others were taught sewing, weaving, and rug-making. Boys were instructed in traditional trades.

N.E.R. made a determined effort to improve agriculture in the Near East by teaching orphans the latest farming methods, animal husbandry to improve productivity of livestock, and soil conservation. Shiploads of Case tractors and mules went to Near East and Soviet Armenia, where N.E.R. was the only outside organization allowed to function until as late as 1931. Orphanages in Soviet Armenia, with American experts guiding the effort, established model "collective farms." N.E.R. arranged scholarships, however, for the gifted to continue academic studies at colleges or universities.

The orphanages' academic course of study was a tribute to the wisdom of its founders, who determined that the children should not be given an education that would make them misfits in the Near East. The curriculum consequently included instruction in the children's own language, history and culture, plus the language of the country in which the orphanage was located, and where the children would one day need to make their home. Near East Relief retained a staff of Armenian teachers and other intellectuals—those who survived the genocide themselves—to teach the children.

Near East Relief consciously sought to help the Armenians, as a nation, recover from the genocide, and monitored that recovery with concern. In the late 1920's as the orphans graduated from orphanage schools and left to earn a living on their own, a new priority became evident. Without responsible leaders, that recovery could never be complete. Since Near Eastern society was structured along religious lines, with the individual defining his or her identity in terms of faith, N.E.R. leaders recognized the importance of helping the Armenian Church replace the hundreds of Armenian priests massacred by Ottoman orders. The clergy had been specially targeted. N.E.R. accordingly combined forces with the Armenian Church to establish a theological seminary in an orphanage outside Beirut, Lebanon, provide funds for operating expenses, paying salaries of the finest faculty members available, both Armenian and American, and renting the orphanage facilities to the Armenian Church for $1 per year. Today, that orphanage property is headquarters for the See of Cilicia of the Armenian Apostolic Church. The seminary's graduates are among the most effective leaders the Armenian nation has ever known. Through their special training in sociology and counseling, the seminary's graduates not only could offer advice on matters of faith, they could help their people with the very real problems they confronted as refugees in an alien culture.

It is almost impossible to gauge the extent to which Near East Relief was responsible for the dramatic rebirth of the Armenian people, who seventy years ago faced near-extermination. But the tracks which Near East Relief has left behind—the concept of Third World development, a particular concern for the world's orphans, Roosevelt's W.P.A. programs which so closely resembled Near East Relief's "industrial relief," and the American habit of collecting funds through private charities to help the victims of injustice overseas, all can be traced to one organization. That organization, a credit to the American people who created and guided it, began its existence quietly as the "Armenian Atrocities Committee."

GREEK TRAGEDY

The events which have been described in Russia and in Turkey, and which were soon to be ratified by new disasters, were fatal to the Armenian people. The Great War had carried them through hideous slaughters to the fairest and broadest hope they had ever known; and then abruptly laid them—it may well be forever—in the dust. The age-long misfortunes of the Armenian race have arisen mainly from the physical structure of their home. Upon the lofty tableland of Armenia, stretching across the base of the Asia Minor Peninsula, are imposed a series of mountain ranges having a general direction east and west. The valleys between these mountains have from time immemorial been the pathways of every invasion or counter-attack between Asia Minor in the west and Persia and Central Asia in the east. In antiquity the Medes, the Persians, the Romans; in the early centuries of the Christian Era the Persian Sassanids and Eastern Roman Emperors; and in the Middle Ages sucessive waves of Mongols and Turks—Seljukli and Osmanli—invaded, conquered, partitioned, yielded and reconquered the rugged regions in which an ill-starred race strove ceaselessly for life and independence. And after the rise of Russia to power the struggle for possession of the Armenian regions, as containing the natural frontiers of their own domains, was continued by Russia, Persia, and the Ottoman Empire.

At the moment when the Great War began Armenia, divided between Russia and Turkey, repressed by force or actual massacre, had no defense but secret societies and no weapons but intrigue and assassination. The War drew upon them a new train of evils. After the Balkan Wars the Pan-Turks cast away both 'Ottomanisation' and 'Turkification' as means for recreating the State. They attributed the disasters which the Turkish Empire had sustained in part to the opposition of the non-Turkish races in their midst. In blunt but significant language they concluded that these races 'were not worth considering; they were worse than encumbrances; they could go to the devil.' The recreated State for which patriotic Turks hoped must be formed by Turks alone. The goal, if attainable, could be reached only by a long road and a hard. The sooner therefore the Turkish people set out upon it in deadly earnest, the better. The Turks took this road from 1912 onwards; and the fact that they had done so went long unrecognized in Europe. The Armenians were however better informed. They saw that the incorporation of the Moslem areas of Caucasia in a great Turkish State would, if carried to achievement, place the Armenian plateau, including Russian Armenia, under Turkish sovereignty and jeopardise the whole future of their race. The outbreak of the Great War brought these issues to a head. The Turkish Government in furtherance of their own aims tried to secure Armenian support against Russia, particularly the support of Russian Armenians. A grim alternative was presented to the Armenian leaders. Should they throw their national weight as far as it lay in their power on the side of Russia or of Turkey, or should they let their people be divided and driven into battle against each other? They took the remarkable decision that if war should come, their people in Turkey and in Russia should do their duty to their respective Governments. They thought it better to face fratricidal strife in the quarrels of others than to stake their existence upon the victory of either side.

When Turkey attacked Russian Armenia, the Czar's Government, fearing that a successful defense of Caucasia by Armenians would dangerously inflame the Nationalist aspirations of the race, conveyed a hundred and fifty thousand Armenian conscripts to the Polish and Galician fronts and brought other Russian troops to defend Armenian hearths and homes in Caucasia. Few of these hundred and fifty thousand Armenian soldiers survived the European battles or were able to return to Caucasia before the end of the War. This was hard measure. But worse remained. The Turkish war plan failed. Their offensive against Caucasia in December, 1914 and January, 1915 was defeated. They recoiled in deep resentment. They accused the Armenians of the Turkish eastern districts of having acted as spies and agents on behalf of Russia, and of having assailed the Turkish lines of communication. These charges were probably true; but true or false, they provoked a vengeance which was also in accord with deliberate policy. In 1915 the Turkish Government began, and ruthlessly carried out, the infamous general massacre and deportation of Armenians in Asia Minor. Three or four hundred thousand men, women, and children escaped into Russian territory and others into Persia or Mesopotamia; but the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could well be. It is supposed that about one and a quarter millions of Armenians were involved, of whom more than half perished. There is no reasonable doubt that this crime was planned and executed for political reasons. The opportunity presented itself for clearing Turkish soil of a Christian race opposed to all Turkish ambitions, cherishing National ambitions that could only be satisfied at the expense of Turkey and planted geographically between Turkish and Caucasian Moslems. It may well be that the British attack on the Gallipoli Peninsula stimulated the merciless fury of the Turkish Government. Even, thought the Pan-Turks, if Constantinople were to fall and Turkey lost the war, the clearance would have been effected and a permanent advantage for the future of the Turkish race would be gained.

The arrival of the Grand Duke Nicholas in the Caucasus at the beginning of 1916, his masterly capture of Erzeroum in February, 1916, and his conquests of Turkish territory in North-Eastern Asia Minor revived Armenian hopes. The entry of the United States raised them higher. But the Russian Revolution quenched this flicker. It is not possible here to follow the tangled conflicts of the Georgians, Armenians and Tartars which followed. Early in 1918 the Russian Army of the Caucasus abandoned the front in Asia Minor and dissolved into an armed rabble struggling to entrain for home. The Russians had gone. The Turks had not yet come. A desperate effort was made by the remaining Armenian manhood to defend their country. The Armenian elements of the Russian Army therefore held together, and with the help of volunteers succeeded for a time in holding back the Turkish advance. Their hundred and fifty thousand soldiers were already dead or scattered, and they could never muster more than 35,000 men. The Treaty of Brest-Litovsk in February, 1918, was the signal for a general Turkish advance eastward. The Armenian line was overwhelmed; and by May not only had the Turks recovered the districts occupied by the Grand Duke, but they had taken the districts of Batum, Kars and Ardahan and were preparing to advance to the Caspian. Meanwhile the great Allies strode forward. British, French, and United States troops beat down the German armies in France. The Anglo-Indian armies conquered Mesopotamia, Palestine and Syria. At the very moment when the Turks had reached the goal in Caucasia for which they had run such risks and to which they had waded through crime and slaughter, their whole State and structure fell prostrate. The Armenian people emerged from the Great War scattered, extirpated in many districts and reduced through massacre, losses of war and enforced deportations adopted as an easy system of killing, by at least a third. Out of a community of about two and a half millions, three-quarters of a million men, women, and children had perished. But surely this was the end.

The earlier miseries and massacres of the Armenians have been made familiar to the British people, and indeed to the Liberal world, by the fame and eloquence of Mr. Gladstone. Opinions about them differed, one school dwelling upon their sufferings and the other upon their failings. But at any rate in contrast to the general indifference with which the fortunes of Eastern and Middle-Eastern peoples were followed by the Western democracies, the Armenians and their tribulations were well known throughout England and the United States. This field of interest was lighted by the lamps of religion, philanthrophy, and politics. Atrocities perpetrated upon Armenians stirred the ire of simple and chivalrous men and women spread widely about the English-speaking world. Now was the moment when at last the Armenians would receive justice and the right to live in peace in their national home. Their persecutors and tyrants had been laid low by war or revolution. The greatest nations in the hour of their victory were their friends and would see them righted.

It seemed inconceivable that the five great Allies would not be able to make their will effective. The reader of these pages will however be under no illusions. By the time the conquerors in Paris reached the Armenian question their unity was dissolved, their armies had disappeared and their resolves commanded naught but empty words. No power would take a mandate for Armenia. Britain, Italy, America, France looked at it and shook their heads. On March 12, 1920, the Supreme Council offered the mandate to the League of Nations. But the League, unsupported by men or money, promptly and with prudence declined. There remainded the Treaty of Sèvres. On August 10 the Powers compelled the Constantinople Government to recognise and as yet undetermined Armenia as a free and independent State. Article 80 prescribed that Turkey must submit to the arbitration of the President of the United States of America the question of the frontier to be fixed between Turkey and Armenia in the vilayets of Erzeroum, Trebizond, Van, and Bitlis, and to accept his decision thereupon, as well as any stipulation he may prescribe as to access of Armenia to the sea. It has not until December, 1920, that President Wilson completed the discharge of this high function. The frontier he defined gave Armenia virtually all the Turkish territory which had been occupied by Russian troops until they disbanded themselves under the influence of the Revolution; an area which, added to the Republic of Erivan, made an Armenian national homeland of nearly sixty thousand square miles.

So generous was the recognition in theory of Armenian claims that the Armenian and Greek population of the new State was actually outnumbered by Moslem inhabitants. Here was justice and much more. It existed however upon paper only. Already nearly a year before, in January, 1920, the Turks had attacked the French in Cilicia, driven them out of the Marash district and massacred nearly fifty thousand Armenian inhabitants. In May Bolshevik troops invaded and subjugated the Republic of Erivan. In September, by collusion between the Bolsheviks and Turks, Erivan was delivered to the Turkish Nationalists; and as in Cilicia, another extensive massacre of Armenians accompanied the military operations. Even the hope that a small autonomous Armenian province might eventually be established in Cilicia under French protection was destroyed. In October France, by the Agreement of Angora, undertook to evacuate Cilicia completely. In the Treaty of Lausanne, which registered the final peace between Turkey and the Great Powers, history will search in vain for the word 'Armenia.'

ARMENIAN GENOCIDE

In May 1985, the Assembly of Turkish American Associations began a lobbying campaign involving 69 academicians and an advertisement claiming that the language in House Joint Resolution 192 is "misleading and/or inaccurate." After the ad was published, the Armenian Assembly of America wrote to the signatories and looked into their academic and professional backgrounds. The information they compiled, assembled in this analysis, provides an objective view of a lobbying effort to defeat a resolution that would set aside a day of remembrance for the Armenian genocide of 1915–1923.

A brief prologue to this analysis is necessary. This ad is currently being circulated among members of the House of Representatives. Inasmuch as this ad is being used this year as a lobbying tool against H.J. Res. 132, it is important to note that the ad is specifically directed at H.J. Res. 192, last year's resolution. H.J. Res. 132 is the legislation for the 100th Congress. Therefore, the claim made in the ad that the inclusion of the word "Turkey" and the "implicit" labeling of it as guilty of the genocide is irrelevant to this year's resolution as 'Turkey' only appears in a clause clarifying the existence of the Republic of Turkey after 1923.

The ad implies that the signatories are specialists in Turkish, Ottoman and Middle Eastern studies. While they hail from prestigious institutions like Princeton and University of California, Berkeley and have impressive academic and professional credentials, 11 of the 69 "academicians" have no academic affiliation. While they may have degrees in areas of Turkish history, their careers are not in academia.

All of the signatories have at some time studied, taught, or written about some aspect of Turkey—history, anthropology, linguistics, literature, political science, or folklore. But an analysis of their areas of expertise reveals a striking fact: Only 18 out of 69 of the signatories are scholars on the broad subject of pre-Republic Turkish history during the 19th and 20th centuries. More revealing is that only 8 scholars are concerned solely with the 20th century, the period encompassing the Armenian genocide.

A closer analysis reveals that only 4 of the 18 scholars of the 19th and 20th centuries have dealt with the specific topic and period of history in question: policy toward the Armenians in the Ottoman Empire during and before World War I. These four are Philip Stoddard, Justin McCarthy, Ezel Kural Shaw and her husband, Stanford Shaw.

Of the 14 remaining scholars, 9 have dealt with issues peripheral to the Armenian theme and 5 with topics irrelevant to Armenian issues. One example is Heath Lowry, the current director of the Institute of Turkish Studies in Washington, DC. His area of expertise is 16th century Ottoman Empire.

Another striking revelation in the analysis of these signatories is their affiliation with Turkish organizations and institutions. 40 of the scholars received a total of 65 grants from two prominent organizations: The Institute of Turkish Studies (ITS) based in Washington, DC, and the American Research Institute (ARI) based in Ankara, Turkey. Attached is a chart of the signatories' grant awards.

After publication of the ad, the Armenian Assembly of America wrote to the signatories to determine their personal views on the Armenian genocide. Eleven of the scholars responded. Some privately expressed regret that they were part of the ad campaign, and one expressed displeasure that the ad had been reprinted without permission and agreed with the resolution. All of the scholars agreed that the archives everywhere, especially in Turkey, should be opened. While some objected to the singling out of Armenians as victims of man's inhumanity to man, they were well aware of the pain and death suffered by the Armenian people.

The following are excerpts from those letters. The names of the scholars have been withheld at their request. However, should any Member like to read the entire text of any letter, they can contact me and I will be happy to show them.

"I am well familiar with the events of 1915-16 and with the events leading up to 1923 and I am aware of the death, suffering and massacres of the Armenian people during this period . . . I shall never become part of any attempt to deny the victimization, massacres, or genocide of the Armenian people perpetrated between 1915 and 1923."

* * * * *

"Let me first say that I do not question that massive numbers of Armenians perished during World War I as a result of criminal and even genocidal intents. Whenever I teach my courses on this period, I always devote these events specific attention. It is also my personal opinion that high Ottoman officials pursued policies that were aimed at the effective elimination of the Armenian population in Anatolia."

"It is also my opinion that the Turkish public—unlike the German public with regard to the Holocaust—has not yet forthrightly addressed the victimization of the Armenians during World War I. I believe that Turkish democracy will be much stronger when this has been accomplished."

* * * * *

"You ask me what my understanding is of the treatment of the Armenians during the period between 1915 and 1923 . . . I cannot authoritatively answer that question. First, that period is not the subject of my own scholarly expertise. Second . . . official Turkish archives have not so far been opened for scholarly analysis."

"I sincerely believe that hundreds of thousands of Armenians lost their lives in the 1915-1923 period. I have no doubt that the three upstarts who led the empire up to 1918 had the capacity to give orders to murder Armenians *qua* Armenians."

* * * * *

"As scholars, we acknowledge that there were terrible sufferings undergone by the Armenians at this time. To deny this would be unjust. Even the word 'genocide' is not wholly inappropriate here."

* * * * *

To conclude, this analysis reveals that most of the scholars who signed the advertisement are not specialists on the subject of Ottoman policy towards the Armenians before and during World War I. In fact, nearly three-fourths of the signatories are not academicians of the historical period in question. Finally, many of them have received direct or indirect support for their academic research from the Republic of Turkey.

House Joint Resolution 132 intends to designate a day of remembrance for the Armenian genocide of 1915-1923. The opponents of the resolution argue that there is not enough historical evidence to prove that a genocide ever took place. I submit that the Turkish, Syrian, Bulgarian, and Russian archives be opened to supplement the already voluminous evidence of the genocide.

In his book, "The Aftermath," Winston Churchill was describing the Treaty of Lausanne which registered the final peace between Turkey and the Great Powers when he added, "History will search in vain for the word 'Armenia.'" The role of historians and scholars is to record history. The only way historians can help modern society learn from our past mistakes is to remember rather than forget them.

[An advertisement from The Washington Times, Dec. 2, 1985]

ATTENTION MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

(The undersigned American academicians who specialize in Turkish, Ottoman and Middle Eastern studies are concerned that the current language embodied in House Joint Resolution 192 is misleading and/or inaccurate in several respects. Specifically, while fully supporting the concept of a "National Day of Remembrance of Man's Inhumanity to Man," we respectfully take exception to that portion of the text which singles out for special recognition: ". . . the one and one half million people of Armenian ancestry who were victims of genocide perpetrated in Turkey between 1915 and 1923 . . .")

Our reservations focus on the use of the words "Turkey" and "genocide" and may be summarized as follows:

From the fourteenth century until 1922, the area currently known as Turkey, or more correctly, the Republic of Turkey, was part of the territory encompassing the multi-national, multi-religious state known as the Ottoman Empire. It is wrong to equate the Ottoman Empire with the Republic of Turkey in the same way that it is wrong to equate the Hapsburg Empire with the Republic of Austria. The Ottoman Empire, which was brought to an end in 1922, by the successful conclusion of the Turkish Revolution which established the present day Republic of Turkey in 1923, incorporated lands and peoples which today account for more than twenty-five distinct countries in Southeastern Europe, North Africa, and the Middle East, only one of which is the Republic of Turkey. The Republic of Turkey bears no responsibility for any events which occurred in Ottoman times, yet by naming "Turkey" in the Resolution, its authors have implicitly labeled it as guilty of the "genocide" it charges transpired between 1915 and 1923.

As for the charge of "genocide:" No signatory of this statement wishes to minimize the scope of Armenian suffering. We are likewise cognizant that it cannot be viewed as separate from the suffering experienced by the Muslim inhabitants of the region. The weight of evidence so far uncovered points in the direction of serious intercommunal warfare (perpetrated by Muslim and Christian irregular forces), complicated by disease, famine, suffering and massacres in Anatolia and adjoining areas during the First World War Indeed, throughout the years in question, the region was the scene of more or less continuous warfare, not unlike the tragedy which has gone on in Lebanon for the past decade. The resulting death toll among both Muslim and Christian communities of the region was immense. But much more remains to be discovered before historians will be able to sort out precisely responsibility between warring and innocent, and to identify the causes for the events which resulted in the death or removal of large numbers of the eastern Anatolian population, Christian and Muslim alike.

Statesmen and politicians make history, and scholars write it. For this process to work scholars must be given access to the written records of the statesmen and politicians of the past. To date, the relevant archives in the Soviet Union, Syria, Bulgaria and Turkey all remain, for the most part, closed to dispassionate historians. Until they become available the history of the Ottoman Empire in the period encompassed by H.J. Res. 192 (1915-1923) cannot be adequately known.

We believe that the proper position for the United States Congress to take on this and related issues, is to encourage full and open access to all historical archives, and not to make charges on historical events before they are fully understood. Such charges as those contained in H.J. Res. 192 would inevitably reflect unjustly upon the people of Turkey, and perhaps set back irreparably progress historians are just now beginning to achieve in understanding these tragic events.

As the above comments illustrate, the history of the Ottoman-Armenians is much debated among scholars, many of whom do not agree with the historical assumptions embodied in the wording of H.J. Res. 192. By passing the resolution Congress will be attempting to determine by legislation which side of a historical question is correct. Such a resolution, based on historically questionable assumptions, can only damage the cause of honest historical enquiry, and damage the credibility of the American legislative process.

Signatories of the Statement of H.J. Res. 192 addressed to the Members of the U.S. House of Representatives: Rifaat Abu El Haj and 68 others.

AMERICAN-TURKISH SCHOLARS: A CLOSER LOOK

Scholar	Affiliation	Specialization	Area/period of expertise	Grants (number)	Grants to departments/University (number)
Abu El Haj, Rifatt	California State University, Long Beach	History	Arab-Ottoman, 17–18th centuries	ITS (1)	
Atis, Sara	University of Wisconsin at Madison	Language/literature	Turkish literature	ITS (1)	ITS (8).
Barbir, Karl K.	Siena College (New York)	History	Arab-Ottoman, 18th century		
Basgoz, Ilhan	Indiana University	Folklore	Turkish folklore	ITS (3); ARIT (2)	ITS (8).
Bates, Daniel	Hunter College, University of New York	Anthropology	Cultural anthropology of Turkey		ITS (1).
Bates, Ulku	do	Art history	Seljuq and Ottoman period art/architecture	ARIT (1)	ITS (1).
Bayerle, Gustav	Indiana University	History/philology	Ottoman history, 16th century	ARIT (1)	ITS (8).
Bodrogligetti, Andras	University of California, Los Angeles	Philology/literature	Turkic and Iranian	ITS (1)	ITS (4).
Burrill, Kathleen	Columbia University	Philology/linguistics	Turkic/Persian, 14th century	ITS (8); ARIT (1)	ITS (9).
Childs, Timothy	SAIS, Johns Hopkins University	History	Ottoman, 19–20th centuries		
Daulet, Shafiga	University of Connecticut	Political science	Politics, government of Mideast		ITS (4).
Davison, Roderic	George Washington University, Washington, DC	History	Ottoman, 19th century	ARIT (1)	
Denny, Walter	University of Massachusetts	Art history	Ottoman art	ARIT (1)	
Duben, Alan		Anthropology			
Ervin, Ellen	New York University	Language/literature	Turkish language	ITS (1)	ITS (6).
Farah, Caesar	University of Minnesota	History	Arab-Ottoman, 18–19th centuries	ITS (1)	
Findley, Carter	Ohio State University	do	Ottoman, 19th century	ITS (2); ARIT (1)	ITS (3).
Finefrock, Michael	College of Charleston	do	Turkish, 20th century		
Fisher, Alan	Michigan State University	do	Ottoman-Russian, 16–17th centuries	ARIT (1)	ITS (1).
Fleischer, Cornell	Washington University, Missouri	do	Ottoman, 16–17th centuries		
Golden, Peter	Rutgers University	do	Ottoman-Slavic relations		
Goodrich, Tom	Indiana University of Pennsylvania	do	Ottoman, 16th century		
Gould, Andrew		do			
Griswold, William	Colorado State University	do	Ottoman, 17th century	ARIT (1)	
Halasi-Kun, Tibor	Columbia University	Philology/linguistics	Turkic/Hungarian	ITS (3)	ITS (10).
Hickman, William	University of California, Berkeley	Philology	Turkish	ARIT (1)	ITS (3).
Hurewitz, J.C.	Columbia University, retired	Political science	Arab-Turkish, 20th century		ITS (10).
Hymes, John	Glenville State College, West Virginia	History	Ottoman, 19–20th centuries		
Inalcik, Halil	University of Chicago	do	Ottoman, 15–17th centuries	ITS (1)	ARIT (9).
Jaeckel, Ralph	University of California, Los Angeles	Languages	Turkish		ITS (4).
Jennings, Ronald	University of Illinois	History	Ottoman-Cyprus, 16–17th centuries	ARIT (1)	ITS (3).
Kelly, James	University of Utah	Linguistics	Turkic, Central Asian	ITS (2); ARIT (1)	ITS (5).
Key, Kerim	Southeastern University	History	Ottoman, 19–20th centuries		
Kunt, Metin		do	Ottoman		
Latimer, Frederick	University of Utah, retired	do	do		
Levy, Avigdor	Brandeis University	do	Ottoman, 19th century	ARIT (1)	ITS (7).
Lewis, Bernard	Princeton University	do	Ottoman; modern Turkey; Arab		ITS (3).
Lowry, Heath	Institute of Turkish Studies	do	Ottoman, 16th century	ARIT (2)	
McCarthy, Justin	University of Louisville	History/demography	Turkey/Arab world, 19–20th centuries	ITS (1); ARIT (1)	
Mandaville, Jon	Portland State University	History	Arab/Ottoman, 16–17th centuries	ARIT (1)	ITS (2).
Meeker, Michael	University of California, San Diego	Anthropology	Turkey		
Murphy, Rhoads	Columbia University	History/language	Ottoman, 17th century	ITS (1); ARIT (1)	ITS (10).
Naff, Thomas	University of Pennsylvania	History	Ottoman, 18th century		ITS (9).
Oberling, Pierre	Hunter College of the City, University of New York.	do	Europe-Middle East, 19–20th centuries	ITS (1)	ITS (1).
Ochsenwald, William	Virginia Polytechnic Institute	do	Modern Middle East, mainly Arab	ARIT (1)	
Olson, Robert	University of Kentucky	do	Turkish, 18–20th centuries		
Peachy, William	Ohio State University	Languages/literature	Judaic, Near Eastern	ARIT (2)	
Quataert, Donald	University of Houston	History	Ottoman, 19–20th centuries	ITS (2); ARIT (1)	ITS (2).
Reed, Howard	University of Connecticut	do	do	ITS (1)	ITS (5).
Rustow, Dankwart	City University Graduate School, New York	Political science	Europe	ITS (1)	
Shaw, Ezel Kural	California State University, Northridge	History	Ottoman, 19th century		
Shaw, Stanford	University of California, Los Angeles	do	Ottoman, 19–20th centuries	ITS (1); ARIT (2)	ITS (4).
Smith, Elaine	Retired Foreign Service Officer	do	Modern Turkey		
Smith, Grace	University of California, Berkeley	History/folklore language	Turkey, 14th century	ITS (1); ARIT (1)	ITS (3).
Smith, John Masson	University of California, Berkeley	History	Ottoman, 13–14th centuries	ARIT (1)	ITS (3).
Soucek, Svat		Turcology	Arab/Ottoman	ARIT (1)	
Staab, Robert	University of Utah	History	Ottoman/Balkans, 16th century		ITS (5).
Starr, June	SUNY Stoneybrook	Anthropology	Turkey		
Stewart-Robinson, James	University of Michigan	Literature	Turkish		ITS (3).
Stoddard, Phillip	Middle East Institute, Director	History	Ottoman, 19–20th centuries		ITS (3).
Tachau, Frank	University of Illinois	Political science	International Rel., modern Turkey	ITS (1); ARIT (2)	ITS (3).
Tamkoc, Metin	Texas Tech	International law and relations	Turkey		ITS (1).
Thomas, David	Rhode Island College	History/philology	Turkey/Turkish	ARIT (2)	
Yenzke, M.L.	Dickinson College	History	Ottoman, 16th century	ARIT (1)	
Walker, Warren	Texas Tech	English	Turkish/American/Nigerian Literature		ITS (1).
Webster, Donald		History	Turkish		
Welker, Walter	Rutgers University	Political science	Turkey, 1930's		

AMERICAN-TURKISH SCHOLARS: A CLOSER LOOK—Continued

Scholar	Affiliation	Specialization	Area/period of expertise	Grants (number)	Grants to departments/University (number)
Woods, John	University of Chicago	History	Islamic/Middle East/Iranian History		ITS (9).
Zilfi, Madeline	University of Maryland	do	Ottoman, 18th century	ARIT (2)	

Key: ARIT—American Research Institute in Turkey; ITS—Institute of Turkish Studies.

Sources for chart: Middle East Studies Association Bulletins, Directory of American Scholars, and Ottoman Studies Directory.

AMERICAN BAPTIST CHURCHES, USA,
ROBERT W. TILLER DIRECTOR OF GOVERNMENTAL RELATIONS,
Washington, DC

The American Baptist Churches U.S.A. fully supports the passage of House Joint Resolution 132 and Senate Joint Resolution 43 designating April 24, 1987, as a "National Day of Remembrance for the Victims of the Armenian Genocide."

Based upon our belief that all persons are created in the image of God and that we are commanded to love one another as children of God, the General Board of the American Baptist Churches U.S.A. adopted a Policy Statement on Human Rights on 1976. That Policy Statement says in part:

"As American Baptists we declare the following rights to be basic human rights, and we will support programs and measures to assure these rights:

"1. The right of every person to choose a religion freely . . . and to be free from governmental intrusion, coercion, and control in the free exercise of conscience and religion; . . .

"9. The right to human dignity, to be respected and treated as a person, and to be protected against discrimination . . . ;

"10. The right of ethnic or racial groups to maintain their cultural identity . . . ;

"13. The right to be free from arbitrary arrest and detention and from torture; . . .

"14. The right to a just process for the redress of a violation of a person's or group's human rights."

Just as we remember the Holocaust of World War II, we will remember the Armenian genocide as a means to preventing future horrors. We join with other people of good will in urging the passage of these resolutions by the Congress of the United States.

ROBERT W. TILLER,

Mr. PASHAYAN. I thank my colleague from California for his remarks and for his tremendous efforts that he has made over the years.

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The survivors of the Armenian tragedy are still among us, few in number, grateful to their adopted Nation, committed to their ancient Christian faith, and ever hopeful that justice will prevail for their people. To these citizens of the United States and on behalf of this body, I offer my deep respect and admiration for their endurance and their leadership in establishing a vital Armenian identity within the American mosaic of cultures. Some 1 million Americans of Armenian descent have been inspired and defined by this unique generation of Armenians. As one of that number, I ask that this body pause to remember their saga and their rebirth in the United States. They endured what no human being should endure. They accomplished what every human being should aspire to accomplish. In their memory, let us resolve never to again tolerate those who would attempt to commit genocide. In their memory, let us resolve to defend the inviolability of history lest we lose its tragic lessons.

Mr. Speaker, this Nation more than any other nation has a special responsibility to remember the first genocide of the 20th century. There is a profound and continuing special relationship between the United States and Armenians dispersed throughout the world. Were it not for the unprecedented efforts of our national leadership and our citizens during and immediately following World War I, tens of thousands more surely would have perished. Some 20,000 documents in our archives chronicle each stage of American involvement—first to prevent tragedy from unfolding further and, failing that, to save those who survived.

Therefore, it is with a deep sense of regret that I must point out the conduct of the administration and the Republic of Turkey in the context of genocide remembrance. Despite the clear and unequivocal record of the United States, the administration has defended the incomplete position of the State Department that the events of 1915 were ambiguous. What has been admitted in private by the administration must be acknowledged for the record—the State Department's pronouncement was in error and their recanting of it only partial. The initial error has been compounded by the administration's conduct since its original commission in 1982. Administration officials, at the urging of the Republic of Turkey, have sought to thwart every effort to resolve this monumental memory lapse. Members of Congress attempted for well over a year and a half to persuade the State Department to retract, clarify, and affirm the record to no avail. In the face of this adamance, this body is now considering a joint resolution whose sole intent is to affirm the truth. As many of my colleagues are aware, the administration is opposed to this remedy unfortunately as well.

Mr. Speaker, let me conclude my remarks by saying that within the next several weeks this body will have a chance to vote on a resolution. It is the intention of the people who are endorsing the resolution to bring it to the floor we hope for the last time. If it should pass this body, if it should pass the other body, and become law, it would be our intention not to seek it again.

As for the Republic of Turkey, let me add that no effort is being spared to seize the opportunity accorded by the State Department's initial blunder. Turkey now demands that the administration, this Congress, and U.S. businesses and corporations with Turkish economic ties, block any action to affirm the long-standing position of the United States if anyone will simply look at the historical documents. By so doing, it is readily apparent that Turkey seeks to impose its will on this body and on this Nation. Her conduct is not worthy of a nation that espouses to be democratic, that espouses to be Western, and, Mr. Speaker, really that espouses to be civilized in the legalistic sense that we now take that meaning of the word.

Mr. Speaker, the 72d commemoration of the Armenian genocide will be remembered on two occasions this year, the first being this special order, and the second being the passage of the legislation that I referred to, House Joint Resolution 132. It is an obligation to the survivors, to the U.S. record, and to ourselves that we achieve this.

Mr. MICHEL. Mr. Speaker, for many years I have joined with our colleagues in commemorating Armenian victims of the historic events that took place in the Ottoman Empire from 1915 to 1923. President Reagan and both Houses of the Congress have recognized what has come to be called the Armenian genocide.

In recent years this event has become controversial because of pressure from the Turkish Government which, if I understand its arguments correctly, sees this commemoration as support for, or at least encouragement of terrorists who have committed atrocities in the name of wrongs done to Armenians long ago.

Let me say I highly value the relationship between Turkey, a valuable NATO ally, and our own country. But I do not see any connection between the commemoration of a historic event and the evil acts of terrorists who may use this commemoration for their own despicable purposes. The fact that evil men use any means to attempt to justify their ends is all too well known. I cannot see that we in Congress should stop talking about a subject because that subject may be used by others for entirely different purposes.

I believe that when it comes to grave matters such as the deaths of so many innocent people, there are two major errors we can make. We can become obsessed with the evils that were done to so many and lose sight of the future, lose sight of the need to move on, to provide a better future instead of always referring to the evils of the past. Or we can just forget, make believe evil deeds did not happen. Each approach is wrong. We cannot become consumed with past injustices; but we cannot simply ignore them and say that referring to them causes trouble.

I believe that the best way to deal with such a problem is by searching for the facts and reminding others of the facts.

I know that in recent years there has been a wide-ranging controversy about exactly what happened in the Ottoman Empire from the years 1915 to 1923. I know that there are disputes among scholars as to exactly how many died and circumstances of their deaths.

But it is clear—as clear as history can be, given the clash of facts and opinions—that in paying tribute to the slaughtered Armenians of 1915 to 1923, we are passing no judgments on any existing government or casting blame on any existing group of people. We are simply saying: This terrible thing happened. Knowing it happened can remind us that nothing like this should happen again.

Surely commemorating those innocent victims who died is in the great American tradition. So I welcome this chance to join with our colleagues in paying tribute to the Armenian martyrs. In paying such tribute we remind ourselves and the Nation that the rights of minorities, no matter where they may be, in Europe or Asia or the United States, must be protected against those who would trample on such rights.

Mr. HOYER. Mr. Speaker, it is a privilege to offer my support as a cosponsor of the resolution designating April 24, 1987, as "National Day of Remembrance of the Armenian genocide from 1915-1923." I would like to commend our colleague, RICK LEHMAN, on his efforts to bring this tragedy to the attention of the American people.

We must remember these days so as not to forget them, so that the lessons learned by the needless sacrifice of others will not be lost on generations growing up in more peaceful times. Let our memorial to the 1.5 million Armenians who died at the hands of the Ottoman Turkish Empire remind us that only through remembrance will such tragedy be avoided in the future.

But let this memorial also remind us, as Americans, of the freedoms we enjoy but so often take for granted. We must remember that only too often has this disrespect for the most basic of our human rights—the right to speak, to worship, and to believe as one pleases—led to the deaths of millions in the holocausts of this century. We must continue to hold vigil for those who have perished so that rights of all humanity will be protected in the future.

Finally, let this day stand as a tribute to the Armenian people. Armenia is a land composed largely of rock and stone, hewn out of the Earth by a million years of evolution and left to its people as the basis for the construction of one of the world's oldest and richest civilizations. The people of Armenia, like the stone out of which they have built their history, are a strong and lasting people, a people who have withstood the onslaught of tragedy. Because of the resilience of the Armenian people, they will continue to enrich our world with their tradition and creativity.

I am proud to support this day of tribute to the Armenian people.

Mr. McHUGH. Mr. Speaker, April 24 is a day of both sadness and of joy. It is the day that we commemorate the Armenian genocide, one of the greatest tragedies of this century.

Today is a day of great sadness because we are reminded of the deaths of over 1 million men, women, and children more than 70 years ago. I am pleased to participate in this special order because it is only appropriate to remember and honor these victims, to remind ourselves of their fate and also to stengthen our resolve that never again shall such slaughters be allowed to occur.

Today is a day of great sadness because some would have us forget this event. Some would have us rewrite history entirely, arguing that the Armenian genocide never took place. Yet, only a few days ago I received a letter from a survivor of this genocide who is still alive today, still living in my own congressional district. Who can tell him that the horrors he experienced first-hand never took place?

Others recognize what took place but would have us forget, arguing that this commemoration of the Armenian genocide is an inconvenient historical event that complicates contemporary relations with another nation. To those who so argue, our message should be clear. While it may be inconvenient for some to recall what took place, efforts to suppress the memory are doomed to fail.

Today is also a day of great sadness because we are reminded that this first genocide of the 20th century was not the last. It is perhaps the saddest fact of our age that such horrors have reoccurred—in Hitler's German, in Stalin's Soviet Union, and more recently in Pol Pot's Cambodia.

So, while our words cannot change what happened, Mr. Speaker, it is appropriate to remember and honor the victims of the Armenian genocide, both to remind us of their fate and to strengthen our resolve that such slaughters should never again happen.

At the same time, even as we recognize the sadness of the occasion we commemorate today, we are also reminded that this is a day of joy as well, for it also reminds us that the tragedy that befell the Armenian people earlier in this century was not the end of the Armenian saga.

As Armenians recovered from the shock of their near annihilation and deportation from their homeland, they found themselves dispersed throughout the world, largely forgotten. In time, however, the spirit of the Armenian people revived. In time, April 24 has become a rallying point, a day of commemoration for the victims and a day of renewal for their survivors and descendants. In time, those who had not been touched by this tragedy first hand began to join and participate in the commemorative events of April 24.

So our participation in this special order today is a form of celebration, a celebration of the spirit and renewal of the Armenian people, as well as a renewal of our own commitment to fundamental human rights.

Mr. Speaker, as we know, the past is prologue to the continuing stream of history. As we reflect upon the fate that befell the Armenian people, we can draw a direct parallel between the massive genocides of this century and the savage acts of terrorism that afflict us even today.

Both involve violence against innocent people, and both reveal an alarming contempt for human life. By any standard, the massacre of more than 2 million Armenians was one of the most callous and barbarous events ever committed. Upon reflection, however, the continuing significance of the Armenian genocide lies not only in the violent events that occurred in years past, but also in the lessons such indiscriminate slaughter provide in our own times.

If the brutality committed against the Armenian people is to have a lasting effect, it must not only be a tug on our heartstrings but a call to conscience and a call to action. In that sense, Mr. Speaker, the Armenian genocide is both an historical event worth remembering and a timely lesson for us now and in the future.

Mr. DORNAN of California. Mr. Speaker, I rise today in support of my colleague's efforts to commemorate the tragedy of the Armenian genocide. Representatives RICH LEHMAN and CHIP PASHAYAN have been the driving force in this Congress to remember the historic events that took place from 1915 to 1923 under the Ottoman Empire. I salute their initiative.

Unfortunately, Mr. Speaker, efforts to recall the Armenian genocide are frequently criticized unfairly as denunciations of the Republic of Turkey. These criticisms are simply not accurate.

The Republic of Turkey is a staunch NATO ally and a friend of this country. Today's special order says absolutely nothing about the conduct or policies of modern-day Turkey. In fact, Kemal Ataturk, the founder of the Turkish Republic has himself denounced the massacre of "millions" of Armenians. Supporters of this legislation are not denouncing the Government of Turkey any more than we are denouncing the present Government of West Germany upon recalling the horrors of the Jewish Holocaust.

Our relationship with the Republic of Turkey is strong and has been long-standing. However, we cannot conveniently rewrite history or ignore events for fear of creating temporary friction. I believe that it is important to revive the memories of massive tragedies such as the Armenian genocide becauses their proper recognition is a first step in preventing a recurrence.

I also hope that it is clear, Mr. Speaker, that in no way does this commemoration of the Armenian genocide constitute a tacit endorsement of terrorism perpetrated in the name of Armenian retaliation. Terrorism is an affront to us all and only demeans legitimate efforts by the Armenian community to remember this sad chapter in their history.

Mr. Speaker, April 23 is a solemn day for the Armenian community. Today's recollection of the Armenian genocide is an attempt to acknowledge history accurately for the benefit of future generations.

Mr. HOWARD. Mr. Speaker, in 1915, U.S. Ambassador to the Ottoman Empire Henry Morgenthau notified Secretary of State Lansing that the "Deportation of the excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

In 1916, the State Department instructed the Embassy to inform the Turkish Government that the United States may make public details of the persecution of Armenians if they do not cease.

In 1926, Mustafa Kemal Ataturk, the founder and "Father" of modern-day Turkey, stated that the Young Turk Party "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

Today, in 1987, a very expensive lobbying effort is underway to distort a historically documented occurrence and to erase it from our collective memory. Adolf Hitler is proof of the danger of such inaction. At the outset of his "great resettlement policy", Hitler recalled the extermination of the Armenians and the lack of response from the world community thus justifying his conclusion that "masses of men are mere biological plasticine."

Since the introduction of House Joint Resolution 132, many survivors have written to me recalling their personal accounts of the genocide, of how they managed to escape while others could not. These letters tell of the soldiers who came to Armenian homes on April 24, 1915 and took the men away. Others tell of the forced marches "relocations" through the deserts without food and water. Still others tell of the auctions where young Armenian girls were sold into slavery. The stories continue and grow sadder. However, the lives of these survivors will not continue indefinitely.

In honor of the survivors and in remembrance of the victims, I cast my vote in support of House Joint Resolution 132, National Day of Remembrance of the Armenian Genocide of 1915–23. By refusing to forget, we will send a message through time that the United States stands opposed to the policy of genocide and holocaust.

Mr. TORRES. Mr. Speaker, I want to thank my colleague from California, Mr. LEHMAN, for requesting this special order.

It is unfortunate that legislation like House Joint Resolution 132 is necessary. If it were not for the many instances when man has committed atrocious acts against his fellow man, there would have been no need to introduce this resolution.

From 1915 to 1923, a 9-year period, 1½ million Armenians were brutally murdered by agents of the Turkish Ottoman Empire. We have chosen April 24, 1987 to memorialize the loss of over a million lives.

Unfortunately, April 24 is not the only day that could have been chosen. The history of the world is tainted with mass murders of innocent people. People who were murdered because of their race, religion, or creed. Stalin tried to destroy the Kulaks because they interfered with his political goals. Hitler focused his wrath on the Jews. Pol Pot massacred his own people because they stood in his way.

It is not possible for us to return to the Turkish Ottoman Empire, Stalinist Russia, Nazi Germany, or Cambodia. If we had this capacity, perhaps we could have prevented the unjust murders of millions of men, women, and children from history. However, we cannot return nor can we right the wrongs of the past.

We can do everything in our power to prevent such atrocities from occurring again. I admit that it is not enjoyable to reflect on these horrible incidents, but if we forget, in effect we are condemning our children and our grandchildren to a repeat performance.

I encourage everyone to take a moment to think about the unnecessary loss of valuable human lives that resulted from these massacres. We must pledge to never allow a similar incident to happen again. If House Joint Resolution 132 will allow us to achieve this goal, we must support it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would first like to commend my colleagues, Representative RICHARD LEHMAN, and Representative CHIP PASHAYAN, JR., for sponsoring this special order to commemorate the tragic events of 1915–23, which brutally killed 1.5 million Armenians in a systematic, orchestrated genocide.

By adopting House Joint Resolution 132, "A Day of Remembrance of the Armenian Genocide" we are offering a forceful, yet eloquent statement of remembrance of the many Armenian men, women, and children who fell victim to this genocide. This statement does not serve as an indictment of or a reflection on the present Turkish Government or its leaders. It is a long-over-due recognition of a heinous and tragic experience suffered through by all Armenians as a part of their historical human experience. As a free and compassionate people, we are morally obligated to demonstrate fidelity not only to the memory of the 1.5 million Armenian victims but to our own values which hold a deep respect for individual human rights.

It is with a sense of solemn obligation that I am once again compelled to join the Armenian-American community in recognition of the inhumanity that was perpetrated upon them. The Armenian plea for recognition of these terrible acts which they endured represents not a muddled sense of outrage but a clear vision of history. To those who choose to dispute this historical event, the declarations made by Mustapha Kemal, founder of modern Turkey, must also be denied. Addressing the Young Turk Party in 1926, he stated, "we must be made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred".

As we prepare to celebrate the 200th anniversary of our Constitution, let us continue to help advance the cause of individual liberty and respect for human rights, basic tenets, upon which this country was founded and upon what the peace of the world ultimately rests.

As we recall the words of Elie Wiesel as he noted that "the opposite of love is not hate, but rather indifference," let us not allow history to judge that we were indifferent in confronting inhumanity, but that we provided for a future liberated from the shackles of genocide.

Mr. BOLAND. Mr. Speaker, it is with great resolve that I join my colleagues today in this special order commemorating the 72d anniversary of the Armenian genocide.

I would venture to say that most of my colleagues, even 72 years after the fact, are aware of the events surrounding the genocide perpetrated against the Armenians by the Ottoman Turkish Government. The deaths of 1½ million Armenians between the years of 1915 and 1923, and the causes of those deaths, are well documented. The permanent displacement of 500,000 Armenians from their homeland within the Ottoman Empire is hardly a recent revelation. These are simply the distressing facts; facts which are a part of history, and which are alone worthy of our reflection and acknowledgement as we ponder the past incidences of man's inhumanity to man.

The cruel irony of our gathering to remember and mourn the Armenian genocide, however, is that the world's history gives ample evidence that the lessons of genocide, have not been understood. The recurrences of genocide in the 20th century are easily illustrated. Adolph Hitler referred to the Armenian genocide as a precedent, one which he followed in his wholesale extermination campaign against the Jews during World War II. That precedent was followed again in Cambodia.

What is not as easily recognizable, however, is the present-day suffering of Armenian people which stems from the failure of the Turkish Government to even acknowledge the action of its predecessors. The refusal of that Government to admit even that the genocide took place not only prolongs the suffering of a persecuted people, but abets the future of genocide by failing to raise public consciousness to its reality.

Therefore, Mr. Speaker, my participation today in this memorial has two objectives. First, to demonstrate a recognition by the United States of the Armenian genocide in hopes that it will spur a more forthright view by the Turkish Government. And second, to urge the world to recognize the terrible lessons and consequences of genocide so as to diminish the chances that they will be repeated in the future.

Mr. KENNEDY. Mr. Speaker, tomorrow, April 24, is the day Armenian Americans call Martyr's Day. On that day members of the Armenian community in my district close their shops, schools, and markets and go to church. They are remembering their ancestors and relatives who were killed at the turn of the century in a massacre that swept their homeland.

There is dispute about how many people were killed and why. Armenians say the Ottoman Turks, in an effort to make the Anatolian Peninsula racially homogeneous, killed at least a million members of the Christian minority. Turks, who admit that the killings happened, say the Christians were aiding the invading Russians during World War I. They place the number who died in the hundreds of thousands. Armenians see little point in arguing over the numbers, and refer to what happened as genocide.

Armenia, a land that occupies what is now a corner of Iran, the U.S.S.R, and Turkey, lost its independence as a result of the Russo-Turkish Treaty in 1921. Many Armenians escaped the trials of their countrymen and the subsequent dissolution of their nation by emigrating to areas like Boston, MA, where almost 40,000 Armenian Americans now make their home. The national archives of Armenia are in a building in Watertown MA called the Fatherland House, and the community contains six Armenian Christian churches, three elementary schools where students learn the Armenian language, and two Armenian-language newspapers.

Two years ago the House of Representatives considered a resolution to direct the President to proclaim April 24 as a "National Day of Remembrance of the Armenian Genocide." The measure contained an amendment to explain that the massacres occurred under the Ottoman Turks, and had nothing to do with Turkey's present government. Nonetheless, the measure never made it to the House floor. This year's resolution, which I cosponsored, is essentially the same piece of legislation, and should come up for a vote in June. I cosponsored it because I understand how much it would mean to Armenian Americans to have a national day of recognition for the many who have died.

When Ronald Reagan was Governor of California, he recognized Armenian Martyr's Day, so it would not be unreasonable for the Congress to jog the President's memory by passing this resolution. Armenians came to America because the essence of democracy is in creating a place for persecuted people to make a home in. That is what they have done here in places like Watertown, MA. By recognizing their day, we commemorate not only their suffering, but their achievement.

Mr. DYSON. Mr. Speaker, today I rise to join my colleagues in solemn recognition of the over 1.5 million Armenians murdered at the hands of the Ottoman empire.

As we commemorate this macabre and heinous crime which nearly wiped out the entire Armenian population between 1915 and 1923, we reinvigorate our stern commitment to eradicate genocide forevermore. Indeed, the dark hand of genocide has scarred the 20th century. The very fact that atrocities of this magnitude and greater could have been committed with or without the knowledge of our global community points to the need to recognize, discuss, and learn why and how this could have ever happened. We must do more than just posthumously honor the victims of genocide—we must make sure this will never happen again.

By recognizing "Armenian Martyr's Day," we are reminding the world of the horrors levied upon the Armenian's by the cruel Ottoman government. Moreover, we remind ourselves of history's lessons and, hopefully, ways in which we can work or resolve these historic shortcomings. So, Mr. Speaker, as I join my colleagues in remembrance of this sobering occasion, I say with conviction that the Armenians did not die in vain.

Mr. FAZIO. Mr. Speaker, I would like to thank my colleagues, especially my California colleagues, Mr. LEHMAN and Mr. PASHAYAN, JR., for organizing the special order to commemorate Armenian Martyr's Day.

This year marks the 72d anniversary of the Armenian genocide, in which 1.5 million men, women, and children suffered violent executions in Turkey, between 1915 and 1923. The genocide began with the arrest and execution of leading intellectuals and clergymen, and murders of the young men drafted to serve in the Turkish Army followed. By 1923, one-half of the world's Armenian population had been massacred on its ancestral land which it had inhabited for more than 3,000 years.

Today we memorialize the Armenian martyrs. What happend 72 years ago was the first 20th century display of international neglect and passivity in the face of genocide. Unfortunately, we failed to understand the profound impacts of such a disaster, and the tragedy was later repeated in Germany and Cambodia. It is essential that not only Armenians, Cambodians, and Jews remember the atrocities of genocide, but that the rest of humanity also remember these events. We have a moral responsibility to draw our attention to the tragedy of genocide and remind ourselves of its consequences so that it will not happen again.

Our Presidents, statesmen, and legislative bodies have repeatedly recognized the atrocities of the Armenian genocide. Henry Morganthau, U.S. Ambassador to the Ottoman Empire at the time, sent a telegram to the Secretary of State which stated that "deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." President Reagan, in a 1981 proclamation regarding the victims of the Holocaust stated that "like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten." Most recently in Congress, a resolution was introduced on February 4, 1987, to designate April 24, 1987 as a "National Day of Remembrance of Man's Inhumanity to Man" especially for remembering the Armenian genocide by the governments of the Ottoman Turkish Empire.

It is our moral obligation to remember the tragedy of the Armenian genocide and work toward the prevention of mass human destruction. The consequences of this act have deeply changed the lives of not only surviving Armenians and their relatives, but for all of mankind. We must heed our own warnings and do all that we can to ensure that no other race, ethnic group, or nationality is forced to face the atrocities which the Armenians faced 72 years ago. Therefore, it is imperative that we join together in remembering this tragic event with the hope that our combined efforts will help prevent such a recurrence.

Mr. FORD of Michigan. Mr. Speaker, tomorrow is the date that the people of Armenian ancestry commemorate the death of some 1.5 million victims of genocide at the hands of governments of the Ottoman Empire.

A resolution passed by the Post Office and Civil Service Committee yesterday designates April 24, 1988, as the date to remember man's inhumanity to man and all the victims of this genocide.

We settled on the 1988 date because it was obvious we could not complete the matter in the House by Friday.

When a similar resolution to commemorate the genocide came up in the House in 1985, it received 233 votes, but it was defeated under suspension of the rules. There was a good deal of criticism from Members who felt it offended the present Turkish Government. To ensure that the language in no way could be considered offensive by our ally, the Committee on Post Office and Civil Service, during reconsideration, adopted an amendment to strike the reference to "Turkey" in the resolution and replace it with the "governments of the Ottoman Empire."

I am satisfied that this still makes perfectly clear that the resolution deals with the past and in no way reflects on the present Government of Turkey. I am convinced as well that the amendment answered criticism from the State Department, which expressed concern that the resolution could damage United States-Turkish relations. From the beginning I was not persuaded by their arguments. And I am confident that the amendment should allay all concerns about harming any relationship. House Joint Resolution 132 incorporates this amendment.

There have been attempts by some to rewrite history to say that there never was a genocide that annihilated 1.5 million Armenians. And some of my colleagues argue that the issue has never been definitively settled by historians.

To this I say tommyrot. To believe this one would have to ignore such eminent historians as Arnold Toynbee and Winston Churchill.

The central question, of course, is whether the government then in power set out to systematically destroy a race of people. Said Toynbee:

> The atrociousness of the two great twentieth century wars was aggravated by genocide (i.e. the wholesale extermination of civilian populations). In the First World War the Turks committed genocide against the Armenians; in the Second World War, the Germans committed genocide against the Jews.

And Churchill had this to say:

> In 1915 the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor.

President Theodore Roosevelt said, "The Armenian Massacre was the great single crime of World War I."

Now I find it quite ironic that President Ronald Reagan, whose State Department is now seeking to block this resolution, on April 22, 1981, had this to say:

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

Based on the overwhelming evidence to the contrary, I am at a loss to understand how reasonable people could conclude that what happened all those many years ago was anything but a genocide.

This resolution passed by the committee is very important to the thousands of Armenian-Americans who have contributed and continue to contribute much to our Nation. For my part I do not want to have to tell them that the House, which has passed many holocaust-type resolutions in the past, refused to recognize the terrible atrocity that occurred from 1915 to 1923. Memorializing this genocide is no more anti-Turkey than was memorializing victims of the Holocaust anti-West Germany.

Many of the Armenian-Americans are themselves survivors of the horrible massacres. Many others are the children of those who witnessed the atrocity.

If we fail to recognize that terrible time we will be breaking faith with these people.

We must keep in mind that the massacres are still vivid in the minds of many of the survivors who are alive today.

Frankly, I don't think the House wants to be in a position where it recognizes one genocide and turns its back on another. Our position on the Holocaust is very clear. In this case I don't think we can simply step back and say that this is something that happened a long time ago, and it would be better if we simply forgot about it. Doing this would make us vulnerable to charges of discrimination.

We have a chance to speak for history. And I believe we should say that what happened all those decades ago, when people turned against their own in a national orgy of bloodletting, is against all that America stands for.

Mr. ATKINS. Mr. Speaker, once again we gather this year to commemorate Armenian Martyrs' Day. Our objective today, as in the past, is not to provoke and embarrass our allies in Turkey. Nor should our words be misconstrued as an expression of tolerance for radical Armenian terrorist groups. No, rather we come here today to speak of this black mark on world history in order to prevent a similar atrocity from occurring in the future.

The ghastly figures of this atrocity speak for themselves. During a 9-year period between 1915 and 1923, the Ottoman Turkish Government unleashed a brutal and fierce attack upon the Armenian race within its borders. In the end, this merciless genocide claimed the lives of 1.5 million innocent men, women, and children.

In the past, accounts of the Armenian genocide were lost in the back pages of history books. The world's ignorance and denial of this event during this century left us vulnerable to equally horrible tragedies. In the 1940's, 6 million European Jews were brutally murdered in Adolph Hitler's concentration camps, and 30 years later millions of Cambodians fell victim to the vicious Khmer Rouge government.

The uncovering of these atrocities shocked and angered the world. Yet, if these latter events are closely studied, similarities with the Armenian genocide because tragically obvious; the names and faces may have changed, but the senseless waste of human life on the grounds of racial, ethical, and political ideological differences unfortunately remained the same.

Many question why we continue to discuss an event that occurred over 70 years ago. No one has the ability to alter what has occurred in the past, and we certainly do not intend to challenge this axiom. Instead, we come here today to acknowledge the Armenian genocide as means to protect ourselves and our children for the future.

It is true that the perpetrators of these past crimes against humanity no longer pose a threat. However, intolerance, bigotry, and discrimination remain constant in the world, and as long as they exist so does the possiblity of another genocide. In order then to ensure that history does not repeat itself, we must never forget the lessons it has taught us. Ignorance of the past consign us to the same deadly path tomorrow. We owe it to the memory of the Jews who died in the the Holocaust and the Cambodians massacred by the Khmer Rouge to protect generations to come from the same tragic fate.

Therefore, Mr. Speaker, our task here today is to again recognize and bring to light the Armenian genocide for all to understand. We do not stand at this podium today to point an accusative finger at the Turkish Government and those of Turkish descent. But rather, our words are directed at the children of this Nation and those from across the globe to make them aware of these brutal, despicable moments in world history in a hope that they never feel the pain and sorrow experienced by millions of Armenians, Jews, and Cambodians.

Mr. DOWNEY of New York. Mr. Speaker, I join my colleagues today in taking this time to commemorate one of the most brutal events of the 20th century—the systematic massacre of more than 1½ million Armenians by the Ottoman government.

We have ample documentation of this horrendous event. Yet, today, over 65 years later, it is still difficult to comprehend the enormity of the events that transpired from 1915 to 1923. But we must comprehend these events. We must acknowledge what they tell us about ourselves as humans, about political and national movements which espouse racial, cultural, and national superiority, and about the capacity of governments to persecute those whom they should protect.

Just this morning we have more disturbing news from South Africa; the apartheid regime has claimed another six victims—railway workers who were on strike gunned down by policemen in an attempt to break the strike.

What can the events of 1915–23 tell us about contemporary South Africa? For my part, I am afraid that the administration has been too slow to understand the nature of apartheid, just as the Great Powers in 1915 were too slow to respond to the Armenian genocide and the world in the 1930's was too slow to respond to the Holocaust.

I would like to commend my colleagues, RICHARD LEHMAN and CHARLES PASHAYAN for taking this time today. I can only hope that we take this opportunity to reflect on the world we are making for our children and that we seize this opportunity to commit ourselves to the proposition that we can never again allow a people to become victims of genocide.

Mr. ROYBAL. Mr. Speaker, during the years between 1915 and 1923 many Armenian people were displaced from their homeland or killed. When an entire race is affected so drastically, we must all realize the impact of such suffering.

The tragedies faced by the Armenian people have been great. As a cosponsor of House Joint Resolution 132, I see the need to recognize the hardships and loss felt by Armenians everywhere.

The Armenian genocide is truly one of the great tragedies our world has ever endured, and those who suffered through it should always be remembered. By recognizing injustice, wherever it occurs, we will reduce the chances of seeing it repeated.

Mr. GREEN. Mr. Speaker, I join today with my distinguished colleagues in commemorating the tragic slaughter of 1.5 million Armenians, and I should like to thank Representatives LEHMAN and PASHAYAN for organizing this special order. Furthermore, I use this occasion to express again my deep regret that this Congress has not yet passed a resolution making April 24 a National Day of Remembrance of the Armenian Genocide.

In December 1985 this Congress considered at length a resolution designating a National Day of Remembrance of Man's Inhumanity to Man and particularly the Armenian tragedy. To its shame, this Congress voted down a friendly amendment, 206–213. There were many reasons outlined in the hours of debate on the resolution—this would alienate and wound our ally Turkey; it would devalue the term "genocide" since these were "events that happen in war"; it would give sustenance to Armenian terrorists.

The intention of this resolution is not to wound our ally, Turkey; it specifically states that it was a genocide "perpetrated by the governments of the Ottoman empire between 1915 and 1923 prior to the establishment of the Republic of Turkey."

We must not rewrite history. It has been less than 75 years since this tragedy which wiped out 1.5 million Armenian men, women, and children and yet the truth of this tragedy is already being questioned. The proof of these massacres was established at the time by the records of this Congress and by our own Ambassador to the Ottoman empire in 1915. The truth must survive the eyewitnesses. When someone suggested to Hitler that world public opinion would be hostile to his "final solution of the Jewish problem," Hitler responded "Who remembers the Armenians?"

We must remember the Armenians. Every day I receive moving testimonies from my own constituents who are survivors of this tragedy and were eyewitnesses to some of its horrors. Some of those letters are written by children or friends as the survivors are becoming too old to write for themselves.

One letter I received recently is particularly moving and I should like to reprint a portion of it here:

> I am a first generation American-Armenian whose parents came to this country in 1925 * * * My young years were devoted to the usual childhood experiences; however, I heard often of the atrocities the Turks committed to my parents' loved ones, friends, and relatives. The reason I did not have many aunts and uncles was because they were slaughtered.
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> One story in particular stands out: Mariamanam, a sparkly eyed elderly Armenian lady who was a family friend, told me one day "how her hair turned white." She was 24 years of age when the Turks entered her village and began killing and sacking. Her husband was shot before her eyes and then her two children were bayonetted like shishkebabs by a soldier and her home was sacked and burned. For some unknown reason she was spared and thrown in a Turkish jail. That night, while in prison her

hair turned white. Completely white and it has been that way ever since. Eventually she came to America and married and bore four children * * * She gives thanks every morning for God's grace in enabling her to have so beautiful a family and home in this land, but every morning she prays as well for her first husband and children who died so wretchedly; never will I forget, she says.

My constituent goes on to say the Mariamanam has died, but to honor her, her first family, my relatives, and over 1 million Armenians slaughtered from 1915-23 by the governments of the Ottoman empire, please pass House Joint Resolution 132.

I would hope that this year we can honor the memory of these dead and tortured Armenians and establish for all times that history cannot be rewritten to fulfill geographical obligations. If we acquiesce to this blackmail, we shall be a nation stripped of our morality.

Mr. WEISS. Mr. Speaker, I make this statement in remembrance of the Armenian genocide. It has been 72 years since 1½ million Armenians perished at the hands of the Ottoman empire. We all know of the genocide of the Jewish people in the Holocaust, and the million and more Cambodians killed by the murderous Pol Pot regime. For some reason, however, the massacres and persecution of the Armenians during the World War I era is the forgotten genocide.

There can be no disputing the facts as to what the Armenian people suffered. Uprooted from their homeland, slaughtered by the thousands, the Armenians suffered as much as any people in this bloody century. American Presidents, early in the century and in our time as well, have decried the Armenians' treatment, and vowed that the United States shall never forget this horrendous event.

The Armenian genocide must no longer be the forgotten genocide. The descendants of the Armenian community who came to this country, settled here and became a thriving American community must not be the only Americans who recall this ultimate outrage. We must all remember it. We cannot stand by and let this memory fade from the world's conscience. We must commemorate it this year, next year, and every year for as long as mankind survives. For if we do not remember it and all other genocides, mankind may be forced to endure ever more genocides.

Mr. MARTINEZ. Mr. Speaker, I rise in union with Armenain Americans in my district, with Armenian people all over the world, and with the breadth of humanity who are willing to take a painful yet necessary look at the Armenian genocide of 1915-23.

House Joint Resolution 132, National Day of Remembrance of the Armenian Genocide of 1915-23, is one of the most important issues of the 100th Congress. It is important because it forces us to remember the shame of humanity's capacity for hate and murder. Our tendency is to hide our shame by trying to forget. This bill will not allow us to forget. It rightfully calls attention to one of the most grave and cynically obscured events of our century.

The integrity of the U.S. Government has never shown brighter than when we dare to point squarely to human rights violations wherever they occur, regardless of our relation to the perpetrator. Our Government cannot allow mass violations of human rights to be submerged in silence, from which they are almost certain to resurface in future tragedies.

The political factors involved in recognizing such incidents are real and weighty. Why resurrect a crime when the offenders no longer exist, and when doing so could threaten our strategic interests? Such considerations must be weighed in full and sober view of the facts. We face every day the task of managing conflicting legitimate interests, and we know that the solution is not to negate either one, for that is no solution. We know that the answer is to affirm the legitimacy of each cause in a spirit of good will, tolerance, and above all, justice. Justice demands that the amply confirmed crime against the Armenians be recognized. Tolerance demands that the Turkish government recognize that this is not an indictment against it or against the Turkish people.

Several of our colleagues have registered their opposition to House Joint Resolution 132. Their motives are genuine: that the question of the Armenian genocide is disputed, that the resolution may encourage Armenian terrorists, and that the repercussions may weaken our vital military alliance with Turkey. I believe, however, that their reservations are a frightening distortion of the issue.

First, many historians and officials point to the ambiguity surrounding events in Turkey during World War I. Many concede that hundreds of thousands of Armenians were forcibly rounded up and evacuated, and that many perished; but deny a policy of extermination. Yet their views are belied by our own Ambassador to the Ottoman empire. In a July 16, 1915, telegram to the Secretary of State, Ambassador Morgenthau wrote, "it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion." Mr. Morgenthau was so disturbed by Western complacency that he quit his post in 1916 to spread word of what had happened. His appraisal has since been vindicated by eight U.S. Presidents, including Theodore Roosevelt, Woodrow Wilson, Jimmy Carter, and Ronald Reagan, who referred to the genocide of the Armenians. Both Houses of Congress have passed bills condemning the genocide and the massacre of the Armenians.

Second, terrorism by Armenians or by anyone else is to be condemned in the strongest terms. But should policymaking be so influenced by the fear of terrorism? The minute that Armenian terrorists determine our policy on such an issue, then we truly have become servants of their abhorrent tactics.

Third, it must be clarified that recognizing a crime that occured in the Ottoman empire in no way indicts the people or current Government of Turkey. Kemal Ataturk himself, founder of the Turkish Republic, said, "These leftovers from the former Young Turkey Party * * * should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." The perpetrators are gone, but the history remains. Calling attention to it will inevitably cause strains in United States-Turkish relations. However, periodic strains in relations between allies are the norm rather than the exception. They can and should be overcome by reaffirming the friendship, mututal respect, and defense commitments between us. That which binds our nations will prove far stronger than any tensions created by such a resolution.

Armenians in the United States today do not seek gratuitious revenge or harm; they only seek recognition of their sufferings, and some assurance that it will not happen again. This resolution does that, and it is our obligation to take a whole and compassionate look at what it means to us, to our Nation, and to humanity.

Mr. FEIGHAN. Mr. Speaker, more than 45 year's have passed since Adolf Hitler began his war against the peoples of Europe. And 45 year's after the fact we do not comprehend what has happened. It's nearly impossible to imagine the senseless murder of over 25 million people.

We have read books such as "Music in Terezine" and heard poems such as "The Butterfly." We have seen pictures of emaciated corpses stacked together by the thousands. But even after all of this we didn't understand. Pavel Friedmann did. He went to the gas chamber at Auschwitz, Septembert 29, 1944. But before he died, Pavel Friedmann left us with the poem "The Butterfly." In the poem Friedmann laments, "For seven weeks I've lived in here, penned up inside this ghetto but I have found my people here. The dandelions call to me and the white chestnut candles in the court. Only I never saw another butterfly. That butterfly was the last one. Butterflies don't live in here, in the ghetto." Butterflies. A beautiful symbol. A symbol of freedom and of the sanctity of human life. Only Pavel Friedmann never saw another butterfly. Neither did over 25 million other people. The Holocaust was an atrocity in history which we have remembered. But what of the others.

The Holocaust was not the only genocide of the twentieth century. On April 24, 1915, the Turkish Government began its systematic extermination of the Armenian ethnic minority. The growth of Armenian nationalism was the precursor to the genocide. In 1876 the Armenian quarter in Constantinople was burned to the ground. Shortly thereafter, a series of barbaric massacres began. Over the next 2 years, over 200,000 Armenian's were needlessly butchered. In 1908 the Young Turk revolution brought with it hope of Turkish-Armenian reconciliation. However, in 1909 the massacre of Armenians would resume. World War I would bring about the virtual end of the Armenian ethnic minority in Turkey. The Armenians embraced the Allied cause during the war and the result was the Turkish regimes attempt to exterminate all remaining Armenians within Turkey. When it was all over, over 1,800,000 Armenians were dead.

Few today remember the Armenian genocide. For over 70 year's the United States has postponed its recognition of the brutal and senseless display of bigotry and hatred that have surrounded the Armenian genocide. It is time for us—Americans—to recognize the atrocities committed against Armenians by the Ottoman Empire. We must strive to ensure that atrocities like these never happen again.

Despite one's religion or ethnic philosophy, we all deserve to be treated with honor and respect. Only by remembering can we prevent another genocide. On April 24, 1987, we have a chance to do just that. We can take steps to ensure that atrocities like the Armenian genocide never happen again. Let us use this day to recognize man's inhumanity to man and commemorate the Armenian genocide. Let us remember these words: Never Again!

Mr. LIPINSKI. Mr. Speaker, this week marks the 72d year that has passed since the "Young Turks" regime of the Ottoman Empire began its systematic extermination of the Armenian population. Culminating in the murder of 1½ million men, women, and children, the tragedy ushered in the 20th century propensity for genocide. Adolph Hitler used the Armenian example to buttress his doctrine of racial superiority and justified murder: "Who today remembers the Armenians?"

April 24, 1915, marked the date when the carnage began. An edict was issued by the Interior Minister Talaat Pasha ordering the complete destruction of all Armenians living in Turkey. In 1923, when the slaughter stopped, almost one-half of the world's Armenian population had been slaughtered in Turkey—their ancestral homeland of some 3,000 years. Their only crime was to be culturally and religiously different from their Turkish oppressors. Many were forced to march from Turkey to the distant and desolate Syrian desert or were resettled in remote areas of the interior. Countless died along the way from exposure, lack of food and water, and attacks from brigands organized and abetted by the Turkish Government at the time.

President Woodrow Wilson was so horrified and shocked by the cables of then Ambassador to Turkey Henry Morgenthau that he actually favored sending in American troops to protect the Armenians and stop the killing. Since that time, American Presidents, statesmen, historians, journalists, and many other prominent persons have all recognized and condemned the actions of the Turkish regime. Our present leader, President Reagan, compared the tragedy of the Armenian people with that of the Jewish and Cambodian peoples.

Mr. Speaker, it is a sad, tragic, and dangerous state of affairs that modern-day Turkey refuses to recognize that such carnage took place. While an important friend and NATO ally, Turkey persists in believing that no genocide ever took place and even goes as far as to exploit the activities of a few Armenian extremists who have murdered innocent Turkish officials. Only with a conscious effort to be honest with its Armenian population and with the world can Turkey attempt to deal in any effective manner with this terrible piece of its past.

Mr. TORRICELLI. Mr. Speaker, I rise today to speak in the memory of over 1 million Armenians who lost their lives in Turkey during and immediately after World War I.

One of the great strengths of America is our devotion to human rights—not just here, but around the world. As part of this effort, we not only criticize current human rights abuses but commemorate past ones. For this reason, it is particularly important that the United States officially recognize the genocide perpetrated on the Armenian people earlier this century.

In past years, Congress has passed annual resolutions to commemorate this tragedy; since 1985, however, strong objections by the Government of Turkey have prevented further action. Turkey claims not only that such a commemoration would encourage Armenian terrorism, but that the genocide never took place.

These arguments are unacceptable. The pain of the Armenian people cannot be denied after 70 years; its recognition makes violence by a few extremists less likely, not more. I have consistently supported the efforts of the Armenian community to have its history recognized. In the 100th Congress, I am an original cosponsor of House Joint Resolution 132, which designates April 24, 1988, as National Day of Remembrance of Man's Inhumanity to Man. I have consigned a letter to my colleagues urging them to support this legislation, and will work closely with other Members of Congress to ensure passage of this important resolution.

Half a century ago, Hitler said that no one would object to his plans for genocide because no one remembered the Armenian genocide. We have the chance to show that he was wrong. By recognizing the tragedy of the Armenian people, Americans can demonstrate that genocide anywhere will be neither tolerated nor forgotten.

Mr. MORRISON of Connecticut. Mr. Speaker, tomorrow I will be taking part in ceremonies in Hartford, CT commemorating the Armenian Genocide. I am pleased to be able to join the Connecticut branch of the Armenian National Committee and its honorary chairperson, Secretary of the State Julia Tashjian, in remembering this tragic event.

Also joining us at the ceremonies will be Professor Marjorie Housepian Dobkin of Barnard College. Professor Dobkin is a well-known historian and expert on the events of 70 years ago.

On April 24, 1915, over 200 Armenian religious, political and intellectual leaders were arrested in Constantinople and in Armenian centers throughout the Ottoman Empire by its rulers. These pillars of the Armenian community were then either deported or murdered, leaving the Armenian people leaderless.

In May 1915, the deportation of all Armenians was ordered. The resulting death march, consisting mostly of women, children, and the elderly, wound its way across Asia Minor and Turkish Armenia into the Syrian desert. Countless gruesome atrocities were inflicted upon the defenseless Armenians, including rapes, drownings, and torture. The road was strewn with Armenian bodies. Able bodied Armenian men serving in the Ottoman Empire's armed forces were segregated into labor battalions, disarmed and either killed outright or worked to death.

Henry Morgenthau, the United States Ambassador to Turkey during 1913-16, had no question that the treatment of the Armenians was part of a calculated plan to exterminate them. In 1918 he wrote, "When the authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact." Morgenthau, who tried desperately to stop the horrible slaughter, asserted that these events "surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world."

During the years between 1915 and 1923, 1½ million Armenians were systematically massacred, and another 500,000 deported by the Ottoman Empire. Successive Turkish governments, in an attempt to rewrite history, have tried to cover up these events by denying their very occurrence. Where this has failed, they have warned of damage to Turkish-American relations should the United States persist in reminding the world of this terrible tragedy.

When Hitler embarked on his final solution, he claimed that people's memories are short, that no one remembers the Armenian genocide. We must prove him wrong. We have a responsibility to remember such events as examples of the cruelty that humans are capable of inflicting on each other.

Mr. Speaker, in order to ensure that such cruelty never recurs, I have cosponsored House Joint Resolution 132, legislation which designates April 24, 1987 as a National Day of Remembrance of the Armenian Genocide. I urge my colleagues to join me in supporting this legislation, and thus let the world know that we shall never forget.

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to join my numerous colleagues in the House in demonstrating my support for the Armenian Genocide Resolution, House Joint Resolution 132, and to commemorate April 24 as Armenian Martyrs Day. For the past 5 years, my colleagues and I have been working to get this resolution passed by Congress and to have this genocide of 1.5 million be recognized.

Perhaps if we look back to the incident which resulted in the need for such a resolution, we can better understand the symbolism which this resolution represents to the Armenian community. In 1982, the State Department published a note in one of its bulletins which unnecessarily created an ambiguity with regard to our national policy concerning the recognition of the Armenian genocide. Basically, the State Department said that the historical record was ambiguous in regard to the question of the Armenian genocide. Of course, the Armenian community was outraged by such a statement. Do we tell all of those survivors who fled to America that what they witnessed was ambiguous? The intent of the officials of the Ottoman Empire and their actions were clear; they sought to wipe out the Armenian people. How is it that several decades later the State Department chooses to try to change history?

Since 1983, my colleagues and I have worked hard to make others aware of this policy change and the need to correct it. The intent of the resolution is to recognize the genocide of the Armenian people during the period of 1915-23 and to commemorate it. However, unfortunately, the Turkish Government and its officials have taken affront with this resolution and deemed that its passage by Congress would result in harming United States-Turkish relations. I have always marveled that a simple commemorative resolution recognizing the Armenian genocide and those people who gave their lives could cause such a problem between the United States and Turkey. The truth is that the Armenian genocide is historical fact; United States documents from the period of 1915-23 provide the documentation. We are only commemorating the tragedy out of respect for the Armenian community.

But the bigger tragedy is the lobbying and public relations campaign which the Government of Turkey has conducted as a result of the introduction of this resolution and each time the resolution has been reintroduced in subsequent Congresses. The Turkish Government has sought to deny what is historical fact. But even more so they have conducted an effective propaganda campaign to try to prevent the passage of this resolution. In 1983, the Government of Turkey secured the Gray & Co. public relations firm to represent its interests in Washington, which included lobbying for U.S. military and economic aid and to assist the Turkish ambassador, Sukru Elekdag, in countering any campaigns or activities which might be detrimental to the interest and image of Turkey. Unfortunately, Gray & Co. has spent a great deal of its time in working against any efforts to get the Armenian genocide resolution passed. Representatives of the firm have consistently lobbied Members of Congress and their staffs on the hazards of this resolution and made it clear that Turkish officials have not been pleased with such a resolution. Over the past several years, the Turkish Government has made it a point to take over to Turkey several delegations of Members of Congress in order to educate them about the genocide and to make them aware of the importance of Turkey to the United States. But even more so, we have consistently heard threats from high-ranking Turkish officials that the damage to United States-Turkish relations would be irreparable if the resolution were passed.

In 1985, Turkish Prime Minister Turgut Ozal visited the United States in the beginning of April 1985, coincidentally just weeks before the designated April 24th commemorative day. It was the first time in 13 years that a Turkish leader had visited the United States. Although he came to argue Turkey's case for more military aid from Congress, the resolution was a major topic of discussion and he said that the resolution was unacceptable to Turkey.

However, even more recently in the last few months, the threats from Turkish officials have increased. Turkish President Kenan Evren was planning a trip to the United States in May, but it has been reported that he will cancel his trip should Congress pass the resolution. In March, Turkish Foreign Minister Vahit Halefoglu visited Washington to lobby for increased aid to Turkey. In his speech at the Brookings Institution, he did allude to congressional resolution and Congress' attitude toward Turkey.

I have been actively involved in the effort for the past several years to get the Armenian genocide resolution passed and it concerns me that the Turkish Government continues to work against any efforts to recognize the genocide. It is unfortunate that there are still those, particularly Turkish officials, who prefer that this grave blemish in their history be overlooked and that history be rewritten in a fashion that would ignore the ruthless destruction of lives and property. This shameful occurrence cannot be forgotten by those who continue to bear the scars of the genocide, nor should it be by civilized nations around the globe.

The Armenian genocide is a fact which is well-documented. We cannot let the efforts by those who wish to deny the truth to obscure the purpose of the commemoration of this day. Not only the Armenian people who reside in my congressional district, but those throughout the Nation, have become interwoven in the fabric of our society while retaining their own special heritage through their language, religion and ethnic customs. By so doing, in virtually every field of endeavor, the Armenian people have excelled and greatly enriched our national cultural heritage. By commemorating April 24th as Armenian Martyrs Day, we recognize the contributions which the Armenian people have made. It is for these reasons that I have pursued the passage of this resolution and will continue to do so.

Mrs. BOXER. Mr. Speaker, I thank my two colleagues from California, Representatives LEHMAN and PASHAYAN, for reserving time for this important special order.

I am proud today to honor the memory of those Armenians tragically killed at the hands of the Ottoman Empire during the period 1915 to 1923. This was a seminal event in this century, for it foreshadowed the sort of systematic killing that was later to occur in Germany, Cambodia, and too many other places as well.

There has been frequent debate over whether what happened to the Armenians constitutes a genocide. Frankly, no single word can adequately summarize the horror of such a mass killing of innocent people. I hope that there is no debate over the point that over 1.5 million Armenians died senselessly and that we owe it to their memory to stand here today to mourn the loss.

But our mourning serves another purpose and that is to provide meaning for what happened. Deaths that provide meaning and guidance to future generations cannot be in vain. Thus we give meaning to the Armenian tragedy by pledging today that we will come back every year on this date to honor the dead—and we will do everything we possibly can to see that such a tragedy never occurs again.

Mr. MATSUI. Mr. Speaker, I rise today in support of House Joint Resolution 132, a resolution to designate April 24, 1987, as a National Day of Remembrance of the Armenian Genocide of 1915-23.

During 1915-23 an act of genocide was committed against Armenians living in the Ottoman Empire. Approximately 1.5 million Armenians perished as a result of this systematic persecution and massacre by the Ottoman Turkish Government. At the beginning of World War I, there were approximately 2,500,000 Armenians living in the Ottoman Empire. Since the Armenian genocide, fewer than 100,000 declared Armenians reside in Turkey. The Armenians of the Ottoman Empire were virtually eliminated from their ancestral homeland as a consequence of the government's calculated plan of extermination.

This is not the first time the United States will have recognized the tragedy of this historic event. Several U.S. Presidents, the House of Representatives, and other officials have repeatedly condemned the actions of the Ottoman Turkish Empire. This resolution is important in that it reaffirms our recognition of this tragedy, and demonstrates to the world that the United States has not forgotten this abhorrent period in history.

Mr. MANTON. Mr. Speaker, I would like to thank my friends and colleagues, Mr. LEHMAN and Mr. PASHAYAN, for organizing today's special order to commemorate the events that took place in the Ottoman Empire from 1915 to 1923 when 1½ million Armenians died during the first genocide of the 20th century.

As a cosponsor of House Joint Resolution 132, I strongly believe that this genocide can never be ignored or forgotten. We must never forget the victims of this genocide who died solely because of their ancestry. House Joint Resolution 132 commemorates the victims of the genocide and honors thousands of Americans of Armenian descent, many of whom reside in my district, the Ninth Congressional District of New York, who are survivors of the genocide. We have a duty to the memory of the victims and a duty to their families and to the survivors. We must never again let the world forget this great tragedy.

There are those who say that the Armenian genocide did not occur. However, the evidence tells us otherwise. The American Ambassador to the Ottoman Empire during the period of the genocide reported extensively on the continuing massacres and on his efforts to bring them to an end. More recently, last year a United Nations human rights panel in Geneva specifically cited the Armenian genocide. Both President Carter and President Reagan have reaffirmed American recognition of this great tragedy.

We in America have a special role to play in ensuring that this tragic chapter in human history is not forgotten. The survivors of the genocide who emigrated to the United States have helped to build a strong, prosperous and free nation. Furthermore, as a leader of the free world, the United States must remember all victims of tyranny and injustice.

Mr. Speaker, we cannot allow ignorance, prejudice or short memories to rewrite history. Today's special order reaffirms our dedication to the principles of personal and religious freedom and to our commitment to promoting peace and liberty throughout the world. I pledge my personal commitment to those goals and I will continue my efforts to ensure that the Armenian genocide is never again forgotten.

Mrs. ROUKEMA. Mr. Speaker, I rise today in commemoration of all the Armenian people who were victims of a terrible campaign of genocide during the early decades of this century. It is important that we remember those who died, both to honor their memory and to prevent similar tragedies in the future.

There should be no doubt about the extent and terrible nature of the crimes that were committed against the Armenian people during the rule of the Ottoman Empire. The historical record is full of appalling details of the cruel genocide that was waged against Armenians. The cables of our own diplomats who were there bear grim testimony to the tragedy.

As the scale of suffering became known, the American people responded with genuine sympathy and support for the Armenian people. We made every effort to stop the killing, and opened our country as a refuge from persecution. Thousands of Armenians came to the United States in search of a new life—they and their children and grandchildren are now successful, contributing members of our communities. I am pleased that my congressional district is home to one of the largest Armenian communities in America, and I am honored to represent them. They exemplify the highest standards of family life, educational achievements, and American patriotism.

Later this year, just as in previous years, the House will consider legislation that would designate a day of remembrance for the Armenian victims of genocide. I would like to take this opportunity to urge all my colleagues to support this bill. This legislation deserves our support, not only because of our sympathy for the Armenian victims of genocide, but also because the best way to prevent future genocide is by condemning past genocide. There should be no question where the United States stands on this critical human rights issue.

In closing, I would like to thank my colleagues from California for sponsoring this special order. By reminding the House and the Nation of the Armenian genocide, you promote respect for human rights for all people.

Mr. CLAY. Mr. Speaker, the term "genocide," coined in 1944 by a man who had 49 members of his family put to death simply because of their race and religion, denotes the deliberate practice of exterminating an entire race. Even before the coinage of this term such an atrocity was flagrantly in use.

From 1915 to 1923, 1.5 million Armenians living in Turkey under the Ottoman Empire were systematically and purposely massacred. Hundreds of thousands of Armenians were uprootted from their homes and either killed outright, worked to death in one of the labor camps or sent into exile. During the general mobilization of the Turkish Army, Armenian men like their Turkish counterparts were called into service. However, these Armenian men were then disarmed and massacred.

The term used during that period for such horrors was resettlement. The similarity in the resettlement policy in Turkey and that in Hitler-ruled Germany is eerie.

Just as we must never forget the Holocaust that took the lives of 6 million Jews and 7 million other Europeans, so we can never forget the horrible plight of the Armenians. To commemorate the genocide of the Armenians perpetrated by the Ottoman Empire is to recognize past injustices and learn from them. Only then can we ascertain that history will not repeat itself and efforts at historical revision will be repelled.

Mr. Speaker, with a strong penchant for accurate history, I give my wholehearted support to the Armenian genocide bill.

Mr. MCGRATH. Mr. Speaker, today we take a moment to remember a tragedy befallen upon a people. From 1915 to 1923 the Armenian population of the Ottoman Empire, in what is now Turkey, was systematically targeted for persecution. This action by the Ottoman government resulted in the deaths of more the 1.5 million Armenians and the forced exile of 500,000 others.

I have received many letters from constituents who lost members of their families in this politically and racially motivated program of mass murder and hatred. The heart-wrenching tales of people who lost grandparents, parents, brothers, sisters, and cousins are too numerous to mention in full, yet the sadness and despair of their losses tell the real story of the horrible legacy this event has left behind.

Ten United States Presidents, including Ronald Reagan, have publicly recognized the Armenian genocide. The U.S. Congress has called for a day of remembrance which would call national attention to this 20th century tragedy that became a forerunner to Nazi Germany's genocidal campaign against the Jews. We must join in this call to insure that such a calamity will never again be permitted to happen.

Setting aside April 24, 1987 as National Day of Remembrance of the Armenian Genocide of 1915 will serve as a reminder to us all of the horrible atrocities suffered by these people. I ask those of my colleagues who have not yet joined House Joint Resolution 132 to do so today.

Mr. GALLEGLY. Mr. Speaker, I am pleased to participate in this special order commemorating Armenian Martyr's Day. It was on April 24, 1915, that agents of the Ottoman Empire rounded up 200 leaders of the Armenian community in Constantinople and exterminated them. This was but the beginning of the genocide of the Armenian people which lasted 8 years and claimed 1.5 million lives.

Today, 72 years later, we have gathered to pay homage to the Armenian victims of this brutal campaign of extermination. We must never allow the memory of this horrible incident to fade because genocide forgotten is genocide condoned. In this context, I am also a cosponsor of House Joint Resolution 132, designating April 24, 1987, as "National Day of Remembrance of the Armenian Genocide of 1915–1923."

Mr. Speaker it saddens me to think that the Armenian genocide was only the first of a series of these most heinous crimes perpetrated in the 20th century, including similar outrages in Stalin's Russia, Hitler's Germany, and Pol Pot's Cambodia. As a civilized nation, it is our duty to memorialize these crimes against mankind, starting with the Armenian genocide. We must never allow future generations to forget that these events occurred.

By remembering, we teach a lesson that genocide must never occur again. Let us hope that future generations learn this lesson.

Mr. LEVIN of Michigan. Mr. Speaker, I commend my colleagues for calling this special order on the Armenian genocide, and I am grateful for the opportunity to express my continuing support for passage of House Joint Resolution 132, which commemorates the tragic events that led to the death of over a million Armenians.

It appears that there are three primary points of contention in this debate, arguments that at times contradict each other. Let me address these issues individually.

The first argument comes from those who question that the genocide ever occurred. But there is no denying recorded history. The events of the genocide are well documented by American historians. Both political parties acknowledged as much in their national party platforms of 1920, 1924, and 1928. Presidents from Woodrow Wilson up to and including Ronald Reagan recognized and condemned the genocide. The United Nations and even the Turkish Government that immediately followed the Ottoman Empire also officially acknowledged the events.

The second argument is that even if the genocide did occur, we should let the memory sleep. To turn away from this tragedy would be unconscionable. We study and retell the Holocaust to perpetuate the memory of its victims, not to condemn the current German administration. By recognizing the Armenian genocide we seek only to assert for posterity that these events did surely take place. And we must always be on guard not to let history repeat itself.

Indeed, the U.S. Holocaust Memorial Council has chosen to include the Armenian genocide as part of its museum, and has verified the chronology of events of the genocide. Let me read from their statement:

> The fate of the Armenians should be included in any discussion of genocide in the 20th century.

The third and final argument suggests that we offend and even embarrass our allies, the Turks, with House Joint Resolution 132. Clearly, this is not an attempt, as some would portray it, to exact revenge on Turkey by condemning the current regime. In fact, the resolution plainly distinguishes the historical role of the Ottoman Empire from the policies and practices of the modern-day Turkish Republic.

The genocide cost the Armenian people not just a huge proportion of their population, but also a large measure of their culture. The survivors are a continuing reminder and verification of the events that did take place. Each time another survivor from the genocide passes away, we lose a piece of history and a first-person testimonial to the events that we all know did in fact occur.

We in the Congress will continue to reconfirm our universal condemnation of man's inhumanity to man; whoever the victim, whoever the perpetrator, wherever and whenever the crime occurs.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT OF THE HONORABLE WALTER E. FAUNTROY, CHAIRMAN, CONGRESSIONAL TASK FORCE ON HAITI, ON CONSULTATION MISSION TO HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia [Mr. FAUNTROY] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

Mr. FAUNTROY. Mr. Speaker, it was my privilege as chair of the Congressional Task Force on Haiti to travel to that nation during the recently concluded Easter recess. I am pleased now to report to you, my colleagues in the Congress, and the American people both my findings and my recommendations as to how we may best continue assisting Haiti through its delicate and challenging period of transition to democracy.

I need not remind you that after 29 years of repressive, exploitative rule by the Duvaliers, the courageous and long-abused citizens of Haiti gave the world on February 7, 1986, an instructive example of how a brutal dictatorship can be overthrown without resorting to violence. In response, the United States Congress, led by our bipartisan Congressional Task Force on Haiti, moved through what we called a fleeting window of opportunity to assist the valiant Haitian people by appropriating a total of $101.8 million in economic assistance through the provision of economic support funds, development assistance, Public Law 480 food aid, funding for the Peace Corps, and the Inter-American Foundation. We have also made available $1.5 million in heavily conditioned and monitored nonlethal military assistance for fiscal year 1987. Parenthetically despite this conditionally, I remain concerned about evidence which indicates that changes in the command and control structure of the armed forces have not led to positive reforms. I am particularly concerned about reports that officers accused of human rights abuses have been promoted rather than disciplined. This doubling of the assistance level from the last Duvalier year was designed to encourage the Haitian people as they embarked upon an extremely critical and delicate transition to a free and open democratic society. Our goal was to help lay the foundation for stability based on justice, economic security, and democracy for all Haitians.

My trip to Haiti during the Easter break, April 12 through 17, was for the purpose of assessing the progress being made, and to meet with various sectors of the Haitian population to ascertain how they feel the United States can best administer its aid and trade programs to benefit Haiti. Toward that end, I met with members of the National Governing Council [CNG], religious leadership, representatives of business and labor, those working in the country side for bottom-up development, political leaders, journalists, and representatives of multilateral development institutions.

I come away from my factfinding mission with both hopes and fears about the future of Haiti. My hopes stem from the boundless enthusiasm for the democratic process and the disciplined determination of the Haitian masses to break with Duvalierism that was demonstrated in the March 29 referendum on the new constitution for Haiti. Thanks to the brilliant work of the Constituent Assembly that drafted the document, the thorough exposure of its content to all by a just and committed press, and the noninterference of the military in the balloting process, the tracks leading to a democratic society free of the old Duvalierist exploitation and political repression have been firmly laid. In order to continue this process toward democratization, it is important that the rights of democratic institutions, such as a free press, human rights organizations and election monitoring groups, be respected as the electoral process proceeds. With some notable exception, it appears that the interim government under Gen. Henri Namphy is keeping his stated commitment to work for "the flowering of a real and functional democracy, founded on absolute respect for human rights, press freedom, the existence of free trade unions, and the functioning of organized political parties."

If the soon to be named elections commission does its job as well as did the Constituent Assembly, and if the press and the military perform as well as they did during the referendum, I have every reason to believe that the elections for local officials in late July and the election of a President, the Senate and the Chamber of Deputies in November 1987 will place the engine of democracy firmly on the track that leads to a more just society, political stability, economic recovery, and long-term employment for the Haitian people. These are my hopes.

My fears, however, are that if a serious economic crisis that is engulfing Haiti at this very moment is not dealt with in the next 2 months, the Haitian people may not be able to place the engine of a stable elected government on the tracks of freedom so magnificently laid by the referendum on the constitution. Let me now outline two dimensions of that crisis and two steps that I believe the United States and the multilateral development institutions must take immediately to assist Haiti.

THE ECONOMIC CRISIS: CONTRABAND AND STRUCTURAL ADJUSTMENT

To the credit of the CNG, the interim government has moved decisively to rectify many of the economic and fiscal practices of the fallen Duvalier regime which favored a ruling elite to the detriment of the poor majority. It has taken several initiatives to liberalize the economy and promote private sector investment. For example, the highly regressive export tax on coffee has been reduced; the intention is to abolish it altogether by October 1987. The archaic system of quotes on imported commodities which raised the cost of essentials for the Haitian consumer far above world market prices is being eliminated. The ports of Gonaives, Petit Goave, and Miragoane have been reopened and a national system of tariffs is being erected. A new income tax law has eliminated high marginal personal tax rates in favor of a new broader based lower marginal rates.

For example, to halt economic and financial losses and to enhance consumer purchasing power, two major public industrial enterprises, the Darbonne Sugar Mill and the ENAOL vegetable oil plant were closed. In both cases workers were offered severance pay and in the case of ENAOL, its 200 workers were offered the option of running the factory as a cooperative. That's the good news.

The bad news is however twofold:

First. The shock of the new economic freedom and, perhaps, a too quick and rigid application of free market principles have created a contraband market that threatens to throw tens of thousands of Haitian workers and farmers out of work which would create so much chaos that scheduled elections could at worst be canceled or at best produce an elected government faced with insurmountable economic and public order difficulties.

Second. Precisely because the United States has tried so hard to help in Haiti in this period of transition, our detractors are successfully marketing the unfounded myth that the contraband and other economic difficulties being experienced by Haiti are the result of an insidious American plan to undermine and subjugate Haiti.

With respect to the latter, I find myself leaning heavily on the words of Rudyard Kipling:

> If you can keep your head when all about you are losing theirs and blaming it on you; if you can trust yourself when all men doubt you, but make allowance for their doubting too . . .

In an effort to keep my head and keep my eyes on the prize of democratization and economic recovery, I have developed recommendations for two sets of steps that the United States in cooperation with Haiti, other donor nations and the multilateral development institutions can take to help resolve the bad news part of my findings. Before laying out the emergency short-term and the prudent long-term actions that, in my view, need to be undertaken, let me outline in more detail the growing contraband and anti-Americanism problem in Haiti.

CONTRABAND

Contraband trade was always a problem during the Duvalier years; it was exclusive illegal trade engaged in by the Duvaliers, their associates, and the Ton Ton Macoutes. It was an activity that enriched a few, and corrupted and impoverished government. The opening of the ports, the elimination of costly monopolies and other trade barriers have served to democratize contraband—now everybody is getting into it. The result is that, while the masses of Haitian consumers are getting a much needed reduction in the cost of such staples as rice and sugar, Haitian rice and sugar producers are being priced out of the market. Tensions are mounting rapidly between those whose jobs are threatened and those engaged in contraband trade, and many thousands are picking up bad habits of corruption and deceit that could spell serious trouble for economic and political stability in the future.

Let me give you a couple of examples. Miami Rice has become a household word in Haiti during the past year. U.S. rice merchants are loading tons of surplus U.S. rice on ships in Miami and sailing them to the newly opened and poorly guarded ports of Gonaives, Petit Goave, and Miragoane. For the first time in decades, these cities are now bustling centers of economic activity not only because the poor have jobs unloading a variety of contraband items including rice and stolen bicycles, but also because they can sell Miami rice across Haiti for $24 per 100-pound sack compared to $28 per 100-pound sack for rice grown in the Artibonite Valley. The prevailing wisdom is that the Army is taking over the role of the Macoutes as participants in and protectors of the illegal contraband trade.

The result has been that Haitian farmers are now selling their rice at a loss or at significantly lower profit margins, calling into question the future of Haitian rice production. It should be noted that as early as December 1986 it was estimated that 36,000 metric tons of rice or one-third of the national production could not be sold. An estimated 200,000 Haitian farmers are losing their livelihood. I was told of two bloody confrontations between rice farmers and poor participants in the contraband rice trade in which Army personnel shot and killed Haitian rice growers. Tensions are mounting daily.

Another example of the destabilizing effect of contraband is sugar. The drastic reduction of the United States sugar quota for Haiti's neighbor on the island, the Dominican Republic, has resulted in a large surplus of refined sugar which is being dumped on the Haitian market as contraband at a cost of between $20 and $24 per 100-pound sack. Haitian sugar is selling at $27 per 100-pound sack. As a consequence, only last week, on April 15, Hasco [Haitian American Sugar Co.] closed down its sugar mill throwing 3,000 sugar plant workers on the streets and jeopardizing the livelihood of tens of thousands of sugar growers throughout Haiti.

If allowed to proceed unchecked because of its short-term benefit to the Haitian consumer and to corrupt, illegal traders, contraband could develop into such a long-term liability as to create not only permanent political and economic instability but also to make of Haiti a literal buccaneer nation.

ANTI-AMERICANISM

Added to the contraband problem and indeed feeding upon it, is a growing anti-Americanism by which the United States is, in my view, unjustifiably blamed for a variety of problems confronting the Haitian people. This anti-Americanism is made plausible by the widely held perception that for far too long the U.S. foreign policy establishment was tolerant of the Duvalier dictatorship. The U.S. cannot and should not be held responsible for corruption and malfeasance that inhibits development programs which could create jobs and improve agricultural production. Let me cite for you a couple of examples of what I mean.

PIG REPOPULATION PROGRAM

In 1980, an African swine flu epidemic had so infected the Haitian pig population that it was deemed a threat to swine herds throughout Latin, Central, and North America. The Government of Haiti agreed to an international program to eradicate the entire Haitian pig population on condition that the Inter-American Development Bank would provide a $20 million concessionary loan to pay for a complete pig repopulation program. Three years into the eradication program—Peppadep—it became clear that the IDB had not designed a repopulation program that could secure the return of pigs to small scale farmers.

To maintain the integrity of the international community and to restore to Haiti an important sector of its economy and culture, the United States agreed on a bilateral basis to design and implement an "interim pig repopulation project." Administered by United States AID, the program built pig repopulation centers throughout Haiti, provided them with initial stocks of disease free United States pigs, trained Haitian farmers in the care and cultivation of the pigs, and began distributing pigs free of charge to the small scale farmers from whom infected pigs were taken. To date, we have redistributed more than 70,000 pigs to rural Haiti.

Due to the failure of the IDB to meet its commitment, however, three crises with respect to the pig program have developed for which the United States is being blamed. The first is the unavailability of affordable feed for the growing pig population. The second is the absence of a swine husbandry extension program that emphasizes the appropriate production of swine feed stuffs in association with food crop production on the Haitian farm. The third is the absence of a national veterinary service to provide health surveillance to detect and prevent disease among the livestock of Haitians farmers.

United States detractors have concocted the myth that part of the American plan was to kill all the pigs in Haiti, replace them with huge American pigs whom they could not feed and who would end up eating the farmers' children. This ridiculous killer pig theory is apparently gaining currency among Haitians who have been misled and denied knowledge of all the facts. The fact is that the United States pigs will be of more value to the Haitian farmer because it is bigger and more prolific, that is it produces an average litter of nine piglets, two times per year, as compared to the four piglet litter, one time every 18 months, of the traditional Haitian pig.

To produce this good result naturally requires more food. Thus when a feed production program is incorporated into the Haitian farming system, it will enrich both the farmer and the pig producer who will have a much larger pig to sell and more of them.

CONTRABAND—THE AMERICAN PLAN

Another part of the anti-Americanism theme being struck by a growing number of frustrated Haitians is the idea that the contraband invasion is part of an American plot to destroy the rice and sugarcane industries in Haiti, increase dependency, and turn the people against one another and destabilize Haiti so completely that elections will never be held and power will revert to a repressive Duvalerist military that will reduce Haiti to a cheap labor workshop for American imperialists. As ridiculous as such a thesis sounds, there are those who point to Miami rice, stolen bicycles and ending the Dominican Republic sugar quota as evidence of the existence of an American plan.

So there you have it—two bits of bad news from Haiti: A severely destabilizing economic crisis brought about by contraband trade that threatens to derail the process of democratization and economic recovery in Haiti; and a growing anti-Americanism in Haiti that unjustifiably attributes this crisis to an insidious American plan.

U.S. POLICIES AND THE MULTILATERAL INSTITUTIONS: THE TWO POINT FAUNTROY PLAN

To help remedy this situation, I will attempt to persuade the United States Government and certain multilateral development institutions to propose to Haiti, in the next 2 months, a short-term emergency economic program and a medium-term economic recovery program to assure that a newly elected government has a reasonable opportunity to develop; and implement its own program in a relatively stable environment.

SHORT-TERM EMERGENCY PROGRAM OF STRUCTURAL ADJUSTMENT

My short term emergency plan has four features:

First, that we help deal with the contraband problem by making all as yet uncommitted fiscal year 1987 economic support funds for Haiti available for a cooperative effort between United States Customs and Haiti Customs to provide the following:

The training of an adequate cadre of Haitian customs officials.

Adequate radar equipment, coast guard vessels and new barracks where necessary.

Second, that structural adjustment loans be made to Haiti by the World Bank and the International Monetary Fund [IMF] to do the following:

Provide credit to offset the negative consequences of the liberalization of tariffs and duties.

Compensate raw material producers in Haiti for losses they incurred as a result of investments they made last year not anticipating the contraband crisis.

Finance a feasibility study of short- and medium-term alternative uses to which both land and available capital might be profitably put.

Compensate laid off workers and retrain them for new jobs, especially in enterprises offering the potential for technological transfer, capital formation and upward mobility. Industrial development with a potential for linkages throughout the Haitian economy should be targeted.

Finance investment by displaced raw material investors in the factories or other viable investment activities suggested by the above-mentioned feasibility study.

Use any available ESF funds in conjunction with the World Bank, and IMF structural adjustment loans to accomplish the above.

Third, send a high level delegation of United States officials to Haiti to discuss this two-pronged offer of emergency assistance and thus demonstrate by our willingness to help the CNG implement such a program that the United States is not behind the destabilization that increased contraband activity threatens to produce.

Fourth, that the U.S. sponsor serious discussions with the World Bank and other economic interests in the region to determine what domestic food and export opportunities may exist for balanced agricultural production. The World Bank has already done research on this subject. (World Bank Report No. 5601-HA.)

MEDIUM-TERM PROGRAM: DEVELOPMENT OF A 5-YEAR PLAN FOR HAITIAN GROWTH AND DEVELOPMENT

To be of assistance to the elected government that is to take office in February 1988, the United States, other donor nations and the relevant multilateral development institutions should begin now to develop with key persons in the interim government a research and information base for decisions that the elected government will have to make during its first 5 years. To that end, I propose that the United States and the CNG convene a meeting of representatives of key donor nations, the IMF, the IDB, the World Bank, and U.S. AID to do the following:

Assess what is being considered by each nation and multilateral institution in terms of assistance projects with and for Haiti.

Determine the compatibility of the various projects being planned and how they relate to one another.

Organize consultations between the international community and key institutions within Haiti, including the religious community, the business sector, labor organizations, and the interim government to assure that all understand the nature of the data that is being developed as an information base for the new elected government.

The coordination of the various aid projects and the data developed should, in my view, make job creation the first order of business. It would seem to me that the Government's role in that quest would be infrastructure development: The building of roads, schools and health care facilities, and the provision of personnel and services pursuant thereto. Another respectfully suggested role of the interim government would be to convene business organizations and labor unions to assess comparative labor costs and to assist union development in Haiti.

Data for such a 5-year plan should identify prospective markets for agricultural production and any new, viable sectors of job creating activity that might develop within or come to Haiti.

Finally, the international grouping that I ask the United States Government to convene should suggest the best combination of aid and trade relationships that Haiti should have with other countries to promote long term stability and growth. I say this because outside assistance alone can never enable Haiti to cope with the vagaries of poverty, weather, commodity price fluctuations or the availability of the investment needed to finance a certain level of growth. That capacity can come only with reliance on trade relations with others in the region, including the United States of America.

PLAN ECHOES RECENT MULTILATERAL BANK AGREEMENTS

As chairman of the House Banking Subcommittee on International Development Institutions and Finance, I am keenly aware of several multilateral development bank agreements reached last year during negotiations for MDB replenishments and capital increases that will not only encourage the two point plan I offer but would also afford the World Bank an opportunity to implement the new agreements on a pilot basis in Haiti.

As Deputy Assistant Secretary for Developing Nations of the Department of Treasury, James W. Conrow stated at a hearing before my subcommittee earlier this month:

> Over the past year and a half we have enhanced multilateral cooperation considerably. We have put in place new arrangements for closer economic policy coordination. These mutual efforts—and the U.S. leadership that drives them—must continue and be extended if we are going to resolve the problems confronting the international economy.

Haiti is a prime example of what Deputy Assistant Secretary Conrow describes as one of the "many underdeveloped countries that are nurturing infant democracies and need support to sustain their efforts." Among the new arrangements reached by the MDB's that would encourage reforms while coordinating and catalyzing other sources of finance to promote growth, development and stability in Haiti are:

A new IMF/World Bank Policy Framework Program that calls for the development of a "single comprehensive package" that will address the macroeconomic and structural needs of the lowest income countries. The recipient country, the IMF and the World Bank are urged to negotiate medium-term plans supported by the lending arrangements of the IMF structural adjustment facility, and bilateral aid agencies—coordinated by the World Bank. This agreement tracks perfectly with point 2 of my plan; $3 to $3.5 billion of the IDA VIII replenishment is to be used for adjustment lending which fosters the ability of IDA recipients to achieve sound, sustainable growth. This agreement tracks perfectly with point 1 of my plan.

A Multilateral Investment Guarantee Agency [MIGA] is established under the auspices of the World Bank. What an incentive that will be to encourage private sector equity investment in Haiti in both the short and medium term in Haiti!

Underdeveloped countries like Haiti that are nurturing infant democracies will benefit from policy changes such as these that will improve incentives and reduce economic distortions that tend to discriminate against them. The social costs, institutional and political difficulties and financial requirements for Haiti to make much needed policy changes and sustain itself through adjustment process are indeed extensive.

The application of these kinds of new agreements reached by the multilateral development institutions with Haiti represents an enormous challenge but one that must be undertaken to establish there the foundation for the sustained economic recovery necessary to the promotion and well-being of a democratic Haitian nation, and provide there the stability necessary for bringing that great country into a full democratic system of government, free of the old Duvalist repression and exploitation.

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With that, Mr. Speaker, may I thank the House for this opportunity to share with them and with you our new plan, an emergency short-term plan to deal with the economic crisis presently upon Haiti, and a medium-term program that could result in a 5-year plan that the newly elected government could embark upon once it is elected, and begins to serve in February of 1988.

Mr. YATRON. Mr. Speaker, I want to take this opportunity to commend the gentleman from the District of Columbia for arranging this special order to maintain public focus on the situation in Haiti. Mr. FAUNTROY has been an outstanding leader in the effort to bring social justice, economic development, democracy, and respect for human rights to Haiti and has made a tremendous contribution in this regard.

As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, I am deeply concerned over the plight of the Haitian people and have worked to promote democracy and human rights in that country. Subcommittee hearings have poignantly depicted the severe economic and political conditions which Haitians have long endured.

Haiti is now at a turning point. There is a real opportunity for economic growth and the establishment of democratic institutions to guarantee fundamental rights. The Haitian people have removed the chains of despotism and are engaged in a process that will ensure political stability and economic viability.

Clearly, the United States has a role to play. We must listen to their concerns and be ready to provide necessary assistance to ensure sustainable growth. A new constitution is in place. Local and national elections are scheduled, as well as a presidential inauguration.

Nevertheless, the situation remains tenuous and can be exploited and manipulated by the opponents of democracy. I am confident, however, that the courageous and enthusiastic Haitian people will continue to surmount the remaining difficulties and achieve the type of society they aspire. We should be prepared to help and I stand ready to work with my good friend from the District of Columbia toward this objective.

GOVERNMENT PATENT POLICY ACT AMENDMENTS OF 1987: STOPPING THE HIGH-TECH GIVEAWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 60 minutes.

Mr. BUSTAMANTE. Mr. Speaker, today I join my colleagues Mr. MCCLOSKEY, Mr. SMITH of Florida, Mr. JACOBS, Mr. COLEMAN of Texas, and Mr. KOLTER in introducing the Government Patent Policy Act Amendments of 1987.

The purpose of this bill is to close a loophole that exists in current law that permits contractors who develop patented inventions funded by Federal Moneys to circumvent the domestic manufacturing clause under section 204, title 35 of the United States Code, the Government Patent Policy Act.

The Government Patent Policy Act Amendments of 1987 would extend the current domestic manufacturing requirement to all contractors, assignees, and exclusive licensees of patented inventions developed with Federal R&D assistance.

Last January, Members of the Senate discovered that our own Government increased the U.S. trade deficit by awarding $9 billion in military contracts for equipment purchases from and research and development work to foreign companies in 1986.

The finding prompted Senator JEFF BINGAMAN of New Mexico to say, and I quote:

> To the extent that we're contracting out and depending upon foreign companies to accomplish our research, we are losing our cutting edge in technology.

Senator BINGAMAN's concerns are legitimate, outflows of U.S. research and development moneys to foreign contractors subsidize our economic competitiors to finance commercial products that will compete with American products in our very own domestic market.

My attention was drawn to this issue during a similar but separate investigation involving the Strategic Defense Intiative Research Program [SDI]. Two years ago, Armed Services Committee Chairman LES ASPIN and I wrote to Defense Secretary Caspar Weinberger regarding U.S. patent right policy pertaining to research and development by foreign participants involved in SDI projects.

In our letter, we asked the Secretary:

> What would be the terms of agreement of property-rights ownership of potential technologies developed from research conducted by foreign participants? And how do they compare with terms agreed to by U.S. contractors?

I was stunned by Secretary Weinberger's response. Our own Defense Department was going to permit contractors—"whether U.S. or foreign—to retain title to the patents on inventions developed in the course of U.S. funded research."

In other words, Defense was going to allow foreign contractors to retain the patent rights to 21st-century technologies funded entirely at U.S. taxpayers' expense.

So incredible did I find this policy I continued to pursue this matter in committee hearings and through further correspondence. In responses received from DOD dated February 24 and August 28, 1986, the Defense Department defended its policy on the grounds that it was adhering to existing statutory and regulatory policy.

After directing a fourth interrogatory to the Pentagon, Assistant Secretary for Defense Acquisition and Logistics James B. Wade informed me that DOD would reverse gears on the patent policy question.

Instead, he said, on contracts performed outside the United States, the Government will now acquire title to SDI-generated technologies invented by foreign contractors.

Mr. Speaker, the reason why our policy on patent rights to foreign contractors is confusing and remains unclear is because of the simple fact that we have no policy at all. Despite DOD's contradictions and reversal, an Unclassified version of a memorandum of understanding [MOU] between the United States and the Federal Republic of Germany reveals that our Government may have already forfeited the commercial rights to cutting edge technologies developed by foreign contractors.

Mr. Speaker, if there is no objection, I would like to have appear in the RECORD at the conclusion of my remarks a copy of the MOU between the United States and the Federal Republic of Germany on the agreement of technology transfer and the strategic defense initiative, as reprinted in the Cologne Express. I recommend to my colleagues to read and study this document carefully. According to a Congressional Research Service analysis of this agreement, ". . . retention of (patent) title by the foreign contractor is specifically permitted in the memorandum; it is therefore arguable that a West German contractor would possess all commercial rights for any patented invention resulting from research funded by United States Government money, subject to the minimum rights and march-in rights possessed by the United States."

What this means is that our Government—which is willing to foot the entire bill for the research, development, and deployment of SDI—has very little equity position in the commercial technologies generated from SDI. That is a heavy price to pay for allied cooperation. Bear in mind that SDI represents the most advanced and costly military undertaking since the early days of the Space Program and the Manhattan project, which created the atomic bomb.

What this means is that we are pursuing a military research and development policy that ultimately finances our own international economic competition. Given the character of the

SDI project, I find this policy foolhardy and unacceptable. Congressional critics of foreign contracting have suggested that the United States restrict offshore research and development to a limited percentage basis. That might be worthwhile, but such alternatives miss the point.

The point is: Who owns the technology developed under federally funded foreign contracts? Instead, I suggest that we need to look at the rights' stuff—what conditions do we place on inventions by foreign participants made with U.S. assistance?

The American people need assurances that their investments in Government-sponsored research and development will not rob them of their jobs, bankrupt whole industries in their communities, or advance the industrial base of our international economic competitors. The field of patent rights is complex and often times overlooked. Industrial societies measure their progress both in terms of scientific advances and innovation.

Patent rights and other intellectual property protections are integral to making scientific and innovative advances available to the public and are pivotal to stimulating future economic growth. Indeed, patent rights are essential to commercializing many new technologies and bringing them to the marketplace. President Abraham Lincoln saw the value of U.S. patent policy when he said:

> The U.S. Patent System added the fuel of interest to the fire of genius.

DOD is a major developer of high technology. We have invested substantial national wealth to augment defense-related research and technology development. This one agency absorbs almost one-third of a trillion dollars national budget and nearly three-quarters of the 55 billion dollars Federal R&D budget, DOD's primary mission is national defense; but it is also in the unique position of enhancing the U.S. worldwide technological position.

DOD is the flagship agency in protecting our international security obligations. It can use its policies to pursue short-term, global objectives by reducing incentives for developing new technologies, or, even worse, it can unwittingly relegate this country to a second-class economy by making commercially valuable technology available to our economic competitors.

The consequences of these policies serve to transmute the U.S. quest for military cooperation and security into direct and perverse financing of our potential economic defeat. This undermining of our world-class economy should give pause to those offering uncritical support to the geopolitical assumptions of our current military procurement policies.

Mr. Speaker, the American people deserve an equity position in their country's investment in cooperative research and development ventures, particularly when it is they who are expected to pay. The Government Patent Policy Act Amendments of 1987 is a small step to ensuring that the American people will receive a fair dividend on their investment.

I urge my colleagues to support this bill, and to join me and my five colleagues in cosponsoring the Government Patent Policy Act Amendments of 1987.

FEDERAL REPUBLIC OF GERMANY-UNITED STATES: AGREEMENTS ON THE TRANSFER OF TECHNOLOGY AND THE STRATEGIC DEFENSE INITIATIVE[1] [MARCH 27, 1986]

INTRODUCTORY NOTE

On March 27, 1986 the Government of the Federal Republic of Germany and the Government of the United States signed two Agreements in Washington, D.C., the Joint Agreement in Principle (concerning the Transfer of Technology) and the Agreement on German Participation in Research on the Strategic Defense Initiative. These Agreements, as well as accompanying letter, e.g. between Richard Perle, Deputy US Defense Minister and Lorenz Schomerus, of the Federal Ministry of Economics, were drawn up in English and German.

The Governments seemingly decided not to make public said Agreements. There was considerable pressure on the German Government to make the text available to the public.

On April 18, 1986 the Cologne daily newspaper, "Express" published a German version of the two Agreements and, on April 20, 1986 the exchange of letters between Perle and Schomerus followed. The "Express" claimed to be in possession of the authentic versions. Officials who asked not to be named confirmed that the published versions were authentic.

The "Express" version served as the basis for the translation into English, though the German text was also published by a Bonn-based newsletter. The translation indicates a few misprints or unclear passages in the "Express" version. Also, the translation follows meticulously the graphic structure of the "Express" version without, however, emphasizing certain paragraphs by using bold print, as the "Express" did, with the exception, again of headings.

This Introductory Note refrains from commenting upon the contents of the SDI Agreements. It should be noted, however, that Richard Perle, in the last paragraph of the letter reproduced, comments upon the legally binding character of the Joint Agreement in Principle under public international law. The "Express" makes it clear in its edition of April 18, 1986, that there are more accompanying letters with regard to the SDI Agreements not reproduced in full.

Finally, the reader should bear in mind that the following texts are translations of the German versions, the English texts not having been made public. Hence, the English original will differ in nuances from the translations reproduced; e.g. the "Agreement" may be a "Memorandum of Understanding" and alike. The aim of the translation is merely to make available the contents of the already published SDI Agreements to the interested English-speaking international community.

AGREEMENT ON THE TRANSFER OF TECHNOLOGY

Joint Agreement in Principle between the Federal Republic of Germany and the Government of the United States of America, done in Washington, D.C. on 27 March 1986.

1. Preamble

In the course of their consultations the Government of the Federal Republic of Germany and the Government of the United States of America re-affirmed the long-standing cooperation between the Governments of the two countries, their industries, research establishments and other entites in the areas of industry, science, technology and security. In the realization that the continuation of this cooperation will promote the growth of their national economies and strengthen their technological capacities and security, the Governments hereby re-affirm certain principles for the cooperation, such as most-favoured nation treatment for free competition, non-discrimination and joint security interests. These principles are laid down, inter alia, in the following existing bilateral agreements: the Treaty of Amity, Commerce and Navigation of 29 October 1954; the Treaty on the Protection of Secrets of 23 December 1960 with supplements, and the rules of procedure with special regard to the protection of secrets in industry of 16 April 1970 with supplements; the Treaty of 23 August 1973 on Mutual Assistance between the Customs Authorities of the Federal Republic of Germany and the United States of America; as well as in multilateral agreements and treaties to which both Governments are parties.

2. New Challenge for this Cooperation

Modern industrial and technological development necessitates a dynamic process of cooperation, especially in the fields of research, development, production, distribution and export, and the exchange of scientific knowledge and information. The Governments will in particular endeavour—whilst safeguarding their security interests—to promote the free exchange of goods, scientific information and technologies between their two countries. They will endeavour to increase the effectiveness of their laws, provisions and procedures relating to exports, and thereby to keep the administrative burden connected therewith to a minimum.

When exercising their discretionary powers, the Governments should, in the spirit of the bilateral cooperation, take the interests of both sides into account. They will endeavour to settle any disputes in a way which is satisfactory to both sides. The Governments are of the opinion that this cooperation must be encouraged and that it should be secured by means of continued development and the implementation of effective regulations for the protection of strategically sensitive technologies.

The Governments wish to make it known that they anticipate that the strengthening of the mutually profitable cooperation in the fields of industry and research will bring with it an increased cooperation in the application and enforcement of agreed restrictions regarding the export to prohibited destinations of sensitive technologies which affect their common security. To this end they will take effective steps with the aim of further strengthening the protective measures for sensitive technology, and ensure strict application and enforcement of existing laws and other legal provisions in this context. The Governments will take the principles mentioned into account when creating mechanisms for the promotion of this cooperation. The Governments hereby declare that they are prepared to help each other and their industries and research establishments to fully comprehend the pertinent laws and other legal provisions, as well as the purposes to which said laws and legal provisions were introduced. Both Governments recognize that to inform the other government in advance about important decisions or acts which affect its material interests in a useful means towards achieving joint objectives in the spirit of the cooperation. The Governments will hold consultations promptly and at an appropriate level, particularly in emergencies, in order to settle differences of opinion in a way which is satisfactory for both parties. Hereby, they will endeavour to implement the steps necessary for a successful conclusion of their consultations.

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[1] [The unofficial English translation and the Introductory Note were prepared for *International Legal Materials* by Gerhard Wegen, I.L.M. Corresponding Editor for the Federal Republic of Germany, partner of the law firm of Gleiss, Lutz, Hootz, Hirsch & Partners, Stuttgart, admitted to practice in New York and Stuttgart. The unofficial German text appears in the Cologne *Express*, April 18 and 20, 1986. The help in translation given by Miss E. Richomme is kindly acknowledged.

[The Agreement on the Transfer of Technology appears at I.L.M. page 959, and the exchange of letters concerning this agreement appears at page 974. The Agreement concerning the Strategic Defense Initiative appears at I.L.M. page 962.

[Other countries which have either concluded, or are in the process of concluding, memoranda of understanding similar to the agreements concluded by the Federal Republic of Germany and the United States are: Israel, Italy, Japan and the United Kingdom.]

In order to facilitate communications concerning the questions of cooperation mentioned in this Agreement, each Government will designate special appointees, whose responsibility it will be to determine the areas which, in keeping with the mentioned principles and objectives, may need further clarification from time to time. For this purpose, the special appointees shall meet regularly and be prepared to meet at short notice if one of the two Governments so requires.

The consultations and other mechanisms of information laid down in this Agreement shall not affect other bilateral or international consultation mechanisms at the disposal of the two Governments.

4. Review

After a period of one year the Governments shall review their experience with all matters treated in this Agreement.

5. Validity for the Land of Berlin

This Joint Agreement in Principle also applies to the Land of Berlin, subject to the rights and responsibilities of France, the United Kingdom and Northern Ireland, and the United States of America, unless the Government of the Federal Republic of Germany makes a contrary (in German: "gegenseitig"=mutual) declaration to the Government of the United States of America within three months after the signing of this Agreement.

Signed in Washington, D.C. on 27 March 1986. For the Government of the Federal Republic of Germany, Martin Bangemann, for the Government of the United States of America, Caspar Weinberger.

II. SDI AGREEMENT

Agreement between the Federal Minister of Economics, acting on behalf of the Government of the Federal Republic of Germany, and the Minister of Defense, acting on behalf of the Government of the United States of America, Concerning the Participation of German Industries, Research Establishments and Other Entities in Research on the Strategic Defense Initiative, Done Washington on 27 March 1986

1. The Federal Minister of Economics, acting on behalf of the Government of the Federal Republic of Germany. In view of the standpoint of the Government of the Federal Republic of Germany on the research programme for the Strategic Defense Initiative, as expressed in its statements of 27 March, 18 April and 18 December 1985, and the Minister of Defense, acting on behalf of the Government of the United States of America, recalling that, in this capacity, he formally invited allied nations to participate in the defense research programme known as the Strategic Defense Initiative. Expecting that such a participation will lead to a material improvement of the quality, the timely implementation and the cost effectiveness of this research. Declaring the joint interest of both parties in the creation of a broad basis for as comprehensive a participation as possible of German industries, research establishment and other entities which wish to take part in the SDI research programme.

Wishing to deal with questions of procedure and fact recurring in this context, they hereby agree on the following guidelines:

2. Implementation

Separate project contracts and, if the necessity arises, other implementing agreements will be concluded for the individual SDI research projects pursuant to this Agreement. These contracts and other implementing agreements shall be facilitiated by this Agreement and they shall be in harmony with it. In the case of inconsistencies between this present Agreement and any implementing agreement, the Governments will enter into consultations to remove these inconsistencies.

3. Existing Agreement

3.1 This Agreement shall be implemented in conformity with the laws in force, with other legal provisions of national policy as well as the international obligations of the Government of the Federal Republic of Germany and the Government of the United States and, as regards the United States, in compliance with the American-Soviet ABM Treaty of 1972.

3.1.1 In case of inconsistencies between the application of this present Agreement and laws in force, other legal provisions of national policy and international obligations, the governments will enter into consultations to remove any such inconsistencies.

3.2 Both governments agree to have recourse to, if possible, existing agreements when drafting the special provisions to be inserted in contracts on research projects and other implementing agreements pursuant to this Agreement. In this context, in particular the following two sides (bilateral) of the agreements apply—where applicable—accordingly (in German the text is not clear).

3.2.1 The Agreements on the Protection of Secrets of 23 December 1960 with supplements and rules of procedure, with special regard to the protection of secrets in industry of 16 April 1970 with supplements.

3.2.2 The Agreements of 17 October 1978 on Principles of Mutual Cooperation in the Area of Research and Development, Production, Procurement and the Logistic Support of Military Equipment.

3.2.3 Annex 5 of 6 December 1983 to the Agreement on Principles of Mutual Cooperation in the Area of Research and Development, Production and Procurement, and the Logistic Support of Military Equipment (principles of contract administration).

3.2.4 Annex 6 of 6 December 1985 to the Agreement on Principles of Mutual Cooperation in the Area of Research and Development, Production and Procurement, and the Logistic Support of Mutual Military Equipment (Agreement on Mutual Administrative Assistance in the Area of Examination of Prices/Costs in Orders for Defense Purposes).

3.2.5 The Agreement of 4 January 1956 on the Facilitation of the Exchange of Patents and Technical Experience in the Area of Defense.

4. Definitions

4.1 "Classified information": information which must be protected in the interests of national security. Such information is designated by the United States as "top secret", "secret" and "confidential", by the Federal Republic of Germany as "streng geheim", "geheim", "VS-vertraulich" and "VS nur für den Dienstgebrauch".

4.2 "Technical data": Information of all kinds, including inventions or discoveries, whether patented or not, which can be used for the design, manufacture, use or reproduction of objects or materials, or which can be processed for these purposes.

4.3 "Computer sofeware": Computer programmes and data stores for computers.

4.4 "Background information": Technical data and computer software required or useful for a specific research project, however prior to the commencement of the research project or outside the documents relating thereto.

4.5 "Foreground information": Technical data and computer software produced in the course of work being carried out on the basis of a contract or a specific research project, including any invention or discovery, whether patentable or not, and which was developed during the course of work being done on the basis of said contract or research project or which became applicable in practice for the first time in connection therewith.

4.6 "Information protected by proprietary rights": All background and foreground information which is protected under private law as intellectual property, as well as all information which is normally treated confidentially by the contractor, unless it is common knowledge or is generally accessible from other sources or was already made available by the party providing the information or a third party without any agreement on the confidential treatment.

4.7 "German participation: All German companies, industries, research establishments or other entities which are carrying out agreed SDI research projects, be it on the basis of contracts, subcontracts, joint ventures, partnerships or in any other way. For the purposes of this Agreement the term "possible German participation" shall also mean entities which make a bid for contracts for SDI research projects or which are negotiating the same.

5. Mechanism for cooperation and acquisition in SDI research

5.1 There are various different methods of participation in the SDI research programme, inter alia:

5.1.1 The Government of the United States can conclude contracts directly with German industries, research establishments and other entities. The Government of the United States shall conclude such contracts in conformity with American laws and other legal provisions, and with its obligations arising from the Agreement.

5.1.2 Principal contractors can conclude subcontracts with industries, research establishments and other entities in both countries. All subcontracts shall be concluded in conformity with the laws in force and other legal provisions, as well as with the provisions of the relevant main contract.

5.1.3 German and American industries, research establishments and other entities may agree upon joint ventures, partnerships and other forms of cooperation.

5.2 This present Agreement is intended to facilitate the participation of German industries, research establishments and other entities on the basis of fair and genuine competition. It does not preclude the conclusion of other mutual contractual arrangements in conformity with the laws and other legal provisions, and the policies of the two governments, if the German participants so wish.

5.3 Subject to compliance with American laws and other legal provisions of national policy and international obligations, the Government of the United States will endeavour to make it possible for German and American industries, research establishments and other entities to bid under equal conditions for contracts awarded within the framework of this Agreement. In order to facilitate said competitive participation, the Government of the United States hereby agrees, in collaboration with the competent German authorities—insofar as this seems appropriate and necessary—to provide German industries, research establishments and other entities in due course with all information which they need to be able to compete for participation.

5.3.1 Principles and procedures for the placing of contracts shall be in keeping with the 1978 Agreement on Principles of Mutual Cooperation in the Area of Research and Development, Production, Procurement and the Logistic Support of Military Equipment. Price and cost controls will be carried out in conformity with the Agreement of December 1985 on Mutual Administrative Assistance in the Area of Price and Cost Control for Orders for Defense Purposes.

5.3.2 The U.S. Federal Acquisitions Regulations (FAR) and the Department of Defense Supplement (DFAR) contain guidelines for the awarding of contracts by the American Ministry of Defense, including the information which must be produced as evidence of the price for a certain article or service.

5.4 In accordance with the principle of procurement on the basis of fair and genuine competition, with the terms laid down in this Agreement, with the applicable American technical requirements and with the availability of corresponding appropriations, the Government of the United States agrees to do all in its power to facilitate the participation, so that the extent of the participation of German industries, research establishments and other entities will correspond to the available German industrial research capacity.

5.5 As regards possible follow-up contracts, the Government of the United States will apply its laws and other legal provisions in the same way to both American and German contractors.

6. Exchange of information and intellectual property rights.

6.1 In accordance with the laws in force and other legal provisions of national policy and international obligations, and subject to third-party intellectual property rights, the Governments shall use their power of discretion to promote the cooperation. The technical data and computer software needed for the implementation of project contacts or other implementing agreement pursuant to this Agreement will be supplied to the participants concerned in accordance with said contracts and other applicable implementing agreements and in harmony with the relevant procedures laid down in this present Agreement. For each project contract or other implementing agreement the following rules apply:

6.1.1 Exchange of information: To the extent provided by this Agreement and in accordance with American and German laws and other legal provisions and national policy, both Governments shall do their best to ensure that the exchange of information is efficiently organized.

6.1.2 Visits: Visits shall be organized in accordance with the Protection of Secrets Agreement of 23 December 1960 with supplements.

Prior to the conclusion of a specific contract or of any other implementing agreement pursuant to this present Agreement, applications made by either Government for permission to visit in connection with said contract or said implementing agreement will be processed as quickly as possible in accordance with the relevant procedures. Once a contract or any other implementing agreement has been concluded, both Governments can grant the governmental staff or contractors' employees of the other side a bloc authorization for further visits to its authorities and contractors. Once the bloc authorization has been granted, the details of further visits can be arranged directly with the competent authorities or the contractor concerned.

6.1.3 Conferences: Representatives of the Governments and the contractors of both States shall be given equal opportunities to participate in conference in which they are authorized to participate and which concern cooperative SDI programmes and contracts. In order to facilitate the participation in such conferences the Governments shall ensure that these representatives fulfill the requirements necessary for taking part in such conferences.

7. Protection of information

7.1 Both Governments recognize the danger which the risk of an unauthorized transfer of sensitive SDI technology to prohibited destinations represents for their joint security. In consequence, they agree, in harmony with their national security interests, their laws and national policy, to take all necessary and appropriate steps to prevent such unautherized transfer of sensitive SDI technology to prohibited destinations.

7.2 Technical data and computer software designated as classified information exchanged or produced in the course of an SDI project contract or another implementing agreement pursuant to this Agreement shall be protected in accordance with the Protection of Secrets Agreement of 23 December 1960 with supplements and rules of procedure, with special regard to the protection of secrets in industry of 16 April 1970 with supplements. Each Government has the authority to designate the background information which it transmits to the other Government or its contractors according to this Agreement. The Defense Ministry of the United States shall issue designating instructions separately for each contract and each implementing agreement. If any questions arise in connection with designating which are not clearly settled in the contract or other implementing agreement, then these questions can be discussed between the parties to the contract or implementing agreement. The final authority for designating foreground information lies, however, with the Defense Ministry of the United States.

7.2.1 With regard to the designating of the results of research as classified information, both Governments hereby agree that certain information must be protected against unauthorized disclosure. However, both Governments are of the opinion that excessive use should not be made of the possibility of designating information as classified information, and that information should only be classified as such when there is reason to believe that the disclosure of the information would jeopardize the national security of one of the two States.

7.3 Both Governments will take all legal steps at their disposal in order to prevent confidential information transmitted in connection with this Agreement being disclosed on the basis of a statutory provision, unless the other Government and, if applicable, the contractor providing the information consents to a disclosure of the information.

7.4 As a contribution to this desired protection, the information transmitted by one Government to the other will be designated as classified information in accordance with the Protection of Secrets Agreement of 23 December 1960 with supplements and rules of procedure, with special regard to the protection of secrets in industry of 16 April 1970 with supplements, according to the appropriate national classified matter designating system. if the information concerned is not classified, attention will be drawn to the fact that the information supplied in connection with this Agreement is confidential.

7.5 Confidential background information which is nonclassified shall be protected in a way which guarantees its protection against unauthorized disclosure. Said information may include technical data and computer software which is not designated as classified information and which is subject to American export control laws. It will be labelled and protected in such a way that re-export or dissemination which contravenes the terms of the contract or of another implementing agreement is made impossible without the consent of the Government transmitting the information or of the contractor.

7.6 Both Governments shall endeavour, subject to their municipal laws and implementing provisions, to avoid a policy for the protection of information which would have a retroactive effect on information transmitted within the framework of this Agreement.

8. Intellectual property rights and utilization of information

8.1 Background Information: Background information, once transmitted, shall be protected and may not be used or passed on for purposes which are not laid down in the contract or in another implementing agreement without the consent of the owner. The participation in an SDI research project shall not affect the author's rights of ownership and use of this information.

8.2 Information protected by proprietary rights is subject to the rights of the owner and such rights of use as can be claimed in favour of each Government and each contractor. The recipient of such information shall obtain the consent of the party transmitting the information before using or disclosing said information and before divulging it to third parties.

8.3 Foreground information

8.3.1 Proprietary rights in technical data and computer software produced in the course of SDI research contracts shall be offered to the contractor who produced the technical data and computer software concerned. This shall apply unless the Government of the United States, in conformity with its municipal laws and implementing provisions, has in respect of the right to the intellectual property provided otherwise for contracts financed exclusively by it.

8.3.2 German Participation: German participants can, in connection with SDI research projects, decide to participate in contractual arrangements which are financed exclusively by the United States. In conformity with American laws and implementing provisions, and under provisions and terms which are not more unfavourable than those applicable to American contractors, such contractual arrangements normally require that the Government of the United States receives unlimited rights to the technical data and computer software produced within the framework of SDI contracts, i.e. royalty-free rights to use, copy or disclose this information in whole or in part in any way and for any purpose. This does not preclude the right of the contractor to use technical data and computer software he has produced, subject to the special conditions of the contract in question and the security regulations in force.

8.3.3 The Government of the United States shall endeavour, in accordance with the security interests, the laws and the policy of the United States and subject to third-party proprietary rights, to allow the use, for non-military purposes, of the results of non-classified research projects in the field of SDI technologies.

8.3.4 The Government of the United States and the Government of the Federal Republic of Germany shall make every effort to support negotiations on the necessary licenses, royalties and the exchange of technical information with their respective enterprises and other holders of such rights.

8.3.5 The transfer of the results of research obtained within the framework of SDI contracts by subsidiaries of German parent companies domiciled in the United States will be facilitated, subject to compliance with the laws and other legal provisions and the policy of the United States.

9. Additional information

In recognition of their joint security interests and in order to facilitate the effective implementation of these Agreements the Defense Ministry of the United States and the Federal Ministry of Defense of the Federal Republic of Germany shall arrange a mutual exchange of information on areas of SDI research to be agreed upon between the two sides. In addition, they agree to exchange know-how in areas of SDI research which shall be laid down by mutual agreement and which the two sides deem useful for the improvement of conventional methods of defense, in particular air defense. This exchange of information will take place in accordance with the American and German laws in force, the other legal provisions and national policies and with international obligations and third-party property rights.

10. Entry into force and termination

10.1 This Agreement, which is drawn up in English and German, each version of which is equally controlling, shall come into force upon the date of the last signature.

10.2 Each Government may terminate this Agreement by informing the other Government with three months' notice. The provisions relating to the termination of a specific research project are contained in the separate agreements for the relevant project.

10.3 In the event of the termination of this Agreement, the provisions relating to the protection and the security of information shall remain in force.

Done in Washington D.C. on 27 March 1986. For the Government of the Federal Republic of Germany, Martin Bangemann and for the Government of the United States of America, Caspar Weinberger.

III. THE SECRET LETTERS

1. Letter from Richard Pearle, Deputy US Defense Minister, to Lorenz Schomerus of the Federal Ministry of Economics.

DEAR LORENZ, I am writing to you concerning our discussions on the subject of the Joint Agreement in Principle. In order that the American side may be comprehensively informed about the measures you intend to take to increase the effectiveness of your national export controls for sensitive technology, it would be extremely useful if you would outline certain points in more detail than was possible in the Joint Agreement in Principle.

Could you in particular describe the structural changes in German law which you want to introduce in order to improve export controls? Would the export of technology covered by the COCOM embargo be a breach of German law pursuant to the amendments you intend to propose, were it to be done without official government permission? Does the government intend, according to the new laws, to punish infringements with the severity necessary to act as a sufficiently strong deterrent against inadmissible non-authorized exports?

Could you describe the measures you plan to take to improve control over the COCOM embargo? Do you intend to increase the number of staff employed to implement the embargo and to conduct permit controls?

It is our opinion that the cooperation between our two governments, as described in Article 3 of the Joint Agreement in Principle, would be facilitated by an additional agreement stipulating that bilateral talks should be held for the purpose of coordinating our positions when deliberating on the COCOM list before questions of importance are brought before the COCOM (Coordination Committee for Multilateral Export Controls). We sincerely hope that you will give your agreement to this.

It is also our opinion that the undertaking referred to in Article 3 of the Joint Agreement in Principle should contain an agreement stating that, prior to the conclusion of the urgent discussions, neither side will take irrevocable steps which would make the discussions ineffective. This means that, in cases of emergency, both sides would be prepared to refrain for an appropriate length of time from granting permits for the shipping of goods which fall under the embargo, which would make it impossible for them to be re-obtained.

As regards to the question of international law, the Government of the United States sees the Joint Agreement in Principle rather as a political declaration of intent than as a legally valid document.

2. Letter from Lorenz Schomerus of the Federal Ministry of Economics, to Richard Perle, Deputy US Defense Minister

DEAR RICHARD, Thank you for your letter concerning some of the questions which remain to be discussed following the conclusion of the Joint Agreement in Principle. Let me explain a few points in connection with the questions you mention. We are in the process of introducing improvements in the control of products blocked by an embargo, which are brought into the territory of the Federal Republic of Germany, including appropriate measures for the transport of goods from, to and inside Berlin.

As regards the details, we intend to introduce approval procedures for sales of blocked goods and technologies for certain groups of foreign nationals. This will also include the members of diplomatic or consular missions.

We shall also request improvements in the regulations concerning transit operations with blocked goods.

Furthermore, talks have been initiated with the competent authorities with a view to increasing the penalties for violations of the export control laws. In this connection we are also currently examining the possibilities for changing the question of the burden of proof so as to make it harder to avoid prosecution.

These changes must be approved by parliament in order to be effective. The Bundestag has authorized us to increase the number of staff employed to deal with questions of COCOM and export controls at the BAW (German abbreviation: Bundesamt für die gewerbliche Wirtschaft = Federal Agency for the Manufacturing Industries).

In addition, I would like to point out that the following authorities employ full-time staff to deal with questions of security, export controls, *issuance* of approvals and investigations: Federal Ministry of Economics, Federal Ministry of Finance, Ministry of Foreign Affairs, various customs authorities as well as 16 regional internal revenue offices. These various agencies employ a total of approximately 2,500 persons for this purpose, whereby the employees concerned are civil servants of various different levels and with varying specialized qualifications.

We agree with you that further joint efforts are required in order to make COCOM (Coordination Committee for Multilateral Export Controls) an even more effective instrument and to increase the degree of day-to-day cooperation between COCOM members. Hereby we shall also draw on the experience gained in the course of bilateral talks on specific questions relating to COCOM.

The successful deliberation on the Third World Initiative underlines our constructive attitude.

I agree with your interpretation of Article 3 (of the Joint Agreement in Principle) subject, naturally, to its conformity with German laws and provisions.

As regards the last paragraph of your letter, I would indicate that we agreed to hold discussions with the other allies. The Federal Government will then treat the document in accordance with the agreed methods of procedure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McKINNEY (at the request of Mr. MICHEL), for today, on account of illness.

Mr. HUTTO (at the request of Mr. FOLEY), as of 8 p.m. on April 23, on account of official business.

Mr. McDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROWLAND of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each, on April 28 and 29.

Mr. ROWLAND of Connecticut, for 5 minutes, today.

Mr. MCCOLLUM, for 60 minutes, on April 27.

Mr. GINGRICH, for 60 minutes, on April 27.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. LEHMAN of California) to revise and extend their remarks and include extraneous material:)

Mr. ST GERMAIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. BONKER, for 60 minutes, on April 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BADHAM, on the Nuclear Test Ban Treaty on H.R. 1827.

(The following Members (at the request of Mr. ROWLAND of Connecticut) and include extraneous matter:)

Mr. MCMILLAN of North Carolina.

Mr. SENSENBRENNER.

Mr. SHUMWAY.

Mr. COATS.

Mr. WHITTAKER.

Mr. ARCHER.

Mr. CONTE.

Mr. GUNDERSON.

Mr. THOMAS of California.

Mr. PORTER.

Mr. LIGHTFOOT.

Mr. PACKARD.

Mr. GOODLING in two instances.

Mr. FISH.

Mr. MICHEL in two instances.

Mr. MCEWEN.

Mr. LUJAN.

Mr. BOULTER.

Ms. SNOWE.

Mr. ROGERS.

Mr. MCCANDLESS in two instances.

Mr. TAUKE.

Mr. FRENZEL in five instances.

(The following Members (at the request of Mr. LEHMAN of California) and to include extraneous matter:)

Mr. THOMAS A. LUKEN in three instances.

Mr. FLIPPO.

Mr. JENKINS.

Mr. LAFALCE in two instances.

Mr. HOYER in two instances.

Mr. JACOBS.

Mr. PANETTA in two instances.

Mr. EDWARDS of California.

Mr. COELHO.

Mr. ST GERMAIN.

Mr. BORSKI.

Mr. FASCELL.

Mr. TORRICELLI in two instances.

Mr. LELAND.

Mr. MORRISON of Connecticut.

Mr. KOSTMAYER in two instances.

Mr. GEPHARDT in two instances.

Mr. SCHEUER.

Mr. DWYER of New Jersey.

Mr. FLORIO.

Mr. LOWRY of Washington.

Mr. ANNUNZIO.

Mr. LIPINSKI.

Mr. FEIGHAN.

Mr. LANTOS in two instances.

Mr. MOAKLEY.

Mr. PEPPER in two instances.

Mr. ASPIN.

Mr. MACKAY.

Mr. STALLINGS.

Mr. SYNAR.

Mr. FAUNTROY.

Mr. WALGREN in four instances.

Mr. LEHMAN of Florida.

Mr. OBERSTAR.

Mr. GEPHARDT.

Mr. BROWN of California in two instances.

Mr. TRAFICANT.

Mr. BONKER.

Mr. BIAGGI.

Mr. SKAGGS.

Mr. JONES of North Carolina.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 240. An act to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 58. Joint resolution to designate the month of April 1987, as "National Child Abuse Prevention Month", and

S.J. Res. 89. Joint resolution to authorize and request the President to issue a proclamation designating April 26, through May 2, 1987, as "National Organ and Tissue Donor Awareness Week."

ADJOURNMENT

Mr. FAUNTROY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 53 minutes a.m.) under its previous order, the House adjourned until Monday, April 27, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1233. A letter from the Acting Secretary of Agriculture, transmitting a report of an alleged violation of the Anti-deficiency Act in accounts of the Child Nutrition Programs, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1234. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriations to the Department of Justice, as listed therein, have been apportioned on a basis that indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

1235. A letter from the Secretary of Defense, transmitting three reports of violations, two of which occurred in the Department of the Navy, and the other in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1236. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting a report detailing the findings of a study on the feasibility of prohibiting depository institutions from accepting, receiving, or holding a deposit account from any South African national, pursuant of 22 U.S.C. 5097(b); to the Committee on Banking, Finance and Urban Affairs.

1237. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of proposed antiterrorism assistance to the Government of Pakistan, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

1238. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affair; transmitting notification of proposed antiterrorism assistance to the Government of Jordan, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

1239. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the intention to add the Central African Republic and Uruguay to the list of approved participants in the Anti-Terrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

1240. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of a proposed license for the export of major defense equipment sold commercially to the Government of Taiwan, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1241. A letter from the Comptroller General, General Accounting Office, transmitting a list of all General Accounting Office reports issued during the month of March, 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1242. A letter from the Assistant Administrator (Administration and Resources Management), Environmental Protection Agency, transmitting notification of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1243. A letter from the Chairman, Farm Credit Administration, transmitting the commission's annual report of its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1244. A letter from the Chairman, Interstate Commerce Commission, transmitting the commission's annual report of its compliance with the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1245. A letter from the Secretary of the Interior, transmitting the Department's calendar year 1986 report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1246. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1247. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339b; to the Committee on Interior and Insular Affairs.

1248. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1986, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

1249. A letter from the Secretary of Transportation, transmitting the Department's ninth report on railroad-highway demonstration projects, pursuant to 23 U.S.C. 130 nt; to the Committee on Public Works and Transportation.

1250. A letter from the Secretary, Department of Housing and Urban Development, transmitting the fiscal year 1986 annual report of the Department's Solar Energy and Conservation Bank, pursuant to 12 U.S.C. 3617(a); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veteran's Affairs. House Concurrent Resolution 78. Concurrent resolution expressing the sense of Congress with respect to the Veterans' Administration Home Loan Program (Rept. 100-63). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veteran's Affairs. House Concurrent Resolution 79. Concurrent resolution reaffirming the sense of Congress that the 1-percent fee charged by the Veterans' Administration to veterans obtaining a home loan guaranteed by such Administration should not be increased. (Rept. 100-64). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ECKART (for himself, Mr. Swift, Mr. Markey, Mr. Wyden, Mr. Weber, Mr. Gregg, Mr. Jeffords, Mr. Wheat, Miss Schneider, Mr. Gephardt, Ms. Kaptur, Mr. Feighan, Mr. Sikorski, Mr. Bates, Mr. Mrazek, Mr. Durbin, Mr. Morrison of Connecticut, Mr. Hawkins, Mr. Frank, Mr. Kildee, Mr. Ford of Tennessee, Mr. Mavroules, Mr. Ackerman, Mr. Kastenmeier, Mr. Atkins, Mr. Jontz, Mr. Downey of New York, Mr. Lowry of Washington, Mr. DeFazio, Mr. Conyers, Mr. Berman, Mr. Moody, Mr. Owens of New York, Mr. Gonzalez, Mr. Studds, Mr. Solarz, Mr. Gray of Pennsylvania, Mr. Wolpe, Mr. Hochbrueckner, Mr. Edwards of California, Mr. Garcia, and Mr. Weiss):

H.R. 2141. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to provide for unlimited liability in the event of an accident at a nuclear power plant, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. BILBRAY:

H.R. 2142. A bill to designate certain lands in the State of Nevada as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Agriculture.

By Mr. BRYANT:

H.R. 2143. A bill to amend title 18 of the United States Code to establish rational criteria for the imposition of the sentence of death in cases of espionage and treason, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTER (for himself, Mr. Solomon, Mr. Walker, Mr. Kyl, Mr. Armey, Mr. DeWine, Mr. Wortley, Mr. Wolf, Mr. Burton of Indiana, Mrs. Lloyd, and Mr. Mack):

H.R. 2144. A bill to prohibit the employment of nationals from Warsaw Pact countries at United States diplomatic and consular missions in those countries; to the Committee on Foreign Affairs.

By Mr. DAVIS of Michigan (for himself, Mr. Oberstar, and Mr. Schulze):

H.R. 2145. A bill to impose a civil penalty for the making of false statements during United States International Trade Commission proceedings, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. Staggers, Mr. Bryant, Mr. Florio, Mr. Gray of Illinois, Mr. Johnson of South Dakota, Mr. Kennedy, Mr. Smith of New Jersey, and Mr. Ridge):

H.R. 2146. A bill to amend title 38, United States Code, to extend the transition period for the Veterans' Administration readjustment counseling centers program, and for the other purposes; to the Committee on Veterans' Affairs.

By Mr. GEKAS:

H.R. 2147. A bill to amend title 18, United States Code, with respect to release of those hospitalized following a verdict of not guilty by reason of insanity; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. Wyden, Mr. Whittaker, Mr. Emerson, Mr. Tauke, Mr. Huckaby, Mr. Jontz, and Mr. Hatcher):

H.R. 2148. A bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats; to the Committee on Energy and Commerce.

By Mr. GRAY of Illinois:

H.R. 2149. A bill authorizing the city of Chester, IL, to reconstruct, repair, or improve an existing toll bridge across the Mississippi River at or near Chester, IL; to the Committee on Public Works and Transportation.

By Mr. MICHEL (for himself, Mr. Lewis of California, and Mr. Sundquist):

H.R. 2150. A bill entitled the "Trade and Export Enhancement Act of 1987; jointly, to the Committees on Ways and Means, Foreign Affairs, Education and Labor, Agriculture, Energy and Commerce, Merchant Marine and Fisheries, Public Works and Transportation, Small Business, and the Judiciary.

By Mr. MacKAY (for himself, Mr. Brown of California, Mr. Walgren, Mr. Towns, Mr. Ackerman, Mr. Leland, Mr. Dymally, Mr. Nelson of Florida, Mr. Moody, Mr. Cooper, Mr. Moakley, Mr. Gilman, Mr. Boehlert, Mr. Penny, Mr. Carper, Mr. Valentine, Mr. Gejdenson, Mr. Gordon, Mr. Murphy, Mr. McCloskey, Mr. Neal, Mr. Wise, and Mrs. Boxer):

H.R. 2151. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; jointly, to the Committees on Science, Space and Technology, and Agriculture.

By Mr. PANETTA:

H.R. 2152. A bill to permit teachers to change employment across State lines without substantial loss of retirement benefits; to the Committee on Education and Labor.

By Mr. Rahall (for himself, Mr. Roe, Mr. Richardson, Mrs. Bentley, Mr. Smith of Florida, Mr. Staggers, Mr. Wise, and Mr. Kolter):

H.R. 2153. A bill to amend title XIX of the Social Security Act to require States to provide for payment for reservation of nursing home beds under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RINALDO (for himself, Mr. Courter, and Mr. Dwyer of New Jersey):

H.R. 2154. A bill to amend the Tariff Schedules of the United States to provide for the specific listing of certain benzenoid chemicals with other specifically listed chemicals; to the Committee on Ways and Means.

By Mr. ROWLAND of Connecticut:

H.R. 2155. A bill to prohibit use of Presidential election campaign funds to pay obligations arising from prior Presidential elections; to the Committee on House Administration.

By Mr. SIKORSKI:

H.R. 2156. A bill to amend the Direct Student Loan Program under the Higher Education Act of 1965 to provide for partial loan cancellation for full-time volunteer service with a tax-exempt organization, and for other purposes; to the Committee on Education and Labor.

H.R. 2157. A bill to amend the direct and guaranteed student loan programs under the Higher Education Act of 1965 to publicize the current loan deferral program for full-time volunteers with the Peace Corps, VISTA, and tax-exempt organizations, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of New Jersey:

H.R. 2158. A bill to amend the Congregate Housing Services Act of 1978 to permanently reauthorize the Congregate Housing Services Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WALGREN:

H.R. 2159. A bill to amend the Stevenson-Wydler Act to establish the National Technical Information Corporation as a wholly owned Government corporation under the direction and supervision of the Secretary of Commerce; to the Committee on Science, Space and Technology.

By Mr. WALGREN (for himself and Mr. Boehlert):

H.R. 2160. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1988, and for other purposes; to the Committee on Science, Space and Technology.

By Mr. WHEAT:

H.R. 2161. A bill to amend title 5, United States Code, with respect to withholding certain city or county taxes from the pay of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. WORTLEY:

H.R. 2162. A bill to expand the group eligibility requirements for worker trade readjustment allowance to include workers for parts and services suppliers, and to lengthen by 13 weeks the period in which such allowance may be paid if training is being undertaken; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Bonker, and Mr. Roybal):

H.R. 2163. A bill to revise and extend the Older American Indian Grant Program under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 2164. A bill to advance the national prosperity and welfare, to establish a Department of Science and Technology, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of California (for himself, Mr. Gephardt, Miss Schneider, Mr. Barnard, Mr. Beilenson, Mr. Berman, Mr. Bonior of Michigan, Mr. Coelho, Mr. Conyers, Mr. Crockett, Mr. Dixon, Mr. Dymally, Mr. Fauntroy, Mr. Fazio, Mr. Fish, Mr. Fuster, Mr. Gray of Pennsylvania, Mr. Hawkins, Mr. Hughes, Mr. Levine of California, Mr. Lipinski, Mr. Lowery of California, Mr. McMillen of Maryland, Mr. MacKay, Mr. Robinson, Mr. Saxton, Mr. Torres, Mr. Udall, Mr. Waxman, and Mr. Wolpe):

H.R. 2165. A bill to advance the national prosperity, quality of life, and welfare, to establish a National Policy and Technology Foundation, and for other purposes; jointly, to the Committees on the Judiciary, and Science, Space, and Technology.

By Mr. LaFALCE:

H.R. 2166. A bill to amend the Small Business Act and the Small Business Investment Act of 1958; to the Committee on Small Business.

By Mr. THOMAS A. LUKEN (for himself, Mr. Coats, Mr. Slattery, and Mr. Whittaker):

H.R. 2167. A bill to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under that act, to increase the maximum daily benefit provided under that act, and for other purposes; jointly, to the Committees on Energy and Commerce, and Ways and Means.

By Mr. WYDEN (for himself, Mr. Waxman, Mr. Leland, Mr. Bliley, and Mr. Tauke):

H.R. 2168. A bill to amend the Federal Food, Drug, and Cosmetic Act to limit the dispensing of certain drugs by practitioners; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.J. Res. 250. Joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FLORIO:

H.J. Res. 251. Joint resolution designating July 2, 1987, as "National Literacy Day"; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.J. Res. 252. Joint resolution expressing the sense of the Congress that Federal aid for refugee assistance programs should not be reduced, and for other purposes; to the Committee on the Judiciary.

By Mr. GEPHARDT:

H.J. Res. 253. Joint resolution designating the week of June 1 through June 7, 1987, as "National Polio Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself and Mr. Mollohan):

H.J. Res. 254. Joint resolution to designate the month of November 1987 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida (for himself, Mr. Roth, Mr. Tallon, Mr. Akaka, Mr. Badham, Mr. Bilbray, Mr. Boner of Tennessee, Mr. Campbell, Mr. de Lugo, Mr. Edwards of Oklahoma, Mr. Hochbrueckner, Mr. Jeffords, Mr. Johnson of South Dakota, Mr. Leland, Mrs. Lloyd, Mr. Ritter, Mr. Russo, Mrs. Saiki, Mr. Sundquist, Mrs. Vucanovich, Mr. Foley, Mr. Coelho, Mr. Bateman, Mr. Bilirakis, Mr. Chappell, Mr. Dannemeyer, Mr. Derrick, Mr. Fuster, Mr. Green, Mr. Gray of Illinois, Mr. Hall of Texas, Mr. Hefner, Mr. Horton, Mr. Ireland, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kolbe, Mr. Lent, Mrs. Meyers of Kansas, Mr. Murtha, Mr. Nielson of Utah, Mrs. Patterson, Mr. Quillen, Mr. Roe, Mr. Skelton, Mr. Smith of Florida, Mr. Spence, Mr. Staggers, Mr. Stangeland, Mr. Thomas of Georgia, Mr. Towns, Mr. Valentine, Mr. Walgren, Mr. Wyden, and Mr. Young of Alaska):

H.J. Res. 255. Joint resolution designating the third week in May 1988 as "National Tourism Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself and Mr. Shumway):

H.J. Res. 256. Joint resolution designating October 20, 1987, as "Leyte Landing Day"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. Pepper, and Mr. Rinaldo):

H.J. Res. 257. Joint resolution designating the week beginning November 29, 1987, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. COURTER (for himself, Mr. Burton of Indiana, Mr. Wortley, Mr. Weber, Mr. Roe, Mr. Swindall, Mr. Dannemeyer, Mr. Armey, Mr. DeWine, Mr. Inhofe, Mr. Lagomarsino, Mr. Mack, Mr. Gekas, and Mr. Wolf):

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the construction of a new chancery building in Moscow; to the Committee on Foreign Affairs.

By Mr. KOLBE (for himself and Mr. Udall):

H. Res. 149. Resolution relating to the abolition of the compensatory financing facility; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Bustamante and Mrs. Kennelly.

H.R. 17: Mr. Porter.

H.R. 18: Mr. Solarz, Mr. Fuster, Mr. Rahall, Mr. Gonzalez, Mr. Williams, Mr. Ackerman, Mr. Sikorski, Mr. Beilenson, Mr. Roe, Mr. Levin of Michigan, Mr. Boland, Mr. Traficant, Mr. Bryant, Mr. Bonior of Michigan, Mr. Lagomarsino, Mr. Mrazek, Mr. Yates, Mr. Ford of Michigan, Mr. Moakley, Mr. Fauntroy, Mr. Fazio, Mr. Dicks, Mr. Smith of Florida, Mr. Jeffords, Mrs. Boxer, Mr. Lipinski, Mr. Bereuter, and Mr. Frost.

H.R. 20: Mr. Johnson of South Dakota, Mr. McHugh, Mr. Owens of Utah, Mr. Sabo, Mr. Wyden, Mr. Carr, Mrs. Byron, Mr. Rose, Mr. Coyne, Mr. Borski, Mr. Olin, and Mr. Carper.

H.R. 21: Mr. Johnson of South Dakota, Mr. McHugh, Mr. Owens of Utah, Mr. Sabo, Mr. Wyden, Mrs. Byron, Mr. Rose, Mr. Coyne, Mr. Borski, Mr. Olin, and Mr. Carper.

H.R. 39: Mr. Cooper.

H.R. 47: Mr. Manton, Mr. Armey, Mr. Mavroules, Mr. Lagomarsino, Mr. Smith of Florida, Mr. MacKay, and Mr. Dornan of California.

H.R. 52: Mr. Leath of Texas, Mr. Hochbrueckner, Mr. Gunderson, Mr. Downey of New York, Mr. Dicks, Mr. Boucher, and Mr. Gephardt.

H.R. 70: Mr. Sikorski, Mr. Dorgan of North Dakota, Mr. Bustamante, Mr. Mrazek, Mr. Towns, Mr. Evans, Mr. Grant, Mr. Borski, Mr. Walgren, Mr. Edwards of California, and Mr. Fauntroy.

H.R. 74: Mr. McMillen of Maryland, Mr. Tallon, Mr. Sweeney, and Mr. Mfume.

H.R. 176: Mr. Cooper, Mr. Dwyer of New Jersey, Mr. Mrazek, Mrs. Myers of Kansas, and Mr. Morrison of Connecticut.

H.R. 190: Mr. St Germain.

H.R. 281: Mr. Bosco, Mr. Hoyer, Mr. Markey, Mr. Mavroules, Mr. Obey, Mr. Sikorski, Mr. Udall, Mr. Wolpe, Mr. Wise, Mr. Brennan, Mr. Levine of California, Mr. Foglietta, Mr. Studds, Mr. Bruce, Mr. Morrison of Connecticut, Ms. Oakar, Mr. Borski, Mr. Coelho, Mr. Gray of Illinois, Mr. Kennedy, Mr. Pease, Mr. Rodino, Mr. Russo, Mr. Donnelly, Mr. Miller of California, Mr. Kanjorski, Mr. Mollohan, and Mr. Moody.

H.R. 372: Mr. Traficant and Mr. Davis of Illinois.

H.R. 442: Mr. DeFazio, Mr. Atkins, Mrs. Morella, Mr. Bilbray, and Mr. Cardin.

H.R. 457: Mr. Frank and Mr. Gilman.

H.R. 497: Mr. Nielson of Utah.

H.R. 515: Mr. Brennan.

H.R. 537: Mr. Rowland of Connecticut, Mr. Smith of Florida, Mr. Brown of California, and Mr. Wolpe.

H.R. 570: Mr. Eckart.

H.R. 592: Mr. Staggers, Mr. Swindall, Mr. McMillen of Maryland, Mr. Brown of Colorado, Mr. Eckart, Mr. Dowdy of Mississippi, Mr. Skeen, Mr. Hochbrueckner, and Mr. Conte.

H.R. 593: Mr. McMillen of Maryland.

H.R. 627: Mr. Hochbrueckner.

H.R. 637: Mr. Bevill.

H.R. 639: Mr. Bryant, Mr. Wortley, Mr. Mfume, and Mr. Stark.

H.R. 666: Mr. Roemer, Mr. Chandler, Mr. Thomas A. Luken, Mr. Craig, Mr. Shaw, Mr. Barnard, Mr. Stallings, and Mr. Hansen.

H.R. 691: Mr. Berman.

H.R. 792: Mr. Price of Illinois.

H.R. 809: Mr. English, Mrs. Bentley, and Mr. Grandy.

H.R. 925: Mr. Frank, Mr. Sawyer, Mr. Gray of Pennsylvania, Mr. Conyers, Mr. Brown of California, Mr. Flake, Mr. Udall, Mr. Atkins, Mr. Dixon, Ms. Slaughter of New York, Mr. Traficant, and Mr. McCloskey.

H.R. 950: Mr. Crockett, Mr. Bustamante, and Mr. Eckart.

H.R. 956: Mr. Scheuer.

H.R. 971: Mr. Bustamante.

H.R. 975: Mr. Miller of California, Mr. Fauntroy, Mr. Downey of New York, Mr. Dymally, Mr. Manton, Mr. Yates, Mr. Lowry of Washington, Mr. Lewis of Georgia, Mrs. Morella, Mr. Scheuer, Mr. St Germain, Mr. Fazio, Mr. Akaka, Mr. Edwards of California, Mr. Lipinski, and Ms. Kaptur.

H.R. 977: Mrs. Meyers of Kansas.

H.R. 998: Mr. Bateman, Mr. Lungren, Mr. Dornan of California, Mr. English, Mr. Robinson, and Mrs. Meyers of Kansas.

H.R. 1009: Mr. Robinson.

H.R. 1048: Mr. Buechner and Mr. DeLay.

H.R. 1078: Mr. Dornan of California, Mr. Courter, Mr. Solarz, Mr. Nielson of Utah, Mr. Hansen, Mr. Gibbons, Mr. Lewis of Georgia, Mr. Garcia, Mr. Synar, Mr. Weiss, Mr. Conyers, Mrs. Boxer, Mr. Edwards of California, and Mr. Lipinski.

H.R. 1103: Mr. Wolpe.

H.R. 1115: Mr. Dannemeyer, Mr. Madigan, Mr. Whittaker, and Mr. Ritter.

H.R. 1197: Mr. Hamilton, Mr. Roberts, Mr. Dyson, Mr. Daub, Mr. Lightfoot, and Mr. Bereuter.

H.R. 1201: Mr. Walgren.

H.R. 1212: Mr. Lehman of California, Mr. Kleczka, and Mr. Smith of New Jersey.

H.R. 1228: Mr. Sisisky, Mr. DeFazio, Mr. Hatcher, Mr. Johnson of South Dakota, Mr. Tallon, Mr. MacKay, Mr. DeLay, Mr. Espy, Mr. Fascell, Mr. Hopkins, Mr. Ireland, Mr. Kolter, Mr. Rahall, Mr. Spratt, Mr. Schuette, Mr. Campbell, Mr. Shaw, Mr. Richardson, Mr. Boulter, Mr. McCloskey, Mr. Swindall, Mr. Howard, Mr. Florio, Mr. Coleman of Missouri, Mr. Boner of Tennessee, Mr. Markey, Mr. Carr, Mr. Levine of California, Mr. McMillan of North Carolina, Mr. Mrazek, Mr. Wolpe, Mr. Pursell, Mr. Konnyu, Mr. Jeffords, Mr. Ackerman, Mr. Olin, Mr. Kyl, Mr. Hiler, and Mr. McCollum.

H.R. 1234: Mr. Owens of New York and Mr. Towns.

H.R. 1235: Mr. Lipinski and Mr. Stokes.

H.R. 1241: Mr. Conyers, Mr. Hughes, Mr. Kemp, and Mr. Neal.

H.R. 1242: Mr. Hayes of Illinois.

H.R. 1259: Mr. Denny Smith, Mr. Volkmer, Mr. Hammerschmidt, Mr. Livingston Mrs. Boxer, Mr. Buechner, Mr. Garcia, Mr. Rahall, Mr. Brown of California, Mr. Boucher, and Mr. Kolbe.

H.R. 1272: Mr. Stark, Mr. Fawell, Mr. Crockett, and Mr. Pursell.

H.R. 1301: Mr. Gray of Illinois, Mr. Howard, Mr. Bustamante, Mr. Udall, Mr. Staggers, Mr. Ackerman, Mr. Owens, of New York, Mr. Berman, Mr. Gekas, and Mr. Biaggi.

H.R. 1310: Mr. Eckart.

H.R. 1340: Mr. Schuette, and Mr. Traxler.

H.R. 1342: Mr. Hochbrueckner.

H.R. 1371: Mr. Rangel, Mr. Martinez, Mr. Berman, and Mr. Wolpe.

H.R. 1417: Mr. Rangel, Mr. Ritter, Mr. Gray of Illinois, Mr. Vento, Mr. Gonzalez, Mr. Defazio, Mr. Martinez, Ms. Oakar, Mr. Towns, Mrs. Schroeder, Mr. Oberstar, Mr. Mfume, Mr. Wolpe, Miss Schneider, Mr. Hayes of Illinois, and Mr. Weiss.

H.R. 1425: Mr. Johnson of South Dakota.

H.R. 1432: Mr. Hertel, Mr. Fazio, Mr. Towns, Mr. Jontz, Mr. Atkins, and Mr. Lehman of California.

H.R. 1445: Mr. Chapman and Mr. Leath of Texas.

H.R. 1452: Mr. Andrews, Mr. Morrison of Connecticut, Mr. Lipinski, Mr. Wilson, Mr. Smith of Florida, Mr. Fuster, Mr. Badham, Mr. Davis of Illinois, Mr. Stenholm, Mr. Vento, Mr. Schaefer, Mr. Annunzio, Mr. Nielson of Utah, Mr. Hammerschmidt, Mr. Fish, Mr. Wise, Mr. Gray of Illinois, Mr. Horton, Mr. Mfume, Mr. Rahall, and Mr. Fazio.

H.R. 1481: Mr. Ravenel.

H.R. 1516: Mr. Hayes of Illinois, Mr. Rangel, Mr. Richardson, Mr. Leland, Mr. Valentine, and Mr. Lowry of Washington.

H.R. 1517: Mr. Garcia and Mr. Dreier of California.

H.R. 1588: Mr. Dymally, Mr. Mfume, and Mr. Mineta.

H.R. 1606: Mr. Barnard, Mr. Barton of Texas, Mr. DioGuardi, Mr. Fawell, Mr. Huckaby, Mr. Lightfoot, and Mr. Denny Smith.

H.R. 1638: Ms. Kaptur, Mr. Garcia, Mr. Lewis of Georgia, Mr. Sikorski, Mr. Staggers, Mr. Sunia, Mr. Guarini, Mr. Mollohan, Mr. Biaggi, Mr. Evans, Mr. Mfume, and Mr. Solarz.

H.R. 1639: Mr. Morrison of Connecticut, Mr. Smith of Florida, Mr. Berman, Mr. Fish, Mr. Levin of Michigan, Mr. Conyers, Mr. Fazio, Mr. Edwards of California, Mr. Guarini, and Mr. Martinez.

H.R. 1707: Mr. Lujan, Mr. Gekas, Mr. Evans, Mr. Martinez, Mr. Rangel, Mr. Rahall, Mr. Borski, Mr. Slattery, and Mr. Johnson of South Dakota.

H.R. 1722: Mr. Valentine.

H.R. 1723: Mr. Valentine.

H.R. 1752: Mr. Solarz, Mr. Kolter, Mr. Daub, Mr. Fish, and Mr. Hughes.

H.R. 1755. Mr. Fauntroy, Mr. Torres, Mr. Towns, Mr. Sunia, Mr. Levin of Michigan, Mr. Clay, Mrs. Collins, Mr. de la Garza, Mr. Weiss, Mr. Ford of Tennessee, Ms. Oakar, Mr. Dymally, and Mr. Conyers.

H.R. 1772: Mr. McEwen.

H.R. 1807: Mr. Matsui, Mr. Hatcher, Mr. Smith of Florida, and Mr. Olin.

H.R. 1823: Mr. Henry, Mr. Kyl, Mr. Porter, and Mr. Horton.

H.R. 1834: Mr. Murphy, Mr. Fauntroy, Mr. Clay, Mr. Ford of Tennessee, Mr. Sawyer, Mr. Kolter, Mr. Dellums, Mr. Berman, Mr. Rodino, Mr. Smith of Florida, Mr. Atkins, Mr. Ackerman, Mr. Lewis of Georgia, Mr. Walgren, Mr. Coyne, Mr. Levine of California, Mr. Morrison of Connecticut, Mr. Studds, Mr. Borski, Mr. Levin of Michigan, Mr. McCloskey, Mr. Murtha, Mr. Fazio, Mr. Oberstar, Mr. Frank, Mr. Edwards of California, Mr. Wheat, and Mr. Crockett.

H.R. 1873: Mr. Martinez.

H.R. 1874: Mr. Martinez.

H.R. 1885: Mr. Lancaster, Mr. Jeffords, Mr. Sisisky, and Mr. Jontz.

H.R. 1917: Mr. Borski, Mr. Holloway, Mr. Derrick, Mr. Brown of California, Mr. Kostmayer, Mr. Donald E. Lukens, Mr. Sikorski, Mr. Tallon, and Mr. Harris.

H.R. 1941: Mr. Andrews, Mr. Badham, and Mr. Roth.

H.R. 1960: Mrs. Bentley, Mr. Hansen, Mr. Holloway, Mr. McEwen, Mr. Pashayan, and Mr. Young of Alaska.

H.R. 1961: Mr. Dellums, Mr. Rodino, Mr. Howard, Mr. Smith of Florida, Mr. Ford of Tennessee, Mr. Ackerman, Mr. Solarz, Mr. Obsestar, Mr. Roe, Mr. Wyden, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Fazio, Mr. Scheuer, Mr. Edwards of California, Mr. Martinez, and Mr. Coleman of Texas.

H.R. 2016: Mr. Stark, and Mr. Lipinski.

H.R. 2038: Mr. Gray of Illinois, and Mr. Smith of Florida.

H.R. 2059: Mr. Swift, Mr. Petri, Mr. Slattery, and Mr. Kastenmeier.

H.J. Res. 17: Mr. Solomon, Mr. Henry, Mrs. Martin of Illinois, Mr. Murtha, Mr. Hall of Texas, Mr. Tallon, Mr. Staggers, Mr. Roberts, Mr. DeFazio, Mr. Coelho, Mr. Chandler, Mr. Olin, Ms. Snowe, Mr. Robert F. Smith, Mr. Schuette, Mr. Upton, Mr. Volkmer, Mr. English, Mr. Green, Mr. Espy, Mr. Gunderson, Mr. Stump, Mr. Rangel, Mr. Richardson, Mr. Levin of Michigan, Mr. Gray of Illinois, Mr. Dyson, Mr. Martinez, Mr. Gregg, Mr. Stallings, Mr. Burton, of Indiana, Mr. Leach, of Iowa, Mr. Russo, Mr. Blaz, Mr. Bevill, Mr. Carper, Mr. Chapman, Mr. Huckaby, Mr. Bustamante, Mr. Harris, Mr. Stenholm, Mr. Jontz, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Madigan, Mr. Jones of Tennessee, Mr. Stangeland, Mr. Evans, Mr. Emerson, Mr. Brown of California, Mr. Hatcher, Mr. Lewis of Florida, Mr. Young of Alaska, Mr. Marlenee, Mr. Yatron, Mr. Hopkins, Mr. DeWine, Mr. Dymally, Mr. Hammerschmidt, Mr. Thomas of Georgia, Mr. Bruce, Mr. Bosco, Mr. Dowdy, of Mississippi, Mr. Grandy, Mr. Lagomarsino, Mr. Holloway, Mr. Morrison of Connecticut, Mr. Borski, Mr. Davis of Illinois, Mr. Towns, Mr. Donnelly, Mr. Fuster, Mrs. Bentley, Mr. Conyers, Mr. Traxler, Mr. MacKay, Mr. Horton, Mr. Boulter, Mr. Brennan, Mr. Hefner and Mr. Jeffords.

H.J. Res. 42: Mr. Pepper.

H.J. Res. 58: Mr. Alexander.

H.J. Res. 61: Mr. Slaughter of Virginia.

H.J. Res. 90: Mr. Grandy, Mr. Clinger, Mr. Rinaldo, Mr. Leach of Iowa, Mr. Sawyer, Mr. Richardson, Mr. Hall of Texas, and Mr. Visclosky.

H.J. Res. 114: Mr. Natcher, Mr. Aspin, Mr. Stallings, Mrs. Morella, Mr. Berman, Mr. Udall, Mr. Wortley, Mr. Fascell, Mr. Wheat, Mr. Chandler, Mr. Morrison of Washington, Mr. Skelton, Mr. Tauke, Mr. Shumway, Mr. McKinney, Mrs. Lloyd, Mr. Goodling, Mr. DioGuardi, Mr. Dyson, Mr. Rahall, Mr. Lewis of California, Mr. DeFazio, Mr. McCollum, Mr. Ireland, Mr. Hiler, Mr. Morrison of Connecticut, Mr. Hamilton, Mr. Mazzoli, Mr. Robinson, Mr. Hefner, Mr. DeLay, Mr. Badham, Mr. Lott, Mr. Davis of Illinois, Mr. Gunderson, Mr. Dornan of California, Mr. Perkins and Mr. Weldon.

H.J. Res. 145: Mr. Martinez, Mr. Morrison of Washington, Mr. Roemer, Mr. Lowry of Washington, Mr. Torres, Mr. Hubbard, Mr. Hoyer, Mr. Jenkins, Mr. Murtha, Mr. Kanjorski, Mr. Carr, Mr. Borski, Mr.

Campbell, Mr. Mavroules, Mr. Murphy, Mr. Gaydos, Mr. Bosco, Mr. Yatron, Mr. Perkins, Mr. Coyne, Mr. Nielson of Utah, Mr. Conyers, Mr. Stangeland, Mr. Rangel, Mr. Berman, Mr. Bryant, Mr. Sabo, Mr. Waxman, and Mr. Brennan.

H.J. Res. 150: Mr. Coats, Mr. Feighan, Mr. Brown of California, Mr. Smith of New Jersey, Mr. MacKay, Mr. Torres, Mr. Kolter, Mr. McCloskey, Mr. Livingston, Mr. Lujan, Mr. Torricelli, Mr. Livingston, Mr. Kanjorski, Mr. Gilman, Mr. Regula, Mr. Stratton, Mr. Holloway, and Mr. Garcia.

H.J. Res. 165: Mr. Denny Smith.

H.J. Res. 180: Mr. Frenzel, Mr. Kostmayer, and Mr. McHugh.

H.J. Res. 193: Mr. Archer, Mr. Atkins, Mr. Brooks, Mr. Fazio, Mr. Fish, Mr. Frenzel, Mr. Garcia, Mr. Goodling, Mr. Hatcher, Mr. Hochbrueckner, Mr. Huckaby, Mr. Lewis of Florida, Mr. Thomas A. Luken, Mr. McMillen of Maryland, Mr. Mazzoli, Mr. Mrazek, and Mr. Stangeland.

H.J. Res. 201: Mr. Boucher, Mr. Roth, Mr. Owens of Utah, Mr. DeWine, Mr. Foglietta, Mr. Borski, Mr. Crockett, Mr. Mollohan, Mr. Skeen, Mr. Volkmer Mrs. Kennelly, Mr. Matsui, Mr. Erdreich, Mr. Inhofe, Mr. Schuette, Mr. Emerson, Mr. Davis of Illinois, Mr. Gekas, Mr. Wilson, Mr. Huckaby, Mr. Jones of North Carolina, and Mr. Lujan.

H.J. Res 224: Mr. Gunderson, Mr. Gray of Pennsylvania, Mr. Lott, Mr. Dornan of California, Mr. Jeffords, Mr. Towns, Mr. Morrison of Washington, Mr. Rahall, Mr. Lungren, Mr. Coughlin, Mr. Lantos, Mr. Lehman of California, Mr. Owens of Utah, Mrs. Meyers of Kansas, Mr. Dowdy of Mississippi, and Mr. Howard.

H.J. Res. 228: Mr. Thomas of Georgia, Mr. Rowland of Georgia, Mr. Madigan, Mr. Lancaster, Mr. Swindall, Mr. Gray of Illinois, Mr. Vento, Mr. Barnard, Mr. Ray, Mr. Early, Mr. Towns, Mr. Lungren, Mr. Kasich, Ms. Oakar, Mr. Crockett, and Mr. Gingrich.

H.J. Res. 229: Mr. Matsui.

H. Con. Res. 30: Mr. Gallegly, Mr. Houghton, Mr. Fawell, Mr. Rowland of Connecticut, Mr. Dickinson, Mr. Roemer, Mr. Wylie, Mr. Mfume, Mr. Andrews Mr. Thomas A. Luken, Mr. AuCoin, Mr. Roth, Mr. Buechner, Mr. Vento, Mr. Durbin, Mr. Mavroules, Mrs. Morella, Mr. Roe, Mr. Gekas, Mr. Dreier of California, Mr. Kemp, and Mr. Herger.

H. Con. Res. 31: Mr. Skelton and Mrs. Bentley.

H. Con. Res. 78: Mr. Edwards of California, Mr. Hammerschmidt, Mr. Applegate, Mr. Wylie, Mr. Mica, Mr. Stump, Mr. Dowdy of Mississippi, Mr. McEwen, Mr. Evans, Mr. Smith of New Jersey, Mr. Penny, Mr. Bilirakis, Mr. Staggers, Mr. Dornan of California, Mr. Bryant, Mr. Kanjorski, Mr. Robinson, Mr. Stenholm, Mr. Kennedy, Mr. Johnson of South Dakota, and Mr. Jontz.

H. Con. Res. 79: Mr. Edwards of California, Mr. Hammerschmidt, Mr. Applegate, Mr. Wylie, Mr. Mica, Mr. Stump, Mr. Dowdy of Mississippi, Mr. McEwen, Mr. Evans, Mr. Smith of New Jersey, Mr. Penny, Mr. Bilirakis, Mr. Staggers, Mr. Dornan of California, Mr. Bryant, Mr. Kanjorski, Mr. Robinson, Mr. Stenholm, Mr. Kennedy, Mr. Johnson of South Dakota, and Mr. Jontz.

H. Res. 53: Mr. Wolpe.

H. Res. 110: Mr. Thomas of Georgia and Mr. Lancaster.

H. Res. 131: Mr. Morrison of Connecticut, Mr. Lewis of Georgia, Mr. Wise, Mr. Traficant, Mr. Sikorski, Mr. Walgren, and Mr. Hoyer.

H. Res. 140: Mr. Lent.

H. Res. 145: Mr. Dornan of California, Mr. Bateman, Mr. Smith of Florida, Mr. Wilson, Mr. Lagomarsino, Mr. Edwards of California, Mr. Akaka, Mr. Morrison of Connecticut, Mr. McHugh, Mr. Fish, Mr. Dorgan of North Dakota, Mr. Studds, Mr. Kostmayer, Mrs. Boxer, Mr. Martinez, Mr. Ackerman, and Mr. Solarz.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

47. By the SPEAKER: Memorial of the Legislature of the State of New Mexico, relative to the completion of Navajo roads N-5 and N-36 on the Navajo Reservation; to the Committee on Appropriations.

48. Also, memorial of the Legislature of the State of New Mexico, relative to State regulation of oil and gas exploration and production wastes; to the Committee on Energy and Commerce.

49. Also, memorial of the House of Representatives of the State of Idaho, relative to legally due use taxes on interstate sales; to the Committee on the Judiciary.

50. Also, memorial of the Legislature of the State of Nevada, relative to the establishment of a motor carrier administration; to the Committee on Public Works and Transportation.

51. Also, memorial of the General Assembly of the State of Indiana, relative to the erosion of Indiana's Lake Michigan shoreline; to the Committee on Public Works and Transportation.

52. Also, memorial of the House of Representatives of the State of Idaho, relating to the opening of the Arctic national wildlife refuge coastal plan to environmentally responsible oil and gas exploration, development and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

53. Also, memorial of the House of Representatives of the State of Idaho, relative to a national program of commercial nuclear power development; jointly, to the Committees on Interior and Insular Affairs; Energy and Commerce; and Science, Space, and Technology.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

33. By the SPEAKER: Petition of State Representative Ray Meyer, House of Representatives, Bismarck, ND, relative to fractional reserve banking practices; to the Committee on Banking, Finance and Urban Affairs.

34. Also, petition of the Rio Grande Compact Commission, Santa Fe, NM, relative to appropriations for drainage works at Cochiti Pueblo, NM; to the Committee on Public Works and Transportation.

35. Also, petition of the Chicago Urban League, Chicago, IL, relative to the proposed administrative rules of the Internal Revenue Service which redefine lobbying by public charities; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3

By Mr. ROBINSON:

(Amendment to proposed trade bill.)

—At the appropriate place in the bill insert the following:

SEC. . STUDIES RELATING TO THE INTERNATIONAL TRADE POSTURE OF THE UNITED STATES.

(a)(1) The United States International Trade Commission shall conduct a study of the wage, rates, labor costs, and other labor practices of each foreign country which had surplus trade balance with the United States for calendar year 1984 that exceeded $4,000,000,000. Such study should consider labor practices existing throughout the economy of each such country and the labor practices of the industries in each such country that were responsible for such surplus trade balance.

(2) The study conducted under paragraph (1) shall include, with respect to each foreign country, analyses of—

(A) the effects of the labor practices of the foreign country on the competitive position of United States exports in foreign markets and in United States markets;

(B) the relationship between—

(i) the wages and other compensation paid to workers in United States industries producing goods that face substantial competition from products of the foreign country, and

(ii) the wages and other compensation paid to workers in the foreign country who produce such competitive products;

(C) the relationship, if any, between the labor practices of the foreign country and the cultural, religious, and political practices or values of the foreign country;

(D) the extent to which such labor practices are encouraged or enforced by the government of the foreign country;

(E) the history, duration, and extent of such labor practices; and

(F) the extent to which private or public forces that are anti-competitive encourage such labor practices.

(3) By no later than the date that is 9 months after the date of enactment of this Act, the United States International Trade Commission shall submit a report on the study conducted under paragraph (1) to the Congress, the Secretary of Labor, and the Secretary of Commerce.

(b)(1) The Secretary of Labor and the Secretary of Commerce shall each conduct a separate investigation—

(A) to identify each of the labor practices discussed in the report submitted under subsection (a)(3) that—

(i) is illegal under existing laws of the United States or of any State, or

(ii) should be prohibited by all countries under an international labor law code;

(B) to determine what labor principles and rules should be included in an international labor law code; and

(C) to determine the issues involved in, and the prospects for achieving, the elimination of labor practices identified under subparagraph (A) through negotiations with foreign countries.

(2) By no later than 3 months after the date on which the report is submitted under subsection (a)(3), the Secretary of Labor and the Secretary of Commerce shall each

submit to the Congress a report on the investigation conducted under paragraph (1).

(c) The Secretary of Labor, in consultation with the Secretary of Commerce and the heads of such other Federal agencies as may be appropriate, shall undertake and complete a study, and submit a report thereon to the Congress, within 1 year after the date of the enactment of this Act regarding the extent of job loss in the United States that has occurred since 1981 as a result of actions by multinational corporations entailing—

(1) the relocation of corporate operations from the United States to foreign countries; and

(2) the reduction of corporate operations in the United States because of the establishment of operations abroad.

The report shall include recommendations for reversing the trend of eliminating or reducing operations in the United States by multinational corporations in favor of foreign operations, and an estimate of the job savings in the United States that would result if that trend can be substantially slowed.

(d)(1) The Secretary of the Treasury shall undertake and complete a study, and submit a report thereon to the Congress, within 1 year after the date of the enactment of this Act regarding the revenue loss to the Treasury of the United States since 1981 resulting from—

(A) the foreign tax credit;

(B) depreciation applied to new operations established in foreign countries; and

(C) the loss of jobs in the United States because of the elimination or reduction of operations in the United States by multinational corporations in favor of foreign operations.

(2) The report shall include—

(A) a breakdown by number and type of United States corporations that utilized the foreign tax credit during the period covered by the study; and

(B) the revenue loss under paragraph (1)(C) shall be calculated on the basis of income tax revenues and payments of unemployment compensation and trade adjustment assistance benefits.

By Mr. SOLOMON:

—Page 417, strike line 3 and all that follows through page 418, line 10.

H.R. 1777

By Mr. COURTER:

—Page 27, after line 13, insert the following new section:

SEC. 137. CHANCERY AT THE UNITED STATES EMBASSY COMPLEX IN MOSCOW.

(a) Uncompleted United States Chancery in Moscow.—It is the sense of the Congress that—

(1) the uncompleted chancery building of the United States Embassy complex in Moscow is not secure and may be impossible to secure; and

(2) the chancery building should never be accepted by the United States.

(b) American Construction of New Chancery.—If and when a new United States chancery is constructed in Moscow, it shall be built under American supervision and exclusively with American plans, materials, and labor.

—page 27, after line 13, add the following:

SEC. 137. PROHIBITION ON CERTAIN EMPLOYMENT AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN WARSAW PACT COUNTRIES.

(a) Prohibition.—(1) After September 30, 1989, no national of a Warsaw Pact country may be employed as a foreign national employee at United States diplomatic or consular missions in any Warsaw Pact country.

(2) Paragraph (1) shall not apply with respect to any foreign national employee who is not permitted access to—

(A) United States embassy or consulate grounds, vehicles, or buildings which are sited in the compound of the embassy or consulate (including living quarters);

(B) the residence, wherever located, of the chief of mission or the deputy chief of mission.

(b) Warsaw Pact Country.—For the purposes of subsection (a), the term "Warsaw Pact country" means any country which is a signatory to the Treaty of Friendship, Mutual Assistance and Co-operation (done at Warsaw, Poland on May 14, 1955; commonly referred to as the "Warsaw pact").

(c) Additional Funds for Hiring United States Persons.—The Congress expresses its willingness to provide additional funds to the Department of State for the expenses of employing United States citizens to replace the indiviuals let go by reason of subsection (a).

H.R. 1827

By Mr. SCHUMER:

—Page 55, line 9, strike "$6,653,189,000" and insert $6,221,189,000".

EXTENSIONS OF REMARKS

BUDGET QUAGMIRE IS HURTING OUR AIR TRAVEL SYSTEM

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. COELHO. Mr. Speaker, on April 9, the House passed a budget resolution that would essentially mandate a freeze on aviation spending at a time when many of us are being critical about problems in our national transportation system. There is increasing public dissatisfaction about traffic delays and lagging investment in airport and airway improvements. It is apparent that the aviation trust fund is being rendered virtually useless by the budget quagmire. Unfortunately, we have been arguing over these same problems since 1970 when the trust fund was first established.

There is a broad consensus in this body and among the aviation community that vital improvements in the system are needed and there are ample resources to get the job done. I would like to call attention to a recent letter I received from an important coalition of aviation organizations, as well as a recent speech my friend, NORMAN MINETA, chairman of the Subcommittee on Aviation, gave before the Electronic Industries Association.

The users of the national aviation system are paying their share, yet there is a huge, uncommitted trust fund surplus of some $5 billion. We are breaking the faith with millions of air travelers if we do not utilize money that is sitting idle to support the action necessary to enhance the safety, capacity and efficiency of our air travel system in order to meet the burgeoning demand.

APRIL 17, 1987.

DEAR REPRESENTATIVE: Last week the House adopted a budget resolution effectively mandating a freeze in aviation spending levels for Fiscal Year 1988. This happens at a time when the air transportation system's needs are at their greatest, and while there is a huge uncommitted surplus in the Aviation Trust Fund.

As representatives of the aviation community, including air carriers, airports, general aviation, state aviation officials, and aviation manufacturers, we urge you to lend your support for improving the capacity and efficiency of the airport and airway system. At a time when many in Congress are critical of an overburdened and undermanned airport and airway system, it seems unconscionable for Congress to fail to take the opportunity to improve the system by providing readily available user-fee money for vital projects.

The House-approved Airport Improvement Program (AIP) spending assumption of just over $1 billion is approximately $500-800 million too low, and the proposed Facilities and Equipment (F&E) spending level of less than $800 million is barely half of what is urgently required.

Airline passengers, shippers and general aviation users have paid billions of dollars into the Aviation Trust Fund with the understanding that Congress will support capacity enhancements and modernization efforts with that money. Currently, the unobligated surplus in the Aviation Trust Fund stands at more than $5 billion.

The users of the system are paying their fair share and are demanding that system improvements be funded and implemented promptly. Congress holds the purse strings and will ultimately determine whether our air transportation system is forced to sit and wait at the gate or be improved as the nation requires. We urge you to join efforts that will assure the necessary funding to improve aviation system safety, capacity and efficiency.

Respectfully,

Aircraft Owners & Pilots Association, Airline Pilots Association, Airport Operators Council International, Air Traffic Control Association, Air Transport Association, Allied Pilots Association, American Association of Airport Executives, Experimental Aircraft Association, General Aviation Manufacturers Association, National Aeronautic Association, National Air Transportation Association, National Association of State Aviation Officials, National Business Aircraft Association, Regional Airline Association.

REMARKS OF HON. NORMAN Y. MINETA

It is indeed a pleasure to meet with the Air Traffic Control Committee of EIA again. Your meetings today come at a very appropriate time, and will be an important contribution to the debate and discussion on the future of the nation's aviation system.

The Congress, the FAA and the industry are at a crucial juncture with respect to the Trust Fund and the National Airspace System Plan. Over the next several months, decisions will be made with respect to the nation's aviation programs that will put us either on a course that addresses the all-too-obvious problems in our aviation system or on a course of neglect and muddling through. I would like to discuss some of these decisions with you today.

As you all are aware, the Trust Fund authorizations will expire in September. I believe it is extremely important to have an authorization in place at that time for the next five years because with this legislation Congress will be charting a course and making a commitment as to what the future system will be like.

The initial readings from the Budget Committees, however, do not provide much hope or optimism as to what the future will be like. As the Budget Committees work on the FY 88 Budget Resolution, they are developing scenarios for spending freezes and reductions in government programs, including the aviation programs. In the preliminary discussions so far, there is the good news/bad news story. First, the good news: Aviation is being considered an "essential" government activity. The bad news: The best, I emphasize "the best", an "essential" government activity can expect under the Budget Committee's current thinking is a freeze at the "current services" level. If the "best" does not happen, varying percentage reductions can be expected.

The hearings the Aviation Subcommittee held on March 5 on the National Airspace System Plan indicated that many of the NAS Plan projects will be ready for implementation in FY 1988. We are all aware of the delays many of the NAS Plan projects have experienced. The delays are attributable to a number of factors, including technical difficulties, contractors not performing, overly optimistic schedules, and funding difficulties. On average, many of the programs have suffered two and three year delays. As exasperating as this has been, for many programs these technical and contractor problems are coming to a close.

FAA told us that we have reached the procurement points on the timelines in many of the NAS Plan projects. The research and development is pretty much over with, and it is time to gear up the production lines. FAA estimates that $750 or $800 million alone are required to just maintain current production lines.

FAA believes, and I must note the Administration supports FAA on this point, that $1.35 billion is needed next year. $1.5 billion in FY 1989, and $1.74 billion in FY 1990 to implement the NAS Plan. Even Secretary Burnley of the Department of Transportation, who is no friend of aggressive funding of these programs, realizes there are no more management tricks and gimmicks left. We have reached the crucial procurement decision point in many of these programs; we either plunge ahead, or we pull over to the side and stop.

What does a "current services" budget mean for the NAS Plan? I remind you, current services are the best we can hope for under the Budget Committee discussions thus far. Current services means, in essence, this year's funding level of approximately $800 million, for the NAS Plan in FY 1988. As I see it, this level of funding roughly corresponds to what is needed to simply continue existing production lines FAA described in their testimony before the Subcommittee.

If your company is anticipating beginning production on a NAS Plan component next year, you are obviously in trouble. But it goes further than that. Since FAA probably would not make a choice to simply continue the current procurements at the near-complete expense of new procurements, I would suspect that in order to get some of the new procurements moving, some of those currently underway would be slowed considerably, if not halted.

These funding problems would have consequences for the NAS Plan beyond simply putting off until some point in the future when a particular system will be brought on line. As you know, the NAS Plan is approximately 90 distinct projects, but it is also a Plan to integrate all of those systems. There are approximately 400 different system interfaces among the NAS Plan components.

Ensuring that all of these interfaces work and are ready on the appropriate timetable is a monumental task in and of itself. But think what happens to that interfacing schedule when a budget decision is made to cut NAS Plan implementation by 40% or 50%. It means that the procurements that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

continue would, in many cases, have no place to be hooked up to because other aspects of the system have been left out for budget reasons. Cuts of this magnitude will translate into stockpiles of some equipment waiting for the other equipment to move into production. For the most part the NAS Plan components are not stand alone systems. They are parts of a larger whole. Budget reduction of the magnitude being discussed do not recognize this, and the consequences will be very significant in terms of cutting the benefits being realized.

People such as yourselves can look at these matters with a certain amount of alarm from just your own companies' perspectives. Anticipated revenues will not materialize. Your business plans will be sent packing. Decisions on layoffs and staff reductions will be forthcoming.

I am particularly distressed at what happens when a team of people that have been assembled by a company to develop a particular system must be disbanded for budget considerations. Even if a later decision is made to reinstitute a program after it has been scuttled, a great deal of damage has been done. You know as well as anyone that systems such as these are team efforts within your companies. If the team is broken up and the engineers and technicians go elsewhere, a great deal is lost beyond the technical capabilities of the individuals involved. The learning curve is lost; the efficiencies of communication with other team members in a kind of shorthand is lost. This is what budget cuts mean. The costs go far beyond repaying the immediate dollars saved.

Though the impact on the FAA and the industry of budget policies of the sort I am talking about today are important, we must all look at what it means for the public and the economy as a whole. The inconvenience and aggravation associated with delays in the ATC system will only mount under a current services budget approach.

Airline passenger traffic is growing. New traffic records seem to be routinely set every month. Most estimates for the future, both public and private, see another 50% on top of the approximately 415 million passengers carried in 1986 by the mid-1990's.

This means that if current services becomes the NAS Plan's benchmark, many people who wish to fly simply will not be able to fly. They will be grounded because the system will not be able to accommodate the airplanes they would be flying on. This sort of stagnation will impact far beyond the airline industry. All sectors of our economy would be affected by such a grossly inefficient and inadequate air travel system.

We must also consider the safety impact of adopting a current services approach to the other aviation programs. As we have seen over the past year, the airlines' response to the delays has been to advocate reducing the limits on the number of aircraft handled by controllers. Because of shortages in the controller workforce and overburdened equipment, FAA for the past several years has had a policy of holding aircraft on the ground, as opposed to permitting airborne holding. FAA acknowledges this is inefficient in some respects. However, because of the system's staffing and equipment shortcomings, it is necessary for safety reasons.

FAA has come under tremendous pressure on this from the airlines to accommodate airborne holding and making other changes. In some instances changes in procedures, such as the East Coast Plan, have provided some relief without generating safety problems.

FAA should be constantly reviewing and evaluating their procedures to improve safety, capacity, and efficiency, but we must recognize that as the system is increasingly unable to accommodate demand, there will be increasing pressures to accommodate that demand irrespective of staffing, equipment or procedural changes. You can be sure that everyone will say that "safety" is their top priority, but the pressures will be to put more airplanes into an antiquated system. From time to time the pressures to accommodate that demand will prevail and the safety margin may be narrowed.

There is a more basic sense in which the failure to modernize the system will have a safety impact. Many key elements of the ATC system are increasingly costly to maintain, while at the same time budget pressures on the personnel side are forcing reductions in the FAA facilities maintenance workforce. Outages of equipment appear to be on the increase and preventive maintenance is on the decline. As an example, early this year the Denver enroute center's computer was down for two weeks. This meant that the controllers had to use antiquated procedures and techniques to separate aircraft.

When equipment goes down FAA can try to preserve safety by slowing the system down, but there is no question in my mind that when vital equipment cannot be used, the situation is less than optimal from a safety standpoint. Safety dictates that we modernize. Efficiency and capacity are not the only issue.

In short, the ATC system needs to be modernized, and the time to do it is at hand. But unless some fundamental changes are made to the way we treat the aviation programs in the budget and appropriations process, this may not happen.

I and others on the Committee on Public Works and Transportation would like to see the user financed transportation Trust Funds taken "off-budget." I am sure you have heard that term. Without going into the labyrinthian budget process and the Alice-in-Wonderland-World of Gramm-Rudman-Hollings, "off-budget" means that the Aviation Trust funds programs would not be put into competition for limited funds with other transportation programs. The Trust Fund programs would be judged on their own merits and not traded off to accommodate unrelated needs supported more appropriately by the general taxpayer or other Trust Funds users.

The Aviation Trust Fund does not need to be subject to the constraints of the general budget. Under the Trust Fund legislation, aviation users contribute more than enough revenues to support full funding of Trust Fund programs. It is unfair to the users to refuse to spend all revenues to produce a surplus in the Trust Fund to offset deficits in the rest of the budget. By the end of the current year, $5-6 billion in uncommitted funds will have accummulated in the Trust Fund. Under current funding levels, the user taxes are generating $1.2 billion per year in excess of the program's level of funding.

It is difficult to predict how this will break as the process goes forward. I will be looking for an opening or an opportunity to achieve an "off-budget" approach to the Aviation Trust Fund. Without it, we are going to be in an increasingly difficult bind.

I want to assure you that I am not going to leave any stone unturned in this effort. If the Committee needs a waiver by the Budget Committee to bring adequate funding of these programs to the floor, I will be fighting for it. If we need a special rule from the Rules Committee, you'll find me at the Rules Committee. I will be testifying before the Appropriations Committee. Let me ask all of you to also enlist in the effort. We need your help as well as your industry's knowledge and expertise in the debate.

Again, thank you for the opportunity to join you today. I look forward to working with you. We really will need all of you to play a very aggressive role in the months ahead.

DESIGNATING LEYTE LANDING DAY ON OCTOBER 20, 1987

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. PANETTA. Mr. Chairman, I rise today to introduce a joint resolution to designate October 20, 1987 as "Leyte Landing Day." This will mark the 43d anniversary of the allied forces' return to Leyte in the Philippines to fulfill a national promise and liberate the Philippine people from Japan. Gen. Douglas MacArthur led 420 transports carrying 165,000 men of the U.S. 6th Army and 157 warships manned by 50,000 sailors who fought at Red Beach and represented the largest operation yet conducted in the Pacific war. Through the combined efforts of the Philippine scouts and the allies the Japanese forces were defeated and the direction of World War II changed.

The events which occurred at Leyte between 1944–45 have not received much deserved recognition. The Leyte landing was as important in the events of World War II as were the events at Normandy on D-day, but I am sure you will agree the recognition of these two events has not been comparable. The Philippine scouts fought bravely alongside with the United States Army to defend the vital military and strategic American bases in the Pacific.

In the past the Leyte landing has been commemorated by ceremonies in various parts of the country including California. However, I believe it is time for national recognition of this important event in U.S. history. The dedication and sacrifice endured by these men during World War II should not be forgotten. I urge my colleagues to support this legislation to designate a day for national observance of the return to Leyte.

H.J. Res. 256

Whereas October 20 marks the anniversary of the landing of allied forces on Leyte Island in the Philippines;

Whereas the allies' courageous return to the Philippines fulfilled a solemn national promise to liberate the Philippine people from the Japanese empire;

Whereas the 420 transports, carrying 165,000 men of the United States Sixth Army, and the 157 warships, manned by 50,000 sailors, which fought at Red Beach represented the largest operation yet conducted in the Pacific War; and

Whereas the combined efforts of Philippine Scouts and allied forces resulted in the eventual defeat of the Japanese forces and changed the direction of the war in the Pacific: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 20, 1987, is designated as "Leyte Landing Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

A CONGRESSIONAL SALUTE TO LE ROY BORCHARDT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ANDERSON. Mr. Speaker, it is an honor for me to pay tribute to Le Roy Borchardt, a man who has devoted a lifetime of service to his country and community.

Le Roy honorably served for 33 years in the U.S. Navy. He has spent the last 6 years at Lakewood High School as the assistant NJROTC naval instructor, a position he continues to hold. Also, Le Roy heads the outstanding silent drill team at the high school; a team which executes its maneuvers without verbal commands. He has indeed brought great honor to his campus.

Le Roy has been an active supporter of the Boy Scouts of America. He has provided surplus training manuals to the Sea Explorers and is now arranging for surplus uniforms to be delivered to the girl members. This past Thanksgiving, Le Roy spent the holiday apart from his family so as to be a judge in the 1986 Sea Explorers Rendezvous.

Mr. Speaker, Le Roy Borchardt has been a positive force in our community. He has been a strong supporter of the drug suppression task force of Lakewood High School. He has been, and continues to be, a source of encouragement for his fellow teachers, students, and citizens.

My wife, Lee, and I join in commending and congratulating Le Roy Borchardt at this NJROTC inspection and awards ceremony. We wish him, his wife Susie, and his two sons, Barry and Gary, continued success and happiness in the years ahead.

THE RURAL LETTER CARRIERS TAX SIMPLIFICATION ACT OF 1987

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FLIPPO. Mr. Speaker, I am pleased to introduce today on behalf of myself and 82 other Members of the House including 30 members of the Ways and Means Committee, the Rural Letter Carriers Tax Simplification Act of 1987.

The purpose of this bill is to provide for the fair and equitable tax treatment of the equipment and maintenance allowance payments [EMA] received by the rural letter carriers.

Every weekday and each Saturday the 70,000 rural letter carriers drive 2.4 million miles over 41,571 U.S. Postal Service mail routes to deliver the mail to 15 million families living in rural America. These mail carriers do more than just deliver the mail. They operate as a post office on wheels, providing all the services of a local post office including stamps, parcels, express mail, registered mail, certified mail, and money orders.

In addition to providing the full range of postal services to their customers, the rural letter carriers differ from their urban counterparts in the Postal Service in other important aspects of their jobs. The salary paid to the rural letter carrier is based on different factors than that paid to the urban carrier. The salary of the rural letter carrier is based on a combination of the volume of mail delivered, the number of boxes on a route and the length of the route. The pay system is clearly production oriented.

No two rural mail routes are identical. They vary according to length, the volume of mail and the number of stops. The average rural route is 62 miles in length and has 440 mailbox stops. The routes range in length from the 2.25-mile route in Waplingers Falls, NY, to the longest route of 167.15 miles in Georgewest, TX.

The salaries paid to rural letter carriers range from $5,000 to $30,000 depending on the route and the length of service. The beginning salary for a 40-hour week is around $16,000. The average rural carrier reaches the top salary grade after 10.5 years of service. The carrier serving the national average route would receive $24,889 for a 40-hour week.

The chief distinction between the urban and rural carrier is that the rural carriers use their own vehicles to deliver the mail. The rural carriers have always used their own vehicles to deliver the mail. This policy has been in effect for more than 80 years. Congress approved this system for the simple reason that it was more efficient and cheaper than maintaining a fleet of Government-owned vehicles throughout rural America. Under this policy the Postal Service is relieved of the responsibility of making a huge capital expenditure for motor vehicles and the small local post offices are relieved of the responsibility of maintaining and repairing a fleet of vehicles.

Each rural letter carrier is responsible for purchasing, equipping and maintaining a vehicle for use in delivering the mail. It is the sole responsibility of the rural carrier to modify or specially equip the mail delivery vehicle to withstand the rigors of country roads, frequent stops and starts, heavy loads and, in many sections of the country, severe weather conditions. The frequency of stops, rural road conditions, and weather greatly affect the cost of operating and maintaining the delivery vehicle. Almost every carrier has a backup vehicle for use when the primary vehicle is out of service.

The U.S. Postal Service provides the rural letter carriers an allowance for equipping and maintaining their own vehicles for use in delivering the mail. This is the so-called EMA payment. This payment is based on the length of the route. I want to emphasize that the rural routes are precisely measured and certified by each local postmaster. Unlike the individual businessman in the private sector, the rural letter carrier does not calculate his or her mileage and submit a request for reimbursement. And, no financial consideration is provided the rural carrier for a maintaining backup vehicle except for actual route usage.

The first EMA payment of 4 cents per mile was authorized by Congress in 1925. In subsequent years, up to 1970, the EMA was changed by act of Congress almost on an annual basis.

Public Law 91–375, enacted in 1970, converted the Post Office Department into an independent establishment of the executive branch of Government. Since that time, the EMA payment has been determined through the collective bargaining process.

The EMA payment is currently 29.5 cents per mile. The EMA is tied to a number of factors reflecting the cost of maintaining a vehicle used daily. The price of gasoline, of course, the predominant factor in this formula. The EMA payment moves up or down by one-half cent with every 4-cent change in the price of a gallon of gasoline. The payment is subject to review every 90 days.

Last year, that total EMA payments to all rural letter carriers amounted to $241 million. This averages around $5,800 per route. This figure does not represent payment per carrier because each route is different and all carriers have a relief or substitute who works the sixth delivery day each week and vacation and sick days.

The rural letter carriers provide a unique and valuable public service. No one could argue that they are overpaid. After all, their salary schedules is linked to production. Likewise, it would be difficult, if not impossible, after examining all the facts, to argue that the EMA payments represent a windfall or for that matter, income to the carrier.

The rural carriers are required to account for their business expenses just like all other taxpayers. Just like any other taxpayer, the rural carrier may follow one of two options in accounting for business expenses for income tax purposes. The rural letter carrier may deduct ordinary and necessary expenses paid or incurred in carrying on a trade or business. In addition the carrier is entitled to claim depreciation expenses for property used in his or her trade or business. This means that the carrier may use the modified accelerated cost recovery system in calculating depreciation expenses provided that the vehicle is used more than 50 percent for business purposes. In certain situations the carrier cannot meet the 50-percent test and must use an alternative depreciation schedule which is essentially a straight line depreciation calculation.

In lieu of an deductions for depreciation or actual expenses of operating an automobile, the carrier may elect to compute the deduction for the business use of an automobile by using the standard mileage rate established by the Internal Revenue Service. The standard mileage rate is 21 cents for the first 15,000 business miles and 11 cents per mile for every business mile in excess of 15,000 miles. The average rural letter carrier drives 18,500 miles per year delivering the mail.

If the carrier claims a deduction based on the standard mileage allowance or for operating expenses and an allowance for depreciation, the carrier must include EMA payments in taxable income.

The tax treatment of the vehicle expenses of the rural letter carriers is unfair. The carriers are unable to fully deduct the legitimate expenses of equipping and maintaining an automobile for use in delivering the mail throughout rural America. The EMA payments received by the rural letter carriers is fully taxed as income. The Tax Code simply does not recognize that the rural mail delivery systems helps reduce the overall cost of operating the U.S. Postal Service. And, the Tax Code fails to recognize the extraordinary costs of maintaining a vehicle used every day and subject to heavy loads, frequent stops and starts, harsh road conditions and severe weather.

This has not always been the case. For almost 30 years the rural letter carriers were provided a special rule for use in computing their deductions for automobiles used in delivering the mail. In 1956, the Director of the Audit Division of the Internal Revenue Service authorized a special rule and form for the rural letter carriers to use in filing their taxes. The special rule allowed the rural letter carriers to multiply their business mileage by a factor ranging from 1.5 to 2 in computing allowable deductions. The mileage factor represented the ratio of the cost of driving 1 mile on a rural mail route as compared with the cost of driving 1 mile for average personal use. The factor was determined by consideration of the substandard road conditions, the number of stops per mile, and general climatic conditions. The general average factor was 1.5.

The rural letter carriers also relied on a number of specific revenue rulings over the years that recognized their special needs. Revenue Ruling 58-453 held that an employee who was paid for ordinary and necessary expenses incurred for travel, using a fixed mileage allowance authorized to be paid by the Federal Government in a locality in which the travel is performed, will then be deemed to have been required to account to his employer for such expenses.

Revenue Ruling 60-282 amplified the 1958 ruling and mentioned favorable rulings issued in 1941 and 1955. This ruling stated:

> In view of section 1.162-17(b) of the regulations and Revenue Rulings 58-453, it is held rural letter carriers are considered as having accounted to their employers for their business expenses for the purposes of section 1.162-17(b) of the regulations. No accounting will be required on their Federal income tax returns for such allowances or the expenses covered thereby if the total amount of the allowances does not exceed such expenses.

In late 1984, the Internal Revenue Service informed the rural letter carriers that they would no longer permit to use the special mileage factor and the special form approved for their use in 1956. The IRS claimed that the special formula and form were no longer necessary due to the publication of a general allocation method that assigns equal weight to business and personal miles and the adoption of the standard mileage allowance. In short, the IRS changed the rules of the game without adanced notice and, to rub salt in the wound, immediately began to apply the new rules retroactively to tax years 1981, 1982, and 1983. The wholesale audit of the returns of the rural letter carriers for the years 1981 through 1984 was halted by the Committee on Ways and Means in the spring of 1985.

Now it is time to provide for the fair and equitable tax treatment of the EMA payments received by the rural letter carriers. The bill we are introducing today would achieve this goal. The bill would permit a rural letter carrier to use either the standard mileage allowance or claim a deduction based on actual expenses plus accelerated depreciation. If the rural letter carrier decides to use the standard mileage allowance and most do, he or she may claim a deduction equal to 150 percent of the otherwise allowable deduction. This 150-percent rate would apply to all miles the vehicle is used to deliver the mail, whether or not the total exceeds 15,000 miles per year or 60,000 miles over 4 years. Thus, if the general standard mileage rate is 21 cents per mile, 150 percent of that rate would be 31.5 cents per mile.

If the rural letter carrier does not choose to use the standard mileage rate, he or she may base the business expense deduction on actual expenses using the modified accelerated cost recovery system. The bill would set aside the limitations imposed in section 280F(b) of the Code. Section 280F(b) limits the use of accelerated depreciation to vehicles used 50 percent or more in the taxpayers trade or business.

The limitations of section 280F(b) regarding the use of accelerated depreciation are particularly unfair to a few rural letter carriers, located primarily in the Western Plain States, who live a considerable distance from their post office. The daily drive to pick up the mail and return home is not deductible as business miles. If a carrier in Montana lives 30 miles from the post office and has an average route of 62 miles, that carrier could not use the modified accelerated cost recovery system in calculating depreciation expenses. This bill addresses this problem equitably.

I urge my colleagues to support fair tax treatment for the 70,000 rural letter carriers. These distinguished Americans are not asking for preferential treatment under the Tax Code. The enactment of this bill would not necessarily lead to an increase in the after tax income of the average rural letter carrier. The passage of this bill would ensure, however, that the rural letter carriers are no longer subsidizing the U.S. Postal Service.

The rural letter carriers provide a unique service under unique conditions. They deserve our support. I urge my colleagues to support this bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Letter Carriers Tax Simplification Act".

SEC. 2. BUSINESS USE OF AUTOMOBILIES BY RURAL MAIL CARRIERS.

(a) GENERAL RULE.—In the case of any employee of the United States Postal Service who performs services involving the collection and delivery of mail on a rural route—

(1) such employee shall be permitted to compute the amount allowable as a deduction under chapter 1 of such Code for the use of an automobile in performing such services by using a standard mileage rate for all miles of such use equal to 150 percent of the basic standard rate, or

(2) if the employee does not use such standard mileage rate, section 280F(b) of such Code (relating to limitation where business use of listed property not greater than 50 percent) shall not apply to any automobile used in performing such services.

(b) SUBSECTION (a)(1) NOT TO APPLY IF EMPLOYEE CLAIMS DEPRECIATION DEDUCTIONS FOR AUTOMOBILE.—Subsection (a)(1) shall not apply with respect to any automobile if, for any taxable year beginning after December 31, 1986, the taxpayer claimed depreciation deductions for such automobile.

(c) BASIC STANDARD RATE.—For purposes of this section, the term "basic standard rate" means the standard mileage rate which is prescribed by the Secretary of the Treasury or his delegate for computing the amount of the deduction for the business use of an automobile and which—

(1) is in effect at the time of the use referred to in subsection (a),

(2) applies to an automobile which is not fully depreciated, and

(3) applies to the first 15,000 miles (or such other number as the Secretary may hereafter prescribe) of business use during the taxable year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning after December 31, 1986.

NATIONAL DIABETES MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. HOYER. Mr. Speaker, I am pleased to introduce along with my colleague, Congressman ALAN B. MOLLOHAN of West Virginia, a joint resolution to designate November 1987 as "National Diabetes Month." This is the fifth consecutive year in which I have had the privilege of sponsoring this legislation and working with the American Diabetes Association in an effort to increase public attention to and understanding of the human and economic costs of diabetes.

I would like to point out to my colleagues that more than 11 million Americans have diabetes. Unfortunately, almost half of these people do not even know that they have this disease. Each year, 500,000 Americans are diagnosed as having diabetes.

Diabetes is a disease in which the body does not produce or properly use insulin, a hormone that is needed to convert sugar, starches, and other food into the energy needed for daily life. Diabetes often leads to serious complications that involve nearly every tissue of the body. When high levels of sugar build up in the blood, the tragic results include heart disease, kidney disease, blindness, nerve damage, and leg and foot amputations from gangrene.

At present, there is no cure for diabetes. As a member of the Subcommittee on Labor, Health and Human Services, Education of the Committee on Appropriations, I am aware of some significant research that has offered exciting progress in treating people with this disease. Recent advances enabling many to lead longer, healthier lives include self blood-glucose monitoring, pancreas and islet cell transplants, oral medications, laser therapy to prevent diabetes-caused blindness, and new insights into the dietary requirements of people with diabetes. With continuing scientific and medical breakthroughs, there is a possibility that biomedical research may lead to an eventual cure for this life-threatening disease. Indeed, there are grounds for optimism that one day we might have a vaccine to prevent diabetes in children.

The dangerous toll of diabetes should be troubling to us all. Each year, about 300,000 people die as a result of diabetes and its complications. Also each year, 5,000 people lose their sight because of diabetes. The primary cause of new blindness in people between the ages of 20-74 is diabetic eye disease. Ten percent of people with diabetes develop some form of kidney disease. This includes end-stage kidney disease where a person requires dialysis or a kidney transplant to live. Nearly 25 percent of all new dialysis patients are people with diabetes.

About 45 percent of all nontraumatic leg and foot amputations in the United States are due to diabetes. People with diabetes are two to four times more likely to have heart disease and two to six times more likely to have a stroke than people who do not have diabetes.

Diabetes is particularly prevalent among black Americans, Hispanic Americans, native Americans, and women. In fact, 20 percent of all people with diabetes are either black or Hispanic. The rate of noninsulin dependent diabetes is 33-percent higher in blacks and 300-percent higher in Hispanics. Over 20 percent of adults in some native America Indian tribes have diabetes.

Annually, the direct and indirect costs for health care, disability payments, and premature mortality for diabetes total more than $14 billion. Diabetes accounts for 3.6 percent of the total health care costs in the United States.

Mr. Speaker, by designating November 1987 as "National Diabetes Month," this Congress can play an important role in encouraging understanding and awareness of the tragic consequences of diabetes. I sincerely urge the speedy adoption of this joint resolution.

H.J. Res. 254

Whereas diabetes with its complications kills more people than any other disease except cancer and cardiovascular disease;

Whereas diabetes afflicts 11,000,000 Americans of whom 5,000,000 are not aware of their illness;

Whereas diabetes costs the Nation more than $14,000,000,000 annually in health care costs, disability payments, and premature mortality costs;

Whereas up to 85 percent of all cases of noninsulin dependent diabetes may be prevented through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black Americans, Hispanic Americans, native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, incidences of which may be reduced through greater patient and public education about diabetes; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congresss assembled, That the month of November 1987 is designated as "National Diabetes Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

SOCIAL SECURITY PROCEDURAL IMPROVEMENTS ACT OF 1987

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ARCHER. Mr. Speaker, yesterday I introduced H.R. 2117, the Social Security Procedural Improvements Act of 1987, a bill I initially introduced in the 99th Congress. The past year, intervening events have strengthened my conviction that the three main provisions of this bill are necessary. Those three provisions would: First, liberalize the criteria under which the Secretary of Health and Human Services could federalize State agencies, which make disability determinations for social security; second, eliminate the Appeals Council and the review performed by it; and third, create a Social Security Court, a proposal first advanced by my colleague JAKE PICKLE.

At the time I introduced the original bill, in March of 1986, the Justice Department also expressed interest in a specialized court, modeled on the Tax Court. The concept of such a court drew criticism in this body and in the press. Therefore I would like to devote the major portion of my remarks to that provision.

Let me emphasize that my interest in creating a Social Security Court is based on my desire to achieve consistent, uniform and more expert handling of court cases than the current Federal court system can provide. I believe some background would be useful in understanding the current problems.

Some of you will recall that acquiescence was a thorny issue during the development of the Disability Benefits Reform Act of 1984. In brief, acquiescence requires that the Secretary of HHS accept an appeals court decision within that circuit as a precedent—unless, of course the Secretary is successful in appealing the decision. The focus of the debate in 1984 was the Disability Program. Those who advocated acquiescence were concerned about the need for subsequent plaintiffs to relitigate the same issue within a circuit, because the Secretary had not accepted the initial decision as a precedent. This was a justifiable concern, certainly in view of the numbers of pending disability cases. Nevertheless, at that time I warned of the implications for the retirement and survivor programs. My concern was that national standards would be undermined by conflicting decisions within the 12 circuit courts. I'm sorry to say my fears were warranted.

In January 1986, the Secretary began publishing "Acquiescence Rulings." Since that time 26 rulings have been issued; 21, let me emphasize that 21 have addressed retirement and survivor issues. These issues have included eligibility factors for deemed widows; illegitimate children, step-children, posthumous children, and adopted children; presumptive death; and evidence of earnings. I would like to provide some details about these cases which substantiate my concerns.

My first example—actually five decisions—illustrates my concern with uniformity. No fewer than five circuit courts took exception to the Secretary's criteria for making a finding of presumptive death in the case of an individual who has been absent many years without explanation. The courts determined that the Secretary's regulations placed too great a burden of evidence on the claimant. The finding of presumptive death is difficult and sensitive, and in view of the uniformity of these five court decisions, it appears the Secretary should be considering new national regulations. But, wouldn't it be better for all concerned if a Social Security Court had made a decision which was binding on SSA in the first case? Is the purpose of a national program well served by having one standard apply to seven circuits, and a second—with variations—apply to five?

The next example illustrates my concern about the need for more expert handling of court cases. In my view the second circuit was unusually creative in crafting rationale for the payment of benefits to an adopted child in Damon versus the Secretary of HHS.

The Social Security Act imposes a strict dependency test on children who are adopted after a worker's entitlement to Social Security benefits. The second circuit circumvented a one-half support requirement in the Damon case by determining that the foster care payments made by the State of Vermont were not for the support of the child, but rather became the property of the foster parents, who by using that same income then could claim to be supporting the child. The Secretary acquiesced on May 20, 1986, and now children in Vermont, Connecticut and New York will be treated differently from those in the 11 other circuits. My colleagues, these foster care payments were welfare payments made under title IV of the Social Security Act, which means the payments were made in part with Federal funds statutorily designated for needy children. I cannot believe a Social Security Court—any more than a Tax Court—would so deliberately manipulate a statutory requirement.

Let me provide another example in which I believe a more expert court might have reached a different conclusion. Section 205(c)(4)(c) of the Social Security Act specifies the limited circumstances under which self-employment income may be credited to a worker's account after the statute of limitations expires. The statute explicity requires that the absence of earnings in the Secretary's records is conclusive evidence that no earnings are creditable unless it is shown that "he filed a tax return of his self-employment income * * *." In the sixth circuit, in the case of Grigg versus Finch, the court determined that a form 1099 filed with IRS by a third party was sufficient. Clearly a 1099 does establish income, but it does not establish that income was from self-employment, nor does it result in the payment of SECA taxes. I believe a

Social Security Court would have appreciated the more literal requirement that the taxpayer file with IRS. The immediate outcome of Grigg is that Social Security offices in Michigan, Ohio, Tennessee, and Kentucky must remember to check IRS's files of 1099's, not simply the files of a taxpayer's individual return. This is not an effective way to administer a national program.

At the end of fiscal 1986, the Social Security Administration still had almost 50,000 pending court cases. I fear the further fragmentation of basic evidentiary requirements in the Social Security system. It is for these reasons I urge my colleagues to consider the merits of a Social Security Court. In this context the bill further provides that all appeals from this court would be channeled to the U.S. Court of Appeals for the Federal Circuit, again eliminating the potential for multiple and contradictory court decisions and a variety of highly technical program issues. I think it is important to note that the intent of this provision is not so much to stifle legal interpretation of statutory and regulatory requirements as to quantify those interpretations, so that the issues and costs can be resolved more speedily by the administration and Congress. The bill contains an adequte transitional period and mechanism to process pipeline cases, so those applicants caught in the transition should not be affected adversely.

Now, let me turn to the bill's other two major provisions. First, it permits the Secretary of HHS to federalize State agencies at any time "to assure the effective, equitable and uniform administration of the program." This differs from current law which obligates the Secretary to show that the State agency has substantially failed to make decisions in accord with laws and regulations.

The purpose of this provision is not only to avoid future differences in policy interpretation, but to assure that the Secretary has the authority to federalize the disability determination process whenever federalization would better serve the program.

The States were initially given this responsibility because of their closer links to the medical community—from which reports would be needed—and because of the State link with vocational rehabilitation. Both rationales have been overtaken by program history and are no longer as relevant as the ensuring of effective, equitable, and unform national administration of the Disability Program.

Let me assure you that this bill provides for fair and equitable treatment of the State employees who may be federalized. The disability determination process requires their continued expertise, and this bill provides an orderly and fair transition to Federal employment, with protection to ensure pay, leave, and pension benefits reasonably equivalent to Federal employees of comparable status. There have been substantive changes in this section of the bill—when compared with the earlier 1986 version—because of the need to accommodate the new Federal employee's retirement system [FERS]. In order that no employee's retirement rights be jeopardized, certain categories of employees would be given options among not only CSRA and FERS participation, but of remaining in the State retirement system. As an aside, let me explain that SSA already absorbs the State agencies' costs, including retirement contributions for these employees, so federalizing certain State agencies can be done in a cost-effective manner.

Second, it eliminates the Appeals Council, and the review performed by it, which is the third and final administrative appeal. This provision is intended to streamline the entire appeals process, by eliminating a paper review of the decisions of administrative law judges. I believe applicants will benefit by quicker access to the new Social Security Court.

Finally, one of the lesser provisions permits interim payments in those cases, allowed by Administrative Law Judges, which have been selected for review by the Secretary and are still pending after 90 days from the ALJ decision. This provision also was included in H.R. 5050, which the House passed last year. I hope that in one bill or another this small but important equity can be enacted.

SSA actuaries estimate that this interim payment provision would cost roughly $1 million per year. Actually, I anticipate that the cost would be less because the payments would impose a case tracking and accountability system, which now appears to be lacking. The Office of the Actuary estimated no net costs for the remaining provisions. Personally, I believe national uniformity would produce slight program savings, as well as administrative savings, when compared to the current practice of administering divergent standards among differing circuit courts.

I commend these measures to all of my colleagues, and urge those on the Ways and Means Committee to consider H.R. 2117 as expeditiously as possible.

ARBITRATION AND THE FEDERAL COURTS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. KASTENMEIER. Mr. Speaker, yesterday I introduced two bills that relate to arbitration and the Federal courts.

My subcommittee—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—has worked hard during the past decade to encourage alternatives to litigation. In 1980 we passed the Dispute Resolution Act which was based, in part, on a congressional finding that "the inadequacies of dispute resolution mechanisms in the United States have resulted in dissatisfaction and many types of inadequately resolved grievances and disputes." My legislation is designed, in part, to reduce dissatisfaction, by improving this Nation's justice system.

I am pleased that the ranking minority member, Mr. MOORHEAD, has joined me as a cosponsor of both arbitration bills. As in many other areas, we will work together to refine and then push forward meritorious proposals.

THE COURT-ANNEXED ARBITRATION ACT OF 1987

First, I introduced H.R. 2127, the Court-Annexed Arbitration Act of 1986. This legislation obviously recognizes the importance of alternative methods of dispute resolution, even those that are court-annexed. At the same time, because the authorization encompassed by this bill ends after 5 years, it is an example of congressional support for both structured experimentation in the Federal courts and the gathering of empirical information about our justice system.

As my colleagues know, the Federal district courts have experienced a dramatic increase in the number of filed civil cases. For example, between 1960 and 1986 there has been a 280-percent increase in the number of cases filed in the district courts. Unsurprisingly, even though the number of district judges has been increased by Congress during that same period, there still has been a large augmentation in the number of filings per judge at the district court level from less than 400 per judge to near 500.

The caseload crisis could, of course, be ameliorated by the elimination of diversity of citizenship jurisdiction. Such a reform is the single most effective change that could be effectuated for the Federal judiciary. It respects federalism; it equips the Federal courts to confront the budget axe of Gramm-Rudman-Hollings; and it assists not only the trial courts but also the courts of appeals and the Supreme Court.

Although the House has twice passed diversity legislation in the past, such a move appears to be difficult to achieve in the Senate in the light of the entrenched opposition of trial lawyers and their bar associations. As a result, responsible advocates of court reform are obligated to turn to nonjudicial forums of the resolution of disputes. Arbitration is one such alternative.

As Chief Justice Burger said in a speech to the American Bar Association, arbitration is not "* * * the answer or cure-all for the mushrooming caseloads of the court, but is one example of a better way to do it." Long ago, Aristotle observed that "* * * arbitration was devised to the end that equity might have full sway." These words still ring true today.

To date, several Federal courts have experimented with arbitration. While the results of that experimentation have been mixed, in my view, there is adequate justification for continuing the experiment. The bill does, however, require that any further arbitration programs be rooted in express congressional authorization. Therefore, only those districts listed in the bill can engage in arbitration programs. In addition, 10 further districts can be added to the list provided that their arbitration plans are approved by the Judicial Conference to the United States and they are subjected to study by the Federal Judicial Center.

Due to the fact that the proposed legislation authorizes an experiment for a 5-year period, at the end of 4 years the Federal Judicial Center will file a report with Congress on implementation of the legislation and recommendations for legislative change.

The purpose of the authorization and the report is to provide Congress with information that will:

First, describe the arbitration programs as conceived and as implemented in the experimental districts;

Second, determine the level of satisfaction with the court-annexed arbitration programs in each of the experimental districts by court personnel, attorneys and litigants whose cases have been referred to arbitration;

Third, summarize those program features that can be identified as being related to program acceptance both within and across districts;

Fourth, describe the levels of satisfaction relative to the cost per hearing of each program; and

Fifth, allow a determination to be made whether to terminate or continue the experiment or alternatively, to codify an arbitration provision in title 28 of the United States Code authorizing arbitration in all Federal district courts.

A recent note published by the Institute for Civil Justice, within the Rand Corp., aptly observed:

> Despite the attention that the dispute resolution movement has drawn, there has been little systematic study of its outcomes. It is difficult to determine how much implementation there is to back up the rhetoric, what types of procedures have been established, and what has resulted from different approaches. Thus, it is difficult for policymakers to decide whether they should adopt any of the available approaches and to determine how to design a specific procedure to maximize it potential for producing benefits to the courts, lawyers and litigants.

Hensler, what we know and don't know about court-administered arbitration, March 1986. Many others have expressed support for the proposition that our justice system suffers when we fail to evaluate the effectiveness in meeting clearly enunciated objectives of court reforms.

The bill I introduce today had its genesis in H.R. 4341, which my subcommittee held hearings on during the 99th Congress. I believe that today's version is a great improvement over last year's bill. In large part, refinements and improvements suggested by the Judicial Conference, individual Federal judges, including Judge Robert Peckham and Judge Raymond Broderick, the American Bar Association, and the U.S. Department of Justice have been incorporated in the new text.

In conclusion I hope my colleagues will be supportive of this legislative initiative. I turn now to the second bill (H.R. 2128).

THE COURTS OF APPEALS ARBITRATION IMPROVEMENT ACT OF 1987

One of the most troublesome areas of arbitration practice in the Federal courts has been that of interlocutory appeals. When parties disagree as to whether they have made an agreement to arbitrate, or as to whether a parcticular dispute falls under such an agreement, a district court may be called on to make various preliminary decisions in the matter. The court may be asked: First, to stay its own proceedings; Second, send the dispute to arbitration if a party to the alleged arbitration agreement has commenced a suit; and Third, to enjoin an arbitration proceeding. There are now no clear standards as to which rulings on these orders can be immediately appealed. Decisions of the courts of appeals regarding their jurisdiction have resulted in a patchwork set of rules, varying from circuit to circuit and not based on uniformly recognized policies.

The confusion in current practice is due in part to the original legislative drafting of the U.S. Arbitration Act, now codified and enacted into positive law as chapter 1 of title 9 of the United States Code, entitled "Arbitration." Title 9 contained no provisions governing appeals, and the courts found it difficult to characterize for purposes of appeal section 3—relating to applications for stays—and section 4, relating to applications for orders compelling arbitration. The failure to provide any statutory policy as to the granting of injunctions against arbitration was also an unfortunate omission. It left to separate development rules which are inextricably linked to the responsibilities placed on the courts by title 9. By the time the Uniform Arbitration Act was being drafted, the desirability of including a comprehensive section on appeals had become apparent. Congress can solve this drafting problem.

More than three decades ago, the Supreme Court indicated that action by the Congress was needed to bring about rational, orderly solutions in this area. In *Baltimore Contractors* v. *Bodinger,* 348 U.S. 176, 181 (1955), Mr. Justice Reed—for a unanimous court—concluded that "when the pressure rises to a point that influences Congress, legislative remedies are enacted." Today the need for clarifying action by the Congress has reached a pressure point. The time is ripe for statutory rules to bring order and certainty to this area of practice. The policy decisions to be made are sufficiently clear from a well developed case law on the subject. The primary purpose of the proposed legislation is to clarify and simplify the law relating to interlocutory appeals from arbitration orders and to provide workable standards for adoption by Congress. The amendments bring title 9 substantially into line with provisions of the Uniform Arbitration Act.

To understand why legislative clarification is warranted, one needs to recognize that currently a clear split between the circuits is now in existence. The ninth circuit has held that orders granting or denying stays of arbitration are injunctions and therefore appealable under 28 U.S.C. section 1292(a)(1). The second, third and eighth circuits disagree. The D.C. and seventh circuits have adopted a hybrid approach, finding that while orders granting a stay of arbitration are appealable, those denying a stay are not.

We could wait for the overburdened Supreme Court to resolve the disagreement among the circuits by granting certiorari in an appropriate case. Similarly, we could wait until Congress creates an intercircuit tribunal to receive circuit conflict cases referred to it from the Supreme Court. Realistically, both of these alternatives would take too long. It is time for clarification by the Congress.

In form, H.R. 2128 adds a section 15 to chapter 1 of title 9. In that section, interlocutory appeals are provided for when a trial court rejects a contention that a dispute is arbitrable under an agreement of the parties and instead requires the parties to litigate. In contrast, interlocutory appeals are specifically prohibited in new section 15 when the trial court finds that the parties have agreed to arbitrate and that the dispute comes within the arbitration agreement. In addition, the various categories of appeals, which are regularly characterized as final, are consolidated and restated in substantially the same form in which they appear in the Uniform Act.

I am gratified that the Judicial Conference of the United States—at its recent meeting in March 1987—endorsed the legislation. Much credit for putting forward this proposal should go to the American Bar Association.

In closing, I urge my colleagues to support both H.R. 2127—the Court-Annexed Arbitration Act of 1987—and H.R. 2128—the Courts of Appeals Arbitration Improvement Act of 1987.

MOBILE TEACHERS RETIREMENT ACT OF 1987

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. PANETTA. Mr. Speaker, today I am reintroducing a measure to correct a long-standing inequity affecting the retirement benefits of teachers throughout the Nation. I do so with the hope that this body will finally act to eliminate an injustice which denies hard-earned retirement benefits to teachers who move across State lines. I urge all of my colleagues to support the Mobile Teachers Retirement Act of 1987.

The justification for my legislation is clear and simple. Current law effectively penalizes teachers who move across State lines. At a time when there is severe unemployment in the teaching profession and there is a pressing need for experienced teachers in rural and other areas in many States, it is essential that Congress pass legislation which will lift this penalty so that teachers will be able to seek employment in various locations without losing retirement benefits.

In California alone, there are over 100,000 elementary, secondary and community college teachers who have taught in other States. Many of these teachers have spent an average of 6 years working in other States; unfortunately, those years have been lost in figuring the retirement benefits accumulated over the years.

The bill I am reintroducing today would establish a Federal-State program to assist in the funding of these benefits for teachers. It would enable teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers. In addition, the bill would extend Federal aid in the financing of recognized out-of-State service credit for those States wishing to participate.

While many State retirement systems have made good-faith attempts to rectify this situation, limitations on State funds and the interstate nature of the problem point to the Federal responsibility in this area. Because of the tremendous role played by our Nation's teachers in the education of our children, it is critical for the Federal Government to lend support to teachers in this matter relating to retirement benefits. Thomas Jefferson recognized the importance of sound education in the democratic process and feared the consequences of ignorance on the ability of Americans to participate in the grand democratic experiment. His concerns then are still valid today. Federal support for teacher's retirement benefits should be commensurate with the awesome responsibilities teachers bear in our society.

For the convenience of my colleagues, the text of the legislation follows:

H.R. 2152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impeded the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in one State to a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

REQUIREMENTS FOR PARTICIPATION

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(c);

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder;

(3) require no more than one year of in-State service for each year of out-of-State service credit granted;

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 per centum of the total cost of the out-of-State service credit;

(5) provide for vesting after not more than five years of creditable service in the State retirement system; and

(6) provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such report.

(b) If the Secretary determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Secretary shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 per centum of the total cost as determined by the retirement system at such teacher's age on date of retirement, except that if the teacher has not reached age sixty, the cost shall be determined as if the teacher were age sixty.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit, except that the Secretary may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

SEC. 5. The Secretary shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contribution made under section 4.

APPROPRIATIONS AUTHORIZED

SEC. 6. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1985, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this Act.

DEFINITIONS

SEC. 7. For purposes of this Act:

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school, or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "out-of-State" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and the United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

EFFECTIVE DATE

SEC. 8. This Act shall become effective October 1, 1987, and shall apply to teachers who retire on or after such date.

A TRIBUTE TO COUNCILMAN MARK STEPHEN WIRTH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ANDERSON. Mr. Speaker, it is an honor for me to pay tribute to Mark Stephen Wirth who was elected to the city council of Torrance, CA, on March 1, 1982.

Councilman Wirth, born in Pamona, CA, is a graduate of San Luis Obispo High School, El Camino College, and Cal State University Dominquez Hills with a bachelor of arts degree in political science specializing in California State government. Councilman Wirth's wife Nancy, a lifelong resident of Torrance, is a teacher with the Torrance School District and is active in political, educational, and community affairs.

Councilman Wirth has been employed by General Telephone of California as a communications technician since 1970 except for two leaves of absence for political activities. He works as a special equipment installer in the South Bay Division, is a member of the Communication Workers of America Local 9500, and a former ship steward and legislative committee member.

Mark has long been active in political affairs. He has been a member of the Democratic State Central Committee since 1978; Democratic nominee for State assembly, 1980; president of the South Bay Democratic Club, 1980; campaign manager for Steve Nordeck for State senate, 1976; youth chairman, Tom Rupert for State Assembly, 1973. He is also a member of the Riviera United Methodist Church, Torrance Rose Float Association, Torrance Friends of the Library, Torrance Historical Society, the Sierra Club, and a former executive board member, Friends of Madrona Marsh.

Councilman Wirth was honored as the Outstanding Young Man of the Year in 1983 by the Torrance Jaycees, and Democrat of the Year in 1981 by the South Bay Democratic Party.

Currently, Mark is involved with transportation issues. He serves as chairman of the city council transportation committee with jurisdiction over the city's general aviation airport, transit system, and traffic issues. He is active in the Southern California Association of Government [SCAG]; former vice chairman of SCAG legislative committee. In 1985, he was selected to lobby on behalf of SCAG for transit and transportation funds in Washington, DC. My wife, Lee, joins me in wishing Mark, his wife Nancy and their two children, Margaret and Matthew, continued success and all the best in the years ahead.

THE HIDDEN CRISIS IN AMERICAN HEALTH CARE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. KOSTMAYER. Mr. Speaker, one of the major issues facing the 100th Congress is that of providing adequate health care for senior citizens.

President Reagan in his State of the Union Message committed his administration to working toward a catastrophic health insurance program for our country. Several committees of Congress are now working on legislation in this area.

Mr. Speaker, Mr. Francis Powell, Jr., a constituent, and chairman of the board of the American Travellers Life Insurance Co. of Warrington, PA, is an expert in the area of long-term health care coverage. He has provided me with an interesting and thought-provoking article on the health care problems confronting our senior citizens. I would like to share this article with my colleagues, and ask that it be reproduced at this point in the CONGRESSIONAL RECORD.

THE HIDDEN CRISIS IN AMERICAN HEALTH CARE

Over one and a half million older Americans live in nursing homes and many are totally unaware of the overbearing costs that could turn the twilight of their lives into a financial nightmare. The problem is severely compounded by both the increasing number of these seniors who need long-term nursing home care, and by the false belief that once there, Medicare or their own private insurance would cover these costs.

Graphic designer Warren Nelson, 80, and his 74-year old wife Helen, a retired librarian were enjoying comfortable retirement in Sacramento. Then in January 1985, Warren suffered a severe heart attack and had to enter a nursing home where he still remains. His confinement costs $70 a day—$22,550 a year—and none of it is covered by Medicare or medical insurance. Had it not been for a nursing-care insurance policy the Nelson's bought several years before the heart attack that covers $50 a day, the couple would have lost their condominium and total life savings after three years of nursing-home care. Once their assets were depleted, the Nelsons would have become eligible for Medicaid, the federal welfare program that pays medical bills for the poor.

LIFETIME SAVINGS CAN BE WIPED OUT

Medicaid pays about half of the annual $35 billion U.S. nursing home bill. By the early 1990's, the costs will grow to $80 billion and states will refuse to assume that burden predicts Paul R. Willging, executive vice president of the American Health Care Association, a nursing home trade association. Already 18 states have set moratoriums on nursing home construction as a way to control their costs, this despite the shortage of beds.

Until recently, most elderly people like the Nelsons had no means to prevent a serious illness and resulting nursing-home costs from wiping out a lifetime of savings. Nursing-home costs average about $65 a day or $23,725 a year. About two-thirds of all nursing-home patients who start paying their own bills are broke within a year. The average stay in a nursing home for persons over 65 is 456 days, well over a year. About 20 percent of the over-85 population are in nursing homes with an average stay of 2½ years.

While Medicare and Medicaid benefits are far below adequate levels for the elderly, other carriers have been equally ineffective in preventing more than a million Americans a year from falling into poverty levels because of inadequate extended health care coverage.

As bleak as the picture is for many aged Americans, the issue of extended health care for the elderly is becoming not only an important new development in the medical insurance arena, but a true deterrent to the prospect of losing one's life savings because of a catastrophic illness or even worse, not having the funds to pay for complete medical care when serious illness strikes.

NEW INSURANCE EXTENDS HEALTH CARE

The Nelsons are among some 200,000 Americans who have taken out private, long-term care health insurance. This type of insurance, known also as extended care health insurance, is one of the fastest growing types of coverage and represents a potentially explosive new marketing product for the insurance industry. Industry analysts estimate the market to be $3 billion to $5 billion within five years.

Some reasons for its rapid growth are the country's rapidly expanding over-65 population and the fact that people are realizing that without such policies they may have to liquidate their life savings to pay nursing home expenses.

Annual premiums run from $300 to well over $1,000. Benefits also vary—usually from $30 to $100 a day for anywhere from two to six years in a nursing home.

Although there are more than 2,500 companies selling health insurance products, fewer than 70 offer these specialized policies. This is more than twice the number selling them two years ago. Among the larger insurers to enter this new market are Aetna, American Express, Metropolitan Life and Prudential. It is the smaller companies however, who have been promoting the benefits of extended health care for many years while the industry giants watched.

70% OF THE ELDERLY ARE MISINFORMED

American Traveller's Life Insurance Company for example, has been extolling the benefits of such a package since 1979. *"What most people fail to understand is that Medicare covers only a tiny fraction, less than 2%, of long-term health care,"* says John A. Powell, President of the Warrington Pennsylvania based company which now provides several different extended care policies. A recent market survey by the AARP sponsored by Prudential found that approximately 70% of all their members thought that long term nursing home care confinements were covered by the Federal Government or the Medicare program.

"Unfortunately people don't think about long-term health care needs when they're shopping for insurance," said John C. Rother, legislative director for the American Association of Retired Persons. "And even many people who realize that Medicare doesn't cover long-term care, simply deny that they will ever be in a nursing home. They're convinced it will never happen to them."

But happen it will, and in increasing numbers. Some 28.8 million Americans are over 65 today; 35 million will be in that group by the turn of the century. The super-senior citizens, those over 85, number 2.2 million today and will number 5 million by the year 2000. Three out of five people over 85 require long-term care, usually in a nursing home. Even in the over-65 group, one of every four needs it.

Planning financially for a serious illness is becoming necessary to avoid sudden poverty after paying medical bills that were thought to be covered. Many middle-class senior citizens, according to an article published recently in the Wall Street Journal, are juggling assets to shield spouses from their mates' catastrophic medical expenses. Although such maneuvering has been legal, it poses new sets of problems which are currently under legislative scrutiny. Medicaid outlays increase, but Federal and state officials are doing little to prevent such manuevering. Allowing medical bills to create poverty as opposed to poverty before the illness is an issue that Medicaid officials will have to grapple with in the coming years if such manuevering continues to be deemed legal.

PROTECTION AGAINST DEPENDENCY

Harold Barney, a vice president at Prudential, said: "People are buying these policies for two reasons: one is to protect their assets from being eaten up by nursing home expenses and the other is to help them remain financially independent. They've worked their whole lives to be independent and without this insurance they often become dependent on their children or families."

Major changes in the entire social fabric of the country also aggravate the problem. Care within the family is no longer a real alternative for many because working women cannot be care-givers, and the greater mobility of family members now may find them living across the entire country from their parents.

An increasing number of the elderlys' children are faced with the anguish of deciding to either send their own children to college, or to pay the nursing home bills for their parents.

Long-term health care insurance promises at least the start of a solution, although filled with problems of its own. The challenge is to design a product that is both profitable for the insurer and affordable for the elderly. The market is far too young to determine how many younger policyholders are needed to offset elderly beneficiaries. Actuarial assumptions are difficult to make at best because no generation in history has lived as long as this one.

Charting unknown markets such as extended health care demands that companies move cautiously. Although the pace is apparently improving, most insurance companies have exerted great restraint even though the market promises to be huge in several years.

CONSUMER CAUTION NEEDED

Extended health care is not only difficult to foresee for the insurance companies; the consumer needs to be careful as well. In examining an extended health care plan, the most critical factor is whether it will cover "skilled care" or "custodial care." The differences are significant.

A stay in a skilled-care home generally follows a patient's discharge from a hospital. Often it is a temporary arrangement, lasting only a few weeks or months of convalescence when trained nurses are needed. The cost of the first 20 to 100 days of this type of care may be covered by Medicare or by regular health insurance, providing a physician specifies that it is necessary.

The majority of nursing home residents require only custodial care; their meals prepared, supervision over medication, aid in getting dressed; maintenance type of activities. Unlike someone whose condition calls for skilled care, those who need custodial care usually need it on a long-term basis. A person who is paralyzed, whose mind wanders as a result of Alzheimer's disease, or who simply is made feeble by age may have to depend on custodial care for years.

A number of insurers offer plans intended to help a person who is receiving skilled care. Premiums are moderate ($150-$300 annually for $50 a day coverage) and the protection might provide a measure of reassurance for an aged parent who frets that their children could be stuck with high costs if a long-term illness strikes. Better protection is available at a higher premium that includes custodial-care coverage as well.

EXTENDED HEALTH CARE PLANS TO DOUBLE

As in any insurance policy, restrictions should be clearly spelled out and defined. Because extended health care plans are relatively new for most companies, a wide range of restrictions and coverage plans are evident, making consumer awareness even more important.

RECOMMENDATIONS

Lawrence F. Lane, an insurance expert with the American Health Care Association, tells people to make sure the benefit amounts are adequate and to check when benefits begin and whether the policy covers regular home health care as well as nursing home care.

Mr. Lane, who predicts the number of people with long-term health care plans will double to 400,000 next year, also recommends that people find out whether the policy bars coverage for certain conditions and what happens to the policy and benefits if the policyholder moves to another state.

"This is a complicated area, and it is quite critical that people who purchase these policies understand exactly what they're buying," said Valerie S. Wilbur, an analyst with the American Association of Homes for the Aging.

INTRODUCTION OF THE NATIONAL TECHNICAL INFORMATION ACT OF 1987

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WALGREN. Mr. Speaker, I am introducing today a bill entitled the "National Technical Information Act of 1987." This legislation is intended to reconstitute the National Technical Information Service [NTIS] of the Department of Commerce as a wholly owned Government corporation.

Since 1950, the Department has had the congressionally mandated task of maintaining "a clearinghouse for scientific, technical and engineering information." The present National Technical Information Service has fulfilled this mandate admirably. It now maintains a collection of over 1.7 million scientific and technical reports obtained from Federal agencies, their contractors and grantees, State and local governments and foreign sources. Each year, the collection expands by almost 70,000 new titles.

It is fair to ask why, if the Service is successful, such legislation is needed. Congress has required the NTIS to generate its operating income from the sale of information maintained in its collection to the private sector or by providing services to other Federal agencies. This statutory requirement exposes NTIS to the discipline of a constantly changing marketplace. Yet as an agency subject to the full weight of personnel and procurement regulations imposed upon Government bureaus, NTIS is hampered in its ability to respond to changes imposed by its customers. The success that NTIS has demonstrated, despite these impediments, reflects the continuing economic importance of the NTIS collection.

In 1945, Congress passed the Government Corporation Control Act in recognition of the fact that certain Government activities required the agency responsible to operate essentially as a commercial entity in support of the public interest. To be successful, these entities must be independent of restrictions imposed on the public sector so that their cost of operations can be quickly adjusted to reflect market demand. However, accountability to the Congress and the President for the actions of such an agency must be preserved.

The Committee on Science, Space and Technology received testimony from the National Academy of Public Administration regarding proposed changes in NTIS. The Academy was chartered by Congress to provide advice from professional managers and scholars regarding the design and structure of management for public agencies. The Academy's report concluded that:

> NTIS should be restructured as a Government corporation subject to the Government Corporation Control Act. [I]t proposes that NTIS be brought under those established systems of financing, accountability and control which have been designed for comparable business type programs.

The panel found that NTIS fits the criteria for establishing a Government corporation articulated by President Truman in 1948, criteria which remain valid today.

First. NTIS is revenue-producing. Since its inception, NTIS has sold its products and services to the public for a fee. Over the last 5 years, NTIS has earned revenues of $20 to $23 million per year.

Second. NTIS is self-supporting. With the exception of some $500,000 appropriated for its patent licensing program, all NTIS activities are funded through sale of its products and services.

Third. NTIS has a large number of business transactions with the public. Over the past 18 months, NTIS has sold its products to some 40,000 individuals, firms, schools, libraries and governments, both foreign and domestic. Approximately 75 percent of NTIS customers are small businesses.

In the past year, NTIS has shipped over 4.5 million documents and microforms, an average of 18,000 each day.

It is also the intent of this legislation to establish proper authority in law for the trust fund through which NTIS conducts its operations. The Academy report notes that:

> Funding provisions included in [the] NTIS enabling statute (15 U.S.C. 1526) are fragmentary and consequently do not adequately define the extent or limits of NTIS' discretion in utilizing its receipts.

Historically, the statute has been interpreted to allow NTIS to employ escrow funds received from its customers to pay for the Service's operating costs and capital expenditures. Both the Comptroller General and the Office of Management and Budget [OMB] dispute this interpretation and have advocated the establishment of a public enterprise revolving fund as the legal foundation for use of NTIS income.

In 1983, legislation was introduced to clarify the ambiguous status of the NTIS trust fund. Under the terms of the legislation, the fund would have been converted to a revolving fund to support normal operations. Concerns about the lack of accountability to Congress for transactions, since no appropriated funds would be involved, led to the failure of this effort. Establishing such a fund under the terms of the Government Corporation Control Act, however, ensures that the Congress and the President will receive the information necessary for proper oversight of the Corporation's activities.

Finally, I have proposed this legislation as a vehicle for debating the future of the NTIS. Since 1981, the Office of Management and Budget has asserted that this activity should be turned over to the private sector. In 1985, the Department of Commerce, at OMB direction, established a task force to evaluate alternatives for such a transfer to private operation. Our committee received a copy of the task force's 1986 report, which concluded:

> NTIS must be counted among the most privatized of Federal agencies. It is not clear whether the extent of privatization is because of the opportunities presented by the complexity of NTIS operations or despite the constraints imposed by these complexities. What is clear is that because of its legislative requirement to be self-supporting, NTIS receives no appropriated funds for its basic operation, pays its salary and other costs from user fees, is driven to operate as efficiently as possible, creates market opportunities for a large number of private firms, and satisfies the needs of its customers.
>
> Given a program so complex and so privatized, any decision to make further privatization moves must be supported by evidence of extensive benefit and minimal cost. Such evidence does not exist.

Although this report was submitted to OMB, there is no evidence that these conclusions were considered. In the President's budget for fiscal year 1988, it was announced that the NTIS privatization initiative would proceed. Testimony before the Committee on Science, Space and Technology by the Director of NTIS confirms that this initiative is driven by OMB's ideological perspective. As reported in the April 10, 1987, issue of Science,

> While upholding Commerce's position on privatization, agency officials say there is no clear economic rationale to support it. In fact, OMB has yet to respond to an NTIS staff request for a justification that can be used in testimony before Congress. OMB was also unable to provide *Science* with an economic case to back claims that a privately run NTIS would be more efficient. Agency officials simply say that moving NTIS is consistent with the Administra-

> tion's policy of having the private sector take over federal activities whenever possible.

OMB's perspective on the national interest is shortsighted and cannot serve as a guide in this instance. In fact, we already have an example of how badly OMB's privatization policy fares in actual practice. My colleagues may remember that this country was once an unchallenged leader in the field of remote-sensing technology. Our Landsat system was once the only source of data from this marvelous new window on Earth.

In 1984, the Congress passed legislation permitting the Department of Commerce to seek a private sector operator for the satellites and the existing data archive. The law recognized that some Federal funds would be required in the early years of the system's transition, as the new operator learned how to market data to commercial users. OMB, however, consistently failed to include such funding in the budget. As a result, the American program is in shambles while the French and Japanese capture another market pioneered by America. We should be highly skeptical of OMB's committment to successfully privatize any Government activity.

Besides its initial function as the Nation's clearinghouse for scientific and technical information, NTIS has become the most extensive archive for such information now available. As Gerard Piel, chairman of the board at Scientific American, noted in a speech before the American Association for the Advancement of Science, "Because no scientifically established truth has been forgotten, science is cumulative."

The value of such an archive was noted by the National Aeronautics and Space Administration in 1986. Only NTIS has the potential, according to the space agency—

> for retaining an efficient and effective system to assure essentially permanent report availability to all U.S. citizens regardless of locality. That a complete, quick and relatively inexpensive source for these reports is needed over the long term has been shown repeatedly in the intensively technological areas of aeronautics and space. Worldwide competition in these fields requires the U.S. to maintain an effective information infrastructure that will help avoid undesireable duplication and promote the highest R&D quality and timeliness in the private sector as well as in the public sector.
>
> Regarding the fundamental need for a consolidated permanent source of government and government-contractor reports, it is clear that technical reports, per se, are a vital part of the research and development process. As the number of scientific and technical efforts grow exponentially, old systems of relying largely on journal publication and meeting paper presentation are becoming less and less able to accommodate documentation needs. Only report literature like that compiled at NTIS, allows an unlimited number of pages for a researcher to document experiments and to record findings in the proper degree and without delay.

There is great danger that a private operator of NTIS would seek to maximize profit by reducing costs. Experience indicates that only a few of the reports in the NTIS archive will be consistently profitable. One way to reduce costs would be to eliminate reports making a minimal contribution to revenues. It is our interest to maintain the largest archive possible, since there is no way to know what data in the collection will ultimately prove valuable in the development of science and technology, we would constantly be in danger of cutting off our nose to spite our face.

The second means by which a private operator can maximize profit is to increase prices. This is a likely outcome, given evidence provided by examples at the Department of Agriculture, the National Library of Medicine, and the Federal Election Commission. Indications are that data once made available by these Government agencies at moderate costs increased significantly in price once private companies became responsible for their data systems.

In the case of the Patent and Trademark Office and the Securities and Exchange Commission, indications are that the private sector would have received a monopoly on access to these agency databases and that a significant price increase would have been imposed on users. A free flow of the scientific and technical information obtained by the Government at public expense, priced at the cost of reproduction, is distinctly in the national interest. There is no evidence that the private sector can provide this kind of service.

And finally, it is most important to retain this activity within the Government because of the nature of NTIS's agreements allowing access to scientific and technical information resources of other nations. The Nation can no longer ignore this source of information, and the national interest requires that full access to these archives be preserved. West Germany and Japan, however, have indicated that their agreements with NTIS will be terminated if the Service loses its status as a Government agency. Establishing NTIS as a wholly-owned Government corporation avoids problems in this area.

This legislation would resolve legal ambiguities in the present NTIS operation, preserve accountability to the Congress and the President and allow the Service to continue serving important national interests with minimum disruption in its activities.

Mr. Speaker, I urge my colleagues to support this legislation.

SOCIAL SECURITY "NOTCH" PROBLEM

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FEIGHAN. Mr. Speaker, I am pleased to offer my strong support for H.R. 1917 introduced by the distinguished chairman of the Select Committee on Aging, Mr. ROYBAL. This legislation, cosponsored by 123 of our colleagues, would take long-awaited steps in correcting the so-called Social Security "notch" problem.

The notch resulted from a change made in the Social Security benefit formula as part of the Social Security Amendments of 1977. Because of this mistake, many of my constituents and seniors across this country feel they have been arbitrarily, and unfairly, selected for reduced Social Security payments. They feel this way because they see the sometimes huge discrepancy in benefit payments from one person to another with very similar work records and work histories. The distinctions made are clearly arbitrary, and the result has been a severe shaking of our senior citizens' confidence in the Social Security System.

Mr. ROYBAL'S bill will extend the phase-in period to 10 years. It will return to the 1972 formula and actually reduce these benefits by 3 percent, and further reduce the benefits 3 percent for each year after 1916. The bill affords higher benefits to those in the notch now. It keeps to the original intent of the 1977 Social Security Admendments of avoiding the abrupt reductions in benefits now being experienced by Social Security recipients.

The notch problem is not going to go away. As long as we remain inactive on this issue, the skepticism will grow as our seniors question whether they have a voice here in Washington. They are not asking for a handout. They're asking that we correct an error in the law that has cost them directly.

Part of the American dream has always been that Americans will have a sense of security to enjoy our golden years. Are we telling our seniors that this was only a dream? I hope not. For this would represent a broken promise that many of us in Congress were sent here to uphold. I strongly urge my colleagues to join as a cosponsor of H.R. 1917 and work for its passage.

OCCIDENTAL COLLEGE, FOUNDER'S DAY, APRIL 20, 1987

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ROYBAL. Mr. Speaker, on April 20, 1987 Occidental College in Los Angeles, CA, celebrated a century of outstanding contribution to the academic community, and I had the pleasure of speaking before the staff and students at their founder's day celebration.

Located in the downtown Los Angeles area, Occidental is a liberal arts and sciences college dedicated to academic excellence. Classes are small and faculty members are eager to spend extra time in discussion with students, enhancing their educational experiences beyond the classroom.

Occidental is a college committed to a philosophy of total education. In both selecting students and helping them to develop a course of study, the faculty and staff have set a standard of excellence not only in the intellectual ability of their students, but in the realm of social and ethical consciousness as well. Occidental students have always been active politically, and graduates like Senator HARRY REID of Nevada and Congressman JACK KEMP from New York have seen their political dreams realized.

The Occidental student is an enthusiastic and motivated individual. Beyond that statement there is no single definition for a typical Occidental student, and the college justifiably prides itself on its diversity. Students come from all ethnic and socioeconomic backgrounds, representing more than 40 States and over 30 foreign nations. The Occidental education not only develops a young person academically, but also exposes him to people and ideas that were once unknown and unimaginable.

It is this kind of attention to and regard for the development of a well-rounded individual that makes Occidental College stand out as a top rate learning center.

I congratulate Occidental on reaching its 100th year, and I commend its faculty, staff and students for facing the challenge of higher education with such strong commitment. The founders of Occidental College would be proud to see them following so diligently the ideals that were brought to this campus on April 20, 1887.

BIELARUSIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ANNUNZIO. Mr. Speaker, March 25 marked the 69th anniversary of the Bielarusian National Republic, and I am privileged to join with all freedom-loving people in commemorating this special day in man's historic struggle for freedom and human dignity, and this important date in the distinguished history of Bielarus.

In commemorating this 69th anniversary of the declaration of independence of Bielarus, the Bielarusian Coordinating Committee of Chicago held their solemn observance at the Regency Inn Banquet Halls, 5319 West Diversey Ave. in Chicago, and in conjunction with this commemorative observance, an exhibit on Bielarusian culture was sponsored by the committee at the Richard J. Daley Center from March 23 through April 10.

Hon. Harold Washington, mayor of the city of Chicago, issued a proclamation to commemorate this 69th anniversary, and a copy of this proclamation follows:

PROCLAMATION

Whereas, March 25, 1987 will mark the 69th Anniversary of the Declaration of Independence of Bielarus; and

Whereas, this day is being observed by Bielarusian communities throughout the free world as a day of celebration of freedom, unity and solidarity for the Bielarusian people throughout the world; and

Whereas, the 10 million Bielarusian people residing in their Russian occupied homeland, deprived of their right to observe this day, will be remembered in prayer during the local observance; and

Whereas, the Bielarusian Coordinating Committee will sponsor an exhibit in the Richard Daley Center from March 23 through April 10, 1987, which will feature cultural, social, political and educational materials about Bielarus and its folk art, crafts and culture:

Now, therefore, I, Harold Washington, Mayor of the City of Chicago, do hereby proclaim March 25, 1987 to be BIELARUSIAN INDEPENDENCE DAY IN CHICAGO and urge all citizens to be cognizant of the contributions of Bielarusian people to the world and the special events arranged for this time.

Dated this 10th day of March, 1987.

HAROLD WASHINGTON,
Mayor.

Sadly, Bielarus has been almost completely cut off from the rest of the world by the heavy presence of the Soviets, who have attempted to systematically assimilate the Bielarusian people, and wipe out their past, their culture, and their language. Nevertheless, the courageous men and women of Bielarus continue to stand up to the Communists and oppose their oppressive efforts.

The Bielarusian Coordinating Committee of Chicago has prepared a statement on their beloved country of Bielarus, and a copy of that statement follows:

BIELARUS

The name: Bielarus is the original, true, and correct name of the country. Bielarus is known to the outside world today as Byelorussia. This name comes from the Russian language—Belorooseeya. It was imposed by Moscow without the approval of the Bielarusian people and the Bielarusian government. The Bielarusians feel that the name of their country to the outside world should come from their own language. If translated, Bielarus means Whiteruthenia. Bielarusians are not Russians but a Slav people.

Location: Bielarus is not in Russia but in the western part of the Soviet Union, bordering with Poland in the west, Ukraine in the south, Russia in the east and north, and the Baltic States in the northwest. Its present territory extends for 560 kilometers from north to south and 650 kilometers from west to east and covers a total area of 207,600 square kilometers. Its ethnographic territory extends to 380,000 square kilometers. It is larger than such European countries as Czechoslovakia, Bulgaria, Hungary, Greece and Portugal, and exceeds the combined area of Denmark, the Netherlands, Belgium, Switzerland and Luxembourg.

Political status: Bielarus is a republic of the Soviet Union and Communist controlled from Moscow. Bielarus is also a founding member of the United Nations. Bielarus regained independence from Russia on March 25, 1918 but was forcibly incorporated into the Union of the Soviet Socialist Republics (the U.S.S.R.) in 1922. The Bielarusian people have since struggled for freedom and independence of their country, hoping that their dream will come true someday.

Major cities: Miensk (Minsk) is the capital of Bielarus, population 1,300,000. Other cities are: Hrodna, Viciebsk, Połacak, Pinsk, Bierascie (Brest), Homiel, Mahiloŭ and Babrujsk.

Population: Present Bielarusian population numbers ten million. There are two million Bielarusians living within the boundaries of other Soviet Republics and another eight million are dispersed throughout the entire world.

Mr. Speaker, on the occasion of the 69th anniversary of Bielarusian independence, I am honored to join with Americans of Bielarusian descent in the 11th Congressional District of Illinois which I am honored to represent, and Bielarusian-Americans all over this Nation, in their prayers, their hope, and their determination that the Bielarusian people will have a free nation once again, and that the American people will continue to remain alert to the ferocious nature of their Communist oppressor.

A DENTAL REPORT THAT GIVES SOMETHING TO SMILE ABOUT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. PACKARD. Mr. Speaker, as a former dentist, I was especially impressed with an article that was published on March 29, 1987, in the Boston Globe. I would like to enter the text of that article which praises the accomplishments of the dental profession.

A DENTAL REPORT THAT GIVES SOMETHING TO SMILE ABOUT

(By Daniel S. Greenberg)

In a culture ever on the lookout for celebrating grand accomplishments, a mysterious neglect is the triumph of modern dentistry. Many medical problems go away by themselves. But when a tooth hurts, it can only get worse, and only a dentist will do.

Front-page homage and reverence are heaped on organ transplants and other medical high-wire acts. Meanwhile, dentistry goes unnoted, except as the butt of harebrained television humor. But it is one of the few health technologies that almost invariably succeeds, both in prevention and in treatment. There is little else in the health-care arsenal that can share that claim.

Considering that toothlessness and painful and sickening tooth disease have been a plague on humankind, there ought to be a national day of thanks to commemorate a stunning communique from the National Institute of Dental Research. An obscure federal agency that gets a mere $120 million of Washington's $62 billion for research, the dental institute reports that "toothlessness has almost been eliminated in middle-aged adults."

In contrast, 42 percent of those over 65 were missing all their teeth, a shocking statistic that reflects the bygone days of fewer visits to the dentist, less sophisticated treatment techniques, and little or no preventive efforts.

The institute reported that 80 percent of employed adults had been to a dentist within the past two years, and it credited fluoridation and instruction on toothbrushing for a sharp decline in tooth decay among children. In both older and younger adults, 95 percent of cavities had been filled, a finding that reflected "an extraordinarily high level of dental care," according to the institute.

A great success story. Nevertheless, pop culture hews to an antiquated, caricatured rendition of this merciful and successful profession. Anyone who has observed the changes in dental equipment and techniques over the past two decades has witnessed a humane, technological revolution. Pain-free dentistry is a reality, but dentistry as a metaphor for excruciating pain is a sitcom regular and, in contrast to modern patients' personal experience, it persists in pop culture.

The economic paradox of dentistry is that the profession is suffering from its successful promotion of preventive care, especially fluoridation, which is rapidly eliminating childhood cavities and with them a huge amount of income for dentists.

The contrast with medicine is striking. Medical school enrollments have dipped slightly, not because doctors have been successful at eliminating the ailments of their patients, but because there are too many doctors in many parts of the country. However, dental-school enrollments have declined sharply—mainly because prevention and dentistry have brilliantly succeeded.

Dentistry is one of the great success stories of our time. Viewed against the economic turmoil and limited achievements that generally afflict medical care, dentistry is especially notable for its advocacy of health education and public preventive measures.

In announcing the results of the dental survey, Dr. Harald Loe, director of the National Institute of Dental Health, modestly stated, "The news is encouraging. Americans are keeping their teeth longer."

If an accurate sense of proportion prevailed in public affairs, Loe's announcement would merit recognition as a milestone in human affairs. The government institute that he heads is responsible for much of the research that underlies this health care revolution.

Few Americans have ever heard of it or pay any attention to their freedom from a health scourge that stretches back for centuries and still afflicts most of the world.

NUTRITION MONITORING IS ESSENTIAL TO THE HEALTH OF AMERICA—NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1987

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WALGREN. Mr. Speaker, today Congressmen BUDDY MACKAY, GEORGE E. BROWN, JR., and I, along with a number of our colleagues, are introducing the National Nutrition Monitoring and Related Research Act of 1987. The identical bill is also being introduced by Senator JEFF BINGAMAN and his colleagues in the Senate. The House passed a similar bill last year by a vote of 305 to 85. The bill requires the development of a coordinated national nutrition monitoring and related research program to make more effective use of Federal and State expenditures and to enhance the performance and benefits of current Federal nutrition monitoring and related research activities.

A national nutrition monitoring system is essential to the development of rational food, nutrition, and health policies at all levels of Government. As early as 1969, the White House Conference on Food, Nutrition and Health recommended the implementation of a comprehensive national nutrition monitoring system. Last year, the chairman of that conference, Dr. Jean Mayer, currently president of Tufts University, reminded us that the recommendation is still unfullfilled 18 years later. The health and well-being of our citizens is the 1 priority of our Nation. All efforts to maintain our competitive edge in the world marketplace will be to no avail without a healthy population. We should not tolerate a government that fails to take into account the nutrition and health status of its citizens.

At present, long-range planning does not occur in nutrition studies. Each Federal agency involved in gathering nutritional and health data follows their own agenda. Attempts in the past to coordinate these activities have failed, resulting in delays and duplication.

Research to improve the accuracy of data, increase the usefulness of data and coordinate surveys of numerous Federal agencies have received little attention.

The difficulty in implementing a nutrition monitoring system which integrates all of these elements is not a matter of political philosophy, but rather a matter of turf protection among the major agencies involved. This bill would fix responsibility jointly with DHHS and USDA. All Federal agencies that use or collect nutrition monitoring data are to participate in the preparation and implementation of an interagency plan and budget to accomplish specified priorities. I recognize that a legislative mandate cannot change the will to put aside turf for the safe of national priorities, but the bill will at least focus the responsibility for Government performance and permit those who fail to be held to account.

The bill emphasizes two areas all have identified as the highest to improve our current nutrition surveillance system. The first priority is to strengthen assistance to State and local governments in their efforts to conduct nutrition monitoring. To make the Federal data sources more cost-effective, mechanisms must be in place to transfer the available technology so Federal data can be applied to State and local populations.

The second priority is for research on less costly and more effective methods to assess dietary, nutritional and health status. This research priority is designed to leverage Government funds through university, industry, and Government partnerships and to ensure that methods developed by Federal funds meet the needs of acutal users and provide practical spin-offs for use by public health practitioners.

This bill was not developed in a vacuum. Many of its features were recommended in reports of the National Academy of Sciences in 1981 and again in 1984. Last year DHHS and USDA submitted to Congress a long awaited report from their Joint Nutrition Monitoring Evaluation Committee. Let me quote some of their recommendations to illustrate how closely they parallel the bill being introduced today:

Establish a mechanism for leaning more about the data needs of users, especially Federal agencies;

Increase the availability of nutrition information from Federal surveys;

Improve comparability of data;

Improve timely publication of data;

Continue and expand efforts to study the factors that influence food intake and nutrition status, especially among high-risk subgroups;

Increase research to improve methods for assessing dietary intake and nutritional status; and

Provide adequate resources to the national nutrition monitoring system to implement these recommendations.

In addition to the recommendations, the report interprets, for the first time, the available data on the food intake, nutritional status, and health of our citizens. However, DHHS and USDA caution that, "Most of the data presented in the report were collected during the 1970's and may not reflect current conditions." It is unbelievable that we have up-to-date information on the gross national product, the cost-of-living index, and other national statistics, but that in 1986 we only know the nutritional status of the population as it was in the 1970's.

The administration continues to oppose the bill on the basis that the current system is adequate and all the requirements of the bill are being met. Yet, users of the system in both the public and private sectors, as well as administration advisory committees, continue to call for improvements. It is clear that a legislative mandate is necessary to make anything happen in this area. It is our responsibility to ensure that an up-to-date and cost-effective means to address the dietary, nutritional and health needs of the American population is available at all times. The passage of this bill will allow both Congress and the public, for the first time, the opportunity to exercise oversight responsibility for this critical activity. I urge my colleagues to join us in cosponsoring this bill.

OHIO'S EILEEN BOUTHILLET PENS WINNING THEME

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FEIGHAN. Mr. Speaker, for years the Veterans of Foreign Wars of the United States and its ladies auxiliary have sponsored an annual scriptwriting contest for the Voice of Democracy broadcast. This year's theme addressed "The Challenge of American Citizenship." The existence of this contest is not only a tribute to American patriotism, but also to the work of this fine organization of veterans, who strive to promote American ideals among this Nation's youth. The authors of the seven final essays will receive, fittingly, scholarships: from $1,000 for seventh place to $14,000 for first place.

Ms. Eileen Marie Bouthillet, a 16-year-old high school junior from Rocky River, OH, wrote the State's winning essay. Ms. Bouthillet's essay, wisely points to individual participation as the essential challenge of American citizenship. Her thesis displays a firm understanding of the history of individuals, whose deeds made this country strong. Their examples continue to inspire all citizens to contribute, in whatever small way, toward the advancement of the American ideal. Therefore, I proudly congratulate Eileen, and present her essay to my colleagues.

THE CHALLENGE OF AMERICAN CITIZENSHIP

(By Eileen Bouthillet)

An old man and his grandson were walking along a beach filled with starfish. The boy stopped at one of them, picked it up, and threw it back into the water. He did the same with the next starfish, and the next one. His grandfather, growing weary of waiting for him said, "There are many starfish on the beach. You can't save them all. To try is pointless. The few you put back into the water make no difference." The boy looked at his grandfather, picked up another starfish and said, "But it makes all the difference to this one starfish." The young boy believed that his effort, no matter how small it seemed was important. In a world filled with large problems and great achievements, it may seem that there is little room for individual contributions and achievements, but George Washington was one man, Abraham Lincoln was one man, and Martin Luther King was one man. These men were American citizens who made their mark in history and contributed greatly to their country. Through their efforts and the efforts of other great men, we as American citizens possess more freedoms and opportunities than the citizens of any other country in the world. A democracy like our own depends on the people as individuals. The contribution of every citizen is not only important, it is vital. The challenge of American citizenship is to believe that one person can make a difference in the welfare of our nation.

The work of every citizen of the United States makes an important contribution to the country. Our talents and our dreams are our possessions and can never be taken from us. The freedom to follow our dreams and develop our talents are granted to us as American citizens. Along with this freedom comes the challenge to use our abilities to benefit the people of our country. Whether a person's goal is to cure cancer, pilot the space shuttle, become President, or run a small business, every service offered to the people of the United States benefits the nation itself. Our discoveries, our purchases, our tax dollars, and our accomplishments are the backbone of the nation. By believing in the importance of our contributions and by adding them to our country's cultural, scientific and economic achievements, we strengthen the nation. Many Americans have met this challenge and have earned the respect and love of their countrymen, but the challenge is larger still.

To believe that one person can make a difference in large problems gripping the nation or the world is a challenge difficult to meet. The majority of American citizens don't hold a political office, and may therefore believe that problems such as the threat of nuclear war or the national deficit are problems that are not placed in their hands. In our democracy, a government of the people, the nation's problems are problems placed in the hands of each individual. Each single person is challenged to make a difference. The road to solving all problems and achieving all great tasks starts with a single step. True power may lie in unity, but before crowds fight for a cause, a single man must. As Reverend James Keller of the Christopher Society said, "It is better to light one candle than to curse the darkness." One individual can light one candle by his educated vote, a letter to his Congressman, his signed petitions or his offered solutions. The dim light given from one candle could be the hope and encouragement needed to light millions of candles. Imagine how much light that would give!

The challenge of American citizenship involves not only our personal contributions to our country's present, it involves being concerned about its future. Our descendants, if they are living in a strong, safe, clean country, can look back at our time and say, "Those people were truly American citizens. They cared about their country and they made things happen. They believed they could make a difference for themselves, for their government, and for the future of their country, and they turned their beliefs into action."

The challenge of American citizenship is unlike any other challenge. In most challenges or contests, there is only one winner. If each American accepted this challenge, we would all be the winners of a strong prosperous nation. We are all faced with personal challenges in life. We accept them to move forward. By accepting the challenge of American citizenship, we all move our country forward.

ARMENIAN MARTYRS DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ROYBAL. Mr. Speaker, our former colleague, Justice George E. Danielson, originated the special order ceremonies for Armenian Martyrs Day when he came to Congress in 1971. As we all know, it is now a tradition in the House.

An article about the Armenian Martyrs written by his wife, Candy Danielson, is on the Op-Ed page of the Los Angeles Herald-Examiner of April 23, and I submit that article herewith for inclusion in the RECORD.

The article follows:

GIVE THE ARMENIANS THEIR DAY OF REMEMBRANCE

(By Candy Danielson)

Item: House Concurrent Resolution 49 authorizes the use of the U.S. Capitol Rotunda on April 28 for ceremonies to observe the Days of Remembrance of Victims of the Holocaust. That ceremony will take place, as in previous years, in memory of those who perished in Hitler's genocide of Jews.

Item: House Joint Resolution 132 and Senate Joint Resolution 43 to mark April 24 as a Day of Remembrance for victims of the 1915-1923 genocide of Armenians by the Ottoman Turkish Empire face tough sledding on Capitol Hill. If they are approved, a presidential veto is promised.

How are these two dark periods of history similar? Both were pogroms, organized massacres of helpless people carried out by governments, while the rest of the world did nothing to stop the slaughter.

How are they different? Germany has acknowledged the Jewish Holocaust, has made reparations and has sponsored ceremonies to honor the victims. Turkey, on the other hand, has adamantly refused to accept what archives throughout the world have documented. Instead, the government pays Gray & Company, a highpowered lobbying firm in Washington, D.C. thousands of dollars to persuade members of Congress and the American public that the Armenian genocide never took place. Moreover, since Turkey is a member of NATO, the Reagan administration seems more inclined to oppose an Armenian Martyrs Day than risk a rupture in the alliance.

How does this affect Armenians? Unlike the Holocaust victims, the 1.5 million martyrs who died in the Armenian genocide are pawns in a game in which moral imperatives mean nothing. As a consequence, the survivors of that massacre and their families—in fact, all Armenians—are left to cope with the frustration, anguish, trauma, and sorrow of that human tragedy without the assuaging official recognition of its occurrence.

Make no mistake about it, the life of every single Armenian martyr who perished during the genocide was just as precious as any other life lost to barbarism.

Why should the administration's repeated calls for human-rights progress in other countries be applied only on a selective basis? Why are some allies exempted from its proddings? Selective morality is immorality.

The time has come for new diplomatic initiatives to restore the administration's credibility. Political expediency must not block the moral recognition owed to Armenians.

WORLD POPULATION AWARENESS WEEK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FASCELL. Mr. Speaker, 35 States have designated the week of April 20 through 25 as "World Population Awareness Week." I am proud that my State of Florida is among those States which are helping to advance understanding of the serious implications of rapid rates of population growth around the world.

Florida citizens will mark this observance in meetings, conferences, and public forums to be held at Stetson University, Seminole Community College, St. Petersburg Junior College, and other sites across the State. Their efforts to increase their understanding of this important problem will be repeated in many other similar gatherings across the country.

I ask that my State's proclamation, issued by Gov. Bob Martinez, be included in the RECORD at this point:

PROCLAMATION

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families,

Now, therefore, I Bob Martinez, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim April 20-25, as World Population Awareness Week in Florida.

CATHOLIC BISHOPS CALL FOR AUTHENTIC PEACE FOR EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. HALL of Ohio. Mr. Speaker, on March 25, 1987, the administrative board of the U.S. Catholic Conference approved an official statement calling for action to bring "a just and authentic peace" to East Timor.

The administrative board of the U.S. Catholic Conference is the 50-member body which conducts business of the U.S. Catholic bishops between their general meetings. Therefore, this statement on East Timor is a significant expression of concern by the Catholic Church in the United States.

East Timor is the predominantly Roman Catholic former Portuguese colony which was invaded by Indonesia over 11 years ago. As the bishops note in their statement, an estimated 100,000 East Timorese have perished as a result of the Indonesian invasion and occupation.

Unfortunately, the suffering of the people of East Timor continues today. Among the human rights violations cited by the bishops are the intimidation of the church and forced sterilization of East Timorese men and women. In calling for action to address these issues, the bishops make the following observation:

> Appropriate representations by the United States could influence the government of Indonesia to take measures that would help bring a just and authentic peace to the territory, end any policies of forced birth control in East Timor, and in other ways ameliorate the suffering of these unfortunate people.

In the 99th Congress, 136 Representatives joined with me to cosponsor House Concurrent Resolution 244, a resolution which expressed the sense of Congress about the ongoing tragedy of East Timor. My resolution mentioned many of the same issues noted by the American bishops. In addition, these concerns were cited in a section on East Timor in the committee report to accompany H.R. 5339, the foreign assistance appropriations bill for fiscal 1987.

Continued attention by the outside world to the plight of the people of East Timor is vitally needed. As the bishops correctly pointed out:

> While East Timor has received increased notice in recent years, it is nonetheless undeniable that this issue exists far from the great political debates of the day, and is all too likely to be overlooked as pressing national and international issues compete for public attention.

The bishops went on to warn:

> East Timor's remoteness and isolation from the outside world make its inhabitants all the more vulnerable. It is therefore crucial that the East Timor tragedy be highlighted whenever possible, and that efforts continue to enhance the dignity of life in East Timor and the right of the territory's inhabitants to live in peace and freedom.

I share the bishops' concern that the United States continue to pay attention to the situation in East Timor and raise issues relating to the suffering of the people of East Timor in appropriate international forums. It is clear that the matters addressed by the bishops' statement are also of deep concern to my colleagues in both the House and the Senate. We intend to continue to work with the American Catholic bishops to bring respect for human rights and an authentic peace to the people of East Timor.

For the benefit of my colleagues, the full text of the statement on East Timor by the administrative board of the U.S. Catholic Conference follows:

CONFERENCE BOARD CALLS FOR PEACE IN EAST TIMOR

WASHINGTON.—An armed conflict that has resulted in the deaths of 100,000 East Timorese since 1975 was cited by the Administrative Board of the United States Catholic Conference in calling for action to bring "a just and authentic peace" to East Timor.

The 50-member body, which conducts business of the U.S. Catholic bishops between their general meetings, related the conflict with "the brutal invasion and takeover" of East Timor by Indonesia after the collapse of the Portuguese colonial administration.

In a statement approved (March 25) during its regular spring meeting, the USCC Board said the East Timor situation has begun to receive "the attention it deserves" but it has not been "translated into the action needed to right the wrongs which continue to this day."

Calling attention to "intimidation" of the Catholic Church in East Timor, the statement mentioned forced birth control measures as "especially disturbing" and said that "given the great loss of life that has already taken place among a largely Catholic people, this Indonesian policy takes on the character of genocide."

The USCC Board called on the United States, which it said "has contributed much economic and military assistance to Indonesia," to "make appropriate representations" toward influencing Indonesian government efforts to "bring a just and authentic peace to the territory."

Text of the statement:

"The brutal invasion and takeover of East Timor by Indonesia, which started in 1975 after the collapse of the Portuguese colonial administration, has in recent years begun to receive the attention it deserves, but this attention has not yet been translated into the action needed to right the wrongs which continue to this day.

"In July 1984 Pope John Paul II expressed grave concern over the East Timor situation while receiving the credentials of the new Indonesian ambassador to the Holy See. Bishops' Conferences and Catholic Justice and Peace Commissions in Western Europe—in Portugal, West Germany, France, Switzerland and the Netherlands—as well as Canada and Japan, have made statements or otherwise communicated support and sympathy for the East Timorese and concern over the armed conflict that persists in the territory. This conflict has seen an estimated 100,000 East Timorese (of a population of less than 700,000 before the Indonesian invasion) perish as a result of the Indonesian occupation.

"There is a pressing need to guarantee freedom of expression for, and an end to intimidation of, the Roman Catholic Church in East Timor, which has the heavy responsibility of attending to the spiritual needs of a people that has suffered grievous losses since 1975, and has seen its tasks multiplied during this period. A serious effort to bring a just and authentic peace to East Timor should be made.

"Forced Birth control measures introduced by Indonesia in East Timor are especially disturbing, and not only because of the Church's abhorrence of unnatural birth control. Given the great loss of life that has already taken place among a largely Catholic people, this Indonesian policy takes on the character of genocide. Accounts of sterilization of East Timorese men and women without their informed consent and an array of other evidence, impel us to call for an immediate end to this policy: 'For in view of the inalienable human right to marry and beget children, the question of how many children should be born belongs to the honest judgement of parents. The question can in no way be committed to the decision of government.' (Gaudium et Spes 87.)

"While East Timor has received increased notice in recent years, it is nonetheless undeniable that this issue exists far from the great political debates of the day, and is all too likely to be overlooked as pressing national and international issues compete for public attention. East Timor's remoteness and isolation from the outside world make its inhabitants all the more vulnerable. It is therefore crucial that the East Timor tragedy be highlighted whenever possible, and that efforts continue to enhance the dignity of life in East Timor and the right of the territory's inhabitants to live in peace and freedom.

"The United States, which has had friendly relations with the government of Indonesia since 1965 and which has contributed much economic and military assistance to Indonesia, surely has the right to raise these issues with that government. Appropriate representations by the United States could influence the government of Indonesia to take measures that would help bring a just and authentic peace to the territory, end any policies of forced birth control in East Timor, and in other ways ameliorate the suffering of these unfortunate people."

INTRODUCTION OF THE NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1988

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WALGREN. Mr. Speaker, Today I am introducing the National Bureau of Standards Authorization Act for fiscal year 1988 as reported by the Subcommittee on Science, Research and Technology of the Committee on Science, Space, and Technology. The text of this bill will be the markup vehicle for full committee consideration of this legislation. In addition to the National Bureau of Standards, the legislation includes authorization and amendments concerning the Office of Productivity, Technology and Innovation, the National Technical Information Service, and the Japanese technical literature programs of the Department of Commerce.

Funding in the bill for the most part follows the administration's request. The subcommittee however, was unable to accept cuts in the Center for Fire Research or the Center for Building Technology at the National Bureau of Standards. Nor can we accept the proposed phase-out of the Office of Productivity, Technology and Innovation or privatization of the National Technical Information Service. All four of these are vital Federal programs. The first two have a major impact on public health and safety; the last two are vitally linked to strengthening the competitiveness of American industry in world markets.

This legislation, as reported by the subcommittee, lives up to the terms of a written agreement between the leadership of the Committee on Science, Space, and Technology in the House of Representatives and of the Committee on Commerce, Science and Transportation in the Senate, on the other hand, and the Office of Management and Budget on the other. In this agreement, the administration made a commitment to maintain funding for the funding levels for the two NBS centers for the balance of the Reagan years. On our part, we made painful cuts based on these agreements only to have the administration break its word in the fiscal year 1988 budget. Funding in this bill for the Bureau of Standards exceeds the administration request only by the amount necessary to live up to this agreement. A section-by-section analysis of this legislation follows:

IV. Sectional Analysis of the Bill

A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for Fiscal Year 1988 and for other purposes.

SECTION 1

This section provides the short bill title "National Bureau of Standards Authorization Act for Fisal Year 1988".

SECTION 2

This section authorizes appropriations for the National Bureau of Standards for Fiscal Year 1988 in the amount of $142,997,000. The individual line items of the NBS budget are authorized as follows:

	Millions
(1) Measurement & Research Standards	$43,196
(2) Materials Science & Engineering	24,557
(3) Engineering Measurement & Standards	40,219
(4) Computer Science & Technology	8,266
(5) Research Support Activities	20,259
(6) Cold Neutron Source Facility	6,500

Line items 1, 2, and 4 are authorized at Administration request levels; except for a $500,000 transfer to line 3 for superconductivity activities, items 5 and 6 are also at the request level, but are not combined as in the request; item 3 is increased to permit full funding of the Center for Fire Research and the Center for Building Technology in accordance with the compromise reached with OMB in October 1986.

This section also sets authorization floors for certain activities: of funds authorized for Materials Science and Engineering, $2 million is authorized only for steel technology; of the funds authorized for Engineering Measurements and Standards, $3.71 million is authorized only for the Center for Building Technology, and $5.662 million is authorized only for the Center for Fire Research with the stipulation that the two centers shall not be merged; and of the funds authorized for Research Support Activities, $7.371 million is authorized only for the Technical Competence Fund.

Section 2 also permits funds to be transferred among the line items provided that the net funds transferred do not exceed 10% of the amount authorized for that line item and that advance notification is provided to the appropriate House and Senate Committees.

Finally, this section also authorizes that the Secretary may propose transfer to any line item in excess of 10% provided that (1) a full written explanation and reason for the transfer is submitted to the Speaker of the House, the President of the Senate, and the appropriate authorizing committees of the House of Representatives and the Senate and (2) the transfer is made only when 30 calendar days have passed since the transmission of the written explanation.

SECTION 3

This section authorizes the sum of $2,400,000 for the activities of the Office of Productivity, Technology, and Innovation for Fiscal Year 1988. This is the level the Committee feels is required to guarantee that OPTI maintains its traditional level of services.

SECTION 4

This section authorizes the sum of $500,000 for the patent licensing activities of the National Technical Information Service, permitting activities to continue at the current level of effort.

SECTION 5

This section authorizes the sum of $1,000,000 for the Japanese Technical Literature Act of 1986 for FY 1988 activities, the same level as was provided in the Act of FY 1986.

SECTION 6

This section provides that funds authorized but not appropriated for the Cold Neutron Source Facility for Fiscal Year 1987 can be appropriated in Fiscal Year 1988.

SECTION 7

This section authorizes such sums as are necessary for Fiscal Year 1988 for each of the above programs for adjustments in salaries, retirement, and other employee benefits. The intent of this section is to allow such adjustments during FY 1988 to be paid for from supplemental appropriations rather than from reductions in level of effort in the programs.

SECTION 8

This section permits the length of availability of funds appropriated under authorizations provided by this Act to be determined in appropriations acts.

SECTION 9

This section amends the Organic Act of March 3, 1901 (15 U.S.C. 274) for the purpose of adding to the list of activities which the National Bureau of Standards specifically may undertake research leading to standards and test methods to advance the effectiveness of computer and related systems and to protect the information stored, processed, and transmitted by those systems. The Bureau's Institute for Computer Sciences and Technology is already engaged in these activities using statutory responsibilities delegated to it by the Secretary of Commerce. The addition of these words ends any doubt that the Congress intends NBS to be actively involved in computer standards work.

SECTION 10

This section amends the Act of March 3, 1901 to provide that the Director of the NBS keep the appropriate committees of the House and Senate fully and currently informed of the activities of the National Bureau of Standards.

SECTION 11

This section stipulates that the National Bureau of Standards shall not charge fees to research associates in the absence of express statutory authority to do so. The section's intent is to encourage greater exchange of researchers between NBS and other U.S. laboratories of all kinds.

SECTION 12

This section provides that the Director of NBS must justify in writing all proposed changes in fees for currently offered standard reference materials and calibration services unless such changes are being made solely to adjust for changed costs of raw materials, of labor, or of producing and delivering standard reference materials and calibration services.

SECTION 13

This section directs the Board of Assessment of the NBS to include, as part of its reviews of NBS programs, an assessment of emerging technologies that require research in metrology. This section focuses the assessment panels on NBS's future as well as on the quality of current NBS programs.

SECTION 14

This section directs the Bureau to prepare a plan detailing how NBS will make small businesses more aware of its activities and to increase small business applications of NBS's research.

SECTION 15

This section prohibits the National Technical Information Service from contracting out or privatizing any of its activities or functions that are not currently performed by conractors, unless such contracting out or privatization is specifically authorized by statute.

SECTION 16

This section estabishes the Department of Commerce Science and Technology Fellowship Program to provide employees of the Department of Commerce and other Executive Branch employees with the opportunity of learning how the legislative branch and other parts of the executive branch function.

THE 50TH ANNIVERSARY OF NORTH JUNIOR HIGH SCHOOL

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. STALLINGS. Mr. Speaker, today is a special day for many of my constituents. April 23, 1987, marks the 50th anniversary of North Junior High School, Boise, ID's first junior high. Since the opening day 50 years ago, North has maintained the highest standards and goals in the education of our youth.

I would like to submit the following article which appeared in the March 1987, edition of the North and East Boise Journal and which describes the dedication and attention for students and parents alike which has been the hallmark of North Junior High for these 50 years.

THAT MAGNIFICENT JUNIOR HIGH SCHOOL NEARS 50th BIRTHDAY

"Boise schools are entering a new era. A magnificent junior high school building on Thirteenth Street, between Fort and Resseguie, awaits occupancy next September."—Boise school publication, May 1937.

This new era meant students would no longer attend elementary school for eight years and high school for four. The young adolescents would go to junior high.

North Junior High School was the first junior high school in Boise.

Today the building looks exactly as it did when the doors opened in September 1937. The wide hallways, the cement floors, the built-in lockers, the spacious gymnasium are the same.

Of course the students hurrying through the halls between classes today are not the same. The world is not the same and the school is not the same. Today's North has a greater variety of classes, and programs, to meet the needs of students.

On April 23 North will celebrate its 50th anniversary. Invited to attend are students, parents, teachers, former students and teachers, and people from the community. There will also be a carnival and dance on April 3.

James Coleman is the sixth principal and the one who has served in that role the longest, 19 years. Before becoming principal he was a counselor and then a vice principal at North.

Coleman was born in Osceola, Neb., graduated from Emmett High School and the University of Idaho and served in the Army during the Korean war. His education career began as a teacher at Boise High in 1958.

"I have high expectations of my students, teachers and myself," says Coleman. He said he believes in setting goals and measuring progress in meeting them.

"Teaching to me is adjustment. Every day we walk into the classroom we have to make adjustments for the knowledge and background of these students. We know where we want to go. To take them with us is an ongoing adjustment."

"It is a very challenging age. They are energetic, curious, seeking, trying to become young men and young women. They are going to make errors. They are trying to become an individual, but they are still part of that family."

Coleman says he's a firm believer in discipline, and in being responsive to the needs of others.

"We all have certain rights. There is security in knowing what we can do and what we can't. We know what regulation is and how we can live with it. I believe some of the best lessons in life are failure and disappointment and how we handle that."

It's important to teach students to have confidence in themselves, to know their strengths and weakness, to have a feeling of self worth, he says.

"Kids can get caught up with drugs and alcohol before they know what's going on," he said, and self confidence helps make drugs unnecessary.

North has a policy that says if a student is found using drugs at school, they are turned over to the police. Drugs at school are not a problem, said Coleman.

All Boise schools rate above state and national averages in test scores. "We did well within the Boise school system," added Coleman.

The school is strong in foreign languages, Spanish and French, with a language department headed by Toni Jones. Coleman said the school ranks highest in languages among the nine Boise high schools and junior highs.

All students for whom English is a second language attend North, what is called the ESL class. Among the native languages are Czech, Polish and Laotian. Coleman says the students move into regular classes as rapidly as possible.

Twenty six percent of seventh and eighth graders are on the honor roll and 22 percent of ninth graders. The school has an honors English program.

There is also an extensive pre-vocational program, just as there was when the school opened in 1937. One addition was made, a building adjoining the main school building houses the school cafeteria and industrial arts and art classes.

Junior high has dropouts. Coleman said three dropped the first semester of this school year, but all are back this semester. Some who don't go back enroll in a program called 7001.

When children drop out, it may be related to family values and attitudes, said Coleman. Jobs are difficult to find at this age. After working at such jobs as dishwashing for a few months, most are ready to come back to school, he said.

North has an active parents group, Parents Who Care. Coleman said members are parents who are vitally interested in their children and the role schools play in family life. Three hundred students and parents turned out for recent meetings on preparation for high school and college.

"Parents must get involved in their child's education and their daily life," said Coleman. "Though they're 14 or 15 years old they need that daily guidance, that talking, communication. And it isn't happening in some families."

North students recently won all three prizes in the Fleet Reserve Essay Contest. Winners were Robbin Bowler, Tristan Trotter and Scott Reents.

North's enrollment today is 750.

There were 1,230 students and 35 teachers when the school opened in 1937, said Toni Bicandi, a counselor and chairperson for the 50th anniversary observance. Because elementary schools were so full, part of the classrooms were used by first and second grade students.

R.A. Pomeroy, the first principal, served from 1937 to 1942. He was followed by Harold Hines, Jerald Wallace, Glenwood Robinson, Ed Hoshaw and Coleman.

Five of North's first teachers are still living, Larry Wood, Velma Andrasen, Margaret Boone, Roy Griffin and Ken Gardner.

Parents Who Care are planning a kickoff event for the birthday celebration, a dance and carnival April 3, from 7:30 to 10:30 p.m., for students, parents, teachers, past graduates and previous teachers. Clothing may be from any era in the last 50 years, including 1987.

The birthday celebration April 23, from 7 to 10 p.m., will include a program, music from the past, a tour of the school and a fashion show. Present students will model clothes of the five decades. Boise residents are invited, along with present and past students and teachers.

"The teachers and students are excited about our 50th," said Bicandi. "We would love to have the whole city of Boise join in making this the best party ever."

Congratulations to the staff, parents, students, and alumni of North Junior High School for 50 years of a job well done.

THE MEDICAID COMMUNITY PROPERTY AND RESPITE CARE ACT OF 1987

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Ms. SNOWE. Mr. Speaker, on April 22, 1987 I introduced H.R. 2131, the Medicaid Community Property and Respite Care Act of 1987. This bill would protect, through the application of the concept of community property, the assets and income of community spouses who have placed a husband or wife in a nursing home. Further, it extends provisions under the Medicaid program to provide respite care for caregiving families.

H.R. 2131 would require that all jointly held assets, excluding those assets currently exempted by Medicaid such as home equity, and income be considered community property and split on a 50/50 basis. In order to protect those with fewer financial resources, this bill would set a minimum floor of $12,560 in assets and $890 per month in income. The $12,560 is based on the median assets of male householders over 65 as established by the Bureau of the Census. The $890 figure is 200 percent of the Federal poverty level for a one-person household.

In addition, H.R. 2131 would provide for 30 days of respite care per year as an optional State program. Under other proposed spousal impoverishment bills, it may be more financially advantageous to place a sick spouse in a nursing home in order to protect at least one half of the resources. To offset this potential bias toward institutionalization, I propose Medicaid cover a total of 30 days of respite care per year—either at home or in an institution. No more than 15 days of out-of-home care or 3 days of in-home care could be used at one time. In this way, families will be assisted in their efforts to maintain their frail or dependent family members at home.

As many of you know from constituents in your own communities, the current provisions under Medicaid stipulate that an institutionalized individual has an unrestricted right to use jointly-held assets for paying nursing home costs. As a result, the institutionalized individual must "spend down" all resources to the level of $2,800 before becoming eligible for Medicaid coverage of nursing home care. The consequences of the "spend down" provision is to leave the spouse in the community with very limited resources. Often times the community spouse will become dependent on public welfare programs as a result of this impoverishment. Because women live longer than men and tend to marry older men, the person left impoverished in the community is most often a woman.

Medicaid currently considers income the property of the spouse whose name is on the check. For example, if an institutionalized spouse receives a pension check it will go directly to pay for nursing home care and is not available to the community spouse for living expenses. Often a woman is completely dependent on her husband's social security and retirement income because she has worked in the home or worked part time and does not receive these benefits herself. All of her husband's income goes to pay for nursing home care and she must live on as little as $340 a month—the SSI minimum monthly needs allowance.

My bill differs from other spousal impoverishment bills in the use of the community property concept and in the extension of respite care provisions under Medicaid. The notion of community property is one that has been applied in many States to the division of assets when couples divorce. It is perceived to be a fair way of allocating resources among individuals who, each in their own way, have contributed to the family unit. For some, principally women, the contribution has been either through nonpaid work in the home or employment that brings a lower wage than that of the spouse. Each contributes in his or her own way, but each contributes equally in terms of effort and ability.

A distribution of resources based on this notion of community property is fair and it works. Currently, the States of California and Washington are using this concept and finding that not only is it easy to administer, but also that it protects the community spouse from being so impoverished that he or she must become dependent on public welfare programs.

If a couple has lived together for many years, it is tragic when they are separated because one must enter a nursing home. When the community spouse is left impoverished as well as alone, it is a double tragedy. No longer can we tolerate situations in which wives are forced to divorce their institutionalized husbands in order to assure that they will receive financial support. Spousal impoverishment is an issue whose time has come. We have it in our power to avert the tragedy of community spouses who in their older years face impoverishment and public dependency.

THE CHALLENGE OF AMERICAN CITIZENSHIP

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WHEAT. Mr. Speaker, it is a special privilege for me today to honor, and to bring to the attention of my colleagues in the House of Representatives, the Missouri winner of this year's Voice of Democracy Scholarship Program sponsored by the Veterans of Foreign Wars.

James Mitchell, a 17-year-old Kansas City High School senior from Missouri's Fifth Congressional District, won the State scriptwriting contest with his thoughtful prose on "The Challenge of American Citizenship." The son of Mr. and Mrs. Walter Mitchell, James is a prolific writer whose work has been published in such publications as Missouri Writer and Artisan. James has also earned first prize in the statewide optimist oratorical contest.

Mr. Speaker, in addition to the student contestants from Missouri, more than 300,000 high school students across the Nation and overseas participated in this year's annual contest competing for the seven national scholarships. All the contestants were required to write a 5-minute broadcast script entitled "The Challenge of American Citizenship." It is my pleasure to include in the CONGRESSIONAL RECORD a copy of James Mitchell's award-winning script.

THE CHALLENGE OF AMERICAN CITIZENSHIP

(By James William Leroy Mitchell)

It was a sunny afternoon of my childhood when I walked along the sidewalk that circled my block. Looking at my feet, making sure I didn't step on any cracks, I just happened to notice something moving a few feet ahead. It was an ant slowly dragging a potato chip across by path. He was clutching it in his two front pincher-like jaws and seemed to have some trouble pulling it over the rough texture of the sidewalk. I watched him until he got to the spear-like grass of someone's yard and then continued on my way; not giving much thought to this miracle I had just witnessed. Little did I know it, but I am in many ways like this ant, as are all American citizens. Like the ant who had to carry the weight of a potato chip, each American citizen has a certain amount of weight he has to carry. To have a job and the responsibilities of home, look out for the well being of other people in our society, and possibly defend the nation itself are not easy tasks for any person. But in order for an ant colony to survive, each ant has to carry food to the burrow. And in order for America to survive, each citizen has to carry the weight required of an American citizen.

It was Henry James who said that "It is not simple to be an American" and it really isn't. Americans are always encouraged to try harder, strive for what's best, and to find their dreams. The only satisfactory way to do all of this is by working or at least being a productive member of society. Everyone knows that work isn't easy, the word itself is synonymous with demanding. But as demanding as it is, each person gets a certain amount of satisfaction from meeting the demands. Unemployment is a serious problem because work is an important part of a person's life. Even those people who, in the past, were deemed uncapable of working are beginning to enter the working world. More physically and mentally handicapped people have jobs. Employment, as difficult as it is, has been recognized as a weight most Americans should carry. Furthermore, the ant who was bringing the potato chip to the colony was feeding more than just himself, he was also feeding all of the other ants. And, like that ant, we are all part of a society that depends on each other. Part of that weight we carry is not only our own but other people's. We pay taxes that go to the government to help the needy, we donate money to certain charities, and some people even directly put time and effort into helping others. In America, no one really lives for himself and himself only. One person's efforts can greatly affect all of society. and, if it should ever come to it, each person also has the responsibility to defend this nation. If not by directly fighting then at least contributing to the war effort. Our society of justice and democracy has to be protected, and every citizen has to carry the weight of this realization.

Every person goes through their lives carrying the weight of citizenship but that's not easily seen. What we are able to see are the examples of people who, with a combined effort helped those who needed help. Hands across America, Farm Aid, and we are the World are just a few examples of the efforts made by people. People who not only met their everyday responsibilities but also picked up the weight of the nation and other nations. Around Christmas time I always see people standing outside of grocery and department stores. They are usually ringing a bell as they stand in front of a kettle, passerbys, are supposed to place money into. They stand there even though the wind may be cutting through them like a cold knife, because they are collecting money to help the needy. Not only are they carrying extra weight but so are all of the people who donate money.

Why do people do such things? Why do people work, pay taxes, donate money to charity, risk their lives, hold hands for a cause, and stand in the cold ringing a bell? Why did that ant drag a potato chip across the sidewalk? Quite simply, so that he and the colony could have the nourishment. And we do all those things, carry all that weight, so that we can get the benefits of being an American citizen. We work so that we can have money, a place to live, and possibly a family. Not only that, it's simply a privilege to live in America. With America comes greater opportunities, just laws, and freedom. All of the things gained because people carried their weight, met their challenge of citizenship.

I never knew how much I had in common with that ant and his potato chip. Both he, and I, and all of Americans have certain weights we have to struggle with. So if you ever happen to see an ant dragging a potato chip across the sidewalk, walk around it. It's hard enough to carry the weight of responsibilities, but it's even worse to get stepped on.

TRIBUTE TO CHRISTI BAIKO

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. SHUMWAY. Mr. Speaker, I would like to ask that my colleagues join with me in recognizing the accomplishment of a very special young constituent of mine, Christi Baiko, of Nevada City, CA. Christi is the nationwide winner in her division of an essay contest sponsored by Mothers Against Drunk Driving (MADD). Christi's essay is moving in its imagery and numbing with its very tragic message. Her prize-winning entry makes it clear that, even at only 15 years of age, she has a formidable writing talent. Most of all, however, her essay is a grim reminder—and, I hope, a sobering one—that "Drunk Drivers Destroy Dreams." I commend Christi's story to my colleagues attention, and know they will join with me in congratulating her for a job well done.

DRUNK DRIVERS DESTROY DREAMS

It's a world shrouded in silence, a world where no breeze gently stirs the leaves, and no birds chatter angrily at an unwary animal that has disturbed their slumber. It's a world of quiet, of death, and of sadness, a place eerie in its beauty and frightening in its silence. The shadows deepen as the last rays of the setting sun gently caress the leaves.

At one tine this was a place of lightness, and laugther, and happiness, a land where anything could happen and most all things did. But no sound comes from here now, because "here" doesn't exist. "Here" is a place of dreams, uniquely its own, that never has and never will exist anywhere but in one innocent little boy's mind.

Now all is silent, for the boy no longer plays in the secret haven of his imagination. You see, a year ago a driver lost control, killing him as he crossed the street. The driver was drunk.

All is silent now in this forgotten world, but not half as silent as the life his family now leads.

NATIONAL NUTRITION MONITORING

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LUJAN. Mr. Speaker, for the last 8 years, the Committee on Science, Space, and Technology has participated in legislative and oversight hearings regarding the importance of coordination between the U.S. Departments of Agriculture [USDA] and Health and Human Services [DHHS] in the area of national nutrition monitoring.

Each agency is charged with the responsibility of conducting nationwide surveys which provide data needed to assess the nutritional and dietary status of the American population. In addition, beginning in 1988, DHHS, through the Third National Health and Nutrition Examination Survey [NHANES III], will use special sampling techniques that pay particular attention to, and will permit reliable estimates of, the nutritional and health status of infants, children, the elderly, blacks, and Hispanics.

Today, The National Nutrition Monitoring and Related Research Act is being introduced, which proscribes yet further programmatic mechanisms for coordinating the Federal progams. I believe it is appropriate, at this time, to acknowledge the efforts in the executive branch which are also aiming at reaching the same goals—improved coordination and better investment of resources in nutrition monitoring.

The following are examples of how USDA and DHHS are addressing these goals:

EXAMPLES OF USDA AND DHHS EFFORTS TO UPDATE AND BETTER COORDINATE THEIR NUTRITION MONITORING ACTIVITIES

The Departments of Agriculture [USDA] and Health and Human Services [DHHS] recognize the need for up-to-date data on the nutritional and dietary status of the American population, and special subgroups. Accordingly, one or both Departments will be in the field collecting data every year through 1996.

USDA conducted the Continuing Survey of Food Intakes by Individuals [CSFII] in 1985 and 1986 to address this concern for timely data. The survey was designed specifically to supplement data from the larger Nationwide Food Consumption Survey [NFCS] being conducted this year. The Department plans to continue the CSFII after the 1987 NFCS is completed. Both the CSFII and NFCS include low-income samples in addition to a nationally representative sample of the population.

DHHS plans to conduct the third National Health and Nutrition Examination Survey [NHANES III] over a six-year period beginning in 1988. NHANES III is the latest of a series of studies involving interview and physical examination, as well as diagnostic and biochemical testing, of a representative sample of Americans. NHANES III will provide national estimates of diseases and health characteristics of the American population ages two months and above. Special sampling of infants, children, the elderly, and minority groups such as Blacks and Hispanics will also permit reliable estimates of the health and nutritional status of these groups.

USDA and DHHS are striving to increase the coverage of the National Nutrition Monitoring System, and thereby make more effective use of Federal expenditures for nutrition monitoring and enhance the productivity of the system. The Joint Implementation Plan for a National Nutrition Monitoring System, which was delivered to Congress in 1981, is being expanded into an Operational Plan.

Areas of focus for the expanded plan include emphasizing components of the system in addition to the NFCS and NHANES, improving the system's information dissemination and exchange, and improving the research base for nutrition monitoring. The new Operational Plan covering the 1987 through 1996 time period is expected to be completed within the next month.

A task group has been formed within the Interagency Committee on Human Nutrition Research, co-chaired by USDA and DHHS, to identify research needs in the area of nutrition monitoring and to work to see these needs are met. As part of this process, the task group will examine surveys conducted at the Federal level that now provide or could potentially provide nutrition monitoring data.

Coordination has been a major area of activity between the NFCS and NHANES staffs over the past two years. Both surveys will use the same food coding system and National Nutrient Data Bank to obtain food composition values. The staffs have reviewed population descriptors and nutrition-related questions and recommended a set of common questions to improve comparability. These are being adopted by the agencies to the extent possible. To help data users understand the remaining differences in content and sampling design between these two surveys, data tape documentation will be improved.

These data are used for a wide variety of purposes. Jointly, USDA and DHHS are giving increasing attention to the needs of health policy planners at the State and local levels. In addition to the annual Nutrient Data Bank Conferences, which focus on better understanding and proper use of nutrient data for dietary assessment, during 1986 USDA and DHHS participated in two workshops designed to help States use the CSFII, NFCS, and NHANES data. These workshops also allowed the Federal staff to gain a better understanding of the States' data needs.

NCHS conducted four workshops in 1986 and two will be held in 1987 to acquaint researchers with techniques for analyzing the Hispanic Health and Nutrition Examination Survey. A group of users of NHANES data from government, academia, and industry also meet quarterly with NCHS staff to discuss how to best utilize NHANES resources and share analytical results.

The workshops described in the preceding bullet illustrate one way that States can get assistance to help them use these nationally representative data in predictive models for their own populations. The Federal staffs are also willing to make available their knowledge about conducting surveys, so that interested State and local groups can conduct their own, an increasingly attractive option to the prohibitive cost of conducting nationwide surveys that are specifically valid at geopolitical levels such as a State or county. Another workshop is planned for June 1987 for this purpose.

USDA and DHHS have recognized the need for interpretation of data from the Nutrition Monitoring system and proposed a reporting system in the 1981 Implementation Plan. The first report of the Joint Nutrition Monitoring Evaluation Committee [JNMEC] was delivered to Congress in July 1986. It is a first step toward providing integrated interpretation of data from the system. The Departments are currently developing plans for preparation of the second report to Congress, which is due in 1989.

The CSFII data will be available for the second report on nutrition monitoring as will the results of eight cooperative agreements funded by USDA to examine the 1985 CSFII data in greater depth. Data from the DHHS Hispanic Health and Nutrition Examination Survey [HHANES] will also be available and will permit estimates of nutritional status and of other health characteristics to be made for Mexican-Americans, Puerto Ricans, and Cuban Americans.

Timeliness of data release and analysis has been an ongoing concern of the Departments, Congress, and the nutrition community. USDA's CSFII was designed so as to avoid this pitfall. The first wave of data was released as hard copy and on data tapes within six months of data collection. To further improve the timeliness of data release, data collection during NHANES III will be automated in mobile examination centers. Collection of information about dietary intake will also be automated in NHANES III.

JAPAN'S SMOKESTACK INDUSTRIES PIN HOPES ON RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WALGREN. Mr. Speaker, 1987 marks the fourth year of attempts within the administration and the Congress to get a firm commitment to a steel research initiative. This program is needed to develop "leap frog" concepts to put the United States once again in the world lead in steel technology. We know we will not be able to compete with Third World labor costs or Japanese capital costs; we also know that steel is very important to our national defense and our competitive position in world markets. We cannot afford to let this industry deteriorate further. Yet all we have to show for our efforts to establish a "leap-frog" steel research program are years of planning and some unobligated appropriations. The failure of the administration to take this program seriously despite its origins in the Office of the President's Science Adviser is inexcusable.

Ironically, once again we may have shown the Japanese how to solve their problems with American ideas. They made the decision to pour money into steel R&D shortly after they learned of the American proposal for a steel research initiative. I commend the following article on Japanese steel research to my colleagues and urge them to support an enhanced United States effort before it is too late.

[From the Wall Street Journal, Mar. 25, 1987]

JAPAN'S SMOKESTACK INDUSTRIES PIN HOPES ON RESEARCH

(By Stephen Kreider Yoder)

CHIBA, JAPAN—In the shadow of the cold smokestacks at Kawasaki Steel Corp's huge steelworks stands a shiny new six-story building.

Next month, hundreds of researchers will move into this "high-tech research tower," built by the steelmaker for $33 million.

The sparking lab and silent blast furnaces bespeak the company's struggle for survival. Kawasaki Steel expects to post a loss equivalent to $330 million for the fiscal year ending this month. The company has cut managers' salaries, closed mills, slashed capital investment and put workers on furlough—but it hasn't touched research-and-development outlays.

"We won't cut R&D," says Nobou Ohashi, managing director of Kawasaki Steel's research labs, "unless there's absolutely nothing else left to cut."

INVESTING IN THE FUTURE

The story is much the same with Japan's other smokestack industries. The high yen is shriveling profits of companies already faced with slack markets and such new lost-cost rivals as South Korea. But while Japan's steel companies, shipyards, textile mills and even high-technology concerns are cutting costs to survive the crisis, they keep pouring cash into research.

"It's the most important expenditure for our future," says Toshiba Corp.'s president, Sugiichiro Watari.

The strategy illustrates one of the strengths of the Japanese economy. Western manufacturers, especially in older industries, often cut costs across the board when profits fall. In Japan, where stockholders are patient, loans come easy and takeover are rare, R&D in times of hardship is a must.

And while the strong yen makes dollar-denominated products competitive now, the Japanese expect their research push to help them emerge with competitive new technologies.

Few industries have been hit harder than steel. With the strong yen and a steel market glutted by cheaper Korean and Brazilian output, Japan's steelmakers face a plight similar to the one they forced on their American and European counterparts. Exports have fallen sharply. Such giants as Nippon Steel Corp., Kawasaki Steel, Nippon Kokan K.K. and Kobe Steel Ltd. are posting losses and cutting jobs.

In similar straits, many big U.S. steelmakers reduced research-and-development budgets. Bethlehem Steel Corp. of the U.S. cut research spending in 1982 when it began to incur losses, and followed with further cuts in 1983 and 1984. The company sold its research center, reduced the number of researchers to 450 from nearly 1,000 in the 1960s and moved many of the remaining employees out of central research laboratories and into the plants.

(Of course, many bigger Western companies maintain research and development in bad times, expecially in such high-tech industries as semiconductors. America's Intel Corp. and Motorola Inc. didn't cut research spending during the industry's slump in 1985 and 1986. And many Western companies are following the Japanese lead in maintaining R&D now.)

But unlike some of their U.S. competitors, Japanese steelmakers are maintaining research spending and bringing researchers under one roof. Nippon Kokan, Japan's No. 2 steel concern, increased R&D outlays 15% in 1986 from the prior year, to almost $200 million. Kobe Steel is holding its outlays to last year's levels, as is Kawasaki Steel.

All three will open expensive central-research labs this year, squeezing costs in other areas to maintain the investment. "We have to bite the bullet today to be able to eat tomorrow," says Kobe Steel spokesman Mitsuo Sakamoto. Kobe Steel researchers are studying biotechnology, water processing and alcohol production. "Steel will never grow like it did," Mr. Sakamoto says. "If we don't open new areas, we can't survive."

Until two years ago, Kawasaki Steel wasn't even doing research in fields other than steel. Now 60% of its nearly 433 researchers study dozens of non-steel technologies, including lasers, semiconductors, solar cells and superstrong composite materials. While the steelmaker plans to cut 5,300 blue-collar positions by the end of 1988, it is stepping up its hiring of young researchers. The company's research center hired 50 new graduates last year, up from 20 in 1984.

"Without research muscle we have no future, " says Mr. Ohaski, Kawasaki Steel's research director. "We can't expect to start making profits in new businesses in just a few years. But if the high yen continues, we'll be needing it."

Steel isn't alone in this attitude. For example, a textile maker, Teijin Ltd., is cutting expenses. The textile industry was battered by less-expensive textiles from Southeast Asia even before the yen began to surge. Teijin began closing factory lines last July, including some of its most automated, and expects a 20% drop in profit in the year ending this month.

But while one-third of its mills stand idle, Tiejin's research lab near Tokyo goes full bore on such products as pharmaceuticals and fibers. The company increased R&D spending 6% in 1986, to $92.5 million. Cutting such outlays "would be suicide," says a Teijin official.

HOPES FOR TURNAROUND

Many analysts expect Japanese companies, even in smokestack industries, to emerge from the yen crisis better off. Trimming the fat off production and developing products will make them more competitive in the future, they say.

Japanese companies can afford to wait because they have an ally in their big shareholders. These are mainly banks, insurance companies, and institutional investors that don't meddle in management and they don't press for short-term profitability or cost-cutting measures. That gives the companies the luxury of pumping money into research even if it hurts the balance sheet.

What's more, they can fund long-range R&D efforts even in lean times through access to easy financing from Japanese banks, many of which are stockholders. Weak, company-based unions also make it possible to channel funds into R&D, even while forcing workers to accept pay freezes and forced holidays on reduced pay.

QUICKER PACE

High-tech companies are still more adament about keeping research budgets intact. Toshiba says 30% of its products were developed in the past three years. In five years, it expects half of its products will have been developed in the previous three years.

"If we don't do our R&D now, our sales in five years will be halved," says Sakae Shimizu, senior executive vice president. "It's like food—it's the last thing you cut out."

Japan's electronics giants saw profits fall last year as demand for computer chips and other exports tumbled. But "when things get rough, the trend here is to focus even more on research," says Hisao Oka, a Mitsubishi Electirc Corp. managing director. "Right now that's one of our weapons against the high yen."

ILLINOIS PROCLAIMS WORLD POPULATION AWARENESS WEEK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. PORTER. Mr. Speaker, Gov. James Thompson has proclaimed the week of April 20–25 as World Population Awareness Week in Illinois. In doing so, Governor Thompson has joined more than 34 other State executives in encouraging Americans to consider the issues relating to continued world population growth.

Many Illinois citizens, scholars, and community leaders will do just that in conferences and forums to be held this week at Northwestern University, MacMurray College, and other locations around the State. Like thousands of other Americans at similar gatherings throughout the country, they will struggle to learn more about this complex and challenging problem and offer possible solutions.

I am pleased to recognize those efforts by joining with my colleagues in the Illinois delegation, Senators PAUL SIMON and ALAN DIXON, in supporting House Joint Resolution 148 and Senate Joint Resolution 69 to declare this week nationally as World Population Awareness Week.

I request that Governor Thompson's proclamation be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the world's population has reached 5 billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world, including environmental degradation, urban deterrioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expended; and

Whereas, some 500 million people in the developing world want and need family planning, but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 20-25, 1987, as World Population Awareness Week in Illinois, and I call upon all Illinoisans to reflect upon the consequences of overpopulation.

HEALTH CARE PROBLEMS IN RURAL AREAS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. SYNAR. Mr. Speaker, health care problems in rural areas deserve more attention. One-quarter of our Nation's citizens live in rural areas. Although information on the availability of health care services and the health care needs of rural Americans is scarce, there have been several studies which point out some stark differences between rural and urban areas. It's these differences that led to the creation of the Rural Health Care Coalition and the five piece legislative package the coalition introduced April 22, 1987. The Rural Health Care Coalition is a bi-partisan group of 36 House members formed to address the concerns of both users of health services and health providers in rural areas.

Some of the differences between rural and urban areas which relate to health care include:

Documented shortages of physicians, psychologists, speech therapists and other allied health professionals as well as a shortage of hospitals and skilled nursing facilities.

Higher mortality rates, especially infant mortality rates.

More incidents of chronic, long term illnesses among elderly living in rual areas.

A recent study indicated that the mental health needs of rural citizens have been severely underestimated and that the independent nature of rural residents may prevent them from getting the care they need.

More residents are low income. Rural elderly are twice as likely to be poor or near poor than their urban counterparts.

Lower Medicare reimbursement rates for rural doctors and hospitals despite the fact that providers have relatively high fixed costs.

Access to health care in rural areas is aggrevated by the lack of public transportation. Transportation costs in rural areas are higher than in urban areas.

Of the Nation's 58 hospital closures in 1986, nearly 64 percent were small or rural hospitals. Only 4 closures were reported among hospitals with 200 or more beds.

In a recent Touche-Ross survey of hospitals, 97 percent of the respondents said that hospitals with fewer than 200 beds were the most vulnerable to failure. The survey notes that this assessment is made on the basis of first-hand knowledge.

Discharges for small or rural hospitals fell by 13 percent during 1980-84, more than 6 times the national average.

Between 1980-84, the average daily census for small and rural hospitals declined at a rate more than twice the average for other hospitals.

Sixty percent of small and rural hospitals report that Medicare revenues represent 43 percent of their total net revenues.

Because many rural and small hospitals serve a greater than average proportion of Medicare and Medicaid patients, they are more vulnerable to change in reimbursement rates and regulatory policies.

Many different factors work together to make it more difficult for health care providers to serve patients in rural areas and for rural citizens to get the health care services they need. Access may be limited for a number of reasons: The nearest hospital is 40 miles away and there is no public transit system or inadequate emergency transportation. Rural citizens are less likely to have adequate health insurance and may not be able to afford treatment.

Since 1970, the elderly population in rural areas has increased by 27 percent. Young families are giving up, moving to urban areas and leaving behind older folks in dying communities. The heavy concentration of elderly citizens creates special problems in rural areas.

Because many rural and small hospitals serve a greater than average proportion of Medicare and Medicaid patients, they are more vulnerable to changes in reimbursement rates and regulatory policies. The Prospective Payment System relies on the law of averages. Large hospitals can offset their losses through greater patient volumes and a balanced mix of private paying patients. Many rural hospitals can't do this.

Rural hospitals haven't fared as well as their urban counterparts under PPS. According to the Prospective Payment Review Commission, over one-fourth of all rural hospitals incurred losses under PPS, while very few urban hospitals had losses. In Oklahoma, it's estimated that three-fourths of all the small and rural hospitals in the State are breaking even or losing money.

The five bills that the Rural Health Care Coalition has introduced will help build the framework necessary to deal with rural health problems in the future. They don't solve all of the problems, but they are a good start.

The Rural Health Care Preservation Act, H.R. 2113, addresses the most critical problem in assessing the problems of health care in rural areas—information. It is difficult to make changes in the current system, when we're not exactly sure what needs to be done. The Health Care Financing Administration readily admits that it cannot provide much of the statistical data requested by the Congress on the health needs of rural Americans, how their reimbursement policies and regulations affect rural health providers or even what kinds of services are available in rural areas.

H.R. 2113 solves the problem by creating a focal point within the Department of Health and Human Services which can look into both public health issues and reimbursement policies through the creation of an Deputy Undersecretary for Rural Health. This office would serve as a clearinghouse, coordinator and advocate for the health needs of rural Americans.

Recognizing that the problems of rural health care go beyond reimbursement issues, this bill creates a panel of experts to study rural health issues with an eye toward the future.

The bill also expands the National Institutes of Mental Health's demonstration projects for rural mental health programs. The farm crisis in rural areas has strained mental health systems which do exist to the breaking point. It's clear that rural areas don't have the services necessary to deal with the mental health needs of rural citizens in today's stressful rural environment.

To aid in the gathering of information on rural health care, the bill also requires that 25 percent of the new research initiatives in the area of health services delivery under the Public Health Service Mental Health's block grant program be set aside for services in rural areas.

Small and rural hospitals are particularly vulnerable to changes in HCFA regulations which can, and in many cases do, increase their cost of doing business. The bill requires that all proposed and final regulations issued by HHS which have a substantial impact on rural health care providers and beneficiaries be accompanied by an impact analysis statement.

The Rural Health Care Coalition's legislative package also includes four other bills:

H.R. 2114—The Medicare rural hospital amendments

H.R. 2115—The Rural Nursing Care access amendments

H.R. 2116—The Peer Review Organization due process and equity amendments

H. Con. Res. 108—expressing the sense of Congress that Medicare reconciliation legislation take into account the plight of rural hospitals

Ensuring that rural citizens have access to affordable and quality health care is the goal of the Rural Health Care Coalition. I support efforts to keep health care costs down. PPS has had some positive results, however, it could use some fine tuning. I fully expected that some inefficient hospitals would close under this system of reimbursement—I didn't expect that most of them would be located in rural areas or that the rural hospitals would be threatened with closure, not because they've inefficient but largely because they're located in rural areas.

In most small towns, the local hospital is more than a place to receive health care. It's the anchor in a community that provides jobs, attracts health care providers and assures industries that an area is suitable for economic development. Take away the anchor and you may lose the town.

The coalition's legislative package is balanced and reasonable. It accepts that there are many questions about the future of rural health care and tries to deal with the future from a position of knowledge by gathering the information necessary to make important decisions down the road.

NATIONAL POLIO AWARENESS WEEK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. GEPHARDT. Mr. Speaker, in an effort to call attention to the late effects of polio, I am introducing legislation to designate June 1, through June 7, 1987, as National Polio Awareness Week.

Many of us are fortunate to have benefited from the great medical advances that have been made in the prevention of polio. However, there are an estimated 300,000 individuals in the United States who survived the polio epidemic of the 1940's and 1950's but were left with some degree of disability. Of great concern as well are the unimmunized travelers to the Third World where the disease remains endemic and epidemic.

The late effects of polio appear to progress very slowly and are just now coming to the attention of the medical profession. Because of this, there has been little organized activity to provide services, fund basic research, or educate the public and medical community.

This bill, designating the first week of June 1987, as National Polio Awareness Week, will coincide with the fourth International Polio and Independent Living Conference being held in St. Louis, MO. The conference will bring together national and international experts on post-polio problems.

Mr. Speaker, we hope the House will act quickly to enact this joint resolution. An awareness of the problems post polio survivors are experiencing is the first step to finding a solution.

H.J. RES. 253

Whereas there are an estimated 300,000 polio survivors in the United States today, 65,000 to 70,000 of whom may experience polio's late effects;

Whereas knowledge about the late effects of polio is slowly spreading to the health care community and to the general public;

Whereas polio is still endemic and epidemic in the Third World and remains a threat to unimmunized travelers; and

Whereas the International Polio Network, in an effort to call attention to the problem of polio and its late effects and to provide the public with accurate information on the disease, will bring national and international experts on post-polio problems together in St. Louis on June 4 through June 7, 1987, for the Fourth International Polio and Independent Living Conference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1 through June 7, 1987, is designated as "National Polio Awareness Week", and the President is authorized and requested to issue a proclamation saluting the work of the International Polio Network and calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

WINNER OF POSTER CONTEST SPONSORED BY MOTHERS AGAINST DRUNK DRIVING

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BAKER. Mr. Speaker, I want to take this opportunity to congratulate 15-year-old Vikki Shaffett from Denham Springs, LA. Vikki is a sophomore at Denham Springs High School and won first place in the grade 10 to 12 division of the 1987 Mothers Against Drunk Driving [MADD] nationwide Poster/Essay contest. Displaying a message that reads, "Drunk Drivers Destroy Dreams," her poster was judged the best in the division.

For her achievement, Vikki and her family were flown to Washington, DC, for a press conference and awards ceremony hosted by National Car Rental, which sponsored the MADD contest this year.

Ms. Marita Doolittle, a high school senior also from Denham Springs High School, placed second in this contest. This is the first time that the top two finishers in a division have come from the same high school.

These two young women are to be commended for their efforts. Through hard work and dedication, they are helping to make others aware of the dangers of drinking and driving. The people of Denham Springs, and all of Louisiana, are proud of the efforts of Vikki and Marita.

ANALYSIS GROUP INC., NAMED NATIONAL PRIME CONTRACTOR OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FAUNTROY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a Washington, DC based firm selected by the U.S. Small Business Administration as the Mid-Atlantic Regional and National Prime Contractor of the Year.

Analysis Group, Inc. [AGI], is a multidisciplinary engineering and technical services firm located in Washington, DC, with branch offices in Rockville, MD and Charlotte, NC. AGI has earned a reputation for immediately responding to major technical challenges and assuming a leadership role in transportation science, engineering mechanics, testing and evaluation of engineering systems, management and information systems, and international development programs.

Founded in 1977, AGI has grown from a small group of engineers providing technical services for a handful of private and government clients to a diversified professional organization meeting client needs worldwide. Their success against tight market conditions in a changing world economy, speaks of a winning spirit, hard work, determination and a profound commitment to the kind of competitive edge that once served to make this country the unmatched industrial and technological leader of the world.

With the great adversity that we face in the world market, it will be companies such as Analysis Group that will serve to renew our economic hopes and dreams for the future.

We must recognize the importance, in the history of American enterprise, of the individuals that have demonstrated to our great benefit a firm belief in the pursuit of excellence. Dr. Arthur S. Paul is one such man. I, therefore, feel it necessary to bring to the attention of my colleagues, my great respect for the work of this fine man and the company he founded.

KERN COUNTY NURSE OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. THOMAS of California. Mr. Speaker, I ask you to join me in paying tribute to the 1987 Kern Registered Nurse of the Year—Elizabeth Hualani Day.

Lani Day has faithfully served patients of Kern County for 42 years. She is fluent in English and Spanish and relates to the cultural needs of all her patients in a sensitive way. Her career has been dedicated to improving the quality of life for many of Kern County's residents. She travels to four clinical sites of Clinica Sierra Vista's community health centers to help provide medical care to migrant farm workers, their children, and many of the county's poor, and low-income residents.

In all her years of nursing, Lani Day has worked in almost every aspect of nursing—including hospital-based emergency departments, pediatrics, intensive care, newborn nurseries, medical-surgical, doctor's offices, outpatient clinics, obstetrics, surgery, and intensive care. Aspiring nurses at Bakersfield College are now reaping the benefits of Lani Day's years of experience as she is a visiting clinical instructor, teaching the special skills of clinical assessment.

Always striving to keep on top of the expanding roles in clinical and administrative areas, Lani Day maintains active membership in the following professional organizations: California Coalition of Nurse Practitioners; National Association of Pediatric Nurse Practitioners; American Public Health Association; Kern Nurse Practitioner/Physician Assistant Association; and Kern Nurse Association.

Lani Day has treated her patients with respect and I know she has earned the respect of her colleagues who I would like to join in congratulating Kern's Nurse of the Year—Lani Day.

TRIBUTE TO DR. CHARLES E. ROLLINS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. KOSTMAYER. Mr. Speaker, I rise today to pay tribute to a truly outstanding member of my constituency, Dr. Charles E. Rollins. Dr. Rollins has been dedicated to the education of America's youth for over 30 years. Dr. Rollins began his career in education in 1955, when he became dean of York [PA] Junior College. From there, he founded Edison Community College in Florida.

The majority of his career has been spent at Bucks County Community College, where he has been president for the past 22 years. It is from this position that Charles Rollins retires this spring. He will be honored at a dinner on May 8.

Dr. Rollins' commitment to improving the quality of higher education is evident from the many commissions and associations he has headed, including the Pennsylvania Association of Colleges and Universities, and the Pennsylvania Commission for Community Colleges.

Dr. Rollins has not only served his community in educational capacities, but has also found time to devote to the Bucks County Council of Boy Scouts, the United Fund, and the Multiple Sclerosis Fund.

A dedication to higher education is a dedication to America's young people, and consequently to the future of our country. Dr. Charles E. Rollins is deserving of the highest accolades for his dedication and contributions.

We in Bucks County, PA, wish Charles and his wife Audrey many wonderful years with their family. Dr. Rollin's professionalism and enthusiasm will be greatly missed by his colleagues and students. A man as energetic and committed as Charles Rollins will likely continue his involvement in education and the community, and his influence I know will be felt in the years ahead.

CONGRATULATIONS TO JEFFREY E. GINGERICH

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. GOODLING. Mr. Speaker, I would like to take a moment to commend the efforts of Jeffrey E. Gingerich, a resident of Spring Grove, PA, and a six-grade student at the Spring Grove Area Intermediate School.

Jeffrey has won the Daughters of the American Revolution essay contest by writing on the theme, "Letter to the Editor: 1787." In his letter, Jeffrey explained why he felt the Constitution should be ratified. Jeffrey began his research for the essay in December which took shape in the 403-word paper he submitted to the DAR.

Entering essay competitions is not a new venture for Jeffrey, as he entered the same contest last year which earned him the second place award. Jeffrey's avid interest in American history began when he went to the Gettysburg Battlefield as a third-grader.

Congratulations to Jeffrey E. Gingerich and young people like himself who take an active interest in our Nation's history.

VAN BRUNT & SON, INC., CELEBRATES 100 YEARS IN BUSINESS IN 1987

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House an historic anniversary which is being celebrated this year by a firm in my district.

Van Brunt & Son, Inc., which is based in Old Bridge, NJ and Kutztown, PA is celebrating 100 years in the motor freight transportation business.

Begun in 1887, Van Brunt has grown and changed greatly over the years. Technology in the trucking industry has evolved greatly in this time, the ownership has changed hands, but one thing has remained the same: the commitment to providing quality and dependable service to its customers.

Today, under the leadership of its president, Fred C. Hermann, Van Brunt & Son, Inc. is making its pressure felt in another area—truck safety. Their commitment to assuring that the trucks they put on the road are safe is a model for the entire industry.

Mr. Speaker, I am sure the Members of this House will want to join with me in congratulating Van Brunt & Son, Inc. on its 100 successful years in business and offer our best wishes for all their future endeavors.

ASSOCIATION OF FLIGHT ATTENDANTS ENDORSE H.R. 432 THE AIRLINE ANTISMOKING ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. SCHEUER. Mr. Speaker, I want to bring to the attention of my colleagues a letter I received yesterday from the Association of Flight Attendants endorsing H.R. 432, the Airline Antismoking Act. H.R. 432 bans smoking on board all domestic airline flights, as called for by the National Academy of Sciences in a recent study on the health effects of environmental tobacco smoke.

The National Academy found that the separation of smokers and nonsmokers in separate sections aboard airplanes does not prevent exposure to smoke of all passengers and flight attendants. The close proximity of passengers and crew also exacerbates this problem. Fresh air circulation in airplane passenger cabins is significantly less than what passengers and flight attendants are accustomed to on the ground. The high concentration of smoke in the smoking section of a passenger cabin cannot be compensated for by increased ventilation, even if such an increase were economically and technically feasible, which it is not.

Air quality on board commercial airlines warrants our serious concern. Contaminants—particularly environmental tobacco smoke—make the cabin air quality substandard compared with other closed environments such as trains and subways. In fact, ozone and other air contaminants, coupled with low relative humidity, may interact with smoke in airline cabins to increase its harmful effects.

H.R. 432 would lessen irritation and discomfort to passengers, reduce potential health hazards to cabin crews, bring cabin air quality into line with standards established for other closed environments, and remove the possibility of fires caused by cigarettes.

With 28 percent of the American public taking at least one airline trip a year, and with some 70,000 flight attendants working long hours inside planes, the time has come to do away with smoke on board airlines. The Association of Flight Attendants agrees, and the text of their letter of endorsement follows:

ASSOCIATION OF FLIGHT ATTENDANTS,
Washington, DC, April 22, 1987.

Congressman JAMES H. SCHEUER,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN SCHEUER: The Association of Flight Attendants, the largest flight attendant union in the United States, would like to express its appreciation to you for introducing legislation that would ban smoking on all domestic flights. We fully support such legislation for the following reasons:

(1) According to the Surgeon General and the National Academy of Sciences, involuntary smoking increases the risk of lung cancer among the non-smoking spouses of smokers. Since the Academy found that flight attendants inhale the same amount of smoke at work as someone living with a pack-a-day smoker, we are convinced that some flight attendants will develop lung cancer as a result of passenger smoking.

(2) Passenger cigarette smoke is acutely irritating to the eyes, nose, throat and lower respiratory tract of flight attendants. The effects of environmental tobacco smoke are exacerbated by the high level of physical activity of our flight attendants, low ventilation rates, reduced oxygen levels at high cabin altitudes, and high concentrations of smoke in the smoking zones.

(3) Cigarette smoke is perceived by many flight attendants as increasing their susceptibility to colds and other respiratory illnesses, and may lead to cardiovascular problems and reduced pulmonary function.

(4) According to the National Academy of Sciences, ventilation rates on aircraft cannot be increased sufficiently to accommodate smoking due to the design limitations of the existing ventilation equipment.

(5) Although it has been suggested that "marketplace" solutions might eventually protect some passengers as airlines offer no-smoking flights, a flight attendant is "locked in" to her/his employer and cannot exercise a market choice.

Our decision to support a total ban on smoking involved an evaluation of several competing interests. Many of our members smoke, and a ban would be an inconvenience for them as well as for the passengers who smoke.

However, we feel that the right to hazard-free workplace is a transcendent one, particularly where known carcinogens are involved. Moreover, we have also found that a significant percentage of our smokers *favor* further restrictions on smoking.

We also looked at the practicality of enforcing a ban since that task will fall to us. Our analysis is that a ban on smoking will lead to a less than pleasant transition period, but that everyone will soon learn and follow the new rules. As smoking sections are eliminated, and potential smokers are randomly distributed throughout the cabin, peer pressure alone should be enough to deter smoking.

Our primary concern, however, was what effect, if any, a ban on smoking would have on smoking in lavatories—a known fire hazard. It could be argued that a smoking ban will lead to lavatory smoking. The problem with this argument is that there already is a great deal of lavatory smoking and this is partly because smoking is allowed on aircraft. The aft section of a plane is often a sort of smoking salon, and it is natural for passengers to transition from smoking in their seats to smoking in the lavatory. The fact that smoking is allowed on aircraft causes passengers to lose their inhibitions about smoking. If smoking was banned, and it became "taboo" on the aircraft, current levels of smoking should decrease.

On the other hand, it may be the case that some smokers would have difficulty going for more than a few hours without smoking cigarettes, and a smoking ban could have these people contemplating smoking in the lavatories on the long flights. The National Academy of Sciences recommended that these smokers use nicotine substitutes, or schedule flights with stopovers, but we think the best insurance against smoking would be criminal penalties that are clearly posted and enforced. Few persons would risk going to jail for a cigarette, and those who risk the lives of others should face severe penalties. We therefore ask that you consider adding criminal penalties to the legislation that you have introduced. A ban on smoking, combined with criminal penalties for lavatory smoking, would lead to a sharp reduction in the lavatory smoking that occurs today.

Once again, we thank you for introducing this legislation which will greatly reduce the likelihood of flight attendants developing lung cancer. We thank you from the bottom of our hearts—and lungs.

Sincerely,

SUSAN BIANCHI SAND,
President.

COMMEMORATING THE 75TH ANNIVERSARY OF HADASSAH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LANTOS. Mr. Speaker, it is a special honor for me to call to the attention of this House the 75th anniversary of Hadassah. In 1912, a young woman, Henrietta Szold, organized a meeting of 12 women at Temple Emanuel in New York City. Impressed by the beauty of Israel, but horrified at the poor living conditions and inadequate medical facilities there, Henrietta asked these women to assist her in an effort to improve the lives of people in Israel.

From this modest beginning, Hadassah has become a leading international organization with a membership of 385,000 women, who are concerned with humanitarian service, medical care, education, and improving the quality of life in Israel and many other countries around the world. Furthermore, the organization has made an important contribution to strengthening and preserving the Jewish heritage in the United States.

Mr. Speaker, I must confess to a lack of objectivity with regard to Hadassah. First of all, Henrietta Szold, the founder of the organization was born just a year after her father, Rabbi Benjamin Szold, arrived in the United States from my native Hungary to accept an appointment as rabbi of Congregation Oheb Shalom in Baltimore. The Szold family are distant relatives of mine.

Furthermore, my wife Annette is a life member of Hadassah. She has served for many years as vice president and program chairman of the San Francisco Peninsula's Deborah Chapter of Hadassah. I have many pleasant memories of programs and events that she helped to organize.

Hadassah is a nonpolitical organization, but it has an international commitment. There are presently Hadassah hospitals and schools in 18 countries, including France, Great Britain, Argentina, South Africa, and the Caribbean Islands. The organization is responsible for dispensaries, special programs, school lunches, child health and welfare centers, and playgrounds in many of these countries. In the Soviet Union, Ethiopia, and Iran are aid stations set up by the organization to help children in developing areas and deprived neighborhoods.

Hadassah not only strives to assist, but the members of the organization understand that in order for a people to benefit from this assistance, they must be educated. Therefore, Hadassah established the Hebrew University-Hadassah Medical School in Israel. During the past 75 years, many students and graduates of this school have received international recognition for their contributions to medicine.

A number of vocational training programs have been initiated as well. The Hadassah-Israel Education Services organization trains young men and women in a variety of nonmedical fields.

In the United States, Hadassah has undertaken a commitment to work with Jewish and non-Jewish immigrants, assisting them to learn English and to assimilate to the American lifestyle. The organization also has been actively involved in the education of Jewish youth through special projects and an ongoing program of active participation in American, Jewish communal, and Israeli life. Hadassah encourages the study of Jewish history and heritage through special courses and Hebrew cultural organizations. With Hadassah's other outstanding programs, these activities are essential in giving young people a common bond and sense of identity that is so important in today's frenetic society.

Mr. Speaker, on the 75th anniversary of Henrietta Szold's first meeting in New York City, I would like to take this opportunity to recognize and commend the accomplishments of Hadassah. Hadassah's medical and educational facilities illustrate its commitment to improving the quality of life for the less fortunate around the globe.

Hadassah has done an outstanding job in working toward its twin goals of promoting and improving the quality of life in Israel and strengthening the role of Judaism in America. The dedicated members of Hadassah have succeeded in providing a firm foundation on which the Jewish heritage continues to grow.

NATIONAL NURSING HOME RESIDENTS' DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. PEPPER. Mr. Speaker, tomorrow is a special day for many elderly Americans. April 24 has been designated as National Nursing Home Residents' Day—a day on which we recognize and honor the many achievements of the over 1.5 million Americans who reside in nursing homes. It is a day on which we let these wonderful people know that we care for them, recognize their special needs, and are grateful for their substantial contributions—past and ongoing—to the growth and development of this Nation.

Many nursing home residents are actively involved in efforts to improve the quality of care and quality of life they and fellow residents receive in nursing homes. Many residents work through resident councils to provide a resident voice in the operation of their facilities. Today we salute this involvement and call attention to the need to strengthen and universalize resident councils. An active resident council can be the key to a good nursing home.

Nursing home resident advocacy extends beyonds the facility into State and national policy making. Residents have played critical roles in the development of and advocacy for local, State and national level nursing home reforms. This is a proper and long overdue role for residents.

In my own State of Florida, nursing home residents are actively involved in the Long-Term Care Ombudsman Program and in State-level policymaking panels. The St. Petersburg Nursing Home Hotline Patrol has recently organized Florida's first areawide resident council involving residents from 25 nursing homes. These are people our State legislators in Tallahassee and the Florida congressional delegation here in Washington will be hearing from on legislation that affects nursing home residents. I look forward to the excellent work that this group will undoubtedly perform.

Nursing home residents played a vital role in the recent landmark Institute of Medicine study of nursing home care, Improving The Quality Of Care In Nursing Homes. They participated in the public meetings which laid the groundwork for this study. Residents were also involved in key interviews around the Nation identifying needed improvements in Federal and State regulation.

While we take the occasion of this special day to pay tribute to these and many other accomplishments of America's 1.5 million nursing home residents, we must also make a commitment to enact meaningful changes to Federal law designed to afford these people the protection, quality of care, and quality of life they are all too often denied. The Institute of Medicine study called for numerous changes in this regard. It provided the Congress with the framework for needed reforms. I along with several colleagues introduced legislation last session designed to implement many of the Institute of Medicine study recommendations. However, due to the brevity of the legislative session, no final action was taken.

I am happy to say that since the end of the 99th session, there has been a great deal of excellent work done, coordinated in large part by the National Citizens Coalition for Nursing Home Reform, to bring us closer to enactment of meaningful reform. There is greater interest now than ever in enacting comprehensive nursing home reforms this year. It is those that are among the most vulnerable among us that will benefit by swift and positive action by both bodies.

I strongly urge my colleagues to join me in recognizing both the special needs and accomplishments of nursing home residents on this National Nursing Home Residents Day and in all the days to come. Thank you.

SALUTE TO SCHOLARS

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. DOWDY of Mississippi. Mr. Speaker, I want to take this occasion to congratulate and honor the graduating seniors in the Jackson public schools who have been designated by their respective schools as scholars. Each of the eight high schools in the Jackson Public School District, under the leadership of Superintendent Robert Fortenberry, designated their 10 top students as scholars.

These scholars were honored at a ceremony held in the Jackson City Council chambers on April 2, 1987. This ceremony was sponsored by the Jackson Council PTA/PTSA and hosted by the mayor.

In a time when the quality of our children's education is rightly becoming a central national issue, it is refreshing to note that many churches in Jackson and throughout Mississippi are stressing the values of a good education. I note, for instance, that Cade Chapel Missionary Baptist Church, under the leadership of Dr. Horace Buckley, has four of these scholars in its membership. They are: Miss Sharon Thigpen of Jim Hill High School, the daughter of Mr. and Mrs. Beray Thigpen; Mr. Cedrick Buckley of Lanier High School, the son of Dr. and Mrs. Horace Buckley; Miss Linda Braxton of Murrah High School, the daughter of Mrs. Erma Braxton, and Mr. Michael Smith of Callaway High School, the son of Mr. and Mrs. Alonzo Smith.

All the scholars selected by each of these schools are making a commitment to excellence and has earned the respect and support of parents, fellow students, and the community. Their continued success should make all Mississippians and Americans proud.

Mr. Speaker, I call now on all my colleagues in the House of Representatives to join me in extending our warmest congratulations and best wishes to each of these scholars and in extending our best wishes for their continued success.

PRESERVING AND STRENGTHENING HEALTH CARE IN RURAL AMERICA

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. TAUKE. Mr. Speaker, a number of my colleagues and I have formed the House Rural Health Care Coalition. Yesterday, the coalition introduced five measures designed to focus Federal attention on rural health care problems and to ensure that every rural American has access to high-quality, community-based health care services.

The Rural Health Care Coalition had its beginning not here in Washington, but in each of our districts. In town meetings with our rural constituents, in letters and calls, conferences and forums with our rural hospital administrators, physicians, nurses, and other health professionals, we have learned firsthand of the serious stresses on the rural health care system in our states and in the Nation as a whole.

I have on my desk a letter from one of my rural hospital administrators who has recruited for months without success for a physician for his community. I have communities without dentists. I have a letter from a country commissioner pleading for assistance in improving Medicare rates. His community, like so many in rural areas, is hard-pressed by recession. It can no longer afford the increasing subsidies necessary to support its hospital because Medicare rates are below the cost of caring for beneficiaries. My district caseworkers spend much of their time trying to find nursing homes with beds to assist families with relatives in need of care. Too often, the only beds to be found, if any, are far distant from the patient's community.

Rural hospitals are the key to a strong rural health care system. In addition to basic acute care, these hospitals are often the locus for home health services, respite care, nursing care, preventive health and well-child clinics, and other health services. They are essential to attracting and retaining physicians and other health professionals in rural areas. And recent studies and reports bear out what my rural communities are telling me: Rural hospitals are in trouble.

In 1985, Propac reported, 49 community hospitals closed, compared with an average of 33 closures between 1980 and 1984. Approximately 80 percent of the closures were hospitals with fewer than 100 beds.

In 1986, according to the American Hospital Association, of the Nation's 58 closures, 37—nearly 64 percent—affected small or rural hospitals—only 4 closures were reported among hospitals with 200 or more beds.

In a recent survey of U.S. hospitals by Touche Ross, survey respondents agreed almost unanimously that the smallest hospitals are the most vulnerable to failure. Ninety-seven percent say that hospitals with fewer than 200 beds are the most vulnerable * * *. In many cases, the survey notes, this assessment is made on the basis of firsthand knowledge.

In a February report to Congress on the impact of the prospective payment system on the American health care system, Propac found that the most striking difference in the impact of prospective payment upon hospital operating margins was between urban and rural hospitals. The urban average margin was a full 7 percentage points higher than the rural average margin. Over one-fourth of rural hospitals incurred losses under PPS while many urban hospitals had losses.

Over the past several years, we on the coalition have worked individually and together, informally, on initiatives for preserving and strengthening rural health care services. In this Congress, recognizing the magnitude of this challenge and its fundamental importance to the quality of life in rural America and to the recovery and successful diversification of the rural economy, we decided to formally organize ourselves into a bipartisan, broad-based coalition, to give rural health care a strong, united voice.

Members of the Rural Health Care Coalition have introduced the following measures:

H. CON. RES. 108

Concurrent resolution expressing the sense of Congress that Medicare reconciliation legislation take into account the plight of rural hospitals

Whereas many rural hospitals throughout the country are faced with severe economic problems precipitated, in part, by the implementation of the medicare hospital prospective payment system;

Whereas the rate of failures among small rural hospitals has increased significantly, jeopardizing access of health care for rural residents;

Whereas rural hospitals serve as a focal point for health care in many rural areas and not only provide acute medical care but also provide home health, respite, and nursing care, attract health care personnel, and train specialized medical staff;

Whereas rural hospitals also serve as an economic focal point for many rural communities and are the largest employer of residents in the community and contribute significantly to the economic stability and financial viability of the community;

Whereas, in comparison to hospitals in urban areas, rural hospitals have a disproportionately higher proportion of patients who are uninsured or eligible for medicare;

Whereas recent reports and data have suggested that separate urban and rural payment rates under the medicare hospital prospective payment system have placed rural hospitals (and, in particular small rural hospitals) at a distinct disadvantage; and

Whereas modifications in the medicare hospital prospective payment system are required to achieve equity between rural and urban hospitals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, in enacting any legislation that amends the medicare program to reconcile its expenditures with those required under a Congressional concurrent resolution on the Federal budget for fiscal year 1988 and subsequent years, there should be taken into account the special needs of rural hospitals which are not currently taken into account under the current medicare hospital prospective payment system.

(To cosponsor or for further information, please call Cleo (R. Rowland, 5-6531) or Jeri (V. Smith, 5-6435).)

H.R. 2113: The Rural Health Care Preservation Act

SECTION 1: SHORT TITLE

SECTION 2: DEPUTY UNDER SECRETARY FOR RURAL HEALTH CARE

a. Secretary of HHS shall appoint a Deputy Undersecretary for Rural Health Care to provide a focal point within the Department for coordinating a wide range of public and private sector activities to maintain and strengthen the rural health care system.

The Deputy Undersecretary's responsibilities include, but are not limited to:

Oversight of the rural health care system with periodic reports to Congress and the Secretary of HHS, including a region by region analysis of rural Americans' access to community-based health care services (including, but not limited to acute care, physician care, skilled nursing and long-term care, home health care, respite and hospice care, mental health, and dental and eye care).

Periodic reports on federal and private sector research underway on issues of particular significance to rural health care delivery and access. Establish clearinghouse for collecting and disseminating existing and emerging information, data, and research.

Annual reports to Congress on the status of Congressionally mandated studies and reports on rural health care issues.

Provide technical assistance to state and local governments, hospitals, and hospital groups on diversifying services and matching service mix to hospital capabilities and community needs.

Establish a clearinghouse for collecting and disseminating information on the rural health care system.

Coordination of rural health care activities and programs across HHS and with other federal agencies such as USDA, DOD, IHS, and DOT (EMS).

SECTION 3: RURAL HEALTH CARE ADVISORY COMMISSION

The Director of the Office of Technology Assessment shall provide for the appointment of a Rural Health Care Advisory Commission modelled after PROPAC (while PROPAC has a rural representative, PROPAC deals with reimbursement issues only. The problems of the rural health care system are broader) Three year authorization. Annual reports on problems in the rural health care system and alternatives for addressing these problems. Authorizes such sums as may be necessary.

SECTION 4: REGULATORY IMPACT ANALYSIS

Requires that all proposed and final regulations under the jurisdiction of the Secretary of HHS and having an impact upon a substantial number of rural health care providers and beneficiaries be accompanied by an impact analysis, including the impact of reporting requirements.

SECTION 5: RURAL MENTAL HEALTH DEMONSTRATION PROJECTS

Include in the demonstration authority under the National Institute of Mental Health specific authorization for rural mental health demonstration programs. Increase the general demonstration authorization by $10 million.

SECTION 6: RURAL RESEARCH AND DEMONSTRATION FUNDING

Require that of the funds appropriated for new research initiatives in the area of health services delivery under the Public Health Service, at least 25 percent must be used to fund projects of particular significance to access to high-quality health care services in rural areas.

(To cosponsor or receive further information, please call Kim (Synar, 5-2701) or Jane (Tauke, 5-2911).)

H.R. 2114: The Rural Hospital Amendments

SECTION 1: SHORT TITLE

SECTION 2: MEDICARE PAYMENTS FOR HOSPITALS THAT ARE SOLE COMMUNITY PROVIDERS

Hospitals which are sole community providers or which meet the criteria of sole community provider status and which experience a decrease of five percent or more in total inpatient cases in a cost reporting period compared with to the previous cost reporting period shall receive a volume adjustment payment.

(Under current law, hospitals which seek actual designation as sole community providers receive this adjustment and are reimbursed at 75 percent hospital specific/25 percent PPS rates. They also are eligible to receive volume adjustment payments. However, many potential scps don't seek the actual designation because the national PPS rates are marginally higher than the blend. This provision extends the volume adjustment to those which do not seek the actual designation but otherwise qualify as scps.)

A volume adjustment payment compensates the hospital for the fixed costs it incurs in the cost reporting period in providing inpatient services, including the reasonable cost of maintaining core staff.

This section also requires a PROPAC report on the adequacy of the criteria currently used to designate sole community providers and requires the Secretary to clarify the guidelines for the volume adjustment.

SECTION 3: IMPROVING THE AREA WAGE INDEX

Requires the Secretary to issue the Congressionally mandated report on the appropriateness of an urban/rural differential.

Requires the Secretary to update the data used to construct area wage indices on an annual basis.

Requires PROPAC to report on whether an adjustment to the area wage index is warranted to account for variations in occupational mix of hospital employees, including the development of separate wage indices for licensed health care professionals and other hospital employees.

SECTION 4: IMPROVING RURAL HOSPITAL OUTLIER PAYMENTS

Require that all of the money in the outlier pools be distributed.

Require HHS to report on total outlier payments since the implementation of PPS.

Require PROPAC to study and report on the appropriateness for small rural hospitals of the day and cost outlier criteria and recommend appropriate changes, including the option of giving preference to cost over day outliers.

SECTION 5: REPORT ON SEPARATE URBAN AND RURAL DRG UPDATES

Requires the Secretary to analyze and report on the appropriateness of providing for different percentage updates for urban and rural hospitals and gives the Secretary the authority to provide for different updates.

SECTION 6: REIMBURSEMENT INCREASE FOR RURAL HOSPITALS LOCATED NEAR URBAN AREAS

Requires the Secretary to establish by regulation an exceptions process for any hospital that

a. disagrees with its area wage index

b. is located in a county adjacent to an SMSA

c. can demonstrate that it has a case mix equal to or greater than the median case mix for hospitals located in an adjacent SMSA

If the hospital met the tests, it would receive the wage index used in the adjacent SMSA.

SECTION 7: RESEARCH FUNDING

Requires that at least 25 percent of the funds available to the Secretary under Medicare health services research and demonstration authoritories be used to fund research in rural health care services and problems.

(To cosponsor or for further information, please call Lauren (Daub, 5-4155) or Anne (Dorgan, 5-2611).)

H.R. 2115: The Rural Nursing Care Access Amendments

SECTION 1: SHORT TITLE

SECTION 2: REVISION OF MEDICARE "SWING BED" PROVISION

Rural hospitals of up to 150 beds could participate in the swing bed program if they (1) obtained any required certificate of need; *or* (2) demonstrated to the satisfaction of the Secretary of HHS that:

(a) there is no skilled nursing facility with Medicare-certified beds in the county or equivalent area in which the hospital is located; or

(b) if there are such facilities, at least 95 percent of the total number of licensed beds have, on average, been occupied during the 24-month period before the date of entering into the agreement.

Hospitals of 50 to 150 beds are required to apply annually to the Secretary to participate in the swing bed program, meeting one of the above-mentioned criterion.

Hospitals would receive the small SNF prospective payment amount for routine services and the reasonable cost of ancilliary services (that is, hospitals would be reimbursed at the same rates that are available to free-standing SNFs).

(To cosponsor or for further information, please call Herb (Whittaker, 5-3911) or Jane (Tauke 5-2911).)

H.R. 2116: The PRO Due Process and Equity Amendments

SECTION 1: SHORT TITLE

SECTION 2: PRE-EXCLUSION HEARING FOR PHYSICIANS

While current law does provide a physician with the opportunity to appeal to a Health and Human Services (HHS) administrative law judge or seek judicial review, the physician presently may be excluded from the Medicare program before ever having the opportunity to utilize these basic due process rights. In general, this amendment would not tamper with the process of appeal currently established, but simply would stay implementation of a sanction until the individual has had an opportunity for full review outside of the PRO.

The amendment deals more severely than current law with those physicians whose continuing participation in the Medicare program is deemed to present an immediate and severe danger to beneficiaries. When the PRO makes a recommendation to the Inspector General (IG) for sanctioning in an immediate and severe case (as distinct from the larger category of gross and flagrant violations), the IG has five days in which to take action to immediately exclude the physician from the Medicare program. (Currently, such a physician could remain in the program up to 120 days after the PRO's sanction recommendation.) If sanctioned, the physician then has a right to an expedited hearing within 30 days. (If an expedited hearing is not provided within 30 days, the sanction is lifted.) If the sanction decision is upheld, the physician can continue through the normal appeals process, but the sanction remains in place (as is the case with *all* physicians currently.)

As a further safeguard for beneficiaries as well as other patients, when the IG confirms an immediate and severe determination, the PRO must notify the state examining and licensure board of the determination. Additionally, the PRO must notify hospitals where the sanctioned physician practices. However, public notice need not be made until a decision is reached in the expedited hearing.

The amendment provides appeal rights without program exclusion for physicians who are currently in the appeals process, as well as a 30 day period after enactment for any physician who was sanctioned during the 12 months prior to enactment but failed to appeal, and now wishes to begin an appeal. The provisions for immediate and severe cases would apply to these two groups of physicians as well.

Although sanctions have been imposed on physicians only up to this point, providers (e.g., hospitals) also may be sanctioned. All of the provisions of the bill increasing due process rights to physicians apply to providers as well.

SECTION 3: REQUIRING ACTION BY THE INSPECTOR GENERAL

After a PRO has recommended a sanction, the Inspector General is required to review the case to make a final determination. However, under current law, failure of the IG to act within 120 days creates a situation of "pocket approval," not "pocket veto," meaning that a sanction could occur without the IG ever making a determination. This amendment would require an affirmative action within 120 days by the IG before a sanction could go into effect.

SECTION 4: PROVIDER APPEALS OF ADVERSE DETERMINATIONS BY PROS

Presently, in cases of an adverse PRO denial determination, beneficiaries are entitled to a hearing when the matter in controversy is $200 or more, and to judicial review when the amount is $2,000 or more. On the other hand, providers and physicians are left without any recourse in cases of adverse determinations. The amendment simply gives providers and physicians the same right of appeal which beneficiaries currently have.

SECTION 5: NOTICE OF CHANGES IN STANDARDS

The retroactive application of standards has led not only to confusion and frustration for some providers and physicians, but has also meant that denials of services and the possibility of sanctions have been based on actions taken at a time when individuals were not even informed of the rules being used. This amendment would require the PRO to provide a 30-day notice to physicians and providers of changes in the standards (including criteria, guidelines, processes, and administrative policies and procedures) which physicians and providers are expected to follow. This required notification includes changes in the services for which preadmission or preprocedure review is required.

SECTION 6: EQUAL EMPHASIS FOR EDUCATIONAL ACTIVITIES

There has been great concern that PROs emphasize sanction activitities over educational responsibilities. Under current program administration, PROs receive extra funding above their contract amounts for sanction activities but must take educational expenses out of their operating budgets. This amendment would require that PROs provide an emphsis on performing educational activities that is not less than the emphasis placed upon sanction activities. HCFA would be required to consider this educational emphasis during the next PRO contract renewal process in 1988.

SECTION 7: ON-SITE HOSPITAL REVIEWS

The current PRO law requires that *local*, state and national standards of care be taken into account in PRO reviews. The numerous sanction and corrective action procedures taken thus far in rural areas present the distinct likelihood that local standards are not adequately understood or accounted for by many PROs. One method of enhancing understanding and communication between any provider and PRO is on-site reviews; however, many rural hospitals are denied on-site reviews, and instead are reviewed entirely through a remote, mail-in procedure. The amendment would require that at least 50 percent of the reviews for small (less than 50 beds) rural hospitals be conducted on-site.

SECTION 8: NOTICE AND OPPORTUNITY FOR DISCUSSION ON PAYMENT DENIALS

Under current law, it is left to individual PROs as to what response they will permit providers and physicians in cases of payment denials. The amendment would require that in implementing denials, the effective date would be postponed for 30 days after notice of proposed determination. During this time, the providers and physicians would be advised by the PROs of a reasonable and convenient opportunity for discussion about the proposed determination. PROs would be given 30-60 days after enactment to adjust their procedures to this new requirement.

SECTION 9: REQUIRING REPRESENTATION OF HOSPITALS ON PRO BOARDS

True peer representation is vital for a system of peer review to work effectively. While PROs are appropriately physician-oriented, the extensive review of hospitals dictates that providers must also be represented within the system. Currently, the law *permits* providers to be represented on PRO governing bodies. The amendment would *require* at least one individual on the board to be a representative of hospitals. This requirement would be effective with 1988 contracts.

SECTION 10: EQUITABLE INTENSITY OF PHYSICIAN REVIEW

The uniform 3% of all charts per hospital random sampling procedure which is currently used means that physicians who are part of small medical staff are reviewed much more intensely than physicians who are part of a large medical staff. The amendment would require that HCFA develop a random sampling technique which takes into account the size of the medical staff per hospital and creates a more uniform likelihood that a given physician will have charts reviewed regardless of his/her association with a large or small medical staff.

(To cosponsor or for further information, please call Becca (Stenholm, 5-6605) or Grace (R. Hall, 5-6673).

The Coalition would welcome our colleagues' cosponsorship of these initiatives, developed in consultation with a broad range of agencies and organizations, and designed to help ensure that every rural American has access to high-quality, community-based, basic health care services.

THE NEUROFIBROMATOSIS FIGHT CONTINUES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. CONTE. Mr. Speaker, I rise once again to draw the attention of my fellow colleagues to the disease neurofibromatosis [NF], or Von Recklinghausen's disease which affects over 100,000 Americans. One baby in every 3,000 born in the United States will develop NF. Caused by an abnormal gene which can either be inherited from one parent who has the disease or the result of a gene mutation in one of the parents, it is a mysterious disease.

For most, the symptoms are mild and a normal life can be lead. Others develop nerve and skin bumps on the face and body. Scoliosis, curvature of the spine, is very common. Children with NF can have learning disabilities or be overactive. Rare eye and ear tumors can result in blindness or loss of hearing. Bone defects can be present at birth. Psychological problems often arise around the question of whether or not to take the risk involved with the children.

At this time, there is no treatment for NF, just ways to treat the effects. There is no way of preventing NF, nor is there a pre-natal test to tell if an unborn baby has the disease. Researchers are trying to locate the mutant gene that causes the disease. Others are trying to improve methods of diagnosing and treating the effects of NF.

The month of May has been proclaimed "Neurofibromatosis Awareness Month" by Governor Dukakis in the Commonwealth of Massachusetts. Expanded research and education are the only way a cure can be found. We must be aware of its presence and the harm it can cause. People everywhere must be spared the agony of this disease. The fight continues.

THE ALEXIS DE TOCQUEVILLE SOCIETY AWARD

HON. ALEX J. McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. McMILLAN of North Carolina. Mr. Speaker, I rise today to commend and recognize two of my constituents who will receive the Alexis de Tocqueville Society Award, which is presented to the outstanding volunteer in the United States. The award represents the volunteer spirit of neighbor helping neighbor that the early French philosopher and historian admired about American society when he visited this country in 1831. This year, awards are being made to outstanding volunteers in each State.

My constituents, Jack and Dolly Tate of Charlotte, NC, epitomize the spirit of volunteerism in America. Together, they have been involved with more than 50 different civic, educational, governmental, and religious organizations, spanning at least 45 years of continuous service. The Charlotte-Mecklenburg area is an outstanding example of a community that enthusiastically meets its needs through volunteer activity and Jack and Dolly are the kind of people whose proven leadership make this activity successful.

I remember when I entered the work force in the late 1950's. Jack told me that his life had to combine his religious convictions with his business ambitions. That meant a commitment to community service for Jack and his wife. He and Dolly have continued to fulfill this commitment over the years by promoting innovative projects to stimulate volunteer work and financial support.

Time and space won't permit a complete compilation of their contributions, but I would like to highlight a few of Jack and Dolly's achievements and accomplishments.

Together, Jack and Dolly received the Algernon Sydney Sullivan Award from Davidson College in 1980 for their outstanding community service work. In 1986, they were jointly honored with the Humanitarian Award from the National Conference of Christians and Jews.

Both are dedicated to promoting the well-being of our children. They organized and founded Child Care Resources, Inc. and Jack served as the group's first president. This organization has evolved into an integral part of the Charlotte-Mecklenburg area and has recently developed an innovative plan to break government dependency of mothers and children by recycling direct financial support into day care programs for mothers who want to return to the work force. Jack is now a vice president and chairman of the recycling fund.

Jack has lobbied strongly for increased commitment of the Mecklenburg County government for child care dollars for low-income families. And, indeed, his work has been successful as the budget for these programs has risen from $144,000 in 1982 to $1.4 million last year.

He is chairman of the Charlotte-Mecklenburg Teen Center and serves on the board of associates for the North Carolina Child Advocacy Institute. Jack is board president for the Cities-in-Schools Program for Charlotte-Mecklenburg, a member of the board of trustees of the local YMCA, and a member of the board of trustees for Presbyterian Hospital.

In 1984, he received the Liberty Bell Award for Community Service from the Mecklenburg Bar Association. The local United Way is fortunate to have Jack serving in a leadership position.

Dolly is chairman of the government relations committee for United Way. She is commissioner emeritus of the Charlotte-Mecklenburg Hospital Authority and a member of the board of directors for the community school of the arts.

In addition to her partnership with Jack on many projects to help children, she also works with the elderly. Dolly is a member of the executive committee on The Pines, a retirement center in Davidson, NC, and serves as the chairman of its health committee.

In 1973, Dolly was chosen as Citizen of the Year for the Southern Piedmont Chapter of the National Association of Social Workers. In 1978 she was honored as the outstanding alumni for Sweetbriar College and in 1982 received the Governor's Award for volunteer work in organization and administration.

The Council of Children presented her with the Dolly Award, which was named after her, to recognize her as the 1982 Volunteer of the Year in children's work. And in 1983, she was named Woman of the Year by Charlotte radio station WBT.

Mr. Speaker, as you can see, it is quite appropriate that Jack and Dolly Tate have been chosen to be honored with the de Tocqueville Award representing the State of North Carolina. If Alexis de Tocqueville was amazed at the American spirit of volunteerism in 1831, he would stand in awe today at the accomplishments of so many Americans like Jack and Dolly Tate.

While Jack and Dolly will be honored on Monday, April 27, we also should be mindful of the millions of other Americans who understand that life is not only a matter of self-fulfillment. Rather, life is enriched by fulfiling our obligation of service to others.

JOHN W. HECHINGER AND THE FIGHT AGAINST HANDGUNS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LEHMAN of Florida. Mr. Speaker, in a recent article in the Washington Post, Mr. John W. Hechinger argued persuasively in favor of divestiture of stock in companies that manufacture handguns.

It is said that actions speak louder than words, and by his example, Mr. Hechinger demonstrates how private citizens can make a difference. Many years ago, Mr. Hechinger stopped the selling of handguns in his large chain of hardware and lumber stores, and recently he sold his shares of Colt Industries because of that company's manufacture of Saturday night specials.

Divestiture can be a potent political statement, and I commend Mr. Hechinger for acting on his convictions.

The article follows:

HANDGUN DEATHS: LAST YEAR, THERE WERE 106 IN D.C. ALONE

IT'S TIME TO STOP THE PROFITS FROM MAKING SATURDAY NIGHT SPECIALS

I've unloaded my shares of stock in Colt Industries. I waited a year or two in hopes that this diversified company would respond to pleas to discontinue that portion of Colt Firearms that makes Saturday night specials.

Last year I voted by proxy against the directors with the notation that they were irresponsible in not stopping production of these weapons—pistols with a barrel of less than three inches whose only purpose is to threaten and, in too many instances, destroy human life. This year they're still making these palm-concealable weapons—and I'm an ex-shareholder in an otherwise fine company. Here's why:

Twenty thousand Americans are killed every year with handguns (in 1986, there were 106 handgun-related homicides in D.C. alone), yet neither Congress, the federal government nor the firearm industry itself has taken strong steps to police these products. You might hear it argued that the District has one of the strongest gun laws in the country. But the ease of transporting these weapons from Maryland, Virginia and other nearby states makes the local gun laws insufficient.

There are approximately 60 handgun makers in America today, ranging from giants such as Colt Firearms and Sturm Ruger to small manufacturers that produce no more than 10 to 20 handguns each year. To many Americans, these new merchants of death are nameless and faceless strangers. But they are daily increasing the odds that you or a loved one will be killed in America's handgun war. Nothing personal, they say.

In the United States, handgun production is an almost unrestricted industry. An individual need only pay 50 bucks to become a manufacturer! Unlike many American industries, the handgun makers aren't bound by any minimum standards in safety, size, construction or quality. No government agency routinely provides studies on handgun safety.

In my business, a regional chain of hardware and lumber stores, I deal hourly with federal regulations designed to protect my customers in the use of certain products. In 1963, we stopped selling handguns, a normal staple in many stores of our type. I realized then that handguns are a potentially dangerous product whose sales should be carefully monitored and controlled.

But the handgun makers don't agree. They have steadfastly refused to introduce their own safety innovations or support legislative proposals to reduce handgun tragedy.

Despite the success of legislative and cooperate safety programs on most products, the pistol makers have been immune to regulations. They don't even have to provide an instruction manual when they sell a handgun, much less a safety manual. They don't have to warn children away, include any safety devices or print warnings from the surgeon general.

Instead, they help to bankroll their lobbying arm, the National Rifle Association, which seeks repeal of even the remaining weak gun laws in our country. Their profits help support such extremist activities, if you can believe it, as the NRA's lobbying campaign to legalize the sale of machine guns, silencers and armor-piercing bullets. Would pharmaceutical companies actively campaign against laws requiring child-proof caps or automakers against seat belts?

There is hope, however, that in order to ply their trade the gun makers will have to introduce new product controls. Last year, in a landmark decision, Maryland's highest court ruled that a gun manufacturer can be held liable for the consequences of selling handguns. The court held that a Maryland robbery victim could ask for damages from the maker of the Saturday night special used to injure him. (An attempt to overturn that decision was defeated by the Maryland House of Delegates just last week—in recognition of the fact that the chief use of these weapons is criminal activity.) At least 75 similar cases have been filed, which means the gun makers are in for a tough fight.

Ironically, the firearms industry could long ago have settled the debate on the gun issue by distinguishing between concealable handguns—the weapons of crime, and long guns, rifles and shotguns—the weapons of sport. Without restricting the use of long guns, they could have laid down the rules and worked for legislation to require handgun licensing, waiting periods and background checks for handgun buyers to guard against handguns falling into criminal hands.

The time has come to draw a harder line. We need to take steps to ensure that these gun makers understand the consequences of their single-minded, profit-motivated actions. One way is for individuals, institutions and others who have investments in these companies to divest themselves of their holdings. Churches divested over the early civil rights issues. Colleges, universities and corporations are doing so now in the face of South Africa's vicious apartheid.

Divestiture will not topple these giant conglomerates. Handguns do make money, but they are hardly the bread and butter of diversified companies such as Colt or Smith and Wesson. Yet by letting them know that handguns are an increasingly large minus to their corporate image, we may help nudge them closer to making the change necessary to save lives.

Private citizens must join together to show these merchants of death that they can no longer abdicate responsibility. Let's hit the gunmakers in a way that forces them to listen—through tougher national handgun laws, through lawsuits and, most important, by raising the consciousness of their board rooms.

FAA IS PLAYING WITH FIRE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. MOAKLEY. Mr. Speaker, today I would like to bring to the attention of my colleagues another near catastrophe involving three separate airline incidents in the skies over Texas and California.

It appears to me that the FAA is playing with fire. Do we have to experience a midair collision before something is done with the FAA air traffic controllers? In today's Washington Post, FAA Chief Donald Engen is quoted by saying the air controllers' mistakes are going to be scrutinized. Well that's all fine and well but what do we do in the meantime.

The enormous rise in midair collisions over the past year is very hard for me to comprehend. Where does the blame lie? Is it pilot error, or the air traffic controllers? Wherever or whoever shoulders the blame for these near collisions must be found. What we have is a time bomb whose ticking is almost through. When the number of near misses increase, it's only a matter of time before two planes meet. The system is not as safe as it used to be, not as safe as it should be, and not as safe as it could be.

THE INF TALKS: ELIMINATING WHAT WE SHOULD KEEP AND KEEPING WHAT WE SHOULD ELIMINATE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ASPIN. Mr. Speaker, the INF negotiations are on a very fast track. It's probably too late to do anything now to slow the train. But I am worried that we are on an express headed in the wrong direction.

I am worried in part about the denuclearization of Europe. As long as the West is at a conventional disadvantage, we will need nuclear weapons. Yet, the original proposal to discuss the elimination of intermediate-range nuclear force [INF] missiles of a longer range has now grown like Topsy into talk of eliminating all nuclear weapons from the continent of Europe—while ignoring the imbalance in conventional forces that would remain.

For example, General Secretary Gorbachev in his speech this month in Prague, endorsed the elimination of the long-range INF missiles and negotiations on short-range INF missiles. Later, he even proposed eliminating short-range system, too. And, in the Prague speech, he also endorsed proposals for a nuclear free zone in Europe. The first of these proposals came from the United States; the second the United States seems ready to embrace; and the third proposal which is being advanced by some Europeans. The combination would go a long way toward the denuclearization of Europe.

As many have pointed out, we are dealing here mainly with a political or psychological problem, rather than a military problem. We would still have some 4,600 nuclear devices—nuclear artillery shells, landmines, and battlefield-range missiles. And if we are careful, the elimination of the long- and short-range INF missiles need not denuclearize Europe. Still, the long-range INF missiles were first installed to deal with concerns in Europe about linking United States nuclear forces to NATO's defense. These concerns, while dampened during the time of the left's protest against the deployment of the Pershing II and ground-launched cruise missiles [GLCM's] in Europe, are likely to erupt again now that the missiles may be taken out.

But there is another, more important, reason I am worried about the INF proposal. The agreement that is in the works is going to eliminate the weapons we should keep and the weapons we should eliminate.

In Europe, we are talking essentially about three different types of nuclear forces. First, there are the long-range INF missiles, with a range of 600 to 3,000 miles. Our ill-advised proposal in 1981 was to eliminate those, and the Soviets have now taken us up on our offer. Second, there are the so-called short-range INF missiles of the range of 300 to 600 miles. The Soviets have offered to eliminate those, too. Seeing that we have no missiles in this category, and the Soviets have something on the order of 140, many are saying this is a logical extension of the first agreement and in fact, a good deal. Third, there are those weapons that are positioned near the front line of the battle—so-called battlefield or tactical nuclear weapons, such as landmines, truly short-range missiles and nuclear artillery. Of the three categories, the most dangerous is the tactical or battlefield nuclear weapons.

They are most dangerous because they are near the front. If conventional warfare were to break out in Europe, the ebb and flow of the battle would immediately put these weapons under pressure. An artillery battle about to be overrun would face the choice of using its nuclear shells or losing them. The last thing we need in the hypertense early days of a war is a lot of requests from battlefield commanders for authority to use nuclear weapons before they are captured.

Those of us who have been interested in arms control have long known that we needed to move nuclear weapons far away from the battlefront. If war breaks out, we want to have time—time to threaten the use of nuclear weapons if the conventional war is going badly, and time to decide whether to use them. The ideal would have nuclear weapons away from the battlefield with a direct line of communication to NATO headquarters and the political decision makers, to make sure that nuclear weapons are not used prematurely or haphazardly. It is widely conceded that, once nuclear weapons are used, even in a tactical situation, we could end up in an all-out nuclear war. Therefore, we want to make sure we are not under heavy pressure to use nuclear weapons quickly.

But the agreement that is being contemplated with the Soviet Union would make it impossible to deploy the weapons we should have—namely missiles with ranges in the hundreds of miles—and make us very dependent on the weapons we should be getting rid of—namely the battlefield nuclear weapons with ranges of zero, for landmines, to a dozen or so miles, for artillery shells.

In working on policy issues, it is always a good idea to keep in mind what we are trying to do. Most arms controllers would say we are trying to reduce the chances of nuclear war breaking out. The Soviet Union and the United States are superpowers with differing interests, so there will be periodic rough spots or crises in our relationship. What arms control should try to do is reduce the chances that these crisis will lead to nuclear war.

To do that, arms control tries to structure the forces on both sides through agreements so that it is in neither side's interest to be the first to use nuclear weapons. Most of the issues that arms controllers deal with are in the range of strategic issues. For example, the vulnerability of our land-based missiles creates situations where one side or the other might be tempted to go first. Silo-based missiles can be taken out by the side that chooses to fire first. The side that shows restraint and is willing to fire second ends up with no silo-based missiles to fire. That provides a temptation to fire first. The goal of arms control is to remove such temptations by assuring that no advantage accrues to he who fires first. In the case of land-based missiles, we accomplish that goal by removing the missiles from vulnerable silos and making them mobile so they cannot be found. In Europe, the major temptation stems from the pressures to use battlefield nuclear weapons before the other side overruns the battlefield.

If we are interested in reducing the chance of nuclear war breaking out, we should be working to replace the battlefield nuclear weapons with weapons that don't require a hair-trigger. In 1979, when we proposed deployment of the Pershing II's and GLCM's, we took out 1,000 battlefield nuclear weapons, thereby affirming the objective of replacing battlefield weapons with longer-range missiles. In the Montebello decision, the Reagan administration agreed to remove another 1,400 battlefield nuclear weapons while longer-range missiles were being deployed in Europe. All of this was good arms control—getting nuclear weapons away from the battlefield.

I am not suggesting an agreement with the Soviets to remove the battlefield nuclear weapons. The difficult verification problems associated with missiles would be nothing compared to the problems of trying to verify a ban on battlefield nuclear weapons, some of which are small enough to be carried by one man. We should really be withdrawing battlefield weapons unilaterally. We should move out the battlefield nuclear weapons and put in long range missiles, which, with current accuracies, can do all of the things that battlefield weapons can do, but are far enough away from the front not to come under "use it or lose it" pressures.

But the danger is that the proposal that we are discussing with the Soviets, the so-called "double zero" proposal—zero long-range INF missiles on both sides, and zero short-range INF missiles on both sides—would make this kind of unilateral restructuring of our nuclear forces impossible.

We would, of course, still have aircraft capable of delivering nuclear bombs, and they would be based away from the battlefield. But when held on nuclear alert, these aircraft are sitting ducks for a Soviet nuclear attack. They invite a nuclear first strike. And these aircraft are dual purpose aircraft—most will be delivering conventional ordnance at the outbreak of the war. Then if the conventional war goes badly, we will set aside more and more aircraft in case we need to use nuclear bombs. But the problem with this is that if the war is going badly, we will need all the conventional ordnance these aircraft can deliver. At that point in the war, we don't want to withhold our aircraft to refit them for dropping nuclear bombs.

Using aircraft to replace battlefield nuclear weapons may solve one problem but create another. All in all, the best solution to the instability posed by battlefield nuclear weapons is to replace them with the very kinds of weapons we are planning to eliminate, namely INF missiles.

Given that we need nuclear weapons as long as there is a conventional imbalance, and given that some of these weapons should be in Europe, you have to conclude that this double-zero agreement with the Soviets will have us eliminating the nuclear weapons we should keep, and keeping the nuclear weapons we should eliminate.

All administrations have trouble keeping their policies coherent. But this administration has more trouble than most. It is not clear what this administration's objectives are in pursuing the proposed INF agreement with the Soviets. The agreement will not reduce the probability of nuclear war—it will, in fact, make it impossible to restructure our forces in order to reduce the probability of nuclear war. The agreement will not reduce defense budgets, since these weapons are but minor budget items. Perhaps it will lead to better relations with the Soviets. But this administration has always said it is against agreements for the sake of agreements.

We have got to where we are by a combination of events and politics, and perhaps we are stuck with it. The events were, first, a 1979 decision to proceed with a dual-track of INF negotiations and deployment, made by the NATO allies in order to get public support in Europe for the Pershing and GLCM deployments. Second, there was the ill-advised 1981 offer by the Reagan administration to eliminate long-range INF missiles on both sides in order to score a public relations triumph over the Soviets. Those events have led us to where we are. There is now great pressure to sign an agreement that is presumably "good politics" for both General Secretary Gorbachev, who needs stature in order to shoulder aside the bureacrats who oppose his economic reforms, and President Reagan, who needs relief from his Iran-Contra problems.

But the game is not over. The big question remains: Will the administration and the allies pull themselves together and get us unstuck from an arms control position that simply does not make a lot of sense?

TRIBUTE TO DANIEL J. McGINLEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BORSKI. Mr. Speaker, I rise today to join the Irish Society of Philadelphia in honoring Mr. Daniel J. McGinley, who will receive the Irish Society's "Annual Award for Educational Excellence" on April 29, 1987.

Mr. McGinley, whose parents immigrated from Donnegal, has spent a lifetime educating the children of Philadelphia. After graduating from North Catholic High School, he went on to LaSalle College, and eventually earned a masters degree in education from Temple University. He has spent his career as a teacher and principal in the Philadelphia school system, and is currently serving as the president of the Philadelphia Association of School Administrators.

Daniel J. McGinley's record of service to the young people of Philadelphia has not gone unnoticed, and I am proud to join with the Irish Society in honoring this distinguished educator.

A TOAST TO THE BREWERS

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. SENSENBRENNER. Mr. Speaker, I would like to congratulate the Milwaukee Brewer organization for tying the best start in major league baseball history, 13 to 0. Brewer fever is running rampant through Wisconsin. In the preseason, the Brewers were picked to finish in sixth or seventh place, but now many are chanting "Number One."

Brewer fans have always had a great spirit. Now with this winning streak, they are going wild. The Brewers are the pride of Wisconsin and the talk of the Nation. This team is really giving the fans something to scream about.

On April 15, Juan Nieves pitched a no hitter. Easter Sunday, going into the bottom of the ninth, the Brewers were down by three runs. Then with two men on, Rob Deer, Milwaukee's leftfielder, hit a three-run homer to tie the game at 4 to 4. With two outs and one man on base, Dale Sveum hit a 2-run homer to win the game, 6 to 4.

I would like to thank the Brewer's President, Allan "Bud" Selig, their manager, Tom Trebelhorn, and the entire Brewer organization for the excitement they have given Wisconsin and the Nation. It is this kind of accomplishment and pride which brings some joy and excitement to this serious world. Likewise, it reminds us in Washington that there is a world beyond the beltway.

NAFCU'S 20TH ANNIVERSARY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ST GERMAIN. Mr. Speaker, in 1966 over 50 credit union leaders met in Los Angeles to explore the possibility of a national trade association located in our Nation's capital which would have one specific and overriding task: to shape directly the laws and regulations under which Federal credit unions operate. As a result of that meeting, the National Association of Federal Credit Unions was incorporated on April 26, 1967. I am pleased to rise today to extend my heartiest congratulations to NAFCU on the occasion of its 20th anniversary.

As a Member of Congress entering his fourth term at the time of its inception, I have had the opportunity to watch NAFCU grow from a one person office to an association representing over 700 Federal credit unions and employing over 30 individuals. NAFCU's tremendous growth has only been equaled by its expert ability to identify, study, and represent issues of concern to Federal credit unions before Congress.

Over the last 20 years, I have had countless occasions to work with NAFCU on issues of crucial importance to Federal credit unions, and have always held in high esteem its professional, respected, and effective representation on Capitol Hill. As chairman of the House Banking Committee I know the positive impact that the association has had in informing Congress, particularly members of the committee, on matters of importance to the credit union community. NAFCU has done this through effective lobbying and through the useful information in its publications the Federal Credit Union and Update. For these reasons, I appreciate our strong relationship over the years and look forward to working with NAFCU to address crucial Federal credit union issues in the future.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating the National Association of Federal Credit Unions on its 20th anniversary. I hope NAFCU's next 20 years are marked with the same level of success, professionalism and service to the credit union community as were the first 20.

A SALUTE TO STANFORD UNIVERSITY

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. KONNYU. Mr. Speaker, I am privileged to represent, in the 12th District of California, one of the finest educational institutions in the world, Stanford University.

Stanford is preparing to celebrate the 100th anniversary of the laying of its cornerstone next month, having grown from a horse farm owned by its founder, Leland Stanford, to an educational institution that has patented 111 inventions including such diverse developments as gene-splicing, computer time-sharing, the birth control pill, the IQ test and vitamin C.

If I may, Mr. Speaker, I would like to take a moment to inform my colleagues of some of the ways Stanford University has touched, and in many cases changed, the lives of every American.

The birth control pill, developed by Stanford chemist Carl Djerassi, 1960.

Vitamin C, Nobel Prize winner Linus Pauling, 1966.

Heart transplants, Dr. Norman Shumway, 1968.

Laser eye surgery, ophthalmologists Milton Flocks and Christian Zweng, 1963.

The IQ test, Dr. Lewis Terman, 1916.

Gene-splicing, Dr. Herbert Boyer, 1973.

The wind tunnel, William Durand, 1918.

The laser, physics professor Arthur Schawlow and physicist Charles H. Townes, 1956.

The hydrogen bomb, Dr. Edward Teller, 1952.

The aerobie, Alan Alder, 1985.

The one-hand basketball shot, Angelo "Hank" Luisetti, 1937.

Nike athletic shoes, Philip Knight, 1962.

Football's T formation, Clark Shaughnessy, 1939.

The football huddle, Glenn Scobey "Pop" Warner, 1925.

The transistor, William Shockley, 1948.

The computer mouse, Douglas Engelbart, 1964.

Computerized airline reservations, Oliver Whitby, 1957.

The music synthesizer, John Chowning, 1974.

IBM computers, Arthur Samuel, 1949.

Artificial intelligence, John McCarthy, 1961.

Computer-assisted teaching, Pal Supples and Richard Atkinson, 1966.

The microprocessor, Marcian E. "Ted" Hoff, 1968.

Computer time-sharing, John McCarthy, 1959.

Napalm, chemistry professor Philip Leighton, 1945.

Flamethrowers, Philip Leighton, 1942.

Radar, Russell Varian, Sigurd Varian and William Hansen, 1939.

Mr. Speaker, these are only a few of the many products and projects developed by Stanford University that have changed the world we live in. I salute the university for its many advances and achievements. I am honored to represent Stanford and its students and employees during this historic 100th Congress.

THE 25TH ANNIVERSARY WITH WKRC RADIO

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, it is with great pride that I draw attention to a friend and an outstanding citizen from my district, Mr. Jerry Thomas. I congratulate Jerry on his 25th anniversary with WKRC radio where he can be heard daily between 5:30 to 10 a.m. Monday to Friday. Currently, Jerry's show is the top rated morning show in Cincinnati which is not surprising considering his colorful personality on the air.

Over the years Jerry has entertained his radio listeners with such voices as Usual Lee Wong (the Chinese weatherman), H.D. Lightfoot, the Reverend Barton Sharp, and his constant companion, Granny. Also, Jerry appeared as cohost on the former "P.M. Magazine" seen on Channel 12 (WKRC-TV) 1984-85. He also hosted channel 12's "Bowling for Dollars" program for 1 year and was the host for channel 12's "Afternoon Movie" where he use his comedic talents to entertain viewers during the commercial break periods.

Jerry is well known and highly esteemed for his integrity and tireless service in the community. Jerry served as chairman Mother's March, of March of Dimes. Also, he is a board member of the Cincinnati chapter of the American Cancer Society. In addition, Jerry is a current board member of the Wesley Hall Nursing Home.

Jerry is admired for his many years of service with the Muscular Dystrophy and American Heart Associations where he has received awards from both organizations attesting to his contributions. He also plays in numerous golf outings for charitable purposes and lends his talent as master of ceremonies for many smaller charitable functions.

Very often on this floor, Mr. Speaker, we talk of things that are wrong and of great evils that need to be corrected. It is for me both a pleasure and an honor to be able, on this occasion, to speak of something that is very right and that deserves our tribute and our praise. That is the distinguished career of Jerry Thomas, a man dedicated to entertaining and helping others and his community.

THE LAW ENFORCEMENT ASSISTANCE FOUNDATION

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. McEWEN. Mr. Speaker, in 1985, a very worthwhile activity was started to assist law enforcement agencies across the country in their increasingly costly fight against narcotics, special crises, and terrorism.

It was then that the Law Enforcement Assistance Foundation [LEAF] was founded by Police Col. Herbert Bryant, Jr., as a much-needed service for law enforcement agencies in a seven-State area and the District of Columbia. I am pleased that Ohio has now been included in the geographical area supported by the foundation.

The specialized equipment in the LEAF inventory includes heavy armored cars, armored personnel carriers, armored forklifts, armored cranes, and other specialized tactical equipment and transport vehicles. This type of equipment could not otherwise be available to individual police agencies because of high cost and required equipment operation expertise. The equipment comes from private and government sources and where necessary is redesigned by LEAF personnel to serve special law enforcement needs. Personnel from LEAF service and maintain this equipment on a daily basis so that it is instantly available to police agencies as required.

Day-to-day operations are handled by a full-time director and one assistant. Additional sworn police personnel required are assigned and paid by the various State and Federal law enforcement agencies which LEAF serves. This group of personnel operates under the name of ARGUS [Armored Response Group United States].

The initial training of police agencies in the use of this equipment is provided by ARGUS personnel and followup training is carried out on a continuing basis. Agencies such as the FBI Hostage Rescue Team, U.S. Federal Protective Service Police, U.S. Capitol Police, and many State and local police agencies have been trained and are presently using these special vehicles.

In the short time since its founding, the Law Enforcement Assistance Foundation has provided a significant service to the community, resolving four crisis hostage situations with no harm to individuals. The innovative tactics and unique equipment used by LEAF clearly made the difference in these situations.

We are all aware of the problems caused by narcotics, special crises, and terrorism. Providing the special means to deter these problems is the goal of the Law Enforcement Assistance Foundation.

Mr. Speaker, I would like to commend several of the people who have been instrumental in the Law Enforcement Assistance Foundation's solid success:

Hon. Gerald L. Baliles, Governor, Commonwealth of Virginia.

Hon. Edwin L. Pittman, attorney general, State of Mississippi.

Hon. John R. Isom, sheriff, Loudoun County, VA.

Hon. Paul L. Barrett, sheriff, Warren County, MS.

Police Col. J.C. Herbert Bryant, Jr., commander, Armored Response Group United States.

John W. Hanes, Jr., Chairman, LEAF Advisory Board.

Capt. John V. Sealock, deputy commander, Armored Response Group United States.

These individuals are performing a valued service to our country and I personally thank them for their dedication and commitment.

TRIBUTE TO LYN REYNOLDS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. EDWARDS of California. Mr. Speaker, I would like to pay tribute to an outstanding community worker who for the last 10 years has given unselfishly of her time and talents to the people of the Santa Clara Valley.

Lyn Reynolds graduated from the University of Washington, with a B.A. degree in business administration. She was the women's news editor for the Yakima Herald Republic in Yakima, WA from 1964 until 1971. In 1971, she became executive director of Planned Parenthood of Yakima County, a position she held until becoming executive director for Planned Parenthood of Santa Clara County in 1975.

Lyn had done an outstanding job in a demanding and often controversial position. A total professional, she has conducted herself in a responsible, intelligent, and capable manner. Perhaps her greatest accomplishment is the work she has done to develop strong support for her organization, by building bridges of communication with local, State and Federal office holders. She has been a tremendous asset to our community.

At a time when Federal support for community agencies has become unreliable, Lyn astutely has developed and implemented a plan that has reduced her agency's dependence on Government funds from 75 percent in 1976 to 26 percent today. Lyn was able to accomplish this shift while planned parenthood's annual budget was growing to well over $2 million.

Lyn is a friend and adviser who will certainly be missed. I wish her well in the years ahead, and thank her for years of service to the people of the Santa Clara Valley.

TRIBUTE TO ROBERT OUTER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FISH. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the outstanding honor being awarded to a community leader of the 21st Congressional District of New York, Robert Outer.

Robert Outer, known to everyone as Bob, is this year's recipient of the 20th Annual Meritorious Award, sponsored by the Exchange Club of Southern Dutchess, the largest service club in Dutchess County, NY.

Bob is vice president of Command Broadcast Group which encompasses the following stations: WBNR, WSPK of Beacon, NY; WINR, of Binghamton, NY; WCSR, of Scranton, PA. Listing all of Bob's personal accomplishments and community involvements would indeed take pages. But it is his concerned and energetic efforts on behalf of his fellow man and colleagues that has distinguished this man and earned their respect.

The meritorious award is a great honor and it is bestowed this year on a richly deserved gentleman.

Both through the Exchange Club of Southern Dutchess and through his own involvements, Bob has been an example to all of us who are concerned about the future of our communities.

Please join me in congratulating him on this honor. It is my great pleasure to bring him to the attention of my colleagues today.

RX FOR IMPROVED RURAL HEALTH CARE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LIGHTFOOT. Mr. Speaker, today, as a member of the Rural Health Care Coalition, I am endorsing its efforts to respond to the growing crisis in our rural health care industry. The Rural Health Care Preservation Act, the Medicare rural hospital amendments, and the peer review organization due process and equity amendments are just a beginning as Congress addresses the revolutionary changes that are taking place in the delivery and the financing of health care services in our country.

Mr. Speaker, there are about 2,700 rural hospitals in the United States today. Many of these are experiencing financial difficulties. In fact, some studies indicate that as many as 600 of these hospitals may close by 1990.

Rural hospitals are a vital part of the delivery of health care in their communities. Rural hospitals represent around 47 percent of the total number of U.S. hospitals, based upon 1984 figures; these institutions serve about 95 million people or 45 percent of the U.S. population. In fact, about 345 of the Nation's rural hospitals are their communities' sole sources of health care. If these hospitals were to close, access to health care for the elderly, the poor, and the young would be significantly impeded.

Because most rural hospitals are small, a low occupancy rate makes it difficult to cover fixed costs, accumulate operating capital, or obtain financing for needed capital improvements. The result of a hospital's financial deterioration is loss of staff, physical plant deterioration, and an inability to attract or retain quality physicians. In 1984, almost 30 percent of rural hospitals reported an operating deficit for patient care of greater than 6 percent. This is an indication that many of our rural hospitals may be taking the first step toward their ultimate demise.

Another problem facing rural hospitals, Mr. Speaker, is the current depressed state of the economy of rural America. As the shift in the population to the Nation's urban areas continues, the proportion of our rural hospitals' patients increasingly become the old, the poor, and those who lack health insurance.

In addition, since about 50 percent of all rural hospitals are tax supported, the present depressed economy limits a community's ability to adequately maintain its hospital.

Mr. Speaker, I must also suggest that the Medicare prospective payment system [PPS] has contributed to the operating and economic deterioration of our rural hospitals. The low occupancy rates of these operations make it difficult to offset losses from reduced Medicare revenues. In fact, compared to urban hospitals, rural hospitals are compensated at a lower rate for the same procedures. This is based on the assumption that costs are less in rural areas. PPS regulations also require lower wage adjustments for our rural hospitals in spite of the fact that many of these hospitals must compete with urban hospitals for the same labor pool. Finally, rural hospitals cannot take advantage of financially beneficial arrangements for the teaching and care of the elderly or the poor as can the urban hospitals.

Mr. Speaker, most small rural hospitals have not seen an overall improvement in their financial conditions since the advent of the PPS system. In 1984, Medicare patients made up 40 percent of rural hospital admissions and 46 percent of patient days; for urban hospitals, the figures were 34 percent and 43 percent, respectively. Due to this dependence on Medicare patients and the probable tightening of future PPS reimbusement policies, small, rural hospitals can look forward to an even greater worsening in their overall financial conditions.

Mr. Speaker, I believe that our Rural Health Care Coalition has taken a very positive first step. This step must be taken in order to address the unintended consequences of the policies that originally were instituted to alleviate the crisis in our health care industry, but that now threaten the viability of many of our rural hospitals. These consequences are, in my opinion, the cause of why many of our medical doctors are now forced to practice defensive medicine, rather than preventative medicine. Ultimately, many doctors are discouraged from practicing medicine in our rural areas at all. The most negative result, of course, is that our rural residents are denied needed health care services.

This first step can serve as the impetus to reverse the negative effects of some of these policies and it can help to establish a basis for essential research in the rural health care industry. Our efforts should be geared toward improving the delivery of health care to the rural elderly and the rural poor. In addition, a side benefit of our efforts, and maybe as important, will be that the rural young will be better served by improvements in rural health care delivery.

Again, Mr. Speaker, the coalition's efforts are a good first step and I commend my colleagues for their diligence in attempting a solution to this problem. I also urge my colleagues in the House to join our efforts in rectifying the predicament that threatens our rural hospitals. The job, Mr. Speaker, is far from over.

NUCLEAR TESTING DOES NOT STRENGTHEN OUR SECURITY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. GEPHARDT. Mr. Speaker, "A shaft of light cutting into the darkness" was how President John F. Kennedy described the 1963 agreements on limiting nuclear testing. Our purpose today is to continue in that spirit. We do so for one overriding reason: A mutual, reciprocal, verifiable ban on nuclear weapons tests is in our interest.

The major challenge facing our national leadership is to provide for the defense of our Nation and our allies while reducing the danger of nuclear war. We must meet this challenge. Until 1981, every President since Eisenhower has made it his goal to achieve a comprehensive test ban treaty. The frustration and impatience of the American people has been increasingly clear with the lack of progress. Last year, this House, in a bipartisan statement on behalf of the American people, called for a ban on testing.

Now it is time for us again to make our voices heard. Yesterday, the United States detonated another nuclear test. This brings to four the number of United States and Soviet tests, two each, in just the last 2 weeks. This new round of testing is an unmistakable signal of an expanding arms race. Both sides are trapped in the cycle of new weapons development.

John Kennedy had it right in 1963. He said:

> In today's world, a nations' security does not always increase as its arms increase when its adversary is doing the same, and unlimited competition in the testing and development of new types of destructive nuclear weapons will not make the world safer for either side.

I strongly believe that a mutual nuclear warhead testing moratorium is a reasoned and forceful initiative to move us toward a stable equilibrium in nuclear forces. We and the Soviet Union have more than enough nuclear weapons to destory the world several times over. Our nuclear forces have never been stronger, and our weapons are more accurate because we enjoy a significant technological degree over the Soviet Union. This ban is in our interest. It would serve us well to prevent the further modernization of Soviet nuclear weapons.

This legislation contains rigorous inspection provisions. It limits nuclear tests to the one kiloton level we can independently verify. We will know, immediately, if the Soviets cheat. We also know that the concern over the reliability of weapons is a hollow excuse because the vast majority of reliability checks are mechanical.

We need to act today. The arms race does not make our world safer nor guarantee our future. And again, I want to quote President John F. Kennedy. He made clear that new initiatives have risks but—

> * * * the far greater risks to our security are the risks of unrestricted testing, the risk of a nuclear arms race, the risk of new nuclear powers, nuclear pollution, and nuclear war.

The language of this bill will strengthen the momentum of arms control and can only bolster future negotiations. We own it to our selves, and our children to challenge the Soviets to stop nuclear testing. This is a first step.

NEVADA WILDERNESS DESIGNATION ACT OF 1987 PRESERVES THE BEAUTY OF NEVADA FOR GENERATIONS TO COME

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BILBRAY. Mr. Speaker, today I introduce the Nevada Wilderness Designation Act of 1987, legislation which will go far toward preserving of the rugged beauty of Nevada for generations to come. I feel a great sense of pride with the introduction of this bill, for there are few places on earth to rival the splendor of these magnificent lands.

This act represents a sound balancing of the need for wilderness preservation and access, ensuring Americans that a sizable portion of Nevada will be available for multiple-uses as commonly understood while simultaneously setting aside large tracts of unspoiled, untouched areas for posterity. It is in context of the latter sense which I wish to address my remarks here today.

Mr. Sieberling, the distinguished former chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, has described these areas within Nevada as the most beautiful in our Nation and further added that Nevada wilderness is one of the best kept secrets of the American outdoors. His comments were made during a Public Lands Subcommittee tour of Nevada, a journey which I had the honor to attend as a representative of the Nevada State Senate.

Mr. Speaker, from firsthand knowledge of these areas I can attest to their striking grandeur. I have yet to encounter other areas as resplendent as these found within my home State.

For those of my colleagues who have not had the opportunity to visit these wonderful lands, allow me to highlight the areas proposed under the Nevada Wilderness Designation Act of 1987:

Mt. Jefferson, the awesome, isolated summit of the Toquima Range, is included. This area includes a singularly important archeological site, the highest Shoshone encampment in Nevada prehistory. The proposed Arc Dome Wilderness is home to mountain lion and mule deer as well as numerous trout streams lined with cottonwood, willow, aspen, birch, and maple. Boundary Peak, rising to 13,145 feet, is the highest point in Nevada. Currant Mountain, whose name is derived from the currant bushes which cap its crest, includes beautiful conifer forests of white fir, limber pine, and bristlecone pine, contrasting the heavily glaciated peaks and cliffs found within the East Humboldts. The largest herd of bighorn sheep—Nevada's State animal—to be found on Nevada National Forests is found within the Grant Range. Nevada's only current wilderness area, the Jarbidge Wilderness, is enhanced by the addition of 49,000 acres to include the massive limestone cliffs and canyons rising to the 11,298 feet of Troy Peak. Close to my home in Las Vegas, Mt. Charleston provides miles of limestone cliffs and extensive forests of Ponderosa and bristlecone pine. The Ruby Mountains, a spectacular glacier-carved landscape rivaled nowhere else in Nevada or much of the rest of the United States, is lined with hanging valleys, clusters of lakes, and snow-fed streams flowing down U-shaped glacial valleys.

Other areas are included Mr. Speaker, yet time does not permit me to describe them in a measure commensurate with their beauty.

Mr. Speaker, the Nevada Wilderness Designation Act represents a sound compromise of wilderness preservation and access. Those of us who proudly call Nevada our home wish you to see the beauty of our State. We are confident that should you have such an opportunity, the splendor of Nevada will belie any notion that Nevada is a desert wasteland, suitable only for blowing sands and nuclear waste. On that point Mr. Speaker, there is no compromise.

I ask that the body of the Nevada Wilderness Designation Act be printed in the RECORD.

H.R. 2142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Designation Act of 1987".

ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated wilderness, and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Toiyabe National Forest, which comprise approximately thirty-nine thousand acres, as generally de-

picted on a map entitled "Alta Toquima Wilderness—Proposed", dated April 1987, and which shall be known as the Alta Toquima Wilderness;

(2) certain lands in the Toiyabe National Forest, which comprise approximately one hundred fifteen thousand acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated April 1987, and which shall be known as the Arc Dome Wilderness;

(3) certain lands in the Inyo National Forest, which comprise approximately ten thousand acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated April 1987, and which shall be known as the Boundary Peak Wilderness;

(4) certain lands in the Humboldt National Forest, which comprise approximately thirty-six thousand acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated April 1987, and which shall be known as the Currant Mountain Wilderness;

(5) certain lands in the Humboldt National Forest, which comprise approximately thirty-one thousand acres, as generally depicted on a map entitled "East Humboldt Wilderness—Proposed", dated April 1987, and which shall be known as the East Humboldt Wilderness;

(6) certain lands in the Humboldt National Forest, which comprise approximately fifty thousand acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated April 1987, and which shall be known as the Grant Range Wilderness;

(7) certain lands in the Humboldt National Forest, which comprise approximately forty-nine thousand acres, as generally depicted on a map entitled "Jarbidge Wilderness—Proposed", dated April 1987, and which shall be known as the Jarbidge Wilderness as designated by Public Law 88-577;

(8) certain lands in the Humboldt National Forest, which comprise approximately eighty-two thousand acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated April 1987, and which shall be known as the Mt. Moriah Wilderness;

(9) certain lands in the Toiyabe National Forest, which comprise approximately twenty-nine thousand acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated April 1987, and which shall be known as the Mt. Rose Wilderness;

(10) certain lands in the Humboldt National Forest, which comprise approximately eighty-two thousand acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated April 1987, and which shall be known as the Quinn Canyon Wilderness;

(11) certain lands in the Humboldt National Forest, which comprise approximately ninety thousand acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated April 1987, and which shall be known as the Ruby Mountains Wilderness;

(12) certain lands in the Humboldt National Forest, which comprise approximately thirty-one thousand acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated April 1987, and which shall be known as the Santa Rosa Wilderness;

(13) certain lands in the Toiyabe National Forest, which comprise approximately forty-three thousand acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed" dated April 1987, and which shall be known as the Mt. Charleston Wilderness;

(14) certain lands in the Toiyable National Forest, which comprise approximately ninety-seven thousand acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed" dated April 1987, and which shall be known as the Table Mountain Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical error in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

WILDERNESS REVIEW CONCERNS

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to the National Forest System lands in the State of Nevada which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Forest Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provision of this section shall also apply to:

(1) National Forest System roadless lands in the State of Nevada which are less than five thousand acres in size.

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, which were identified by unit plans listed at the end of this subparagraph, which are not designated as wilderness by this Act:

National Forest	Unit Plan
Humboldt	Santa Rosa
Humboldt	Ruby Mtn./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

GRAZING IN WILDERNESS AREAS

SEC. 6. (a) Grazing of livestock in wilderness areas established by this Act, where established prior to the date of enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(b) The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

STATE WATER ALLOCATION AUTHORITY

SEC. 7. (a) As provided in section 4(d)(6) of the Wilderness Act, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Nevada water laws. (b) Nothing in this Act shall be construed as to limit the exercise of valid water rights as provided under Nevada State law, nor shall it constitute an express or implied reservation or water rights in favor of the Federal Government.

WE MUST NOT ALLOW INSTITUTIONS TO BECOME THE PERMANENT PRISONS OF OUR NATION'S SENIOR CITIZENS AND HANDICAPPED INDIVIDUALS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. RAHALL. Mr. Speaker, today, along with seven of our colleagues, I am introducing a bill to amend title XIX of the Social Security Act to require States to provide for payment for reservation of nursing home beds under the Medicaid Program. The seven Members of the House who are joining me in introducing this legislation are RICHARD ROE, BILL RICHARDSON, HELEN DELICH BENTLEY, LAWRENCE SMITH, HARLEY STAGGERS, ROBERT WISE, and JOE KOLTER. I appreciate their support and applaud their concern for senior citizens and handicapped individuals.

Current Federal regulations allow States to pay nursing homes for reserving a bed during a recipient's temporary absence from the facility if: (1) the recipient's plan of care provides for absences other than for hospitalization; and (2) the State's Medicaid plan provides for such payments and describes any limitations on the reserved bed policy. In other words, Federal regulation provides States discretion as to whether they wish to reserve nursing home beds for program beneficiaries and discretion as to the circumstances under which beds can be reserved.

Unfortunately, the States address the reservation of beds in a variety of ways and many States do not choose to provide the security that this option would provide. In such cases, a patient is forced to forgo the opportunity to participate in therapeutic recreation outside the home or even family visits because there is always the chance that the nursing home would have given someone their bed during their absence. At a time when we in Congress, and society as a whole, are advocating family and community participation in the care and welfare of our Nation's senior and handicapped citizens, this is a tragic occurrence. In my belief, it is also a contradiction to the original intent of Congress.

In an effort to correct this abhorrent situation, this legislation would make the reservation of nursing home beds for up to 15 days in any 12-month period of the regulations—not an option to the States. Furthermore, a nursing home's ability to participate in the Medicaid Program would be contingent on its agreement to allow patients this 15 day period of flexibility.

Realizing the possible cost of this type of measure, I have included a provision which clearly states that the State plan under this title need not provide for payment to a skilled nursing or intermediate care facility for the reservation of a bed for any days on which the facility cannot demonstrate that there is an individual waiting for the use of that bed. This provision should prove to be quite a cost-saving measure and an improvement on the existing law. In addition, to further reduce the cost to the States, and to maximize the possibility for bed usage, my bill provides for the use of the bed by respite patients and such during the Medicaid recipient's period of absence.

This bill is designed to reaffirm the commitment of Congress to the well-being and humanitarian treatment of our Nation's institutionalized citizens. I hope that my colleagues will realize the need for this legislation and join me in this effort. Fifteen days for every 12-month period is all this bill is asking. Fifteen days to visit one's family; to participate in therapeutic recreation; to have some sort of social interaction in other than a hospital setting. Can we justify denying senior citizens and handicapped individuals this small period of time outside an institution? In all good conscience, I can not. Nor can the seven original cosponsors of this bill. I hope that our colleagues feel as we do and will lend their strong support to this legislation.

REFUSENIK UPDATE: THE ELBERT FAMILY OF KIEV

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted to let my colleagues know about recent developments concerning the Elbert family of Kiev. In an attempt to break the logjam of 11 years of refusals of their requests for permission to emigrate to Israel, Lev Elbert went to Moscow in March and began a hunger strike. By the time that Secretary of State Shultz arrived in Moscow, Lev was too weak to attend the seder at the U.S. Embassy.

During their visit as part of the Speaker's delegation, several of our colleagues visited Lev. I wish to express my deep appreciation for their willingness to make this expression of support for the Elberts' right to emigrate.

After 47 days, Lev Elbert ended his hunger strike when he was told that the family's case was being considered in the office of Interior Minister Alexander Vlasov. Unfortunately, his health may have suffered permanent damage.

During the past few weeks, many of our colleagues have joined in appeals on behalf of the Elberts. Now, once more, it may be possible to help this family by urging Mr. Vlasov to grant them an exit visa.

It is especially important for us to go on record against the claim that Lev was exposed to state secrets during his military service during the 1970's. Since he served in a battalion that built swimming pools, this claim—which has been used to refuse their past applications—is clearly groundless.

Accordingly, I plan to send Mr. Vlasov a telegram with the following text: "As Members of Congress, we urge you to grant an exit visa to Lev and Inna Elbert of Kiev. No one in this family has been exposed to state secrets, and they have the right to be reunited with their relatives in Israel under the Helsinki Final Act, the U.N. Universal Declaration of Human Rights, and Soviet emigration law. We hope you will act quickly for a positive resolution of this longstanding case."

Because the Interior Minister may make a decision on this case very soon, I would like to send this telegram on Wednesday, April 29. I appreciate your attention to this matter at such short notice.

CONGRESSIONAL TRIBUTE TO JAMES A. "TONY" HARRISON

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. JENKINS. Mr. Speaker, it is with pride that I rise today to commend and congratulate my constituent, James A. "Tony" Harrison. Mr. Harrison, who is the counselor at Sugar Hill Elementary School, which is in Gwinnett County, GA, has been named the "National Elementary School Counselor of the Year."

In order for Mr. Harrison to have achieved this award it is obvious that he is dedicated to the emotional growth and well-being of every child he comes in contact with at his school. And, Mr. Speaker, as you know, in this fast paced society that we have emerged ourselves, a kind word, quick smile, and having someone to confide in can make all the difference in the life of a child. By working closely with the staff at Sugar Hill Elementary, Mr. Harrison has proven to be dedicated to the task of helping children obtain their optimal self-worth.

Not only do I applaud Mr. Harrison's professionalism, but also his tremendous sense of civic responsibility. He has chosen to remain in the community where he was raised, and, one cannot help but admire a man who continues to invest in the citizens of his hometown. To borrow an old Southern expression, Mr. Harrison is a prime example of a "local boy done good."

I am proud to have Mr. Harrison reside in my congressional district. I also congratulate the Gwinnett County School System for having someone of Mr. Harrison's caliber on their staff. Now, Mr. Speaker, I urge all my colleagues in the House of Representatives to join me in paying tribute to Mr. Harrison.

FEDERAL NUTRITION MONITORING NEEDS LEGISLATIVE GUIDANCE

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. MACKAY. Mr. Speaker, today my colleagues in both the House and the Senate are introducing an identical bill, the National Nutrition Monitoring and Related Act of 1987. The bill is essentially the same proposal which passed the House on June 26, 1986, by a vote of 305 to 85. The Senate Committee on Governmental Affairs reported the House-passed bill by voice vote on August 12, 1986. Several other Senate committees considered the bill at the close of the 99th Congress. Unfortunately, the Senate did not complete action on the measure before the close of the 99th Congress. Title I and title II of the bill we are introducing today are identical to the House-passed proposal. Title III has been improved through modifications worked out in cooperation with the Senate sponsors.

H.R. 2151 and its Senate companion mandate the development of a comprehensive plan to establish a coordinated National Nutrition Monitoring System. The plan is to be used by the responsible agencies as the basis for requesting appropriations to implement the priorities identified. Several components of a National Nutrition Monitoring System have been in place for many years. And for years, the Congress has been blindly authorizing and appropriating funds for a piecemeal approach without any idea of the specific budgetary resources the seven or more agencies involved were allocating to this important national resource. As a result, the Congress has no direct means to assess either the direction or the adequacy of Federal nutrition monitoring and research activities.

A National Nutrition Monitoring System is a basic tool necessary to examine linkages between food consumption patterns, nutritional status, and health status. The baseline data and projected trends should be the basis for establishing food, nutrition, and health policies for research and education. Presently, we are forced to make these policy decisions on data collected in the 1970's and interpreted for the first time in 1986. What is needed is a comprehensive system which not only provides up-to-date information, but is designed to increase the value and accuracy of the data while, at the same time, reducing the cost of data collection and analysis. This is the goal of H.R. 2151.

The bill calls for coordination of the activities of all agencies involved. Nutrition and health status data are to be collected continuously over time, a technique deemed by the National Academy of Sciences to be more cost-effective than the present system of collecting data every 6 to 10 years or on selected population panels. Investments are to be made to research and apply scientific and engineering techniques which will enhance the accuracy and usefulness of the data, rather than continuing to expand scarce resources collecting data using imprecise and nonstandardized methods and indicators of nutritional and health status. Presently, Federal efforts have concentrated on the survey components of the system with little or no effort to enhance the science of nutrition monitoring or to motivate multidisciplinary approaches to develop new and more accurate standards and indicators of the nutritional and health status of our citizens.

Today's technology and scientific knowledge have simply not been applied to nutrition monitoring. Yet, there is no doubt that breakthroughs could be achieved to increase the usefulness of the system, and in the long range reduce the cost of a Federal system, as well as the cost of health care in the Nation.

For example: Considerable Federal funds have been expended on research to determine the relationship of diet and heart disease. Through disease prevention programs, the public has become increasingly aware of the importance of investing in a blood test to determine their cholesterol level, one indicator of coronary risk. For many years there has been concern over the accuracy of the roughly 100 million cholesterol tests performed yearly. Reference materials with known values to ensure that the analytical instruments used to measure cholesterol give reliable results were not available. Materials for improving the reliability of cholesterol tests recently developed by the National Bureau of Standards and the College of American Pathologists will be available for the first time in the summer of 1987. Unfortunately, this type of methods research so important to the accuracy of nutrition and health assessments and to effective disease prevention programs has not been given priority or included in Federal nutrition monitoring activities.

As soon as this bill is introduced, you will hear from the administration, as we did in the last Congress, that everything the bill calls for is being accomplished and therefore this proposal would be unnecessary and wasteful. Through the administration's own admission, the threat of this bill over the past several years has resulted in improvements in Federal nutrition monitoring. If all components are being accomplished, why does the administration object to legislation that will allow the Congress and the public to know, for the first time in history, the cost of the program, the anticipated plans for the program over the next 10 years, and the projected responsibility of each agency committed to carrying out the required plan? The administration simply does not want the Congress to have the opportunity to exercise responsible oversight for nutrition monitoring.

A legislative mandate is necessary to assure a National Nutrition Monitoring System exists over time, has a central Federal focus, is cost-effective, and serves the needs of the public, State, and local governments, and the private sector. History indicates that without a legislative charter nutrition monitoring has suffered, not only in this administration, but in preceeding administrations as well, from the lack of a locus of Federal responsibility and from rapid starts and abrupt stops directed by the whims of both the executive branch and the Congress. These phenomena are wasteful. Investments in this national resource, so important to the public's health, can only be profitable when a program which builds on the efforts and expertise of all agencies and users is in place.

Although coordination has improved under the present administration, many simple and inexpensive means of improving the usefulness of the system have resulted in unrealized promises. The ultimate goal of the 5-year plan submitted to Congress in 1981, 3 years overdue, was to coordinate the USDA nationwide food consumption survey and the DHHS health and nutrition examination survey in 1987. That promise was abandoned due to lack of leadership and coordination. The alternative solution proposed was to assure common methods and linkages between the two surveys to provide for the most effective use of Federal expenditures. Last month this option was also abandoned.

The 1981 plan which was never updated to accommodate budgetary or policy changes, new scientific knowledge, or recommendations of the scientific community expired last year. A new plan, not yet submitted to Congress, has been in the making for 2 years and apparently focuses only on surveys conducted by two agencies of USDA and DHHS. The nutrition monitoring research of other agencies within these two Departments, such as the Agricultural Research Service, the Food and Drug Administration, and the Centers for Disease Control are not integrated into the draft plan. Also conspicuous by their absence are the activities of the Bureau of Labor Statistics, the Department of Defense, and the National Bureau of Standards.

Clearly there is a need to make more effective use of Federal and State expenditures for nutrition monitoring and enhance the performance and benefits of current activities. This is the exact purpose of H.R. 2151. I urge my colleagues to join Congressman GEORGE E. BROWN, JR., Congressman DOUG WALGREN, and myself in cosponsoring this bill and working toward its passage in the 100th Congress.

VICE ADM. JIM STOCKDALE AND THE NECESSITY FOR RESOLVE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. MICHEL. Mr. Speaker, one of the genuine heroes of the Vietnam war is Vice Adm. Jim Stockdale who endured and survived years of torture, solitary confinement, and endless interrogation at the hands of Communist Vietnamese after he was shot down in North Vietnam.

Jim Stockdale recently made a speech on the subject of "Our Personal and National Resolve" to the American Society of Newspaper Editors. While it concerns his own experiences as a Navy flier—who is the only person to have personally witnessed all of the events leading to what became known as the "Tonkin Gulf incident"—and his survival at the hands of Communist torturers, what he has to say about the necessity for resolve—in human beings and in nations—can teach us a lot about our own problems and particularly about this Nation's resolve as it faces a militant and highly motivated adversary.

At this point I wish to insert in the RECORD, "Our Personal and National Resolve," a speech by Vice Adm. Jim Stockdale to the American Society of Newspaper Editors, San Francisco, April 8, 1987.

Our Personal and National Resolve

I came up with this title from a flat footed start in the two minutes between answering Neil Morgan's initial contact phone call and his deadline to go to press with the program. It might give you the idea that I am going to talk about the abstractions (Religion, Patriotism, and so forth) that I think our personal and national resolve ought to be attached to. Not so. Such talk is the preserve of preachers and political orators, and I am neither.

I am going to talk about resolve in itself—its nature, how expensive it is (what it takes out of you), what it takes to generate a reliable quantity of it, how it must be selectively focused, how indispensable it is prolonged, competitive, campaigns of human will, personal and national. I don't like to hook it to abstractions because it's seldom in abstractions that its major staying power lies. And when it comes to resolve, staying power is the name of the game.

That comes as a shock to many. People like to think that abstractions drive our lives. Take it from me, you can't get off the stage of a ex-POW type talk until you finally concede to the questioning audience that yes, it was principally God and the American ideal that carried you through. Now I think for many of my comrades, and probably for most, those are very important considerations. But as I learned, and probably as you know, and as literature tells us, resolve's power frequently lies in objective roots.

My friend Glenn Gray, before he died, a notable Professor of Philosophy, spent WWII on the battlefields of Europe interrogating German prisoners and scribbing in a personal journal which years later he published under the title "The Warriors; Reflections on Men in Battle." He talks of the mysterious growth of comradeship among men who would never be friends and have nothing in common but common danger:

"Numberless soldiers have died, more or less willingly, not for country or honor or religious faith of for any other abstract good, but because they realized that by fleeing their post and rescuing themselves, they would expose their companions to greater danger. Such loyalty to the group is the essence of fighting morale. The commander who can preserve and strengthen it knows that all other psychological or physical factors are little in comparison."

Not often, but occasionally in prison, I would get a relayed tap code message from a new shootdown: "I've got to have something to hang on to. What do you think I should hold as my highest value in here?" My stock answer, and one I believed in more strongly every day I was there, was: "The guy next door. Protect him. Love him. He is precious. He is your only link with our prison civilization in here."

Over the years our prison civilization, tied together with those thin strings of surreptitious and highly risky wall taps, became our country, our family. So when, you as newspaper men might ask, wouldn't bad news about your homeland decay your resolve? What if a big scandal broke? Wouldn't that pitch you into the depths of despair? My reply would be, "probably not". But of course we had a degree of protection from outside influence in our little "country"—protected from the bad news in the press, because the Vietnamese insisted on translating your articles into their own pidgin English phrases, thereby robbing them of much of their credibility. And protected as well, as we marshalled our resolve, from interference by what had by then become a pusillanimous government in Washington. Suppose I had had to check with them before I ordered us all to take torture before complying with this or that Vietnamese edict. It would have blown their minds.

The only time I ever saw anger at news in the prison was when we were told on the loudspeaker, convincingly, that McNamara and Johnson had quit and that the bombing would stop. That was personnel. That was betrayal.

But even that had little or nothing to do with the level of long term resolve of that vast majority of our prison gang. By then, we were the world, as we saw it. Our secret orders had gone out to all Americans in North Vietnam, (with over 9/10ths support): "Accept no amnesty, no early release, we all go home with the last man." That did blow Washington's mind. A few years ago I got a five page single spaced letter from William Bundy trying to unravel it.

Where were the roots of this kind of resolve? Certainly the roots were not cerebral, in our heads; the roots were emotional, in our hearts. When you're down to the wire, you can't afford to play with intellectualism. And when you're living with the carrot and the stick you have to force yourself to repel arguments from reason.

I have a hunch that in most cases in this type situation, the roots of resolve have most to do with ego, conscience, personal honor, "over my dead body". But its hard to get a man under pressure to open on that. Each develops his own formula and seals it in his breast. Strange commonalities grew up among men who came to devote their lives to clinging to self respect with their fingernails,—building, building, building resolve. No one would talk about it there. No, you don't find men exchanging philosophical confidences on death row. More than once I spent an afternoon daydreaming in a dark cell—to suddenly have revealed to me some marvelous truth of the heavens that I felt the tremendous urge to share with my neighbor. When I got into the subject, his answering taps for each word grew more hesitant and withdrawn. I was getting into his private territory. And he clearly didn't want to get involved in mine. He had worked out a balance that was keeping him even with the interrogators and the ropes, and my insights, which he was nicely rejecting, would have been only threats to his equilibrium, destabilizers of his web of resolutions that he had compounded to live by in times of crisis. The core of his resolve was his alone, not for public consumption.

What he was building was what I came to call, what I named in that prison, "moral leverage". Moral leverage is sort of like a very clean conscience, except it's active, not passive. It's a power source. It is nothing modern or sophisticated; rather it is the simple, even primal power source of human nature. It is a gut feeling that you develop that tells you that you are clean and you are right and that you are ready to carry your mission to the ends of the earth. Like all simple primal powers of man, it gets generated only when he is pushed to the extreme. In a political prison [and in my view political prisons for the individual and wars for nations are the extremes which cry for primal power], it is what is needed to salve closed the chinks in your moral armor, those gaps which alone give the commissar access to your inner self with his extortionistic crowbar.

I am using the word moral here in the fundamental sense Clausewitz uses it in "On War":

"It is not the loss in men, horses, and guns, but in order, confidence, cohesion . . . It is principally the moral forces which decide here."

Concepts of morality were always in the shadows of the North Vietnamese prisons. In the ordinary sense, what was moral to them was usually immoral to us, but the subject lurked, always. I am not saying they honored our moral positions; but even as they wiped them aside, if they detected conviction, consistency, and personal honor, their eyes sometimes betrayed the fact they are inwardly moved. Communists are trained to keep an eye on the moral high ground. But in running that political prison, they kept an even sharper eye out for hints of shame in us. Shame they loved, because it was their best leveraged entry point in working toward a false confession. (And I don't need to remind you that political prisons are built around the need to get false confessions.) The commissar needed that entry point to start feeding in the fear and guilt, feeding in those pincers which spearhead all breaking of human will. So you learned to get up in the morning and say to yourself "God, help me keep my conscience clean."

Power as a political prisoner comes from building layer upon layer of convictions that are hard to assail. You lie awake at night memorizing and concentrating on position points that you can maintain for hours, eyeball to eyeball with your interrogator, not blinking or betraying fear or guilt, yes and position points you can maintain in the ropes. Because on all important issues, unless you fold, those ropes are going to come. And as we all know, that's serious business, for its in the ropes that death visited some.

And that's why I've spent so much time on the prison scene in this talk, because there it becomes clear, clear for all to see, that a wise man sailing into harm's way needs a lot of emotional baggage, but can not let shame become a part it. Shame is excess in circumstances that call for resolve. It wearies resolve. The point, then, is to do nothing shameful, nothing unworthy of yourself. Because if you do, and you are in any way honorable, it will haunt you and corrode your will. These are simple but very true, very powerful, very important facts.

And it came to me on more than one occasion as I checked and rechecked my private package of moral leverage in that filthy solitary cell as I waited for that inevitable showdown torture session, that it is not an intolerable analogy to compare a leader taking a nation into war with a political prisoner building resolve, preparing himself for what lies ahead. Each is going to see blood and be surprised at it each time, each is going to have to look the opposition in the eye and convince himself and them that he is conscious of where he is going and prepared for the consequences, and each is going to be exposed to every temptation to back out, cop out, for the lack of moral leverage, and leave a lot of people out there swinging in the wind.

Resolve worthy of laying your own life on the line in the torture room, or putting your country's soldiers into combat, should be founded on a rock and ingrained in your heart. Nothing less.

That's the way I think about resolve. Heavy as it is, draining as it is, it isn't the sort of things you spray around on things you would just vote for. We can all conceive of a universe in which most of the things we would merely vote for (approve of) might be served just as well by other choices. But can you conceive of a universe in which it would be worthy of you to be cowardly or maleficent, vicious or wanton, or utterly without charity? Of course not.

Resolve is too expensive to waste on trivial things and too precious to throw away on anything you don't believe to your bones to be worthy of you. On the other hand, the things we do consider worthy of ourselves demand it.

In other words, what we dispense resolve on is dependent on how we feel about ourselves. How we behave and think depends on who we think we are. If we have a low opinion or ourselves, if we deserve a low opinion of ourselves, our resolve is not likely to flourish. For contrast, look at Socrates. Socrates thought it unworthy of himself to pander to the Athenians—because all they could do was extend his life, and pandering to extend his life was an affront to his own sense of behavior worthy of him. His resolve was, as with all of us, directly tied to his own self respect and the terms on which he could preserve it.

So what about national resolve? You've got it. It's too valuable, it's too hard to come by, it takes too much out of us, to commit it to any cause that is not worthy of our nation. And if you agree with me that what goes for a man going into torture (i.e. his need for resolve) should apply to a leader sending his troops off to shed their blood (his need for resolve), you'll see I'm saying quite a lot about what's going to war for. Intellectualism won't cut it, bureaucratic maneuvering won't cut it, arguments from reason are insufficient. To profess resolve means you are willing to make the cause part of you, part of the nation. It must come from the heart of the leader, from the heart of the nation.

Who was tracking the heart of the nation as we dabbled in Vietnam as war clouds gathered over Southeast Asia? Who was keeping his eye on our moral leverage as we tripped the switch that locked us into that war for keeps? Let's talk about moral leverage and that Tonkin Gulf Resolution, that engine of the war.

At the time I was shot down in September 1965, the Tonkin Gulf was still just a place. It was a place where I had had some interesting and revealing experiences a little over a year before. It was easy to talk about. Everybody I was associated with during that first week in August 1964 knew exactly what happened, and exactly how this Tonkin Gulf Resolution came into being. There was no way you could hide it from a thousand ears on military duty, listening in on tactical radio circuits.

But when I came home in 1973, I quickly learned that in the eight intervening years of my absence, the story, and its management, had changed in many ways. Hearing my loose talk, a senior officer whispered to me: "You don't understand the full situation."

"Don't understand it?", I answered. "Hell I led all three of the air actions that week; I know more about it than anybody. Who do you think's been protecting all this for eight years in a communist jail!"

But he was right. I had a lot to learn about the entirely new ways in which this pivotal event in American history was discussed. "Tonkin Gulf" was no longer just a place, it was a buzzword, a symbol. Different groups had affixed different packages of ideas to it. And the trend continues. To many, "Tonkin Gulf" is a buzz word for Johnson duplicity. To others, Johnston betrayal. Now to another group, which includes some of those who have their hearts set on doing away with the War Powers Act, Tonkin Gulf equates to "anti-war lies". Many strange combinations. Strange bedfellows.

I'm going to go back and talk about it just like I did in 1964 and 1965 when it was just a place, and when the facts were clear, unmistakable, and distinct. Once again quickly, here's how it goes. On a Sunday afternoon, August 2nd 1964, I took four F8 Crusaders from the Ticonderoga 300 miles up into the the Gulf and sank two of three North Vietnamese PT boats which had fired a couple of torpedoes at the *Maddox* and missed. Washington promptly wrote off the episode as the erratic action of a trigger happy local PT commander. A little over 48 hours later on a dark and stormy night, there was another call for my squadron to go up into the Gulf. I answered the call, was the first plane up there, had the best seat in the house, and watched it all. This time there were two destroyers, *Maddox* and *Joy*. At first everybody seemed to think they were going to be attacked, but the North Vietnamese never showed up. No boats. No Attack. False Alarm. The carrier reported "no boats", of course. The destroyers reported no damage, no boats sighted, sorry about early message that got you riled up, Washington, but overeager sonor operator and weather conditions had us confused for a while.

Giddy hilarity prevailed in pilots quarters on the carrier, and in destroyer wardrooms as we all turned in after midnight. We were all drained, relieved, laughing at the fiasco of seeing ghosts on a stormy spooky night at sea.

Mark this down, newspaper men: in the 19th century, before radios, that would have been the end of it. It would have been forgotten by those involved in a couple of days and the world would have continued as before. But nowadays, with alert Washington on top of everything, a hand on every button, everybody supposedly under control worldwide: Chaos. Big Deal. And the world would never be the same. The Giant had been aroused by the destroyers' early messages and twelve hours, I say again twelve hours, after the corrective messages had started pouring into Washington from the destroyers and carrier, I blew the oil storage facilities of Vihn, North Vietnam, off the map, in reprisal—reprisal not for the Sunday affair, but for the Tuesday night non-affair, for repeated attacks. (See "Vantage Point" by L.B. Johnson.)

Well, what did I think after that? Remember, I had not had those communist prison lessons on how tendentious issues turn on moral leverage, yet. And being brought up in the world of technology, expediency, and bureaucratic squeeze plays, I must confess I didn't think a hell of a lot about it. I knew Washington knew I had blown up the big oil tanks on a false pretense. (I had some important visitors come see me on a secret trip from Washington some days later, as readers of the book will remember.) But, I was only a 40 year old fighter pilot, new to the ways of the world in high places. Vietnam was a tinderbox situation; I felt sure the war was going to start anyway. Washington thought so too. (The previous May, William Bundy had prepared the Resolution to get Congress aboard—it was a "fill in the blanks" document. Here was an opening in the Tonkin Gulf, so "make it the Tonkin Gulf Resolution and get the war started, in earnest".) When you are facing an inevitable event, why not see that it is triggered on your time schedule instead of the enemy's? Why not opportunistically interpret mixups as provocations?

Of course I wised up in prison. As this moral leverage concept seeped into my consciousness it finally dawned on me that the damage done by chicanery in building block events in war does not end with the breaking of Boy Scout rules. I agree with Lenin: "The man who thinks you can run a Revolution by the rules of cricket is a fool." But the penalty that sneaks up on you is the breakdown in your resolve if you know you have got where you are by being an opportunist. Even to lie there in the leg irons and follow the world news by reading through the propaganda crap of Hanoi Hanna, you could not miss the central fact that as the months wore on the Johnson government was losing confidence in itself. That was the bitter pill.

Quite a change from those happy days when LBJ, sitting on August 5th, 1964 before a stack of conflicting messages could get a laugh out of the line: "Well, boys, I guess we'll never know what happened, will we?"

I sometimes think of myself as the Pheonix who arose from the ashes to answer that question. In my absence complicated battles had raged in Senate committee rooms; tactics of each side changed time and again. Those Washingtonians who kept trying to prove there had been boats out there on that Tuesday night after all, centered their "proof" on certain North Vietnamese intercepted messages that supposedly described what U.S. News and World Report later called a "Phantom Battle". (See the article of 12 full pages in the issue of July 23, 1984. Two years of study went into it.) I am the only person in the world who was an eye witness both to the actions of the real PT boats on Sunday and the "Phantom Battle" on Tuesday night. These messages that McNamara introduced as proof before the Senate in February 1968 present a picture of Tuesday night in the Gulf that literally no one who was there recognizes. But when I finally got to see the messages, they exactly describe what a Vietnamese observer would have reported of my real PT boat episode of Sunday the 2nd. I can track my own airplane right through the battle. Just a slight mixup of messages?

Well of course I didn't know how all this fiasco, this modern management route to the start of the Vietnam War, all worked out till I got back from prison. What did that young intelligence officer in the TV movie last month tell James Woods when he ("I") asked him in 1973, "What ever happened to that Tonkin Gulf Resolution?"

I remembered his researched reply and wrote the line in the book. He said: "I was still in high school on August 7th, 1964 when it was enacted, so didn't actually follow it too closely—the whole issue became a political football while you were in prison. Fulbright's committee in the Senate had big hearings about it, everybody became disillusioned with it, and finally sick of it, and it was Nixon who finally declared the thing null and void, repealed it. But by then it was 1971 and most people wanted to forget about it. I don't know, it just kind of went away."

To me, that sums up the Vietnam War. The legacy of "The Best and the Brightest". Talk about going out with a whimper! No understanding of moral leverage; no pretense of resolve. What the hell kind of a scale of values has this 20th century world lured us into? Those whizkids and their mentors played games with the great good will of middle America, squandered it, "got religion", bugged out, left a generation of their sons face down in the mud, and got away with it. They bragged about running a war without the emotional involvement of the mob, the men on the street. They decided it was best to keep the American public in the dark and rely on their own "creative thinking".

As a matter of fact, the "game play" in the Tonkin Gulf was hailed by the American game theory elite as an artful piece of politico-military maneuvering. This game theory crowd are the people who like to think you can move adversaries around by clever feints and bluffs as you would an intelligent opponent in a game room situation and thereby save lives as you make gains with the military potential—sending tacit signals by the use of arms, and making war more humanitarian, they would say. By 1966, Harvard economics professor Dr. Thomas Schelling, whose book "Strategy of Conflict" I had dutifully read in graduate school four years before (and laughed at, in hindsight, as I saw the scene in Hanoi), was in print with a new book on military strategy, "Arms and Influence" (Yale press, of course). This one memorialized LBJ's finesse in the Tonkin Gulf in those August days. These three sentences capture the spirit:

"If the American military action was widely judged unusually fitting, this was an almost aesthetic judgment. If words like repartee can be applied to war and diplomacy, the military action was an expressive bit of repartee. It took mainly the form of deeds, not words, but the deeds were articulate."

I would call it an articulate rendering of a Resolution that plumb ran out of Resolve and plumb got us off on the worst of all starts in a war. It gave us false confidence in escalation theory and a guilty conscience. How much longer are we going to let these egghead theorists drive us into these blind alleys?

I say let us be aware that resolve and commitment and moral leverage, the only glue that ties America's sons to their leaders, cannot be displaced by throw-away concepts of finesse and trickery. These are not worthy of us, and because they are not worthy of us we cannot rely on them. The deepest human resolve is not built on self deception, rationalization or cuteness. It has its roots in the finer elements of human beings and of their countries. Thus—resolve to stand for what is worthy of us, to live so that our own best conscience is not offended. Only this will perpetuate the best of us and our institutions for generations still to come.

STEEL REHABILITATION ACT OF 1987

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support for H.R. 2062, legislation that deals with our Nation's ailing steel industry. Introduced by myself, Mr. SAVAGE, and Mr. TRAFICANT, the bill would limit imports of all steel mill products to 15 percent of domestic supply for 5 years in return for mandating that the major steel companies invest substantially all of their net cash-flow for modernization of the industry in the same period. Companies would also have to earmark at least 1 percent of net cash-flow for retraining displaced steelworkers.

America's steel industry is currently embroiled in a crisis—a crisis of economic survival. The expansive flow of foreign imports in the domestic market has in fact precipitated and deepened this crisis. Ten years ago there were 370,000 production and maintenance workers employed in the steel industry, and imports constituted only 14 percent of the total U.S. market. Today there are fewer than 200,000 workers, and imports have reached as high as 30 percent.

Over the past 4 years losses in the steel industry have exceeded $7 billion. Since 1974, 15 steel companies have gone out of business. Thirty complete steel plants have been closed and 560 production units in other plants have been terminated. Total employment in the industry has actually been cut in half. A comprehensive approach limiting steel imports is therefore needed if we are to insure a future for our domestic steel industry.

H.R. 2062 is a proposal based on legislation introduced in the 98th Congress, the Fair Trade in Steel Act of 1984. The 1984 act recognized that foreign steel producers had unfair competitive advantages in the U.S. market because of direct subsidies, targeted loans, import restrictions, and other unfair practices on the past of steel-exporting countries. President Reagan attempted to deal with the rising tide of unfairly traded imports and the terrible effect on the U.S. steel industry by announcing a bilateral approach to the problem—the Voluntary Restraint Agreement [VRA] Program.

Yet, while the President's program has brought the import share for steel down from a high of 28 percent in the early 1980's it has not even come close to the target share of 18.5 percent. Steel imports now account for a little over 23 percent of domestic supply and, according to industry analysts, are expected to rise in 1987. When you consider that each percentage point above the target represents thousands of high-paying jobs and millions in lost revenue, the magnitude of the failure is put in proper perspective. An October 1981 Government Operations Committee report stated that if the target had been reached, an estimated 54,000 jobs could have resulted and 2.8 million tons of steel, now manufactured abroad and sold in the United States, would have been made here.

Due to the great rise in export-targeted steel capacity and large Government subsidies on the part of certain countries, the American steel industry has been devastated in recent years. Even though producers in the United States have made a substantial commitment to the future of the American steel industry by undertaking capital investment projects in excess of $12 billion from 1980 to 1985, massive losses in the industry have discouraged many of these vital projects. Consequently, American producers have not been able to keep pace with foreign producers.

That is why, Mr. Speaker, I favor and believe in a unilateral policy toward steel imports. It is still something that is still direly needed. Steel coming from countries not covered under VRA's—like Canada, Sweden, Argentina, and Taiwan—now account for over 25 percent of all imports and are expected to grow in the coming year. While a provision of H.R. 3, the omnibus trade bill, addresses the problem of these imports, it is only in relation to those countries which have VRA's with the United States. Instead of mandating negotiations with these nations toward VRA's, H.R. 3 only takes into account circumvention of steel quotas from the VRA countries into non-VRA countries for shipment to the United States. While this provision is important in making certain VRA countries live up to their agreements, nothing is mentioned about regulating the flow of steel that is made in Canada, Taiwan, or the other countries not covered under VRA's. Clearly the voluntary approach to restricting steel imports into the United States is insufficient to achieve desired reduction in the import market share.

The United States cannot continue to afford such a patchwork approach to steel imports. Only with a comprehensive, consistent steel policy can our Nation avoid the inevitable problems of circumvention and unfair trading policies on the part of steel-exporting countries. With H.R. 2062, the United States can take concrete steps to elude the pain and suffering caused by events such as the recent LTV Steel decision to rescind employee benefits because of bankruptcy proceedings, the recent chapter 11 filing of Sharon Steel, the Nation's eighth largest producer; the precarious financial state of the major steel companies; and the tragic, dangerous movement of the United States from steel-producing Nation to steel import-reliant Nation.

It is therefore, the intent and purpose of this legislation that access to the U.S. market for foreign steel products be on an equitable basis, for the survival of this industry is critical to our national defense and the maintenance of a strong industrial economy which employs millions of workers and sustains the Nation's prosperity.

To move ahead we must have the courage to look ahead. We must adjust our priorities and pool our technological skills and available resources together to maintain domestic employment and protect America's future in the international marketplace.

THE CHALLENGE OF AMERICAN CITIZENSHIP

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. THOMAS of Georgia. Mr. Speaker, I would like to take this opportunity today to present to this distinguished body the winning entry from the State of Georgia in the Voice of Democracy broadcast scriptwriting contest.

This year more than 300,000 secondary school students participated in the contest, which is conducted by the Veterans of Foreign Wars of the United States and its ladies auxiliary. A winning contestant from each State came to Washington for the final judging and Darin E. Oliver from Hinesville was selected to represent Georgia in the competition.

Darin is a junior at Bradwell Institute in Hinesville, who plans to attend the University of Georgia to study writing and the theatrical arts. He is also interested in swimming, reading, and fishing. At this point, I would like to insert his essay into the RECORD:

THE CHALLENGE OF AMERICAN CITIZENSHIP

Are you proud? Now think for a minute—are you proud? I don't mean you just fixed the lamp in the den proud. I mean—are you proud of who you are—of what you are? Are you proud to be here right now? Proud because you're in a country that God has blessed with beauty, peace and freedom. Are you proud to be in America?

Some of you stand and say, "Yes, I am proud to be here. I am proud to be in America. I am proud to be an American." While others of you, you don't really know. Still others sit disgustedly because you know you don't want to be here, because you think there's something wrong with the system or worse yet you just don't care! You don't want to be here, man. You don't care! It's all messed up—it's the system, man; all the time hasseling you and interrupting your life.

Your day gets interrupted because someone wants to hassel you with a few questions to prove whether or not you did something when you know you're innocent. But here you're innocent until proven guilty. Yeah! It's part of the system! It's the reason your day may get interrupted. It may keep you from false accusations and such. You're worried about your day, but you don't realize that in other parts of the world people have their lives interrupted for years because their country doesn't have a system. They're guilty until someone can prove them guilty, because they don't have the "system" and we do. We have the system. Sure, It's got weak points, but it works.

You see, here in America we have the system—that blam system interrupting your day—maybe it does; maybe it does, but it's the system that gives you your rights. It's that system that keeps you safe. It's that system that makes you—your family free. Free to express themselves—free to be proud.

In America we are free. We have the right to enjoy life alone or to express ourselves to the fullest. In America if you like something, you can say you like it; but if you don't like it, you can say you don't like it. If something offends you, you can change it. You can do what ever you want here, because you're free.

But do you know why? Do you know why you're free? Your free because your—because our ancestors were not. Our ancestors, our forefathers knew they had what it took to establish a new nation based on the ideals of men working together in love—and respect—and freedom. And in this knowledge they found pride—and in this pride they found strength—strength enough to challenge the mightiest nation on earth and win.

They brought forth a country of people free and proud. Many of our forefathers died in the battle for this new country. They faced death proudly—standing with open arms to embrace what they knew was not the end; but the beginning—the start of a new chapter in history, the story of America. They died so that America would live. They died so that we would live!

And for what? So you can sit there and not care! So you can refuse to pledge your hopes, your honor and your service to your country—to our country to our America. It is your responsibility, it is our duty to be proud. It is our duty to take the flag from the last generation and carry it on to future greatness. And with that thought in your minds, and with that knowledge in your hearts; I ask you again, "Are you proud? Are we proud?" We must be. For we are the end of the old America and we are the beginning of new history and we must be not proud Americans, but Americans with pride.

INTRODUCTION OF NATIONAL LITERACY DAY RESOLUTION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FLORIO. Mr. Speaker, last year 222 of my colleagues joined me in cosponsoring a resolution I introduced, which was enacted, designating a day to commemorate National Literacy Day. I again introducing this resolution to designate July 2, 1987 as National Literacy Day. I hope to call attention to the large numbers of Americans that cannot function in our society because they are illiterate.

Mr. Speaker, studies indicate that 27 million Americans cannot read a newspaper, cannot fill out a job application, cannot maintain a checkbook or understand the warning label on a bottle of medicine. In short, our Nation has 27 million people that form a class of functional illiterates that are uneducated, untrainable, and economically dependent. And these numbers are growing every year. The Department of Education estimates that, every year, 2.3 million more illiterates, including high school dropouts, unlettered passalong graduates and immigrants, are added to our society.

We are paying a high price in our Nation for this unfortunate deficiency. As chairman of the House Subcommittee on Commerce, Consumer Protection and Competitiveness, I am concerned that our Nation's competitiveness is being eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate. There is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money that is allocated to child welfare costs and unemployment compensation.

Social and economic discrimination problems are propounded because illiteracy is highest among blacks and Hispanics. The high percentage of illiterate juveniles in criminal court indicate that illiteracy fosters crime. Of concern to our Nation's strength is the fact that illiteracy directly impacts our military capability. Millions of dollars of damage is still done to expensive equipment because many men and women in the service are unable to read and comprehend even the simplified manuals.

The total costs related to our Nation's literacy are estimated to exceed $225 billion annually. Chronic unemployment is a further problem that illiterate individuals in our Nation need to deal with. Up to 75 percent of the unemployed lack the basic skills to get a job or be trained for a job.

Disturbingly, Federal funding for literacy programs has not been sufficient to address a problem reaching mass proportions. Federal, State, municipal and private literacy programs have only been able to reach 5 percent of the total illiterate population. The annual amount of money spent by our Federal Government for this problem amounts to $17 per person for a total of $352 million. The Department of Education estimates that only 2 million people are reached annually by these programs.

The total cost of illiteracy to our Nation cannot be measured accurately. However, our Nation is paying dearly in lost productivity and human misery. We hear of sad stories of people suffering tragedies because they could not read: the industrial worker killed because he could not read a warning sign; the mother who gave her sick child pink detergent instead of stomach medicine because she could not decipher medicine labels; the mother who thought she was signing a routine field trip permission slip for her daughter only to discover that she had relegated her daughter to a home for the retarded.

It is for these reasons that we call attention to the problem of illiteracy in our Nation by designating July 2, 1987 as National Literacy Day. We must begin to recognize this problem in order to find solutions and obliterate illiteracy. I would like to, at this point, commend the thousands of volunteers in our Nation that are working tirelessly to help illiterate individuals in their communities. Thirty-three States have formed literacy councils and activities by volunteer organizations, colleges and schools are increasing.

I urge the support of my colleagues in this worthwhile effort.

NATIONAL POLICY AND TECHNOLOGY FOUNDATION ACT OF 1987

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BROWN of California. Mr. Speaker, today I am reintroducing the National Policy and Technology Foundation Act of 1987. Thirty of my colleagues have joined me as original cosponsors, including Mr. GEPHARDT and Ms. SCHNEIDER.

This legislation is designed to create a permanent forum to analyze and develop coherent, long-term technology policy. This foundation would provide Federal support for technology, conduct increased technical data collection and expedite transfer of technology to the private sector. Such a permanent institution is essential to maintain the healthy and progressive technological base necessary for American competitiveness in the years to come.

We are all aware of the impending crisis in America's ability to compete in foreign and domestic markets. The U.S. balance of trade has gone from a surplus of $18 billion in 1983 to a staggering deficit of $170 billion in 1986. Compounding this problem is that the United States, in the past 2 years, has become the largest debtor nation in the world—a situation unheard of for a developed nation.

While the trade legislation we are considering this year will play an important role in improving American competitiveness in the near term, many trends indicate that without efforts to develop the sound technological base needed for developing and producing quality, cost-competitive products and services, we will be plagued with continued loss of competitiveness in the future. This requires a coherent, broad-based long-range science and technology policy. It is clear that such an enlightened and foresighted approach does not exist today. For a discussion of current trends in technology, as well as studies and indicators, please reference my October 16, 1986 CONGRESSIONAL RECORD statement (page E3665) titled, "Attacking our Trade Deficit in Earnest," and my April 24, 1986 CONGRESSIONAL RECORD statement (page E1379).

For years, the Science, Space and Technology Committee has held hearings on several aspects of our Nation's science and technology. Throughout these hearings, a general trend has emerged. Federal science and technology policy in the United States is not keeping pace with the rapid changes in our technological and information base, or with the international marketplace. It is clear that this inability to develop policies and keep pace with today's society and demands is severely hampering the potential usage of technology, and will continue to do so in the future.

We have three options to address this problem. The first, most passive approach is to ignore it. The second is to address each crisis individually. There have been several bills introduced in the House and the Senate which do address one aspect of science and technology policy. And, I applaud each of these efforts to improve our science and technology base. However, as we all know, Congress tends to put off policy changes until a crisis confronts us. The result is that many of the problems which we must address today might have been avoided to some extent if we had had the foresight to act earlier.

Further, we have stalled so long in the area of science and technology policy that the number of issues is staggering. Senator BINGAMAN and I, in attempt to address some of the more urgent issues, have introduced the America's Living Standard Act, which is a package of programs designed to boost American science and technology. Other bills have likewise been introduced.

However, our third, and I would argue most effective, option would be to create a permanent forum, such as the National Policy and Technology Foundation, which would include input from academia and the private sector, would conduct data collection and policy analysis, and would have the responsibility to project potential crises, alert policymakers, and even recommend policy options to our policymakers before difficulties reached crises proportions. While the National Science Foundation does this to a degree, it is vitally important that we increase our focus, our priority, and our support for technology, in addition to our current programs for science.

This is important because, while basic research provides us with the very foundation of our technologies, it is in essence only the first link in a whole chain of events which must take place before basic knowledge is translated into new products and services. This chain includes technology development, innovation, product development, investment in manufacturing processes, and infusion of the product or service into our society. I sometimes call this the science and technology chain.

This chain is only as strong as its weakest link. If we are to rely on science and technology to solve some of our future problems, as well as boost our industries and keep them competitive, then the Federal Government must take a more active role in ensuring each link is maintained and strengthened. While the Reagan administration and others have felt that research, other than basic science, should be the responsibility of the private sector, a growing portion of our society disagrees.

For one, the cost of technological research in the areas of automated manufacturing process and the development of high technology processes and products tends to require long-term investment and planning, and are frequently too expensive for one company to undertake. Some of our competitors, however, such as Japan, have overcome this problem by establishing national research efforts, supported with national funds, to undertake expensive research. If the United States is to keep up with these target-marketing approaches, we must find ways to encourage and support collaborative efforts within our own industries.

We must also ensure that our country and our industries have the means to anticipate and react to changes in the marketplace before they become critical. This requires that we have an adequate data base of information upon which our industries can intelligently develop market plans, and upon which the Nation's policymakers can, in an informed manner, formulate and assess policy alternatives. To look at Japan again, Japan has established the Ministry of International Trade and Industry [MITI], which conducts strategic market research and provides its industries with much more extensive information than we can provide our own companies. Further, MITI facilitates industry consortia efforts to develop new technologies.

Over the course of the years, several approaches to establishing a national technology policy institution have been proposed. The National Policy and Technology Foundation is one approach which I feel warrants discussion. I am also sponsoring a proposal to establish a Department of Science and Technology, another legitimate approach to solving this problem.

During the last few years, several respected studies have been published regarding technology policy. I would encourage my colleagues on both sides of the aisle to consider the many options we have available and seriously consider supporting a permanent forum for supporting U.S. technology in the future.

Below is a brief summary of the National Policy and Technology Foundation. For more information on the Foundation, see the April 24, 1986 CONGRESSIONAL RECORD.

SUMMARY

The National Policy and Technology Foundation Act of 1987 will be established as an independent agency in the Executive Branch of the Federal Government to be governed by a 24 member board, appointed by the President with the advice and consent of the Senate. The Foundation will perform four functions:

DATA BASE FOR POLICY MAKING

The Information Office will collect, organize and disseminate national and international information, data, and statistics for Public-Private Policy Makers. (Would include the National Technology Information Office)

NATIONAL POLICY, ANALYSIS AND ASSESSMENT

The Office of Policy, Analysis and Assessment would continuously evaluate data, statistics, information from the National Information Office to identify pending needs, opportunities or problems including trade competitiveness, and propose, evaluate and assess alternative policy options for consideration by the Councils.

PUBLIC POLICY, DEBATE AND CONSENSUS

The Foundation would set up independent public councils to respond to requests from the President, Congress, and Foundation Directors. They will provide independent public forums that openly debate and redefine national policy issues, including addressing the disincentive created by incoherent national policy, and help generate public consensus.

POLICY IMPLEMENTATION AND TRADE COMPETITIVENESS

The Foundation will include a number of offices which will implement programs and policies formulated by the above entities.

(a) The Foundation will encourage technology advancement through the Office of National Programs, Office of the Professions and the National Bureau of Standards.

(b) The Foundation will support institutional and human resource development through the Office of Institutional and Human Resource Development.

(c) The Foundation will increase federal technology transfer and deployment through an Office of Small Business, the Office of Intergovernmental Technology and Professions and delivery systems, and the Patent and Trademark Office.

FINE TUNING SBA'S BUDGET

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to fine tune the authorization for the Small Business Administration. The bill is noncontroversial and in accord with the President's budget request. It would do three things.

First, it would increase the authorized amount of surety bond guarantees from $1.142 billion to $1.250 billion, an increase of $108 million. I want to stress, however, that this is a program level increase and does not amount to an expense of an equivalent amount. Under this program SBA guarantees to reimburse a surety company for up to 90 percent of any loss it sustains due to nonperformance or nonpayment by a small business.

Most of these contracts will be fully performed, and thus there will be no claim made against the SBA guarantee. In only about 2 percent of the cases does the small business default, and thus the gross cost of this program will probably be under $2 million.

Second, it would require that all of the debentures issued by certified development companies and guaranteed by the SBA be sold to private investors. Prior to fiscal year 1986, all of these debentures were sold to the Federal Financing Bank. But, on a pilot basis, Congress mandated sales to the private sector. That pilot program has proven successful and this bill would completely privatize the program during the balance of this fiscal year and for all of fiscal year 1988.

Third, and finally, the bill would authorize the appropriation of $16 million to pay losses under the pollution control bond guarantees program. These are claims which are being made against guarantees issued in prior years and must be paid.

I do not know of any opposition to the bill, and I anticipate that the committee will act upon it very quickly.

OLDER AMERICAN INDIAN SERVICES IMPROVEMENT ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BONKER. Mr. Speaker, I rise today in support of the Older American Indian Services Improvement Act as offered by Congressman MARIO BIAGGI. I am pleased to cosponsor this legislation, which would strengthen support under the Older Americans Act [OAA] for elderly Indians.

Since its enactment in 1965, the Older Americans Act has successfully served millions of older people. Programs sponsored under the OAA have served as models for the effective delivery of services that promote the independence and dignity of older Americans.

Despite the tremendous successes of the OAA, there are still many older Americans who are not receiving needed services. One of the most disturbing gaps exists in the provision of services to aged minorities. Services to minorities have actually declined substantially in recent years despite evidence that minorities experience the greatest needs.

I am especially concerned for native Americans, many of whom reside in Washington State. Far too many older Indians go without needed services from the Older Americans Act, including services provided through title VI, the section of the act designed specifically to address the needs of native American elders.

The low participation rate of native Americans in OAA programs stands in marked contrast to the enormous needs they experience. Older Indians have a poverty rate of over 60 percent, a rate higher than that of any other ethnic group in this country. Data presented to the Senate Special Committee on Aging by the National Indian Council on Aging indicated that 75 percent of Indian elderly do not have telephones and 24 percent do not have indoor plumbing. Mortality rates are dramatically higher among Indian elders compared to other Americans, and the life expectancy of Indian people is 8 years less than that of the general population. Clearly, this is a population with critical needs for services that must be addressed.

To at least partially address these needs, Mr. Speaker, I am pleased to join with Mr. BIAGGI in cosponsoring his amendment to the OAA. This legislation would focus attention on the plight of native American elders. In the first place, a new Office for Tribal Programs headed by an Associate Commissioner on Indian Aging will be established within the Administration on Aging. This office will provide a visible advocate for older native Americans within the administration, as well as a central point for gathering information and coordinating services with Federal departments and agencies. In short, the Office for Tribal Programs will provide a focus for efforts to serve older Indians at the Federal level.

Indians belonging to tribes receiving grants under title VI of the OAA are currently ineligible for title III services. This has meant that many older Native Americans are denied needed services based on the inaccurate assumption that they are receiving adequate services under title VI. Our legislation would eliminate this practice, ensuring that all Indian elders are eligible for services where they are available. I am pleased to note that administration has also proposed that this unfair prohibition be repealed.

The amendment proposed by Mr. BIAGGI would also increase the outreach efforts of the area agencies on aging [AAA's]. AAA's in localities with significant native American populations would be required to identify the Indian elderly in their service areas and to inform these elders about the services available.

This bill includes a modest increase in the authorization for title VI to provide for increased availability of services and to meet the needs of the growing numbers of eligible Indian tribes. This small amount of money will go a long way in serving some of America's most needy citizens.

Over the past several years, the funds available for title VI grants have remained static while the numbers of tribes eligible for such grants has increased. The result has been a decline in the funds available to individual tribes—from an original maximum level of $100,000 per tribe to the current maximum of $89,000. As more tribes become eligible for title VI, the amount that can be granted to each tribe will continue to shrink unless we increase the overall pool of available resources.

Mr. Speaker, the Older Americans Act has contributed significantly to the marked improvement in the lives of our Nation's elderly in recent years. Many of our older citizens are more healthy and prosperous than at any time in our Nation's history. It is time to extend some of the benefits of that prosperity to senior citizens from all ethnic and national heritages. I urge my colleagues to support this urgently needed legislation.

THE RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WHITTAKER. Mr. Speaker, I am pleased to join as an original cosponsor on the Railroad Unemployment Insurance and Retirement Improvement Act of 1987. This bill is substantially the same bill that was reported by the Energy and Commerce Committtee last Congress and is supported by rail labor and management. The bill was jointly referred to the Committee on Energy and Commerce and the Committee on Ways and Means last Congress. However, due to the press of business during the final days of Congress, the Ways and Means Committee was unable to consider the legislation. I commend my colleagues, Chairman LUKEN, Congressman, COATS, and Congressman SLATTERY for their cooperative efforts to update and improve the legislation and introduce it early in this Congress. As I understand it, the Energy and Commerce Committee will take action on this bill within the next few weeks. Consequently, the Ways and Means Committee will have adequate time this Congress to take action on the legislation, which they have assured us they will do.

The railroad unemployment insurance [RUI] account currently is not financially healthy. The RUI account owes over $800 million to the railroad retirement account. Therefore, not only is the financial stability of the RUI account in jeopardy, but the RUI system is also a drain on the railroad retirement account which has a direct impact on the financial security of railroad retirees. It is essential that Congress take action to improve the financial viability of the RUI account and to ensure equitable benefits to both unemployed rail workers and railroad retirees. I would like to commend my colleague Congressman COATS for his early recognition of the financial problems the RUI account faces and for initiating legislation to address these problems early in the 99th Congress.

The legislation we are introducing moves us in the direction of ensuring the financial viability of the RUI system while providing a level of fair benefits to employees.

Although this bill is a step in the right direction toward ensuring a financially viable and fair RUI system, it is necessary to note that the bill does not address the problem to the indebtedness of the RUI system to the railroad retirement account. The repayment tax currently in effect to reduce that debt will terminate on September 30, 1990. At the time, there will still be a substantial debt to the retirement system. The financial security of railroad retirees is therefore dependent to this extent on the health of the RUI system. While we are taking essential steps in improving the RUI system with the bill we introduce today, let us not forget that we must also examine the question of the RUI debt to the railroad retirement account in the near future.

This bill is a bipartisan effort, and I urge early action by the Energy and Commerce Committee and the Ways and Means Committee.

HUMANITARIAN EFFORTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. TRAFICANT. Mr. Speaker, I rise today to recognize the special humanitarian efforts of four outstanding residents of my 17th Congressional District.

Recently, Nancy Sciarra, a businessperson of McDonald, OH, was temporarily hospitalized and could not attend to the needs of her small convenience store. In an act of exemplary civic involvement and neighborly friendship, Sandra Reese, Maria Yanniello, Maria Pimpenella, and Cristina Dirrico came to Ms. Sciarra's assistance by maintaining her business and caring for her children while she was hospitalized and during her recovery. Their help to Nancy Sciarra in her time of need was a source of great comfort and inhibited financial losses that would have only compounded her health problem.

On behalf of the residents of the Mahoming Valley, I would like to commend Sandra Reese, Maria Yanniello, Maria Pimpenella, and Cristina Dirrico for their kind of gesture of humanitarian service. Their expression of concern is admirable and benefits the highest qualities of citizenship. It is with pleasure and enormous pride that I join the people of the 17th Congressional District in honoring these four individuals who have truly exhibited the characteristics of the model citizen.

TRIBUTE TO MR. RAY BECKER

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. WOLPE. Mr. Speaker, I want to pay tribute to Mr. Ray Becker, a very special friend and constituent, upon his 25th anniversary as executive vice president of the Kalamazoo Board of Realtors.

At a time when hostile corporate takeovers and nonstop revelations of scandal on Wall Street have raised serious questions about the nature of business life and business ethics in America, it's important to remind ourselves of people like Ray Becker who, through their integrity and their commitment to public service, exemplify the very best in the American entrepreneurial spirit.

Since his appointment to the executive vice-presidency of the Kalamazoo Board of Realtors, Ray has distinguished himself as a leader, an innovator, an educator, and a principled professional.

Due in large part to Ray's influence and guidance, the Kalamazoo Board of Realtors has distinguished itself as an organization firmly committed to a strict code of professional ethics and to the principle of equal housing opportunity for all Kalamazooans. Buyers and sellers alike can enter Kalamazoo's housing market with the certain knowledge that their brokers will represent their interests honestly, openly and fairly.

And under Ray's direction, Kalamazoo's realtors have committed themselves to serving their clientele aggressively and effectively. One important measure of that commitment is the board's consistent leadership in the use of high-tech innovations—innovations that have delivered for buyer and seller alike proven results. For example, the Kalamazoo Board of Realtors was one of the very first boards nationally to offer computerized multiple listing services. And today, Kalamazoo realtors have cemented their high-tech leadership by becoming the first professional association in the country to provide clients with computer-generated images of available properties.

Thanks in large part to Ray Becker's encouragement, the Kalamazoo Board of Realtors has also dedicated itself to the continuing education of its membership. The board's school of real estate now offers a variety of classes from per-license training to continuing education and advanced training for experienced professionals. As a result, realtors in the Kalamazoo area are among the best-trained and most highly skilled in the Nation.

At the same time, Ray has worked tirelessly to make sure that his industry is an industry of opportunity for anyone with the determination and dedication to succeed. Only one measure of his success in this regard is the increased participation of women on the Kalamazoo Board of Realtors—a level of participation that has grown from 23 percent in 1962 to over 40 percent today.

Mr. Speaker, Ray Becker, and the Kalamazoo Board of Realtors over which he has served for the past 25 years represent American business at its very best. Ray's commitment and dedication to his profession have been an inspiration to his colleagues and to those of us who have had the privilege to work with him.

TRIBUTE TO TOM RICHARDS AND KATE SHERIDAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to my good friends Tom Richards and Kate Sheridan of Maywood, NJ. Tom Richards has served his community of Maywood for 12 years as a councilman and is now running for the office of mayor. He is also a past president of the Maywood Rotary, is a member of Maywood First Aid and Emergency Squad and the immediate past captain of the squad. Tom and his wife Nancy have two children, Tommy and Jessica, but have always found time to make a significant contribution to their fellow neighbors of Maywood. Tom is the founder of Affiliated Packaging in Maywood and is also a veteran of the U.S. Army.

Kate Sheridan and her husband Thomas have two childern, Elizabeth and Mary Kate. Kate has been active with the Brownies and the Girl Scouts, as well as being a past president of the Maywood Cooperative Nursery. She also offered her services as a councilwoman candidate last year.

Both Tom Richards and Kate Sheridan are the type of citizens that make the time to contribute to the quality of life in their community and, therefore, have earned the respect and affection of the residents of the Borough of Maywood, NJ.

WORLD POPULATION AWARENESS WEEK

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. SKAGGS. Mr. Speaker, with the world's population increasing by 87 million people a year, we need to think about how the growth affects global society. We must also recognize that our Nation's policies can enable or impede access of men and women to family planning services.

Colorado Gov. Roy Romer and other Governors have declared this week "World Population Awareness Week." As a cosponsor of House Joint Resolution 148, which would grant World Population Awareness Week official national designation. I support their efforts to make the public more aware of population issues and more aware of how our national policy can shape the future of this world.

I submit Governor Romer's resolution to be printed in the RECORD.

WORLD POPULATION AWARENESS WEEK, APRIL 20-25, 1987

Whereas overcrowding in the developing world contributes to environmental degradation, urban deterioration, malnutrition, hunger and disease; and

Whereas millions of infant deaths and hundreds of thousands of maternal deaths each year could be prevented by maternal health programs and voluntary spacing of pregnancies; and

Whereas child and maternal health and family planning services are not available to many who seek them in the developing world; and

Whereas many Coloradans want to offer their encouragement to those who would work to enhance the lives of men, women and children suffering the consequences of overcrowding in areas of limited resources;

Now, therefore, I, Roy Romer, Governor of Colorado, proclaim April 20-25, 1987, as World Population Awareness Week in the State of Colorado.

TRIBUTE TO EXECUTIVE ASSISTANTS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. RAY. Mr. Speaker, although yesterday was Secretary's Day, and we praised those secretaries across the country for their hard work, it is with the utmost praise that I pay grand tribute today to the men and women on

Capitol Hill that serve with undying faith and dignity as executive assistants.

At this point I want to point out that I have 18 men and women on my staff who all qualify equally as executive assistants.

I urge you to take a moment out of your busy schedule today and recognize those that squeeze the glue that holds our lives together, not just one faithful, loyal person who may be your secretary and who goes far beyond that, but everyone of those special people that keep us prepared, up to date, and on time. It is the executive assistants on Capitol Hill that keep the legislative branch running ahead of the other two branches of Government.

Mr. Speaker, may I honestly say that we could not do as well as we do without their extreme dedication and perseverance. I'm sure that my colleagues on both sides of the aisle will agree that this recognition is timely and worthwhile.

So again, Mr. Speaker, I am pleased to pay tribute to my staff and all of the staffs on Capitol Hill and in our district offices.

DEPARTMENT OF SCIENCE AND TECHNOLOGY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BROWN of California. Mr. Speaker, I have come to the House floor several times over the past few years to discuss science and technology policy. Recent studies, including the President's Commission on Industrial Competitiveness—the Young Commission—have cited the lack of coherent, broad-based, long-range planning in our science and technology policies. For a more comprehensive discussion of these studies, please refer to my October 16, 1986, CONGRESSIONAL RECORD statement, page E3665, titled, "Attacking Our Trade Deficit in Earnest," which includes a partial listing of the many excellent reports and studies which have been conducted on science and technology policy and industrial competitiveness.

Over the course of the past 7 years, I have introduced a variety of proposals to create a permanent policy institution to support technology in the United States. These include a National Technology Foundation, and a National Policy and Technology Foundation—which I have reintroduced this week.

However, I feel there is legitimate reasons for creating an even stronger institution in the form of a Department of Science and Technology. Such a Department, in various forms, has been proposed since Vannevar Bush recommended a Department of Research in his report, "Science; the Endless Frontier," in 1945. Most recently, the President's Commission on Industrial Competitiveness, in its December 1985 report, recommended the creation of a Department of Science and Technology. I feel that it is time we seriously consider such a strong move.

The reason why I feel such a Department warrants attention, is because we have been relatively unsuccessful in maintaining a Federal focus and priority on science and technology policy in the past. Further, the congressional and administration responses to science and technology crises in the past—which have been to appoint special advisors or offices to the President—have proven to have diminishing effectiveness. It seems that each new administration must initially be educated as to the importance of maintaining and supporting a strong Science and technology base in America. The Reagan administration is no different. It reduced the budget of the Office of Science and Technology Policy [OSTP]—our latest attempt to create a science and technology policy office—in half. It took President Reagan a full term to begin to understand the importance of basis research. And, he has yet to learn of the vital role that the Federal Government must play in supporting technology.

Such intervals of limited support for science and technology have been devastating. As you know, most research projects extend over several years, and require consistant support. Research projects cannot be dropped and picked up in 2 or 3 years. The result is that they often have to be started over, and critical scientists turn to other projects or other more stable fields.

I feel that since our past moderate attempts to solve our science and technology policy problems have met with such temporary success, we must consider a more permanent approach—that of establishing a Department of Science and Technology.

There are several depths to which such a Department could be formed. I am recommending a very limited department. Most Federal mission-oriented research, such as the programs within the Environmental Protection Agency, the Department of Defense, and others would be continued by their sponsoring departments and agencies.

SUMMARY

The Department of Science and Technology I am proposing today would be divided into four main sections. The responsibilities of these four sections would be described generally, and the Secretary would be given the authority to transfer responsibilities within the department and from other departments or agencies as deemed appropriate.

The Department would consist of: National Science Foundation [NSF], National Standards and Engineering Laboratory [NSEL], Advanced Research Projects Foundation [ARPF], and National Bureau of Technology Transfer [NBTT].

These four sections would be overseen by an Office of Policy, Analysis, and Assessment. This policy division would replace OSTP. It would include a section on international S&T policy, a section on institutional and human resource development, and a section on national programs, and a section on national S&T policy coordination—including economic policy and competitiveness issues.

There would be a National Science Board [NSB] and a newly created National Technology Board [NTB] would serve the advisory capacities similar to that which the NSB currently enjoys with National Science Foundation.

First. National Science Foundation: This would be transferred in its entirety to the DST. NSB would likewise follow. The Secretary would have the authority to transfer the engineering directorate or other portions of NSF to the Advanced Research Project Foundation if deemed appropriate.

Second. National Bureau of Standards [NBS]: NBS would be transferred in its entirety to the DST. Its mandate would be expanded to legitimize the many additional responsibilities under which it has been working for years.

Third. The Advanced Research Projects Foundation [ARPF]: This Foundation would serve a role in technology development which is similar to the role of NSF in Science. This Foundation would include a civilian grants program for small businesses, as well as identify and focus on areas of technology which is deemed in the national interest to support, such as the SemaTech initiative. It would include a mechanism for supporting and assisting industry consortiums to avoid picking winners and losers. A National Technology Board [NTB] would be created and serve in an advisory role to the Foundation.

Fourth. The National Bureau of Technology Transfer [NBTT] would be a new addition to our Federal Government. It would include the National Technological Information Service [NTIS]. In addition, it would be responsible for reviewing other government sources of information pertinent to technology, technology development, available grants and contracts to the private sector, government programs, economic data and statistics. After reviewing this information, the NBTT would be responsible for creating and making available an index and description of available government information sources which might be of use to industry. It will be responsible for encouraging government information networks. Further, it will be responsible for defining missing links in our information sources, and either recommending that another agency take on this responsibility, or itself, gather information pertinent to the research, development, application, and use of technology.

RESTORE TRADE ADJUSTMENT ASSISTANCE, JOB CORPS, AND LIBRARY SERVICES FUNDING IN FISCAL YEAR 1988 APPROPRIATIONS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. OBERSTAR. Mr. Speaker, earlier this week, I described the needs of unemployed iron ore miners, aspirants for Job Corps programs, and beneficiaries of library services programs in the course of testimony before the Appropriations Subcommittee on Labor, Health and Human Services and Education.

I urged the subcommittee to provide in its fiscal year 1988 appropriations bill at least $49.9 million for TAA, the level of funding for the current fiscal year; to restore the $4 million proposed cut from Job Corps programs in the President's budget; and to restore the full $130 million for library services which the President also proposed to terminate in his fiscal year 1988 budget.

I offer the complete text of my statement for the consideration of my colleagues as we work through the appropriations process for these important programs for fiscal year 1988:

STATEMENT OF HON. JAMES L. OBERSTAR OF MINNESOTA

Mr. OBERSTAR. Mr. Chairman, thank you for the opportunity to come before the Subcommittee this afternoon and discuss the need to maintain adequate funding levels for programs of prime importance to my constituents in northeastern Minnesota. Mr. Chairman, you have always been receptive of our needs, and supportive of my requests. People in my District know they have a friend in this Subcommittee and will continue to rest easy knowing of your strong support.

I want to discuss those programs this morning—two which go hand in hand: Trade Adjustment Assistance and the nation's library services programs, and a related program, the Job Corps.

TRADE ADJUSTMENT ASSISTANCE

The Trade Adjustment Assistance Act of 1974, was enacted to assist workers and industries—principally workers, to adjust to the world of dislocation. The intent of the act was clear, and to the extent that a degree of dislocation was inevitable, it was a fair proposal.

Since that time, and especially in the last seven years, we have seen a gross betrayal of the worker-assistance provisions of the bill. The United States has amassed a $170 billion trade deficit which will not be erased in the near future. Hopefully the Congress will pass trade legislation in the next few days to reprioritize current trade practices and give precedence to the needs of domestic industry over those of foreign competitors.

But until that commitment is made, we will continue to suffer massive displacement and accompanying need to retrain American workers to be productive and profitable.

Allow me to cite an unfortunate example in my northeastern Minnesota Congressional District as an indication of the strong need for the TAA program. We are a mining region. We mine iron ore and process it into taconite pellets which then are shipped to lower lakeports to be made into steel.

Until the early 1980's our mines flourished—people were confident about themselves and about the future. At its height, the iron mining and processing industry accounted for 55% of the regional economy of northeastern Minnesota. In 1981 it purchased $900 million in goods and services from 2,000 Minnesota businesses and employed 15,000 people with a $400 million payroll. Last year, that same industry employed about 6,000 people with a payroll of less than $180 million.

July 17, 1986 is a date northern Minnesota will not soon forget. That was the date the LTV steel company filed for Chapter 11 bankruptcy, throwing into doubt the future of Erie and Reserve Mining Companies. When the LTV bankruptcy dust settled 800 workers at Reserve Mining in Silver Bay were without jobs, and without any hope of finding similar employment in the region.

These workers likely will qualify for TAA benefits. However, the funding for this program is so low that the Department of Jobs and Training in Minnesota is paying only for job search and relocation benefits (as directed by the U.S. Department of Labor). No training funds are being paid, and the State of Minnesota estimates that $500,000 is needed just to pay for claims ALREADY on file.

This is because the total $29.9 million appropriated was almost completely consumed in the first four months of the current fiscal year. The Supplemental Appropriations Bill which the House will consider later this week contains an additional $20 million, which would greatly assist workers this year, funding which your Subcommittee approved as part of the Supplemental, and I appreciate your help in that matter.

Obviously, the program is grossly underfunded, and a national commitment will be critical to its future. TAA is a good program, it is valuable, it performs a useful function in retraining workers and helping them find new jobs. As the nation's $170 billion trade deficit indicates, our trade policies are a failure. American labor, the finest, most talented in the world, is increasingly coming up short in its competition with unfairly subsidized foreign competition.

Unfornately, it is the individual worker who bears the scars of this failed trade policy. The House of Representatives will soon act on legislation to redirect our trade agenda, but in the meantime, more and more workers will be thrown out of work. President Reagan has recognized the need to retrain workers, and has made the TAA program part of his competitiveness initiative.

But he plans to do so while eliminating the TAA programs as we know it, which would be detrimental to the vital interests of our Nation's dislocated workers.

It is vitally important to our region that our workers are provided the education and training necessary to maintain employable skills. Until the mining industry took a downward turn in 1981, we thought this business would lead us into the twenty-first century. We now face the grim reality that unless a firm commitment is made to retrain formers taconite workers in new skills, our workforce will have to leave the region in search of employment in the Minneapolis/St. Paul area or beyond. Community and regional leaders are joining me in actively pursuing new businesses to relocate in the area, but unless we can provide a trained workforce, our efforts will be in vain.

But there is hope, and part of that hope is TAA funding. TAA has enabled displaced workers to make ends meet while searching for new jobs. It has enabled them to learn the skills that will be vital in a diversified economy. And it has hepled them to find new jobs.

At the very minimum, I urge the Subcommittee to fund TAA in FY'88 at its current $49.9 million. But, please consider how inadequate that level has been and that, until an alternative to the TAA program is enacted, this program is all our displaced workers have to rely on, if they are to remain competitive in tomorrow's economy.

JOB CORPS

I also want to express my strong support for the continued good fiscal health of the Job Corps programs. From 1981 through 1985, 321 young people from my District have participated in the Job Corps. The placement rates for these young people have kept up with the national average.

President Reagan proposed to cut the Job Corps budget $4 million in FY '88, which I would urge the Subcommittee to reject. In addition, in January 1988, the Congressional prohibition on center closings expires, and the administration plans to start closing certain centers and transfer these slots to other centers. Such actions would be detrimental to my District, which is largely rural and spread out over a geographic area that spans a distance similar to the distance from Connecticut to Washington, D.C. A tremendous hardship would be created for individuals forced to travel long distances to Job Corps centers.

LIBRARY SERVICES

I am also here today on behalf of our country's public libraries, to request that funding for library services programs for Fiscal Year 1988 be maintained at the current service level.

At the outset of the 100th Congress, I had the honor of being elected to serve on the House Budget Committee, which has given me an opportunity to speak out in defense of programs, including TAA and library services, vital to all Americans. At a hearing of the Budget Committee earlier this year, I questioned Education Secretary William Bennett about the Reagan Administration's agenda for the Library Service Program.

I was amazed that Secretary Bennett, the individual who should be MOST concerned about the future of the nation's libraries, was perfectly comfortable to accept the draconian cuts the Administration recommended. I reminded him that the United States presently spends more money on military marching bands than it does on its libraries, to which the Secretary responded that funding was all a matter of priorities.

Well, I agree with the Secretary on this point, except that highest among my priorities are programs to help people improve themselves; the need to continue funding the Library Services and Construction Act; the need to fund Title II-A, II-B and II-C of the Higher Education Act; and the need to fund the Education Consolidation and Improvement Act state block grant.

In my home state of Minnesota, over $4,473,700 of the funds expended in this Fiscal Year will be Library Services and Construction Act funds. These monies will support a variety of services, including Indian Reservation bookmobiles, library resources for the blind and physically handicapped, public library construction and cooperation among public, school, college, university and special libraries.

Historically, library usage has increased during hard times, and last year was no exception. In fact, use of Minnesota's libraries has reached an all-time high. Between 1980 and 1985, the number of items checked out by library users increased 28%. During these same years, unemployment in my northeastern Minnesota Congaressional District reached an all-time high. Unemployment rates of 40% are increasingly common among the Mesabi Iron Range communities, where once-thriving iron ore mines and processing facilities are now idle.

"You've got everything I need, from Civil Service test books to a national ad-search paper. Then, when, I get a lead, you've got books that tell me how to write a resume and how to act in an interview. I'm giving myself the best possible chance to find work by using the library," wrote one unemployed miner about the Iron Range's library services.

As the unemployment rate in my district consistently peaked at above the national average, libraries have stretched their limited resources to meet the needs of out-of-work people and have even added new services in some areas.

The Duluth Public Library has a number of books to help people write a resume; but during this recession, the demand for job-hunting assistance has been so great that the reference section put together a résumé pamphlet and printed copies to hand out to people in need of this type of assistance. The library also has typing booths so the unemployed can type their résumés.

More and more families are turning to their community libraries for enjoyment and entertainment. Unemployed parents are bringing their children in to the library to play with the toy collections and to check out a favorite toy to take home. One grateful mother of three said, "I could never afford to buy a tenth of the toys and kits you have available for us to check out."

Whole families now spend several hours in the library. The Duluth Library even had to install a changing table in the rest room so parents would have a place to change diapers.

The families who bring their children in just to play with the toys learn through the story hours that little children like to be read to. The result has been that regularly for the last few months the Duluth library has opened for business with scarcely 50 picture books available for loan—they own nearly 50,000. Other parents who are unable to read have discovered the kits (a cassette and a book) and are borrowing these in great numbers so their children can have the experience of being read to. The library has had to ration the kits because some mornings there are only two or three left of the hundreds they own.

Minnesota has used LSCA Title III, Interlibrary Cooperation funds, to establish a regional-resource sharing organization called PLANET (Public Library Access Network). This organization links the resources of libraries within an specific area and provides a central clearinghouse for interlibrary loan and reference services. Also, a contract funded by LSCA links Minnesota's public libraries to the resources of the State's academic libraries and libraries in nearby states; without federal funds, this service would end.

These are just a few of the excellent programs Minnesota's libraries have undertaken, with federal assistance, to bring valuable information and education services to the region's residents.

We have 337 public library buildings and 27 mobile libraries serving over 3.9 million people. Minnesota boasts 1,500 library media centers in public schools serving 699,000 students. Forty-four academic libraries service 148,000 students in four-year, graduate and professional academic institutions; and 21 college libraries serve 42,000 students in two-year academic programs.

But the ultimate goal of providing adequate library services to all Minnesotans is far from complete. Currently, about 95,000 Minnesotans who live in rural areas are without any service at all. In addition, service to many of the State's handicapped, institutionalized and minority citizens is admittedly inadequate.

We in the Congress have an obligation to assist our libraries in their quest to provide the best possible service to all residents. At a time when the President recommends eliminating federal support for library programs, Congress must accept the responsibility to stand up for the needs of the nation's libraries and provide adequate funding.

In FY' 87 the House funded the nation's libraries at $130 million. This includes funds for Titles I, II, III, IV and VI of LSCA, and Titles II and III of the Higher Education Act. The President requested not a single cent for any of these programs. I urge the subcommittee to reject the President's proposal and maintain library funding at current levels in FY' 88.

Mr. Chairman, I have cited examples of genuine human need for library services and TAA funding, cases drawn from real life to demonstrate the need for these funds. I want to thank you again for your hard work and persistence in recognizing the importance of these programs. It is unfortunate that the Administration will not address the needs of the beneficiaries of these programs. But my constituents and I take comfort in knowing that this Subcommittee has supported these needs in the past and, I am confident, will do so in the future.

THE OLDER AMERICAN INDIAN SERVICES IMPROVEMENT ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BIAGGI. Mr. Speaker, I am pleased to be introducing legislation today to address the critical needs of older American Indians. My bill, the Older American Indian Services Improvement Act, would amend the Older Americans Act of 1965 to improve access to services, the quality of services, advocacy efforts on behalf of older Indians, and the availability of grants and contracts to older Indian organizations.

This legislation would also reemphasize the important role that the Older Americans Act plays in improving the quality of life for older American Indians, and directs the Administration on Aging, the State agencies, and area agencies on aging to focus more attention on this role.

I have been joined in introduction of this bill by Mr. ROYBAL, the distinguished chairman of the House Select Committee on Aging, and our distinguished colleague from the State of Washington [Mr. BONKER], who chairs the Aging Committee's Subcommittee on Housing and Consumer Interests. I have also been working on this issue with Senator BINGAMAN, and he introduced the same legislation yesterday that I am introducing today.

Mr. Speaker, the timing of this bill's introduction has been well planned. For the past 2 years, advocates of older American Indians and those of us in Congress with similar interests have been developing the policies which are contained within this bill. This process has included both field hearings and hearings in Washington, DC, with representation from older Indian organizations, title VI grantees, title III providers, Federal, State and local agencies, and with the participation of experts from the fields of aging, health and other human services, and most importantly, older Indians themselves.

Now that we have done our research and have heard first hand about the problems that older American Indians must face, we are fortunately in the midst of reauthorizing the Older Americans Act and have an excellent opportunity to implement the needed changes to improve the quality of life for Indian elders.

Today, the Education and Labor Committee's Subcommittee on Human Resources held a markup of H.R. 1451 to reauthorize the Older Americans Act. During markup and throughout the legislative drafting sessions that we have had, Mr. KILDEE, the distinguished chairman of the Human Resources Subcommittee, has stated his strong support for addressing the needs of older Indians through amendment to the Older Americans Act. I am also informed that other members of the subcommittee on both sides of the aisle will support my efforts. Therefore, I am extremely optimistic that by the time we reach the full Education and Labor markup of H.R. 1451, we will have a consensus on the bill I am introducing at this time.

Mr. Speaker, at this time I would like to discuss some of the key elements of my bill. To begin, this legislation attempts to address the tremendous need for better access to services. Under current law, older Indians who are members of tribes which receive title VI grants are ineligible to receive any title III services, regardless of whether those services are available through the title VI grant. In many cases, the title VI grant provides very few services, often times only nutrition services are available and only to a limited number of tribal members. My bill deletes from current law this exclusion of older Indians from title III programs.

In addition, my bill directs area agencies on aging with significant numbers of older Indians in their areas to conduct outreach activities to identify these individuals and to inform them of available services. Also, the bill instructs State agencies and area agencies on aging to consider the distribution of older Indians residing in an area when they develop State and area plans. These provisions are essential to ensuring that the aging network providers are aware of the necessity to reach out to Indian elders.

Other language in the bill regarding access to services includes directing the Commissioner on Aging to provide special training programs and technical assistance designed to improve services to older minorities and Indians. The Commissioner would also be instructed to conduct, through contract, a study to assess the issue of availability and quality of services currently being provided to older Indians. These are just a few examples of how we would modify the act to make services more accessible to those in greatest need.

The next issue we confront in this legislation relates to providing better opportunities for participation in other titles of the act by Indians and their organizations. My bill, for example, provides for title V grants or contracts for community service employment opportunities for older American Indians. It also adds as criteria for awarding projects under title V, the consideration of the rates of poverty and unemployment experienced by older minorities and Indians, and limited English speaking persons. These are clearly efforts to focus this excellent program on groups which have historically not benefited enough.

Along this same line, the bill directs the Commissioner to ensure that title IV grants and contracts are equitably amended among agencies, organizations, and institutions representing minorities. Further, it expands the purpose of the education and training section of title IV by providing for the establishment and support of minority centers on gerontology, the dissemination of information regarding aging, and training opportunities for Indian tribes. This, it is my hope, will improve, enhance, and expand minority personnel and training programs.

The next goal of this bill is to improve advocacy activities on behalf of older American Indians. This is accomplished primarily by including representation of Indian tribes in the outline of the Federal Council on Aging, and establishing an Office for Tribal Programs under the Administration on Aging.

The Office for Tribal Programs will be headed by an Associate Commissioner on Indian Aging. I feel strongly that the needs of older American Indians and the need for a strong advocate in the administration demands the creation of this office and its Associate Commissioner.

The Associate Commissioner on Indian Aging will serve as advocate on behalf of older Indians inside and outside the Department of Human Services, and will coordinate older Indian activities between Federal departments and agencies when appropriate.

The Associate Commissioner will also administer and evaluate grants provided by the Older Americans Act for older Indians. He or she will also play an important role by recommending policies and priorities to the Commissioner regarding older American Indians. I believe that this type of informed exchange is not taking place at this time.

Finally, my legislation addresses the critical issue of funding for title VI programs. We cannot simply strengthen the language of the act in recognition of the needs of older Indians; we must also increase the authorization levels, which will allow this acknowledgement of the less than adequate services in order to reach those individuals who need our assistance.

My bill would restore current title VI grantees to 1984 funding levels, which were reduced when 43 new grantees were added, it would provide current grantees to serve a larger portion of their remaining unserved elderly, and it would allow for adding 24 new title VI grantees per year for the next 5 years. The total number of grantees would still only represent 50 percent of the federally recognized tribes—or 254 tribes—by 1992.

In conclusion, Mr. Speaker, I want to restate that we know the need for more and better services is there. We have page after page of excellent testimony and statistics to prove this need for action here in Congress. Older American Indians are rapidly increasing in number, yet Federal dollars for title VI have not kept pace. These proud individuals, whose ancestors greeted many of ours at the shores of America, suffer today from extremely high unemployment and live in poverty at a rate estimated to be as high as 61 percent. This is not the life we want for any older Americans.

Older Indians live an average 3 to 4 years less than the general population, and during that shorter lifetime, they experience a lack of adequate nursing homes and other health care facilities, and a lack of adequate area agencies on aging to meet their needs.

Mr. Speaker, I will not put forth the whole statistical picture of our older American Indians, but suffice it to say, it is high time that we use our minds and hearts to help provide the necessary effort to improve the quality of life for older American Indians.

Mr. Speaker, I would like to express my sincere thanks to Curtis D. Cook, the Executive Director of the National Indian Council on Aging, and Stephen Wilson, chairman of the National Title VI Grantees Association for their continued support and extensive contributions in drafting this legislation.

For the benefit of my colleagues, I wish to insert the full text of this much-needed and important initiative into the CONGRESSIONAL RECORD.

H.R. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Older American Indian Services Improvement Act".

OBJECTIVES AND DEFINITIONS

SEC. 2. The matter preceding paragraph (1) of section 101 of the Older Americans Act of 1965 (hereafter in this Act referred to as the "Act") is amended by inserting after "subdivisions" the following "and of Indian tribes".

FEDERAL COUNCIL ON AGING

SEC. 3. In section 204(a)(1) insert "Indian tribes" after "minorities".

CONTRACTING AUTHORITY

SEC. 4. Section 212 of the Act is amended by inserting after "State agency" a comma and the following: "or in the case of a grantee under title III, subject to the approval of the Associate Commissioner on Indian Aging".

PURPOSE

SEC. 5. Section 301(a) of the Act is amended by inserting after "agencies" a comma and the following: "and with Indian tribes and Indian tribal organizations".

ORGANIZATION

SEC. 6. (a) Section 305(a)(1)(E) of the Act is amended by inserting after "such areas," "the distribution of older American Indians residing in such areas,".

(b) Section 305(d)(2) of the Act is amended by inserting "or geographic" after the words "cultural or social".

(c) Section 306(a)(1) of the Act is amended by inserting "and the number of older American Indians" after the words "with low incomes".

COORDINATION OF SERVICES BETWEEN TITLE III AND TITLE IV

SEC. 7. Title III of the Act is amended by inserting after section 313 the following new section:

"COORDINATION OF SERVICES BETWEEN TITLE III AND VI

"SEC. 314. (a) No older American Indian shall be prohibited from receiving services under this title.

"(b) Each area agency on aging, with a significant Indian population, in order to be approved by the State agency, shall conduct outreach activities to identify older American Indians within their planning and service area, and shall inform such Indian individuals about the availability of such assistance under this Act.

"(c) The Associate Commissioner on Indian Aging shall evaluate the adequacy of outreach services under this title and title VI of this Act for older American Indians and recommend to the Commissioner, necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older American Indians. This evaluation and recommendations will be included in the Commissioner's report on the activities carried out under this Act as defined under section 207(a).".

EDUCATION AND TRAINING

SEC. 8. (a) Section 402 of the Act is amended by adding at the end thereof the following new paragraph:

"(e) In making grants and contracts under this title, the Commissioner shall ensure that they are equitably awarded among agencies, organizations, and institutions representing minorities.

(b) Section 410 of the Act is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(6) establishing and supporting minority centers of gerontology to improve, enhance, and expand minority personnel and training programs.".

(c) Section 411(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) To provide dissemination of information on older American Indians to the public and to provide in-service training opportunities and courses of instruction on aging to Indian tribes through nonprofit Indian aging organizations.".

(d) The first sentence of section 412 of the Act is amended by inserting in the parenthetical thereof after "services" the following: "and minority populations".

(e) Section 423(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) The Commissioner in making grants and contracts under this section shall ensure that they are equitably awarded among agencies, organizations, and institutions representing minorities.".

(f) Section 425(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following new subsection:

"(2) The Commissioner shall carry out directly or through grants or contracts special training programs and technical assistance designed to improve services to older American Indians and minorities.".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER INDIANS

SEC. 9. (a) Section 502(b)(1)(M) is amended to read as follows:

"(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English speaking, and Indian eligible individuals in proportion to their numbers in the State, and with consideration to their rates of poverty and unemployment;".

(b) Section 506(a)(1)(A) of the Act is amended by inserting the word "preference" the following new sentence: "The Secretary shall next reserve such sums as may be necessary for national grants or contracts with national Indian aging organizations with the ability to provide employment services to older American Indians.".

STATEMENT OF PURPOSE AND FINDINGS FOR TITLE VI PROGRAMS

SEC. 10. Section 601 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE; FINDINGS; AND POLICY

"SEC. 601. (a) It is the purpose of this title to promote the delivery of supportive services, including nutritional services for Indians that are comparable to services provided under title III.

"(b) The Congress finds that the Indian elderly of this country—

"(1) are a rapidly increasing population;

"(2) suffer from high unemployment;

"(3) live in poverty at a rate estimated to be as high as 61 percent;

"(4) have a life expectancy between 3 and 4 years less than the general population;

"(5) lack sufficient nursing homes and other health care facilities;

"(6) lack sufficient Indian area agencies on aging;

"(7) frequently live in substandard and overcrowded housing;

"(8) receive less than adequate health care;

"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

"(10) are served under title III of this Act at a rate of less than 1 percent of the total participants under that title.

"(c) The United States Government and the Congress have a legal and moral obligation to Indian tribes as established by treaties, statutes, Executive orders, and the Constitution of the United States. The Congress of the United States recognizes Indian and Alaskan Native elderly as a vital resource who are entitled to all benefits and services available; and that such services and benefits shall be provided in a manner that preserves and restores the dignity, self-respect, and cultural identity of older American Indians.".

STRENGTHENED ELIGIBILITY

SEC. 11. Section 602(a) of the Act is amended—

(1) by striking out "60" after "least" and inserting in lieu thereof "50";

(2) by inserting "and" after clause (1);

(3) by striking out "and" and inserting in lieu thereof a period at the end of clause (2); and

(4) by striking out clause (3).

IMPROVED ADMINISTRATION FOR INDIAN PROGRAMS

SEC. 12. Section 605 of the Act is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) There is established in the Administration on Aging an Office for Tribal Programs.

"(2) The Office shall be headed by an Associate Commissioner on Indian Aging.

"(c) The Associate Commissioner on Indian Aging shall—

"(1) serve as the effective and visible advocate in behalf of older American Indians within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Americans Indians;

"(2) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

"(3) administer and evaluate the grants provided by this Act for Indian tribes, in particular coordination of title III services, pursuant to section 314;

"(4) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act in relation to older American Indians;

"(5) collect and disseminate information related to problems experienced by older American Indians;

"(6) develop research plans, conduct and arrange for research in the field of Indian aging with a special emphasis on the gathering of statistics on the status of older American Indians;

"(7) develop and provide technical assistance and training programs to grantees under this title; and

"(8) convene an Indian aging conference at regular intervals not to exceed two years and with the purpose of identifying conditions impacting older American Indians and proposing solutions to related problems and for the exchange of information relating to service delivery approaches.

"(d) The Associate Commissioner on Indian Aging shall create and chair an interagency task force on older American Indians and report to the Commissioner and relevant agencies the task force findings and recommendations within six months of enactment of this Act.".

REAUTHORIZATION

SEC. 13. Section 608(a) of the Act is amended to read as follows:

"SEC. 608. (a) There are authorized to be appropriated $12,100,000 for fiscal year 1988, $14,900,000 for fiscal year 1989, $17,700,000 for fiscal year 1990, and $20,600,000 for fiscal year 1991, and $23,600,000 for fiscal year 1992, such sums as may be necessary for each of the two succeeding fiscal years, to carry out the provisions of this title other than section 606.".

TASK FORCE; SPECIAL REPORT ON SERVICES FOR INDIAN OLDER INDIVIDUALS

SEC. 14. (a) The Commissioner on Aging shall establish a representative interagency task force representative of departments and agencies of the Government with an interest in older American Indians and their welfare designed to make recommendations with respect to facilitating the coordinations of services and the improvement of services to older American Indians.

(b) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization, to conduct a thorough study of the availability and quality of services for older American Indians. The study shall include—

(1) an analysis of how many Indian elderly now participate in title III and VI programs as compared to how many Indian elderly are eligible for program participation;

(2) a description of how title III and VI grants are made to Indian tribes and services are made available to older American Indians;

(3) an analysis of the recommendations of the interagency task force established under subsection (a); and

(4) a determination of what services are currently provided through title VI to older American Indians and how well the Administration on Aging assures that supportive services to Indians are commensurate with title III service, with special consideration to information and referral services, legal services, transportation services, and the Ombudsman services.

(c) The Commissioner shall, not later than 18 months after the date of enactment of this Act, prepare and submit to the Congress a report on the study required by this section, together with such recommendations, including recommendations for legislation, as the Commissioner deems appropriate.

THE RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. COATS. Mr. Speaker, today, I am joining my colleagues Chairman LUKEN, Congressman WHITTAKER, and Congressman SLATTERY in introducing the Railroad Unemployment Insurance and Retirement Improvement Act of 1987. I have been informed that this will be the vehicle the Energy and Commerce Committee will be acting on in the very near future. From correspondence between the Energy and Commerce Committee and Chairman ROSTENKOWSKI last Congress, I am confident that the legislation will also receive consideration by the Ways and Means Committee during the 100th Congress. I am including that correspondence in the RECORD.

The bill we are introducing today is substantially similar to legislation that the Energy and Commerce Committee reported last Congress. The legislation makes three major improvements to the current railroad unemployment insurance [RUI] system.

First, it requires rail carriers to pay unemployment taxes based on their unemployment experience, instead of the flat tax they currently pay. This will encourage rail carriers to attempt to keep their unemployment rates low.

Second, the bill provides a surcharge which will be triggered when funds in the RUI account fall below certain designated levels. Presently, when the funds in the RUI account are not sufficient to pay unemployment benefits, the RUI system borrows from the railroad retirement system. The RUI system's record of repaying those loans is dismal. Providing a mechanism to raise additional funds will contribute to the financial solvency of both the RUI system and the railroad retirement system.

Finally, the bill includes an amendment that I offered and was adopted during consideration of the legislation by the Energy and Commerce Committee last Congress. That amendment provides for an increase to $30 in the maximum daily benefit afforded unemployed rail workers from the current unrealistically low level of $25.

I began urging Congress to address the financial problems facing the RUI system early in the 99th Congress. I believe that this legislation is a necessary step in that direction and should be enacted this year. I appreciate the cooperation of my colleagues in drafting and introducing this legislation. This bill is supported by both rail labor and management, and I look forward to action on this legislation in the very near future by the Energy and Commerce Committee and the Ways and Means Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 9, 1986.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR DAN: On September 30, 1986, the Energy and Commerce Committee reported H.R. 5501, the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1986. As you know, this bill was jointly referred to the Committee on Ways and Means. We are writing to urge the Ways and Means Committee to take immediate and favorable action on H.R. 5501 so as to permit its enactment.

H.R. 5501 is similar to S. 1968, the Railroad Unemployment Insurance Amendments of 1985, that has been reported to the Senate by the Committee on Labor and Human Resources. We anticipate that the Senate will take action on H.R. 5501 before the end of the Congress if the bill passes the House.

The financial problems facing the Railroad Unemployment Insurance (RUI) system are nothing new. For many years, the RUI system has had to borrow from the Railroad Retirement Account in order to pay benefits. Additionally, RUI benefits are lower than those paid to unemployed workers under most states' unemployment insurance systems.

H.R. 5501 is based on an agreement between rail labor and management, as reflected in the consensus recommendation of the Railroad Unemployment Compensation Committee in 1984 and subsequent modifications agreed to in August 1986. Controversial provisions of the original agreement that may adversely affect the Railroad Retirement Account or the funds of the U.S. Treasury have not been included. H.R. 5501 retains the independent nature of the RUI system, while making changes in that system that will help to make it financially solvent. It also provides a long needed increase in benefits which is crucially important to unemployed rail workers.

The future of the RUI system is crucial to the approximately 30,000 unemployed rail workers who are currently receiving benefits. Further, since the RUI system has at times in the past been able to pay benefits only by borrowing money from the Railroad Retirement Account, the financial health of the RUI system as a direct impact on the financial security of railroad retirees.

The system is obviously in desperate need of reform. Congress should not delay any longer addressing the problems of the system or of unemployed rail workers. We look forward to working with you to place the RUI system on sound financial footing.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.
JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism.
NORMAN F. LENT,
Ranking Minority Member, Committee on Energy and Commerce.
BOB WHITTAKER,
Ranking Minority Member, Subcommittee on Commerce. Transportation, and Tourism.
DAN COATS,
Member, Committee on Energy and Commerce.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 4, 1986.

Hon. NORMAN F. LENT,
Ranking Minority Member, Committee on Energy and Commerce, Washington, DC.

DEAR NORM: Thank you for contacting me with regard to H.R. 5501, the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1986.

This legislation was referred to the Committee on Ways and Means on September 11, 1986. Unfortunately, the press of legislative business in the final days of the 99th Congress prevented the Committee on Ways and Means from considering this legislation prior to the Congress' adjournment. If the legislation is introduced in the 100th Congress, please be assured that it will receive the careful consideration of the Committee on Ways and Means.

With warm regards, I am,

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

THE RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, today, I am introducing legislation designed to improve the solvency of the railroad unemployment insurance system [RUI]. This bill, the Railroad Unemployment Insurance and Retirement Improvement Act of 1987, changes the current system of funding for the program and brings benefits for unemployed rail workers into line with the economic realities of the 1980's.

This bill is based on an agreement between rail labor and rail management, as reflected in the concensus recommendation of the Railroad Unemployment Compensation Committee in 1984, and subsequent modifications agreed to in August 1986. Both labor and management realize that problems with the RUI system are enormous. The RUI fund is in debt to the railroad retirement fund for $800 million. As more and more workers have lost their jobs, the base of contributions for both of those funds have shrunk proportionately. Benefits haven't been raised in more than a decade.

This consensus legislation, however, will address these problems. First, this bill will, for the first time, make each rail carrier directly accountable to the RUI system. Rail carriers will be judged on their individual employment histories. The result will be that those who lean most heavily on the system will do their fair share to support it.

Second, the bill also will provide unemployed rail workers with a reasonable daily benefit. Benefits will be raised from $25 to $30 per day.

Finally, the bill makes certain amendments to the Railroad Retirement Act, including eliminating the arcane "last person service" rule.

I want to thank all those who worked so hard to develop this bipartisan legislation, especially my subcommittee colleagues, Congressman COATS, Congressman SLATTERY and Congressman WHITTAKER. We plan an expeditious markup.

LET'S STOP ANTIFOULANT PAINTS FROM FOULING OUR WATERS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing legislation, along with 19 of my colleagues, which would significantly reduce the input of organotin, emanating from antifoulant vessel paints, into the aquatic environment.

Organotin is a general term for a group of biocides which are often added to antifoulant vessel paints—paints which are used to prevent the buildup of encrusting organisms such as barnacles and algae. Two types of organotin-based antifoulant paints are on the market today, free-association and copolymer. Generally speaking, the free-association type releases organotin at a higher rate than the copolymer type and is effective for a shorter period of time. Both types of organotin-based antifoulant paints are widely used. Approximately 70 percent of all ocean-going commercial vessels use the copolymer type. In the recreational sector, 10 percent of the U.S. vessels use the free-association type and 20 percent use the copolymer type.

Organotin-based antifoulant paints are very effective, perhaps too effective. Recent studies in England, France, and the United States have shown that low levels of organotin (in the parts per trillion range) can be toxic to many nontarget marine organisms. For example, researchers in France have found that organotin originating from recreational boats caused gross shell deformities in oysters. In the United States, researchers have found that low levels of organotin caused anatomical deformities in the reproductive organs of female snails and also caused fiddler crabs to regenerate claws which were functionally useless.

In recognition of the possible widespread toxic effects of organotin on nontarget aquatic organisms, the Environmental Protection Agency (EPA) commenced a special review of the nine most common TBT antifoulant paint formulations—TBT is one of the most common types of organotin—in January 1986. Under this review, manufacturers of the 340 registered TBT antifoulant paint formulations are required to provide the EPA with a variety of information about their paint formulations.

For example, each manufacturer must provide the EPA with information on the chemical make up of their formulation, the rate at which it releases TBT, its effect on nontarget aquatic organisms, its fate in the environment, and its effect on workers who apply and remove it. The EPA hopes to review this data, primarily the chemical make up and release rate data, and issue proposed interim regulations in October of this year.

The Subcommittee on Oversight and Investigations of the Merchant Marine and Fisheries Committee held a hearing on September 30, 1986, to investigate the use of TBT in antifoulant vessel paints. Evidence presented at the hearing indicated that the concentrations of TBT in many U.S. estuaries commonly exceeds levels which have been shown to cause toxic effects in nontarget marine organisms. In addition, international paint, which produces 40 percent of marine coatings sold, testified that a restriction on the sale of the high release rate free-associated type TBT-based antifoulant paints would cause the least economic harm and would significantly reduce the amount of TBT input into the waters of the United States. Finally, it was clear from the testimony presented at the hearing and investigations conducted by my staff, that the EPA will not promulgate final regulations governing the release of TBT from antifoulant paints for at least 1 year and more likely 2 years. Therefore, I am convinced that there is a need for Congress to act now and restrict the sale of all high release rate organotin-based antifoulant paints, including TBT-based paints, until the EPA promulgates final regulations.

The legislation that I am introducing today would prohibit the sale of organotin-based antifoulant paints which release organotin at a rate greater than 5 micrograms per square centimeter per day and directs the administrator of the EPA to certify which paints meet this standard. In addition, the retail sale of organotin compounds which can be added to paint to make free-association antifoulant paint is prohibited. These restrictions only apply to antifoulant paints and organotin compounds which are intended for use on a vessel or a marine structure. The bill is an interim measure; therefore, it will remain in effect only until the EPA issues final regulations regarding the release of organotin into the aquatic environment by organotin-based antifoulant paints.

I believe that this bill will remove all high release rate organotin-based antifoulant paints from the market. The Navy estimates that this type of regulation will reduce the input of organotin into the aquatic environment by 20 to 50 percent. In addition, this legislation will leave many, less environmentally damaging, organotin based antifoulant paints on the market. Therefore, I believe that this bill will significantly reduce the input of organotin into U.S. waters and yet still allow those who earn their livelihood on the water; for example—the merchant marine and fishermen—the option of using these types of antifoulant paints.

The evidence that organotin is very harmful to a wide variety of aquatic organisms is conclusive. Congress should move quickly to limit the input of organotin into our waters. The legislation I am introducing today will accomplish that goal and yet cause little economic harm to those who make and use these types of antifoulant paints. Therefore, I urge all Members to support this bill.

A SNEAKY SUPPLEMENTAL FOR THE WORLD BANK

HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. BOULTER. Mr. Speaker, I would like to submit for the RECORD an editorial from yesterday's Wall Street Journal, written by Mr. Joe Rogers, a former representative to the Asian Development Bank. In the article, Mr. Rogers draws upon his wealth of experience in multilateral lending to expose the unwise lending practices often associated with multilateral lending institutions. I commend the editorial to my colleagues.

The editorial follows:

A SNEAKY SUPPLEMENTAL FOR THE WORLD BANK

(By Joe O. Rogers)

The Appropriations Committee is preparing to bring before the full House April 22 substantial increases in funding for farm subsidies, modernization of the machine tool industry and support of ailing oil producers. This time, however, no Americans need apply.

The funds are for the World Bank's notoriously profligate International Development Association (IDA)—50-year loans, no interest and 10 years of grace—and the African Development Bank. Total tab: just over $250 million.

The vast majority of funds channeled through the World Bank and its sister agencies find their way to the nationalized industries and state-run agricultural cartels. Like most welfare, this spending is ultimately destructive of the economics and people who receive it. Rather than providing credit for competitive, market-determined uses, it goes to feed swollen bureaucracies and to appease the political elites who allow them to remain in place. Where it does lead to production, it undercuts any unsubsidized producers elsewhere.

Until substantial reform in the operation of the World Bank and its affiliates is obtained, new funding should be withheld. If reform is not possible—the Reagan administration has failed in six years of continuing effort—funding should be terminated. (This applies equally to soft loans from IDA and the "hard-loan" window of the World Bank; only their repayment terms differ.)

A few examples illustrate the continuing problems.

The World Bank has recently approved a $100 million loan to China to rehabilitate its machine-tool industry. State-run by definition, it is in direct competition with our own beleaguered industry. If successful, this project will reduce the sizable Chinese market for American producers and create the potential of a major new international supplier. Should this have occurred as a result of a competitive environment there could be no quarrel with the growth of China's industry. As a part of a wave of subsidies, it is outrageous.

In February, the World Bank approved a so-called "trade policy loan" for Indonesia that, the World Bank reports, "will be used to support the government's efforts to respond to the sharp fall in oil prices . . . while enabling it to regain stability in its balance of payments and in its budget." According to the Far Eastern Economic Review, the World Bank plans an additional loan this year aimed at improving agricultural production. Total cost: about $500 million. In combination with similar loans made by the Asian Development Bank, this package yields a substantial floor under the price of Indonesian crude oil not available to market-economy producers.

Unfortunately, these are not isolated cases. The 1986 World Bank Annual Report provides a classic description of its activities. On page 118, citing a $90 million IDA loan, the directors wrote: "Funds will be onlent by the Agricultural Bank of China to individual farmers, households, collective units, and enterprises owned by local government entities and collectives . . . for the development of aquaculture, orchards, agroprocessing, and livestock enterprises." No farm bank crisis there!

Similar examples abound: $30 million went to Burma to increase rice exports; $15 million to the Bolivian National Oil Co.; $64 million went to Hungary, a communist nation, to reduce its coal imports—sorry, West Virginia: $3.9 million of IDA funds went to Guinea to manage government-owned mining operations; $100 million to Hungary "to enable it to achieve international competitiveness;" $12 million of IDA funds went to the Yemeni government for its national oil company.

Perhaps the most interesting aspect of the legislation up this week is the fact that it is part of a "supplemental" appropriations package. At one time such legislation was intended to accommodate emergency situations that could not be foreseen at the time regular appropriations wer enacted. An example is the $50 million included for humanitarian earthquake relief for El Salvador, a real and tragic emergency.

For most of what's involved here, there is no real emergency. Congress considered requests for funding all of these agencies in the regular appropriation passed in October. At that time, with full information available and after extensive hearings, a deliberate decision was made not to appropriate during the current fiscal year the funds now being proposed. Nothing of substance has changed to warrant a reversal of that decision.

What has changed is that the supplemental appropriation receives less scrutiny than the regular legislation. Spending requests shaved in that fall legislation can be reborn in the spring with little chance of detection. The fiscal budget now under consideration is for 1988; fiscal 1987, currently under way, can be bloated with impunity. To cap the legislative legerdemain. Speaker Jim Wright pulled this bill from the pre-Easter calendar because the House was considering its budget. The speaker did not wish to be seen spending on foreign aid extravagances while advocating substanitally increased taxes and further reductions in the nation's defense. Now the coast is clear.

Congressional largess is likely to go on, but altering U.S. policy toward subsidized competition may be possible. Rep. Beau Boulter (R., Texas), Sen Steven Symms (R., Idaho) and others have introduced a bill to allow U.S. representatives at the World Bank and its sister organizations to support only those loans that do not provide subsidies to competitors of American agricultural or mineral producers. This would require that the borrowing government must lend the proceeds to its producers at locally competitive interest rates and that no production, operating or export subsidies be provided.

Enactment of this legislation would be a good first step toward reform. Perhaps creative floor strategists can substitute it for the folly of the supplemental package. At the very least, their efforts can focus attention on what is being done and send this legislation back to the Appropriations Committee for badly needed rewriting.

IN HONOR OF DR. STANLEY H. KELLERHOUSE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. FISH. Mr. Speaker, I rise today to commend a most distinguished resident of the 21st Congressional District of New York, Dr. Stanley H. Kellerhouse. The volunteer service bureau of the United Way of Westchester will honor Dr. Kellerhouse of Croton, NY as their Volunteer of the Year at their 6th annual luncheon on Monday, April 27, 1987 at the Tarrytown Hilton, for his more than 30 years of service to the community in many roles and organizations.

Dr. Kellerhouse was chosen from a most worthy group of nominees, and I recognize all of them for their efforts.

Dr. Kellerhouse has made outstanding contributions to many organizations. He has been active in the Salvation Army for over 30 years. As mayor of Croton, among many accomplishments he organized the kettle bell ringing program involving well-known citizens as ringers.

One of his current volunteer roles is that of advisory and fundraising committee member and distributor of food baskets for the Croton Caring Committee.

Dr. Kellerhouse also volunteers at several nursing homes and at the Veterans' Administration Medical Center in Montrose, where he not only serves on the ethics committee, but also entertains the residents by playing ragtime piano and organizing singalongs.

Through his longstanding commitment to young people, while dean of students at the high school, he was responsible for discipline and had the opportunity to work with troubled children. Many of his volunteer activities reflect his interest in them.

In the 1940's Dr. Kellerhouse was appointed to the New York State Youth Services Commission. He has served on the Advisory Science Committee of the Boy Scouts of America for many years. He is a member of the Rotary Club and has been active in the youth sports program for St. Joseph's Home in Peekskill, NY.

Dr. Kellerhouse has initiated many events which have cut across social boundaries and built bridges. He continues to serve the people and the community with unfailing energy and commitment, and always with the intention of increasing understanding and cooperation among peoples.

Mr. Speaker, the accomplishments of Dr. Stanley H. Kellerhouse are many. His work is a fine example for all of us.

THE PRESIDENT IS RIGHT ON THE MARK

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. ROGERS. Mr. Speaker, with the head of one of our closest, most important allies due here next month, President Reagan again showed he has the right stuff. He called Prime Minister Nakasone on his commitment to free and fair trade.

With his announcement of up to $300 million in tariffs on Japanese products in response to Tokyo's failure to observe the 8-month-old semiconductor pact, the President demonstrated that where necessary and appropriate, he will take charge and act. He has done it before, and if necessary, will do it again.

In the last 4 years, 600 antidumping and countervailing duty cases have been prosecuted, four times more use of the mainstay of our trade laws than ever before. Dumping and section 301 unfair trade actions were self-initiated for the first time in history by this President. And we are ready to aggressively renegotiate the General Agreement on Tariffs and Trade from a position of strength.

With this latest action on semiconductors, already we are hearing of Japanese plans to buy tens of millions of dollars of supercomputers and of their desire to settle the dispute. Now, we must press them even harder in other areas, especially regarding purchases of American coal. The President is right on the mark: Now is the time for strong action.

SUPPLEMENTAL APPROPRIATIONS BILL

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1987

Mr. GUNDERSON. Mr. Speaker, today when the House approved an $11.3 billion supplemental appropriation bill for fiscal year 1987, it did so without my support. While there are some provisions in the bill with which I strongly agree—and I will go into those in some detail later—on balance, I do not believe the measure should have been adopted.

I have two primary motivations for opposing this measure: First, the measure included a $10 million appropriation for the Secretary of Agriculture to conduct three studies on the implementation of mandatory supply management for basic agricultural commodities; and second, the measure includes ill-timed and poorly worded arms control language.

On mandatory supply management, I strongly believe that if we are to open the 1985 Farm Bill to substantial amendment, we should let the proper authorizing committee do the work. The House Agriculture Committee, of which I am a member, is the proper committee. But the House Appropriations Committee, which did all the work on this bill, is not the proper committee to be rewriting our Nation's farm policies.

Second, it is sheer folly to unilaterally institute supply management when the rest of the agricultural commodity producing world is just waiting to seize the opportunity to take our overseas markets. I urge my colleagues in the House to remember the 1983 payment-in-kind experiment, which was a unilateral supply management approach, and let to drastically reduced U.S. world market shares for grain and wheat exports.

Third, I don't know who has been reading the newspapers lately, but for those who have been it is abundantly clear that the agricultural sector is going to be a major part of the upcoming GATT talks in Uruguay. Why, then, are we pulling the rug out from under our farmers today by giving away their overseas markets? What we need to do is sit down at GATT and negotiate international agreements on supply management. Those efforts I will wholeheartedly support, because they provide a real opportunity to deal with worldwide agricultural surpluses.

Now, with regard to the arms-control provisions included in the Supplemental Appropriations Act, I can't help but be disappointed at the unfortunate language, and the inexplicably poor timing on the part of the House leadership in bringing these matters to the floor.

The bill mandates United States compliance with the numerical limits of the 1979 U.S.-Soviet Union SALT II agreement, and a moratorium on U.S. nuclear testing with devices yielding over 1 kiloton of explosive power. Both of these provisions are contingent on Soviet adherence to the same restrictions.

Mr. Speaker, there have been many occasions when I have actively supported the concepts behind these proposals, dating back to the original Zablocki Nuclear Freeze Amendment in 1982. During the 99th Congress, I was an original cosponsor of House Joint Resolution 3, which called for the resumption of negotiations for a Comprehensive Test Ban Treaty. Also, I supported House Concurrent Resolution 350, which urged the President to abide by the entire SALT II agreement only if the Soviets abided by the entire SALT II agreement.

I have always believed that bilateral agreements establishing procedures for mutual and verifiable arms reductions represented significant steps toward arms control, which in turn fostered genuine peace and stability between the superpowers. Further, I am convinced that the Congress can play an important role in encouraging such agreements between the United States and the Soviet Union.

However, there also must be a sensitivity to the delicate nature of timing in the development of a treaty. At no time in the history of U.S.-Soviet relations have the two superpowers been closer to an authentic arms reduction treaty—not simply an agreement which regulates both side's weapons-building. Newspaper headlines report the progress being made in the arms talks almost daily. If anything, the Congress should be drawing up a resolution applauding the direction of the talks, and expressing its support for the President's negotiating team, as it takes another step toward deep cuts in both side's nuclear arsenals.

Instead, the House leadership chooses to harp on two issues already under serious discussion in Geneva: compliance to restraints in nuclear forces, and a moratorium on most nuclear testing. Rather than expressing support for the U.S. negotiators in Geneva, these provisions serve only to interfere with the very process they were intended to assist.

The proposal authored by NORMAN DICKS prohibits funding any deployment or maintenance of nuclear weapons which exceeds the numerical limits of the SALT II agreement, unless the President certifies that the U.S.S.R. has exceeded those same limits.

Apart from the issue of timing, I cannot support this proposal because it does not recognize that, in an agreement, all provisions of the entire agreement must be adhered to by both sides. In the case of SALT II, both numerical limits and qualitative restrictions must be obeyed. This is a concept the House overwhelmingly endorsed last July in the form of House Joint Resolution 3.

Without question, this is not the case. Although the Soviets have been careful to stay within the numerical limits and sublimits of the agreement, they have committed serious qualitative violations which undermine the principle of mutuality so essential to a successful bilateral agreement.

The Soviets have built a large radar station near the Siberian city of Krasnoyarsk, which due to its size, its location, and the direction it faces, is undeniably an antiballistic missile radar designed to monitor a large portion of eastern U.S.S.R. The Krasnoyarsk radar violates the Anti-Ballistic Missile Treaty of 1972, which allows each side only one limited ABM defense site, the Soviet's other site being near Moscow.

The SALT II agreement permitted each side to test and deploy only one new missile, although they could modernize within certain strict limitations. The U.S. MX missile and the Soviet SS-24 are both permitted under the agreement. However, the U.S.S.R. has developed another new missile, the SS-25—another clear violation of the treaty.

Further, the Soviets have begun a policy of telemetry encryption, or coding missile test signals to make them unreadable to anyone except themselves. SALT II prohibits the encoding of missile test information where it "impedes verification of compliance with the provisions of the treaty." A treaty only makes sense if adherence to it can be checked, so efforts to confuse and obstruct the other side's verification measures are illegal. However, intelligence information clearly shows that the U.S.S.R. is engaging in this practice, and thus are in violation of the treaty in still another instance.

Yet, despite these known Soviet transgressions, some of the proponents of these "arms control" provisions dismiss them as trival. Others contend that the U.S. should abide by SALT II in spite of obvious Soviet violations, out of fear that the Soviets would overwhelm us with nuclear warhead production if we did otherwise. Not only do these arguments smack of appeasement, they ignore the pronouncements of President Carter, who helped fashion SALT II, and said that if we ever detect any violation by the Soviets, then we have a basis for voiding the entire treaty.

While I certainly share concern for arms control, I am equally concerned about maintaining the integrity of the agreement. The Dicks provision fails in that regard, and therefore is unacceptable at this time, when a genuine arms reduction treaty is so close.

There is no question that realistic peace and stability in the nuclear age can only be achieved through a relaxation in tensions between the United States and the Soviet Union, a thorough understanding on both sides of our mutual interests and differences, and certainly, an end to the arms race through a treaty which contains real, verifiable, and mutual cuts in both side's nuclear and conventional arsenals.

But this goal will never be reached through poorly-worded legislation that places unilateral restrictions on the United States, at a time when arms reduction negotiations are making progress. If the Congress is going to make a contribution to arms control, it must do so in harmony with U.S. negotiators charged with the task of hammering out a treaty, and with the recognition that proper timing is essential to a successful arms reduction agreement.

Despite these major objections to the bill, there are provisions worth mentioning that are positive. H.R. 1827 makes an important transfer of $287 million from the Guaranteed Student Loan Program (GSL) to the Pell Grant Program. The GSL Program currently is experiencing an excess of funds for two reasons:

(1) 1987 operating costs for the GSL program are lower than expected; and

(2) T-Bill rates declined, thus lowering interest subsidy costs.

The Pell Grant Program, on the other hand, for a number of years has experienced shortfalls. A transfer of GSL funds to the Pell Grant Program will cover 1987 shortfalls, and assist those truly needy postsecondary students entering college or continuing their education. This is a justified and safe transfer of funds and will not hamper the operation of the GSL Program.

Another education supplemental I support is the $3.4 million for the Special Milk Program. This additional funding will pay for 46 million half-pints of milk to be served in 1987 to youngsters in split-session kindergarten programs. Kindergarteners who attend nonprofit schools, and do not have access to a meal service program are eligible for this important nutritional service. The 99th Congress enacted H.R. 7, the School Lunch and Child Nutrition Amendments of 1985, and this supplemental appropriation funds this new provision serving kindergarten youngsters.

Other provisions contained within the fiscal year 1987 supplemental appropriations bill that make my vote today very difficult, include increases in funding for important employment training programs which I strongly support. Specifically, the bill provides an additional $50 million for the Summer Youth Employment Program, $35 million for the Work Incentive Program (WIN), $10 million for the Community Services Employment Program for Older Americans, and $30 million from the Unemployment Trust Funds for Employment Service operations to provide for State administration of the Targeted Job Tax Credit Act.

While I support these increases provided under the Labor-HHS-Education component of the bill, I cannot support an overall appropriations measure that would be disastrous to U.S. farmers and to our arms control efforts.

SENATE—*Friday, April 24, 1987*

(Legislative day of Tuesday, April 21, 1987)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me * * *. Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever.*—Psalm 23: 4,6.

Eternal God, Creator of all things, Who has brought life and immortality to light, You have set eternity in our hearts and nothing less will satisfy. We set our hopes on the transitory only to be disappointed, disillusioned, and frustrated again and again. We lift our hearts in gratitude for Your undying love, Your undeviating mercy, Your unwavering patience with our deviations—our preoccupation with the temporal. Help us to see that life is probationary—history is probationary preparing us for eternity with You. Give us to understand that our ultimate accountability is to You. Knowing that we will finally answer to You for our decisions and actions, grant us grace to live each day, each hour in the light of Your final judgment. We pray in the name of Him who embraces us with His sacrificial, everlasting love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his sobering, strengthening, thoughtful prayer.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved for his use later during the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. PROXMIRE may use as much of my time as he desires and that I may retain the remainder of it for my use.

The PRESIDING OFFICER. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank my good friend the majority leader for his typical graciousness and generosity.

TOP PHYSICISTS DEAL STAR WARS DEVASTATING CRITICISM

Mr. PROXMIRE. Mr. President, a panel of this country's leading physicists have expressed the strongest and most authoritative doubt to date that SDI or star wars could survive an attack. Here is one military project that depends crucially on progress in highly complex physical technology. Obviously, no Member of the Congress is qualified to make a competent scientific judgment on whether this enormously costly project that has become the administration's prime military priority will work or will not work. So how can we Members of Congress make the decision only we can make on whether and how fast to proceed on SDI? That decision will be up to us. It will not be up to the world-renowned physicists. In making SDI decisions the scientific experts are precisely the ones on whom we must rely. So what advice do they give us? They tell us the technical hurdles are enormous. They tell us the chances of deploying a system that could provide significant defense against a Soviet nuclear strike until well into the next century—if ever—are microscopic.

Did this panel tell us that star wars will not work? No. It did not make that flat a statement. Did it tell us the probabilities? No. It deliberately avoided that. The panel concentrated on directed energy weapons, that is lasers and particle beams. These are the weapons that would be crucial to permit SDI to deliver a virtually instant attack over great distances on incoming nuclear warheads. Why are these weapons crucial to star wars success? Because these are the weapons that could theoretically provide the near perfection necessary to protect against an attack by thousands of enemy nuclear warheads. The National Academy of Sciences has contended that if only 1 percent of the present Soviet arsenal should strike American cities between 35 and 55 million Americans would die.

How much will the technologies have to improve to permit a star wars system to work? Now get this. The report tells us the technologies will have to improve by factors ranging from a factor of 100—that is by hundredfold or 100 times—up to more than a factor of 1 million. The panel further said that, in many cases, scientists do not yet know whether the proposed weapons are based on sound physical principles and therefore would have any chance at all of being workable. The crowning blow to star wars comes in the realization that the panel didn't even evaluate an entirely separate but vital ingredient necessary to make the system workable. The panel did not even try to evaluate the computers needed to manage the system. Now here is a problem of such daunting complexity that many experts consider it to be even more difficult than perfecting the weapons that must improve by a hundredfold to a millionfold in order to work.

Mr. President, as I say the star wars technology is so advanced that none of us in the Congress can make a competent judgment by applying what little scientific knowledge we have to assess its prospects. For that reason the qualifications of the experts who have made this report are of very great importance. Are these scientists the best qualified persons we can expect to appraise and evaluate star wars? Let's consider who these physicist are. There are two cochairmen. They are Nicolaas Bloembergen, a Harvard University physicist who won a Nobel prize for work on lasers; and C.K.N. Patel, an executive director in research at AT&T Bell Laboratories, a laser inventor. Does the panel include top scientists from the Government's own weapons laboratories? It does, indeed. Was the report appraised by a balanced as well as scientifically competent group? It was. It was appraised by a six member group including two other scientists who won Nobel prizes for their laser work and two who held top positions in military research. There was a conscious effort to make the review group as impartial and balanced as possible in its outlook. And that wasn't all. For more than 6 months the study underwent a security review—now get this—by the Strategic Defense Initiative Organization.

Consider the expertise and especially the balance in a group that included—in addition to the two chairmen I have mentioned—the following: Robert Clem, Sandia National Laboratories; Petras Avizonis, Air Force Weapons Laboratory; Aabraham Hertzberg, University of Washington; Lt. Col. Thomas H. Johnson, U.S. Military Academy; Thomas Marshall, Columbia University; Bruce Miller, Sandia National Laboratories; Walter Morrow, Lincoln Laboratories of the Massachusetts Institute of Technology; Edwin Salpeter, Cornell University; Andrew Sessler, Lawrence Berkeley Laboratory; Jeremiah Sullivan, University of Illinois; James C. Wyant, University of Arizona; Amnon Yariv, California Institute of Technology. The group's chief consultant was A.J. Glass, of KMS Fusion, Inc., and its executive secretary was L. Charles Hebel, of the Xerox Corp.'s Palo Alto Research Center.

Mr. President, any Senator who intends to make a conscientious vote on the funding of SDI on its merits will want to give very careful consideration to this remarkably authoritative and absolutely devastating report on the scientific prospects of this hugely expensive military project.

I ask unanimous consent that an article from New York Times by Philip Boffey headlined: "Physicists Express 'Star Wars' Doubt; Long Delays Seen," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 23, 1987]

Physicists Express "Star Wars" Doubt; Long Delays Seen

(By Philip M. Boffey)

Washington, April 22.—A panel of the nation's leading physicists will report Thursday that so many break-throughs are required to develop laser and particle beam weapons for the proposed "Star Wars" antimissile system that it will take a decade or more in intensive research just to determine whether the job can be done.

That pessimistic estimate from the American Physical Society, the nation's largest professional society for physicists, would push further into the future the time at which any decision could be made on whether to develop and deploy a full-scale stragetic defense that would, in President Reagan's words, render nuclear weapons "impotent and obsolete."

VIEW CALLED "UNDULY PESSIMISTIC"

When the Administration's Strategic Defense Initiative was begun in 1984, officials acknowledged that it would be a long-term research effort aimed at producing enough information so that President Reagan's successor could decide in the mid-1990's whether a full-scale defense appears feasible. But the Physical Society's judgment makes it highly unlikely that even President Reagan's successor will be in a position to make that judgment; the decision could well be pushed back into the next century.

The Strategic Defense Initiative Organization, the part of the Defense Department that manages the "Star Wars" program, said today that individual chapters in the report appeared to be "an objective independent appraisal of various technologies." But the agency said it found "the conclusions to be subjective and unduly pessimistic about our capability to bring to fruition the specific technologies needed for a full-scale development decision in the 1990's."

The agency also said that the report, largely completed last September, was only "a snapshot in time" and that "we have made significant progress in the intervening period."

The panel's conclusions are contained in a 424-page report that is to be released at a news conference Thursday. Those conclusions were discussed tonight at a briefing for more than 150 physicists at the spring meeting of the American Physical Society at the Hyatt Regency Crystal City Hotel, in suburban Virginia. The conclusions are being reported by The New York Times today because they are so widely known that disclosures of the material before the official release time on Thursday appeared inevitable.

99 PERCENT SURE IT WON'T WORK

The panel did not say flatly that President Reagan's goal was impossible, but it cited formidable technical obstacles that must be overcome to produce useful weapons and called it "highly questionable" whether a "Star Wars" system based in space could survive an attack upon it.

One member of the panel, who asked that his name be withheld, said the group had deliberately shied away from estimating the probabilities that various proposed weapons, many of which are already undergoing preliminary tests at very low power and scale, will ultimately develop into effective weapons. But he added, "I am 99.9 percent sure it won't work."

The report by the Physical Society appears to be the most authoritative technical analysis so far of the "directed energy weapons," including lasers and particle beams, that are being investigated as the most critical elements of a full-scale system to protect the nation against a massive attack by enemy missiles. In theory, such weapons could deliver lethal rays, consisting of laser light beams or streams of subatomic particles, almost instantaneously over vast distances in space, thus offering the best hope of destroying thousands of attacking missiles and warheads in midair.

The panel did not evaluate the computers needed to manage the defensive system, a technical problem that some experts consider the most daunting of all. But because lasers and particle beams have long been considered a critical element for any defense that aspires to near-perfection, the panel's report could assume major importance in the debates over "Star Wars."

The Physical Society's report was prepared and reviewed by scientists of great eminence who received full cooperation and classified briefings from the Defense Department and the Strategic Defense Initiative Office.

2 LEADERS OF PANEL

The co-chairmen of the 15-member study group were Nicolaas Bloembergen, a Harvard University physicist who won a Nobel Prize for work on lasers, and C.K.N. Patel, an executive director in research at A.T.&T. Bell Laboratories, a laser inventor.

The group also included top scientists from the Government's own weapons laboratories. Their report was then reviewed by a six-member committee, including two other scientists who won Nobel Prizes for their laser work and two scientists who held top positions in military research. Members said the Physical Society made great efforts to assure that the groups were impartial and balanced in outlook.

The report underwent a searching review for more than half a year at the Strategic Defense Initiative Office and other agencies to eliminate classified information of importance to national security. The Physical Society said there had been "small but significant deletions," most notably in removing material on countermeasures to overcome a "Star Wars" system. However, it called the deletions a "minuscule" fraction of the original report.

The report's primary conclusion was that, despite "substantial progress" over the past two decades, there remain "significant gaps" in scientific and technical understanding of the needed technologies. The report said the performance of most of the crucial technologies would have to improve by factors ranging from 100 to more than a million, a scaling up that may or may not be achievable.

UNCERTAINTY ABOUT WEAPONS

In many cases, the panel said, scientists do not even know yet whether some proposed weapons are based on sound physical principles or will prove to be unworkable.

In one key conclusion that is bound to increase political opposition to an antimissile defense, the panel disclosed for the first time that many space-based platforms would require nuclear reactors for power, thus undercutting assertions that the defensive system would be non-nuclear.

The panel studied only lasers and particle beams, not such other proposed "Star Wars" weapons as chemical rockets or homing projectiles that destroy their targets by smashing into them. Defense Secretary Caspar W. Weinberger has been suggesting that a decision could be made soon on whether to develop an initial spacebased anti-missile defense using these simpler technologies, leading to deployment in space as early as 1994.

In such a system, the only role for lasers or particle beams would be as sensing systems designed to discriminate between true warheads and decoys.

The other panel members were:

Petras Avizonis, Air Force Weapons Laboratory; Robert Clem, Sandia National Laboratories Aabraham Hertzberg, University of Washington; Lieut. Col. Thomas H. Johnson, United States Military Academy; Thomas Marshall, Columbia University; Bruce Miller, Sandia National Laboratories; Walter Morrow, Lincoln Laboratories of the Massachusetts Institute of Technology; Edwin Salpeter, Cornell University; Andrew Sessler, Lawrence Berkeley Laboratory; Jeremiah Sullivan, University of Illinois; James C. Wyant, University of Arizona; Amnon Yariv, California Institute of University. The group's chief consultant was A.J. Glass, of KMS Fusion Inc., and its executive secretary was L. Charles Hebel, of the Xerox Corporation's Palo Alto Research Center.

Mr. PROXMIRE. Mr. President, once again I thank my good friend, the distinguished majority leader, for so graciously yielding, and I yield the floor.

The **PRESIDING OFFICER.** The majority leader is recognized.

Mr. BYRD. Mr. President, I reserved the able Republican leader's time I believe for later in the day, and I do not intend to use any more of my time. Therefore, I suggest that we proceed.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 853, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 853) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Highway Traffic Safety Administration Authorization Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "multipurpose passenger vehicle" means a motor vehicle with motive power, other than a **[**trailer,**]** *trailer and a motorcycle,* with a gross vehicle weight under ten thousand pounds and which is designed to carry ten persons or less and which is constructed either on a truck chassis or with special features for occasional off-road operation;

(2) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying ten persons or less; and

(3) "Secretary" means the Secretary of Transportation.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

GENERAL AUTHORIZATIONS

SEC. 101. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $53,733,000 for fiscal year 1988, and $55,233,000 for fiscal year 1989.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $363,000 for fiscal year 1988, and $363,000 for fiscal year 1989.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $2,301,000 for fiscal year 1988, and $2,301,000 for fiscal year 1989.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $560,000 for fiscal year 1988, and $560,000 for fiscal year 1989.".

OCCUPANT CRASH PROTECTION PROGRAM

SEC. 102. In order to carry out a national program to encourage the use of safety belts and passive restraints in passenger automobiles, as authorized by section 403 of title 23, United States Code, the Secretary may derive an additional amount not to exceed $10,000,000 from unobligated balances of funds made available for highway safety programs under title 23, United States Code. Not less than three-fourths of the total of such amounts shall be used for educational efforts related to the use of airbags. Of the funds allocated to such efforts, not less than $5,000,000 shall be used to carry out a program to demonstrate the effectiveness of airbag technology, with emphasis on lowest-cost technologies. Such amounts shall remain available until expended.

TITLE II—SIDE IMPACT PROTECTION AND CRASHWORTHINESS DATA

SIDE IMPACT PROTECTION

SEC. 201. Not later than sixty days after the date of enactment of this Act, the Secretary shall reopen the rulemaking proceeding terminated on July 12, 1982, to implement Federal Motor Vehicle Safety Standard 214 (49 CFR 571.214). The Secretary shall, not later than one year after the date of enactment of this Act—

(1) establish performance criteria for improved occupant protection in side impact; and

(2) issue an advance notice of proposed rulemaking to extend the applicability of such standard to **[**light trucks, vans, and**]** multipurpose passenger vehicles.

AUTOMOBILE CRASHWORTHINESS DATA

SEC. 202. Section 201 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941) is amended by adding at the end thereof the following:

"(f)(1) The Secretary shall, within thirty days after the date of enactment of this subsection, enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation regarding means of establishing a method for calculating a uniform numerical rating which will enable consumers to compare meaningfully the crashworthiness of different passenger automobile models.

"(2) Such study shall include examination of current and proposed crashworthiness tests and testing procedures and shall be directed to determining whether additional objective, accurate and relevant information regarding the comparative crashworthiness of different passenger automobile models reasonably can be provided to consumers by means of a crashworthiness rating rule. Such study shall include examination of at least the following proposed elements of a crashworthiness rating rule:

"(A) information on the degree to which different passenger automobile models will protect occupants across the range of motor vehicle crash types when in use on public roads;

"(B) a repeatable and objective test which is capable of identifying meaningful differences in the degree of crash protection provided occupants by the vehicles tested, with respect to such aspects of crashworthiness as occupant crash protection with and without use of manual seatbelts, fuel system integrity, and other relevant aspects;

"(C) ratings which are accurate, simple in form, readily understandable and of benefit to consumers in making informed decisions in the purchase of passenger automobiles;

"(D) dissemination of comparative crashworthiness ratings to consumers either at the time of introduction of a new passenger automobile model or very soon after such time of introduction; and

"(E) the development and dissemination of crashworthiness data at a cost which is reasonably balanced with the benefits of such data to consumers in making informed purchase decisions.

"(3) Any such arrangement shall require the National Academy of Sciences to report to the Secretary and the Congress not later than nineteen months after the date of enactment of this subsection on the results of such study and investigation, together with its recommendations. The Secretary shall, to the extent permitted by law, furnish to the Academy upon its request any information which the Academy considers necessary to conduct the investigation and study required by this subsection.

"(4) Within sixty days after transmittal of the report of the National Academy of Sciences to the Secretary and the Congress under paragraph (3) of this subsection, the Secretary shall initiate a period (not longer than ninety days) for public comment on implementation of the recommendations of the National Academy of Sciences with respect to a rule promulgated under this title establishing on objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles.

"(5) Not later than one hundred and eighty days after the close of the public comment period provided for in paragraph (4) of this subsection, the Secretary shall determine, on the basis of the report of the National Academy of Sciences and the public comments on such report, whether an objectively based system can be established by means of which accurate and relevant information can be derived that reasonably predicts the degree to which different makes and models of passenger automobiles provide protection to occupants against the risk of personal injury or death as a result of motor vehicle accidents. The

Secretary shall promptly publish the basis of such determination, and shall transmit such determination to the Congress.

"(g)(1) If the Secretary determines that the system described in subsection (f)(5) of this section can be established, the Secretary shall, subject to the exception provided in paragraph (2) of this subsection, not later than three years after the date of enactment of this subsection, promulgate a rule under this section establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles. The rule promulgated under this subsection shall be practicable and shall provide to the public relevant objective information in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger automobiles so as to contribute meaningfully to informed purchase decisions.

"(2) The Secretary shall not promulgate such rule unless (A) a period of sixty calendar days has passed after the Secretary has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a summary of the comments received during the period for public comment specified in subsection (f)(4) of this section, or (B) each such committee before the expiration of such sixty-day period has transmitted to the Secretary written notice to the effect that such committee has no objection to the promulgation of such rule.

"(h) If the Secretary promulgates a rule under subsection (g) of this section, not later than three years after the date of enactment of this subsection, the Secretary shall by rule establish procedures requiring passenger automobile dealers to make available to prospective passenger automobile purchasers information developed by the Secretary and provided to the dealer which contains data comparing the crashworthiness of passenger automobiles.".

(b) Section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) is amended by adding at the end thereof the following new paragraph:

"(19)(A) The term 'passenger automobile' means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying ten persons or less.

"(B) As used in subparagraph (A) of this paragraph, the term 'multipurpose passenger vehicle' means a motor vehicle with motive power, other than a [trailer,] *trailer and a motorcycle,* with a gross vehicle weight under ten thousand pounds and which is designed to carry ten persons or less and which is constructed either on a truck chassis or with special features for occasional offroad operation.".

TITLE III—MISCELLANEOUS PROVISIONS

STANDARDS COMPLIANCE

SEC. 301. Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following:

"(j)(1) The Secretary shall establish a schedule for use in ensuring compliance with each Federal motor vehicle safety standard established under this Act which the Secretary determines is capable of being tested. Such schedule shall ensure that each such standard is the subject of testing and evaluation on a regular, rotating basis.

"(2) The Secretary shall, not later than six months after the date of enactment of this subsection, conduct a review of the method for the collection of data regarding accidents related to Federal motor vehicle safety standards established under this Act. The Secretary shall consider the desirability of collecting data in addition to that information collected as of the date of enactment of this subsection, and shall estimate the costs involved in the collection of such additional data, as well as the benefits to safety likely to be derived from such collection. If the Secretary determines that such benefits outweigh the costs of such collection, the Secretary shall collect such additional data and utilize it in determining which motor vehicles should be the subject of testing for compliance with Federal motor vehicle safety standards established under this Act.".

INVESTIGATION AND PENALTY PROCEDURES

SEC. 302. (a) Section 112(a)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(a)(1)) is amended by inserting after subparagraph (B) the following:

"The Secretary shall establish written guidelines and procedures for conducting any inspection or investigation regarding noncompliance with this title or any rules, regulations, or orders issued under this title. Such guidelines and procedures shall indicate timetables for processing of such inspections and investigations to ensure that such processing occurs in an expeditious and thorough manner. In addition, the Secretary shall develop criteria and procedures for use in determining when the results of such an investigation should be considered by the Secretary to be the subject of a civil penalty under section 109 of this title. Nothing in this paragraph shall be construed to limit the ability of the Secretary to exceed any time limitation specified in such timetables where the Secretary determines that additional time is necessary for the processing of any such inspection or investigation.".

(b) Section 109(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398(a)) is amended by adding at the end thereof the following: "The Secretary shall establish procedures for determining the manner in which, and the time within which, a determination should be made regarding whether a civil penalty should be imposed under this section. Nothing in this subsection shall be construed to limit the ability of the Secretary to exceed any time limitation specified for making any such determination where the Secretary determines that additional time is necessary for making a determination regarding whether a civil penalty should be imposed under this section.".

TRAFFIC SAFETY FOR HANDICAPPED INDIVIDUALS

SEC. 303. (a) The Congress finds that—

(1) a number of States fail to recognize the symbols of other States for the identification of motor vehicles transporting individuals with handicaps that limit or impair the ability to walk; and

(2) the failure to recognize such symbols increases the likelihood that such individuals will be involved in traffic accident incidents resulting in injury or death, posing a threat to the safety of such individuals as well as the safety of the operators of motor vehicles and others.

(b)(1) Section 402(a) of title 23, United States Code, is amended—

(A) by striking "and" before "emergency"; and

(B) by inserting immediately after "services" the following: ", and a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals".

(2) Section 402 of title 23, United States Code, is amended by adding at the end the following:

"(l) For purposes of this section, a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals is a system which—

"(1) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

"(2) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(3) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(4) provides that fees charged for the licensing or registration of a vehicle used to transport such individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

"(5) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.".

(c) Beginning not later than twenty-four months after the date of enactment of this Act, the Secretary shall annually evaluate compliance by the States with the amendments made by this section. The Secretary shall submit to Congress an annual report regarding such evaluation.

MULTIPURPOSE PASSENGER VEHICLE SAFETY

SEC. 304. (a) The Congress finds that—

(1) the popularity of multipurpose passenger vehicles has increased during this decade; and

(2) the safety of passengers in multipurpose passenger vehicles has been compromised by the failure to apply to them the Federal motor vehicle safety standards applicable to passenger automobiles.

(b) The Secretary shall initiate (not later than sixty days after the date of enactment of this Act) and complete (not later than twelve months after the date of enactment of this Act) a rulemaking to revise, where appropriate, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103(a) of such Act (15 U.S.C. 1392(a)) requiring that Federal motor vehicle safety standards be practicable, meet the need for motor vehicle safety, and be stated in objective terms—

(1) Federal Motor Vehicle Safety Standard 216 to provide minimum roof crush resistance standards for multipurpose passenger vehicles;

(2) Federal Motor Vehicle Safety Standard 202 to provide for head restraints for multipurpose passenger vehicles;

(3) Federal Motor Vehicle Safety Standard 108 to provide for a single, high-mounted stoplamp on multipurpose passenger vehicles; and

(4) Federal Motor Vehicle Safety Standard 208 to extend the requirements of outboard front seat passive restraint occupant protection systems to multipurpose passenger vehicles.

(c) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than sixty days after the date of enactment of this Act) and complete (not later than twelve months after the date of enactment of this Act) a rulemaking to review the system of classification of vehicles with a gross vehicle weight under ten thousand pounds **[**with respect to whether such vehicles should be classified as motor vehicles to which Federal motor vehicle safety standards would apply.**]** *to determine if such vehicles should be reclassified.*

REAR SEATBELTS

SEC. 305. (a) The Secretary shall, in accordance with applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than sixty days after the date of enactment of this Act) and complete (within twelve months after the date of enactment of this Act) a rulemaking to amend Federal Motor Vehicle Safety Standard 208 to provide that the outboard rear seat passengers of one-half of all passenger automobiles manufactured by each manufacturer after September 1, 1989, shall have lap and shoulder seatbelt protection, and that the outboard rear seat passengers of all such automobiles manufactured after September 1, 1990, shall have lap and shoulder seatbelt protection.

(b) Notwithstanding any other provision of law, not less than 10 per centum of the funds authorized to be appropriated under section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) in fiscal years 1988 and 1989 shall be utilized to disseminate information to consumers regarding the manner in which passenger automobiles may be retrofitted with lap and shoulder rear seatbelts.

CERTIFICATION OF BUMPERS

SEC. 306. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting after section 102 the following:

"DISCLOSURE OF BUMPER IMPACT CAPABILITY

"SEC. 102A. (a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing passenger motor vehicle bumper system labeling requirements. Such regulation shall apply to passenger motor vehicles manufactured for model years beginning more than one hundred and eighty days after the date such regulation is promulgated, as provided in subsection (c)(2) of this section.

"(b)(1) The regulation required to be promulgated in subsection (a) of this section shall provide that, before any passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

"(2) For purposes of this subsection, the term 'applicable damage criteria' means the damage criteria applicable under section 581.5(c) of title 49, Code of Federal Regulations (as in effect on October 1, 1984).

"(c)(1) Not later than ninety days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

"(2) Not later than one hundred and fifty days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

"(d) The Secretary may allow a manufacturer to comply with the labeling requirements of subsection (b) of this section by permitting such manufacturer to make the bumper system impact speed disclosure required in subsection (b) of this section on the label required by section 506 of this Act or section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(e) The regulation promulgated under subsection (a) of this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information compiled pursuant to this subsection.

"(f) For purposes of this section, the term 'passenger motor vehicle' means any motor vehicle to which the standard under part 581 of title 49, Code of Federal Regulations, is applicable.".

STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

SEC. 307. Part A of title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961 et seq.) is amended by adding at the end the following:

"STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

"SEC. 304. (a) The Secretary shall, within thirty days after the date of enactment of this section, enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effectiveness of State motor vehicle safety inspection programs in—

"(1) reducing highway accidents that result in injuries and deaths; and

"(2) limiting the number of defective or unsafe motor vehicles on the highways.

"(b)(1) The study shall include an evaluation of the implementation, inspection criteria, personnel, budgeting, and enforcement of all types of State motor vehicle inspection programs or periodic motor vehicle inspection programs, including inspections of motor vehicle brakes, glass, steering, suspension, and tires.

"(2) If warranted by the study, the National Academy of Sciences shall develop and submit to the Congress recommendations for an effective and efficient State motor vehicle safety inspection program.

"(c) The study shall also consider the feasibility of use by States of private organizations to conduct motor vehicle safety inspection programs and of combining safety and emission inspection programs.

"(d) Appropriate public and private agencies and organizations, including the Secretary, the Administrator of the Environmental Protection Agency, affected industries and consumer organizations, State and local officials, and the motor vehicle insurance industry should be consulted in conducting the study required under this section.

"(e) Subject to the availability of funds and when the arrangements with the National Academy of Sciences are completed, the study required by **[**Subsection**]** *subsection* (a) shall be completed and transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives within nineteen months after the date of enactment of this section.".

RECALL OF CERTAIN MOTOR VEHICLES

SEC. 308. (a) Section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413) is amended by adding at the end the following:

"(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

"(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.

"(2) For purposes of this subsection, the term 'leased motor vehicle' means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.".

["(b)**]** *(b)* Section 154 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1414) is amended by adding at the end the following:

"(d) If notification is required under section 151 or by an order under section 152(b) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

"(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or

"(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applies or such order has been set aside in such an action.

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.".

STUDY OF DARKENED WINDOWS

SEC. 309. The Administrator of the National Highway Traffic Safety Administration shall conduct a study of the use of darkened windshields and window glass in passenger automobiles. In particular, the study shall consider the effects of such use on the safe operation of passenger automobiles, as well as on the hazards from such use to the safety of law enforcement personnel. In conducting such study, the Administrator shall consult with appropriate industry representatives and with officials of law enforcement departments and agencies. The

Administrator shall submit the results of such study to the Committees on Commerce, Science, and Transportation of the Senate and Energy and Commerce of the House of Representatives not later than six months after the date of enactment of this Act.

ODOMETER MODIFICATION

SEC. 310. (a) Section 408(d) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(d)) is amended by adding at the end the following:

"(3) No registration card may be issued in any State for any motor vehicle unless the application for such registration card contains the information specified in subsection (a) (1) and (2), determined as of the date on which such application is submitted. Each State shall maintain such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the information is received by the State.

"(4) The Secretary shall promulgate such rules as may be necessary to avoid the printing of mileage information that is false, misleading or inaccurate. To prevent falsification or alteration of the mileage information required to be disclosed by a transferee in accordance with paragraph (2), the Secretary shall promulgate such rules as may be necessary regarding the specific form to be used on any title for compliance with the provisions of paragraph (2)(A)(iii). In addition, the Secretary shall promulgate rules regarding the actions to be taken by States with respect to the unauthorized alteration of titles for motor vehicles and other documents on which odometer information is required to be recorded or maintained.".

(b) Section 408(f)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(f)(2)) is amended to read as follows:

"(2) The Secretary shall not approve such alternate motor vehicle mileage disclosure requirements unless the Secretary determines that the alternate method for making such disclosure is consistent with the purposes of subsections (d) and (e).".

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I understand that it will be a few minutes before the principals arrive to call up amendments on the legislation. I, therefore, ask unanimous consent that the Senate stand in recess until 10 o'clock this morning.

There being no objection, the Senate, at 9:43 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX]

Senator HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the matter we have before us today is the National Highway Transportation Safety Administration authorization.

With respect to this particular measure, Mr. President, I want to commend the Senator from Tennessee, our subcommittee chairman, Senator GORE, for his handling of this particular measure, and particularly our ranking member, Senator DANFORTH, the former chairman of our committee, who actually had a similar bill up and enacted in the Senate last year. It failed of passage on the House side.

In an agreement made between the managers of the bill earlier this year, we promised to have hearings and report a bill out by the 1st of April, which we did, of course, on March 24.

The ranking member is present and is thoroughly familiar with the bill.

Mr. President, I strongly support S. 853, the National Highway Traffic Safety Administration [NHTSA] Authorization Act of 1987. This legislation authorizes appropriations for NHTSA and makes certain changes in the authority of this important agency.

You will recall that the senior Senator from Missouri, Senator DANFORTH, sought to add a NHTSA amendment to H.R. 2 when highway funding legislation was considered by the Senate on February 3, 1987. As a substitute for Senator DANFORTH's amendment, the Senate adopted a sense of the Senate resolution which I offered with the Senator from Tennessee, Senator GORE. Our resolution imposed an April 1, 1987, deadline on the completion of the Senate Commerce Committee's consideration of NHTSA authorization legislation. The committee promptly held hearings on March 6, 1987, and unanimously approved this legislation on March 24, 1987.

NHTSA's mission requires it to develop and enforce motor vehicle safety standards, support safety development, remedy automotive defects, administer highway safety programs, and provide consumers with information vital to their decisions relating to the purchase and maintenance of a motor vehicle.

Mr. President, NHTSA has discharged its mission successfully for 20 years, with the result that cars are 25-percent safer today because of required auto safety features. The benefits derived from these efforts can be measured in stark, tangible numbers—100,000 lives have been saved and millions of serious injuries have been prevented. Despite these accomplishments, over 45,000 people died in highway crashes in 1986. More can and should be done.

This legislation incorporates some of the provisions of NHTSA authorization legislation approved by the Commerce Committee and the full Senate in the last Congress. That bill, S. 863, failed in conference. This legislation also includes provisions similar to some of those contained in S. 516, a NHTSA bill recently introduced by the Senator from Missouri [Mr. DANFORTH], whose commitment to automotive safety has spanned several Congresses. Other provisions of this legislation have been developed in this Congress.

This legislation authorizes appropriations for fiscal year 1988 in the amount of the administration's request, with a modest increase for the following fiscal year. The legislation also includes changes to the agency's authority, changes which NHTSA believes will increase the number of automobile defects that will be repaired in response to a recall.

Consistent with legislation approved by the Commerce Committee and the full Senate in the last Congress, this bill also directs NHTSA to undertake and complete rulemaking activities within specified time periods. Specifically, the bill requires NHTSA to upgrade the existing, but outdated safety standard requiring side impact protection.

The legislation also includes a provision directing NHTSA to provide for a National Academy of Sciences study of motor vehicle crashworthiness data. The study will examine whether data indicating the relative crashworthiness of a given automobile can or should be developed for use by consumers. The legislation also provides for a National Academy of Sciences study of State motor vehicle safety inspection programs, in an effort to assess their value in reducing the frequency, cost and severity of accidents.

As part of an effort which dates back at least to a 1978 U.S. General Accounting Office report recommending such action, the bill directs NHTSA to take action in the area of light trucks, minivans and similar multipurpose vehicles. For years, these vehicles have been used increasingly in the same fashion as passenger cars. We expect NHTSA to determine which of the passenger car safety standards that currently do not apply to such vehicles ought to apply or ought to be modified for application. This provision of the bill further directs NHTSA to examine its classification standard for such vehicles.

Although a number of automobile manufacturers are including rear lap-shoulder belts in their cars, this legislation takes the important step of directing NHTSA to require manufacturers to install these belts in the outboard rear seat positions of half of the vehicles produced after September 1, 1989, and in all of the vehicles produced after September 1, 1990. Another important safety feature of this legislation is its bumper certification and labeling provision. This provision directs NHTSA to establish a rule requiring manufacturers to affix labels to their automobiles indicating the impact speed at which their vehicle bumpers will prevent damage. At least one manufacturer, the Ford Motor Co., currently provides this information for each of its new vehicles.

Mr. President, this legislation includes provisions which would provide for uniform handicapped parking programs, enhanced odometer tampering prevention, and improved NHTSA standards testing and enforcement. Each of these provisions, like the others in the bill, will yield important safety benefits.

This authorization is essential to our Nation's automotive safety programs. I urge my colleagues to support the bill.

Mr. President, I yield to the distinguished ranking member.

Mr. DANFORTH. Mr. President, let me say to the chairman of our committee, and also say of Senator GORE, that I appreciate their hard work in bringing this bill to the floor.

The components of the bill were offered as floor amendments some months ago. At the time, the representation was made by the chairman of the Commerce Committee and the chairman of the subcommittee, Senator GORE, that this bill would be brought to the floor at a very early date.

True to their word, as always, they have done so.

Mr. President, this bill is one that really has presented no problems, either in the Senate Commerce Committee or in the Senate as a whole. I think it is about as noncontroversial as legislation can be within the Senate.

The problem with the authorization of the National Highway Safety Administration has historically been with the House and in conference with the House. That is the reason it is especially important that we move quickly on the bill.

Mr. President, I want to express my appreciation to the leadership of our committee and State that as we proceed to try to get this bill enacted into law and to confer with the House, I will be right there with them, working with them to try to accomplish that result.

Mr. President, I urge my colleagues to support the National Highway Traffic Safety Administration Authorization Act of 1987, S. 853. It could not be more timely. The war against highway death and injury is not going well. NHTSA estimates that 45,600 people died in highway crashes during 1986. This was a 4-percent jump over 1985.

The Congress must act quickly on highway safety legislation to stop this trend. There are highway safety problems that cry out for attention. The legislation that Senator GORE, Senator HOLLINGS, and I have developed addresses many of these problems.

Mr. President, S. 853 is a noncontroversial, bipartisan bill. Its sponsorship includes all 20 members of the Commerce Committee. We are not charting new ground here. A number of the important provisions in this legislation passed the Senate by unanimous consent last year. Others have been the subject of numerous hearings and recommended by investigative bodies including the National Transportation Safety Board and the General Accounting Office.

The committee has already issued a report that provides a detailed explanation of S. 853's provisions. I will not repeat that explanation. I would like to make the Senate aware of just how long many of these reforms have been delayed, however.

S. 863—REVISITED

Mr. President, on May 15, 1986, the Senate passed by unanimous consent the National Traffic and Motor Vehicle Safety Authorization Act of 1985, S. 863. I authored that legislation. Although our negotiations with the House concerning S. 863 were not successfully completed before the end of the 99th Congress, the effort that went into that bill was not in vain. Today's bill includes the three key safety provisions that were contained in S. 863. First, S. 863 and today's legislation both have provisions addressing side impact crash standards. Each year 9,000 Americans are killed an another 20,000 are injured in side impact crashes. In the late 1970's, NHTSA recognized that the current passenger car side impact standard needed improvement. NHTSA opened a rulemaking to improve side impact, but closed it in 1982. It's time to move forward now.

Second, S. 863 and today's bill both address the need for crashworthiness ratings of autos. Crashworthiness ratings would provide an answer to the American family that is buying a car and wants to know, "How safe is the car you are offering me in comparison with other cars?" If an objectively based rating system can be developed, then a rating would be placed on the cars' window sticker. Third, both S. 863 and today's bill give the Secretary of Transportation authority to use unspent safety moneys for airbag and seatbelt education.

S. 516—LIGHT TRUCK SAFETY AND THREE-POINT REAR SEATBELTS

Mr. President, when our negotiations with the House on S. 863 were unsuccessful, the Commerce Committee did not lose its determination to move forward on highway safety legislation. I chaired hearings on December 11, 1986, which pointed out several other safety issues that need quick action. I incorporated provisions directed at these issues in a bill which I introduced on February 5, 1987, the Highway Safety Act of 1987, S. 516.

Mr. President, I am pleased that the legislation we are introducing today addresses two of the critical issues in S. 516—light truck safety and rear seatbelts.

Light trucks, which include pickups, minivans, and four-wheel drive vehicles, are among the hottest items in auto showrooms. Between 1971 and 1986, the light truck market share of light-duty vehicles doubled from 15 to 30 percent. Light truck sales reached almost 5 million in 1986. Light truck sales have mushroomed because these relatively inexpensive vehicles are being used as pleasure cars. The pickup is used more in the city and suburbs than on the farm, and the minivan is the station wagon of the 1980's.

Unfortunately, the family that takes a pickup or minivan to get groceries or pickup the kids is using a vehicle that lacks a lot of basic safety features. Under the National Traffic and Motor Vehicle Safety Act of 1966, NHTSA is required to develop safety standards for all types of motor vehicles. Although light trucks compete directly with passenger cars, NHTSA has exempted them from many of the passenger car occupant crash protection standards. These exemptions have contributed to the annual toll of 7,000 light truck fatalities.

As early as 1978, the General Accounting Office recommended that NHTSA reexamine its vehicle classification system and apply a number of passenger car safety standards to light trucks. Today's bill would put the wheels in motion over at NHTSA. It tracks a provision in S. 516 under which NHTSA would be required to initiate and complete rulemakings on the application of a number of standards to light trucks. The first is roof crush resistance. Passenger cars have had this standard since 1971. Light trucks should have this standard because they have a higher center of gravity and thus are more prone to rollover than passenger cars. The second would be head restraints. Passenger cars have been required to have these devices which prevent head and neck injuries since 1968. Light trucks are not required to have head restraints even though the pickup passenger's head is only inches from the rear window. The third standard would be high center mounted rear brake lights. These lights might prevent some of the 270,000 annual light truck rear end collisions. The final standard would be the passive restraint rule. Light truck occupants have an ejection rate twice that of passenger cars. Applying the passive restraint rule's requirement of either automatic seat belts or airbags would help prevent these ejections. In addition, NHTSA would be required to initiate a rulemaking to review its system of classification of vehicles under 10,000 pounds.

Today's legislation also tracks a provision in S. 516 that addressed the need for three-point rear seat belts in cars. On August 8, 1986, the National Transportation Safety Board, the independent Federal accident investigation agency, issued a report stating that in some instances persons using rear seat lap belts may be inadequately protected against injury and may sustain severe abdominal injuries from the belt itself. NHTSA wrote a concerned parent's group in August saying it would open a rulemaking on this matter. Four months later, Diane Steed, NHTSA's Administrator, testified before the Commerce Committee that she would shortly open a rulemaking. Four more months have passed and parents are still faced with the Hobson's choice of deciding whether to place their children in lap belts.

Today's legislation would end these concerns by requiring NHTSA to initiate a rulemaking to require clearly superior rear set lap/shoulder belts in all newly manufactured cars. It also would require NHTSA to use some of its consumer information program money to inform owners of older cars about retrofitting their cars with these rear seat lap/shoulder belts.

BUMPER INFORMATION

Mr. President, there is one additional provision of today's legislation on which I want to comment. Section 306 of the bill would require NHTSA to write a rule under which automakers would label the bumpers of their vehicles to indicate the maximum speed at which they could meet applicable damage criteria—that is, prevent the vehicle from withstanding structural damage.

This is a good provision which is long overdue. In 1982, NHTSA lowered its standards for bumpers from 5 miles per hour to a 2.5 miles per hour tissue paper standard. NHTSA promised to establish a bumper information system for consumers to help compensate for lowering the standard. Five years have passed and NHTSA has still not developed a system. I proposed legislation in the 99th Congress to require development of a rating system. Today's legislation tracks that proposal.

CONCLUSION

Mr. President, I want to thank Senator HOLLINGS and Senator GORE for working with me and the other Commerce Committee members. Together, we have developed meaningful NHTSA legislation. It is now up to the full Senate to approve this much needed legislation. These proposals are not new—they are long overdue. They reflect the consensus we reached after discussing auto safety needs with safety groups, the automakers and NHTSA. I hope that we can continue to work together as this legislation moves through the Senate and on to the House.

● Mr. GORE. Mr. President, I am pleased to support S. 853, National Highway Traffic Safety Administration reauthorization legislation which was unanimously ordered reported on March 24 by the Senate Committee on Commerce, Science, and Transportation. I am particularly pleased that all of my colleagues on the committee are original cosponsors of this measure.

This legislation has broad support. S. 853 was developed after lengthy discussions with the auto safety groups, the auto manufacturers, NHTSA, and members of the committee.

I shall submit letters of support from the Center for Auto Safety and from Public Citizen—both of which are organizations with substantial expertise in the field of automotive safety—to be included in the RECORD at the conclusion of my remarks. The Center for Auto Safety, Public Citizen as well as the Insurance Institute for Highway Safety were among the impressive group of witnesses who testified on this legislation. I commend their testimony to my colleagues.

I want to thank Chairman HOLLINGS, Senator DANFORTH, the ranking member of the full committee, and Senator RIEGLE for their efforts to develop this legislation and to resolve any controversy. Much of Senator DANFORTH's work in the past on these important auto safety issues served as a basis for this bill.

It is commendable that the committee ordered the legislation reported well before the April 1 deadline imposed on the committee by a sense of the Senate resolution. Chairman HOLLINGS and I offered this resolution to the highway funding legislation when it was considered by the Senate on February 3, 1987.

The National Highway Traffic Safety Administration, or NHTSA, was created in 1966 to reduce the number of deaths and serious injuries on our highways. Its activities constitute one of the most important public safety programs in America—in terms of lives saved and injuries avoided.

Mr. President, highway fatalities increased 5 percent last year. Almost 900 Americans die in auto crashes every week—the equivalent of one major airline crash each day of the year. NHTSA has the responsibility to develop safety standards, order recalls for defective vehicles, and provide consumer information aimed at decreasing these automobile fatalities and injuries.

NHTSA have been very successful. Agency studies have shown that over a 10-year period NHTSA safety standards saved over 90,000 lives and prevented many more injuries. Yet much remains to be done.

This legislation reauthorizes these important programs for 2 years and will provide guidance to the agency in setting its agenda. The fiscal year 1988 figure is the same as the amount of the administration's request. A modest increase is included for 1989.

Last year, NHTSA authorization legislation failed in conference with the House. The legislation we are considering today contains one of the principal provisions of that legislation, a requirement that NHTSA upgrade its current side impact standard within 1 year. In addition, it would require NHTSA to issue an advance notice of proposed rulemaking to extend passenger vehicle standards to light trucks and multipurpose vehicles. According to NHTSA, side impact crashes result in one-third of all occupant fatalities each year. Side impacts account for 9,000 deaths—one-third of the annual fatality total—and 20,000 serious injuries annually.

Another extremely important provision requires NHTSA to initiate a rulemaking proceeding to extend certain passenger auto safety standards to light trucks or multipurpose vehicles and to finish this procedure within 1 year. These standards include: roof crush capability, head restraints, high center mounted stoplamps, and passive restraints. NHTSA must also evaluate its vehicle classifications.

These multipurpose vehicles are being purchased at an increasing rate, and there are now approximately 7,000 annual light truck deaths according to a report from the Insurance Institute of Highway Safety. The institute noted that the most alarming death rate in the small vehicle category occurs in small utility vehicles, such as light trucks and vans—a death rate nearly five times the rate of large cars. Unlike the 1960's, when the first passenger car standards were written, light trucks, minivans, and utility vehicles now are expected to capture nearly one-third of the new car market in 1987. Yet there is still no requirement that these vehicles meet a number of Federal safety standards that apply to passenger cars.

Another provision would require NHTSA to initiate and complete a rulemaking within 1 year to require a phase-in of lap-shoulder belts in rear seats. One-half of each manufacturer's vehicles manufactured after September 1, 1989, must meet the requirement and all vehicles manufactured after September 1, 1990.

Mr. President, whether one agrees or disagrees with the 1986 National Transportation Safety Board findings that rear lap belts alone are not safe, everyone agrees that three point belts are safer than the lap belts alone. With young children often traveling in the rear seat of automobiles, the issue of rear seat safety has added importance.

I understand that General Motors has indicated plans to complete the installation of these so-called three-point belts in all of its cars by 1989. Chrysler will begin its phase-in of the three point-belt system in the 1989 model year and will complete the phase-in in model year 1990.

The legislation contains a provision which was initiated by Senator KERRY to provide for a uniform system for handicapped parking designed to enhance the safety of handicapped individuals. Currently, there are 6.5 million disabled Americans who are in need of special parking permits to enable them personal mobility for every day travel. However, because a national uniform parking symbol does not exist, many States are unable to recognize other States' handicapped parking plates.

The bill requires NHTSA to implement a bumper ratings program, which will be of great use to consumers. It requires manufacturers to disclose the impact speed at which each bumper meets applicable damage criteria and print the rating on the window sticker of each new car offered for sale.

Important new amendments to our defects and recall laws are made by the legislation to ensure that people who lease cars on a long-term basis are notified in the event of a safety recall, and that automobile dealers correct any defects subject to a recall before they deliver the car to the ultimate purchaser. The Department of Transportation is given authority to require manufacturers to send followup notifications to vehicle and equipment owners to enhance safety defect and noncompliance recall response rates. The Transportation Department's review of techniques such as post card reminders to increase recall response rates shows that a followup notice can achieve response rates significantly higher than those achieved by the initial notification.

Based on recommendations by the General Accounting Office, the legislation includes new provisions enhancing NHTSA's ability to ensure compliance with its safety standards and to determine when the results of an investigation should warrant imposition of a civil penalty. The bill also provides for a review of State motor vehicle inspection programs.

The bill includes a provision authored by Senator FORD to address a growing safety and law enforcement problem. NHTSA is required to conduct a study of the use of darkened windshields and window glass in passenger automobiles. The study must consider the effects of darkened glass on the safe operation of autos, as well as the hazards that darkened glass poses for the safety of law enforcement personnel. NHTSA must submit the results of the study to the Commerce Committees in the House and Senate within 6 months.

A provision added by Senator EXON requires State motor vehicle officials to record odometer readings annually. The Senate approved this "anticlocking" provision in 1985, but it was not included in the odometer-tampering bill that was signed into law last October. This provision will benefit consumers who pay $3 billion yearly in repair fees due to clocking. This provision is supported by the National Automobile Dealer's Association and the Anglo American Auto Auctions Co., which is based in my home State of Tennessee.

Also included is a provision added by Senator DANFORTH addressing the issue of crashworthiness ratings of autos. A similar provision passed the Senate in the previous authorization legislation.

This provision requires the National Academy of Sciences to conduct a study regarding the establishment of a method to calculate uniform numerical ratings to enable consumers to compare the crashworthiness of different automobiles. NHTSA is required to evaluate the results of this study, to report to the House and Senate Commerce Committees, and to determine whether a rulemaking is warranted.

This legislation would promote highway safety and will save consumers money. It passed the committee with a unanimous vote and I urge my colleagues to support this important measure.

EXHIBIT 1

PUBLIC CITIZEN,
April 23, 1987.

Hon. ALBERT GORE,
Chairman, Consumer Subcommittee, Committee on Commerce, Science and Transportation, Washington, DC.

DEAR SENATOR GORE: I am writing to express Public Citizen's endorsement of S. 853, The National Highway Traffic Safety Administration Authorization Act of 1987. Both in my former capacity as Administrator of the National Highway Traffic Safety Administration and in my current capacity as President of Public Citizen, the Ralph Nader-founded consumer advocacy group, I have fought for strong automotive safety regulation that would save Americans from needless deaths and injuries on our nation's highways. I believe that S. 853 will help further those goals. Moreover, I am confident that the regulatory mandates included in the legislation can be readily implemented by the agency.

For this reason, I urge that the Senate adopt this measure.

Thank you for your consideration in this matter.

Very truly yours,
JOAN CLAYBROOK,
President.

CENTER FOR AUTO SAFETY,
Washington, DC, April 23, 1987.

Hon. ALBERT GORE,
U.S. Senate,
Washington DC.

DEAR SENATOR GORE: As a longtime advocate of improved motor vehicle safety, the Center for Auto Safety strongly supports S. 853 which would require new safety measures as part of the National Highway Traffic Safety Administration (NHTSA) reauthorization bill. These measures would require (1) light trucks and vans to meet passenger car safety standards, (2) improved side impact standards, and (3) lap-shoulder belts in rear seats of vehicles. As a consumer information measure, S. 853 requires auto makers to tell consumers which new cars have protective 5-mph bumpers.

With highway fatalities having increased by 5 percent in 1986 over 1985 and by 10 percent over 1984, it is essential to require improved safety measures to offset this trend. The new vehicle safety measures in S. 853 are long overdue and can be easily met by the auto companies at low cost to the consumer. When fully implemented, these measures will save at least 5,000 lives per year and prevent many hundreds of thousands of serious injuries.

Passage of S. 853 is urgently needed as further delay in getting these safety features in motor vehicles can only mean more needless deaths and injuries on the highway.

Sincerely,
CLARENCE M. DITLOW III,
Executive director.●

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS Mr. President, this particular entity, instituted in 1966, has really led the way for the reduction in the number of deaths and serious injuries on our highways. It has quite a track record of success. Some 100,000 lives have been saved, at least. But, again, we lost some 45,000 on the highways last year.

The Senator from Missouri has been leading the way to try to get these safety measures taken. They have been studied by the National Highway Traffic Safety Administration, but it seems to need, in this authorization bill, a little prompting so that the rules themselves can be promulgated.

AMENDMENT NO. 170

(Purpose: To provide for the implementation of a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals)

Mr. HOLLINGS. Mr. President, we have one particular amendment that the Senator from Massachusetts, Senator KERRY, has to offer. I send the amendment of Senators KERRY, WEICKER, GORE, and myself, to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. KERRY, Mr. WEICKER, and Mr. GORE, proposes an amendment numbered 170.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, strike all from line 20 through line 6 on page 14 and insert in lieu thereof the following:

(b)(1) Section 402 of title 23, United States Code, is amended by adding at the end the following:

"(3)(A) After 18 months after the date of enactment of the National Highway Traffic Safety Administration Authorization Act of 1987, the Secretary shall not approve any State Highway safety program under this section which does not provide for the implementation of a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals.

"(B) For purposes of this paragraph, a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals is a system which—

"(i) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

"(ii) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iii) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iv) provides that fees charged for the licensing or registration of a vehicle used to transport such individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

"(v) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.".

(2) Section 402(c) of title 23, United States Code, is amended by inserting immediately after ", as appropriate" the first place it appears the following: ", except that in the case of a failure to obtain approval of or implement a highway safety program because of noncompliance with subsection (b)(3), such funds shall be reduced by amounts equal to 2 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate".

Mr. KERRY. Mr. President, this amendment is on behalf of myself, and Senators WEICKER, HOLLINGS, and GORE. There are millions of Americans throughout this Nation who use their automobiles everyday. However, for handicapped citizens this is not always an easy task, and with regard to interstate travel it can often prove exceptionally difficult. It is for this reason, that I am introducing this amendment which will improve the ability of persons with disabilities to travel more safely and park more easily nationwide.

The amendment that we are adding to the National Traffic Highway Safety Administration reauthorization, today is designed to eliminate a critical transportation barrier. Our amendment establishes a uniform national parking system which requires all States to honor other States' handicapped license plates. And it mandates that the international symbol of access be displayed on all handicapped license plates. The legislation also provides for the issuance of removable windshield placards to individuals with handicaps. If a State does not comply, then 2 percent of a States' highway safety funds will be withheld.

Our amendment is supported by the Consortium for Citizens with Developmental Disabilities an organization that is comprised of 50 national consumer, service provider, and professional agencies which advocate on behalf of people with disabilities. It is also supported by the Paralyzed Veterans of America.

Currently, there are 6.5 million disabled Americans who are in need of special parking permits to enable them personal mobility for everyday travel. State governments across the country have met this need by allocating parking spaces for handicapped individuals in their own State and have made available special license plates or placards to identify cars able to access these parking spaces. However, because a national uniform parking system does not exist, many States are unable to recognize other States' handicap parking plates. In addition, approximately one quarter of the States do not have total reciprocity in honoring other States handicapped parking permits. Consequently, when a handicapped citizen goes from one State to another they are not sure if their disability will be recognized or not. I cannot tell you the number of stories that I have heard where constituents, who are clearly disabled, have traveled to other States and utilized parking spaces designated for handicapped persons and have been issued costly parking citations because police either did not recognize or did not honor their out-of-state handicap identification. This Mr. President, poses a serious threat to the safety of these individuals, not to mention an obvious unnecessary inconvenience when they travel across State lines.

Great efforts have been made to alleviate the unfortunate burdens placed on drivers who suffer from disabilities. An increasing number of State legislatures are adopting uniform parking systems, tougher penalties are being enforced when nonauthorized vehicles park in special zones, and public awareness to recognize and honor the international symbol of access is quickly growing. However, the lack of a national uniform parking system places restrictions on where a handicapped driver can and cannot travel.

Transportation is an essential part of one's daily life. I regrettably note, that public transportation has lagged far behind its need to serve disabled Americans. Citizens with disabilities should enjoy the same equal access to travel that nonhandicapped individuals have. Being assured accessible parking when one travels from one State to another, while on vacation, business trips, visiting friends or for medical appointments should be one's fundamental right.

Today a majority of our society depends on the automobile as its main source of transportation. Citizens with disabilities who operate motor vehicles need to be able to operate safely across State lines. It is the responsibility of Congress to take the leading role in ensuring that their safety is not threatened or their mobility impeded by interstate differences in recognizing the needs of handicapped drivers. It is for this reason that I urge my colleagues to support this amendment which upholds the basic rights of transportation for handicapped Americans.

Mr. President, I ask unanimous consent that the following letters be printed in the RECORD at this point: a letter dated April 20, 1987, from the Consortium for Citizens with Developmental Disabilities; a letter dated April 24, 1987, from the Paralyzed Veterans of America; and a letter dated April 20, 1987, also from the Paralyzed Veterans of America.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR CITIZENS WITH
DEVELOPMENTAL DISABILITIES,
April 20, 1987.

Hon. JOHN F. KERRY,
364 Senate Russell Office Building, Washington, DC.

DEAR SENATOR: The undersigned members of the Consortium for Citizens with Developmental Disabilities (CCDD) wholeheartedly support your amendment to the National Highway Traffic Safety Administration Authorization Act of 1987 which strengthens requirements implementing a uniform national system of parking for people with disabilities.

It is our understanding that your amendment directs the Secretary of Transportation to promulgate regulations establishing minimum standards for a uniform system of handicapped parking designed to enhance the safety of individuals with disabilities and nondisabled persons in interstate commerce. CCDD firmly believes that regulations are necessary to ensure that state policies regarding handicapped parking and licensing requirements are appropriate and consistent nationwide. Otherwise, efforts to implement a meaningful national system for handicapped parking are jeopardized by unintended or seemingly inconsequential variations in policies adopted by states.

CCDD believes that the 24 months allowed for the promulgation of these regulations is generous. CCDD also recognizes that minimum standards will take into account variations among the states without undermining the intent to establish a uniform national system for handicapped parking.

Currently, people with disabilities are impeded in their efforts to safely engage in interstate travel. Passage of the Traffic Safety for Handicapped Individuals provision will expedite efforts to eliminate differences in state parking and licensing policies which discourage interstate travel and create unsafe conditions for travelers with disabilities and other motorists. However, Senate approval of your amendment to require the Secretary of Transportation to promulgate standards regarding a uniform system for handicapped parking would greatly enhance the effectiveness of the provision and related efforts. For this reason, CCDD fully supports your amendment.

Sincerely,

David M. Capozzi,
Cochair.
Randall L. Rutta,
Cochair.

On behalf of: American Association on Mental Deficiency, American Foundation for the Blind, Association for Retarded Citizens/U.S., Association for the Education of Rehabilitation Facility Personnel, Conference of Educational Administrators Serving the Deaf, Goodwill Industries of America, National Association of Private Residential Facilities for the Mentally Retarded, National Association of Protection and Advocacy Systems, Inc., and the National Association of Rehabilitation Facilities.

National Association of Rehabilitation Professionals in the Private Sector, National Association of State Mental Retardation Program Directors, National Council on Rehabilitation Education, National Easter Seal Society, National Head Injury Foundation, National Industries for the Severely Handicapped, National Recreation and Park Association, National Rehabilitation Association, Paralyzed Veterans of America, and the United Cerebral Palsy Associations, Inc.

Paralyzed Veterans of America,
April 24, 1987.

Hon. John F. Kerry,
U.S. Senate, SR-362 Russell Senate Office Building, Washington, DC.

Dear Senator Kerry: The purpose of this letter is to once again lend our support for your amendment being introduced today which would allow the National Highway Traffic Safety Administration to withhold a percentage (2%) of funds from states that do not comply with the provisions of Section 303, entitled "Traffic Safety for Handicapped Individuals."

Paralyzed Veterans of America, a congressionally chartered veterans' service organization, comprised solely of the more catastrophically disabled veterans who utilize handicapped parking across the United States, again salute you in your efforts in championing this cause.

In reference to our letter dated April 20, 1987 (see attached) which was sent to the full Senate, PVA would like to commend you on your efforts to address the inadequacies which exist in handicapped parking across the nation.

Sincerely yours,

Gordon H. Mansfield,
Associate Executive Director for Goverment Relations.

Paralyzed Veterans of America,
April 20, 1987.

Hon. John Kerry,
U.S. Senate, 513 Hart Senate Office Building, Washington, DC.

Dear Senator Kerry: On behalf of the members of the Paralyzed Veterans of America, I request your favorable consideration of S. 853, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to reauthorize funding for the National Highway Traffic Safety Administration, and for other purposes. This bill has been marked up by the Senate Committee on Commerce, Science and Transportation and should be considered by the full Senate this week or next.

PVA's interest in this particular bill stems from your provision which has successfully been incorporated. That provision, Section 303 of the bill (see attachment) is entitled "Traffic Safety for Handicapped Individuals," and its intent is to create a more uniform system of handicapped parking, nationwide.

As an organization comprised totally of mobility-impaired individuals who reside in nearly every state, PVA can unequivocally attest to the fact that more uniformity is needed in the handicapped parking laws as currently administered by the states. This is especially true for the mobility-impaired person who travels from one state to another. Currently there is wide disparity between states as to how they identify a vehicle operated by a mobility-impaired person. There are also differences in eligibility—oftentimes a handicapped motorist from one state cannot park in the specially designated parking spaces located in another state. The situation is very confusing not only for the travelling motorist but also for the enforcement officer. Section 303 of S. 853 will assist in correcting this dilemma.

It should be noted that the 98th Congress passed a resolution which became Section 321 of Public Law 98-78 that encouraged the States to develop a more uniform system of handicapped parking. Some states have responded, others have not; therefore, we feel it is imparative that the 100th Congress renew its efforts to have the states correct this situation. S. 853 will do just that. Please vote in favor of this bill when it comes to the floor of the Senate for consideration. Thank you.

Sincerely yours,

Gordon H. Mansfield,
Associate Executive Director for Government Relations.

Mr. HOLLINGS. Mr. President, the committee will accept the amendment proposed by the Senator from Massachusetts.

This amendment improves section 303 of the NHTSA authorization legislation. Section 303 represents the efforts of the Senator from Massachusetts during committee consideration of S. 853 to establish a new standard for States in establishing a uniform system for handicapped parking designed to enhance the safety of handicapped as well as nonhandicapped individuals. The bill provides for the issuance of license plates and removable windshield placards displaying the "International Symbol of Access" as a uniform symbol.

This amendment adds a provision to the bill to enable the Secretary of Transportation to withhold 2 percent of a States highway safety funds under section 402 of the Highway Act (23 U.S.C. 402), in instances where a State fails to comply with the handicapped parking standard established in section 303 of the bill. Section 303 has the full support of the committee. The provision is also supported by the Paralyzed Veterans of America and the Consortium for Citizens with Developmental Disabilities.

We are all aware that many obstacles confront individuals with disabilities affecting their ability to walk. Many of these individuals are impeded in their efforts to engage safely in interstate travel. Over 6½ million disabled individuals are in need of handicapped parking permits. As many who have obtained handicapped parking permits can attest, some States do not provide full reciprocity in honoring the handicapped parking permits or symbols relied upon in other States.

To make matters worse, some States which offer reciprocity are not always able to recognize other States handicapped parking license plates because the methods employed in marking such plates are not uniform. This patchwork situation results in fines for individuals who are and should be entitled to handicapped parking permits.

S. 853 is designed to remove these obstacles. This amendment seeks to ensure that our efforts will be successful. I commend the Senator from Massachusetts for his efforts on behalf of this cause.

Of course, we are trying to get past the embarrassment and hesitation coming about whereby a handicapped citizen can travel freely like all the rest of our traveling public in America.

It is a well-considered amendment worked out on both sides. The amendment is acceptable to this side.

I yield to the distinguished ranking member.

Mr. DANFORTH. Mr. President, we have examined the amendment and it is acceptable.

Mr. WEICKER. Mr. President, I am pleased to cosponsor with Senator Kerry an amendment to S. 853 to establish a uniform system of reciprocity for handicapped parking permits across all States. For over 6 million disabled Americans, the freedom to travel between States is seriously impeded by the lack of such a system of reciprocity.

Currently, a variety of identifying signs are used to designate parking spaces for handicapped persons, which has impeded the use of these special parking spaces for persons traveling from outside jurisdictions. An easily recognizable and consistent symbol for identifying vehicles is needed to ensure reciprocity in honoring handicapped parking permits from State to State. Therefore, the amendment being introduced today will require all States to adopt the "International Symbol of Access" as the only recognized symbol for the identification of vehicles operated by disabled individuals.

This amendment further allows States up to 18 months to comply with the reciprocity requirement, and, should States fail to do so, requires the Secretary of Transportation to withhold 2 percent of States highway safety funding. Further, the amendment prohibits the discriminatory practice of charging disabled individuals higher fees for licensing and vehicle registration than are charged to nondisabled individuals.

Mobility is something the majority of Americans take for granted. But for the disabled citizens of this country, mobility is too often a struggle. We have a responsibility to those individuals to ensure that conflicting State laws do not create additional barriers to their mobility.

I urge my colleagues to join us in removing yet another barrier to the full integration of disabled individuals by supporting this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 170) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. I move passage of the bill.

The PRESIDING OFFICER. The Chair would point out to the distinguished Senator from South Carolina there appear to be a number of committee amendments which are pending which must be disposed of.

Mr. HOLLINGS. Mr. President, I move adoption of the committee amendments en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered and agreed to en bloc.

The committee amendments were agreed to en bloc.

Mr. HEFLIN. Mr. President, I rise today to express my opposition to the mileage recording requirements within this bill. Fraudulently altering odometers is a serious problem, but this requirement is truly swatting at flies with a sledgehammer.

Section 310 of this bill will require all automobile licensing authorities, whether they are licensing commissioners, probate judges or what-have-you, to record the mileage of a vehicle before they issue a new tag. This is not just when title to a car or truck changes hands, but each year. This will be a bureaucratic nightmare, for both the public officials and for the public at large.

Mr. President, for the public officials, I see the Federal Government requiring more of their money, time, and effort. These licensing bureaus and probate courts run on very tight budgets. Just the cost of developing new forms and new computer programs could mean the difference between black ink and red ink. Time will be wasted recording the information and correcting the inevitable mistakes. It will take tremendous effort by the licensing authority to educate the public as to this new requirement.

For the citizens, I see inconvenience and frustration when they go to the court house to pick up their tags. Only when they are at the window will many find out that they cannot get their tags unless they know the mileage of their car. I imagine most people don't know their car's mileage off the top of their head, so they'll have to either go to the parking lot to get the mileage or go home where the car is. What I think many people will do in this situation is simply make up a number. This will cause tremendous problems later on when the citizen tries to sell the car and totally frustrate the purpose of this legislation.

On top of all of this, this is just one more governmental intrusion into the private lives of our citizens.

Mr. President, we all recognize that the fraudulent misrepresentation of the mileage on a used car or truck is a real problem. But the mechanism to combat this is already in place in the Motor Vehicle Information and Cost Savings Act. We do not need to attack this problem in such a heavy handed fashion. If we enact this provision we will be placing a tremendous burden of frustration and inconvenience on millions of law-abiding citizens.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed for a third reading and the bill to read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 853), as amended, was passed as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Highway Traffic Safety Administration Authorization Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "multipurpose passenger vehicle" means a motor vehicle with motive power, other than a trailer and a motorcycle, with a gross vehicle weight under ten thousand pounds and which is designed to carry ten persons or less and which is constructed either on a truck chassis or with special features for occasional off-road operation;

(2) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying ten persons or less; and

(3) "Secretary" means the Secretary of Transportation.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

GENERAL AUTHORIZATIONS

SEC. 101. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $53,733,000 for fiscal year 1988, and $55,233,000 for fiscal year 1989.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $363,000 for fiscal year 1988, and $363,000 for fiscal year 1989.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $2,301,000 for fiscal year 1988, and $2,301,000 for fiscal year 1989.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting in lieu thereof ", $560,000 for fiscal year 1988, and $560,000 for fiscal year 1989.".

OCCUPANT CRASH PROTECTION PROGRAM

SEC. 102. In order to carry out a national program to encourage the use of safety belts and passive restraints in passenger automobiles, as authorized by section 403 of title 23, United States Code, the Secretary may derive an additional amount not to exceed $10,000,000 from unobligated balances of funds made available for highway safety programs under title 23, United States Code. Not less than three-fourths of the total of such amounts shall be used for educational efforts related to the use of airbags. Of the funds allocated to such efforts, not less than $5,000,000 shall be used to carry out a program to demonstrate the effectiveness of airbag technology, with emphasis on lowest-cost technologies. Such amounts shall remain available until expended.

TITLE II—SIDE IMPACT PROTECTION AND CRASHWORTHINESS DATA

SIDE IMPACT PROTECTION

SEC. 201. Not later than sixty days after the date of enactment of this Act, the Secretary shall reopen the rulemaking proceeding terminated on July 12, 1982, to implement Federal Motor Vehicle Safety Standard 214 (49 CFR 571.214). The Secretary shall, not later than one year after the date of enactment of this Act—

(1) establish performance criteria for improved occupant protection in side impact; and

(2) issue an advance notice of proposed rulemaking to extend the applicability of such standard to multipurpose passenger vehicles.

AUTOMOBILE CRASHWORTHINESS DATA

SEC. 202. Section 201 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941) is amended by adding at the end thereof the following:

"(f)(1) The Secretary shall, within thirty days after the date of enactment of this subsection, enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation regarding means of establishing a method for calculating a uniform numerical rating which will enable consumers to compare meaningfully the crashworthiness of different passenger automobile models.

"(2) Such study shall include examination of current and proposed crashworthiness tests and testing procedures and shall be directed to determining whether additional objective, accurate and relevant information regarding the comparative crashworthiness of different passenger automobile models reasonably can be provided to consumers by means of a crashworthiness rating rule. Such study shall include examination of at least the following proposed elements of a crashworthiness rating rule:

"(A) information on the degree to which different passenger automobile models will protect occupants across the range of motor vehicle crash types when in use on public roads;

"(B) a repeatable and objective test which is capable of identifying meaningful differences in the degree of crash protection provided occupants by the vehicles tested, with respect to such aspects of crashworthiness as occupant crash protection with and without use of manual seatbelts, fuel system integrity, and other relevant aspects;

"(C) ratings which are accurate, simple in form, readily understandable and of benefit to consumers in making informed decisions in the purchase of passenger automobiles;

"(D) dissemination of comparative crashworthiness ratings to consumers either at the time of introduction of a new passenger automobile model or very soon after such time of introduction; and

"(E) the development and dissemination of crashworthiness data at a cost which is reasonably balanced with the benefits of such data to consumers in making informed purchase decisions.

"(3) Any such arrangement shall require the National Academy of Sciences to report to the Secretary and the Congress not later than nineteen months after the date of enactment of this subsection on the results of such study and investigation, together with its recommendations. The Secretary shall, to the extent permitted by law, furnish to the Academy upon its request any information which the Academy considers necessary to conduct the investigation and study required by this subsection.

"(4) Within sixty days after transmittal of the report of the National Academy of Sciences to the Secretary and the Congress under paragraph (3) of this subsection, the Secretary shall initiate a period (not longer than ninety days) for public comment on implementation of the recommendations of the National Academy of Sciences with respect to a rule promulgated under this title establishing on objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles.

"(5) Not later than one hundred and eighty days after the close of the public comment period provided for in paragraph (4) of this subsection, the Secretary shall determine, on the basis of the report of the National Academy of Sciences and the public comments on such report, whether an objectively based system can be established by means of which accurate and relevant information can be derived that reasonably predicts the degree to which different makes and models of passenger automobiles provide protection to occupants against the risk of personal injury or death as a result of motor vehicle accidents. The Secretary shall promptly publish the basis of such determination, and shall transmit such determination to the Congress.

"(g)(1) If the Secretary determines that the system described in subsection (f)(5) of this section can be established, the Secretary shall, subject to the exception provided in paragraph (2) of this subsection, not later than three years after the date of enactment of this subsection, promulgate a rule under this section establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles. The rule promulgated under this subsection shall be practicable and shall provide to the public relevant objective information in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger automobiles so as to contribute meaningfully to informed purchase decisions.

"(2) The Secretary shall not promulgate such rule unless (A) a period of sixty calendar days has passed after the Secretary has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a summary of the comments received during the period for public comment specified in subsection (f)(4) of this section, or (B) each such committee before the expiration of such sixty-day period has transmitted to the Secretary written notice to the effect that such committee has no objection to the promulgation of such rule.

"(h) If the Secretary promulgates a rule under subsection (g) of this section, not later than three years after the date of enactment of this subsection, the Secretary shall by rule establish procedures requiring passenger automobile dealers to make available to prospective passenger automobile purchasers information developed by the Secretary and provided to the dealer which contains data comparing the crashworthiness of passenger automobiles.".

(b) Section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) is amended by adding at the end thereof the following new paragraph:

"(19)(A) The term 'passenger automobile' means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying ten persons or less.

"(B) As used in subparagraph (A) of this paragraph, the term 'multipurpose passenger vehicle' means a motor vehicle with motive power, other than a trailer and a motorcycle, with a gross vehicle weight under ten thousand pounds and which is designed to carry ten persons or less and which is constructed either on a truck chassis or with special features for occasional offroad operation.".

TITLE III—MISCELLANEOUS PROVISIONS

STANDARDS COMPLIANCE

SEC. 301. Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following:

"(j)(1) The Secretary shall establish a schedule for use in ensuring compliance with each Federal motor vehicle safety standard established under this Act which the Secretary determines is capable of being tested. Such schedule shall ensure that each such standard is the subject of testing and evaluation on a regular, rotating basis.

"(2) The Secretary shall, not later than six months after the date of enactment of this subsection, conduct a review of the method for the collection of data regarding accidents related to Federal motor vehicle safety standards established under this Act. The Secretary shall consider the desirability of collecting data in addition to that information collected as of the date of enactment of this subsection, and shall estimate the costs involved in the collection of such additional data, as well as the benefits to safety likely to be derived from such collection. If the Secretary determines that such benefits outweigh the costs of such collection, the Secretary shall collect such additional data and utilize it in determining which motor vehicles should be the subject of testing for compliance with Federal motor vehicle safety standards established under this Act.".

INVESTIGATION AND PENALTY PROCEDURES

SEC. 302. (a) Section 112(a)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(a)(1)) is amended by inserting after subparagraph (B) the following:

"The Secretary shall establish written guidelines and procedures for conducting any inspection or investigation regarding noncompliance with this title or any rules, regulations, or orders issued under this title. Such guidelines and procedures shall indicate timetables for processing of such inspections and investigations to ensure that such processing occurs in an expeditious and thorough manner. In addition, the Secretary shall develop criteria and procedures for use in determining when the results of such an investigation should be considered by the Secretary to be the subject of a civil penalty under section 109 of this title. Nothing in this paragraph shall be construed to limit the ability of the Secretary to exceed any time limitation specified in such timetables where the Secretary determines that additional time is necessary for the processing of any such inspection or investigation.".

(b) Section 109(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398(a)) is amended by adding at the end thereof the following: "The Secretary shall establish procedures for determining the manner in which, and the time within which, a determination should be made regarding whether a civil penalty should be imposed under this section. Nothing in this subsection shall be construed to limit the ability of the Secretary to exceed any time limitation specified for making any such determination where the Secretary determines that additional time is necessary for making a determination regarding whether a civil penalty should be imposed under this section.".

TRAFFIC SAFETY FOR HANDICAPPED INDIVIDUALS

SEC. 303. (a) The Congress finds that—

(1) a number of States fail to recognize the symbols of other States for the identification of motor vehicles transporting individuals with handicaps that limit or impair the ability to walk; and

(2) the failure to recognize such symbols increases the likelihood that such individuals will be involved in traffic accident incidents resulting in injury or death, posing a threat to the safety of such individuals as well as the safety of the operators of motor vehicles and others.

(b)(1) Section 402 of title 23, United States Code, is amended by adding at the end the following:

"(3)(A) After 18 months after the date of enactment of the National Highway Traffic Safety Administration Authorization Act of 1987, the Secretary shall not approve any State highway safety program under this section which does not provide for the implementation of a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals.

"(B) For purposes of this paragraph, a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals is a system which—

"(i) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

"(ii) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iii) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iv) provides that fees charged for the licensing or registration of a vehicle used to transport such individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

"(v) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.".

(2) Section 402(c) of title 23, United States Code, is amended by inserting immediately after ", as appropriate" the first place it appears the following: ", except that in the case of a failure to obtain approval of or implement a highway safety program because of noncompliance with subsection (b)(3), such funds shall be reduced by amounts equal to 2 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate".

(c) Beginning not later than twenty-four months after the date of enactment of this Act, the Secretary shall annually evaluate compliance by the States with the amendments made by this section. The Secretary shall submit to Congress an annual report regarding such evaluation.

MULTIPURPOSE PASSENGER VEHICLE SAFETY

SEC. 304. (a) The Congress finds that—

(1) the popularity of multipurpose passenger vehicles has increased during this decade; and

(2) the safety of passengers in multipurpose passenger vehicles has been compromised by the failure to apply to them the Federal motor vehicle safety standards applicable to passenger automobiles.

(b) The Secretary shall initiate (not later than sixty days after the date of enactment of this Act) and complete (not later than twelve months after the date of enactment of this Act) a rulemaking to revise, where appropriate, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103(a) of such Act (15 U.S.C. 1392(a)) requiring that Federal motor vehicle safety standards be practicable, meet the need for motor vehicle safety, and be stated in objective terms—

(1) Federal Motor Vehicle Safety Standard 216 to provide minimum roof crush resistance standards for multipurpose passenger vehicles;

(2) Federal Motor Vehicle Safety Standard 202 to provide for head restraints for multipurpose passenger vehicles;

(3) Federal Motor Vehicle Safety Standard 108 to provide for a single, high-mounted stoplamp on multipurpose passenger vehicles; and

(4) Federal Motor Vehicle Safety Standard 208 to extend the requirements of outboard front seat passive restraint occupant protection systems to multipurpose passenger vehicles.

(c) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than sixty days after the date of enactment of this Act) and complete (not later than twelve months after the date of enactment of this Act) a rulemaking to review the system of classification of vehicles with a gross vehicle weight under ten thousand pounds to determine if such vehicles should be reclassified.

REAR SEATBELTS

SEC. 305. (a) The Secretary shall, in accordance with applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than sixty days after the date of enactment of this Act) and complete (within twelve months after the date of enactment of this Act) a rulemaking to amend Federal Motor Vehicle Safety Standard 208 to provide that the outboard rear seat passengers of one-half of all passenger automobiles manufactured by each manufacturer after September 1, 1989, shall have lap and shoulder seatbelt protection, and that the outboard rear seat passengers of all such automobiles manufactured after September 1, 1990, shall have lap and shoulder seatbelt protection.

(b) Notwithstanding any other provision of law, not less than 10 per centum of the funds authorized to be appropriated under section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) in fiscal years 1988 and 1989 shall be utilized to disseminate information to consumers regarding the manner in which passenger automobiles may be retrofitted with lap and shoulder rear seatbelts.

CERTIFICATION OF BUMPERS

SEC. 306. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting after section 102 the following:

"DISCLOSURE OF BUMPER IMPACT CAPABILITY

"SEC. 102A. (a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing passenger motor vehicle bumper system labeling requirements. Such regulation shall apply to passenger motor vehicles manufactured for model years beginning more than one hundred and eighty days after the date such regulation is promulgated, as provided in subsection (c)(2) of this section.

"(b)(1) The regulation required to be promulgated in subsection (a) of this section shall provide that, before any passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

"(2) For purposes of this subsection, the term 'applicable damage criteria' means the damage criteria applicable under section 581.5(c) of title 49, Code of Federal Regulations (as in effect on October 1, 1984).

"(c)(1) Not later than ninety days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

"(2) Not later than one hundred and fifty days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

"(d) The Secretary may allow a manufacturer to comply with the labeling requirements of subsection (b) of this section by permitting such manufacturer to make the bumper system impact speed disclosure required in subsection (b) of this section on the label required by section 506 of this Act or section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(e) The regulation promulgated under subsection (a) of this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information compiled pursuant to this subsection.

"(f) For purposes of this section, the term 'passenger motor vehicle' means any motor vehicle to which the standard under part 581 of title 49, Code of Federal Regulations, is applicable.".

STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

SEC. 307. Part A of title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961 et seq.) is amended by adding at the end the following:

"STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

"Sec. 304. (a) The Secretary shall, within thirty days after the date of enactment of this section, enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effectiveness of State motor vehicle safety inspection programs in—

"(1) reducing highway accidents that result in injuries and deaths; and

"(2) limiting the number of defective or unsafe motor vehicles on the highways.

"(b)(1) The study shall include an evaluation of the implementation, inspection criteria, personnel, budgeting, and enforcement of all types of State motor vehicle inspection programs or periodic motor vehicle inspection programs, including inspections of motor vehicle brakes, glass, steering, suspension, and tires.

"(2) If warranted by the study, the National Academy of Sciences shall develop and submit to the Congress recommendations for an effective and efficient State motor vehicle safety inspection program.

"(c) The study shall also consider the feasibility of use by States of private organizations to conduct motor vehicle safety inspection programs and of combining safety and emission inspection programs.

"(d) Appropriate public and private agencies and organizations, including the Secretary, the Administrator of the Environmental Protection Agency, affected industries and consumer organizations, State and local officials, and the motor vehicle insurance industry should be consulted in conducting the study required under this section.

"(e) Subject to the availability of funds and when the arrangements with the National Academy of Sciences are completed, the study required by subsection (a) shall be completed and transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives within nineteen months after the date of enactment of this section.".

RECALL OF CERTAIN MOTOR VEHICLES

Sec. 308. (a) Section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413) is amended by adding at the end the following:

"(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

"(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.

"(2) For purposes of this subsection, the term 'leased motor vehicle' means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.".

(b) Section 154 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1414) is amended by adding at the end the following:

"(d) If notification is required under section 151 or by an order under section 152(b) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

"(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or

"(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applies or such order has been set aside in such an action.

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.".

STUDY OF DARKENED WINDOWS

Sec. 309. The Administrator of the National Highway Traffic Safety Administration shall conduct a study of the use of darkened windshields and window glass in passenger automobiles. In particular, the study shall consider the effects of such use on the safe operation of passenger automobiles, as well as on the hazards from such use to the safety of law enforcement personnel. In conducting such study, the Administrator shall consult with appropriate industry representatives and with officials of law enforcement departments and agencies. The Administrator shall submit the results of such study to the Committees on Commerce, Science, and Transportation of the Senate and Energy and Commerce of the House of Representatives not later than six months after the date of enactment of this Act.

ODOMETER MODIFICATION

Sec. 310. (a) Section 408(d) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(d)) is amended by adding at the end the following:

"(3) No registration card may be issued in any State for any motor vehicle unless the application for such registration card contains the information specified in subsection (a) (1) and (2), determined as of the date on which such application is submitted. Each State shall maintain such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the information is received by the State.

"(4) The Secretary shall promulgate such rules as may be necessary to avoid the printing of mileage information that is false, misleading or inaccurate. To prevent falsification or alteration of the mileage information required to be disclosed by a transferee in accordance with paragraph (2), the Secretary shall promulgate such rules as may be necessary regarding the specific form to be used on any title for compliance with the provisions of paragraph (2)(A)(iii). In addition, the Secretary shall promulgate rules regarding the actions to be taken by States with respect to the unauthorized alteration of titles for motor vehicles and other documents on which odometer information is required to be recorded or maintained.".

(b) Section 408(f)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(f)(2)) is amended to read as follows:

"(2) The Secretary shall not approve such alternate motor vehicle mileage disclosure requirements unless the Secretary determines that the alternate method for making such disclosure is consistent with the purposes of subsections (d) and (e).".

Mr. HOLLINGS. I move to reconsider the vote by which the bill was passed.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, today the Senate approved S. 853, a 2-year reauthorization of the National Highway Traffic Safety Administration [NHTSA.]

In the course of the recent debate on the highway provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the issue of highway safety came up repeatedly, most specifically of course, with respect to the effect that might be expected from raising the speed limit on rural sections of the Interstate and Defense Highway System. First as floor manager of the bill, and later as chairman of the conference I had occasion, just as repeatedly, to note the seemingly complete absence from our discussions of any material, any counsel, any presence even of the National Highway Traffic Safety Administration. At one point in the conference I described this as a "reckless disregard" of duty.

It happens I was involved in the early consideration of highway safety issues in the Kennedy administration which more or less led to the establishment of NHTSA in the Johnson administration that followed. The first head of the administration, Dr. William Haddon, Jr., was a physician, scientist and administrator of great ability. He was more: a public servant of iron integrity and unflinching courage. Where duty pointed, he followed.

Duty pointed to our deliberations and many hours and days of work, but the National Highway Traffic Safety Administration chose to avoid its duty to present such facts as were at hand or could be had.

Now once again we have a highway program, and one of its added features is the right of the States to raise to 65 miles per hour the speed limit on rural sections of the Interstate System. This demands our attention. Both ours and that of the National Highway Traffic Safety Administration, which has shown no great interest in the effect this change might have. It is not at all clear what the effects of the increased speed limits now being enacted by the States will have on speeds, collisions, injuries or fatalities.

We will be hearing more about the speed limit in the years to come. Some will want it to be raised on all highways. Some will want to restore the 55-mile-per-hour limit. If we are ever to have a rational debate about such matters, NHTSA and the States must begin gathering the data now so that in due time a comprehensive study might be compiled.

I for one expect NHTSA to fulfill the mission it was given in 1966: to promote highway safety. To do so, NHTSA has a responsibility to collect data, and to present the facts to Congress and the public.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I indicated on yesterday that the Senate will proceed today to the consideration of nominations on the Executive Calendar. The Raphel nomination has been on the calendar since February 24, and according to my count, that would be 2 months today. The other two nominations, Melissa Wells and Trusten Crigler, have not been on the calendar that long. They have been on since March 31.

I have given ample notice that the Senate would proceed to the consideration of the Executive Calendar. There are some Senators who have to leave by fairly early afternoon, and I think we will assist the convenience of all Senators if we can move quickly to proceed with the work on the Executive Calendar. So I will now put in a quorum call, but I will expect to go to the Executive Calendar soon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, it has been my intention to go to the nomination of Mr. Arnold Lewis Raphel, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

That nomination has been on the calendar 2 months as of today. I understand that there is a Member who wishes to talk to Mr. Raphel.

It would be my suggestion that Mr. Raphel get up to the Capitol post haste and perhaps get a police escort to get him here. If that Senator wants to talk with him the gentleman should be interested in talking with the Senator because I would hope we would not have to wait to the week after next to go forward with that nomination.

I, therefore, ask unanimous consent that the Senator go into executive session to consider the nomination of Trusten Frank Crigler of Virginia.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. DOLE. Let me indicate with reference to the first nomination referred to that Senator HUMPHREY is just back from Pakistan. He spent about, I think, 10 days in Afghanistan and Pakistan, and he does have some policy questions he wishes to discuss with Mr. Raphel and is trying to locate him.

Mr. BYRD. I indicated a willingness to help the Senator to arrange the appointment if the Senator wishes me to, and I also would urge the nominee to arrange his schedule to meet with the Senator as soon as possible, hopefully this morning.

Mr. HUMPHREY. Mr. President, if the Senator will yield so that I might respond, I thank the Senator for his consideration. I do ask the vote on the confirmation be deferred a little while longer.

As the minority leader pointed out, I have just returned from Pakistan. I met twice with President Zia, once with Prime Minister Junejo and had meetings with other officials about the Afghanistan issue, the nuclear issue, and the AWACS issue.

While these things are fresh in mind I would certainly like to speak with the nominee. The post of Ambassador to Pakistan is a particularly critical post and I wish to have that opportunity.

May I say also, in addition, that if there is some question, apparently, as I understand it, about whether the nominee as required by law paid income taxes to the District of Columbia—I am not prepared to say the nominee is in violation of the law or is consistent with the law, but there is some question on that point which I understand has not been settled yet—I do not think the Senate should be in a position where it is required to confirm or deny confirmation to someone while a matter of that kind is pending. All citizens have the duty where required to pay their taxes. I think that matter needs to be clarified.

Mr. BYRD. Mr. President, I fully agree with the Senator that such matter should be clarified. I would have to say, however, that Senators have had 2 months in which to clarify at least some of these questions.

I should think with respect to any question regarding the payment of income taxes to the District of Columbia, it should not require any longer than 2 months to determine whether or not a nominee has paid his taxes.

Mr. HUMPHREY. Mr. President, may I respond to the majority leader on that point?

Mr. BYRD. Yes.

Mr. HUMPHREY. The Senator is quite correct. The difficulty in my opinion has been on the side of the nominee and State Department. They have not been overly cooperative in providing the answers to a number of Senators who are concerned about various issues in connection with this nomination.

Having said that, I want to assure the Senator from West Virginia that as for this Senator, it is not my intent to unduly delay this nomination further.

But I would like to have the opportunity to meet with the nominee for a frank discussion of the issues. I may or may not vote for him after that. It is not my intent to delay this, with the proviso that I do think, in my opinion, we need to get an answer, one way or the other, on this tax business before the Senate is asked to vote.

Mr. BYRD. Well, I agree with the Senator that we should have an answer. We should be able to get that answer today. I am interested in that, also. I would be interested in the answer, likewise.

On Monday, we will not have any votes. I am committed to have no rollcall votes on Monday. Next week, we will have the budget resolution before the Senate. If there is going to be a rollcall vote on Mr. Raphel, this might wait until the week after next or it might not. But I hope we could get these answers reasonably early today.

If the Senator would let me know, through the Republican leader, as to what the situation is following this colloquy—I imagine the people over at the State Department have television sets, do they not? I wonder if they watch C-SPAN?

Mr. HUMPHREY. I think they are tuned in to Howdy Doody. Maybe a telephone call could get them to change their channel.

Mr. PELL. If the Senator will yield for a second on this, we made sure Mr. Raphel was informed and the State Department was informed. So we hope he will be up here in a few minutes so that it would permit the conversation you mentioned to take place.

In addition, on the question of the income tax in the District of Columbia, it is something I think we could settle within the next really matter of minutes, not hours. We are seeking to do that with the hope that we could get such a vote before Members have their Friday exodus.

Mr. BYRD. Mr. President, I say that the Senator from New Hampshire certainly knows how to get the attention of the State Department. I expect a courier to come running to the Chamber to say the Senator has a telephone call waiting.

I thank the Republican leader and I thank Mr. PELL.

NOMINATION OF TRUSTEN FRANK CRIGLER, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOMALI DEMOCRATIC REPUBLIC

Mr. BYRD. Mr. President, has the other nomination been placed before the Senate?

The PRESIDING OFFICER. It is currently pending.

Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Trusten Frank Crigler, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

The Senate proceeded to consider the nomination.

Mr. PELL. Mr. President, I would ask that there be a rollcall vote on this nomination.

Mr. BYRD. Mr. President, I support the request of the Senator.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, while the distinguished Republican leader is on the Senate floor, there are some Members who are tied up in committee meetings and appointments and some of whom are off the Hill. I wonder if we should set a time to vote so Senators would have ample warning.

Mr. President, I ask unanimous consent that the vote occur at 11 o'clock this morning on the nomination.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. PELL. Mr. President, the Foreign Relations Committee favorably reported Mr. Crigler's nomination by a 16 to 3 vote on March 31. Mr. Crigler, who is a career foreign service officer, has had a long and distinguished career. He has served in several African posts including Zaire, Gabon, and Rwanda. I believe that he is well qualified to be our ambassador to Somalia, a post which has been vacant for some time and an exceedingly difficult post.

We all recall how, a few years ago, Somalia was considered in the Communist bloc under the Soviet's influence. And that was really the reason, the excuse, that was used at the time for building up the military base at Diego Garcia. Since that time, the Government of Somalia has reversed its course and is now on our side of the fence, and we find they sort of changed places with Ethiopia in this regard. So this post is an important one.

Mr. Crigler, I think, can do the job and can keep that country—if any person can be said to do this—can help keep that country in the free world column. I very much hope that my colleagues will support his nomination.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the nomination of Mr. Trusten Crigler. The question is, Will the Senate advise and consent to the nomination of Trusten Frank Crigler, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Carolina [Mr. SANFORD], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. DOLE. I announced that the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Vermont [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 14, as follows:

[Rollcall Vote No. 81 Ex.]

YEAS—65

Adams
Armstrong
Baucus
Bentsen
Boren
Bradley
Breaux
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Glenn
Graham
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Specter
Stennis
Thurmond
Wallop
Weicker
Wirth

NAYS—14

Boschwitz
Cochran
Dole
Domenici
Helms
Humphrey
Karnes
Lugar
McConnell
Pressler
Quayle
Trible
Warner
Wilson

NOT VOTING—21

Biden
Bingaman
Bond
Bumpers
Burdick
Fowler
Garn
Gore
Gramm
Hatch
Kennedy
McCain
McClure
Nickles
Packwood
Sanford
Simon
Simpson
Stafford
Stevens
Symms

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, discussions are now going on as to whether or not we will proceed to another nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will not call up the nomination of Mr. Raphel today. I understand he is on a plane on the way to attending a graduation of one of his children. This matter will go over until Monday.

The question about the income tax made by a Senator or Senators can be determined surely within the next 2 days. I would suggest that Senators be prepared to go to the nomination one day next week.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. HUMPHREY. It is my understanding the State Department is setting up an appointment for me with the nominee on Tuesday.

Mr. BYRD. Very well. Then the Republican leader and I will be discussing this matter.

The other nomination on the calendar will not be called up today. There will be no more rollcall votes today.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business of not to exceed 10 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the Senate will be proceeding on Monday to deal with the budget resolution. There are several resolutions on the calendar that have been reported out of the Budget Committee and on Monday the Senate will proceed to the consideration of these matters. There will be no rollcall votes on Monday. I, of course, always leave open the possibility that there could be a rollcall vote in order to assure the attendance of Senators. I would not want to see any other rollcall votes occur, but I cannot say that there never, never will be a rollcall vote on Mondays. So I have to cover both flanks in that regard.

The Senate will be in early and late on days next week in dealing with budget matters. When I say early, I mean 9 o'clock, probably. When I say late, I mean 7 o'clock in the evening, give or take. I would not want to say we would not go to 8. I would not want to say we will go to 7. But it seems to me that 9 to 7 is a 10-hour day, and a pretty long day.

There is a 50-hour limitation on the budget resolution. Senators should anticipate reasonably long days next week and rollcall votes early and late.

One cannot predict when a rollcall vote will occur in this situation now that we are heading toward. Votes may come early. They may be unpredictable. They may be unavoidable. And they may occur late in the day. By late, as I say, circa 7 or 8 o'clock. I do not expect the Senate to be in to 10 o'clock or 11 in the evenings.

I should also say that in the situation that we are confronting with the budget resolution, Senators should be prepared to be here—not only should they be prepared to be here next Friday, but they ought to be here next Friday. It may be that by Friday, the Senate will be nearing the close of its work on the budget resolution.

That being the case, I would expect rollcall votes on Friday and I cannot assure Senators that such rollcall votes will be completed by 1 o'clock or 2 o'clock or 3 o'clock in the afternoon. On the following Monday there will be no rollcall votes.

So Senators should look at the picture as it is and not just see it through a glass darkly, as Paul, the Apostle, said.

This is a major matter. Rollcall votes will occur and I want to say again that next Friday, if we have not completed the budget resolution before next Friday, we will be on it next Friday. There is no assurance we will be out of here by 1 o'clock, 2 o'clock, 3 o'clock, 4 o'clock, 5 o'clock, on next Friday. These will be important rollcall votes and they could be very close rollcall votes.

So I urge Senators to be well prepared, having been forewarned.

Mr. President, I thank the chairman of the Foreign Relations Committee for his good work on the nomination that has been disposed of.

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent, while awaiting the arrival of a Senator on the floor, that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 11:40 a.m., recessed until 11:50 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SHELBY).

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

NURSING HOME RESIDENTS DAY

Mr. MITCHELL. Mr. President, over 1½ million Americans reside in nursing homes. Nearly 5 percent of persons over 65 and over 20 percent of those over the age of 85 are residents of nursing homes. Given these numbers, it is appropriate that today has been designated "National Nursing Home Residents Day."

Those who live in nursing homes represent an increasingly sicker and more frail population. They do not ask for our pity, but rather for our respect. It may seem to some as incongruous to view residents of nursing homes as heroic, yet many are just that. Persons residing in nursing homes often have severe functional limitations that would test the courage of all of us to the limit.

A significant number of nursing homes in Maine, as in other parts of the country, have demonstrated that nursing homes can offer a caring, supportive environment. However, there are still too many nursing homes that do not do so. The more responsible nursing home owners and administrators are aware of the problems and are supportive of efforts to bring about an improvement in the quality of care.

Recognition should also be given to those employees of nursing homes who assist residents in a caring, respectful manner. Especially of note are the nurses and nursing aides who provide such care for pay that if often below that of their counterparts in the acute care sector. These efforts often go unrecognized in our appropriate, but limited, focus on those providers of nursing home care who persist in giving substandard care.

In recognition of the problems of quality of care for nursing home residents, Congress requested that the Institute of Medicine submit a study of the issue. The report from the Institute, issued in the spring of 1986, documented, in a careful scientific manner, the problems that exist in nursing homes. The report detailed the need for changes in existing laws and regulations that would help improve the quality of care in nursing homes.

Since the report was issued, a joint industry-consumer coalition, lead by the National Citizens Coalition for Nursing Home Reform, has forged a consensus on ways to implement many of the recommendations of the Institute of Medicine. In addition they have suggested a number of additional changes that would improve the quality of care in nursing homes.

Next week, I will hold a hearing to further consider what changes may be necessary to improve the quality of care in both nursing homes and in the provision of home care. It is my hope that next week's hearing, together with today's observation of "National Nursing Home Resident's Day," will mark the beginning of prompt action by Congress and concerned citizens, to help assure that that respect, dignity and caring are the hallmarks of nursing home care in this country.

Mr. President, I yield the floor.

IMPORTATION OF FORCED LABOR PRODUCTS

Mr. ARMSTRONG. Mr. President, forced labor is not something we hear much about in these modern times. In the headlines in our newspapers, on the nightly TV newscasts, the subject is rarely, if ever mentioned.

But we know it exists. That fact is documented by Government agencies, by human rights groups, by intelligence services, even by congressional hearings.

In fact, we have a law excluding the importation of products made with forced labor. But it is poorly enforced. Repeated efforts of Senators and others to extract a more vigorous enforcement from this administration have resulted in promises, but no concrete action.

It is ironic that on this issue—which frequently involves confronting Communist countries—the AFL-CIO has a better record than that of the Reagan administration. The AFL-CIO has never been hesitant to condemn forced labor and other human rights abuses. Unfortunately, the administration, has been less forthright and tries to engage in an impossible balancing act weighing issues of diplomacy and other niceties of international affairs against indisputable evidence of forced labor.

Mr. President, that is why I was not at all surprised to learn that the AFL-CIO has taken a strong stand against an alliance with groups in this country who support forces of Communist repression in Central America. Specifically, the AFL-CIO took a look at some of the groups organizing an April 25 protest rally against United States policy in Central America and urged unions to keep their distance.

It is safe to say that the AFL-CIO is no friend of the Reagan administration nor of the administration's policies in Central America. But, they are no less quick to condemn the Communist forces in El Salvador and in Nicaragua which seek to establish a totalitarian state; murder courageous men and women struggling to establish democracy; and oppose free labor. In like measure, the AFL-CIO wants nothing to do with groups in this country who serve as apologists for these forces of repression.

The easy way out might have been for union leaders to do nothing and let events take their course. They have not done that. What it shows is that the AFL-CIO has more guts and is more willing to take a stand than many others who should be leading this fight.

If you have not already seen the report of the Bricklayers and Allied Craftsmen, an AFL-CIO affiliate, I commend it to you and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN

MEMORANDUM

To: John T. Joyce, President.

From: Joel Freedman, Assistant to the President for Economic Development.

Date: 2 April 1987.

Subject: An Analysis of the April 25th Mobilization.

The following is the analysis you requested for local union guidance.

The April 25th "Mobilization for Justice and Peace in Central America and South Africa" has attracted many unionists who are opposed to the Reagan Administration's policies. Paradoxically, however, this particular demonstration will hinder the struggle of democratic trade unionists to advance worker rights in their countries.

WILL THIS MOBILIZATION HELP OR HURT THE TRADE UNION CAUSE IN CENTRAL AMERICA?

In Central America, our trade union brothers and sisters tell us that the way to help them is, not to cut off all aid, as called for by the Mobilization organizers, but to channel the aid in a way that promotes economic justice.

Taking our lead from our trade union brothers and sisters in Central America, the AFL-CIO has won funds to establish a new organization, the Central American Development Organization (CADO), which will give trade unions a voice for the first time in how U.S. economic assistance funds will be spent. The Democrats in the House supported this assistance. Central American unionists tell us the loss of such aid would be a severe blow to their ability to deal with their governments, most of which are new and still fragile democracies.

In El Salvador, as a leader of the democratic labor movement, Luis Grande Presa, advised you in your meeting with him, a wholesale cutoff in aid to his country, as demanded by the Mobilization, would be a devastating blow to the hopes for democracy in El Salvador. He says that aid conditioned on human rights is one of the most important levers unions have in their battle against the far right. If such aid were cut off, he believes, the most likely result would be the reactivation of the right-wing death squads. The army might lose its incentive to curtail the killings, and the democratic center would once again be eroded by the polarization between the extremes. Eventually he believes the Marxist-Leninist FDR-FMLN guerrillas might take power. Grande Presa states:

> We reject the extemes and their violence; we don't believe in the fascism of the right nor the totalitarianism of the Marxist-Leninist left. We are fighting for social justice and democracy. We need solidarity from North Americans, not an effort to pull the plug and let us go down the drain.

Luis Grande Presa knows better than most about the threats posed by both right and left in El Salvador. As a prominent trade unionist, currently a leader of the 300,000-member National Union of Workers and Campesinos (UNOC), he has suffered five different assassination attempts by the right-wing death squads. Bullets from two of these attacks remain in his body. The Marxist-Leninist FDR-FMLN guerrillas have also threatened him with death on their Radio Venceremos, which broadcasts from Managua. The guerrillas came looking for him in April, 1982. Unable to locate Grande Presa at his home, they abducted his younger brother and shot him to death.

Political extremists have also taken a heavy toll on the members of Grande Presa's union. According to information he provided to a delegation of U.S. Congressional staff:

> The death squads and security forces since 1982 have murdered 70 union members, and the FDR-FMLN guerrilla forces have assassinated 80. . . . On one occasion on the Nuevo Oriente cooperative, the National Guard murdered all eight members of our Cooperative's Administrative board; in another case, at the Guajoyo farm in San Vicente, the FPL a guerrilla group in the FDR-FMLN murdered 42 campesinos because they committed the simple crime of refusing to adopt the guerrilla's method of struggle. Many of our brothers were decapitated and the women were raped and then murdered.

Should we stop listening to the voices of courageous unionists like brother Grande Presa, and cut off aid they believe is vital to their cause, as this Mobilization suggests? Should we claim to know better than those who put their lives on the line every day what is in their best interests?

ARE THE OBJECTIVES OF THE MOBILIZATION ORGANIZERS IN HARMONY WITH LABOR'S GOALS?

The organizers of this Mobilization do not just attack the Reagan Administration's foreign policy in South Africa and Central America. They attack the foreign policy of the Carter-Mondale Administration, policies supported by the Democratic Party-controlled House of Representatives, and the positions taken by democratic trade unionists in Central America, and supported by the AFL-CIO.

For example, the Mobilization's "Call" opposes all aid, economic and military, to the democratically elected Christian Democratic government of Napoleon Duarte in El Salvador. In contast, both the Democratic House and the AFL-CIO, working against the wishes of the Reagan Administration, supported aid to El Salvador conditioned on human rights standards and progress toward judicial and land reform.

The Mobilization also attacks aid to the democratically elected governments of Honduras and Guatemala. Indeed, many organizations in the Mobilization are actively lobbying Congress in opposition to Democratic Senator Chris Dodd's bill provide $300 million in economic assistance to Central America. Most unionists want to make sure that U.S. aid serves to bolster trade union rights and economic justice. But do we want to abandon the very countries that have only recently established democratic rule?

In a February 21, 1987, memorandum to "Local Coalitions and National Steering Committee" from the National Outreach Staff," Mobilization "convenor" David Reed provides a "political overview." In it he condemns the "unprecedented escalation of the arms race, *begun by Carter* and continued by Reagan." (emphasis added). Labor had its differences with the Carter-Mondale Administration. But we do not believe that Jimmy Carter and Fritz Mondale, whom we endorsed and supported, were responsible for an "unprecedented escalation of the arms race" and that there is no real difference between their defense policies and those of the Reagan Administration?

In the memo, Reed calls the Reagan doctrine of support for anticommunist guerrillas in Nicaragua and Angola and effort to "roll back political *gains* in the third world" (emphasis added). Many trade unionists oppose the Administration's policies. But we do not agree with the convenors of this Mobilization that the establishment of communist-style regimes in countries like Nicaragua and Angola represent "political gains in the third world?"

WILL THE MOBILIZATION GIVE AID AND COMFORT TO THE ENEMIES OF FREE TRADE UNIONISM?

Representatives of the Sandinista government of Nicaragua and the "popular organizations" allied with the FDR-FMLN Salvadoran guerrillas have been invited to speak at the rally, along side such U.S. speakers as Jesse Jackson, Bishop Thomas Gumbleton, and Rabbi Balfour Brickner. By giving a platform and apparent legitimacy to the Sandinistas and other Marxist-Leninist movements, the rally will convey the impression that these groups—rather than our democratic trade union brothers and sisters in Central America—enjoy the solidarity and support of the rally's trade union and religious sponsors. That is not the signal we want to send.

One person originally invited to speak at the Washington, D.C. rally is Dr. Myrna Cunningham, the Sandinista governor of Zelaya province on the Miskito coast of Nicaragua. According to a Miskito Indian leader at the Indian Law Resource Center, Dr. Cunningham is a long-time Sandinista militant who was appointed to her current post by President Daniel Ortega after having served in the Ministry of Health in Managua. She is regarded by the Indian group as a figurehead behind which the Sandinista army rules over Nicaragua's restive Miskito coast. She is reportedly disliked by many Miskito people for her refusal to grant exit visas to persons who are not "real Sandinistas." Plans for government speakers were altered to insure labor participation.

Mobilization organizers say that no Nicaraguan government officials have been invited to speak, only Sandinista representatives. However, prominent Nicaraguan officials have already appeared at preparatory events for the Mobilization. In San Francisco, the Mobilization Steering Committee hosted an appearance by Nicaraguan Ambassador to the U.N. Nora Astorga on March 19. In Detroit, a March 29 rally to build support for the April 25th Mobilization was scheduled to feature Yolanda Campbell, a member of the Autonomy Commission of Nicaragua which oversees negotiations with the Miskitos.

Do U.S. trade unionists really want to march alongside Sandinista representatives? Is that how we show solidarity with our brothers and sisters in the Confederation of Trade Union Unity (CUS) in Nicaragua?

The CUS played an important role in the Nicaraguan revolution. It helped organize, with AFL-CIO support, a boycott of dictator Somoza's merchant marine shipping. The leader of CUS was killed by the Somoza National Guard in January, 1979. Yet from the first day the Sandinistas took power—at a time when the Carter Administration was sending sizable amounts of AFL-CIO-supported aid to the Sandinistas government (and long before there were any contras)—the Sandinistas began attacking union offices, assulting union organizers, and forcing workers to join Government-controlled company unions.

Just last month the Sandinistas broke up the Seamens Union in Bluefields and arrested its two top officers. Late last year the CUS leader in Chichigalpa lost his three-year-old son when his home was burned to the ground after he criticized the Sandinistas during a trip abroad.

Do U.S. unionists really want to march alongside Sandinista representatives—and their U.S. solidarity organizations—when our union brothers and sisters in Nicaragua are depending on our solidarity for their survival? Do we want to give legitimacy to Sandinista "union" which deny the rights to strike on the grounds that "there is no room for this type of struggle in Nicaragua because power is in the hands of workers?" (Statement adopted by Sandinista Workers Central on Sept. 8-9, 1984.)

Do we want to provide a speakers platform for supporters of a government whose top officials oppose the very basis of trade unionism? Here is how Sandinista Commander Bayardo Arce views workers:

"In Nicaragua, workers have learned to know and respect the revolutionary doctrine of work. . . Now workers don't walk around thinking about asking for wage increases, nor asking for shorter hours, nor asking that they be paid this or that extra or that they get longer vacations. Now Nicaraguan workers support the philosophy of voluntary labor, like true revolutionaries." (Reported in *Rumbo Centro Americano,* Aug. 15-21, 1985.)

Mobilization organizers are also inviting a speaker representing one of El Salvador's "popular organizations," probably the Committee of Mothers of the Disappeared (COMADRES). There are many legitimate human rights groups in El Salvador battling against the brutalities of the right-wing death squads. COMADRES has a different agenda. One of the leaders of COMADRES, Dora Angelica Campos, recently defected from the organization, declaring that the group is clandestinely controlled by the Resistencia National, one of five guerrilla groups in the FDR-FMLN.

In previous years, organizers of the Mobilization have invited speakers representing the FDR-FMLN directly, although their identity has not always been acknowledged. The *Guardian* criticized the San Francisco organizers of the 1985 Mobilization for their "controversial decision to identify the rally's sole Central American speaker, Felix Kury, simply as 'an exiled Salvadoran trade unionist on list of death squads'." The *Guardian* wanted people to know that "Kury is in fact a representative of El Salvador's Democratic Revolutionary Front." Such "liberal caution," according to the newspaper, "did not appear to be reflected among the marchers, many of whom carried banners supporting the Salvadoran guerrillas, nor many of the event's most visible organizers, a number of whom are activists in the Committee in Solidarity with the People of El Salvador (CISPES)."

The FDR-FMLN is the self-proclaimed Marxist-Leninist guerrilla coalition fighting against the democratically elected Salvadoran government. In addition to murdering Luis Grande Presa's brother and many of his union members, the FDR-FMLN carried out the terrorist attack on the Zona Rosa night club in which several U.S. marines—and several Salvadoran civilians—were killed. James LeMoyne of the *New York Times* describes the guerrilla's tactics this way:

> Salvadoran leftist rebels, apparently in a determined effort to assert their power, have shot several civilians in the last two months, according to diplomatic, military, and human rights officials. . . . In the worst recent case, a guerrilla unit summarily shot six peasant coffee pickers near the abandoned hamlet of Los Laureales in San Vicente Department without any effort to hold a trial or give a warning. . . (*New York Times,* Feb. 2, 1987.)

The FDR-FMLN systematically blows up electric power lines, bridges and cooperatives. It attacks and kills non-combatants in vehicles, including buses, during its "transportation stoppages." According to Frederick Downs writing in the January 18, 1987, issue of the Washington Post, "Communist mines have blown one or more limbs off about 1,600 people, 950 military and 650 civilian. Of the civilians, it's estimated that a quarter to a third are children." Journalist LeMoyne also believes that guerrilla use of land mines is a problem, claiming that such devices are killing more people than government bombs. The Salvadorans who suffer most from these attacks are poor campesinos.

Trade unionists are rightfully repulsed when contra forces use tactics that are destructive of civilian life and property. But do we want to ally ourselves with supporters of Salvadoran guerrillas using guns and land mines to impose a repressive dictatorship of the left?

WHO IS BEHIND THE MOBILIZATION?

The Mobilization Steering Committee includes many organizations that openly support such totalitarian movements. There are thirty-five organizations in all, divided into five categories of equal weight: "labor," "church," "faith-based," "solidarity" and "peace and justice." The latter three categories are made up of groups that are often referred to collectively as the "anti-intervention movement."

One leading Mobilization organization is the Committee in Solidarity with the People of El Salvador (CISPES). CISPES Director Angela Sanbrano serves on the Mobilization Program Committee which selects speakers for the rally. Many of CISPES' 150 local chapters form the organizing centers for bringing people to the demonstration.

According to the masthead of its newspaper, CISPES works "in solidarity with the FMLN-FDR, the legitimate representative of the Salvadoran People." A representative of the Nicaraguan Embassy addressed CISPES' 1985 convention, and the FDR-FMLN sent its greetings. As described by John Trinkl in the June 5, 1985 Guardian, CISPES "has close ties to the FDR-FMLN, enabling it to know the needs of the revolutionary movement. Concrete material aid is an important part of the organization's work, which gives support to rebel forces and is a means of outreach in the U.S."

CISPES provides further evidence of its solidarity with the Salvadoran guerrillas in its own reports. In a letter to "friends," CISPES states "the general offensive is progressing with the FMLN maintaining a hold on significant parts of the country. We must lay the necessary groundwork in order to respond to possible prolongation and regionalization of the struggle. This includes consolidation of our network, effective outreach, fundraising, etc."

CISPES was formed in 1980 in response to a U.S. tour by Farid Handal, the brother of Salvadoran Communist leader Shafik Handal, according to an article by Peter Collier and David Horowitz in the January 1987, issue of Commentary magazine. One of CISPES original "programs" consisted of the following:

> Exposing the maneuvers of the AFL-CIO's American Institute for Free Labor Development, a creature of the CIA, which is carrying out the so-called agrarian reform in El Salvador. (Sept.-Dec., 1980, newsletter of the U.S. Peace Council.)

CISPES recently co-sponsored a conference in El Salvador with a guerrilla-backed labor front with the acronym of UNTS. The UNTS is dominated by organizations that identify with the FDR-FMLN and by labor groups affiliated with the Communist World Federation of Trade Unions.

The Network in Solidarity with the people of Guatemala (NISGUA), is another solidarity group on the Mobilization Steering Committee. Its literature proclaims support for "the popular and revolutionary movements—including . . . the URNG." The

URNG is currently making war on the elected government of Christian Democratic President Venecio Cerezo. Cerezo is one of Guatemala's foremost human rights activists and democrats. He has survived several assassination attempts by the Guatemalan death squads during periods of military dictatorship. Nevertheless, the Mobilization calls for a cutoff in military aid to the Cerezo government.

The Nicaragua Network, another Steering Committee member organization, openly supports the Sandinistas and sends "brigades" of U.S. activists to work with the revolutionary government. The Nicaragua Network recently opened an office in Managua.

The Inter-Religious Task Force on Central America (IRTFCA), another Steering Committee group, published a 1981 "background" paper claiming that "the majority of the people of El Salvador have chosen to unite under the leadership of the FDR, recognizing it as their legitimate representative." The statement's authors did not indicate how it arrived at that conclusion since the Salvadoran people had not yet had a chance to make their own choice known in elections.

The National Council of Churches (NCC), represented separately on the Steering Committee in the "Church" category, has sent delegations to Nicaragua which reassure U.S. believers that there is no religious persecution in that country. The NCC also funds the Ecumenical Program for Inter-American Communication and Action (EPICA), which published a lengthy attack in 1983 on AFL-CIO policies in Central America. The report accused Mike Hammer, a union representative murdered by the right-wing death squads while working on land reform in El Salvador, of being a CIA agent.

Witness for Peace, also on the Steering Committee, recruits U.S. citizens to travel to border areas of Nicaragua to prevent rebel attacks on Sandinista-controlled towns. It does not provide such protection to Miskito Indian villages under attack by Sandinista army bombing raids. Witness for Peace was formed by a group of Americans in December, 1983, following a series of meetings with Sandinista Minister of the Interior Thomas Borge and Vice President Sergio Ramirez.

Pledge of Resistance, another organization on the Steering Committee, asks American citizens to sign pledges to engage in acts of civil disobedience if the United States intervenes militarily in Nicaragua.

The Committee for a SANE Nuclear Policy (SANA) is a prominent disarmament organization on the Steering Committee which has sponsored events in the past featuring Sandinista or FDR-FMLN speakers. SANE's Executive Director, David Cortright, was one of four principal signatories on the Call for the CISPES-UNTS El Salvador Conference in 1986. Cortright is also listed as a sponsor of the pro-Soviet U.S. Peace Council.

Mobilization for Survival (MFS) is a national coalition that sponsors demonstrations and publishes literature on anti-nuclear and anti-intervention themes. It supports a complete U.S. moratorium on both nuclear weapons and nuclear power. MFS has joined with the Palestine Human Rights Campaign and the National Association of Arab-Americans to demand Israel's withdrawal from Lebanon and recognition of the Palestine Liberation Organization as "the legitimate representative of the Palestinian People."

The Quixote Center is a Catholic-based Steering Committee group which produces publications on Nicaragua and El Salvador to counteract "most of what is reported in the Media." Its 1986 Nicaragua report contains a lengthy description of the "Achievements of the Revolution." Counted among such accomplishments are the establishment of Cuba-style watchdog groups known as Sandinista Defense Committees, which the Quixote Center describes as models of "neighborhood democracy." The head of the Quixote Center, Sister Maureen Fiedler, is also chair of the Mobilization's Program Committee.

Other Steering Committee organizations include the American Friends Service Committee (AFSC), the Coalition for a New Foreign Policy (CNFP), the Washington Peace Center, Madre, TransAfrica, Washington Office on Africa (WOA), Democratic Socialists of America (DSA), and the Women's International League for Peace and Freedom (WILPF). A list of Steering Committee organizations is attached.

The design of the rally program is in the hands of a Program Committee made up of Angela Sanbrano of CISPES, Leslie Cagan of Mobilization for Survival (MFS), Sister Maureen Fiedler of the Quixote Center, Rob Jones of the American Committee on Africa (ACOA), George Chauncy of the Presbyterian Church, and Jack O'Dell of the Rainbow Coalition. The only member of the Program Committee who works for a labor union is David Dyson, director of the Union Label department of the Amalgamated Clothing and Textile workers.

WILL THE MOBILIZATION MIRROR PREVIOUS DEMONSTRATIONS?

The April 25th demonstration is not the first protest rally organized by the anti-intervention movement. Unionists can gain a better understanding of the movement's purposes by understanding these past events. Among the most noteworthy are the 1982 Disarmament rally in New York, the 1985 April 20th Demonstration, and the 1986 Actions for Peace, Jobs and Justice.

The June 12, 1982, New York disarmament protest was organized by a Rally Committee which included many of the same groups organizing this year's demonstration. The Rally Committee was criticized by journalist Ronald Radosh for welcoming overtly pro-Soviet organizations such as the U.S. Peace Council (USPC) into positions of influence within the coalition. (See the January 31, 1983, issue of the *New Republic*.) Radosh is no conservative; in fact, he has often criticized U.S. foreign policy from a left perspective. According to Radosh, the U.S. Peace Council "had one seat on the steering committee, and four other seats were held by Communists or fellow-travelers who officially represented their unions but were backed for admission by the USPC". The result, Radosh stated, was to "tone down the official rally call so that it was not equally addressed to both the United States and the Soviet Union."

The "labor liaison" for the 1982 disarmament rally was Communist Party leader Sandy Pollack, a founder of the U.S. Peace Council. Pollack, who also worked to build the coalition for the 1985 April Actions, did not live to see the result. She was killed in a plane crash in Cuba on January 19, 1985.

The 1985 "April Actions" took place in four cities. In Los Angeles, the rally leaflet called for an end to U.S. intervention in "Central America, the Caribbean, the Middle East, Asia, the Pacific and Europe." Speakers included a representative of the FDR-FMLN, the November 29 Committee for Palestine, and Communist Party leader Angela Davis. The San Francisco rally also included a speaker representing the Salvadoran guerrillas.

In 1986, the anti-intervention movement conducted a number of fall events in cities across the country under the banner of "Actions for Peace Jobs and Justice." Several local committees insisted on raising controversial demands against U.S. involvement in the Middle East, which some movement organizers believed reduced the participation of mainstream supporters.

One leaflet for an August 4th, 1986, rally at the U.S. Capitol defended Nicaragua against charges of religious repression and pro-Soviet alignment, while praising the Sandinistas for "major gains" in education, health care, land reform and the "creation of democratic institutions." Such progress, according to the leaflet, makes Nicarague "an example to the poor and oppressed people of Central and Latin America."

This revealing statement was issued by a coalition that included thirteen of the organizations forming this year's Steering Committee, including SANE, the Quixote Center, Washington Peace Center, Nicaragua Network, Coalition for a New Foreign and Military Policy, Witness for Peace, CISPES, Democratic Socialists of America, NISGUA, Pledge of Resistance, TransAfrica, Washington Office on Africa, and the Women's International League for Peace and Freedom.

WILL THE APRIL 25TH RALLY PROVIDE A PLATFORM FOR ANTI-ISRAEL VIEWS?

Last year's mobilization was sufficiently anti-Israel that the protest was unable to get "significant union support," according to Steering Committee member David Hostetter of the Washington Peace Center. For this reason, no mention of the Middle East is included in the call. But Mobilization activists have nonetheless been assured that they will have an opportunity to express their views at the rallies themselves. CISPES organizer Mike Davis says that the national action should "allow a platform for people to express concerns about U.S. involvement in the Middle East within the larger focus on Central America and South Africa" (*Guardian*, November 26, 1986).

Trade unionists ought to be aware of what those "concerns" are likely to be. Several of the leading April Mobilization organizations have long records on this issue. The American Friends Service Committee, the Women's International League for Peace and Freedom and Operation PUSH joined with the Palestine Human Rights Committee, the National Association of Arab-Americans, and the pro-Moscow U.S. Peace Council in a "Coalition Unity Statement" which called on the United States to "recognize the PLO as the legitimate representative of the Palestinian people," "replace the Camp David process" with UN negotiations, "press for Israeli withdrawal from the West Bank and Gaza," and withdraw U.S. opposition to UN resolutions that provide Palestinians with the right to an independent state". The same groups regularly oppose U.S. assistance to Israel.

HOW IS LABOR VIEWED BY ORGANIZERS OF THE MOBILIZATION?

The anti-intervention movement's courtship of labor is nothing new. In a 1980 memorandum to anti-draft groups, SANE Conversion Program Organizer Michelle Stone urged organizers to identify themselves with labor's concerns in order to "link them to the anti-draft movement." Stone informed her readers that "union locals across the country are in defiance of the AFL-CIO's official endorsement of draft registration," and advised "activist networks" to seek out "dissenters among the rank and file." Cautioning organizers not to "jeopardize future relationships with labor by rushing," the SANE staffer stated with great prescience that "draft resistance is just part of a long-term program."

Efforts to attract labor support for protest rallies in past years produced mixed results. After the 1985 demonstration, some movement organizers expressed disappointment that more national unions failed to endorse the event. A journalist for the Guardian tried to put the blame squarely on "threatened retaliation" by the AFL-CIO:

"the word has gone out from Ken Young, AFL-CIO president Lane Kirkland's special assistant, that Kirkland and the rest of the Washington hierarchy looks with extreme displeasure on any expression of sympathy for the April Actions."' *Guardian*, Spring, 1985, supplement.

Other Mobilization activists realized that the low level of labor support was largely due to the rhetoric and mistakes of the anti-intervention movement itself. This year, organizers changed their approach. Initially, at least, their strategy produced results. Sixteen AFL-CIO union presidents are listed as endorsers of the April 25th Mobilization, along with several non-AFL-CIO labor figures (see Appendix). The *Guardian* of March 11, 1987, calls for the alliance of labor, religious and solidarity groups a "minor miracle."

In truth, the endorsement list is less likely to have been a product of divine intercession than it was the result of a carefully crafted campaign. The initial appeal for sponsors did not provide potential labor endorsers with all of the relevant background information about the Mobilization. The letter, mailed out on December 12, 1986, on National Council of Churches stationery, was signed by four religious figures and two union presidents (see Appendix). Potential endorsers were assured that the call to the demonstration would "be signed only by national religious and labor leaders." The reason given was "to show the breadth of the 'mainstream' opposition to these policies from these two important sectors of American society."

No mention was made of the "solidarity groups" which dominate the rally's Steering Committee and which pursue agendas that few would characterize as "mainstream."

Labor organizers were reluctant to reveal the Steering Committee's membership, even in response to a direct question. They said, however, that the rally was being managed by the same people who organized the massive June 12, 1982, disarmament rally in New York, and other, more recent, protest rallies. The organizers also said that the Mobilization Steering Committee was made up of two-thirds labor and religious groups, and one-third other groups. When pressed to name some of the other groups, one labor staff representative said there were some "faith-based organizations" such as SANE, Witness for Peace, and the American Friends Service Committee. He stated that the names of other groups would not be released.

It turns out these "other groups" are the controlling force on the Steering Committee.

The call itself is vaguely worded and includes such unassailable demand as "peace and freedom in Central America and Southern Africa." According to the *Guardian*, these "narrower protest demands" were devised deliberately, the "price" to be paid for major labor participation. It is therefore not surprising that several new labor figures signed on, especially considering the manner in which some of the endorsements were obtained. In the forthright words of the *Guardian*, endorsements are quickly slid across top-level desks by middle-level leftists in the union bureaucracy. (March 12, 1987.)

Several such middle-level strategists in the campaign to enlarge the mobilization's labor ranks are active in the National Labor Committee for Democracy and Human Rights in El Salvador. Although that group's 1985 report on Nicaragua concedes that the Sandinistas have "harrassed" independent trade unions, it concludes that "there is political opposition, free speech, thought and assembly in Nicaragua today."

The organizers of labor staff have explained they had been trying to put the labor-religion coalition together for a long time. They said one technique used to bring more labor people on board was to stress the importance of ending apartheid in South Africa, a unifying theme, instead of pushing the issue of U.S. withdrawal from Central America, which might be more divisive. Another strategy they said was to line up religious endorsements before approaching labor leaders. One union staffer stated, "Last year we had 3 Catholic bishops, now we have 12. We knew if we could get the religious leaders to endorse this, the labor leaders would fall into place."

These sentiments were echoed in the February 21 memo to the Mobilization's National Outreach Staff:

In planning this mobilization, great attention was given to finding the most influential institutions to speak out for peace with justice. *First the religious community and then trade unionists were brought in to create that base.* (emphasis added)

With national labor leaders safely on board, attention has shifted to attracting the support of state and local AFL-CIO central bodies. Rather than respecting these organizations' constitutional obligation to uphold AFL-CIO policy and dealing instead with autonomous individual unions, rally labor organizers are urging these bodies to adopt a standard resolution endorsing the rally.

Labor organizers have also pointed out that on the East Coast, six "feeder cities" for the rally had been designated: Boston, New York, Philadelphia, Baltimore, Chicago and Detroit. A target list of central bodies in surrounding areas and states had been developed. Local mobilization committees were being established in each targeted central body area, organizers said. These would be "similar to the local Central America committees already in place." National labor staff were asked by the meeting's organizers to prepare letters for the union presidents to sign, urging local union leaders to get involved.

WILL THE ALLIANCE HOLD?

Despite some success in attracting several mainstream labor supporters, movement organizers are apparently concerned that their new coalition may be unraveling. According to a lengthy account in the March 11, 1987, Guardian, "speculation abounds in movement circles about whether leaders of the Communications Workers Union and the United Food and Commercial Workers will take their names off the endorsement list." The Service Employees International Union is also viewed as a potential deserter. In response, some activists are threatening wavering labor leaders with retaliation from the ranks. One is quoted as stating that the Communications Workers president, Morton Bahr, will face a "buzzsaw" of protest if he pulls out.

Movement activists concede that a majority of the AFL-CIO views the demonstration as "too radical". This lack of support is blamed on what the Guardian refers to as "old line presidents of decrepit craft unions." Such ill-disguised contempt is echoed by a union activist quoted in the account, saying "a lot of the executive board seats are being occupied by dead people."

Furthermore, organizers are concerned that "not all the demonstration's endorsers are fully engaged in mobilizing their members," and that despite some labor leader's endorsements "necessary resources are often not committed to mobilizing."

Yet the use of scarce union resources is likely to generate its own backlash. Several union activists are asking whether funds should be used for the rally rather than for organizing efforts and other high priority tasks.

Some anti-intervention activists believe this erosion of commitment is due to "pressure" from the AFL-CIO. After an internal discussion of the April 25th demonstration during the February AFL-CIO Executive Council meeting, one long-time activist was quoted as follows in the Guardian: "the AFL-CIO can do horrible things to people". His list of strong arm measures included denial of key committee assignments, withholding of organizing funds, and denial of "other smaller favors".

Such exaggerated fears miss the point. Committee assignments are viewed as serious responsibilities rather than as perks, and the vast bulk of organizing funds comes from affiliates rather than from the AFL-CIO. As for the "smaller favors" to be withheld, one wit was prompted to speculate, "maybe they're afraid that Lane Kirkland will refuse to send them Christmas cards this year."

A more compelling reason for rally organizers to worry is that as more information comes to light about the agenda of the anti-intervention movement, unionists are likely to have second thoughts about their participation in the rally. The movement's real cause for alarm is full disclosure, not "pressure."

Currently, the mobilization's network or organizers and national union staff has managed to sustain their momentum with a kind of organizational sleight of hand. By drawing attention to a handful of highly visible local activists within their union, movement labor staffers have worked to convince top elected officers that endorsement of the April event will have widespread internal support. Once the president has signed on, the staffers have returned to the field brandishing the endorsement as a means of pressuring unenthusiastic local union leaders to mobilize for the march.

As we learn more about the goals and strategies of the anti-intervention movement, we as trade unionists must ask ourselves not whether to bow to some fictitious "pressure" from the AFL-CIO, but whether the Mobilization deserves our support in principle.

It is easy to sign one's name to a piece of paper. It is terribly, terribly difficult to stand on the line, day after day, month after month, in countries like El Salvador, Nicaragua and Guatemala fighting for trade union rights and democracy when you are being shot at by both the right and the left. When all is said and done, this mobilization will undermine the fragile ground on which our union brothers and sisters are making that courageous stand. It will give support and comfort to those who would destroy free trade unionism in Central America. The question before us is this: do we stand with the organizers of this Mobilization? Or do we stand with our union brothers and sisters in Central America?

APPENDIX I—DOCUMENTS REFERRED TO IN THIS REPORT

1. Mobilization call and endorsement list.
2. Appeal for sponsors from National Council of Churches.
3. *Guardian*, March 12, 1987. Also, Meeting notice sent out to labor staff representatives for February 4th meeting. Also, Minutes of February 21, 1987 National Mobilization Steering Committee meeting.
4. *Guardian*, November 26, 1986.
5. Mobilization for Survival leaflet on "Coalition for a Just Peace in the Middle East."
6. *Daily World*, February 6, 1985, account of Sandy Pollack memorial service.
7. *Guardian*, May 15, 1985, Leslie Cagan mentioned as speaker at Vietnam 10th Anniversary victory celebration.
8. *Commentary*, April, 1984, article on "Jesse Jackson, the Blacks and American Foreign Policy." Also, *Daily World*, December 1, 1984, mention of Jack O'Dell as member of U.S. delegation to World Peace Council meeting.
9. *Guardian*, October 24, 1984, account of Jack O'Dell's speech on Democratic Party to Rainbow Coalition.
10. Quixote Center publication on Nicaragua, 1986.
11. *Guardian*, May 6, 1985, account of CISPES national convention.
12. *Guardian*, March 5, 1986, description of CISPES and American Committee on Africa joint sponsorship of student tour.
13. List of Steering Committee members of April 25th Mobilization.
14. CISPES newspaper masthead
15. *Commentary*, January, 1987, article by Peter Collier and David Horowitz, "Another 'Low Dishonest Decade' on the Left."
16. U.S. Peace Council newsletter, Sept.-Dec., 1980, noting CISPES' purpose to "expose" AFL-CIO policy.
17. Leaflet in "1985 Programs" of CISPES, NNSNP and NISGUA.
18. Nicaragua Network News, February, 1987.
19. Other materials on SANE.
20. Materials on Antecedents of March.

THE ARLINE DECISION WAS A MISTAKE

Mr. ARMSTRONG. Mr. President, a few days ago, we passed a sense of the Senate resolution declaring AIDS the No. 1 public health problem in America. That resolution, Senate Resolution 190, reported that 19,000 persons have died of AIDS since 1981, that 1,500,000 Americans are infected with the virus, and that AIDS is now our 10th leading cause of death.

Just a few years ago, AIDS was unknown and unnamed. Today, it is impossible to open a newspaper or switch on a television without finding a story about this killer disease.

Our understanding of AIDS is growing rapidly. For example, we now know that it can be transmitted through donated blood. A few years ago, we were being assured that the risk from blood was infinitesimally small—1 in 1 million, 1 in 10 million. We don't hear that kind of talk anymore; in fact, persons who received blood transfusions in those days of certitude are now being urged to have AIDS tests. Between 1978 and 1985 as many as 12,000 persons may have been exposed to the AIDS virus from tainted blood. I spoke at some length on AIDS and the blood supply when we were debating Senate Resolution 190.

Our knowledge about AIDS is expanding rapidly yet our ignorance remains vast. What will we know about AIDS in 6 months or 5 years that we don't know today? Which of today's facts will prove not just wrong, but fatal? We cannot now have answers to these questions.

But there is one question that can be addressed now. Indeed, it is the one question that cannot wait, and that question is this: What public policies will help ensure that our mistakes are contained, that our ignorance is not magnified?

Congress is now providing an answer to this essential question. Unfortunately, it is the wrong answer.

Last month, in *School Board of Nassau Co., Florida* v. *Arline* (No. 85-1277, decided March 3, 1987), the Supreme Court interpreted the Rehabilitation Act of 1973 to cover contagious diseases. Arline was not an AIDS case—Mrs. Arline had tuberculosis—but it has been widely interpreted as covering AIDS and, of course, all other communicable diseases. I do not think the Rehabilitation Act was designed for contagious diseases. It certainly was not designed for AIDS. But the Court has now held otherwise, and Arline is going to mean that all recipients of Federal financial assistance will be blanketed by an AIDS policy, a tuberculosis policy, a pneumonia policy, a hepatitis policy based on statutory language that was not designed for the purpose.

The Court was not so foolish as to say that contagious teachers cannot be removed from the classroom. But it did say that contagious teachers are entitled to the full panoply of rights conferred by section 504. Why does this concern me? Because, at the margin, Arline is going to mean that more students and workers are going to be infected with life- and health-threatening diseases.

Prof. Thomas Sowell wrote:

> The reason (Arline) is likely to mean more teachers with contagious diseases teaching your children is that no school has unlimited time and unlimited money to put into hearings, medical evidence for hearings, and fighting the inevitable court appeals from hearings, after an employee has been found to be dangerously contagious.

Professor Sowell might also have mentioned that if the school board loses its legal fights, it will probably be ordered to pay the sick teacher's attorney's fees. When a school board acts to protect the public health, therefore, it gambles with its annual budget.

Do we really want to blanket the country with a policy on infectious diseases that has had no hearings, no debate, and no express congressional resolution? I can't believe that we do. Are we wise enough to tell every school district in the country how to handle AIDS? Surely not. Yet consider what school boards face in this post-Arline era:

> In the Washington [D.C.] area, spokesmen for most school districts and government agencies say their policies call for medical advice and individual decisions on each case. They said no one automatically would be removed simply because of AIDS, a fatal virus that destroys the body's resistance to disease.
>
> One exception is the Fairfax County school system, where Superintendent Robert R. Spillane yesterday defended his promise to remove any student with AIDS from the classroom and to put school employes with the disease on paid leave.
>
> Spillane said scientists "are finding new things out every day about the problem of AIDS, and we don't know the effect it may have on immature immune systems which young children have."
>
> Spillane said his policy does not constitute discrimination: "We're not denying them a livelihood. We put them on administrative leave with full pay."
>
> Lawyers for AIDS patients say otherwise. "That's ridiculous," said Mauro A. Montoya Jr., lawyer for the District's Whitman-Walker Clinic, which treats AIDS patients.
>
> Putting someone on paid leave is "not a reasonable accommodation," Montoya said.
>
> Fairfax is "a lawsuit waiting to happen," said Kenneth Labowitz, an Alexandria lawyer who represents a dozen AIDS patients * * *." *Washington Post*, Mar. 5, 1986, p. C6. (The *Post* article was written in response to *Arline* which was decided two days before the story appeared.)

Mr. President, after Arline we find ourselves in a truly irrational situation: Today, a school district that places AIDS-infected teachers on administrative leave with full pay is faced with lawsuits even though its policy is based on the reasonable—and true—proposition that "we don't know the effect AIDS may have on immature immune systems which young children have."

Lives and health are at stake here. Yet when Congress ought to be exercising the greatest possible care we seem to be conceding our national policy to the courts and the private interest groups.

My own preference is to remove contagious diseases from coverage of the Rehabilitation Act. My bill, S. 673, will do just that. Perhaps after hearings and debate I will be convinced that there is some compromise that fairly balances the public health and the interests of the sick, but until that time

I am unable to sit back and watch as this new interpretation of Federal law gets in the way of protecting students and workers.

My bill, S. 673, is short. It amends the Rehabilitation Act of 1973 by adding a new subsection:

> Notwithstanding any other provision of law, the term "individual with handicaps" does not include any individual who has a contagious disease, whether or not such individual is physically or mentally impaired during the period of such individual's contagion.

Mr. President, contagious diseases put lives and health at risk. Arline establishes a national policy that is going to endanger the public health. Some of the risks we face have been described in greater detail in two documents that I will include in the RECORD. The first is the column by Thomas Sowell. The second is a memorandum on Arline and my bill, S. 673, that was prepared by the staff of the Republican Policy Committee.

Arline is popularly represented as an example of enlightened lawmaking. I suspect it is just the opposite. Arline represents the enforcement of ignorance: Since we are often baffled by contagious diseases, and since AIDS is a deadly enigma, and since Congress has held no hearings on contagious diseases and section 504 and come to no resolution of the difficult policy questions, therefore we will just concede our legislative responsibilities and hold the entire country to a standard adopted last month by the Supreme Court. Mr. President, the road of ignorance and irresponsibility leads inevitably to tragedy.

I thank the Chair and ask unanimous consent that the article and memorandum referred to above be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCHOOL CHILDREN IN PERIL?

(By Thomas Sowell)

Teachers now have the right to give your children tuberculosis. That isn't how the U.S. Supreme Court put it, of course. That is only the net result of their decision.

Like so many clever—and dangerous—Supreme Court decisions, this one was based on playing with words. Federal law prohibits discrimination against the handicapped by organizations receiving federal funds. Justice William J. Brennan simply defined tuberculosis as a "handicap" and decided that a school had improperly fired a teacher who had had three recurrences of tuberculosis within two years.

If Congress had meant to include contagious diseases as "handicaps," they could have said so—especially since they have been legislating about contagious diseases since the 18th century. As so often happens, where Congress gave an inch, Justice Brennan took a mile.

The floodgates are now open for all sorts of contagious diseases to be called "handicaps." Homosexual organizations are already celebrating, because AIDS now has a chance of being added to the list.

Technically, the tubercular teacher does not get her job back automatically. But she is now legally entitled to a hearing as to whether her "handicap" disqualifies her. The burden of proof has been put on her employers—and Justice Brennan has made it clear that it is going to be a heavy burden of proof.

According to Justice Brennan, an employer cannot be allowed to "seize upon" a contagious disease to fire someone. Even if employers manage to prove at a hearing that the teacher is too dangerously contagious to be in the classroom, "they cannot deny an employee alternative employment opportunities reasonably available" in the same organization.

If those words sound vague to you, it is only because they are. They invite unlimited litigation. This Supreme Court decision is virtually a lawyers' full-employment act.

Justice Brennan's written opinion reeks with that contempt for the public which has become the hallmark of lofty deep thinkers. He contrasts "society's accumulated myths and fears" with "reasoned and medically sound judgments." This assumes away the inconvenient reality that is often a chancy judgment call either way—and that there is nothing irrational about wanting to be safe rather than sorry, especially when it comes to children's lives.

Much as the anointed love to believe that they have the only real truth, which they must impose on the rest of us poor saps, the cold fact is that "reasoned and medically sound judgments" did not even know that AIDS existed, just a decade ago. And after it was discovered, hundreds of people lost their lives because "reasoned and medically sound judgments" did not know that it could be transmitted by blood transfusions.

Very recently, "reasoned and medically sound judgments" discovered that AIDS can also be transmitted by skin grafts. What new surprises may be in store?

The reason this decision is likely to mean more teachers with contagious diseases teaching your children is that no school has unlimited time and unlimited money to put into hearings, medical evidence for hearings, and fighting the inevitable court appeals from hearings, after an employee has been found to be dangerously contagious.

Somewhere along the way, many schools are going to decide that it is better to give up and hope for the best, rather than continue a ruinously expensive process.

While everyone is looking out for individuals with contagious diseases, who will be looking out for your children? Nobody—unless you do.

Congress passed the law protecting the handicapped. They can amend it to state that people with contagious diseases are not covered as "handicapped." But nothing will cause Congress to do this except a flood of outraged mail from parents.

Otherwise, the only story they will hear will be that from organized, self-congratulatory busybody groups, such as "gay rights" advocates and the American Snivel Liberties Union.

MEMORANDUM

To: Senator William L. Armstrong.

From: Lincoln C. Oliphant, Legislative Counsel.

THE ARLINE CASE AND THE ARMSTRONG BILL, S. 673: CONTAGIOUS DISEASES AND SEC. 504 OF THE REHABILITATION ACT

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits (1) any program or activity receiving Federal financial assistance from (2) excluding, denying benefits to, or discriminating against (3) any individual with handicaps who is (4) otherwise qualified (5) solely because of such individual's handicaps. 29 U.S.C. 794 (1982), as amended (see appendix).

An "individual with handicaps" means a person with physical or mental impairments which "substantially limit" that person's "major life activities." (It can also mean a person who has a record of such impairments or who is regarded by others as having such impairments.) 29 U.S.C. 706 (1982), as amended (see appendix).

If a person qualifies as an "individual with handicaps" but cannot perform the essential functions of the job, the courts apply a "reasonable accommodation" test. If "reasonable accommodation" will make it possible for the handicapped person to hold the position, then accommodation must be made. See, e.g., 45 C.F.R. 84.3(k) (1985) and *Southeastern Community College v. Davis,* 442 U.S. 397, 410-13 (1979).

Whether a person with a contagious disease qualifies as an "individual with handicaps" is a question that the Supreme Court addressed last month in *School Board of Nassau County, Florida v. Arline,*—U.S.—, (No. 85-1277, decided March 3, 1987) (hereinafter, *Arline*).

I. SUMMARY OF THE ARLINE CASE

Mrs. Gene Arline was hospitalized for tuberculosis in 1957, when she was 14 years of age. The disease went into remission for 20 years during which time Mrs. Arline began teaching elementary school. In 1977 and twice in 1978 she had relapses. In response to these recurrences, Mrs. Arline was first suspended with pay, then discharged, after a hearing. "Before Arline's termination, [the superintendent of schools] consulted with [a medical doctor], who testified [at trial] that she recommended the termination because of the threat that Arline's condition posed to the health of the small children with whom Arline was in constant contact." *Arline,* slip op. at 3 n.3 (Rehnquist, C.J., dissenting). (All *Arline* citations herein are to the slip opinion.)

THE DISTRICT COURT

After a hearing, the U.S. district court, in an oral opinion, concluded that Mrs. Arline was not a handicapped person within the meaning of the Act, and even if she were, that she was not othewise qualified to teach elementary school because of her disease.

The Court of Appeals

The 11th Circuit reversed, holding that Mrs. Arline was a handicapped person, and remanded to the district court for additional findings of fact as to whether she was otherwise qualified for her present teaching position and, if not, whether it was possible to make reasonable accommodation for her in another teaching job or a nonteaching position. 772 F.2d 759 (11th Cir. 1985).

Supreme Court

The High Court affirmed the court of appeals, holding that Mrs. Arline was protected by the Act, and remanding to the district court for additional findings as to whether she was otherwise qualified. The opinion was written by Justice Brennan. The Chief Justice and Justice Scalia dissented.

II. THE ARLINE OPINION

1. The Court *held* "that a person suffering from the contagious disease of tuberculosis can be a handicapped person within the meaning of . . . section 504 of the Rehabilitation Act of 1973. . . ." *Arline* at 14.

2. The Supreme Court did not order the school board to reinstate Mrs. Arline. The case was remanded to the district court to determine if she is "otherwise qualified;" for her position. *Arline* at 14-15.

3. A person with a contagious disease can be prohibited from teaching. "A person who poses a *significant* risk of communicating an infectious disease to others in the workplace will not be otherwise qualified for his or her job if reasonable accommodation will not eliminate that risk. The Act would not require a school board to place a teacher with active, contagious tuberculosis in a classroom with elementary school children. . . ." *Arline* at 13, n.16 (emphasis added). The main text also spoke of "*significant* health and safety risks." *Arline* at 13 (emphasis added).

Of course the Court's formulation raises a number of questions. Most obviously, "What is a '*significant* risk'?" That is, what factors distinguish a significant risk from an insignificant risk? And second, "Can a teacher with active, contagious tuberculosis be excluded from a classroom of, for example, *high school* students? Now that contagious diseases seem to be covered by Federal law it will be the Federal courts that provide answers to these questions.

4. *Arline* was not a case about contagiousness alone. The Court refused to allow the board to separate the fact of contagion from the fact of Mrs. Arline's lung disease and past hospitalization. In a touch of reasoning that I find difficult to grasp, the Court said: "We do not agree with [the board] that . . . the contagious effects of a disease can be meaningfully distinguished from the disease's physical effects on a claimant in a case such as this. . . . It would be unfair to allow an employer to seize upon the distinction between the effects of a disease on others and the effects of a disease on a patient and use that distinction to justify discriminatory treatment." *Arline* at 7 (footnote omitted).

The Court also said: "[T]he United States [which filed an *amicus* brief] concluded that discrimination solely on the basis of contagiousness is never discrimination on the basis of handicap. The argument is misplaced in this case, because the handicap here, tuberculosis, gave rise both to a physical impairment *and* to contagiousness. . . ." *Arline*, slip op. at 7-8, n.7 (emphasis by the Court).

5. For the reasons given above, *Arline* was *not* an "AIDS case"—although every "gay rights" group that can find a reporter is claiming it as a victory. A person with the contagious disease AIDS, but nothing more, i.e., no physical or mental impairment of any of life's major activities and no history of such impairment from such disease, *is not covered* by the holding of *Arline*. Said the Court: "This case does not present, and we therefore do not reach, the questions whether a carrier of a contagious disease such as AIDS could be considered to have a physical impairment, or whether such a person could be considered, solely on the basis of contagiousness, a handicapped person as defined by the Act." *Id.* Of course, a litigator with an AIDS-client will be in a much stronger position after *Arline* than before.

6. As noted, Mrs. Arline is entitled to a hearing to determine if she is otherwise qualified. The hearing is essential, said the Court, if section 504 "is to achieve its goal of protecting handicapped individuals from deprivations based on prejudice, stereotypes, or unfounded fear, while giving appropriate weight to such legitimate concerns as avoiding exposing others to significant health and safety risks." *Arline* at 12-13. The Court said:

"In the context of the employment of a person handicapped with a contagious disease, we agree with *amicus* American Medical Association that this inquiry should include:

" '[findings of] facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties) and (d) the probabilities the disease will be transmitted and will cause varying degrees of harm.'

"In making these finding, courts normally should defer to the reasonable medical judgments of public health officials. . . ." *Arline* at 13-14 (footnote & citation omitted).

III. THE ARMSTRONG BILL, S. 673

On March 6, 1987, you introduced S. 673, a bill to amend the Rehabilitation Act of 1973 to help ensure healthful schools and workplaces. Your bill amends section 7(8) of the Act (as redesignated by section 103(b) of Pub. L. 99-506) by adding the following new subsection:

"(C) Notwithstanding any other provision of law, the term 'individual with handicaps' does not include any individual who has a contagious disease, whether or not such individual is physically or mentally impaired during the period of such individual's contagion." [1]

The following lines from your introductory remarks state your purpose:

"The nub of the matter is whether persons with contagious diseases are covered by the protections of the Rehabilitation Act. In short, whether a contagious disease constitutes a handicap for purposes of that law. No one disputes that we should be compassionate toward those who suffer from a contagious disease, whether it is tuberculosis, as in the Arline case, or other afflictions. At the same time, we should be apprehensive about the exposure of children and others to contagion. We cannot let our concern for the sick override our responsibility for public health.

"There may be more than one sound way of dealing with this dilemma. My own preference is to make clear that contagious disease is never to be considered a handicap under section 504. . . . " 133 Cong. Rec. S 2834 (daily ed. March 6, 1987).

Effect of S. 673

The thrust of your introductory remarks is that S. 673 is necessary to return the Rehabilitation Act to its original purposes.

S. 673 does more than merely overturn *Arline*. As shown above, Mrs. Arline was both contagious and physically impaired, and the opinion emphasized that combination. Your bill would overturn *Arline*, and it would answer the question that the court deferred: Is a person with a contagious disease but without physical or mental impairment covered by the Act? Your answer is "no".

S. 673 excludes a person from the Act's coverage only during the period that the individual *has* a contagious disease. Persons who once had a communicable disease and persons who are at risk of getting one in the future are not covered by your bill. It is important to note that your bill does not reach physical or mental impairments that are the results of past contagious diseases. Persons having impairments caused by contagious diseases, having a record of impairments caused by contagious diseases, or thought by others to have impairments caused by contagious diseases are not covered by your bill so long as such persons are no longer contagious.

IV. IS THERE A NEED FOR S. 673?

Why not just live with *Arline*? After all, the Court did not order tubercular teachers into elementary school classrooms. It just said that sick teachers (and students and cafeteria workers and heating and air conditioning mechanics and janitors) are entitled to a hearing and to reasonable accommodation so that they will not suffer "deprivations based on prejudice, stereotypes, or unfounded fear. . . ."

At the margin, *Arline* is going to mean more healthy children and adults will be unwillingly exposed to persons with communicable diseases. Increased exposure to contagious diseases will mean more sickness among persons who would otherwise be healthy. If one of Mrs. Arline's students contracts tuberculosis, prejudice and fear are sure to multiply, not diminish. Ironically, therefore *Arline* may create more prejudice, stereotypes, and fear, not less.

Many of the possible criticisms of *Arline* were summarized in an article by economist and scholar Thomas Sowell:

"Justice Brennan's written opinion reeks with that contempt for the public which has become the hallmark of lofty deep thinkers. *He contrasts 'society's accumulated myths and fears' with 'reasoned and medically sound judgments.' This assumes away the inconvenient reality that it is often a chancy judgment call, either way—and that there is nothing irrational about wanting to be safe rather than sorry, especially when it comes to children's lives.*

"Much as the anointed love to believe that they have the only real truth, which they must impose on the rest of us poor saps, the cold fact is that 'reasoned and medically sound judgments' did not even know that AIDS existed, just a decade ago. And after it was discovered, hundreds of people lost their lives because 'reasoned and medically sound judgments' did not know that it could be transmitted by blood transfusions.

"Very recently, 'reasoned and medically sound judgments' discovered that AIDS can also be transmitted by skin grafts. What new surprises may be in store?

"The reason this decision is likely to mean more teachers with contagious diseases teaching your children is that no school has unlimited time and unlimited money to put into hearings, medical evidence for hearings, and fighting the inevitable court appeals from hearings, after an employee has been found to be dangerously contagious. [Professor Sowell also could have mentioned that schools that lose their lawsuits will probably have to pay the teacher's attorney's fees. 29 U.S.C. 794a (1982).—L.C.O.]

"Somewhere along the way, many schools are going to decide that it is better to give up hope for the best, rather than continue a ruinously expensive process.

"While everyone is looking out for individuals with contagious diseases, who will look out for your children? . . . ." T. Sowell,

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[1] S. 673 may be compared to H.R. 1396, a bill introduced in the House by Congressman Dannemeyer on March 4, 1987. As I understand them, the bills are intended to have the same effect, but there are important differences.

"School children in peril?" *The Washington Times,* Mar. 13, 1987 (emphasis added).

Some persons (perhaps because they remain under the influence of "society's accumulated myths and fears") think that schools will have better (wiser, fairer, safer) rules if the rules are made and enforced by local school boards. School boards are not infallible, of course, but school rules and school children are their business, and they will be held accountable for the management of their business. Doctors, lawyers, judges and assorted social scientists, on the other hand, are detached and unaccountable and—perhaps to their own surprise—are poorly prepared to run the schools.

Arline's facts speak volumes about the wisdom of local school boards.

At the trial in Federal district court, the Superintendent of Schools, Craig Marsh, testified as follows regarding Mrs. Arline's termination:

Answer [by Mr. Marsh]. ". . . I, as chief administrative officer of the board, and the board, itself, are by law charged with the health, safety and welfare of children. And there is a danger. I know it's less danger according to Doctor McEuen's testimony so far as older people are concerned, but I felt like that for the benefit of the total student population and further personnel in Nassau County and the public benefit, that it would be best if—not to continue or offer Mrs. Arline any employment."

Question [by Mrs. Arline's attorney]. "But she [Dr. McEuen] said as a public health professional that she thought it would be an acceptable risk; do you disagree with her in that regard?"

Answer. "Well, hers was a medical opinion and I'm using her medical opinion too. I have a responsibility, as I said, to the school board for the health, safety and welfare and the operation of the school system, and in our opinion we don't feel like that we are to offer Mrs. Arline a position."

Question. "Is there some question involved in this other than a medical question in your judgment?"

Answer. "Very definite. In the public sector or in employees of the school system, as I said twice already, that you are charged with the health, safety and welfare, . . . that's state law, that the board and the superintendent is charged with that responsibility for the protection of the children and of the employees, and that is a basis for the total action that's been taken too." Joint Appendix 62-64, *Arline.*

Later the Superintendent amplified his position:

Question [by school board's attorney]. "So I understand it quite clearly, your testimony, you have indicated in answer to [a] question about Mrs. Arline's condition you felt an obligation [of] state law toward the population of the county, the students in the county et cetera. Would you explain that?"

Answer [by Mr. Marsh]. "Well, just an obligation under state law, but a moral obligation, too, as I stated a while ago, that I am charged and so is the school board, with the responsibility for the protecting, the safety, health and welfare of student[s], every student in Nassau County. And the record clearly states that, you know, after all—after the third time that I had knowledge of Mrs. Arline's recurring condition, which was infectious at the time of each reoccurrence, that I felt like it [was] in the best interest of the school system of Nassau County that she be dismissed from the classroom."

Question. "In making that recommendation, did you have input from other members of the county staff and parents?"

Answer. "Very much so, yes sir."

Question. "Was that a factor?"

Answer. "Yes, sir, very definitely was." J.A. 80-82.

Dr. Marianne McEuen, the Assistant Director of the Community Tuberculosis Control Service of the Florida Department of Health and Rehabilitation Services (who began specializing in tuberculosis in 1959), had testified immediately before Superintendent Marsh. She said she considered Mrs. Arline to be a risk to younger children because they are more susceptible to tuberculosis and because Mrs. Arline would be in the same classroom with the children throughout the day. However, Dr. McEuen thought Mrs. Arline could safely teach older children or adults because they would be less susceptible to infection and because older students rotate through classrooms during the day. Dr. McEuen confessed that these medical judgments were, "somewhat inexact." J.A. 41. She also said that any person, of any age, can be susceptible to tuberculosis bacteria carried by another J.S. 4-11, 36-38.

It isn't just the medical facts that are inexact, world and sentences themselves are full of ambiguity or confusion. For example, Dr. McEuen said:

Answer [by Dr. McEuen. "I have an opinion of the infectiousness of her disease and I think at the present time [1983] the possibility of her being infectious is remote."

Question [by the Court]. "But as of 1979?"

Answer. As of 1979 the chance—as I said then, at that point we had a group of positive cultures within the previous almost two calendar years and really three academic years which were positive which I thought was an unacceptably high risk at that time, highly infectious, not—in 1979, but not highly infectious, but, you know, acceptable." J.A. 42-43.

That answer is garbled, as is much oral communication when it is written down, but the American Medical Association (AMA) didn't seem to have any difficulty understanding the doctor. The AMA cited that testimony as showing that, "[t]he medical witness testified that she regarded [Arline] as 'not highly infectious' in 1979. . . ." Brief of the American Medical Assoc. as Amicus Curiae at 9 n. 3, *Arline.*

While it is true that the words "not highly infectious" appear in proximity to the year 1979, inferences must not be made with the confidence shown by the AMA. On its face, this one sentence says (confusingly) that in 1979 Arline was "not highly infectious" and "acceptable" at the same time that she was "an unacceptably high risk" because she was "highly infectious." The AMA's lawyers think they know what the doctor meant. This lawyer thinks the AMA is far too optimistic.[2]

Does all of this sound like a lawyer's quibbling? You bet! And school boards have just been ordered into a quibbling bog where school children are placed in danger and quibbling runs about $100 per hour.

While the AMA's lawyers attempted to explain what Dr. McEuen meant, the lawyers for the American Public Health Association (APHA) attempted to contradict her. Dr. McEuen has been involved with the study and control of tuberculosis since 1959. APHA's lawyers neglected to say how long they have been experts on tuberculosis, but that didn't stop them from pompously "correcting" Dr. McEuen:

"Moreover, physicians like all humans, may err, witness the misstatement by Dr. McEwen [sic] herein that children of elementary school age are more susceptible to tuberculosis than older children or adults, a position not generally accepted by research which finds no difference." Brief of the American Public Health Assoc., American Civil Liberties Union, et al. as Amici Curiae 50-51 in *Arline* (citing Comstock, Livesay & Woolpert, "The Prognosis of a Positive Tuberculin Reaction in Childhood and Adolescence," 99 *Am. J. Epidemiology* 131.

"The only physician whose testimony is in the record appeared to believe that elementary school children are more susceptible to tuberculosis than older children and adults, a position not supported by the medical research." Brief of APHA, ACLU, et al., at 10 n.2. (Comstock et al. are cited in the text accompanying this footnote.)

APHA had it wrong. Dr. McEuen's testimony is amply supported by the medical research.

First, APHA is wrong to say the "research . . . finds no difference" in the susceptibility to tuberculosis of elementary school children and adults. The research APHA cites shows that some children are safer than some adults. (E.g., 10-year-olds are much less susceptible than 20-year-olds.) Second, APHA failed to see or to acknowledge that when Dr. McEuen spoke of "small children" she didn't necessarily mean "elementary school children." APHA consistantly missed the distinction. Third, Dr. McEuen consistently emphasized the additional risk to children created by continuing exposure such as occurs in an elementary school classroom. APHA missed that point, too.

Here are some relevant portions of Dr. McEuen's testimony:

Question [by the school board's attorney]. "Now, the main risk or the risk that gives you most concern is small children in a confined classroom?"

Answer [by Dr. McEuen]. "Right." J.A. 34.

Question [by the Court]. "Okay. You said that small children were highly susceptible?"

Answer [by Dr. McEuen]. "That is the general belief; yes."

The Court. "Now I assume that that's on a relative basis[?]"

Answer. "Yes———"

The Court. "When you say 'highly susceptible,' you're talking, let's say, that twenty percent you just mentioned, that small children would be more likely to be susceptible than would older children or adults?"

Answer. "Yes, that's considered to be true."

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[2] Earlier in Dr. McEuen's testimony, the following exchange occurred:

Answer [by Dr. McEuen]. "It was in February, I believe, when the last culture was reported positive, which I think was February of 1979, and it was my recommendation at that time that she [Mrs. Arline] not continue to teach third grade students."

Question [by Arline's attorney]. "Now, I don't wish to go into the medical basis for that in detail . . . but could you tell us just briefly why you recommended that?"

Answer. "Because small children are considered highly susceptible to tuberculosis and because the pattern of [Mrs. Arline's] relapse suggested that there might be a possibility of further relapse." J.A. 13.

See also, footnote 4, infra.

The Court. "But in any event, with everyone there is some susceptibility; is that correct?"

Answer. "That is right, yes."

The Court. "So that whether it be adults or teenagers or small children they're all susceptible; it's just a matter of degree——"

Answer. "Right."

The Court. "——of how much and the conditions under which they would be in contact——"

Answer. "Yes, yes."

The Court. "——with the person who is——"

Answer. "The chances of getting tuberculosis would depend on three——the infectiousness of the case, the length of contact and the susceptibility of the individual." J.A. 36-38.

Isn't this just more quibbling? Yes, and this kind of expensive quibbling about whether "small children" are "third graders" and whether half-day kindergarten children are twice as safe as whole-day first grade children is going to interfere with a school board's duty to protect the health and well-being of its students.

APHA alleged that a Comstock article in the *American Journal of Epidemiology* contradicted McEuen's testimony. The Comstock article reported on a tuberculosis study involving about 200,000 Puerto Rican children. Judging from the fact that both the APHA and the AMA cited the study in their Supreme Court briefs, it must be a leading piece of epidemiological research. Highlights from the study are shown in the following table:

SUMMARY OF DATA IN COMSTOCK, ET AL., "THE PROGNOSIS OF A POSITIVE TUBERCULIN REACTION . . .," 99 AM. J. OF EPIDEMIOLOGY 131

	Ages—		
	1 to 6	7 to 12	13 to 18
Av. annual TB rates per 100,000 children who responded positively to tuberculin tests, by age upon entry to study	165	77	95
Most serious form of TB diagnosed among children who responded positively to tuberculin tests and later contracted the disease, by age upon entry to study & type of TB (percentages do not add to 100 because of rounding):			
Pulmonary tuberculosis	80	91	94
Nonpulmonary tuberculosis	19	8	5
Percent of children contracting TB who eventually died of the disease, by age upon entry to study	13	6	7

Some of Comstock's prose is also helpful:

"Most physicians know that tuberculous infections occurring in early childhood and in adolescence carry a high risk of tuberculosis. It is not commonly realized that infected children who pass unscathed through the risks of childhood face another period of high risk in adolescence. Even less commonly [realized] is the risk of tuberculosis among tuberculin reactors assessed as potentially lifelong. Although the risk for older people is not as well known as it is for younger persons, it is clear that it is far from neglibile.

". . . The lifetime risk for a young child who is a strongly positive reactor may run as high as 10 per cent. Even a young adult found to be a tuberculin reactor on a routine exmaination may have a lifetime risk of developing tuberculosis on the order of 1 to 3 percent. On the other hand, the lifetime risk for an elderly person is bound to be less, regardless of the average annual risk, merely because life expectancy is shorter." Comstock, et al. supra at 136-37.

If Comstock et al. are right,[3] and if the school board had followed the advice of its own medical advisor and the plaintiff's attorney, then Mrs. Arline would have been transferred to a higher grade to teach children who are at a greater, not lesser, risk than her third grade students!

And what about APHA's criticism? APHA pointed to the Comstock article as demonstrating that Arline wasn't such a great risk teaching children ages 7-12 because the risk of infection at those ages is about the same as for adults. Is it possible that APHA's lawyers can't see a distinction between getting tuberculosis at age 10 and getting it at age 30? Would APHA lawyer's urge that a high school teacher with tuberculosis be transferred to *lower* grades because Comstock showed that children 7-12 are less susceptible to the disease than older students? It seems that such is their point.

But if Comstock is correct, then by the time 100,000 students pass out of the care of a school board (at age 18), 13-to-18-year-olds will have suffered an average of 190 "tuberculosis person years" (graduation age of 18 minus average age of cohort (16) times average annual case rate of 95), but the 7-to-12-year-olds will have suffered an average of 616 "tuberculosis person years" (graduation age of 18 minus average age of cohort (10) times annual case rate of 77). Therefore, while the "risk" may be lower for 7-to-12-year-olds, the potential aggregate harm is greater.

It might also be pointed out that, according to Comstock, younger children are less likely to get pulmonary tubeculosis. Therefore, while children age 1 through 6 are more likely to get all types of tuberculosis, they are less likely to get the more contagious (and more deadly?) variety. Must school boards weigh the relative risks of a bacillus lodging in the lungs or elsewhere?

What is a school board to do?

The Nassau County School Board consulted with medical experts, school officials, and parents, and then made a straightforward, "unsophisticated" decision about a contagious teacher. It did a better job of protecting its students than the "experts" would have done. Lacking what Prof. Sowell calls "that contempt for the public which has become the hallmark of lofty deep thinkers," the board took a position that was remarkably clearheaded:

Question [by Mr. Arline's attorney]. "All right. Just so we understand, you really didn't make any effort to accommodate her for her illness at all, did you? In other words, you were just concerned with removing her from the classroom?"

Answer [by Mr. Marsh, the Superintendent of Schools]. "Yes, sir, I sure was." J.A. 53-54.[4]

The board did not weigh the relative merits of exposing elementary school students or high school students or adults to tuberculosis. Its rule was, "no exposure." But now, in the post-*Arline* age, Federal judges, not school boards, will be deciding about tuberculous teachers. And by what standards? Well, nothing very straightfoward, of course; more the kind of thing that lawyers and "experts" can sink their teeth into. The following have been suggested: "proven likelihood of appreciable risk;" "appreciable risk to others;" "reasonable probability of substantial harm;" "reasonable precautions or requirements—substantiality of the risk;" and "reasonable justification." Brief of APHA, ACULU, et al. as Amici Curiae 62, supra.

V. CONCLUSION

If Congress thinks that the health and welfare of the nation's students (and workers) will be improved by providing judicial hearings for arguments over such things as McEuen's interpretation of the data, APHA's interpretation of the data, their lawyers' interpretation of the data, the reliability of the data, the relative susceptability to disease of 10-year-olds versus 16-year-olds, whether teachers or students circulate during the day, whether a classroom is air conditioned, what constitutes a "significant" risk, what constitutes a "reasonable" medical judgment, the "probabilities" that the disease will be transmitted, the disease's "varying degrees of harm," the "reasonable justification" for the harm, and so on and on and on, then Congress should do nothing. There are three things to remember, however.

First, there are no statutory guidelines for handling contagious diseases as a "civil right." Until last month, no one was certain that Section 504 included persons with contagious diseases. Perhaps the current, generalized rules will be adequate and appropriate, but perhaps not because (and this is the second fact to remember) people die from contagious diseases.

Sickness, death, and communicability are the unique things that make contagious diseases very unlike blindness or lameness. About 2,000 people die of tuberculosis annually; AIDS is now the tenth leading cause of death in America and some 1.5 million people are thought to be infected with the AIDS virus.

Third, the teacher's lawyer will be working under an attorney's fees statute while the school board will be gambling with its annual budget. Perpaps such a scheme unfairly tilts the odds against the public health.

On the other hand, if Congress believes that school boards and other receipients of federal financial assistance should be left relatively free to establish and enforce their own rules relating to infectious diseases, then *Arline* should be overturned.

APPENDIX

Section 504 of the Rehabilitation Act of 1973, as amended, reads in pertinent part:

"No otherwise qualified individual with handicaps in the United States, as defined in section 706(8) of this title, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any programs or activity conducted by any Executive agency or by the United States Postal Service." 29 U.S.C. 794 (1982), as amended by the Rehabilitation Act Amendments of 1986, Pub. L. 99-506, secs. 103(d)(2)(B) and 1002(e)(4), 100 Stat. 1844, Oct. 21, 1986.

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[3] In this discussion, the soundness of the Comstock, et al., article is assumed. But of course the survey has its defects, as any large epidemiological study will. For example, only 5 per cent of younger Puerto Rican children participated in the study; emigration (over 20 years) made follow-up difficult; and a definition of "reactor" was used that may have skewed the meaning of the results. (Comstock defined "reactor" as a person with a skin induration of 6 millimeters or more after a dose of 1 or 10 tuberculin units. Today' common definition uses induration of 10 mm or more after a dose of 5 tuberculin units.)

[4] Compare the superintendent's forthright conclusion with the conclusion of his medical expert, Dr. McEuen. Mrs. Arline's attorney asked the doctor, "[N]ow you have testified that you think the risk of her teaching young children would be minimal but you nevertheless believe it's a risk that should not be taken?" She said, "Right." J.A. 15.

The section referred to in section 504 above reads:

"For the purposes of this chapter:

* * * * *

"(8)(A) Except as otherwise provided in subparagraph (B), the term "individual with handicaps" means any individual who (i) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (ii) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to subchapters I and III of this chapter.

"(B) Subject to the second sentence of this subparagraph, the term "individual with handicaps" means, for purposes of subchapters IV and V of this chapter, any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. For purposes of sections 793 and 794 of this title as such sections relate to employment, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others." 29 U.S.C. 706 (1982), as amended by the Rehabilitation Act Amendments of 1986, Pub. L. 99-506, secs. 103 (b), (d), 100 Stat. 1809, Oct. 21, 1986.

The Armstrong bill would add the following new subsection to 29 U.S.C. 706(8):

"(C) Notwithstanding any other provision of law, the term "individual with handicap" does not include any individual who has a contagious disease, whether or not such individual is physically or mentally impaired during the period of such individual's contagion."

GORBACHEV'S IRON SMILE

Mr. DOLE. Mr. President, I want to take just one additional moment to bring to the attention of the Senate an outstanding column in today's Washington Post: "Gorbachev's Iron Smile" written by Charles Krauthammer.

In this age of alleged glasnost, it is a very timely reminder that Mikhail Gorbachev—behind the smile—remains a dedicated Communist. Whose main goals are to roll over any dissent he finds at home; and to expand the Soviet empire and influence around the world.

As Krauthammer points out, some around this town are acting like advance men for Gorbachev—giving him the benefit of every doubt; putting the best face on everything he says. Something, I might add, they have never been willing to do for the President of the United States.

But the bottom line message is this: the Soviet Union is a powerful reality; and Gorbachev's new style of leadership is going to be a major challenge for us. Secretary Shultz made that point very strongly to many Senators yesterday, in his briefing. We cannot underestimate Gorbachev.

But let us keep our eyes wide open; and let us never forget exactly what kind of leader he really is; and what kind of system he really runs.

I ask unanimous consent that Mr. Krauthammer's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 1987]

GORBACHEV'S IRON SMILE

(By Charles Krauthammer)

At a banquet during Nixon's first trip to China, recalls William F. Buckley, Nixon began toasting Mao and the other Chinese communist leaders so enthusiastically that "I would not have been surprised, that night, if he had lurched into a toast of Alger Hiss." Democratic leaders have a way of turning foolish in the presence of great dictators. Today the place for that is Moscow and the toast is for Mikhail Gorbachev, the great glasnostician.

Glasnost, openness, may apply to many areas of Soviet life, but human rights is not one of them. Gorbachev made that abundantly clear to the latest political pilgrims, a delegation of House members led by Speaker Jim Wright. Defending his own human rights record, Gorbachev complained about Secretary of State Shultz's recent Passover seder with Jewish dissidents at the U.S. Embassy in Moscow. "Not a single normal person was there," he protested. "Only people who complained."

Mr. Gorbachev, your iron teeth are showing. Normal persons vs. complainers is precisely the distinction that the Soviets use to justify imprisoning dissidents in psychiatric hospitals. This practice is commonly attributed to KGB cynicism: a psychiatric hospital, after all, is at once a more concealable and a more terrifying place to repress dissidence.

But Gorbachev's remark seems to bear out the contrary thesis advanced by this country's leading student of Soviet psychiatry, Dr. Walter Reich. The commitment of dissidents to psychiatric prisons, he has argued, is not an act of pure cynicism. The truth is more horrible. They really do believe, as Gorbachev confirms, that dissent and normality are antonyms. The commitment of "complainers" to psychiatric care follows logically.

Gorbachev's other venture into human rights questions was equally enlightening. He suggested that the United States consider setting up separate homelands for minorities: blacks, Puerto Ricans and Polish-Americans. Rep. Mickey Leland, a black member of the delegation, said he found the remark "somewhat offensive." Said Leland, "Mr. Gorbachev was rather uninformed about the desires and aspirations of black people in America."

Surely the problem with Gorbachev's statement is not that it is uninformed. It is not that Gorbachev has not read public opinion polls regarding what American blacks think about being put on reservations. It is that the suggestion itself reflects a fundamental bias toward racial separateness. The antipluralistic prejudice that informs Gorbachev's remark makes it so distasteful. It is not his facts that are wrong but his values.

One might as well say that Al Campanis is misinformed about the buoyancy of blacks and Prime Minister Nakasone of Japan about minority IQ scores. Both were severely—and correctly—reprimanded for racist remarks about blacks. (Nakasone managed to denigrate Hispanics as well.) Campanis, vice president of the Dodgers, was fired. Nakasone, severely censured in the United States, had to issue an apology to the congressional black and Hispanic caucuses.

Don't expect one from Gorbachev. His indiscretion will be indulged. In fact, it will be indulged precisely by being treated as an indiscretion. Members of Congress keep emphasizing that his remark was made "off the cuff," as if that is somehow an extenuation. On the contrary. The fact that it was spontaneous makes it all the more telling.

And all the more inconvenient for Wright, who was moved to frantic damage control. He denied that Gorbachev said what he said, a very Soviet way of doing things. "He was talking in terms of what they are trying to do in order to create more integrity for their ethnic minorities in their country," said Wright. Not only is Wright contradicted by his fellow congressmen, who insist that Gorbachev was talking not simply about what he does with his minorities but about what America ought to do with its. But Wright's explanation echoes official propaganda about Soviet efforts to "create more integrity for their ethnic minorities." In fact, Soviet policy aims at ethnic amnesia, which is why so many non-Russian nationalists have resisted and earned a trip to Gulag for their efforts.

Hence Wright's final line of defense. "He's not foolish," so Gorbachev couldn't have said it. An interesting syllogism. If a fact (he said it) is inconvenient, propose a theory (he's not foolish) under which the fact cannot have taken place, even though it did. I'd like to see Wright fracture logic like that on behalf of an American president.

Stalin was, to borrow a prophetic phrase from a 19th-century Russian revolutionary, Genghis Khan with a telegraph. Gorbachev is Khrushchev with a tailor. Why is Gorbachev so readily extenuated by the leaders of the leading democracy? Because there is nothing that Western publics hunger for more than a communist with a human face. So when the smile reveals iron teeth, it is best to pretend we do not see them. Or better still, to argue that they cannot be there.

GEORGE E. HOWARTH

Mr. PELL. Mr. President, I rise today to note sadly the passing of George E. Howarth who served my State of Rhode Island with great distinction for over 30 years.

Mr. Howarth, who died Tuesday at his home in Scituate, RI, was a landscape architect who, in his years with the State Department of Natural Resources and Department of Environmental Management, designed and developed some of Rhode Island's best and most popular parks and recreation facilities. He retired from State service in 1984, having served as superintendent of State parks since 1980.

Mr. President, as a landscape architect, George Howarth was indeed an artist and his canvass was our State's beaches, State parks, and historic sites. He was justly proud of his involvement with the development of Fort Adams State Park in Newport and his numerous contributions to the beauty and utility of our State parks. It can truly be said that George Howarth left his mark on our State.

It is with sadness, Mr. President, that I note George Howarth's death. I ask unanimous consent that an article from the Providence Journal noting his death and highlighting his career appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Providence Journal, Mar. 23, 1987]

GEORGE E. HOWARTH; LANDSCAPE ARCHITECT DEVELOPED SOME OF BEST-KNOWN R.I. PARKS

SCITUATE.—George E. Howarth, 67, a landscape architect who was responsible for developing some of the state's best known parks, died Tuesday at his Gleaner Chapel Road home.

Mr. Howarth served as superintendent of state parks from 1980 until retiring in 1984, and was influential the development of Fort Adams State Park in Newport and Fisherman's Memorial Campground in Galilee. He also was involved with designing the golf course at Goddard Park in East Greenwich.

Mr. Howarth's employment with the state spanned 32 years, initially as a park manager at Lincoln Woods, then as a landscape architect in the planning and development division of the Department of Natural Resources, then in the division of parks and recreation of the successor Department of Environmental Management.

Mr. Howarth was a licensed arborist and the tree warden in Scituate since 1980.

Born in Providence, he was a son of the late Frank E. and Ellen (Markey) Howarth. His father owned Howarth's Florists on Killingly Street for many years, where Mr. Howarth worked as a young man. He had lived in Scituate for the last 42 years.

An Army Veteran of World War II, he was a member of the Council on America's Military Past-U.S.A.

Mr. Howarth was a member and past president of the Scituate Lions club, and a member of the Scituate Ambulance Corporation. He belonged to the R.I. Nurserymen's Association, the R.I. Arborists Association, the American Rhododendron Society, the American Society of Landscape Architects and the Horticultural Society. He was secretary-treasurer of the Board of Examiners of Landscape Architecture.

He leaves his wife, Joan (Tourtellot) Howarth; three sons, Richard D. Howarth of Gloucester, Michael D. Howarth of Scituate and William E. Howarth of Butler, Ind.; a brother, Frank Howarth of Providence; two sisters, Mary Howarth of Providence and Rita Barett of San Diego, Calif.; and six grandchildren.

The funeral will be held tomorrow at 8:15 a.m. from Winfield Funeral Home, Route 116, North Scituate, with a Mass of Christian Burial at 9 in St. Joseph's Church, Main Street, North Scituate.

ARMENIAN MARTYRS DAY

Mr. PELL. Mr. President, today we are marking the 72d anniversary of the genocide perpetrated against the Armenian people by the Ottoman Empire. I am pleased to join Armenians throughout the world in paying tribute to the victims and survivors of this evil crime.

In response to the demand made by Armenians before World War I for tolerance and freedom, the Ottoman rulers launched a coordinated drive to round up and eliminate every Armenian man, woman and child. In 1915 the empire began deporting Armenians and from that time until the empire collapsed, an estimated, 1.5 million Armenians—some 60 percent of the Armenian population—were killed or died of disease or exposure. Today, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by those who ruled the Ottoman Empire.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhumane treatment suffered by the Armenians at the hands of their fellow men. To do so, as the tragedy of the holocaust shows, is to invite a repetition of what may be man's most reprehensible crime, genocide.

The way to commemorate the suffering of the Armenian people is to keep the memory of the Armenian genocide alive and to reaffirm our commitment to human life and dignity. Last year, the Senate took an important and much delayed step toward reaffirming this commitment by approving the Genocide Convention. Now, it is our duty to eliminate the evil of genocide from the heart of mankind so that the victims of the Armenian genocide did not die in vain. As a nation that cherishes justice and compassion we must not forget the brutal assault on human dignity that was the Armenian genocide.

REMEMBERING RAOUL WALLENBERG

Mr. PELL. Mr. President, on April 9, the New York Times carried an article entitled "Ich Bin Wallenberg" by A.M. Rosenthal. In this article, Mr. Rosenthal expresses the hope that the truth about the fate of Raoul Wallenberg, the young Swedish diplomat who courageously saved thousands of Hungarian Jews from death at the hands of the Nazis, will finally be told under Mikhail Gorbachev's new policy of glasnost. Wallenberg has not been heard from since January 1945, when he was seized in Budapest by Soviet authorities.

As a founding member of the Free Raoul Wallenberg Committee and the Senate sponsor of the legislation making Raoul Wallenberg an honorary American citizen, I share Mr. Rosenthal's hope. The Soviets have never offered a satisfactory and convincing explanation of Wallenberg's fate. Despite mounting evidence that Wallenberg was seen in Soviet prisons as late as the mid-1970's, the Soviet Government continues to maintain that he died in a Soviet prison in 1947, 2 years after being picked up in Hungary.

Raoul Wallenberg, the "lost hero of the Holocaust," has become a symbol of our deepest humanitarian values. The day of reckoning is far overdue. It is time that the world knew the truth about this hero's fate.

Mr. President, I commend Mr. Rosenthal's article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 9, 1987]

"ICH BIN WALLENBERG"

(By A.M. Rosenthal)

For 42 years the mystery of the fate of one soaring man has haunted men and women all over the world, not letting them rest. Raoul Wallenberg, savior of thousands of Hungarian Jews, disappeared into a Soviet prison in 1945, but never vanished from memory.

Soviet governments have been hiding the story of Wallenberg ever since he fell into their hands. It took them 12 years to admit they had imprisoned him and then they said unfortunately he had died in jail. And though Wallenberg was seen in Soviet jails from Moscow to Siberia years and possibly decades later, they have refused to say an additional word.

Why bring this all up now? Quite possibly he is dead; nobody has reported seeing him for eight or nine years at least. What does it matter in which year he died and in which cell?

One reason is respect. He never has left the minds of millions. People pay respect in their own ways to this lanky young Swede who went to German-occupied Budapest in 1944 to save Jewish lives and did, because he refused to understand that he could not.

A Congressman gathers signatures for a House petition keeping the case alive, a writer whose parents were arrested in Budapest writes a fine biography, committees all over the world meet to talk about him.

And now perhaps there is another reason. Will Mikhail Gorbachev, who speaks of a new day for his people, decide that it is in the interest of his country to order the truth told? That would do honor to him and to the memory of Wallenberg and all Christians who risked their lives to save those who wore the yellow star.

Wallenberg was of a great Swedish family. He was not quite 32 when he was asked by U.S. representatives in Stockholm to try to save the lives of some of the Jews of Hungary, being slaughtered by the scores of thousands by the German Gestapo and by Hungary's own murderous Fascists.

Nobody told him how to do it because nobody could imagine how except for the wishful possibility that Swedish neutrality, diplomatic status and some funds from American Jews might be combined to save a few Jews from death.

It is difficult to comprehend what this one man did. He distributed thousands of Swedish passports, housed and fed Jews in buildings he bedecked with Swedish flags. He threatened, bluffed, bribed, haggled.

He marched up to the very death lines, snatched Jews from under the clubs of guards. He faced down the killers, including Adolph Eichmann, the engineer of death.

"Ich bin Wallenberg," he said, gently to Jews, fiercely to German and Hungarian Nazies.

He saved thousands upon thousands. There was suddenly in this young Swede a power of compassion that produced a strength beyond himself or understanding.

In January 1945 Wallenberg crossed over to the victorious Red Army to get help. A Soviet general immediately sent a routine dispatch informing Moscow he was with them.

He disappeared. Two years later the Russians said he had never been in the Soviet Union. But in 1957, faced with world pressure for Wallenberg, the Kremlin said yes, he had been in Soviet jails but died 10 years earlier and all the doctors and wardens involved were dead too and the body cremated.

The Russians so far have refused to budge, in the face of documented evidence that he was seen in prisons of the vast Gulag for years. Some experts place the last sighting in the late 50's, others say he was alive in the late 60's. Kati Marton, the journalist and novelist, tells the story best in "Wallenberg," published by Random House and Ballatine.

The quest goes on. Swedish officials keep bringing it up with Soviet leaders; nothing. Representative Tom Lantos of California, whose wife was a child in Budapest and owes here life to Wallenberg, has collected 110 House signatures for an appeal to Mr. Gorbachev. Year round, committees meet.

Why did the Russians keep him? At first perhaps they thought he was a U.S. agent, then that he would be useful as a hostage. Then his very existence a state embarrassment, to be hidden deep. The only people to whom it is all understandable are those who have themselves wandered in the immense insanity of the Gulag.

In the Kremlin there is a living link to Wallenberg. Andrei A. Gromyko, a Deputy Foreign Minister, signed that note in 1957 saying that he was dead—but carefully chose words that implied that the finding could be changed. Mr. Gromyko now is President of the Soviet Union. He knows.

And Mr. Gorbachev knows and can tell the world whether Wallenberg still lives. And if Wallenberg does not, Mr. Gorbachev can say in what manner, year and cell the Swede of the Jews died. It is important for all people to know, particularly Russians.

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 240. An act to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail;

S.J. Res. 58. Joint resolution to designate the month of April 1987 as "National Child Abuse Prevention Month"; and

S.J. Res. 89. Joint resolution to authorize and request the President to issue a proclamation designating April 26, through May 2, 1987, as "National Organ and Tissue Donor Awareness Week."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. STENNIS].

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of State reported that on today, April 24, 1987, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 58. Joint resolution to designate the month April 1987, as "National Child Abuse Prevention Month"; and

S.J. Res. 89. Joint resolution to authorize and request the President to issue a proclamation designating April 26, through May 2, 1987, as "National Organ and Tissue Donor Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1044. A communication from the Secretary of Agriculture transmitting, a draft of proposed legislation to restore to the Secretary of Agriculture the authority to approve certain housing debt settlement claims, to revise his authority to sell housing loans to the public without recourse, and to repeal his authority to make rural housing loans and grants; to the Committee on Agriculture, Nutrition, and Foresty.

EC-1045. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the status of budget authority in 73 proposed rescissions; to the Committee on Appropriations and the Committee on the Budget.

EC-1046. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one new deferral and three revised deferrals of budget authority; to the Committee on Appropriations and the Committee on the Budget.

EC-1047. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of April 1, 1987; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and to the Committee on the Budget.

EC-1048. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, notice of a transfer of appropriated funds in connection with a demonstration project; to the Committee on Appropriations.

EC-1049. A communication from the Acting Secretary of Agriculture transmitting, pursuant to law, a report on an alleged violation of the Anti-deficiency Act resulting in an overobligation of $167 million in excess of current appropriations for the affected fiscal years; to the Committee on Appropriations.

EC-1050. A communication from the Secretary of Defense transmitting, pursuant to law, a report on three violations of administrative control of appropriations law; to the Committee on Appropriations.

EC-1051. A communication from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, a report on the apportionment of an appropriation on a basis indicating the need for a supplemental appropriation; to the Committee on Appropriations.

EC-1052. A communication from the Deputy Director of the Navy Facilities Engineering Command transmitting, pursuant to law, a report on a finding and determination to restrict competition for construction of 264 family housing units at Subic Bay, Philippines to United States companies; to the Committee on Armed Services.

EC-1053. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to extend certain expiring laws; to the Committee on Armed Services.

EC-1054. A communication from the General Counsel of the Department of Defense transmitting, pursuant to law, a report on post-employment reporting by certain former DOD personnel; to the Committee on Armed Services.

EC-1055. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to repeal certain laws requiring a physical exam for each member of the National Guard called into and mustered out of the Federal service; to the Committee on Armed Services.

EC-1056. A communication from the Assistant Secretary of the Army transmitting draft of proposed legislation to extend the time during which all elements of a National Guard unit must complete a training assembly; to the Committee on Armed Services.

EC-1057. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard; to the Committee on Armed Services.

EC-1058. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on real and personal property of DOD; to the Committee on Armed Services.

EC-1059. A communication from the Under Secretary of Defense transmitting, pursuant to law, a report on chemical warfare-biological defense research program obligations, fiscal year 1985; to the Committee on Armed Services.

EC-1060. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to eliminate the 30-day notice requirement for termination of certain categories of National Guard technicians; to the Committee on Armed Services.

EC-1061. A communication from the Secretary of the Navy transmitting a draft of proposed legislation repealing two conflict of interest provisions; to the Committee on Armed Services.

EC-1062. A communication from the Secretary of the Navy transmitting a draft of proposed legislation to provide long-term recognition of the arduous nature of duty aboard a ship; to the Committee on Armed Services.

EC-1063. A communication from the Secretary of the Navy transmitting a draft of proposed legislation to authorize the Secretary of Defense to withhold from public disclosure information on physical security measures for certain nuclear material; to the Committee on Armed Services.

EC-1064. A communication from the President of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction by the Bank involving exports to Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC-1065. A communication from the President of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1066. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the annual report on solar energy and the energy conservation bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-1067. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Department of Transportation—Enhancing Policy and Program Effectiveness Through Improved Management"; to the Committee on Commerce, Science, and Transportation.

EC-1068. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the electrical and hybrid vehicles program; to the Committee on Commerce, Science, and Transportation.

EC-1069. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize the Secretary to collect fees for certain Coast Guard services; the Committee on Commerce, Science, and Transportation.

EC-1070. A communication from the Director of the National Bureau of Standards transmitting, pursuant to law, a report on the structural integrity of the new office building at the United States Embassy site in Moscow, USSR; to the Committee on Commerce, Science, and Transportation.

EC-1071. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Appropriations.

"HOUSE RESOLUTION NO. 141

"Whereas, Argonne National Laboratory has proposed a $375 million synchrotron which is precisely the kind of expenditure that has the potential for an immense payoff in advanced technology; and

"Whereas, The synchrotron produces light beams more powerful than those on the sun's surface and it would be used to advance the state of the art in a variety of fields; and

"Whereas, The synchrotron could help build stronger and lighter plastics by determining the precise position of atoms in plastic molecules, help in the design of ways to fight colds by determining the three dimensional structure of a cold virus, help fight cardiovascular disease by providing more detailed images of the heart or help build cleaner and more powerful computer chips by detecting impurities on the chips; and

"Whereas, President Reagan's proposed fiscal year 1988 budget includes $5.5 million which is vital to Argonne National Laboratory to finish designing the synchrotron; and

"Whereas, the synchrotron project is exactly the kind of project that will generate ideas which will build the nation's scientific base and competitive economic posture: Therefore, be it

"Resolved, by the House of Representatives of the Eighty-Fifth General Assembly of the State of Illinois, that we commend Argonne National Laboratory in its efforts to advance the state of the arts by the production of the synchrotron; that we encourage the citizens of this State to recognize the benefits of the synchrotron in terms of the nation's scientific base and economic posture; and that the President and the Congress of the United States are hereby memorialized to appropriate the $5.5 million needed to finish designing the synchrotron; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented, respectfully, to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each and every member of the Illinois Congressional Delegation."

POM-74. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION

"Whereas, The 474th Tactical Fighter Wing was created in 1943 and has been located at Nellis Air Force Base since 1968; and

"Whereas, This wing served in World War II and also in Korea and Viet Nam receiving two Distinguished Unit Citations for its outstanding service in combat; and

"Whereas, Deactivation of the 474th Tactical Fighter Wing at Nellis would result in the elimination of 2,000 positions related to this wing, causing a grave economic impact on southern Nevada: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That members of the Nevada Legislature urge Congress to oppose the deactivation of the 474th Tactical Fighter Wing at Nellis Air Force Base; and be it further

Resolved, That copies of this resolution be prepared and transmitted forthwith to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, and to each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-75. A resolution adopted by the Nevada Commission on Economic Development opposing deactivation of the 474th Tactical Fighter Wing at Nellis Air Force Base; to the Committee on Armed Services.

POM-76. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE JOINT RESOLUTION NO. 216

"Whereas, after a two-year study, a congressional subcommittee has concluded that ineptitude and fraud are rampant within the real estate appraisal profession and that taxpayers and lenders are losing billions of dollars as a result of these practices; and

"Whereas, as a result of inaccurate appraisals, inflated appraisals of homes and commercial properties have helped push hundreds of financial institutions into insolvency in recent years; and

"Whereas, as much as forty percent of the Veterans Administration home-loan guarantee program's $420 million loss in 1985 was caused by inaccurate appraisals; and

"Whereas, the congressional study found that at least fifteen percent of the $1.3 billion in losses experienced by private mortgage insurers during 1985 and 1986 was directly attributable to faulty or fraudulent appraisals; and

"Whereas, entire thrift institutions and banks have been destroyed by inflated appraisals; and

"Whereas, these problems have been caused by the appraisal industry's lack of regulation and the situation that in most states almost anyone can call himself an appraiser without completing any formal training, examination, licensing or regulation; and

"Whereas, the problems are further complicated by lenders who are more interested in collecting up-front fees from loan transactions than in the accuracy of the appraisals that underpin the loan; and

"Whereas, what appears to be needed is new federal legislation defining standards for persons in the appraisal profession and giving bank regulatory agencies authority to discipline appraisers who willingly or through gross negligence misrepresent the value of real estate to federally insured lending institutions: Now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia hereby requests the Congress of the United States to re-examine and restructure the laws and regulations regarding the appraisal profession to assure that the appraisal profession adhere to the highest standards; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to the members of the Virginia Delegation to the Congress of the United States in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-77. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 3064

"Be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

"That the Fiftieth Legislative Assembly of North Dakota respectfully requests the Congress of the United States to propose to the several states for ratification an amendment to the Constitution of the United States, the proposed amendment providing as follows:

"ARTICLE —

"Section 1. The rights of the citizens of the United States to economic freedom, domestic tranquility, and prosperity without excessive interest and taxation may not be abridged nor denied by any private corporation using any debt instrument or note as a basis for credit and currency.

"Section 2. The Congress shall, within two years of the ratification of this amendment, cause to cease all fractional reserve banking practices within these United States of America; and a United States Monetary Commission shall be established.

"Section 3. The United States Monetary Commission shall include the United States Secretary of the Treasury, the highest ranking members of the two predominant political parties in the Senate and House banking committees; the President of the United States shall appoint to the commission one representative of American agriculture; one representative of fishing, oil, and mining interests; one representative of banking; and one representative of industry. All presidential appointments to the commission must be with the advice and consent of the United States Senate.

"Section 4. Upon ratification of this amendment, the Congress shall initiate a United States Treasury credit monetary system. The United States Treasury, when authorized by the United States Monetary Commission, shall have sole and exclusive power to create all money and establish the value thereof.

Be it further resolved, that the Secretary of State forward a copy of this resolution to the legislature of each of the other states, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation."

POM-78. A resolution adopted by the American Library Association concerning the proposed privatization of the National Technical Information Service; to the Committee on Commerce, Science, and Transportation.

POM-79. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Energy and Natural Resources.

"ENROLLED JOINT RESOLUTION No. 1.

"Whereas, the federal government owns and operates 130 multipurpose water projects that generate power which is distributed through the five federal power marketing agencies; and

"Whereas, the federal investment in power generation is being systemtically repaid by power customers, which provides a steady stream of revenues to the United States Treasury which will continue after the investment is repaid; and

"Whereas, these power marketing agencies sell power at cost to 1,100 consumer-owned electric utilities, rural electric cooperatives and public power agencies in 34 states; and

"Whereas, the Western Area power agency and the Bonneville power agency sell power to 25 consumer-owned utilities in Wyoming; and

"Whereas, the Administration has proposed sale of the federal power marketing agencies which could:

"(a) Unnecessarily and dramatically raise rates for electric consumers;

"(b) Undermine the economic stability of those Wyoming enterprises benefitting from the federal hydropower program;

"(c) Threaten the viability of consumer-owned utilities thereby undermining electric utility competition, which benefits all electric consumers;

"(d) Mortgage future federal revenues for short-term relief;

"(e) Undermine the efficient operation of federal multipurpose water projects which provide flood control, irrigation, water supply and recreation; and

"Whereas, the National Conference of State Legislatures opposes the sale of the federal power marketing agencies: Now, therefore, be it

"Resolved by the members of the Legislature of the State of Wyoming:

"Section 1. That the Wyoming legislature supports continued federal ownership and operation of the federal power marketing agencies and opposes the sale, transfer or other disposition of these agencies and urges the United States Congress to oppose any efforts to sell the federal power marketing agencies.

"Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the Senate and Speaker of the House of Representatives of the United States and the Wyoming Congressional Delegation."

POM-80. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Environment and Public Works:

"HOUSE JOINT RESOLUTION No. 190

"Whereas, pollution by toxic substances has been identified as one of the major factors contributing to the environmental decline of the Chesapeake Bay since 1950; and

"Whereas, TBT or tributyltin is a biocide useful as an ingredient of boat paint; and

"Whereas, TBT leaches into the water from the hulls of boats for the purpose of killing or repelling nuisance organisms such as barnacles before they attach themselves to a boat; and

"Whereas, the Virginia Institute of Marine Science has determined through laboratory tests that TBT has a toxic effect on such marine species as oysters and clam larvae at levels as low as parts per trillion; and

"Whereas, concentrations of TBT between 10 and 20 parts per trillion have recently been detected near the mouths of the York and James Rivers and in Hampton Roads waterways; and

"Whereas, waters around marinas have yielded concentrations as high as 700 parts per trillion due to the use of TBT paint by private boat owners; and

"Whereas, alternatives to TBT such as copper-based paint do exist for boat hulls and other uses; and

"Whereas, in the absence of federal action, the Governor of Virginia has asked the Governors of South Carolina, North Carolina, Maryland, and Pennsylvania to join Virginia in developing regional policies to deal with this issue; and

"Whereas, such cooperation among the states demonstrates the seriousness with which the states approach this significant environmental problem; and

"Whereas, such an approach on the part of these states would avert costly competition between coastal states for Naval and other shipbuilding and repair business based on discrepancies in the extent to which TBT-based paint is allowed: Now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia hereby memorializes the Congress of the United States and the Environmental Protection Agency to cancel the registration of TBT compounds used in free association anti-fouling paints and to expand the EPA's current review of pesticide registration of TBT used in anti-fouling paints to include all registered TBT compounds; and, be it

"Resolved further, That the General Assembly of Virginia urges Congress and the EPA to support the states in their efforts to develop effective regional solutions to this environmental issue; and, be it

"Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the United States Environmental Protection Agency, the Speaker, of the United States House of Representatives, the President of the United States Senate and to all members of the Virginia delegation to the United States Congress in order that they may be apprised of the sense of the Virginia General Assembly."

POM-81. A joint resolution adopted by the Legislation of the State of Nevada; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 2

"Whereas, There is a serious need to train properly persons who respond to emergencies, particularly in situations involving hazardous materials; and

"Whereas, A regional center exists in the eastern United States to provide that training, but no such facility exists in the west; and

"Whereas, The facilities of the former Indian school in Stewart, Nevada, are presently vacant and should be used to benefit the people of this area; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to establish a western regional training center at Stewart, Nevada, to train persons who respond to emergencies, particularly those involving hazardous materials; and be it further

"Resolved, That the Division of Emergency Management of Nevada's Department of the Military is directed to cooperate with the Federal Government and western regional organizations in establishing such a center; and be it further

"Resolved, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the members of the Nevada Congressional Delegation and the Division of Emergency Management of Nevada's Department of the Military; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-82. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 9

"Whereas, This legislature is concerned about the welfare and safety of the residents of the State of Nevada; and

"Whereas, Congress has not taken a stand on the question of liability for nuclear accidents associated with a repository or with repository-related activities: Now, therefore be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That Congress is hereby urged to enact legislation which would provide unlimited federal liability for any and all damages or consequences which may result from situating a high-level nuclear waste repository within Nevada; and be it further

"*Resolved*, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-83. A petition from members of the Retired Employees of the Allenport Plant (REAP), Wheeling-Pittsburgh Steel Company favoring legislation to stop any future raids on the Social Security trust funds; to the Committee on Finance.

POM-84. A joint resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance.

"Whereas, nonprofit organizations play a legitimate and essential role in the debate of complicated and critical public policy issues; and

"Whereas, the grass roots organizational and educational work of nonprofit organizations is important to democratic participation in the legislative process; and

"Whereas, the Tax Reform Act of 1976 expanded and clarified the lobbying rights of nonprofit organizations; and

"Whereas, the Internal Revenue Service now has proposed regulations interpreting this section that are contrary to Congressional intent and would severely limit the lobbying rights of nonprofit organizations; and

"Whereas, the regulation's definition of lobbying is unfairly broad in that it includes most informational activities about public policy issues whether or not a related bill may be pending; and

"Whereas, if adopted, the proposed regulations, which are retroactive to 1977, would cause undue hardship to nonprofit organizations, requiring increased record keeping and the recalculation and refiling of tax returns and subjecting them to unexpected excise taxes; and

"Whereas, the proposed regulations, which threaten nonprofit organizations engaged in lobbying with the loss of their tax exempt status, would discourage donors from making gifts to these organizations: Now, therefore, be it

"*Resolved* by the Legislature of the State of Minnesota that the President and Congress should prevent the proposed Internal Revenue Service regulations limiting the lobbying activities by public charities from taking effect and require that fair and reasonable regulations be developed. Be it further

"*Resolved* that the Secretary of State of Minnesota shall transmit enrolled copies of this memorial to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-85. Joint resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance:

"RESOLUTION

"Whereas, nonprofit organizations play a legitimate and essential role in the debate of complicated and critical public policy issues; and

"Whereas, the grass roots organizational and educational work of nonprofit organizations is important to democratic participation in the legislative process; and

"Whereas, the Tax Reform Act of 1976 expanded and clarified the lobbying rights of nonprofit organizations; and

"Whereas, the Internal Revenue Service now has proposed regulations interpreting this section that are contrary to Congressional intent and would severely limit the lobbying rights of nonprofit organizations; and

"Whereas, the regulation's definition of lobbying is unfairly broad in that it includes most informational activities about public policy issues whether or not a related bill may be pending; and

"Whereas, if adopted, the proposed regulations, which are retroactive to 1977 would cause undue hardship to nonprofit organizations, requiring increased record keeping and the recalculation and refiling of tax returns and subjecting them to unexpected excise taxes; and

"Whereas, the proposed regulations, which threaten nonprofit organizations engaged in lobbying with the loss of their tax exempt status, would discourage donors from making gifts to these organizations; now, therefore,

"*Be it resolved* by the Legislature of the State of Minnesota that the President and Congress should prevent the proposed Internal Revenue Service regulations limiting the lobbying activities by public charities from taking effect and require that fair and reasonable regulations be developed.

"*Be it further resolved* that the Secretary of State of Minnesota shall transmit enrolled copies of this memorial to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-86. Concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION

"Whereas, The Tax Reform Act of 1986 enacted by the 99th Congress of the United States will require governmental retirement plans to begin payments to public officers and employees who attain age 70½ years even while such persons continue their employment and earn full compensation for that employment; and

"Whereas, Amendments to the Age Discrimination in Employment Act enacted by the 99th Congress of the United States prohibit mandatory retirement solely on the basis of age and generally require governmental retirement plans to grant additional retirement credit to an employee even after the employee begins receiving payments from the plan because of the attainment of age 70½ years; and

"Whereas, A combined effect of these laws will be to require states to allow public officers and employees who are 70½ years old and older to earn their full state salaries while receiving full state retirement benefits, and even earn additional retirement benefits for such continued employment; and

"Whereas, These laws require the state to discriminate against public officers and employees who are less than 70½ years of age in the compensation the state pays for services, impose on the state additional costs of governmental retirement plans, and impair the effective use of governmental retirement plans to induce retirement of public officers and employees and thereby reduce salary costs; and

"Whereas, The actuarial effect of these laws upon the Employees Retirement system of Texas alone, one of six statewide retirement systems, is to increase the unfunded actuarial accrued liability of the system by $87.4 million as of August 31, 1986, and to increase by 4.1 years the period required to amortize the unfunded actuarial accrued liability of the system; now, therefore, be it

"*Resolved*, That the 70th Legislature of the State of Texas do hereby request and urge the 100th Congress of the United States to amend the tax laws of the United States to exempt governmental retirement plans and their participants from the provisions of the Tax Reform Act of 1986 which mandate distribution to a pension plan participant when that participant attains age 70½ years and impose an excise tax on the participant for failure to take a required distribution; and, be it further

"*Resolved*, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Texas delegation to the 100th Congress of the United States, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-87. Joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance:

"ENROLLED JOINT RESOLUTION NO. 3

"Whereas, imported chilled foreign lamb is currently savaging the markets served by sheep raisers in the United States; and

"Whereas, two hundred seventy thousand (270,000) head of live feeder lambs are expected to flood United States markets in 1987; and

"Whereas, the American sheep industry is being harshly impacted economically by imports of lamb from New Zealand and Australia; and

"Whereas, antiprotectionist sentiment in the federal government, has allowed the American agriculturalist to suffer; and

"Whereas, the Wyoming legislature supports the sheep industry of Wyoming and the United States; now, therefore, be it

"*Resolved by the members of the legislature of the State of Wyoming:*

SECTION 1. That the Congress of the United States enact trade legislation to restrict imports of live feeder lambs to the United States from Australia, New Zealand and other foreign countries.

"SEC. 2. That the Secretary of State of Wyoming transmit copies of this Resolution to the President of the Senate and Speaker of the House of Representatives of the United States and the Wyoming Congressional Delegation."

POM-88. Joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance:

"ENROLLED JOINT RESOLUTION NO. 2

"Whereas, the strategic and economic interests of the United States are currently being threatened by forces seeking to control the world price of oil; and

"Whereas, the United States dependence on foreign oil imports has increased dramatically due to the decrease in the price of crude oil; and

"Whereas, the rise in imports and decrease in oil prices has substantially decreased the United States domestic production of oil and exploration for oil which has serious ramifications for national security; and

"Whereas, the current low oil prices have not stimulated the nation's economy; now, therefore, be it

"Resolved by the members of the Legislature of the State of Wyoming:

SECTION 1. That the Congress should enact and the President should approve a temporary variable oil import fee and that the revenue generated should be used to reduce the federal budget deficit.

"SEC. 2. That the Secretary of the State transmit copies of this resolution to the President of the United States, President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each member of the Wyoming Congressional delegation."

POM-89. Joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 337

"Whereas, trauma is the leading cause of death for individuals from age one to age forty-four in the nation and in Virginia; and

"Whereas, as the result of injuries received from accidents or other traumas, thousands of people in the United States are killed or disabled every year; and

"Whereas, frequently, multiple trauma victims become incapable of leading normal lives, and other family members must assume the burden of their support; and

"Whereas, emergency medical technology is an evolving specialty with the goal of developing procedures to minimize the effects of severe trauma; and

"Whereas, the Medicare prospective payment system, which was implemented in October 1983, is based on diagnosis-related groups; and

"Whereas, reimbursement under the DRG system provides for only one DRG with payment keyed to medical procedures and treatments for conditions involving one organ; and

"Whereas, multiple trauma victims require sophisticated, high technology care for injuries to various organs which cannot be adequately reimbursed under a system restricted to payment based on a single procedure; and

"Whereas, although the federal Medicaid provisions authorize state Medicaid programs to implement optional coverage for certain classes of individuals, such as personal care services for the aged and disabled and model waivers for technology-dependent patients, there is no flexibility provided for the care of multiple trauma patients; and

"Whereas, many experts in emergency medical services are greatly frustrated by federal insensitivity to the needs of multiple trauma victims; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia, by this resolution, memorializes the Congress of the United States to evaluate the provisions of Title XVIII, known as Medicare, and Title XIX, known as Medicaid, of the Social Security Act as these laws relate to care for multiple trauma victims; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the members of the Virginia delegation to the Congress, to the Speaker of the United States House of Representatives and the President of the United States Senate in order that they may be apprised of the sense of the General Assembly."

POM-90. Joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Governmental Affairs:

"HOUSE JOINT RESOLUTION NO. 342

"Whereas, the United States government has acquired title to approximately 3,000 acres of land in Fairfax County through nine separate acquisitions, beginning in 1910 and continuing to 1953; and

"Whereas, that federal property now contains a penal institution which is operated by the government of the District of Columbia, known generally as the Lorton Reformatory Complex; and

"Whereas, based upon the powers granted to Congress by United States Constitution, Article I, Section 8, the United States government claims exclusive jurisdiction over a large portion of that property within the Lorton Complex; and

"Whereas, the basis for that federal claim appears to be the enactment of Chapter 482 of the 1902 Acts of the Virgina General Assembly which gave broad consent for the United States to acquire land in Virginia for governmental purposes; and

"Whereas, the 1932 and 1936 Sessions of the Virginia General Assembly attempted to establish the concurrent jurisdiction of the Commonwealth so that Virginia could exercise juridiction over federal property within the Commonwealth, through the enactment of chapter 213 of the 1932 Acts of Assembly and Chapter 382 of the 1936 Acts of Assembly; and

"Whereas, it is the present policy of Virginia, as stated in § 7.1-18.1 of the Code of Virginia, that when the United States government acquires property within Virginia all such property is subject to the concurrent jurisdiction of the Commonwealth; and

"Whereas, a state cannot unilaterally reclaim jurisdiction or legislate effectively concerning matters beyond its jurisdiction and within territory subject only to control by the United States; and

"Whereas, it would be in the interest of the public health, safety and welfare for Virginia to exercise concurrent jurisdiction over that property within the Lorton Complex that may be subject to claims of exclusive jurisdiction by the United States government; now therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly hereby requests the Congress of the United States to cede concurrent jurisdiction to the Commonwealth of Virginia over all property within the Lorton Complex which may be subject to claims of exclusive jurisdiction by the United States government; and, be it

"Resolved further, That the Clerk of the House of Delegates is directed to send a copy of this resolution to the Speaker of the House of Representatives, the President of the United States Senate and all members of the Virginia Congressional delegation."

POM-91. Joint resolution adopted by the Legislature of the State of Virginia to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 262

"Whereas, the population count as ascertained at the decennial census is used by the United States Bureau of the Census in the automatic apportionment formula by which representation in the United States House of Representatives is apportioned among the several states following each decennial census; and

"Whereas, the Bureau of the Census includes in this population figure all persons living in the United States on the day of the census without regard to legal residence in this country; and

"Whereas, aliens illegally residing in this country and aliens without permanent resident status clearly are not entitled to vote and exercise other rights of participation in the political process, and the inclusion of such persons in the figures upon which representation is to be based is inconsistent with this fact; and

"Whereas, the counting of such aliens demonstrably does distort the apportionment of representation in the House of Representatives, as evidenced by the fact that California gained an additional seat and New York retained a seat it otherwise would have lost, the two seats respectively being gained and retained at the expense of Georgia and Indiana; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia memorializes the Congress of the United States to enact legislation which will require the United States Bureau of the Census to adopt procedures for the census of 1990 and thenceforth which will exclude illegal aliens and aliens admitted for temporary residences pursuant to the Immigration Reform and Control Act of 1986 from the figures upon which apportionment in the United States House of Representatives will be determined; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia delegation to the Congress of the United States."

POM-92. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 293

"Whereas, the Sherman Act, the Clayton Act, and decisional law prescribe the appropriate standards of conduct for competing businesses and for individual firms acquiring and exercising market power in the United States; and

"Whereas, those laws prohibit activities in restraint of trade that have repeatedly been shown to be harmful to the economy and injurious to consumers; and

"Whereas, in 1944 the Supreme Court determined, in *United States* v. *South-Eastern Underwriters,* 322 U.S. 533, that the business of insurance constitutes commerce within the scope of the antitrust laws; and

"Whereas, in 1945, Congress, apprehensive about the effect of *South-Eastern Underwriters* on the powers of states to tax and regulate insurance, adopted the McCarran-Ferguson Act (15 U.S.C. §§ 1011-1015), granting the insurance industry broad exemption from most provisions of the Sherman and Clayton Acts, including the proscriptions against such anticompetitive practices as price-fixing, agreements not to compete, monopolization, tying agreements, and a wide range of other conduct that is unlawful for nearly every firm outside the insurance industry; and

"Whereas, subsequent developments in antitrust law have made it clear that nothing in the Sherman and Clayton Acts would hinder the exercise of traditional state powers of taxation and regulation, including price regulation, making the McCarran-Ferguson Act unnecessary for the purposes that originally motivated Congress to enact it; and

"Whereas, it is also clear that nothing in the antitrust laws prohibits insurers from sharing information on losses in order to price their product, or from engaging in reinsurance and other risk-sharing arrangements common to the industry, making the McCarran-Ferguson Act unnecessary to the legitimate needs of the insurance industry; and

"Whereas, the insurance industry is critical to the national economy, with Americans paying over $140 billion per year in premiums on property and casualty insurance alone, and with insurance being a necessity for many enterprises; and

"Whereas, serious questions have been raised about the current crisis in liability insurance and whether the unavailability of insurance to many governments and businesses is the product of the industry's antitrust exemption; and

"Whereas, serious questions have also been raised about the reluctance on the part of the insurance industry to disclose information that many agree is essential to determine the true condition of the industry and the effect on both injured people and insurance rates of the various tort reforms being enacted by several states; and

"Whereas, insurance companies should be required to make accurate information regarding their actual profits and losses available to state regulators and the public in general in a clear, comprehensive, and uniform manner; and

"Whereas, uniform and complete reporting requirements are necessary so that comparisons of the operating information of insurers in different states can easily be made; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia does hereby memorialize the Congress of the United States to repeal the immunity from the antitrust laws granted to the insurance industry, to subject insurance companies to the rules of the competitive marketplace applicable to other firms, and to enact legislation requiring insurers to report certain information regarding their profitability and designating as a crime the reporting of inaccurate information; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-93. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 330

"Whereas, the Sherman Act, the Clayton Act, and decisional law prescribe the appropiate standards of conduct for competing businesses and for individual firms acquiring and exercising market power in the United States; and

"Whereas, those laws prohibit activities in restraint of trade that have repeatedly been shown to be harmful to the economy and injurious to consumers; and

"Whereas, in 1944 the Supreme Court determined, in *United States v. South-Eastern Underwriters*, 322 U.S. 533, that the business of insurance constitutes commerce within the scope of the antitrust laws; and

"Whereas, in 1945, Congress, apprehensive about the effect of *South-Eastern Underwriters* on the powers of state to tax and regulate insurance, adopted the McCarran-Ferguson Act (15 U.S.C. §§ 1011-1015), granting the insurance industry broad exemptions from most provisions of the Sherman and Clayton Acts, including the prescriptions against such anticompetitive practices as price-fixing, agreements not to compete monopolization, tying agreements, and a wide range of other conduct that is unlawful for nearly every firm outside the insurance industry; and

"Whereas, subsequent developments in antitrust law have made it clear that nothing in the Sherman and Clayton Acts would hinder the exercise of tradition state powers of taxation and regulation, including price regulation, making the McCarran-Ferguson Act unnecessary for the purposes that originally motivated Congress to enact it; and

"Whereas, it is also clear that nothing in the antitrust laws prohibits insurers from sharing information on losses in order to price their product, or from engaging in reinsurance and other risk-sharing arrangement common to the industry, making the McCarran-Ferguson Act unnecessary to the legitimate needs of the insurance industry; and

"Whereas, the insurance industry is critical to the national economy, with Americans paying over $140 billion per year in premiums on property and casualty insurance alone, and with insurance being a necessity for many enterprises; and

"Whereas, serious questions have been raised about the current crisis in liability insurance and whether the unavailability of insurance to many governments and businesses is the product of the industry's antitrust exemption; now, therefore, be it

"Resolved, by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia does hereby memorialize the Congress of the United States to repeal the immunity from the antitrust laws granted to the insurance industry and to subject insurance companies to the rules of the competitive marketplace applicable to other firms, recognizing the historic right of the states to regulate and tax the business of insurance; and, be it

"Resolved Further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of the General Assembly."

POM-94. A joint resolution adopted by the Legislature of the State of Utah; to the Committee on the Judiciary:

"FEDERAL TAXATION REFORM RESOLUTION, 1987 GENERAL SESSION

"Be it resolved by the Legislature of the state of Utah:

"Whereas, the Sixteenth Amendment to the Constitution of the United States, as evidenced by the history of its adoption, was not intended by its framers, proponents, or the ratifying States to permit taxation by the Federal government of interest income on the obligations of the States or their political subdivisions; and

"Whereas, the Congress of the United States has of late enacted the proposed legislation which operates to tax or restrict such obligations and the income thereon and proceeds thereof; has enacted the proposed retroactive tax legislation; and has enacted or proposed legislation which limits the deductibility for Federal income tax purposes of taxes paid under State laws and interest on amounts borrowed by financial institutions to purchase or carry such obligations, all to the manifest detriment of the States and their economies.

"Now, Therefore, Be It Resolved that application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for proposing an amendment to the Sixteenth Amendment to the Constitution of the United States, however, said call for a convention by the state of Utah is limited to the express purposes herein enunciated and for no other purpose, and the state of Utah is not to be counted in a convention call for any other purpose except as limited herein. Such proposal to amend the Sixteenth Amendment shall provide as follows:

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration, but no legislation enacted in the exercise of this power shall have retroactive effect. So that the right of the States to finance the public purposes established by them or their electors shall not be infringed, and Congress shall lay no direct or indirect tax upon the income derived from general or special obligations issued by or on behalf of the States, their political subdivision, or authorized authorities, nor upon the proceeds thereof or income on such proceeds, nor from their governmental activities, nor shall it otherwise tax or restrict such obligations, or exclude, as deductions from income, taxes paid pursuant to the laws of any State or interest on amounts borrowed by any financial institution to purchase or carry such obligations.

"Be It Further Resolved, that if the Congress of the United States shall propose such amendment for ratification by the legislatures of three-fourths of the several States, this application shall no longer be of any force or effect.

"Be It Further Resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the several States shall have made similar applications to the Congress of the United States.

"Be It Further Resolved, that the Lieutenant Governor is hereby directed to transmit copies of this application, upon its due adoption, to the President and Secretary of the Senate and the Speaker and Clerk of the House of Representatives of the Congress of the United States."

POM-95. A petition from a citizen of Newburgh, Indiana praying for a redress of grievances and congressional intervention; to the Committee on the Judiciary.

POM-96. A joint resolution adopted by the Legislature of the State of Virginia; ordered to lie on the table.

"HOUSE JOINT RESOLUTION NO. 238

"Whereas, during its 1977 Regular Session the General Assembly of Virginia amended the Code of Virginia to reduce the speed limit on Interstate and other limited access highways from seventy miles per hour to fifty-five miles per hour and to reduce the speed limit on other four lane highways from sixty miles per hour to fifty-five miles per hour; and

"Whereas, this action would probably not have been taken by the General Assembly except for an act of Congress which provided that federal highway funds would be withheld from states which did not do so; and

"Whereas, the major justification for the federal imposition of a fifty-five mile per hour speed limit on the states was a need to conserve motor fuels; and

"Whereas, the highways on which motorists, prior to 1977, operated vehicles at seventy miles per hour were designed and built to allow motorists to do so in safety; and

"Whereas, highways today are constructed to no lower engineering and safety standards than those employed a decade ago; and

"Whereas, continuing to limit the speed of vehicles on these highways to those considerably below those which the roads were designed safely to accommodate constitutes lamentable misallocation of public resources; and

"Whereas, public officials, both elected and appointed, are no less aware, and may well be even more aware than federal officials of roads, locations, and localities where traffic congestion, commuting patterns, and other conditions make it both necessary and prudent to retain speed limits lower than those which might be permitted elsewhere; and

"Whereas, in many parts of many states sparse population concentrations, long distances between towns and cities, and straight, flat highways can, when coupled with a fifty-five mile per hour speed limit which unnecessarily prolongs the time required to get from one place to another, produce a hypnotic monotony which can be more deadly to motorists than high speed; and

"Whereas, despite federal threats to withhold highway funds from states which do not both impose a fifty-five mile per hour speed limit and vigorously enforce that speed limit, widespread public noncompliance with the fifty-five mile per hour speed limit has produced law suits and countersuits but has resulted in neither massive withdrawal of federal highway funds as originally threatened, nor improvements in public adherence to the federally imposed speed limit; and

"Whereas, in 1976 and 1977, in the midst of block-long queues at filling stations and widespread fuel shortages, it might have seemed that a national fifty-five mile per hour speed limit was an idea whose time had come; and

"Whereas, in 1987, however, in the midst of a worldwide fuel glut so severe that petroleum prices have plummeted and painfully depressed the economies of America's oil-producing regions, it is perfectly clear that it is now an idea whose time has gone; now, therefore, be it

"*Resolved* by the House of Delegates, the Senate concurring, That the Congress of the United States is hereby memorialized to return to the states the power to decide on the speed limits to be imposed on the highways within their borders; and, be it

"*Resolved Further*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly in this manner."

POM-97. A joint resolution adopted by the Legislature of the State of Virginia; ordered to lie on the table:

"Whereas, the Congress of the United States failed during 1986 to enact a Federal Aid Highway bill and has also failed to do so during 1987; and

"Whereas, the General Assembly of Virginia meeting in special session in the fall of 1986 enacted legislation to provide increased funding for construction of Virginia highways; and

"Whereas, the failure of Congress to pass a highway bill is counterproductive to the efforts of the General Assembly; and

"Whereas, the Commonwealth Transportation Board has of this date been forced to defer highway contracts requiring over $70 million in federal funds and will continue to have to defer an increasing amount of federal aid contracts until Congress acts; and

"Whereas, a further delay in the enactment of a Federal Aid Highway Bill through June, 1987, will result in the deferral of federal aid contracts in Virginia estimated to require over $200 million in federal funds; now, therefore, be it

"*Resolved* by the House of Delegates, the Senate concurring, That the Congress of the United States is hereby memorialized to enact a new Federal Aid Highway Bill immediately; and be it

Resolved further, That the Clerk of the House of Delegates send a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the members of the delegation from Virginia to the Congress of the United States, and the clerk of each house of the legislatures of the other forty-nine states in order that they may be apprised of the sense of the General Assembly of Virginia.

POM-98. A joint resolution adopted by the Legislature of the State of Maine; ordered to lie on the table:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO INCREASE THE SPEED LIMIT TO 65 M.P.H. ON RURAL INTERSTATE HIGHWAYS

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislative Session, now assembled, most respectfully present and petition the Members of the United States Congress as follows:

"Whereas, a 55 M.P.H. speed limit was federally imposed to combat shortages and rising prices during the threat of the 1973 Arab oil embargo; and

"Whereas, that serious energy conservation effort accomplished its purpose and now should be modified to meet a more realistic level of compliance for modern day travel; and

"Whereas, improved technology in auto safety and highway construction has led to the decline of highway fatalities since 1946 and that technology continues its advance; and

"Whereas, the Symms amendment to the Federal-Aid Highway Act of 1987 is a modest proposal to increase the national speed limit to 65 M.P.H. on rural interstate highways; and

"Whereas, this reasonable proposal has the support of the Legislature as it will remove a widespread contempt for a law which no longer serves the public interest and which denies the State much needed federal highway aid; now, therefore, be it

Resolved: That we your Memorialists, do hereby respectfully urge the Members of Congress of the United States to raise the national speed limit on rural interstate highways to 65 M.P.H., a reasonable level which Maine motorists can drive safely and confortable with, considering the level of technology that exists today; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and to the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-99. A joint resolution adopted by the Legislature of the State of Wyoming; ordered to lie on the table:

"ENROLLED JOINT RESOLUTION No. 1

"Whereas, the national speed limit of 55 m.p.h. originated as an emergency conservation response to shortages of crude oil; and

"Whereas, while conservation remains a worthwhile goal, an emergency no longer exists; and

"Whereas, the continuation of a national speed limit of 55 m.p.h. may continue to impose an economic burden on governmental entities and businesses because of longer travel times for employees, resulting in less production and increased lodging and per diem costs; and

"Whereas, state officials are eminently more qualified to determine appropriate speeds within their states based on individual state circumstances.

"Now, therefore, be it resolved by the members of the legislature of the State of Wyoming:

"Section 1. That Congress repeal the national speed limit of 55 m.p.h. and allow each state the right to determine appropriate speeds within its state boundaries.

Section 2. That the Secretary of State of Wyoming forward copies of this resolution to: the President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the Secretary of the Department of Transportation of the United States; and each member of Wyoming's Congressional delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1091. A bill to amend the Tariff Schedule of the United States by adding a new item on kitchenware of transparent, nonglazed glass ceramics; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 1092. A bill to offset the competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; to the Committee on Finance.

By Mr. TRIBLE (for himself, Mr. DODD, Mr. ARMSTRONG, Mr. BRADLEY, Mr. NICKLES and Mr. SYMMS):

S. 1093. A bill to suspend most-favored-nation trade privileges to Romania until that government recognizes and protects fundamental human rights, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. MATSUNAGA) (by request):

S. 1094. A bill to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG:

S. 1095. A bill entitled the "Diversification in Broadcast Ownership Act of 1987"; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1091. A bill to amend the Tariff Schedule of the United States by adding a new item on kitchenware or transparent, nonglazed glass ceramics; to the Committee on Finance.

AMENDMENT TO TARIFF SCHEDULES

● Mr. ROCKEFELLER. Mr. President, I am introducing a bill to amend the Tariff Schedule of the United States by adding a new item—909.15—on kitchenware of transparent, nonglazed glass ceramics.

Mr. President, I ask unanimous consent that these remarks and the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"909.15	Kitchenware of transparent nonglazed glass ceramics, having a linear coefficient of expansion not exceeding 10 x 10^{-7} per Kelvin within a temperature range of 0°C to 300°C (provided for in 534.97, part 2C, schedule 5).	Free	No change ...	On or before 12/31/89"

SEC. 2. The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1988.●

By Mr. ROCKEFELLER:

S. 1092. A bill to offset the competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; to the Committee on Finance.

COAL TRADE EQUALIZATION ACT

● Mr. ROCKEFELLER. Mr. President, I am today introducing the Coal Trade Equalization Act of 1987, a bill that would impose an $8 per ton tariff on imported coal. The purpose of this bill is extremely simple, to establish a national policy on coal imports.

Mr. President, from the docks of Newcastle in New South Wales, Australia, to the Gulf of Mexico is many thousands of miles; yet it has recently been reported that Florida Power would become the second utility situated on the Gulf of Mexico to purchase coal from "down under." Other utilities are looking to purchase coal not only from Australia, but also Colombia, the Canadian province of British Columbia, and even China.

Over the last 3 years, Mr. President, the perspective on coal imports has drastically changed. The combination of an intensely competitive marketplace and new sources of coal, both in this hemisphere and abroad, has stimulated tremendous fear about increasing coal imports.

Several Government studies have confirmed that coal imports will continue to grow and that electric utilities will continue to pursue contracts with foreign supplies. But the analysts tell us these will remain insignificant, a minor problem. I am neither convinced by their analysis, nor trusting of their prognosis. For example, none of the Government studies had predicted that Australian coal would enter the gulf coast utility market—yet, it appears that will occur.

Mr. President, something is fundamentally wrong when the greatest coal nation in the world is looking overseas for coal purchases. Our domestic coal industry is on the ropes, many an operator on the verge of bankruptcy, and thousands of miners are either out of work or fearful that they soon will be.

Haven't we learned that our basic industries are important and deserve reasonable protection from foreign assaults? Haven't we learned by the experience of steel and autos and so many more critical industries? I think we must learn when it comes to coal.

Mr. President, the health and well-being of the U.S. coal industry is not only critical to Appalachia, but to the economic health of the entire country. The coastal markets of the United States, especially the rapidly growing gulf coast, provide some of the best opportunities for expanded coal sales. We can't stand by and watch other countries skim the cream of this business and the new business it represents while coal operators struggle to stay alive.

Mr. President, the Coal Trade Equalization Act seeks to balance the market conditions faced in coal today. It recognizes that there are costs that we as a nation demand of our coal operators—primarily regulatory costs—that leave them susceptible to having important business snatched away by lower cost competition.

Mr. President, the coal industry has made massive gains in mine safety and on reclaiming the land from which the coal has been taken. The industry has made, by and large, tremendous strides in coal mine productivity and modernization. In the face of a distressed market and in the face of increasing foreign development of coal mines, some of these gains are threatened.

Mr. President, I believe the Coal Trade Equalization Act is a legitimate response to a very real problem. I am not willing to stand by and wait for the tide of imports to grow larger—I think we must act now. I urge my colleagues to favorably consider this bill.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Trade Equalization Act."

SEC. 2. FINDINGS.

This Congress finds and declares that—

(1) the United States possesses vast reserves of coal which an economical and environmentally sound manner for the purpose of generating electricity and for industrial and other commercial applications;

(2) reliance on often volatile foreign sources of coal does not contribute to the energy independence and security of the United States, aggravates the balance of trade deficit, may jeopardize the reliability of electrical power generation in certain regions of the Nation, does not make full use of domestic resources and may contribute to unemployment in regions dependent to some degree upon the production and utilization of coal for their economic welfare;

(3) there exists no national policy on imports of coal, which imports currently enter the United States free of tariff;

(4) many foreign nations impose a variety of trade constraints on imported coal, including coal which originates in the United States; and

(5) foreign coal producers are not required to comply with stringent environmental, health, welfare and safety standards thereby giving foreign coal producers a competitive advantage over domestic coal producers.

SEC. 3. INVESTIGATION, REPORT, AND RECOMMENDATIONS BY THE SECRETARY OF THE INTERIOR REGARDING THE FEDERAL COAL LEASING PROGRAM AND THE UNITED STATES COAL INDUSTRY.

(a) INVESTIGATION AND REPORT.—The Secretary of the Interior shall investigate the relationship between coal imports and—

(1) the management of the Federal coal leasing program; and

(2) the economic condition of the United States coal industry;

and report the results thereof within one hundred and eighty days after the date of the enactment of this Act to the Committee on the Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(b) Legislative Recommendations.—If the Secretary of the Interior finds, as a result of the investigation under subsection (a), that coal imports are adversely affecting the management of the Federal coal leasing program and the economic condition of one or more sectors of the United States coal industry, the Secretary shall include in the report required under subsection (a) appropriate legislative recommendations.

SEC. 4. TARIFF TREATMENT OF COAL.

Subpart J of part 1 of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out item 521.31 and inserting in lieu thereof the following:

	"Coal of all classifications, including culm and slack, and including lignite but not including peat; coke commercially suitable for use as fuel; and compositions of coal, coke, or other carbonaceous material, whether in briquet or other form, used for fuel:		
	Coal:		
521.32	If the product of a country determined by the Secretary of Commerce to be a historical importer of United States coal in quantities exceeding the quantities of coal that it exports to the United States.	Free	Free
521.34	Other	$8 per ton	$8 per ton
521.36	Other	Free	Free".

SEC. 5. AMENDMENTS TO THE TRADE ACT OF 1974.

Paragraph (1) of section 503(c) of the Trade Act of 1974 (19 U.S.C. 2463) is amended—

(1) by striking out "and" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(H) coal subject to the duty imposed under item 521.34 of the Tariff schedules of the States (19 U.S.C. 1202).".

SEC. 6. EFFECTIVE DATE OF CERTAIN PROVISIONS.

The amendments made by sections 4 and 5 of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date of enactment of this Act.●

By Mr. TRIBLE (for himself, Mr. Dodd, Mr. Armstrong, Mr. Bradley, Mr. Nickles, and Mr. Symms):

S. 1093. A bill to suspend most-favored-nation trade privileges to Romania until that government recognizes and protects fundamental human rights, and for other purposes; to the Committee on Finance.

HUMAN RIGHTS IN ROMANIA

Mr. TRIBLE. Mr. President, today, I am reintroducing legislation that I sponsored last year aimed at suspending the special trade privileges accorded the Communist government of Romania. I am pleased that Senator Dodd has joined me as a cosponsor of this measure.

Like many of my colleagues, I had hoped that we would not have to renew our efforts to suspend Romania's most-favored-nation trade status. I would have preferred that the administration join us last year in recognizing Romania's manipulative strategy with respect to MFN, and in acting to sever those benefits until Romania grants some semblance of religious and political freedom.

Regrettably, that was not the case. While expressing reservations about the abysmal human rights situation in Romania, the President in June 1986 recommended a 1-year extension of Romania's MFN status. Many in the Congress opposed that extension. The Senate unanimously approved a resolution that Senator Dodd and I offered condemning Romania's ongoing persecution of religious believers and ethnic minorities. A resolution disapproving the MFN extension failed by only a small margin in the House.

These congressional actions had some positive effect. Several longstanding human rights cases were resolved, and the Romanians promised the administration that they would permit the printing of several thousand bibles over the next few years. These were constructive developments. These steps, if expanded, could lead to improved Romanian-American relations in the years ahead.

But Mr. President, they are simply not enough. They are not enough to enable the United States to conduct business as usual with the Ceausescu regime. And they are certainly not enough to warrant the continued extension of special trade privileges to the Government of Romania.

Notwithstanding the few concessions Romania made last year, Ceausescu's regime of repression remains intact. The most basic political freedoms are denied. There is no freedom of speech; no freedom of assembly; no system of justice save the arbitrary edicts of Nicolae Ceausescu. Hungarians and other ethnic minorities are severely oppressed—the victims of a sustained governmental effort to absorb minority groups into a unified Romanian culture. And for the second consecutive year, overall emigration from Romania declined by more than 2,000.

Moreover, the Romanian Government has made no fundamental change in its attack on freedom of religion in Romania.

Romania's first and foremost goal with respect to religion is to crush those who are already religious activists. In recent years, this oppressive effort has taken many forms. The State Department's 1986 report on human rights practices indicates that:

> Activists who are devout and vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation and or arrest, and in some case beatings.

The second prong of Romania's religious attacks is to discourage those not already active from becoming so. The Ceausescu regime apparently believes that it is better to suppress religious activity rather than risk the domestic and international consequences that would ensue from wiping it out entirely.

Accordingly, the government licenses several denominations and permits some quiet religious activity. But, the government's powers over religious licenses and church services are often used arbitrarily as a means of punishment. The State Department's report on Romanian notes, "with such 'freedom' comes the disadvantage that those who exercise it are less likely to advance far in their trade or to enter such professions as law or medicine."

The third front in Romania's war on religion is the Government's effort to prevent growth in religious affiliation, especially among the smaller, more active denominations. The Ceausescu regime strictly controls the numbers of bibles and other religious literature in circulation and punishes those who distribute such literature. The Government severely limits seminary admissions, thereby ensuring a future shortage of clerical leaders and promulgates laws that curb the ability of parents to pass their religious beliefs on to their children.

In short, Mr. President, Romanian policy toward religious and political liberties has not changed. The cyclical, cynical nature of Romania's human rights policy is unaltered.

And so, I remain convinced that we must fundamentally alter our relationship with the Ceausescu regime. To that end, the legislation I introduced today will suspend for at least 6 month's the most favored nation trade benefits currently enjoyed by Romania. The use of American trade leverage has become an important tool in American's campaign to further freedom around the world. We employed that tool most recently with respect to South Africa, and we have taken a similar approach to the outlaw nation of Libya.

I believe we should adopt a similar policy toward Romania in order to curb the trammeling of human rights in that nation. I urge my colleagues to join Senator Dodd and I in sponsoring this bill, and I ask unanimous consent that a copy of the legislation be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS

The Congress—

(1) notes that the Department of State, in the publication Country Reports on Human Rights Practices for 1986, determined that "In the area of human rights, major dis-

crepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romanian practice. . . . The party, through the Government, continues to restrict and control the right to free speech and free assembly and association, and to apply restrictions to religious practice.";

(2) is aware of numerous accounts from the Department of State, Congressional delegations, and various human rights organizations, that Romanian citizens are being arbitrarily harassed, interrogated, and arrested by Romanian Government authorities for the exercise of civil and religious liberties;

(3) finds that official Romanian harassment of religious believers has not only been extended to the arrest of persons for carrying Bibles and other religious materials, but even carried to the point of destroying places of worship, including most recently the country's largest Seventh Day Adventist Church and the Sephardic synagogue in Bucharest;

(4) further finds that the United States trade deficit with Romania (which continues to be high) is a result of our extension of nondiscriminatory treatment (most-favored-nation treatment) to that country and can be construed as an endorsement of that nation's abusive internal practices;

(5) is aware that during 1986, overall emigration from Romania to Israel and other nations declined for the second consecutive year;

(6) is also aware of the severe limits placed on the rights of Hungarians and other ethnic minorities within Romania to express and maintain their cultural heritage, as is illustrated by the attempts made by the Romanian Government to eliminate systematically Hungarian churches, schools, traditions, and even the Hungarian language from Romanian society;

(7) recognizes and emphasizes the continued dedication of the United States to fundamental human rights (as noted in section 402 of the Trade Act of 1974) and is concerned with Romania's lack of commitment to those rights; and

(8) commends the President for withdrawing Romania's eligibility for duty-free treatment under the Generalized System of Preferences because of Romania's violation of "internationally recognized worker rights".

SEC. 2. SUSPENSION OF NONDISCRIMINATORY TREATMENT FOR ROMANIAN PRODUCTS.

The products of Romania shall not receive nondiscriminatory treatment (most-favored-nation treatment) during the six-month period beginning on the date of enactment of this Act.

SEC. 3. REPORTING REQUIREMENT ON HUMAN RIGHTS CONDITIONS IN ROMANIA.

Not later than 60 days after the date of enactment of this Act, and every 60 days thereafter, the President shall submit to the Congress a detailed report on the human rights situation in Romania, including an assessment of—

(a) whether free emigration continues to be denied; whether more than a nominal tax continues to be imposed on emigration or on the visas or other documents required for emigration; and whether more than nominal taxes, levies, fines, fees, or other charges continue to be imposed on citizens as a consequence of their desire to emigrate;

(b) the degree to which the Government of Romania continues to persecute its citizens on religious and political grounds; and to repress Hungarians and other ethnic minorities in Romania; and

(c) the progress Romania is making toward fulfilling its promise to facilitate the printing, importation, and distribution of several thousand bibles in both the Hungarian and Romanian languages, and toward providing building permits or acceptable alternative places of worship to churches and synagogues which have been destroyed or expropriated by the Government.

The President shall continue to submit such reports as scheduled, whether or not nondiscriminatory treatment (most-favored-nation treatment) is restored to Romanian products after the six-month suspension period.

SEC. 4. NONDISCRIMINATORY TREATMENT OF ROMANIAN PRODUCTS AFTER THE SIX-MONTH SUSPENSION.

If, after expiration of the six-month suspension, the President exercises his authority under the Trade Act of 1974 to restore nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania, his next report to the Congress pursuant to Section 3 of this Act shall contain an assessment as to whether such restoration will also substantially alleviate the concerns denoted in the reporting requirement in Sections 3(b) and 3(c) of this Act.

● Mr. DODD. Mr. President, I join my colleague, Senator TRIBLE in introducing this bill to correct a glaring inconsistency in our human rights policy.

I have been following the human rights situation in Romania for most of my time in Congress. The record of the government of that country was rather bleak in the mid-seventies when we granted most-favored-nation treatment to goods we import from them. Since that time that record headed in only one direction: downward, steeply and steadily. By now, Romania has the distinction of having unquestionably the most oppressive, most brutal, most inhumane regime even accordingly to the low standards of the Soviet bloc. The brunt of this oppression is directed against that country's religious and ethnic minorities. Religous practice is suppressed to an unprecedented degree, churches are bulldozed, believers imprisoned for the mere professional and practice of their faith. The regime has eliminated most of the cultural institutions of the 2.5 million strong Hungarian minority and went as far as to recycle into toilet paper 20,000 Hungarian language protestant Bibles that were allowed into the country at the insistence of my predecessor, Senator Abe Ribicoff.

There are reforms being instituted in the Soviet Union at present some of them concerning the rights of their own citizens. It is too early to tell if these reforms will signify a profound and permanent positive change in Soviet attitudes toward human rights. It is characteristic, however, that the most outright rejection of the Gorbachev reforms came from Romania's President Ceausescu. He expressly ruled out any kind of change in the way that regime treats its own citizens.

Since the early seventies our country has conferred on the Romanian regime economic, political, and cultural benefits unprecedented in our relations to a Warsaw Pact country. In turn, the Romanian regime turned a deaf ear to all our pleas to moderate their inhuman practices toward religous believers, ethnic minorities, dissenters, indeed the whole Romanian people. Their behavior is utterly contemptuous toward our concern for their own citizens. It is still not too late for us to draw the proper consequences, through we should have done so years ago.●

Granting favorable trade status to our friends and allies may be a matter of course. For our adversaries in the Communist world it is, and should remain, a privilege. We have expectations in return, one of them being a moderate, reasonable human rights record, which, by the way, is a legally mandated consideration in any relation we have with any country. I, for one, do not feel apologetic at all that beyond commercial advantages we also try to use our trade relations to express our concerns for the liberties of the citizens of our trading partners. The reason we are doing this lies in the practices of those very governments who are the loudest in protesting our "meddling" in their affairs. These governments conveniently overlook the fact that the liberties of the citizenry ought to be on the top of the agenda of any government claiming a modicum of legitimacy.

In response to many years of increased oppression inflicted on the Romanian people by its government, it is time to go beyond exhortations and apply this very moderate sanction. It is not a termination, only a 6 month suspension of Romania's MFN status. Its purpose is to get the attention of Romania's ruler amd make him realize that reforms are past due.

For the information of my colleagues I want to clarify that this legislation is not based on the Jackson-Vanik amendment, it would be valid even if Jackson-Vanik did not exist. I strongly support the continuation and integrity of the Jackson-Vanik amendment and this bill leaves the Jackson-Vanick process untouched.

I strongly urge my colleagues to reaffirm our dedication to fundamental human rights to supporting this proposed legislation.

By Mr. COCHRAN (by request):

S. 1094. A bill to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICANS ACT AMENDMENTS

• Mr. COCHRAN. Mr. President, today I am introducing the administration's bill to reauthorize the Older Americans Act. This is a program that has been a very important and worthwhile activity of the Federal Government since 1965. It has been amended over the years but the programs are mainly to assist older Americans who have special needs, whether we are talking about nutrition assistance that is needed or transportation needs. There are funds here for the States to use to build and renovate buildings for senior citizen centers.

I know many have taken advantage of opportunities when the Senate is not in session to visit some of these senior citizen centers.

When we were not in session, I had a chance to go by a senior citizen center in Jackson, MS, to talk about the reauthorization of this important program and to get input from those who were being served by the program about possible changes that could be made, improvements in the program, and that kind of thing. I think it is important for us to keep this line of communication open.

So today I am introducing the bill the administration is requesting for reauthorization of the Older Americans Act.

I also should point out that I am cosponsoring the bill with Senator MATSUNAGA, the chairman of our Subcommittee on Aging, which also has been introduced and has been referred to our Subcommittee on Aging in the Labor and Human Resources Committee.

We have been conducting hearings, Mr. President, getting a wide range of input about changes, about improvements, and what the Federal Government ought to be doing to try to improve the quality of life of our elderly citizens. I am optimistic that we are going to develop a proposal for legislation this year which will improve the program, which will provide some more flexibility to States and to area agencies on aging, those who work with these programs at the local level.

Mr. President, today let me ask unanimous consent that a section-by-section analysis of this bill and the bill itself be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Older Americans Act Amendments of 1987".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965, unless otherwise specifically stated.

TITLE I—AMENDMENTS TO TITLE II—ADMINISTRATION ON AGING

APPOINTMENTS TO FEDERAL COUNCIL ON THE AGING AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a)(1) Section 204(a) (42 U.S.C. 3016(a)(1) is amended—

(A) in the first sentence, by striking out "by each appointing authority; and

(B) in the second sentence, by striking out "two of the members appointed by each appointing authority" and inserting instead "five of the members".

(2) Section 204(a) is further amended by adding at the end the following new paragraph:

"(3) Members appointed in fiscal year 1988 and succeeding fiscal years shall be appointed by the President with the advice and consent of the Senate.".

(b) Section 204(g) (42 U.S.C. 3016(g)) is amended by striking out all that follows "to carry out the provisions of this section" and inserting instead "such sums as may be necessary for fiscal year 1988, and each of the two succeeding fiscal years.".

TITLE II—AMENDMENTS TO TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 303(a) (42 U.S.C. 3023(a)) is amended by striking out all that precedes "for the purpose of making grants" and inserting instead "such sums as may be necessary for fiscal year 1988 and each of the two succeeding fiscal years,".

(b)(1) Section 303(b)(1) (42 U.S.C. 3023(b)(1)) is amended by striking out all that precedes "for the purpose of making grants" and inserting instead "such sums as may be necessary for fiscal year 1988 and each of the two succeeding fiscal years,".

(2) Section 303(b)(2) (42 U.S.C. 3023(b)(2)) is amended by striking out all that precedes "for the purpose of making grants" and inserting instead "such sums as may be necessary for fiscal year 1988 and each of the two succeeding fiscal years,".

ALLOTMENTS: ELIMINATION OF HOLD-HARMLESS; STATE ALLOTMENTS BASED ON POPULATION AGED 70 AND OVER

SEC. 202. (1) Section 304(a)(1) (42 U.S.C. 3024(a)(1)) is amended—

(A) by striking out "Subject to paragraph (2), from" and inserting instead "From";

(B) by striking out "aged 60 or older" each time it occurs and inserting instead "aged 65 or older";

(2) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as redesignated, by striking out "aged 60 or older" and inserting instead "aged 65 or older".

STATE MATCHING FUNDS FOR OMBUDSMAN PROGRAM

SEC. 203. Section 304(d)(1)(B) (42 U.S.C. 3024(d)(1)(B)) is amended to read as follows:

"(B) such amount as the State agency determines shall be available for paying such percentage as the State agency determines, but not more than 85 percent, of the cost of conducting an effective ombudsman program under section 307(a)(12);".

STATE PLANNING AND SERVICE AREAS

SEC. 204. (a) Section 305(a)(1)(E) (42 U.S.C. 3025(a)(1)(E) is amended by striking out "in the case of a State specified in subsection (b)(5)(A,".)

(b) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended to read as follows—

"(5)(A) Any State may designate, with the approval of the Commissioner and after considering the factors specified in subsection (a)(1)(E)—

"(i) one or more planning and service areas covering all of the older individuals in the State, in which the State agency performs the functions of an area agency for the entire State; or

"(ii) planning and service areas covering some of the older individuals in the State, in which the area plans are administered by public or private nonprofit agencies or organizations as area agencies on aging, and one or more additional planning and service areas, covering the remaining older individuals in the State, in which the State agency administers the area plan.".

DEFINITIONS OF GREATEST ECONOMIC AND SOCIAL NEED

SEC. 205. (a) Section 302 (42 U.S.C. 3022) is amended by adding at the end the following new paragraphs:

"(13) The term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.

"(14) The term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation affecting minority individuals or other elderly individuals who would not otherwise be expected to seek available services, which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently, and specifically includes factors that put an individual at risk of institutionalization.".

(b) Section 305(d) (42 U.S.C. 3025) is amended—

(1) by striking out paragraph (2); and

(2) by striking out "(1) after "(d)", and redesignating subparagraphs (A) through (D) as paragraphs (1) through (4).

(c) Section 306(a) (42 U.S.C. 3026(a)) is amended in paragraph (6) by striking out the matter following the end of subparagraph (K).

AMENDMENT TO REQUIRED ASSURANCES WITH RESPECT TO EXPENDITURES FOR SPECIFIED SERVICES

SEC. 206. (a) Section 306(a)(2) (42 U.S.C. 3026(a)(2)) is amended by striking out the matter preceding subparagraph (A) and inserting instead "provide assurances that some funds from the amount allotted for part B to the planning and service area will be expended for the delivery of one or more of the following categories of services—".

(b) Section 306 (42 U.S.C., 3026) is further amended by repealing subsection (b) and redesignating subsection (c) as subsection (b).

APPLICABILITY OF DAVIS-BACON ACT

SEC. 207. Section 307(a)(14)(D) (42 U.S.C. 3207(a)(14)(D)) is amended by inserting "for all contracts in excess of $100,000" after "assurances that".

COORDINATION OF COMMUNITY-BASED SERVICES

SEC. 208. Section 307(a) (42 U.S.C.; 3027(a)) is amended—

(1) by striking out "; and" at the end of paragraph (20);

(2) by striking out the period at the end of paragraph (21) and inserting instead "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) provide assurances that area agencies on aging will facilitate the coordination of community-based services, pursuant to section 306(a)(6)(I), to individuals aged 65 or older who—

"(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently,

"(B) are patients in hospitals at risk of prolonged institutionalization, or

"(C) are patients in long-term care facilities, but who could remain in or be returned to the community if community-based services were available.".

OPTIONAL SLIDING FEE SCHEDULES FOR SUPPORTIVE SERVICES

SEC. 209. Section 307(a) (42 U.S.C.; 3027(a)), as amended by section 208, is further amended—

(1) by striking out "; and" at the end of paragraph (21);

(2) by striking out the period at the end of paragraph (22) and inserting instead "; and"; and

(3) by inserting after paragraph (22) the following new paragraph:

"(23) (if the State agency elects to permit area agencies to charge fees, based on ability to pay, for supportive services under part B) specify the services under part B for which fees may be charged, and ensure that no fee for such services will be charged to low income individuals.".

DEMONSTRATION WAIVERS

SEC. 210. Section 308(a) (42 U.S.C. 3028(a)) is amended by adding after paragraph (3) the following new paragraph:

"(4) In the case of any demonstration project of statewide significance relating to the initiation, expansion, or improvement of services assisted under this title which, in the judgment of the Commissioner, is likely to assist in promoting the objectives of this title, in a State or States—

"(A) the Commissioner may waive compliance with any of the requirements of section 305, 306, or 307, as the case may be, to the extent and for the period the Commissioner finds necessary to enable such State or States to carry out such project, and

"(B) costs of such project which would not otherwise be allowable as costs for which payments may be made from allotments under this title shall, to the extent and for the period prescribed by the Commissioner, be regarded as allowable costs under the State or area plan or plans approved under this title, or for the administration of such State or area plan or plans, as may be appropriate.".

ELIMINATION OF AUTHORITY TO USE SERVICES FUNDS FOR STATE PLAN ADMINISTRATION

SEC. 211. Section 308(b) (42 U.S.C. 3028(b)) is amended—

(1) by striking out paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4).

TRANSFER OF FUNDS FOR SUPPORTIVE SERVICES AND NUTRITION PROGRAMS

SEC. 212. Section 308(b) (42 U.S.C. 3028(b)), as amended by section 211, is further amended in paragraph (4)(B) (as redesignated) by striking out all that follows "subparagraph (A)—" and inserting instead the following:

"(i) not more than 50 percent of the funds appropriated for fiscal year 1988;

"(ii) not more than 60 percent of the funds appropriated for fiscal year 1989; and

"(iii) not more than 75 percent of the funds appropriated for fiscal year 1990.".

ELIMINATION OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 213. Section 309(c) (42 U.S.C. 3029(c)) is repealed.

TITLE III—AMENDMENTS TO TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

EDUCATION AND TRAINING

SEC. 301. (a) Section 411 (42 U.S.C. 3031) is amended to read as follows:

"SEC. 411. The Commissioner may make grants and enter into contracts to achieve the purposes of this part.".

(b) Section 412 (42 U.S.C. 3032), including the caption thereof, is repealed.

RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

SEC. 302. (a) Section 421 (42 U.S.C. 3035) is amended to read as follows:

"SEC. 421. The Commissioner may make grants to or enter into contracts with any public or private agency, organization, or institution, or individual to support research and development related to the purposes of this Act, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purposes of this title.".

(b) Section 422 (42 U.S.C. 3035a) is amended to read as follows:

"SEC. 422. The Commissioner may, after consultation with the State agency in the State involved, make grants to or enter into contracts with any public or private agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the wellbeing of older individuals.".

(c) Sections 423, 424, and 426 (42 U.S.C. 3035b, 3035c, and 3035e), including the captions thereof, are repealed.

(d) Section 425 (42 U.S.C. 3035d) is redesignated as section 423.

AUTHORIZATION OF APPROPRIATIONS; TRANSFER OF FUNDS TO OTHER FEDERAL ENTITIES

SEC. 303. (a) Section 431(a) (42 U.S.C. 3037(a)) is amended by striking out "to carry out the provisions of this title" and all that follows and inserting instead "such sums as may be necessary for fiscal year 1988 and each of the two succeeding fiscal years to carry out the provisions of this title. Amounts appropriated under this section for each fiscal year shall remain available until the end of the succeeding fiscal year.".

(b) Section 431(b) (42 U.S.C. 3037(b)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2).

TITLE V—AMENDMENTS TO TITLE VI—GRANTS FOR INDIAN TRIBES

DUAL ELIGIBILITY OF INDIANS

SEC. 501. Section 602(a) (42 U.S.C. 3057a(a)) is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking out "; and" at the end of paragraph (2) and inserting a period instead; and

(3) by striking out paragraph (3).

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Section 608(a) (42 U.S.C. 3057g(a) is amended by striking out all that follows "There are authorized to be appropriated" and inserting instead "such sums as may be necessary for fiscal year 1988 and each of the two succeeding fiscal years, to carry out the provisions of this title other than section 606.".

TITLE VI—REPEAL OF TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

SEC. 601. (a) Title VII (42 U.S.C. 3058 *et seq.*), including the captions thereof, is repealed.

(b) Section 304(d)(1) (42 U.S.C. 3024(d)(1)) is amended by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(c) Section 307(f) (42 U.S.C. 3027(f)) is repealed.

TITLE VII—MINOR AND TECHNICAL AMENDMENTS; EFFECTIVE DATE

MINOR AND TECHNICAL AMENDMENTS

SEC. 701. (a) Section 102 (42 U.S.C. 3002) is amended—

(1) by inserting "(a)" after "Sec. 102.", and

(2) by adding at the end the following new subsection:

"(b) For definitions of additional terms used in this Act, see sections 302 and 507.".

(b) Section 102(a)(1) (42 U.S.C. 3002(a)(1)) is amended by striking out "other than for purposes of title V" and inserting instead "except that, as used in title V, the term 'Secretary' means the Secretary of Labor".

(c)(1) Section 102(a)(3) is amended by striking out "The term 'State' includes" and inserting instead "The term 'State' means each of the several States,".

(2) Section 302 (42 U.S.C. 3022) is amended by striking out clause (6), and redesignating clauses (7) through (14) as clauses (6) through (13).

(d) Section 205 (42 U.S.C. 3016) is amended by striking out subsection (c), and redesignating subsection (d) as subsection (c).

(e) Section 207 (42 U.S.C. 3018) is amended by striking out the subsection designation "(a)", and striking out subsection (b).

(f) Section 208 (42 U.S.C. 3019) is amended by inserting "section 210(a) and".

(g) Section 304(a)(2) (42 U.S.C. 3024(a)(2) is amended by striking out "and section 308".

(h) Section 304(c) (42 U.S.C. 3024(c)) is amended to read as follows:

"(c) For provisions governing the disbursement of funds in the case of a State's failure to qualify under the provisions of section 307, see section 307(d).".

(i) Section 304(d)(1) (42 U.S.C. 3024(d)(1)) is amended, in the matter preceding subparagraph (A), by inserting a comma after "section 308(b)".

(j) Paragraphs (3) and (4) of section 308(b) (42 U.S.C. 3028(b)), as redesignated by section 210 of this Act, are transferred to a new subsection (e) at the end of section 304 (42 U.S.C. 3024) and redesignated as paragraphs (1) and (2) of that subsection.

(k) Section 305(a)(2)(C) (42 U.S.C. 3025(a)(2)(C)) is amended by inserting before the semicolon at the end", in accordance with subsection (d)".

(l) Section 305(b)(5)(B) (42 U.S.C. 3025(b)(5)(B)) is amended by striking out "after the date of enactment of the Older Americans Act Amendments of 1984".

(m) Section 306(a)(6)(G) (42 U.S.C. 3026(a)(6)(G)) is amended by striking out "and" after the semicolon.

(n) Section 307(a)(13)(B) (42 U.S.C. 3027(a)(13)(B)) is amended by striking out "subclause (H)" and inserting instead "subparagraph (H)".

(o) Section 307(a) (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (15)(C), by inserting "assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State, and will" after "the State agency will"; and

(2) by striking out paragraph (18).

(p)(1) Section 307(a) (42 U.S.C. 3072(a)) is amended by adding after paragraph (17) the following new paragraph (18):

"(18) provide assurances that, to the extent otherwise permitted by law, preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, and include proposed methods of carrying out the preference in the State plan.".

(2) Section 305(a)(2) (42 U.S.C. 3025(a)(2)) is amended—

(A) by inserting "and" at the end of subparagraph (C);

(B) by striking out"; and" at the end of subparagraph (D) and inserting a period instead; and

(C) by striking out subparagraph (E).

(3) Section 305(a)(5)(A) (42 U.S.C. 3025(a)(5)(A)) is amended by inserting ", to the extent otherwise permitted by law," after "provide assurances that".

(q) Section 307(a)(21) (42 U.S.C. 3027(a)(21)) is amended by striking out "an amount equal to an amount".

(r) Section 307(d)(3) (42 U.S.C. 3027(d)(3)) is amended by striking out "allotments under section 304 and section 308" each place it occurs and inserting instead in each place "allotment under section 304".

(s) Section 321 (42 U.S.C. 3030d) is amended—

(1) by striking out "(a)" after "Sec. 321.", and by striking out subsection (b);

(2) by redesignating paragraph (19) as paragraph (21);

(3) by striking out "or" at the end of paragraph (18); and

(4) by inserting after paragraph (18) the following new paragraphs:

(19) acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve as multipurpose senior centers;

"(20) assisting in the operation of multipurpose senior centers and meeting all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers; or".

(t) Section 337 (42 U.S.C. 3030g) is amended by inserting "National" before "Association of Area Agencies on Aging".

(u) Sections 601, 602, and 603 (42 U.S.C. 3057, 3057a, and 3057(b)) are each amended by striking out "supportive services, including nutritional services" and inserting instead "supportive and nutrition services".

(v) Section 604 (42 U.S.C. 3057c) is amended in paragraphs (1) and (8) by striking out "nutritional" each place it occurs and inserting instead "nutrition".

(w) Section 606 (42 U.S.C. 3057e) is amended by striking out "nutritional" and inserting instead "nutrition".

EFFECTIVE DATE

SEC. 702. The amendments made by this Act shall become effective with respect to calendar quarters beginning on or after October 1, 1987.

SECTION-BY-SECTION SUMMARY

The draft bill would make amendments to the Older Americans Act of 1965 ("the Act").

SHORT TITLE

Section 1 of the draft bill provides the short title. When enacted, it would be cited as the "Older Americans Act Amendments of 1987".

TITLE I—AMENDMENTS TO TITLE II—ADMINISTRATION ON AGING

Appointments to Federal Council on the Aging; authorization of appropriations

Section 101(a) of the draft bill would restore, for FY 1988 and succeeding fiscal years, the procedure in effect prior to enactment of P.L. 98-459, the Older Americans Act Amendments of 1984, under which appointments to the Federal Council on the Aging are made by the President with the advice and consent of the Senate.

Subsection (b) of the draft bill would authorize appropriations for the Council of such sums as necessary for FY 1988 and each of the two succeeding fiscal years.

TITLE II—AMENDMENTS TO TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Authorization of appropriations

Section 201(a) of the draft bill would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for supportive services and senior centers.

Subsection (b) would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for congregate nutrition services.

Subsection (c) would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, for grants to States for home delivered nutrition services.

Allotments: elimination of hold-harmless; State allotments based on population aged 65 and over

Section 202 of the draft bill would amend the formula for allotments to States from appropriations under title III of the Act to base allotments on population aged 65 and over (the formula under current law is based on population aged 60 and over). States' authority to provide services to individuals aged 60 and over would remain unchanged.

This section would also eliminate the provision guaranteeing each State an allotment not less than its total allotment for the State grant program for FY 1984.

These amendments would direct more funds to States with greater needs for programs under the Act, due to larger numbers of older individuals in their populations.

State matching funds for Ombudsman Program

Section 203 of the draft bill would require States to provide 15 percent matching of Federal funding for long term care ombudsman activities under the State plan (the same matching share as is required for all other State administrative activities).

State planning and service areas

Section 204 of the draft bill would amend the provision permitting a State agency to function as an area agency. Under prior law, certain States, prior to October 1980, had obtained the approval of the Commissioner on Aging to designate the entire State as a single planning and service area, and to act as the area agency for the single area. Current law permits only those States to designate additional planning and service areas administered by other area agencies, and to continue to function as the area agency for the balance of the State. This section of the draft bill would permit any State, with the approval of the Commissioner, to become a Statewide area agency, or the area agency for some or all of the State's planning and service areas.

Definitions of greatest economic and social need

Section 205 of the draft bill would relocate the definitions of "greatest economic need" and "greatest social need" to the definitions section for title III.

This section would clarify that the definition of "greatest social need" includes factors which put an individual at risk of institutionalization.

This section would also specify that what is meant by "cultural or social isolation", for purposes of the definition of "greatest social need", is that affecting minority individuals or other elderly individuals who would not otherwise be expected to seek available services. The use of the term "minority individuals" conforms the term to that used in the State and area plan requirements. The remainder of the added language highlights that class of elderly individuals who, even though services are available, tend to withdraw and remain in a state of self-imposed isolation.

Amendment to require assurances with respect to expenditures for specified services

Section 206 of the draft bill would eliminate the requirement that area plans provide assurances that an "adequate proportion" of the area's funds for supportive services and senior centers will be expended for the delivery of specified priority services (access services, in-home services, and legal assistance), and would substitute a requirement to expend some funds for one or more of the priority services. This section would also make a conforming amendment to eliminate the related requirement that the area agency conduct a public hearing and obtain a waiver from the State agency before failing to expend funds for any priority service.

Applicability of Davis-Bacon Act

Section 207 of the draft bill would amend the Act to provide that only contracts in excess of $100,000 for construction, alteration, or renovation of multipurpose senior centers are subject to the requirements of the statute commonly known as the Davis-Bacon Act (rather than all such contracts, as under the current provisions of the Act). Under current law, the threshold for contract coverage under the Davis-Bacon Act is $2,000, unchanged since it was set in 1935. The Administration is proposing to increase the threshold to $100,000 for non-defense contracts, in recognition of economic changes over the past several decades and to encourage competition and efficiency in government procurement.

Coordination of community-based services

Section 208 of the draft bill would require State plans to provide assurances that area agencies will facilitate the coordination of community-based services to older individuals residing at home, or in hospitals or long term care facilities, who are at risk of institutionalization but who could remain in or be returned to the community if community-based services were available.

Optional sliding scale fees for supportive services

Section 209 of the draft bill would permit States, at their option, to permit area agencies to charge fees, based on ability to pay, for supportive services under part B of title III. The State agency would be required to ensure that no fees for such services were charged to low income individuals. It would be left to State discretion to determine which supportive services would be subject to charges. As under current law, there would be no authority to charge fees for nutrition services under part C of title III.

Demonstration waivers

Section 210 of the draft bill would authorize the Commissioner to waive compliance with any requirements of sections 305, 306, and 307 of the Act (relating to State program organization, area plans, and State plans) in the case of demonstration projects promoting the objectives of title III.

Elimination of authority to use services funds for State plan administration

Section 211 of the draft bill would repeal the authority for States, upon application to the Commissioner, to use for State plan administration an additional three-fourths of one percent of their allotments under title III for supportive and nutrition services.

Transfer of funds for supportive services and nutrition programs

Section 212 of the draft bill would increase the portion of allotments that States may transfer between the supportive services and nutrition services programs from 30 percent under current law to 50 percent for FY 1988, 60 percent for FY 1989, and 75 percent for FY 1990.

Elimination of maintenance of effort requirement

Section 213 of the draft bill would repeal the requirement that a State's allotment for any fiscal year be reduced by the percentage by which its expenditures from State sources for that fiscal year are less than such expenditures for the preceding fiscal year. This requirement has the unintended effect of discouraging one-time expansions of State programs in response to temporarily increased need or from nonrenewable funding sources.

TITLE III—AMENDMENTS TO TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Title III of the bill would simplify and streamline the provisions authorizing training, research, and discretionary programs and projects under title IV of the Act, and would eliminate barriers to participation by for-profit entities in activities under that title.

Education and training

Section 301 of the draft bill would amend the authority for education and training grants under part A of title IV of the Act. Section 411 of the Act would be amended to give the Commissioner general authority for grants and contracts to achieve the purposes of part A; specific descriptions of types of activities eligible for funding would be deleted. Section 412 of the Act (relating to multidisciplinary centers of geronotology) would be repealed; however, authority to fund these centers would be provided under section 411.

Research, demonstrations, and other activities

Section 302 of the draft bill would amend the authority for research, demonstrations, and other activities under part B of title IV.

Section 421 of the Act would be amended to give the Commissioner general authority to make grants to and enter into contracts with any public or private entity or individual for research and development, evaluation, collection and dissemination of information, and conducting of conferences.

Section 422 of the Act would be amended to give the Commissioner general authority, after consultation with the State agency, to make grants to and enter into contracts with any public or private agency or organization in the State for nationwide, statewide, regional, metropolitan area, county, city, or community demonstration projects.

Section 423 (relating to special projects in comprehensive long-term care), 424 (relating to projects for legal assistance), and 426 (relating to utility and home heating cost demonstrations) would be repealed.

Authorization of appropriations; transfer of funds to other federal entities

Section 303(a) of the draft bill would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years, to carry out the Secretary's discretionary activities under Title IV. The amendment would also provide that amounts appropriated under this authority for any fiscal year would remain available until the end of the succeeding fiscal year.

Subsection (b) would repeal the prohibition on transfer of funds appropriated under title IV to any office or other authority of the Federal Government not directly responsible to the Commissioner.

TITLE V—AMENDMENTS TO TITLE VI—GRANTS FOR INDIAN TRIBES

Dual eligibility of Indians

Section 501 of the draft bill would repeal the provision requiring, as a condition of eligibility of an Indian tribal organization for a grant under title VI of the Act, that individuals to be served by the tribal organization not receive in the same year services under the State grant program under title III of the Act.

Authorization of appropriations

Section 502 of the draft bill would authorize appropriations, for the purpose of carrying out title VI of the Act, of such sums as necessary for FY 1988 and each of the two succeeding fiscal years.

TITLE VI—REPEAL OF TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

Section 601 of the draft bill would repeal the Older Americans Personal Health Education and Training Program under title VII of the Act. This authority, which has never been funded, duplicates other programs addressing the same needs.

TITLE VII—MINOR AND TECHNICAL AMENDMENTS

Section 701 of the draft bill would make minor substantive and technical amendments to the Act.

Subsection (a) would add to the definitions section of title I a cross-reference to the definitions sections of titles III and V.

Subsection (b) would specify that the term "Secretary" as used in title V means the Secretary of Labor.

Subsection (c) would specify that the term "State" (as defined for the Act in title I) includes each of the several States, and would eliminate the redundant definition of the term in title III.

Subsection (d) would repeal an executed requirement to publish regulations implementing amendments made by the Older Americans Act Amendment of 1984.

Subsection (e) would repeal an executed requirement to report to the Congress on the need for elder abuse prevention services.

Subsection (f) would add a clarifying cross-reference.

Subsection (g) would eliminate obsolete and confusing language. (Since enactment of the 1984 amendments, States no longer receive a separate allotment for State plan administration.)

Subsection (h) would eliminate a duplicative provision, and substitute a cross-reference.

Subsection (i) would insert a comma.

Subsection (j) would relocate statutory material that is illogically located.

Subsection (k) would add a clarifying cross-reference.

Subsection (l) would delete obsolete language.

Subsection (m) would delete a superfluous conjunction.

Subsection (n) would correct terminology.

Subsections (o) and (p) would relocate statutory material that is illogically located.

Also, subsection (p) would amend the State and area plan requirements that preferences be given in providing services to individuals with the greatest economic or social needs. By requiring the preference only "to the extent otherwise permitted by law", the amendment clarifies that no actions will be required of State or area agencies that are inconsistent with applicable constitutional principles.

Subsection (q) would delete superfluous language.

Subsection (r) would delete obsolete and confusing language. (See explanation for subsection (g).)

Subsection (s) would make a clarifying amendment. (There is no longer a separate senior centers program; this program is part of the larger supportive services and senior centers program.)

Subsection (t) would correct the name of the National Association of Area Agencies on Aging.

Subsections (u), (v), and (w) would correct language referring to supportive and nutrition services.

Effective date

Section 702 of the draft bill would provide that the provisions of the bill become effective with respect to calendar quarters beginning on and after October 1, 1987.●

By Mr. LAUTENBERG:

S. 1095. A bill entitled the "Diversification in Broadcast Ownership Act of 1987"; to the Committee on Commerce, Science, and Transportation.

DIVERSIFICATION IN BROADCAST OWNERSHIP ACT

● Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to codify and expand rules that promote the ownership of broadcasting licenses by women and minority group members.

Broadcasters are public trustees. They use the public's airwaves. In return, they have a duty to serve the public. It is a principal goal of our communications policy that all sectors of the public are served. Our policy should promote the airing of diverse viewpoints, and service to diverse audiences. To meet these goals, it is important that we promote diversity of ownership of broadcast licenses.

Diversity of ownership does promote diversity of views. Minority and women broadcasters serve a need that is not as well served as others. They address issues that others do not. They speak to an audience that others ignore.

Mr. President, that should be obvious. It was obvious to the Congress, when it included minority preferences in the law authorizing lotteries as a means for distributing low-power television licenses. It was obvious to the courts when they upheld minority preferences. Until recently, it was obvious to the Federal Communications Commission, which established policies to promote minority and women ownership.

But, it has not been obvious to the past Chairman of the Federal Communications Commission, Mark Fowler, nor to his successor, Dennis Patrick. Their FCC launched an inquiry. While a court case raised questions about the basis for incentives for women ownership, the law on minority preferences was not in doubt. Yet, the Commission asked, of both minority and women ownership, do we need special incentives, special preferences, to promote diversity of programming.

The answer is: We do. But, the rule today at the FCC seems to be, if you don't like what the Congress has said, ignore it. One statement in the FCC's notice of inquiry is telling. The FCC says, and I quote: "We solicit comment on whether the Commission is bound by * * * Congressional findings of constitutionality."

This FCC seems to think that it can put itself above the Congress and above the courts. In the case of Steele versus FCC, the court of appeals said, "Under our decisions, the Commission's authority to adopt minority preferences * * * is clear."

But, apparently, it is not clear to the FCC.

Unfortunately, Mr. President, it seems like an act of Congress is necessary, to prevent the FCC from concluding its inquiry and diluting or repealing the existing incentives for minority and women ownership. The legislation I introduce today would do the following:

Grant minorities and women an enhancement factor when more than one applicant is competing for a license. This occurs during what is known as a comparative renewal proceeding. It does not involve a quota. But, all else being equal, it gives the minority or woman applicant an edge.

Allow owners of stations to sell to minorities and women when their license is in distress. Under normal circumstances, if a licensee is in danger of license revocation, the licensee cannot sell the station. The distress sale policy allows such sales to minorities. However, because the FCC has not threatened to revoke many licenses, the number of distress sales has gone down, from 20 between 1978 to 1981, to 5 since 1981.

Allow owners of stations to sell to minorities and women and defer tax on the capital gain for 3 years if no new station is bought, or, if a new station is bought, until that station is sold. This implements a more general provision of law, allowing the Commission to issue tax certificates when they effectuate a Commission policy regarding broadcasting station ownership.

We have come a distance from the days when minority hands held almost no broadcast outlets. As recently as 10 years ago, there were less than 60. Now, there are over 200. But, that still amounts to just 2 percent of licensees. Women own 9 percent.

The Nation still has a long way to go, to ensure adequate service to the diversity of radio and television audiences. Increasing the diversity of ownership can move us toward that goal. The bill I introduce today would assist in that effort. I urge my colleague to support it.

I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Diversification in Broadcast Ownership Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

The Congress hereby finds that—

(1) female and minority Americans are and historically have been severely underrepresented in the ownership of telecommunications facilities;

(2) this underrepresentation is the result of historic and vestigial discrimination in American society;

(3) full participation by women and minorities in the ownership and management of broadcast facilities is essential to realizing the fundamental goals of diversity of viewpoint and diversification of ownership which are at the heart of the first amendment; and

(4) remedying the underrepresentation of women and minorities in broadcasting will enhance diversity of viewpoint and programming content.

SEC. 3. COMPARATIVE MERIT.

(a) AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.—Section 309 of the Communications Act of 1934, is amended by adding at the end thereof the following new subsection:

"(j)(1) The Commission shall establish rules and procedures to ensure that in the granting of any broadcast station license or construction permit for which there is more than one application—

"(A) a significant enhancement credit shall be granted to any applicant the majority interest in which is owned by one or more women; and

"(B) an enhancement credit, greater than that provided under subparagraph (A), shall be granted to any applicant the majority interest in which is owned by one or more members of a minority group (as defined in subsection (i)(3)(C)(ii)).

"(2) The Commission may require each qualified applicant seeking an enhancement credit under paragraph (1) to submit to the Commission such information as may be necessary to enable the Commission to make a determination regarding whether such applicant shall be granted enhancement credit. Such information shall be submitted in such form, at such time, and in accordance with such procedures, as the Commission may require.

"(3) The preceding provisions of this subsection shall not apply with respect to any license or permit to be granted through the use of a system of random selection in accordance with subsection (i).".

(b) RULES AND PROCEDURES.—The Commission shall prescribe and make effective the rules and procedures required under the amendment made by subsection (a) not later than 180 days after the date of the enactment of this Act. Such rules and procedures shall apply to the applications for licenses and construction permits which are designated for hearing on or after the effective date of such rules.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 4. OWNERSHIP OF BROADCAST STATIONS BY MINORITIES AND WOMEN.

(a) MINORITY OWNERSHIP.—(1) The Federal Communications Commission shall not prescribe any rule, regulation, or policy—

(A) with respect to the granting of certificates under section 1071 of the Internal Revenue Code of 1986; or

(B) with respect to distress sales of broadcast stations to an entity controlled by a member or members of a minority group;

that fails to comply with the minority ownership policy established by the Commission on May 25, 1978, in its Statement of Policy on Minority Ownership of Broadcast Facilities (68 F.C.C. 2nd 979; 69 F.C.C. 2nd 1591).

(2) Regulations of the Commission with respect to distress sales of minority-controlled broadcast stations as in effect on September 1, 1986, shall, for purposes of paragraph (1), be considered to comply with the minority ownership policy described in such subsection.

(b) OWNERSHIP BY WOMEN.—The Federal Communications Commission shall prescribe such rules, regulations, and policies as may be necessary to accord to applicants that are controlled by a woman or women the same treatment as is accorded to applicants that are controlled by a member or members of a minority group—

(1) with respect to the granting of certificates under section 1071 of the Internal Revenue Code of 1986; or

(2) with respect to distress sales of broadcast stations to an entity controlled by a woman or women.●

ADDITIONAL COSPONSORS

S. 429

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 429, a bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes.

S. 541

At the request of Mr. KARNES, his name was added as a cosponsor of S. 541, a bill to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive services.

At the request of Mr. PRYOR, the names of the Senator from Illinois [Mr. SIMON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. STAFFORD], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. PELL], the Senator from Wyoming [Mr. WALLOP], the Senator from Michigan [Mr. RIEGLE], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 541, supra.

S. 708

At the request of Mr. PROXMIRE, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 752

At the request of Mr. BENTSEN, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 752, a bill to establish a National Space Grant College and Fellowship Program.

S. 780

At the request of Mr. REID, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

SENATE JOINT RESOLUTION 88

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 88, a joint resolution to designate the period commencing November 15, 1987, and ending November 21, 1987, as "Geography Awareness Week".

SENATE JOINT RESOLUTION 101

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 101, a joint resolution designating June 19, 1987 as "American Gospel Arts Day."

SENATE JOINT RESOLUTION 107

At the request of Mr. KARNES, his name was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

AMENDMENTS SUBMITTED

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT

KERRY (AND OTHERS) AMENDMENT NO. 170

Mr. HOLLINGS (for Mr. KERRY for himself, Mr. WEICKER, Mr. GORE, and Mr. HOLLINGS) (S. 853) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicles Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; as follows:

On page 12, strike all from line 20 through line 6 on page 14 and insert in lieu thereof the following:

(b)(1) Section 402 of title 23, United States Code, is amended by adding at the end of the following:

"(3)(A) After 18 months after the date of enactment of the National Highway Traffic Safety Administration Authorization Act of 1987, the Secretary shall not approve any State highway safety program under this section which does not provide for the implementation of a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals.

"(B) For purposes of this paragraph, a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals is a system which—

"(i) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

"(ii) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iii) Provides for the issuance of removable windshields placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(iv) provides that fees charged for the licensing or registration of a vehicle used to transport such individuals with handicaps do not exceed fees charged for the licensing or registrating of other similar vehicles operated in the State; and

"(v) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of access which have been issued by other States and countries."

(2) Section 402(c) of title 23, United States Code, is amended by inserting immediately after ", as appropriate" the first place it appears the following: ", except that in the case of a failure to obtain approval of or implement a highway safety program because of noncompliance with subsection (b)(3), such funds shall be reduced by amounts equal to 2 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that the closed hearing originally scheduled for 2 p.m. on May 7, in room S-407 to discuss the status of the Department of Energy's efforts to address questions concerning environmental and safety issues surrounding the defense materials production reactors located in the United States has been postponed. The subcommittee will reschedule this hearing at a later date.

For further information, please contact Ben Cooper or Mary Louise Wagner at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on

Armed Services be authorized to meet during the session of the Senate on Friday, April 24, 1987, at 9:30 a.m. to mark up conventional forces and alliance defense portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on April 24, beginning at 9:30 a.m., to hold a hearing on the health threats by indoor air pollutants and options for reducing exposures to such pollutants.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, April 24, 1987 at 10 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 24, 1987 at 10 a.m. to hold a hearing on S. 538, Retiree Benefits Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 24, 1987, at 9:30 a.m. to resume hearings on proposed legislation authorizing funds for the Hazardous Materials Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 24, 1987 at 10 a.m. to mark up S. 490, the Omnibus Trade Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

● Mr. DASCHLE. Mr. President, today marks the end of World Population Awareness Week, and I want to join my colleagues in acknowledging the significance of this week.

As a cosponsor of Senator SIMON'S Senate Joint Resolution 69, which officially designated this week as World Population Awareness Week, I am pleased to announce that the State of South Dakota has joined our efforts to call public attention to the full range of problems caused by global overpopulation and concentrated in developing countries: Malnutrition, hunger, unemployment, depletion of natural resources, environmental degradation, and economic stagnation. South Dakota Gov. George Mickelson has issued an executive proclamation calling upon all South Dakotans to "reflect upon the consequences of overpopulation," and I ask that the text of the proclamation be printed in the RECORD.

Once again, Mr. President, I want to express my support for "World Population Awareness Week" and my pleasure that the Governor and the State of South Dakota have joined me in this effort to facilitate public awareness of the many problems associated with increasing global population.

The proclamation follows:

EXECUTIVE PROCLAMATION

Whereas, The world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and,

Whereas, 92 percent of world population growth occurs in the poorest, least developed countries of the world; and,

Whereas, Rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and,

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and,

Whereas, Some 500 million people in the developing world want and need family planning but do not have access or means to such services; and,

Whereas, The United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families:

Now, therefore, I, George S. Mickelson, Governor of the State of South Dakota, do hereby proclaim the week of April 20-25, 1987, as World Population Awareness Week in South Dakota, and I call upon all South Dakotans to reflect upon the consequences of overpopulation.●

PLASTIC WASTE POLLUTION

● Mr. McCAIN. Mr. President, we are all concerned about the growing problem of plastic waste pollution in the environment. Various legislative initiatives have been introduced to combat this problem. Among these is the requirement that companies be mandated to utilize a degradable six-pack holder because of the detrimental effect on marine animals of the lightweight plastics now being used.

Mr. President, I want to share with my colleagues a letter I received from Stephen Lambright, vice president and group executive of the Anheuser-Busch Co.

Too often the private sector has been perceived as failing to respond to major environmental issues, issues which have ultimately been resolved by lengthy and often costly legislative or regulatory procedures. This letter is clearly an example of the private sector taking a proactive rather than a reactive position without being federally mandated, or studied or expenditure of scarce Federal dollars.

Mr. President, I applaud Anheuser-Busch for its responsive and responsible solution to this very serious problem. I ask that copies of our correspondence be printed in the RECORD.

The material follows:

ANHEUSER-BUSCH COMPANIES,
St. Louis, MO, March 25, 1987.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR JOHN: August forwarded your letter to me regarding Anheuser-Busch taking the lead with regard to degradable plastic six-pack holders. We have taken the lead in this area and by the end of 1987, we will have converted system wide to 100 percent usage of photo-degradable fasteners.

When exposed to light they become brittle and break into small pieces. I hope that photo-degradability meets the requirements of the proposed legislation outlined in your letter.

As always, if we can be of any further assistance please do not hesitate to call.

Very truly yours,
STEPHEN K. LAMBRIGHT.

U.S. SENATE,
Washington, DC, March 3, 1987.

Mr. AUGUST A. BUSCH III,
Chairman of the Board and Chief Executive Officer, Anheuser-Busch Inc., St. Louis, MO.

DEAR MR. BUSCH: As you may be aware, there is growing national concern about the problem of plastic waste pollution, especially its effect on fish and wildlife.

Currently, legislation has been introduced at the Federal level which would require the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effects of discarded plastics. Additionally, the legislation requires the use of degradable six-pack holders because of the detrimental effect on marine animals of the lightweight plastics now being used.

The problem is obvious, Mr. Busch; the solution is not. I believe that answer could come, not from federally mandated government studies, regulations and scarce federal dollars, but instead from the private sector.

I respectfully suggest to you that Anheuser-Busch take the lead in solving this problem and reversing the harmful impact these materials have on our environment. Perhaps your company could conduct or sponsor research to develop a degradable alternative to the lightweight plastics now being used.

Too often the private sector has been perceived as failing to respond to major environmental issues, issues ultimately resolved by lengthy and often costly legislative or regulatory procedures. The proposal I have outlined above presents a unique opportunity for your industry to be pro-active rather than reactive, and provide a tremendous service to the country in the process. By spearheading this type of research, Anheuser-Busch would not only be providing a valued service to the country but also further solidify its image as a responsible and forward looking leader in American industry.

I have attached copies of the legislation recently introduced in the Senate dealing with this issue, and I very much look forward to hearing your reaction to this suggestion.

Sincerely,

JOHN MCCAIN,
U.S. Senator.●

THE NATIONAL WILD AND SCENIC RIVER SYSTEM

● Mr. LAUTENBERG. Mr. President, yesterday the Senate passed H.R. 14, a bill to designate the portions of the Maurice and Manumuskin Rivers and Manantico Creek for study by the National Park Service for potential inclusion in the National Wild and Scenic River System.

I was pleased to have introduced the S. 251, the Senate companion of H.R. 14, along with my colleague from New Jersey, Senator BRADLEY. H.R. 14 was introduced by our distinguished colleague, Congressman BILL HUGHES.

Mr. President, the proposed study of the Maurice, Manumuskin, and Manantico for inclusion in the Wild and Scenic River System is of great importance to New Jersey. New Jersey, with over 7.5 million residents, is the most densely populated State in the Nation. As such, the preservation, enhancement and enjoyment of our beautiful natural resources—such as these rivers—is of great value to New Jerseyans.

The Wild and Scenic Rivers Act, enacted in 1968, reflected the national recognition of the need to protect our rivers. It balances the need for development on rivers with the need to preserve those rivers in their natural, free-flowing condition. It was the intent of Congress to protect rivers and their surroundings for their scenic, recreational, historic, and cultural qualities.

The Maurice, Manumuskin, and Manantico possess qualities which deserve the protection offered by wild and scenic designation.

Large portions of the Maurice, Manumuskin, and Manantico lie within the boundaries of the Pinelands National Reserve, one of our most valuable natural resources. In the last session, we were successful in having portions of the Great Egg Harbor River designated as a study river. I look forward to its eventual addition to the Wild and Scenic System. Inclusion of these rivers within the system would complement that effort, and enhance protection of these areas in cooperation with the Federal, State, and local efforts.

Local support for the protection of these rivers is overwhelming. My constituents have been working hard to preserve and protect important portions of the Maurice and Manumuskin Rivers and Manantico Creek. Designation of these rivers by the Park Service as study rivers would represent the culmination of years of efforts by local individuals, the State of New Jersey, conservation groups, and the Federal Government.

Mr. President, last, October I spent a day touring these rivers. It was a day I'll not soon forget. I know that the acting chairman, Senator BRADLEY, has also visited the site. I am sure that he shares my views.

On the tour, we saw a tremendous abundance of wildlife, including our endangered national symbol, the bald eagle. This is an area of great natural beauty. It's a part of our State that we New Jerseyans are most proud of. It's a side of New Jersey many people do not know exists.

I want to make sure that future generations will be able to see and enjoy this area as I have. Inclusion in the Wild and Scenic System will help accomplish this goal.●

FIRST ANNIVERSARY OF THE CHERNOBYL NUCLEAR ACCIDENT

● Mr. HEINZ. Mr. President, April 26 marks the first anniversary of the accident at the Chernobyl nuclear powerplant in the U.S.S.R. As a member of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I have followed the consequences of the Chernobyl disaster and the Soviet response to it with interest and concern. The implications of Chernobyl are directly related to several areas covered by the CSCE process, from cooperation between states in environmental protection to human contacts and the free flow of information.

The Chernobyl accident demonstrated to the world the international consequences of environmental disasters. This is especially true for the population of Europe, where the effects of the accident were most severe. "Chernobyl," the name of the town from which the plant took its name, suddenly became a household word; some have called it word of the year for 1986.

We have seen the results of the concern that Chernobyl raised in the work of the International Atomic Energy agency, a multilateral organization located in Vienna, Austria. In addition to increased Soviet openness in discussing nuclear safety issues at the IAEA, the member states have made commitments to prevent the problems encountered as a result of the accident from being repeated in the future. We welcome these efforts; they are consonant with the letter and the spirit of the Helsinki final act.

It is important to remember, however, that the Chernobyl disaster did more than make evident the need for better intergovernmental cooperation. It also revealed the human dimension of such disasters—a dimension that often is overlooked. Chernobyl had a direct and damaging impact on millions of lives. According to Soviet statistics whose accuracy we cannot judge, 31 people died as a direct result of the accident, hundreds were hospitalized, and about 135,000 were evacuated from the surrounding area. Thousands of cancer deaths are expected over the next 70 years as a result of the radiation emitted by Chernobyl.

In several respects, the response to the accident was adequate. Firefighting units arrived on the scene soon after it occurred, and the many fires started by the explosion were extinguished as quickly as possible. With the release of massive amounts of radioactive material into the atmosphere and the possibility of an actual meltdown of the exposed core, helicopters dropped tons of boron, dolomite, clay, and sand to smother the burning graphite, and liquid nitrogen and concrete were pumped underneath to cool the core and prevent the contamination of water supplies. Distant clouds moving toward the region were seeded to prevent rain from concentrating the radioactivity and affecting the water supply. A medical team from Moscow arrived within hours, and volunteers went from door to door distributing potassium iodide tablets to nearby inhabitants. In addition, a foreign medical team, led by Dr. Robert Gale, an American, was allowed to assist in the treatment of those affected by the life-threatening radiation.

What is disturbing, however, was the total absence of news of the accident until nearly 3 days after it occurred. Bureaucratic delays and worries of potential panic might have been partial factors causing the delay, but they are not sufficient to justify the total silence of Soviet officialdom. Traditional Soviet censorship regarding natural disasters, fires, explosions or major accidents was a more probable factor. Policymakers in both Kiev and

Moscow knew about the accident within hours, but they only acknowledged its occurrence after an explanation for the readings of high radiation levels was sought from outside. By that time, radioactive isotopes already had swept over Ukraine, Byelorussia, parts of the Russian Federal Republic, the Baltic States, parts of Poland, Finland and Sweden. And even after acknowledging the accident, the Soviet Government appeared reluctant at first to give more than the minimal information about what had happened.

This lack of sufficient information contributed to the fear which developed in the population, as demonstrated in the excerpts of a letter written by an unknown person living in Ukraine, which I submit for the record following my statement. People heard vague news of the accident through indirect, unofficial sources, and, without official information on the extent of the danger and the proper reaction to it, they assumed the worst. In Kiev and other parts of the Ukraine, there were reports of people being treated for anxiety. A significant percentage of Kiev's population is known to have stopped drinking tap water. At some railway stations, the militia had to disperse large crowds. False rumors circulated that vodka, red wine, and a green tea from Asia provided protection from radiation. At the same time, some who lived in towns in northern Ukraine and Byelorussia did not hear anything regarding the accident and carried on with normal activities for several days, unaware of potential risks.

There also were numerous statements which exaggerated the effects of the accident in terms of the number of dead and injured. Soviet authorities, including General Secretary Gorbachev, attributed these statements to an "unrestrained anti-Soviet campaign" in the United States and elsewhere. These statements, however, were not the result of any anti-Soviet campaign. They were the result of the Soviet Government's refusal to provide prompt information on the nature and severity of the accident. It is regrettable that Soviet officials felt the need to make unfounded accusations against others in an attempt to distract attention from their failure to inform the public promptly of potentially dangerous events. And although the Soviets, realizing that Chernobyl could not be hidden from either the Soviet public or the rest of the world, ultimately saw it in their own best interest to provide more information on what had happened, many questions regarding the accident remain unanswered.

Furthermore, the Soviets failed completely to fulfill their duties under the Helsinki accords in the area of human contacts. Many in the West attempted to call friends and relatives living in severely affected areas, particularly in the Ukraine, but were unsuccessful in doing so. Some of those who did make contact claim that their calls were disconnected when the conversation turned to Chernobyl.

Ukrainians living in the West attempted to send small packages of powdered milk, vitamins and other items to their relatives. Soviet authorities did not permit the delivery of these items, however, since sending such items is prohibited by Soviet law. The only option available to those who wanted to help was to contribute to the official "Chernobyl Relief Fund," which converted hard currency contributions from the West into rubles and placed them in a special account for assisting evacuees. Even the catastrophe of Chernobyl could not convince Soviet authorities to loosen controls on contacts between peoples.

The Soviets have often been criticized for not beginning to evacuate local inhabitants until approximately 36 hours after the accident occurred, and for not evacuating some until days later. Over 1,000 buses had to be brought in from Kiev, 130 kilometers away, in order to move people out of the area. Although the delay in evacuation actually may have exposed the population to less radiation than if they had been evacuated immediately, particularly in light of the uncertainty at the time regarding the location of early radioactive emissions, I would argue that general controls on the ability of Soviet citizens to move about freely nevertheless made evacuation difficult. The Soviet authorities, accustomed to restricting the freedom of movement of the Soviet population, were not prepared to handle such a mass evacuation quickly.

Mr. President, one other issue which causes us grave concern in our review of the Chernobyl accident was the forced recruitment of so-called reservists—people conscripted for construction and other types of manual labor—to assist in the clean up of the Chernobyl plant and the surrounding region. In particular, men from the Soviet Baltic Republics were said to have been taken away from their normal jobs, often at night, assembled quickly and ordered to work in the decontamination effort. According to the official Estonian newspaper Noorte Haal, many Estonian reservists protests the poor and possibly unsafe working conditions at Chernobyl. We have heard several rumors regarding the plight of these individuals, but there is little information available to them.

In conclusions, Mr. President, the Chernobyl nuclear accident was one of the more significant events to take place in recent years. It was a true human tragedy, made worse by Soviet restrictions on the movement and contacts of the Soviet people. Restrictions such as these are being addressed at the Helsinki review meeting underway in Vienna. Not only have these issues been raised generally; the U.S. delegation has mentioned them specifically as they relate to the Chernobyl accident. I hope that these and other efforts, both within the Helsinki process and elsewhere, will result in a safer, better world, in which the human tragedies resulting from the Chernobyl accident will not be repeated. I also hope that the Soviet Union will use Chernobyl as a learning experience; that the Soviet leadership will realize the political price they pay for ignoring their solemn international obligations.

The letter follows:

Excerpts From a Letter to an Unknown Addressee on Some Aspects of Post-Chernobyl Life in the Ukraine

You ask how we are living? It's difficult to answer this question because we don't really know anything about our situation—we don't know how much longer we can survive, we don't know what is going on around us or how we are to live from now on. We have no information about what has occurred—none at all. We don't feel good, but we didn't feel too good before either.

Our main problem is food. I do not buy any vegetables, although there are many in the stores. We have not been drinking milk since the beginning of May. Occasionally, I buy cottage cheese. We eat vermicelli, old potatoes, but even these are in short supply. And what may we expect next? I am having a problem with my gums—they are bleeding and hurt all the time, and my teeth are loose. There is no dry powdered milk and condensed milk is a vain dream. I don't know how we'll go on living. Between the 2nd and the 16th of June, children of grades 1 to 7 (7- to 14-year-olds) were evacuated from Kiev for a duration of 45 days; they were scheduled to return just about now, but there was an order to keep them where they are presently living (somewhere within the Ukraine) for another 45 days.

What frightens us most of all is lack of information, and no one brings up the subject any longer. Yesterday I went to a vegetable store and saw fresh raspberries on the counter. They looked so good and I asked the saleslady, who is a friend of mine: "Where do these berries come from?" and she said: "Don't buy them under any circumstances because these raspberries were gathered in the vicinity of Kiev." But people buy them anyway.

The village of Novoshepelichi lies 4 kilometers from Pripiat. People were evacuated on the 6th and 7th of May, i.e., ten days after the catastrophe. This is something I know for sure. People from that village were taken to the Borodiansky district and they will not be allowed to return. Their village will be destroyed. The former residents were permitted to take their clothes and some other necessities, and discussions are now in progress—where will the new Novoshepelichi village be built?

All media encourage us not to panic, to continue our normal way of life; they tell us that we can even go swimming, sunbathing, and so forth. They also tell us that we can use the products that are being sold in the stores in our food, although it is a well-known fact that they are very radioactive. But what can we do? It is said that as many as 150,000 people have already left Kiev.●

SALUTE TO FATHER PAULSEN

● Mr. LEVIN. Mr. President, for more than 20 years, Father Casimir Paulsen, an American priest of the Mariannhill Mission, has worked to improve the well-being of the people of southern Africa. Not a politician, not a leader of masses, Father Cas (as his friends call him) has been instead a soft-spoken preacher, a teacher, a counselor, a healer of the spirit, a helper to the poor—in short, a diligent doer of God's work among individuals and their families. He has been particularly concerned with the young, those on whom the future of that tortured region depends.

Over the years, amid growing injustice, oppression and violence, Father Cas has spoken out against what he saw as growing evil by man against man. Suddenly, last December, in the Transkei, where he had been assigned since 1978, he was arrested and taken away. And, as he revealed later, he was tortured, in a fruitless effort to make him confess to being party to acts of resistance which the government there was and is trying to put down.

That improper, cruel detention of Father Paulsen was protested by many of us, here and across the country. We talked, we wrote letters, we explored whatever channels we could, we banged and banged again on the Government of South Africa. And finally, after 3 months, Father Cas was released, as abruptly as he had been seized, with no explanation, much less an apology, just an order of expulsion.

Since then, in safer places, Father Cas has been recuperating, and recounting his terrible experiences to his colleagues and superiors in the Church in Africa and in Europe. Last Sunday, Easter Sunday, he was in Rome and participated in a mass celebrated by the Pope. And this week, for the first time in several years, he has returned to his native shore. In another week or so he will head back to his home State of Michigan, to be with family and friends there and to celebrate his 25th anniversary in the priesthood.

Yesterday, at a news conference that Senator RIEGLE and I hosted for him, Father Paulsen discussed his harrowing experiences and shared his observations on the terrible events that have been occurring in South Africa. And he asked me to express to our colleagues his deep appreciation of our efforts to help gain his freedom. We, in turn, Mr. President, can thank God that Father Cas is free and is once again able to raise his voice against the injustice and terror of South Africa's racial policies.●

NUTRITION MONITORING

● Mr. BOSCHWITZ. Mr. President, I am pleased to be joining Senator BINGAMAN in reintroducing the Nutrition Monitoring Act. We worked together during the last Congress in the waning hours to try to get this legislation passed.

As a Senator who has been a strong supporter of the Federal nutrition programs, both food stamps and the array of child nutrition programs, I think it is vital that we have accurate, timely data to determine the effectiveness of our efforts to improve the nutritional status of needy Americans. The President's Task Force on Food Assistance pointed out the lack of information in this area. They recommended a number of steps to better coordinate and disseminate nutritional data including integrating information from the two major nutrition surveys and getting the information out in a timely manner.

Our legislation will help us gather this information by coordinating the nutrition monitoring efforts of the Department of Agriculture and the Department of Health and Human Services. This coordination will be achieved through a 10-year National Nutrition Monitoring and Related Research Program and an Interagency Board for Nutrition Monitoring. In addition, this legislation will provide for a National Nutrition Monitoring Advisory Council to provide scientific and technical assistance on the development and implementation of the coordinated plan. The final title of our bill, dealing with dietary guidance, is designed to coordinate the efforts of Federal agencies regarding dietary guidelines.

Again, I think this legislation will provide us with important tools to assess the nutritional status of Americans, particularly the effect of the Federal nutrition programs, and ultimately help us design more effective programs to alleviate hunger and malnutrition.●

THE ARMENIAN GENOCIDE

● Mr. LAUTENBERG. Mr. President, on this 72d anniversary of the Armenian genocide, we recall with sorrow the 1.5 million men, women, and children who died in the first genocide of the 20th century.

Between 1915 and 1918, over 1½ million Armenians perished of starvation and butchery at the hands of the Ottoman Turks. The genocide involved not only the killing of innocents but their forcible deportation across Asia Minor. They were persecuted, banished, and slaughtered while much of Europe was engaged in World War I.

It was Prof. Raphael Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, who first coined the word genocide in 1944. After designating the term "genocide" to describe the deliberate destruction of a people, Lemkin became the first person to characterize the atrocities of 1915–23 as the Armenian genocide. In his tireless work for the ratification of the Genocide Convention, he repeatedly referred to the Armenian genocide, together with the Holocaust, as a prototype of the crime of genocide.

We must be ever vigilant against those who would deny the truth or downgrade the horror of the Armenian genocide. It is our responsibility to help keep its memory alive for future generations. So, for the past 17 years, on or around April 24, Members of Congress have set aside a day to commemorate and reflect upon this timeless tragedy.

Remembering is a way to serve notice on those who would perpetrate future genocides that we will not forget, nor permit it to happen again.

"Who still talks nowadays of the extermination of the Armenians?" Hitler asked his top commanders on August 22, 1939, as they prepared for the invasion of Poland. Let us make sure he would not ask such a question today.●

REMEMBERING THE VICTIMS OF THE ARMENIAN GENOCIDE

● Mr. RIEGLE. Mr. President, there are few events in the history of mankind which are so starkly tragic and devastating as the Armenian genocide of 1915–1923. During that time, an estimated 1.5 million Armenians were slaughtered at the hands of the Turkish Ottomans. It is thus with a mixture of deep sadness and honor that I rise today to pay tribute to the victims of the Armenian genocide during this National Day of Remembrance.

In 1915, Russia invaded the Turkish Ottoman Empire, which at the time was allied with Germany in the First World War. On April 24 of that year, 72 years ago today, the Turkish Government took advantage of a world distracted by war and began its effort to destroy the Armenian people. On that day hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, and eventually murdered in remote places in Anatolia.

Within several months, the approximately 250,000 Armenians serving in the Ottoman Army during the war were disarmed and placed in forced labor battalions where they were either starved to death or executed. The Armenian people, deprived of their leadership and young able-bodied men, were disarmed under threat of severe punishment, and then deported from cities, towns, and villages throughout Asia and Turkey. The majority of the deportees died on the marches from starvation, disease, and massacre. The Turkish Government provided no food or means of transportation, forcing most of the Armenians to travel on foot, where they were prey to bands of criminals.

In addition to those who died in the genocide and deportations, approximately 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States. Thus, the Armenian community of the Ottoman Empire was virtually eliminated as the result of a carefully executed plan by the Turkish rulers.

The end of the First World War brought only a relief respite for the beleagured Armenians. In 1918, the remaining Ottoman Armenians rose and defeated a Turkish army and established an independent Armenian state. Although Turkey and the Allies signed the Treaty of Sevres in 1920, which enlarged independent Armenia, that same year saw the invasion of Armenia by both Turkey and the Soviet Union. Eastern Armenia became the Armenian Soviet Socialist Republic. Those Armenians remaining under Turkish control continued to be persecuted and slaughtered.

The anguish suffered by the relatives and descendants of those who perished in the genocide as well as those who were displaced from their homeland during this terrible episode of history continues undiminished to this day. It is intensified by the longstanding refusal of the Turkish Government to acknowledge that the Armenian genocide ever occurred, in the face of clear and ample documentation to the contrary.

One source of this documentation is Henry Morganthau, who was U.S. Ambassador to Ottoman Turkey at the time. He is hailed by Armenians around the world and especially in our country as having led the international outcry against the genocide. In 1918, Ambassador Morganthau wrote:

> The facts contained in the reports received at the Embassy from absolutely trustworthy eye-witnesses surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world.

There are also countless personal descriptions of the horrors, written by Armenian survivors. In his memoir of the genocide, Abraham H. Hartunian offers the following account of its daily implementation in the city of Marash:

> Every day new lists were prepared, and successively the convoys were put on their way. Everyone knew that in a little while his turn would come. There was not a glimmer of hope. Indeed the bitter scenes daily enacted in the city rendered the people willing to go out and face death as soon as possible. Innocent Armenians by the dozens were hanged from scaffolds in different sections of the city, and their corpses dangling in the air wrought horror upon the people. On different days and in different places nearly five hundred Armenians were either shot or hanged.

In light of the overwhelming evidence, including that which I have just cited, the continued denial by the Turkish Government as to the occurrance of the Armenian genocide is intolerable and must be protested vigorously by the United States. Sadly, because of the war and the isolationist attitude in our country at the time, our Government did not more forcefully protest the actions of the Ottoman Turks while they were taking place.

Now we must make our position clear, for toleration of genocide and its acceptance as a solution to problems only leads to its repeated use. As subsequent events have shown, the Armenian genocide was not the last but the first of many attempts to exterminate peoples in this century. Six million Jews under Hitler, untold number of Soviet citizens in the gulags under Stalin, and countless Cambodians under Pol Pot were also victims of the atrocity of genocide.

Today we pause to remember those Armenians who were ruthlessly and senselessly taken from us during the genocide years of 1915-1923. By enacting this Day of Remembrance, we are not only paying tribute to the memory of those who died, but we are working to ensure that the world will never forget the crimes perpetrated by the Turkish Government during this period.

I am particularly pleased that, to help advance this goal, the University of Michigan in Dearborn has opened an Armenian Study Center, the dedication of which I was honored to attend last spring. With some 60,000 Armenian-Americans living in Michigan and approximately 30,000 in the area of the center, Dearborn is an ideal location for this facility, which is the only Armenian research and publishing center connected with an American University. The center will help to balance, with objective scholarship, the efforts of those who seek to alter history by denying the significance of the Armenian genocide.

Mr. President, the entire world must speak with one voice in condemning the crimes committed by the Turks, for they were not simply crimes against the Armenians, but against all mankind. Through organizations such as the Armenian Study Center in Michigan, we must work to preserve the truth of these tragedies, so that future generations might be spared the horrors of the past.●

ORDER OF BUSINESS

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, I do not anticipate that the Senate will be in long. I suggest the absence of a quorum while we are tying up a few loose ends.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:12 P.M.

Mr. BYRD. Mr. President, a few minutes will be required to resolve a matter or so. I am attempting to determine what time the Senate should come in on Monday in order to get started on the budget.

So while these matters are going on behind the scenes I ask unanimous consent that the Senate stand in recess for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Thereupon at 11:57 a.m., the Senate recessed until 12:12 p.m.) whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. FORD).

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the Chair. I believe that within a very short time the convening hour for Monday will be determined. Therefore, momentarily—I am awaiting that decision—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 27, 1987

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees under the standing order on Monday next, there be a period for the transaction of morning business not to extend beyond 10 a.m., and that Senators be permitted to speak therein for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

Mr. BYRD. Mr. President, I ask unanimous consent that at 10 a.m. I be recognized, at which time I will proceed with the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. This means, Mr. President, that at 10 o'clock on Monday the Senate will proceed to the budget resolution, and the managers of the resolution will be Mr. CHILES, the chairman of the Budget Committee, and Mr. DOMENICI, the ranking member thereof. Rollcall votes will not occur on Monday. There is a 50-hour time limitation on the resolution. That time can be reduced by a nondebatable motion with a majority vote. Amendments to the resolution have limitations thereon; 2 hours if in the first degree, and any amendment to an amendment will be an hour. Debatable motions, appeals are limited to 1 hour each. Such time comes out of the 50 hours. The majority leader and minority leader are in control of the time. They may yield time to other Senators. And additional time may be yielded to Senators on an amendment or debatable motion or appeal from the overall time on the resolution.

I urge all Senators to be prepared at all times during all days next week to vote. Votes cannot be predicted always in a situation like the one we will have next week. So Senators should arrange their schedules accordingly, be present early and be present late. By early I mean 9 o'clock each morning next week or earlier if necessary. I would like to adhere to the usual regimen of not going beyond 6:30, 7 o'clock, but in a situation such as we are going to be in next week, I must ask the patience and understanding and consideration of all Senators if the Senate needs to go beyond the normal late hour of 7 o'clock. Circumstances will dictate as to what time the Senate will close each day.

Next Friday is a similarly difficult day to predict. With 50 hours on the resolution, if that time is not reduced, this could mean 5 10-hour days.

RECESS UNTIL MONDAY, APRIL 27, 1987 AT 9:30 A.M.

Mr. BYRD. So, Mr. President, having said these things in an effort to make our colleagues fully aware of the extraordinary situation we are heading into, I now, if there be no further business to come before the Senate, move in accordance with the previous order that the Senate stand in recess until 9:30 a.m. on Monday next.

The motion was agreed to, and at 12:18 p.m., the Senate recessed unil Monday, April 27, 1987, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 24, 1987:

DEPARTMENT OF STATE

Trusten Frank Crigler, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.